

**THE GOA ANCIENT AND HISTORICAL RECORDS,
ACQUISITION AND PRESERVATION BILL, 2023**

(Bill No.39 of 2023)

A

Bill

to provide for the management, administration and preservation of ancient and historical records of the State of Goa other than those declared by or under any law made by Parliament to be of national importance and for matters connected therewith or incidental thereto.

BE it enacted by the Legislative Assembly of Goa in the Seventy-fourth year of the Republic of India as follows:-

1. Short title and commencement. ---- (1) This Act may be called The Goa ancient and Historical Records, Acquisition and Preservation Act, 2023.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. Definitions.--- In this Act, unless the context otherwise requires,---

(a) “Archivist” means the officer appointed by the Government under sub-section (1) of section 5;

(b) “Committee” means the Ancient and Historical Records Survey Committee constituted under sub-section (1) of section 12;

(c) “Director” means the Director of Department of Goa Gazetteer and Historical Records appointed by the Government and includes any officer authorized by the Government to perform the duties of the Director;

(d) “Historical records” includes----

(i) any loose manuscript, file or bound volume of erstwhile Portuguese era or post liberation era having historical importance from academic and research perspective or political significance;

(ii) any photograph of any historical event or incidence etc;

(iii) any reproduction of image or images embodied in a microfilm (whether enlarged or not);

(e) "Mission" means the State Mission for Manuscript.

(f) "prescribed" means prescribed by rules made under this Act;

3. Power of the Government to coordinate, regulate and supervise operations connected with administration, management, etc., of historical records.---

(1) The Government shall have the power to coordinate, regulate and supervise the operations connected with the administration, management, preservation, selection, disposal and retirement of historical records under this Act.

(2) The Government in relation to the ancient and historical records may by order, authorize the Director of Department of Goa Gazetteer and Historical Records subject to such conditions as may be specified in the order, to carry out all or any of the following functions, namely:--

(a) supervision, management and control of the ancient and historical records;

(b) acceptance for deposit of ancient and historical records of permanent value from various Departments of Government;

(c) custody and use of ancient and historical records;

(d) to acquire digital copies of the ancient and historical records related to Goa available in various institutions in India and abroad;

(e) arrangement, preservation and exhibition of ancient and historical records;

(f) preparation of inventories, indices, catalogues and other reference media of ancient and historical records;

(g) analyzing, developing, promoting and coordinating the standards, procedures and the techniques for improvement of the ancient and historical records management system;

(h) ensuring the maintenance, arrangement and security of ancient and historical records;

(i) promoting utilization of available space and maintenance of equipments for preserving ancient and historical records;

(j) tendering advice to private institutions/organizations and individuals having ancient and historical records on the compilation, classification and

disposal of records and application of standard, procedures and techniques of manuscript conservation;

(k) survey and inspection of ancient and historical records;

(l) organizing training programmes in various disciplines of Manuscript conservation and paleography;

(m) accepting ancient and historical records from any private source;

(n) regulating access to ancient and historical records;

(o) receiving records from defunct bodies and making arrangement for securing ancient and historical records in the event of national/state emergency;

(p) receiving reports on records management and disposal practices from the Archivist of the Department;

(q) providing authenticated copies of, or extracts from, ancient and historical records;

(r) obtaining on lease or purchasing or accepting as gift any document of ancient and historical or national importance.

(s) setting up State Mission for Manuscript and establishment of Manuscript Conservation Centre. The Director shall act as the Project Director of the Mission.

4. Prohibition against taking of ancient and historical records out of

State--- No person shall take or cause to be taken out of State any ancient and historical records without the prior approval of the State Government.

Provided that no such prior approval shall be required if any records are taken or sent out of State for any official purpose.

5. Archivist. --- (1) The Government may appoint Archivist for the Department of Goa Gazetteer and Historical Records to discharge the functions under this Act.

(2) He shall be responsible for the conservation and preservation of the Manuscripts.

6. Responsibilities of Archivist.—(1) The Archivist shall be responsible for-

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- (a) proper arrangement, maintenance and preservation of ancient and historical records under his charge;
- (b) periodical review of all Historical records;
- (c) appraisal of historical records with a view to retaining historical records of permanent value;
- (d) destruction of historical records in such manner and subject to such conditions as may be prescribed under sub-section (1) of section 8;
- (e) compilation of a schedule of retention for historical records;
- (f) adoption of such standards, procedures and techniques as may be recommended from time to time by the Director for improvement of manuscript management system and maintenance of security of historical records;
- (g) compilation of annual indices of ancient and historical records;
- (h) assisting the Director for management and conservation of all ancient and historical records;
- (i) submission of annual report to the Director in such manner as may be prescribed;

(2)The Archivist shall act under the direction of the Director while discharging the responsibilities specified in sub-section(1).

7. Archivist to take appropriate action in the event of unauthorized removal, destruction, etc., of ancient and historical records in his custody.----(1) The Archivist shall, in the event of any unauthorized

removal, destruction, defacement or alteration of any ancient and historical records under his charge, forthwith take appropriate action for the recovery or restoration of such ancient and historical record.

(2) The Archivist shall submit a report in writing to the Director without any delay on any information about any unauthorized removal, destruction, defacement or alteration of any ancient and historical record under his charge and about the action initiated by him and shall take action as he may deem necessary subject to the directions, if any, given by the Director.

(3) The Archivist may seek assistance from any Government officer or any other person for the purpose of recovery or restoration of any ancient and historical record and such officer or person shall render all assistance to the Archivist.

8. Destruction or disposal of historical records.---(1) No historical record shall be destroyed or otherwise disposed of except in such manner and subject to such conditions as may be prescribed.

(2) No ancient and historical record created before the year 1961 shall be destroyed except where in the opinion of the Director, it is so defaced or is in such condition that it cannot be put to any archival use.

9. Penalty for contraventions.—Whosoever contravenes any of the provisions of section 4 or section 8 shall be punishable with imprisonment for a term which may extend to five years or with fine which may extend to ten thousand rupees or with both.

10. Receipt of records from private sources.--- (1) The Department of Goa Gazetteer and Historical Records may acquire any ancient and historical record from any person by way of gift, purchase or otherwise.

(2) The Department of Goa Gazetteer and Historical Records may, in such manner and subject to such conditions as may be prescribed, make any ancient and historical record referred to in sub-section(1) available to any bona-fide research scholar.

11. Access to ancient and historical records.--- All unclassified ancient and historical records transferred to the Department of Goa Gazetteer and Historical Records may be, subject to such exceptions and restrictions as may be prescribed, made available to any bona fide research scholar.

12. Ancient and Historical Records Survey Committee.___ (1) The Government may, by notification in the Official Gazette, constitute Ancient and Historical Records Survey Committee for the purposes of this Act.

(2) The Committee shall consist of the following members, namely:-

- (a) Secretary to the, Government of Goa in Chairperson, ex-officio;
The Department of Goa Gazetteer and Historical Records
- (b) Three persons to be nominated by the Members;
Government for a period not exceeding three
years, one being an Archivist and two being
Professors in the Post- graduate Department
of History in any recognized University.
- (c) One representative of the Indian Member;
Council of Historical Research (ICHR)
- (d) Two Members of the Institutions from Goa Members;
possessing ancient and historical records
- (e) Director Member- Secretary, ex officio

(3) The members nominated under clause (d) of sub-section (2) shall be paid such allowances as may be prescribed.

(4) The tenure of the committee shall be three years from the date of its constitution.

(5) The committee shall meet as and when necessary at such time and place as the Chairperson may deem fit.

(6) The Committee shall regulate its own procedure.

13. Functions of the Committee.----- The Committee shall perform the following functions, namely:---

- (a) advise the Government on matters concerning the administration, management, conservation and use of ancient and historical records;
- (b) lay down guidelines for conducting trainings on Manuscriptology and Paleography
- (c) recommend for acquisition of ancient and historical records of permanent value from any person from any part of the country or abroad;
- (d) deal with such other matters as may be prescribed.

14. Power of the Director to lay down norms and standards for training in Manuscriptology and Paleography.----- The Director shall have the power to lay down norms and standards relating to the training in Manuscriptology and Paleography and other ancillary subjects.

15. Protection of action taken in good faith.----- No suit, prosecution or other legal proceedings shall lie against any person in respect of anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

16. Power to make rules.--- (1) The Government may, by notification in the Official Gazette, and subject to condition of previous publication, make rules to carry out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:---

(a) the manner of submission of annual report to the Director under clause of sub-section (1) of section 6;

(b) the manner in which and the conditions subject to which historical records may be destroyed or disposed of under sub-section (1) of section 8;

(c) the manner in which and the conditions subject to which ancient and historical records of national importance may be made available to research scholar under sub-section (2) of section 10;

(d) exceptions and restrictions subject to which ancient and historical records may be made available to a research scholar under section 11;

(e) the allowances payable to members of the Committee under sub-section (3) of section 12;

(f) the matters with respect to which the Committee may perform its functions under clause (d) of section 13;

(g) any other matter which is required to be, or may be, prescribed.

17. Power to remove difficulty.----(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may by order published in the

Official Gazette, make such provision, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that, no such order shall be made after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under sub-section (1) shall, as soon as may be after it is made, be laid before the State legislature.

18. Repeal and Saving--- On and from the date of commencement of this Act, the corresponding provisions of any law in force in the State shall stand repealed:

Provided that such repeal shall not affect —

(a) the previous operation of the provisions so repealed or anything duly done or suffered thereunder;

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the provisions so repealed;

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the provisions so repealed; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if the said provision had not been repealed:

Provided further that, subject to the preceding proviso, anything done or any action taken (including any appointment made, notification issued or rule framed) under the provisions so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to be in force.

STATEMENTS OF OBJECTS AND REASONS

The Bill seeks to provide for management, administration and preservation of ancient and historical records of the State of Goa other than those

declared by or under any law made by Parliament to be of national importance.

This Bill seeks to achieve the above objects.

FINANCIAL MEMORANDUM

Clause 12 (3) of the Bill involves financial implications towards creation of Ancient and Historical Records Survey Committee and payment of allowances to the members nominated thereof under item (d) of sub-clause (2) of Clause 12.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 1 (2) of the Bill seeks to empower the Government to appoint the date for bringing into force the Act by notification in the Official Gazette.

Clause 6 (i) of the Bill seeks to empower the Government to frame rules to specify the manner for submission of annual report to the Director of Department of Goa Gazetteer and Historical Records.

Clause 10 (2) of the Bill seeks to empower the Government to frame rules to specify the manner and conditions to make available any historical records to any bonafide research scholar.

Clause 11 of the Bill seeks to empower the Government to frame rules to specify expectations and restrictions for making available all unclassified historical records to any bonafide research scholar.

Clause 12 (3) of the Bill seeks to empower the Government to frame rules to specify the allowances to be paid to the nominated members.

Clause 13 (d) of the Bill seeks to empower the Government to frame rules specifying other matters on which the Committee shall deal with.

These delegations are of normal Character.

Porvorim Goa

07/08/2023

DR. PRAMOD SAWANT

Hon'ble Chief Minister/

Minister for Gazetteer

Assembly Hall,

Porvorim Goa

07/08/2023

NAMRATA ULMAN

Secretary to the

Legislative Assembly of Goa

Governor's Recommendation under article 207 of the Constitution of India.

In pursuance of article 207 of the Constitution of India, I, P.S. Sreedharan Pillai, Governor of Goa, hereby recommend the introduction and consideration of the Goa Ancient and Historical Records, Acquisition and Preservation Bill, 2023.

Raj Bhavan

Date: 07/08/2023

P.S. SREEDHARAN PILLAI

His Excellency, Governor of Goa