

EXTRAORDINARY

Registered No. M324



The Sindh Government Gazette

Published by Authority

KARACHI THURSDAY MAY 9, 2013

PART-I

GOVERNMENT OF SINDH

LAW DEPARTMENT

NOTIFICATION

Karachi dated 14th May, 2013.

No.S.Legis:1(06)/2013. The following Ordinance made by the Governor of Sindh is hereby published for general information:-

THE SINDH ARCHIVES ORDINANCE, 2013.

Sindh Ordinance No. VI of 2013.

(here print as in the accompaniment)

AN ORDINANCE

to provide for the acquisition, custody and preservation of public records of the Province of Sindh and

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archival materials of historical and national significance to the Province of Sindh.

Preamble.

WHEREAS it is expedient to provide for the acquisition, custody and preservation of public records of the Province of Sindh and archival materials of historical and national significance to the Province of Sindh and for matters incidental thereto;

AND WHEREAS the Provincial Assembly is not in session and the Governor is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 128 of the Constitution of the Islamic Republic of 'Pakistan, 1973, the Governor is pleased to make and promulgate the following Ordinance :-

**Short title,
extent and
commencement.**

1. (1) This Ordinance may be called the Sindh Archives Ordinance, 2013.
- (2) It shall extend to the whole of the Province of Sindh.
- (3) It shall come into force at once.

Definitions.

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

- (a) "Board" means the Advisory Board for Sindh Archives;
- (b) "Director" means the Director of Sindh Archives;
- (c) "Government" means the Government of Sindh;
- (d) "public office" means any Department, Provincial Assembly, Commission, Board, Directorate, Corporation, Agency, Local Authority, Police, Planning and Monitoring Unit, Educational Institution or any other office of Government and includes such office or corporation or other body as Government may, by notification in the official Gazette, declare to be a public office;

- (e) "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 any public office for the conduct of its affairs or by any officer or employee of a public office in the course of his official duties, including records relating to Commissions and Committees appointed by Government;
 - (ii) any document, book, pamphlet, brochure, letter, handout, gazette, newspaper, journal, file, manuscripts, whether written, printed or typed or photographed or stored in machine readable for audio or video recording and other archival material of historical and national significance to the Province of Sindh in particular and Pakistan in general acquired for the Sindh Archives;
- (f) "Sindh Archives" means the Department of Government of Sindh designated as the Sindh Archives.

3. (1) The Sindh Archives shall be responsible for the storage and preservation of public records and other archival material of historical and national significance to Sindh:

Management of Sindh Archives.

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

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

- (a) to ensure the conservation and, where necessary, the restoration, of all public record 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 record and other archival material acquired by the Sindh Archives;

- (d) to establish divisional offices in Karachi, Hyderabad, Sukkur, Larkana and Mirpurkhas;
- (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 record and other archival material;
- (g) to examine any record 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 records which are transferred to the Sindh 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 record transferred from that office to the Sindh 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 Government or the Board;

Advisory Board.

4. (1) There shall be constituted an Advisory Board consisting of a Chairperson, the Director and not more than twelve other members, of whom two shall be the members of Provincial Assembly of Sindh, as may be appointed by Government.

(2) The Board may co-opt any person as a member for any particular purpose, but such person shall not have right of vote.

(3) An official member appointed by virtue of his office shall cease to be the member on vacating such office.

(4) A non-official member shall hold office for a period of three years from the date of his appointment, and shall be eligible for re-appointment for such duration as Board may determine.

(5) A non-official member may at any time, before the expiry of his term, resign from his office, or be removed

from office by Board without assigning any reason.

(6) Any person appointed on a casual vacancy in the office of non-official member shall hold office for the unexpired portion of the term of such vacancy.

(8) The members shall receive such remuneration, fees and allowances and enjoy such privileges as may be determined by Government.

5. The functions of the Board shall be —

Functions of the Board.

- (i) to review the working of Sindh Archives;
- (ii) to lay down the policies and guidelines for the effective management of Sindh Archives;
- (iii) to approve its budget;
- (iv) to frame rules for conduct of the official business of Sindh Archives;
- (v) to undertake publications, selection and printing of archival record;
- (vi) to advise acquisition of archival record, books, document, manuscripts from official and private collection;
- (vii) to evolve framework for co-ordination among private and government institutions and departments;
- (viii) to provide facilities for research and reference;
- (ix) to reproduce or publish any public record and other archival material;
- (x) to examine any record in the custody of an office and to advise such office as to the care and custody of such records;
- (xi) to advise Government, the transfer of public records to Sindh Archives which are more than five years old including records of defunct agencies to the Sindh Archives in an organized manner of management and preservation;
- (xii) to initiate action for digitalization of archival record in the Archives and other records scattered all over Sindh;
- (xiii) to ensure, accept and preserve records which are transferred to the Sindh Archives to assist Government in drafting such a law;
- (xiv) to ensure that no document that is part of the Archives is lost or given to any individual or

agency without prior permission;

- (xv) to acquire by purchase, donation, request or otherwise, any document, books or other material which is, or is likely to be of enduring national or historical value;
- (xvi) to perform any other functions as are necessary for the purpose of the said management and control and as may be assigned to them by the Government;
- (xvii) to advise Government on the administration of Sindh Archives;

Meetings of the Board.

6. (1) The meetings of the Board shall be held once in a quarter and presided over by the Chairperson or in his absence, the members present shall elect from amongst themselves a member to preside the meeting.

(2) Half of the total membership of the Board shall constitute a quorum for a meeting of the Board.

(3) The decision of the Board shall be taken by the majority of its members present and, in case of a tie, the member presiding a meeting shall have a casting vote.

(4) All orders, determination and decision of the Board shall be taken in writing.

Transfer of public records to Sindh Archives.

7. Non-current public records of Government which are more than five years old including records of defunct agencies, shall be transferred to the Sindh 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 Sindh Archives for such period or periods as may be prescribed.

Public records to be surrendered on demand.

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

Provided that any public records exempted under section 7 from being transferred to the Sindh 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 as an officer or employee of a public office;

Provided also that if the Director considers that any public or private record significant to the history of Province

of Sindh is kept in possession of any person other than employee of public office or organization authorisedly or unauthorisedly, such record shall be provided on demand to Sindh Archives temporarily for the reason of reprography, preservation, proper management or for study of researcher.

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

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

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

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

Access to public records.

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-section.

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

11. (1) The Director shall each year have the accounts audited as per Government rules and cause to be prepared and transmitted to the Board a report dealing with the accounts and activities of the Sindh Archives during the preceding year.

Audit and annual report.

(2) The Board shall cause a copy of such report to be placed before Government.

12. Whoever contravenes the provisions of section 8 or section 9 shall be punishable with imprisonment for a term, which may extend to six months, or with fine which may extend to five hundred thousand rupees or with both.

Penalty.

13. No court shall take cognizance of an offence punishable under this Ordinance except on a complaint in writing made by the Administrative Secretary or Director or by an officer authorized in this behalf by Government.

Jurisdiction to try offences.

14. No suit, prosecution or other legal proceeding shall lie

Indemnity.

against any person for anything which is in good faith done or intended to be done under this Ordinance.

Rules.

15. Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

(DR. ISHRAT-UL-EBAD KHAN)
GOVERNOR OF SINDH

Karachi,

Dated:- 13th May 2013

SAYED GHULAM NABI SHAH
SECRETARY LAW