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NO. 181 QUETTA TUESDAY SEPTEMBER, 2, 2014.

BALOCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT

NOTIFICATION.

Dated Quetta, the 2nd September, 2014.

No. PAB/Legis:V(23)/2014. The Balochistan Archives Bill 2014, (Bill No. 23 of 2014) having been passed by the Provincial Assembly of Balochistan on 23rd August, 2014 and assented to by the Governor, Balochistan on 1st September, 2014 is hereby published as an Act of the Balochistan Provincial Assembly.

THE BALOCHISTAN ARCHIVES ACT, 2014 (ACT NO. XXII OF 2014).

(First published after having received the assent of the Governor Balochistan in the Balochistan Gazette (Extra-ordinary) dated 1st September, 2014).

**AN
ACT**

to make provision for the custody and preservation of public records and archival materials of historical significance to Balochistan.

Preamble.

WHEREAS it is expedient to make provision for the custody and preservation of public record and archival materials of historical and national significance to Pakistan and Balochistan Province and for matters incidental thereto;

It is hereby enacted as follows:-

**Short title,
Extent and
commencement.**

1. (1) This Act may be called the Balochistan Archives Act, 2014.
- (2) It extends to the whole of Balochistan, except the Tribal Areas.
- (3) It shall come into force at once.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,-

- (a) "Act" means the Balochistan Archives Act, 2014;
- (b) "Administrative Secretary" means the Secretary, Government of Balochistan, Archives Department;
- (c) "Board" means by the Advisory Board for Balochistan Archives;
- (d) "Balochistan Archives" means the Directorate of Archives, Government of Balochistan and includes all the offices established under this Act;
- (e) "Director" means the Director of Balochistan Archives officer incharge of the Balochistan Archives;
- (f) "Provincial Government" means the Government of Balochistan;

(g) **“Public Office”** means any Department, Provincial Assembly, Commission, Board, Directorate, Corporation, Agency, Local Authority, Police, City/ District Government, Educational Institutions or any other office of the Government of Balochistan and includes such office or corporation or other body as the Provincial Government may, by notification in the official Gazette, declare to be a public office; *and*

(h) **“public record”** means-

(i) papers, documents, records, registers, printed materials, books, maps, plans, drawings, computer records (machine readable records), photographs, microfilms, cinematograph films, and audio and video recordings of any kind whatsoever officially received or produced by and public office for the conduct of its affairs or by any officer or employees of a public office in the course of his official duties, including records relating to Commissions and Committees appointed by the Provincial Government;

(ii) any document, book, pamphlet, brochure, letter, handout, gazette, newspaper, journal, file, manuscript, whether written, printed or typed and other Archival Material of historical and National significance to Balochistan province in particular and Pakistan in general acquired for the Balochistan Archives.

**Management of
Balochistan
Archives.**

The Balochistan Archives shall be responsible for the storage and preservation of public records and other archival materials of historical and national significance to Balochistan:

Provided that such documents as the Provincial Government may from time to time specify can be kept at a place other than the Balochistan Archives.

(2) The Balochistan Archives shall be managed and controlled by the Director Archives, who shall be appointed by the Provincial Government, and for the purpose of such management and control it shall be the duty of the Director Archives-

(a) to ensure the conservation and where necessary the restoration of all public records and other archival material entrusted to his care;

- (b) to make use of all types of Reprographic techniques for reproduction of them where necessary;
- (c) to describe and arrange all public records and other archival material acquired by the Balochistan Archives;
- (d) to establish divisional offices in Quetta, Sibi, Naseerabad, Zhob, Kalat and Makran;
- (e) to provide the facilities for research and reference;
- (f) subject to the terms and conditions on which they are acquired, to reproduce or publish any public records and other archival material;
- (g) to examine any records in the custody of a public office and to advise such office as to the care and custody of such records;
- (h) to accept and preserve 'A' category (permanent) records which are transferred to the Balochistan Archives;
- (i) at the request of any administrative head of a public office, to return to that office for such period as may be agreed upon between the Director and the administrative head concerned, the public records transferred from that office to the Balochistan Archives;
- (j) to acquire by purchase in accordance with the delegated financial authority, donation, request or otherwise any document, book or other material which is, or is likely to be of enduring national or historical value; *and*
- (k) to perform such other functions as are necessary for the purpose of the said management and control and as may be assigned to him by the Provincial Government or the Board.

Advisory Board.

- (1) There shall be established an Advisory Board consisting of a Chairperson, the Director Archives and not more than Ten other members, of whom one shall be members

of provincial assembly, as may be appointed by the Provincial Government.

(2) The Provincial Government shall by notification in the official gazette, constitute an Advisory Board comprising not more than ten members for the purpose of this Act.

(3) Advisory Board shall consist of the following members:-

1. The Minister of Balochistan Archives and in his absence the Secretary, Government of Balochistan, Culture, Tourism and Archives Department, Quetta. - Chairperson.
2. The Administrative Secretary of Culture, Tourism and Archives Department. - Member.
3. The Secretary Finance Department. - Member.
4. The Secretary S&GAD Department. - Member.
5. The Director Archives, Government of Balochistan. - Member/Secretary.
6. The Assistant Director, Research & Survey Archives Directorate, Balochistan. - Member.
7. One nominee of Vice Chancellor Balochistan University from Balochistan Study Center. - Member.
8. One Professional Archivist. - Member.
9. One nominee of Vice Chancellor Balochistan University of Information Technology, Management and Sciences, Quetta. - Member.
10. One national reputed Historian/ Scholar. - Member

- (4) The functions of the Board shall be-
- (a) to lay down the policies and guidelines for the effective management of Balochistan Archives;
 - (b) to advise for acquisition of record from official / private collection;
 - (c) to review the working of Balochistan Archives;
 - (d) to evolve the framework for co-ordination among archival institutions, private and government institutions and departments; *and*
 - (e) any other function assigned to it by the Provincial Government.

Transfer of public records to Balochistan Archives.

5. Non-current public records ('A' Category) of Government of Balochistan which are more than 5 years old, shall be transferred to the Balochistan Archives in organized manner for management and preservation:

Provided that the Secretary of the Administrative Department with the permission of the Chief Secretary in consultation with the Director Archives may withhold the transfer of any such records to the Balochistan Archives for such period or periods as may be prescribed.

Public record to be surrendered on demand.

6. Any person in possession of public records, whether such possession is authorized or unauthorized, shall on the demand of the Director Archives in writing deposit them with the Balochistan Archives:

Provided that any public records exempted under section 5 from being transferred to the Balochistan Archives shall not be required to be so deposited:

Provided further that nothing contained in this section shall be deemed to apply to any public records which may be legally in the possession of any person, otherwise than in his capacity of an officer or employee of a public office:

Provided further that if Director Archives considers that any public / private record significant to the history of Balochistan Province is kept in the possession of any person other than employee of public office or organization authorized or unauthorized

such record shall be provided on demand to Balochistan Archives temporarily for the reason of reprography, preservation, proper management for study of researcher.

Public records not to be destroyed or disposed of without the authority of the Director Archives.

7. (1) No person or office shall, without the consent of the Director Archives, destroy or otherwise disposal of, authorize the destruction or dispose of any public records, which are in his possession or under his control.

(1) The Director Archives may, with the approval of a Committee consisting of the Director Archives, one departmental representative and one academicians nominated by the Provincial Government authorize the destruction of any specified classes of public records.

Access to public records.

8. (1) Public records referred to in sub-clause (i) of clause (e) of suction 2 shall be made available to the public for the purposes of reference or research after twenty years of their creation:

Provided that public records having a bearing on national security, including the records of the intelligence agencies, shall be made available within twenty years of their creation unless on a reference from the Secretary of the Administrative Department a Committee comprising such Members as may be appointed by the Chief Secretary may decide to exempt any record on grounds of National Security from the provisions of this sub-clause.

(2) Access to other public records specified in sub-clause (ii) of clause (h) of section 2 shall be allowed in accordance with the conditions and deposit of fee prescribed in rules made under this Act.

Export of archival material.

9. No person shall export any archival material except under the authority of a license granted by the Administrative Secretary for its temporary export for the purpose of exhibition, examination or treatment or preservation.

Purchase, gift, etc of archival material.

10. The Director may with the approval of the Administrative Secretary, purchase such archival material as is offered for sale and may accept documents and gifts of archival material for individuals or organizations for preservation in Balochistan Archives.

- Dispute as to whether any document is archival material.** 11. If any question arises whether any document is or is not an archival material within the meaning of this Act, it shall be referred to the Provincial Government which shall, after consultation with the Advisory Board, decide the same and the decision of the Provincial Government shall be final.
- Penalty.** 12. Whoever contravenes the provisions of section 6, 7 or section 9 shall be punishable with imprisonment for a term, which may extend to three months, or with fine up to Rs. 100,000/- (Rupees one hundred thousand) or with both.
- Jurisdiction to try offences.** 13. No court shall take cognizance of an offence punishable under this Act except on a complaint in writing made by an Administrative Secretary or Director Balochistan Archives or by an officer authorized in this behalf by the Provincial Government.
- Indemnity.** 14. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.
- Report.** 15. (1) The Director Archives shall each year cause to prepare and transmit to the Board a report dealing with the activities of the Balochistan Archives during the preceding year.
(1) The Board shall cause a copy of such report to be placed before the Provincial Government.
- Rules.** 16. The Provincial Government may, by Notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Secretary,
Balochistan Provincial Assembly.