

E. & P. H. (1949) Department.

MS SERIES.

closed.

10

Letter

G.O. NO.

2003. Edu.

Dated

22 - 6 - '49.

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O. & A.S.

11-16-49 - 100

11-13-15 g

100

[Despatch Abstract.]

Records — destruction of
old records of the Judicial Dept.

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Letter H/s	273.	Edn.	5-2-49.				
Letter Ref	56996/48-4C2.	Edn.	17-9-48.				

Further Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

R.O.C.No. 1947/49-D6.

From

K.N.Ganpati Esquire, B.A., Bar-at-law.,
Registrar, High Court, Madras.

To

The Secretary to Government,
Education and Public Health
Fort St. George, Madras (with enclosure)

17 MAR 1949

Sir,

Dated 14th March 1949.

Sub: Records - destruction of old records - West Tanjore
Division.

Ref: Your letter No.56996/48-2-C2 (Education)

I forward for orders of Government the letter No. A-1927

dated 7.3.1949 (with its enclosure) of the District Judge, West
Tanjore requesting permission for the destruction of the records
ripe for destruction and which were published in the Gazette, as
the sanction of Government is necessary as required in para 2(1)
of the letter from the Government of India No.50/34/48-2 dated
28.7.1948 communicated in your letter cited.

SV.

TRC

REGISTRAR.

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2
R.O.C.No. 1947/49-D6.

22208

From

K.N.Ganpati Esquire, B.A., Bar-at-Law,

Registrar, High Court, Madras

To

The Secretary to Government,

Education and Public Health, Fort St. George, Madras
(with enclosure).

92 MAR 1949

Dated 18th March 1949.

Sir,

Sub: Records - Destruction of old records - West Tanjore Division

④/3-4 Ref: 1. Your letter No.56996/48-2-C2 (Edn.)

2. My letter R.O.C.No.1947/49-D6 dated 14-3-49. P.1 ante

④/3-4 In continuation of my letter cited, I forward for orders of
Government the letter No.A.2252 dated 16-3-49 (with its enclosure)
of the District Judge, West Tanjore.

pp.11-14
infra
K.N.Ganpati
REGISTRAR.

PP
SV

4 10
R.O.C.No. 1710 of 1949 D-6. C2 15 14 15 5 4

From

K.N. Ganpati Esquire, B.A., Bar-at-Law,
Registrar, High Court, Madras.

To

The Secretary to Government,
Education and Public Health Department,
Fort St. George, Madras. (with enclosures).

Dated 23rd March 1949.

Sir,

Subject: Records - Destruction of old records - West Tanjore
Division -

④/3-4 Reference: Your Letter No. 56996/48-2-C-2-(Edn.) Dated 23-8-1948.

PP-17-29
andra
④/1
I am to forward for orders of Government letters
Nos. A.485/48-Dated 22-2-1949 and A.485/48 dated 18-3-49 (with
enclosures) from the District Judge, North Malabar requesting
permission for the destruction of records ripe for destruction in
accordance with the instructions contained in Paragraph 2 (1) of
the letter No.50-34/48-E-1-dated 28-7-1948 from the Government of
India communicated in your letter cited.

K.N. Ganpati
REGISTRAR.

VSS

S.V.

6/6/2

~~148~~
~~14~~

P. 1 d. 7.

P. 9 d. 7.

P. 15 d. 7.

31/7

E. & P. H.
C₂

Emdt. No. 20770-1C₂. Emdt. d., 5-4-49.

Records — Destruction
of old records — West Tanjore
and North Malabar divisions.

Ref: F from the Registrar,
High Court, Madras,
Rec. No. 1947/49-D6,
dated, 14-3-49 and
L.S. 18-3-49 and
Rec. No. 1710/49D-6,
dated, 23-3-49.

Referred to the Curator,
M. R. O., for remarks. His attention
is

From
Dr. B. S. Baliga, Ph.D. (Lond.),
Curator, Madras Record Office,
Chittoor.

To
The Secretary to Government,
Education & Public Health Dept.,
Fort St. George, MADRAS.

No. 1132-D.7/49-1, dated 28th April 1949.

Sir,

Sub:- Records - Destruction of old records - West Tanjore
and North Malabar divisions. pp. 31-32

Ref:- Government Endt. No. 20770.1.02. Edn. dated 5-4-1949.

The High Court has sent in certain lists of district Court records of the current years that have been marked out for destruction and solicited the orders of the Government as to whether these records can be destroyed. This has been done in pursuance of the advice tendered by the Director of National Archives of India to the Government of India to the effect that no records belonging to the Courts should be destroyed without consulting the Provincial Government.

2. The Director, it will be seen, has not drawn any distinction between the old and the current records. Presumably his intention is that neither of these classes of records should be weeded without consulting the Provincial Archivist, i.e. the Curator, Madras Record Office. He seems to think that it is the business of the Provincial Archivist to see that no records of historical value in either of these classes is destroyed. And for this purpose he seems to suggest that the Provincial Archivist should scrutinise the lists of both classes of these records weeded by the Courts and say which of the records should be destroyed and which retained.

3. Now, so far as the old records, whether of the courts or of the other departments, are concerned, it is doubtless the duty of the Provincial Archivist, especially, if he happens to be a historian, to see that none of them which are of any historical value are weeded and destroyed. It therefore becomes essential for him to scrutinise the lists of weeded records. All eminent archivists are agreed on this point. It is for this reason that our Government have so long ago as 1933 issued instructions to all Heads of Departments, including the High Court, to consult the Curator before destroying any of their records of the East India Company's period. But so far as the current records of the courts or other departments are concerned the position is altogether different. Archival opinion has nowhere prescribed that the current records should be weeded by the archivist to enable the preservation of documents of historical value. On the other hand it has definitely held that the weeding and destruction of the current records is the business of the departmental authorities themselves who created them; and that it is not at all the business of the archivist or the historian. This view is based on the recognition of the sound principle that the departmental authorities alone are competent to judge which of their current records are of importance for their purposes and which are not, and that, if these authorities retain only the current records which are needed for their purposes, both the archivist and the historian can have no ground for complaint. In fact it is held that unless the departments destroy such of their current records as have no administrative value for them the task of the future archivist, and the historian is bound to become enormous, seeing that the former will have to make arrangements on a gigantic scale to house and preserve properly immense collections of all sorts of records and that the latter will have to wade through all these immense collections to collect the relevant material for his research work. I invite reference in this connection to my letter No. 1511-DVII/1948-1, dated 29-6-1948 disposed of in G.O. Ms. No. 2257, Education dated 10-9-1948. That letter was, written when a



23/7

To
The Curator,
M. R. O., Chittoor.
(with d. 7 in original)

Is, in this connection, invited
to the correspondence with
letter No. 279. Edu., dated, 5-2-49.

(X)/7

4/4/49
Jb
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propos

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-2-
proposal similar to the present one was made by the Indian Historical Records Commission that no current records of the departments should be weeded without consulting the archivist. In that letter I pointed out how the proposal was opposed to archive principles. I also remarked that as the current records of the various departments are weeded under proper and well defined rules to ensure that no important documents are destroyed it was quite unnecessary to give effect to the proposal. The Government then were pleased to agree with my views and to simply record the proposal.

4. The present proposal is in no way different from the previous proposal. Only the present one relates to the judicial records alone, instead of the records of all departments envisaged in the previous one. In my opinion in both the cases, the principles involved being the same, the Government should not approve the present proposal when they have considered that no action is necessary on the previous proposal. I find that the High Court and the District Courts are, just like the other departments of the Government and the Board, weeding and destroying their current records according to certain well defined rules. Just as the departments are doing this work on certain specific instructions prescribed, to ensure that no documents which are considered important are destroyed, the Courts are doing this work according to certain rules issued under Act V of 1917 as amended by Act XII of 1927. And just as it is not within the province of the archivist to question the destruction of the current records of the departments by the departments themselves, it is in my opinion not within the province of the archivist to question the destruction of the current records of the courts by the courts themselves.

5. If, however, the Government desire that the lists should be scrutinised by me I shall do so. But in that case the lists should be drawn up in such a manner as to enable me to judge the importance of each and every paper contained in them. At present only the numbers and years of the suits and the classes to which they belong have been specified. This is not enough. The lists will have to show the subject matter of each and every paper, the names of the parties, the amount in dispute, etc. The best thing would be to obtain a few samples of the records belonging to the various classes and to send them to me. I shall then say how the lists should be drawn up. Afterwards the courts may be asked to draw up similar lists for all the records which are ripe for destruction and send them to this office for scrutiny. All this will no doubt involve a great deal of labour. It will also be necessary to employ temporary establishments in the courts, and in this office for this special work. It is therefore for consideration whether such detailed lists should be prepared and scrutinised at all.

6. The enclosures received with the Government endorsement are returned.

Yours faithfully,

Encl: Current file pages 1 to 30.

CPS.

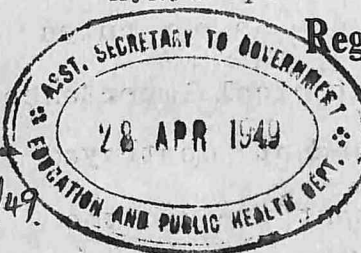
M. M. Maliga
CURATOR,
19-4-1949.

R.O.C. No. 2792/49-D6.

From

K.N. Ganpati Esquire, B.A., Bar-at-Law,

Registrar of the High Court of Judicature,
Madras.



To

32196

The Secretary to Government, Education and Public Health,
Fort St. George, Madras.

Dated, Madras, the 22nd April 19 49.

Sir,

Subject: Records - Destruction of old records in the Judicial Department. → P. 15 ante

Ref: (1) Your letter No. 56996/48-2-82 (Edn.) dated 23-8-48
(2) My letters R.O.C. Nos. 1710 and 1947 of 1949-D6 dated 25-3-49 and 16-3-49. → PP. 1+9 ante

12
2
According to the instructions contained in paragraph 2(1) of the letter No. F.50-34/48-E-1 dated 28-7-48 from the Government of India communicated in your letter cited, previous sanction of the Government is required for actual destruction of the records which are ripe for destruction as per rules. The Judicial records which are being destroyed till now as per rules of the Destruction of records are not of any historical importance. The records of the East India Company's period are not destroyed and every year a report is being sent to Government through the Curator, Madras Record office about the condition of those records. If the Judicial records are not destroyed in time, much inconvenience will be felt as they will occupy much valuable space required for current records. The Hon'ble the Judges therefore consider that previous sanction of the Government need not be insisted upon in the case of ordinary records pertaining to the Judicial Department. As the work of destruction is held up on account of the above requirement, I am to request very early instructions in the matter.

PP AMR.

perumbar
For REGISTRAR.

H-317-
3318
ROR No 46

13
E. OF H.
C₂
Letter/Ref. No. 2003 Dt. 22/6/49

To

The Hon'ble the Chief Justice of the High Court of Judicature at Madras, Madras. (with enclosure)

Hon'ble Sir,

Records - Destruction of old records of the Judicial Dept.

I am directed to invite a reference to the correspondence resting with the ~~Registrar of the High Court of Judicature, Madras~~ ^{Registrar of the High Court of Judicature, Madras}, R.O. No. 2722/49-D6., dated, 22-4-49, on

94 11
29/6/49
PP. 3-8, 11-14
37-40 C.7. in 15/6/49

Attention please

PP. 35-36 C.7.

14

2

on the subject mentioned above,
and to state that this Govt.
agree with the views of the
Hon'ble Judges that the ordinary
records of the Judicial Dept.
may be destroyed without reference
to Govt.

yours faithfully,

16/6/49.
JD
17/6/49

17-6-49

copy to the curator,
H.R.O. (re. to his No.
1132 - D. 7/49-1, d. 28-4-49)
s/c
(PP. 33-34 d. 7)

GOVERNMENT OF MADRAS
Education and Public Health Department
Letter/MS.No.2003 Education.

79

From J.M. Lobo Prabhu Esq., I.C.S.,
Secretary to the Government of Madras.

To The Hon'ble the Chief Justice of the High Court of
Judicature at Madras,
M a d r a s.

Dated, Fort St. George, the 22nd June 1949.

Hon'ble Sir,

Sub: Records- Destruction of old records of the Judicial Department.

I am directed to invite a reference to the correspondence
resting with the Registrar's letter Rec No.2792/49-D.6., dated 22-4-1949,
on the subject mentioned above, and to state that this Government agree
with the views of the Hon'ble the Judges that the ordinary records pertaining
to the Judicial Department may be destroyed without reference to Government.

Yours faithfully,

J.M. Lobo Prabhu,
Secretary to Government.

Copy to the Curator, Madras Record Office (with reference to his No.1132-
D.7/49-1 dated 28-4-49.

RP/2.6.

Forwarded/By Order

SUPERINTENDENT.

s/c

pp. 11-12 ante

pp. 9-10 ante

From the Registrar, High Court, Madras, R.O.C.No.1947/49-D6,
dated 14-3-49.
" -do- Roc.No.1947/49 -D6,d/18-3-49.
" -do- Roc.No.1710 of 1949-D-6,dated
23-3-'49.
" Curator, M.R.O., No.1132-D.7/49-1, dated 28-4-'49.
" the Registrar, High Court, Madras, Roc.No.2792/49-D6,
dated 22-4-'49.

No. 7.50-34/48.E.I., d., 23-8-'48

The Govt. of India in their letter mentioned above
desired that the High Court in this Province ~~may~~ ^{might} be asked not
to destroy or disperse any records in their custody without
authorisation from this Government.

2 The Registrar of the High Court of Judicature, Madras,
in his letters on pages 1, 9 and 15 c.f. have forwarded to
Govt. letters from the Dt. Judges of West Tanjore and North
Malabar requesting permission for the destruction of records
ripe for destruction in accordance with the instruction of
the Govt. of India in their letter No.F.50-34/48-El., dated
28-7-'48, communicated to the Hon'ble the Chief Justice of
the High Court of Judicature, Madras, in Letter/Ref.-
No.56996/48-2-C2-Edn. dated, 23-8-'48.

3 The Curator, M.R.O., who was consulted in the matter,
states that the letter from the Govt. of India has not made
any distinction between the old and the current records
marked out for destruction. He holds the view that the
Court authorities themselves should decide which of their
current records should be destroyed and which of them ~~should~~
should be preserved and that the Archivist is concerned only
with the weeding out and destruction of the old records in
order to assess their historical value. The Registrar in
his subsequent letter on pages 35-36 c.f. states that the
Judicial records which are being destroyed till now as per
rules for the destruction of records are not of any his-
torical importance, and that if they are not destroyed in
time, much inconvenience will be felt by way of their occupy-
ing much valuable space required for current records and that
the Hon'ble the Judges therefore consider that the previous
sanction of the Govt. for the destruction of the ordinary
records of the Judicial Dept. need not be insisted upon. It
is submitted connection that the Govt. of

P.1 d.7.

P.2 d.7.

P.15 d.7.

PP.33-34 d.7.

PP.35-36 d.7.

④/1

K

④/1

④/3-4

PP.31-32 d.7.

P.33 d.7.

(Para 2)

P.33 d.7.

(Para 3)

Ibid

H.317-3318

No 146

4. In issuing the direction at 'K' on p.1 ante, the Govt. of India have not peremptorily ordered this Govt. to follow the direction. Further when they issued detailed instructions with reference to 'X' on p.1. of 'G', the Govt. of India stated that this Govt. might take any action this Govt. might consider necessary. The High Court was also informed in the same strain. In the circumstances, it does not seem obligatory to follow the instructions of the Govt. of India in view of the remarks of the Curator, M.R.O. There seems no objection to agree with the views of the High Court that the previous sanction of Govt. need not be insisted upon in the case of ordinary records pertaining to the Judicial deptt. For orders. Home may see for remarks before circulation.

7-1-25-27-2-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100

A 45441 E
24549

11X

20/5/49 S Home

23/5/49



Home Dept.

E.P.H. No. 20770-2C2
23-5-49

The notes of the Education and Public Health Dept from p. 1 supra may be perused. This Dept. may agree to 'A' above. The case may be returned to the

E.P.H. Dept.

20/5/49

Through

24/5/49

C.No. 45441 E/49.

Home Dept.

Please see the Secretary's query at foot of p. 2 supra. The instructions of the Govt. of India in their letter on p. 1 of letter key no. 56996/48-4 C2/6, 17-9-48, were communicated to the High Court together with a copy of the Note of T. P. G. J. and Methods of Preservation of Records as follows: The National Archives of India, New Delhi, and it was asked to take action, as suggested in para 28, that would appear from the portion marked 5. i.e., that the High Court is following those instructions of the Govt. of India in the matter.



43367

2. The case may be returned to the E.P.H. Dept.

20/5/49

Home No. 45441 E/49
6.6.49

E.P.H. C2

Please see the note of this Dept. on pages 1-2 ante and the subsequent note by the Home Dept. on pages 2-3 above. The file may now be circulated to A.H. (Ed) as already suggested at 'X' on page 2 ante.

21/6/49

It is proposed to inform the R of the High Court as at 'A' on p. 1.

13 JUN 1949

Many agree that records of courts, may be destroyed without reference to Govt, as this is consistent with the instructions of India Govt.

24/5/49

A draft letter is submitted
for approval.

6/6/49.

~~17 Aug~~

6 Aug

12

1. The draft letter is submitted for approval.
2. The draft letter is submitted for approval.
3. The draft letter is submitted for approval.
4. The draft letter is submitted for approval.
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1. The draft letter is submitted for approval.
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