

The Office Of The Public Trustee (Destruction of Records) Rules, 1984

In exercise of the power conferred by section 3 of the Destruction of Records Act, 1917 (Act 5 of 1917), the Central Government hereby makes the following rules, namely:-

1. Short title and commencement -

(1) These rules may be called **The Office of the Public Trustee (Destruction of Records) Rules 1984.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions - In these rules, unless the context otherwise requires-

(a) "Act" means the Companies Act 1956 (1 of 1956);

(b) "company" has the same meaning as assigned to it in the Act and includes a foreign company within the meaning of section 591 of the Act.

(c) "Form" means form furnished in the Trustees (Declaration of Holdings of Shares and Debentures) Rules, 1964;

(d) "Public Trustee" means the Public Trustees appointed under section 153A of the Companies Act, 1956 (1 of 1956)

3. Preservation of documents and records - The documents and records specified in column (2) of the Table below in relation to the subject matters specified therein shall be preserved for the periods specified in column (3) of the Table:

TABLE

Sl. No.	Subject	Period of Preservation
1	2	3
1.	Form I: Declaration by a Trustee prescribed under section 153B(1)	10 Years
2.	Form II: Form of Report to the Public Trustee in the event of any change in the holding or other particulars declared by Trustee prescribed under section 153(B)(1) of the Act.	10 Years
3.	Form III: Register of Declaration of Trust prescribed under section 153B(1) of the Act.	Permanently
4.	Trust Deeds: Copy of the Trust Deed prescribed under section 153B(1) of the Act.	10 Years
5.	All books and papers under the Act which Public Trustee is entitled to receive under section 187B(6) of the Act.	5 Years
6.	Correspondence with the Trustee Company	5 Years

- Notes:** (1) The period of preservation will start from the date of deletion of the name of the Trust of the company from the records of the Public Trustee.
- (2) Any records, in which any legal proceedings are pending will not be destroyed (irrespective of their period of preservation) till its disposal.
- 4. Destruction of records** - The records, referred to in rule 3 may be destroyed after the expiry of the periods of their preservation as specified in that rule and no such record shall be destroyed except after obtaining the previous orders, in writing of the Public Trustee.
- 5. Records of documents destroyed to be maintained** - The Public Trustee shall maintain a register in the form set out in the Appendix annexed hereto, wherein he shall enter brief particulars of the records destroyed and shall certify under his own hand therein the date and mode of destruction.
- 6. Application of other rules not barred** - The provisions of these rules shall be in addition to, and not in derogation of the rules for the Destruction of Office Records connected with Accounts (contained in Appendix 17 to the Compilation of the General Financial Rules).

APPENDIX

PART I

Particulars of documents/records relating to companies

Name of the Company	Act under which registered	Description of documents destroyed	Date of and mode of destruction with initials of Public Trustee
1	2	3	4

PART II

Particulars of documents other than those specified in Part I

No. of the file or	Subject to which the	Description of	Date and mode of
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documents destroyed	document refers	documents destroyed	destruction with initials of Public Trustee
1	2	3	4