

## The Kerala Destruction of Records Act, 1961

Act 2 of 1962

**Keyword(s):**

**Disposal of Documents, Public Value, Preservation**



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**ACT 2 OF 1962****THE KERALA DESTRUCTION OF RECORDS ACT, 1961<sup>[1]</sup>**

*An Act to consolidate the law providing for the destruction or other disposal of certain documents in the possession or custody of courts and Revenue and other public officers*

*Preamble.*— WHEREAS it is necessary to consolidate the law providing for the destruction or other disposal of certain documents in the possession or custody of courts and Revenue and other public officers in the State of Kerala;

Be it enacted in the Twelfth Year of the Republic of India as follows: —

1. *Short title, extent and commencement.* —(1) This Act may be called The Kerala Destruction of Records Act, 1961.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force at once.

2. *Power to certain authorities to make rules for the disposal of documents.*— (1) The authorities hereinafter specified may, from time to time, make rules for the disposal, by destruction or otherwise, of such documents as are in the opinion of the authority making the rules, not of sufficient public value to justify their preservation .

(2) The authorities competent to make rules under sub-section (1) shall be , —

(a) in the case of documents in the possession or custody of the High Court or of the courts of civil or criminal jurisdiction subordinate thereto,—the High Court ;

(b) in the case of documents in the possession or custody of Revenue courts and officers,—the Board of Revenue ;

(c) in the case of document in the possession or custody of any other public officer,—the Government or the Head of the Department concerned or any officer specially authorised in that behalf by the Government.

(3) Rules made under this section by the High Court or by the Board of Revenue or by a Head of Department or by an officer specially authorised in that behalf shall *be* subject to the previous approval of the Government.

3. *Saving of certain documents.*— Nothing in this Act shall be deemed to authorise the destruction of any document which, under the provisions of any law for the time being in force, is to be kept and maintained.

4. *Repeal.* —The enactments mentioned in the Schedule are repealed to the extent specified therein.

#### THE SCHEDULE

<i>Name of Enactment</i>	<i>Extent of repeal</i>
1. The Destruction of Records Act, 1098 (Travancore Act II of 1098).	The whole.
2. The Destruction of Records Act, 1074 (Cochin Act V of 1074).	The whole.
3. The Destruction of Records Act, 1917 (Central Act 5 of 1917) as in force in the Malabar district referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956	To the extent it relates to matters with respect to which the State Legislature is competent to make law.

