

Government of Madras.

HOME DEPARTMENT

(EDUCATION)

G.O. No. 1248, 24th November 1916



INDEXED

Oriental Manuscripts Library

Informing the Director of Public Instruction that the claim of the Curator, —, for a higher scale of travelling allowance to his assistant librarian is inadmissible and approving the proposal of the Director of Public Instruction to permit the Curator, —, to grant to courts authenticated copies of the records in the library.

2

Government of Madras.

HOME DEPARTMENT

(EDUCATION)

G.O. No. 1248, 24th November 1916

N.P.

ORIGINAL.

Oriental Manuscripts Library

Informing the Director of Public Instruction that the claim of the Curator, —, for a higher scale of travelling allowance to his assistant librarian is inadmissible and approving the proposal of the Director of Public Instruction to permit the Curator, —, to grant to courts authenticated copies of the records in the library.

GOVERNMENT OF MADRAS
HOME DEPARTMENT
(Education)

READ—the following papers :—

I

G.O. Mis. No. 331, Educational, dated the 18th May 1905.

ABSTRACT.—Asking the Director of Public Instruction to make arrangements for the production in the Vizagapatam District Court of certain manuscripts now kept in the Oriental Manuscripts Library.

II

Letter—from the Hon'ble Mr. J. H. STONE, M.A., F.R.H.S., C.I.E., Director of Public Instruction.

To—the Secretary to Government, Home (Education) Department.

Dated—Madras, the 6th October 1916.

No.—Ref. on Cur. 7855.

The Curator, Oriental Manuscripts Library, was required by the Subordinate Judge of Tanjore to produce certain manuscripts in connection with a civil suit on the file of his court. In accordance with the instructions contained in G.O. Mis. No. 331, Educational, dated 18th May 1905, the Curator arranged for the production of the manuscripts through the assistant librarian of his office and sent to the Subordinate Judge a bill of charges for the expenses involved. The charges claimed in the bill were in accordance with the rates prescribed in the Civil Service Regulations for journeys on tour. But the Subordinate Judge said that only single second-class railway fare for the journeys to and fro and batta at As. 8 per day were admissible under the rules of the court and accordingly collected this amount from the party concerned and remitted it to the Curator. This officer thinks that the amount allowed is insufficient and that the full amount claimed by him should be paid—vide enclosed copies of the Subordinate Judge's letter to the Curator and of the Curator's letter to this office. The case appears to me exceptionable and I have the honour to request that you will be good enough to let me know whether under the Government Order mentioned the claim made by the Curator is valid from the point of view of the court.

2. I also beg to suggest that as proposed by the Curator in the last paragraph of his letter he may be permitted to grant authenticated copies of the records in the library, any charge on this account being met by the parties concerned.

ENCLOSURES

(1)

Letter—from the Curator, Oriental Manuscripts Library, Madras.

To—the Director of Public Instruction.

Dated—the 16th September 1916.

No.—R.C. 95.

I have the honour to inform you that on a notice of summons received on 5th August 1916 from the Subordinate Judge, Tanjore, asking me to produce two manuscripts of this library, in his court at Tanjore on 14th August 1916, I pointed out to him in my letter R.C. No. 95, dated 8th August 1916, that under G.O. Mis. No. 331, Educational, dated 18th May 1905, the manuscripts should be sent through a responsible officer of this library that the expenses involved, namely, the amount of the travelling allowance payable under Civil Service Regulations should be recovered from the party concerned, and that the manuscripts may be copied and compared and immediately returned to avoid the unnecessary absence of the officer at Tanjore from his work in Madras. The records summoned for were sent in the custody of M.R. Ry. R. Ramaswami Ayyangar, B.A., Assistant Librarian and duly produced in the court on the appointed day. At

first the Subordinate Judge wanted to keep the books for some length of time promising to return them by post, but, on my representation that the Government Order above referred to was intended to avoid the risk of transmission of the manuscripts by post, he returned them after taking a copy of the portions required. In my letter R.C. No. 95, dated 2nd September 1916, I forwarded a bill of charges (copy enclosed) for the expenses involved, viz., for Rs. 33-8-0 and requested him to remit the amount due on the bill by obtaining the same from the party. In his letter No. 2777, dated 11th September 1916 (copy enclosed), he replied that, according to the High Courts Rules and Orders governing the grant of batta to witnesses, the Subordinate Judge could allow only a single second-class railway fare for each of the journeys to and fro and a daily batta of As. 8 instead of double second class for each of the journeys and a daily batta of As. 12 to which the Assistant Librarian is entitled under the Civil Service Regulations and that the Government Order would not be binding on him unless the High Court would accept the same or the Government would make rules under powers given in the statutes. He has accordingly remitted only a sum of Rs. 18-12-0. As, however, the Assistant Librarian was deputed by me under the said Government Order to proceed to Tanjore, he has to be paid the travelling allowance due under the Civil Service Regulations rules for journeys on tour. Under the circumstances I request that you will be so good as to address the court for the recovery of the balance of Rs. 15-6-0 or to permit me to draw travelling allowance in this case under the rules for the journeys on tour, in accordance with the article 1183 of the Civil Service Regulations from the current year's allotment for this library and deduct from the same the amount of travelling allowance already sent by the court. I may also mention in this connection that on three occasions the District Judge of Vizagapatam recovered from the party concerned and paid travelling allowance in accordance with Civil Service Regulations in similar cases at the instance of the Director of Public Instruction (please see Director's Proceedings Dis. No. 4916, dated 17th July 1905, and Dis. No. 5568, dated 7th September 1905, and that the District Munsif of Tiruvannamalai also did the same at the instance of the Curator.

2. As regards the question of granting authenticated copies raised by the Subordinate Judge in paragraph 5 of his letter I beg to observe that, as I am not empowered to grant authenticated copies of the records in the library, they become liable to be called for by courts at the instance of private suitors and this course involves not only the risk of losing the manuscripts so produced but also the absence from work of responsible officers from the library for certain periods of time, thus causing to Government an unnecessary expense equal to the pay of the person deputed to produce the manuscripts. On the other hand if authenticated copies are granted the party applying for the same may, by means of a fee levied for the purpose, be made to bear the cost of preparing the copies, thus saving Government from any expenditure at all on this account. If you approve of this proposal I shall submit further proposals for fixing the rates of fees to be levied for copies in different languages and characters. I may also state here that, if in any case, the work involved in granting such copies happens to be such as could not be done by the office except under special arrangements, the court may be required to recover and pay to Government the extra cost on the Curator's representation.

(2)

TRAVELLING allowance due to me as Assistant Librarian for having produced certain records before the Subordinate Judge, Tanjore.

				RS.	A.	P.
13th August 1916	...	Madras to Egmore Railway station.	Mileage : half a mile at As. 2	0	1	0
13th to 14th August 1916.	...	Egmore to Tanjore station.	Double second class	13	10	0
14th August 1916	...	Tanjore station to Tanjore Court.	Mileage : half a mile	0	1	0
15th to 19th August 1916.	...	Tanjore ...	Daily allowance for five days at As. 12 per day.	3	12	0
20th and 21st August 1916.	...	No daily allowance claimed.	Permitted to spend the holidays outside camp by the Curator.	...		
22nd to 24th August 1916.	...	Tanjore ...	Daily allowance for three days at As. 12 per day.	2	4	0
25th August 1916	...	Tanjore to Tanjore Railway station.	Mileage : half a mile at As. 2 per mile.	0	1	0
25th and 26th August 1916.	...	Tanjore to Egmore Railway station.	Double second class	13	10	0
26th August 1916	...	Egmore station to Office.	Mileage : half a mile	0	1	0
Total				33	8	0
				Deduct—amount already given	5	0
Balance due				28	8	0

(3)

Letter—from the Subordinate Judge, Tanjore.

To—the Curator, Oriental Manuscripts Library, Madras.

Dated—the 8th September 1916.

With reference to your letter R.C. No. 96, dated the 2nd September 1916, I have the honour

	RS.	A.	P.
* Second-class fare from Madras to Tanjore (to and fro)	13	10	0
Batta at As. 8 per day for nine days	4	8	0
Total	18	2	0

to inform you that the matter of allowing batta, etc., for witnesses is regulated by High Courts Rules and Orders (page 15, Civil Courts Guide) sanctioned by Government and the expenses so incurred have to be taxed as against the other party. Under those rules the witness being of the second class is entitled only to Rs. 18-2-0.*

2. Where a witness is summoned to give evidence of facts within his knowledge in his official capacity he is paid only the same amount and he has to refund the same to Government and obtain travelling allowance under article 1133 of the Civil Service Regulations. I fail to see how any difference can be made in the present case.

3. The G.O. Mis. No. 331, Educational, dated 18th May 1905, you rely on has not been communicated to this Court and I have no reason to think it has been accepted by the High Court. Unless the Government make rules under powers given in the statutes they will not be binding on Civil Courts and I have to request you to be good enough to address the proper authority to enable me to recover the necessary amount from the party and tax it again the other side.

4. The difference due, viz., Rs. 18-2-0, is sent to you by money order.

5. In this connection I may suggest that you address Government to permit you to grant authenticated copies, as, in many instances, the originals are wholly unnecessary for evidence. Where the originals are in Government offices, authenticated copies granted by them are always received except when an inspection of the original document is required. The disadvantage in your inability to grant such copies has to be prominently brought to the notice of Government along with the unnecessary risk and expense the present procedure involves.

Order—No. 1248, Home (Education), dated the 24th November 1916.

The Director of Public Instruction will be informed that the claim of the Curator, Oriental Manuscripts Library, for a higher scale of travelling allowance to his assistant librarian than that allowed by the court to ordinary witnesses is inadmissible.

2. The Government approve the proposal of the Director of Public Instruction to permit the Curator, Oriental Manuscripts Library, to grant to courts authenticated copies of the records in the library provided that the charges incidental thereto are met by the parties concerned.

(True Extract)

P. RAJAGOPALA ACHARIYAR,
Secretary to Government.

To the Director of Public Instruction.
Copy to Home (Judicial) Department.

HOME (EDUCATION) DEPARTMENT.

NOTES CONNECTED WITH G.O. No. 1248, HOME (EDUCATION), DATED THE 24TH NOVEMBER 1916.

[SUBJECT.—*Claim from the Curator of the Oriental Manuscripts Library for the full amount of travelling allowance admissible under the Civil Service Regulations for the production of certain manuscripts in the Court of the Sub-Judge, Tanjore.*]

Previous paper :

G.O. 331, Educational, 18th May 1905.

From the Director of Public Instruction, dated the 6th October 1916, No. 7855.

The assistant librarian of the office of the Curator, Oriental Manuscripts Library, who was, in accordance with G.O. No. 331, Educational, dated the 18th May 1905, deputed to produce certain manuscripts in person before the Court of the Sub-Judge of Tanjore, claims travelling allowance at the rates prescribed in the Civil Service Regulations for journeys on tour, i.e., double second-class railway fare to and fro with batta at As. 12 per day (amounting to Rs. 38-8-0). The Sub-Judge has however allowed according to the Civil Courts Guide (section 160, page 15) only a single second-class railway fare both ways and batta at As. 8 per day (total Rs. 18-2-0). The Director requests a ruling whether the claim made by the Curator is valid from the point of view of the court. If the difference between the two scales laid down in the Civil Service Regulations and the Civil Courts Guide, viz., Rs. 15-6-0, is to be recovered from the party concerned, the High Court will have to be moved to modify the rules so as to permit the court to recover the total cost incurred in such cases from the parties. Under article 1134 (a) an officer summoned to give evidence under other circumstances is not entitled by reason of his being an officer of Government to any allowances other than those admissible in the rules of the court. It is therefore for consideration whether the Director of Public Instruction may be informed that the Curator's claim is not valid. Submitted that the remarks of Judicial section may be invited u.o.

2. In the circumstances stated in paragraph 2 on page 2 and paragraph 5 of the letter, there seems to be no objection to the Curator of the Oriental Manuscripts Library being permitted to grant authenticated copies of records in the library, any charge on this account being met by the parties concerned (vide also paragraph 2 of the letter). If this is approved, there may not be any occasion as pointed out by the Sub-Judge in paragraph 5 to produce any manuscripts in the court or to depute any person for the same except in rare cases. Of course there may be some delay and expense in getting authenticated copies of the manuscripts, but this has to be faced by the parties concerned. For orders whether the Curator may be authorized to grant authenticated copies of the records in the library.

A.S.—18-10-16.

T.K.—18-10-16.

Will Home (Judicial) please note on paragraph 2 of the note above?

C. RAMANUJA ACHARIYAR—19-10-16.

HOME (JUDICIAL) DEPARTMENT.

E. A. HARVEY—11-11-16.

[G.O. No. 1248, Home (Education), dated the 24th November 1916.]

Copy to Home (Judl.)
NOT FOR E.T.

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25.11.15

GOVERNMENT OF MADRAS
HOME DEPARTMENT
(Education)

READ—the following papers :—

I
G.O. Mis. No. 331, Educational, dated the 18th May 1905.

Letter—from the Hon'ble Mr. J. H. STONE, M.A., F.R.H.S., C.I.E., Director of Public Instruction.

To—the Secretary to Government, Home (Education) Department.

Dated—Madras, the 6th October 1916.

No.—Ref on Cur. 7555.

The Curator, Oriental Manuscripts Library, was required by the Subordinate Judge of Tanjore to produce certain manuscripts in connection with a civil suit on the file of his court. In accordance with the instructions contained in G.O. Mis. No. 331, Educational, dated 18th May 1905, the Curator arranged for the production of the manuscripts through the assistant librarian of his office and sent to the Subordinate Judge a bill of charges for the expenses involved. The charges claimed in the bill were in accordance with the rates prescribed in the Civil Service Regulations for journeys on tour. But the Subordinate Judge said that only single second-class railway fare for the journeys to and fro and batta at As. 8 per day were admissible under the rules of the court and accordingly collected this amount from the party concerned and remitted it to the Curator. This officer thinks that the amount allowed is insufficient and that the full amount claimed by him should be paid—vide enclosed copies of the Subordinate Judge's letter to the Curator and of the Curator's letter to this office. The case appears to me exceptional and I have the honour to request that you will be good enough to let me know whether under the Government Order mentioned the claim made by the Curator is valid from the point of view of the court.

2. I also beg to suggest that as proposed by the Curator in the last paragraph of his letter he may be permitted to grant authenticated copies of the records in the library, any charge on this account being met by the parties concerned.

ENCLOSURES

(1)

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under the said Government Order to proceed to Tanjore, he has to be paid the travelling allowance due under the Civil Service Regulations rules for journeys on tour. Under the circumstances I request that you will be so good as to address the court for the recovery of the balance of Rs. 15-6-0 or to permit me to draw travelling allowance in this case under the rules for the journeys on tour, in accordance with the article 1133 of the Civil Service Regulations from the current year's allotment for this library and deduct from the same the amount of travelling allowance already sent by the court. I may also mention in this connection that on three occasions the District Judge of Vizagapatam recovered from the party concerned and paid travelling allowance in accordance with Civil Service Regulations in similar cases at the instance of the Director of Public Instruction (please see Director's Proceedings Dis. No. 4916, dated 17th July 1905, and Dis. No. 5568, dated 7th September 1905, and that the District Munsif of Tiruvannamalai also did the same at the instance of the Curator.

2. As regards the question of granting authenticated copies raised by the Subordinate Judge in paragraph 5 of his letter I beg to observe that, as I am not empowered to grant authenticated copies of the records in the library, they become liable to be called for by courts at the instance of private suitors and this course involves not only the risk of losing the manuscripts so produced but also the absence from work of responsible officers from the library for certain periods of time, thus causing to Government an unnecessary expense equal to the pay of the person deputed to produce the manuscripts. On the other hand if authenticated copies are granted the party applying for the same may, by means of a fee levied for the purpose, be made to bear the cost of preparing the copies, thus saving Government from any expenditure at all on this account. If you approve of this proposal I shall submit further proposals for fixing the rates of fees to be levied for copies in different languages and characters. I may also state here that, if in any case, the work involved in granting such copies happens to be such as could not be done by the office except under special arrangements, the court may be required to recover and pay to Government the extra cost on the Curator's representation.

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Letter—from the Subordinate Judge, Tanjore.
To—the Curator, Oriental Manuscripts Library, Madras.
Dated—the 8th September 1916.

With reference to your letter R.C. No. 96, dated the 2nd September 1916, I have the honour to inform you that the matter of allowing batta, etc., for witnesses is regulated by High Courts Rules and Orders (page 15, Civil Courts Guide) sanctioned by Government and the expenses so incurred have to be taxed as against the other party. Under those rules the witness being of the second class is entitled only to Rs. 18-2-0.

	RS.	A.	P.
* Second-class fare from Madras to Tanjore (to and fro)	13	10	0
Batta at As. 8 per day for nine days	4	8	0
Total	18	2	0

and approving the Director of Public Instruction to permit the Curator to come to authenticate copies of the records in the library.

Informing the Director of Public Instruction that a higher
Scale of travelling allowance, ~~to be paid to him~~^{to be paid to}
~~to his assistant~~ ^{proposal of the} Librarian is inadmissible
and approving the Director of Public Instruction
~~to permit the Carator,~~ —, to grant
to courts authenticated copies of the records ⁱⁿ the
library. ~~He is not to be charged with the cost of the~~
~~the same to be kept in the library.~~

The following note is submitted with reference to the Registrar's note above :—
The records in the Oriental Manuscripts Library are public documents under section 74 of the Indian Evidence Act I of 1872. Under section 76 of the same Act every public officer having the custody of a public document which any person has a right to inspect shall give that person on demand a certified copy of it on payment of the legal fees therefor. Sections 123 and 124 also lay down that it is for the head of the department to decide exclusively whether evidence should be given of such official records. Submitted therefore that the ultimate authority for determining whether copies of a document should be given or not is the head of the department in charge of those records. The point for consideration therefore is whether the

2 NOTES to G.O. No. 1248, HOME (EDUCATION), 24TH NOVEMBER 1916

"Curator, Oriental Manuscripts Library," should be considered the head of a department for this purpose only which he is not in other respects. The Curator is only the custodian of the records. The Oriental Manuscripts Library seems to be a library in which miscellaneous manuscript records relating to various matters are kept as the Madras Record office seems to be. When applications are made to the Curator of the latter office, he invariably refers to the department concerned, and the question whether copies should be given or not is determined in the respective departments. The same procedure may be followed in the case of the Oriental Manuscripts Library. When applications are received he may apply to the head of his department and seek orders as to the production in original or furnishing copies of them. This procedure seems to be advisable from every point of view.

K.M.V.—6-11-16.

P.R.R.—6-11-16.

I leave it to the Registrar to consider.

E. A. HARVEY—11-11-16.

We may refuse to allow the higher scale of allowance than that allowed by the court to ordinary witnesses.

2. As regards the proposal to authorize the curator to grant authenticated copies of manuscripts in the library, it is submitted that the analogy of the Madras Record office brought in by the Judicial office is not appropriate. While the latter institution contains the records of the Government offices, the Oriental Manuscripts Library is a collection of old books acquired mostly from private persons; and while in the case of the Record office great care should necessarily be exercised in discriminating between records of which copies could be given or not, there will hardly be any occasion for the exercise of any discretion in regard to the Oriental Manuscripts Library, the books and papers in which are always available to the public for reference. The Director of Public Instruction also supports the proposal and it may be approved.

C. RAMANUJA ACHARIYAR—10-11-16.

I agree with the Registrar.

P. RAJAGOPALA ACHARIYAR—17-11-16.

A draft order is submitted for approval.

V.P.P.—22-11-16.

T.K.—22-11-16.

C.R.—23-11-16.

P.R.—24-11-16.

[G.O. No. 1248, HOME (Education), dated 24th November 1916.]

ORDINARY.

PRESS SLIP.

PREFERENCE.

URGENT (a).

Home (Education) DEPARTMENT.

Current No 3582 dated the 7th Oct. 1916

G.O. No 1248 dated the 24th Nov. 1916

Number of MS. pages sent { Correspondence 8
(b) Notes 6

Brief subject Travelling allowance for printing of notes

(e) Number of copies required when struck off (not including copies for volumes and editors' table which are retained in the Press).	(f) Copies to supply requisitions for purchase by the public.	Complete correspondence and orders.	Notes.
For RECORD.*			
Madras Records		26	20
Other Records		4	4
For filing with original		1	1
Total		30	27

For Issue†

Signature copies	Letter only.	Complete G.O.	(b) Special issue copies of G.O.		Notes.
			No.	Papers.	
India Office		2			
Govt. of India					
Revenue Department					
Public Works Department					
Local and Municipal Department					
Educational Department					
Public Dept.					
Judicial Dept.		4			
Political					
Financial Dept.					
Marine Dept.					
Ecclesiastical Dept.					
Total					
The		6			
The					
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The					
The					
The					
The					
The					
Total		22			

INSTRUCTIONS FOR THE SECRETARIAT.

(a) If a paper is marked to be printed urgently, the Superintendent of the section concerned should sign the Press slip. The Superintendent should exercise a careful discretion in the matter.

(b) Each letter, memorandum, or order, or set of orders, in the file of correspondence should be headed in succession with the Roman numeral I, II, III, etc., the number being written in red ink or blue chalk above the item. The particular papers to be printed in the special issue-copies should be indicated by the Roman numeral (I, II, etc.) by which that item has been headed in the correspondence file. All matter, including marginal remarks or references, to be printed should be written in ink and matter which should not be printed should be encircled. Initials and signatures that are not quite legible should be re-written distinctly.

(b) For rules regarding printing of notes, see rule 315 of the office Manual.

(c) The number of copies and the details of distribution should be filled in by the Superintendent or Referencer concerned.

(d) In the absence of special instructions to the Press to keep matter standing for a specified period, ordinary papers of 8 pages and under will be kept standing for one week, and larger papers for two weeks only. The type of notes and of all confidential papers is distributed immediately after striking.

(e) This slip, properly and completely filled in, should accompany every paper sent to Press; it will be returned by the Press when proofs are furnished; it should be sent to the Press when a call is made for revised proofs or when a corrected proof is sent for striking. When finally returned by Press it should be filed with the original order or letter.

INSTRUCTIONS FOR THE PRESS.

(a) If, in the opinion of the Superintendent of the Press, a paper has been marked urgent unnecessarily, he should send the Press slip to the Registrar with a remark to that effect.

(b) Unless a note to the contrary is made against the matter, pencil entries should not be printed. The Superintendent of the Press may bring to the notice of the Registrar any instance of incomplete or careless editing.

(c) Signature copies of letters to the Secretary of State or to the Government of India should be printed on hand-made paper.

(d) This slip should be returned by the Press to the Secretariat when proofs are furnished; it will be sent back to the Press when proofs are returned corrected and should be finally returned to the Secretariat when struck-off copies are supplied.

(e) The names of the Secretary and Members should be printed in full when they occur on the right hand side, only the first time when they appear on the left side, the initials alone being printed later.

* Copies distributed on (Press Clerk).

† Copies distributed on (Press Despatcher).

TO PRESS, MADRAS OOTY.

A

Please send proof in duplicate. The papers have been carefully edited.

B

Proof returned corrected. Please strike off and send number of copies as indicated.

C

As the matter is clear manuscript and has been carefully edited, (b) proof need not be sent. Please print and supply number of copies as indicated.

Type may be released after usual interval at once.

Type may be released after usual interval.

Referencer.
Clerk.

Referencer.
Clerk.

Referencer.
Clerk.

Supdt.

Supdt.

Supdt.

SPECIAL INSTRUCTIONS.

TO BE FILLED IN BY THE PRESS.

Diary.	Initials of Press official.
Received in Press on.....	
First proof furnished on.....	
Call for revised proof received on.....	
Revised proof furnished on.....	
Corrected proof received for striking on.....	
Final copies supplied on.....	

Account of copies.	Complete copies.	Notes.	Issue copies.	Special E.T. edition
Supplied to Secretariat for Record.....				
" " " Issue.....				
" " " for Extra E.T. copies to supply requisitions for sale to the public.				4
For Volumes.....				
For supply to newspapers and institutions admitted to the privileges of the E.T.				
Total ...				