

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

MA SERIES.

Letter

G.O. NO.

279. ~~Ed~~ du.

Dated

5-2-49

50

[Despatch Abstract.]

Collection and cleaning of
records relating to the Judiciary of
India lying scattered in various
High Court offices.

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Letter	56776/48	4 C2 Edn.	17 9 48				
Letter	2003	Edn.	22 6 49				
M/s							

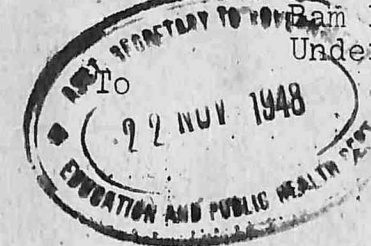
Further Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Letter	2003	Edn.	22-6-49				
M/s							

No. F.50-34/48.A.2.
Government of India,
Ministry of Education,

New Delhi 3, the 17th November 1948.

From



Ban Lal, Esquire, M.A.,
Under Secretary to the Government of India.

The Secretary to the Government of Madras,
Education Department, Madras.

SUBJECT:- COLLECTION AND GLEANING OF RECORDS RELATING TO THE
JUDICIARY OF INDIA LYING SCATTERED IN VARIOUS HIGH
COURT OFFICES.

Sir,

I am directed to invite a reference to para 1 of this
Ministry's letter No. F.50-34/48.E.I., dated 28th July 1948, on the
subject mentioned above and to forward herewith a copy of letter
No. F.13/47-C, dated the 23rd October 1948 from the Director of
Archives and also of the detailed proposals for the maintenance of
the judicial Records in India for any action which the Provincial
Government may consider necessary.

Yours faithfully,

Education and Public Health Dept.
Emdt. No. 86370-1C2 Edn., dated, 7-12-48.

Referred to the curator, Madras
Record Office, for remarks.
(By order)

Under Secretary.



The Director,
Madras Record Office,
Chittoor.

Assistant Secretary to Govt.

=2=
No. 50-34/48.A.2.

omit in typing
Copy forwarded for information to the Director of Archives, Government of India, with reference to his letter No. F.13/47-C, dated 23rd October 1948.

Copy forwarded to the Ministry of States for information in continuation of this Ministry endorsement No. F.50-34/48.E.I., dated the 28th July 1948 with the request that similar communications may kindly be addressed to all the Indian States and Unions.

By order,

Plu
Under Secretary.

Gope) 13.11.1948.

3
Copy of letter No. F.13/47-C, dated the 23rd October, 1948, from Director of Archives, Government of India, to the Secretary to the Government of India, Ministry of Education, New Delhi.

Subject:- Collection and gleaning of records relating to the Judiciary of India scattered in various High Court Offices.

With reference to the endorsement from the Ministry of Education No. F.50-34/48.E.I., of the 28th July 1948 on the above subject, I have the honour to state that the suggestion to concentrate all judicial non-current records in the Government repositories will not solve the problem entirely as most of the provinces and states have no organised records offices at all. These records obviously will have to remain in the custody of the Courts till records offices are set up by the Governments. Moreover, the Semi-current and current records will naturally be retained by the Courts for their day-to-day administration. The control of records from the earliest stage of currency and semi-currency is a sine qua non of their effective control at the final stage, namely, when they become non-current records of enduring value.

2. After a careful consideration it has been found that the records creating agencies themselves should have well organised records offices to take care of the current records, keep them in order, segregate periodically the semi-current and non-current records with a view to transferring the last to a central archives where one exists, or take care of them where a central archives does not exist. No province in India excepting Madras has a fully organised records office. The Courts will naturally have to retain with them for the present all the non-current as well as semi-current and current records. In the circumstances, I consider that the only reasonable solution of the problem is that all High and Chief Courts in India should establish fully organised Records Offices of their own. In conformity with this principle I have formulated a plan of action, which, if adopted, will, I think, go a long way to solve the present difficulties. The proposal is enclosed herewith.

PROPOSAL FOR THE MAINTENANCE OF JUDICIAL RECORDS
IN INDIA.

1. All High courts and subordinate courts in India should have fully organised records offices with a properly trained staff.
2. All non-current judicial records whether of High Courts or Subordinate Courts should be concentrated in Records Offices of the Provincial Governments or States or of Local Administrations where such repositories are properly equipped.
3. All semi-current and current records should be retained in the Records Office of the Courts themselves.
4. In the provinces or States etc. where organised Records Offices do not exist, the non-current judicial records should be segregated from the rest and retained in the court records offices till such time as the Provincial etc, Records Offices are established.
5. The Court Records Offices should have trained personnel competent to -
 - (a) appraise the value of records,
 - (b) prepare descriptive lists of all documents in their custody,
 - (c) help research scholars in searching for materials,
 - (d) repair old documents by manual processes.
6. No records should be destroyed or dispersed without the knowledge of the Government concerned.
7. The services of the local members of the Indian Historical Records Commission (Ordinary or Associate or Corresponding) should be utilised by all the courts for all matters pertaining to archives administration. (Resolution VIII of the 23rd Meeting of the Indian Historical Records Commission made similar recommendation for weeding of high court records).
8. Annual Reports of the Court Records Offices should be submitted to the Indian Historical Records Commission through the Governments concerned.
9. Any help required of the Indian Historical Records Commission or National Archives of India should be communicated through the Governments concerned.
10. Facilities should be given to bonafides and responsible scholars to do research among all non-current judicial records whether transferred to the Provincial repositories or are retained in the courts.

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

To
The Secretary to Government,
Education and Public Health
Department, Fort St. George,
MADRAS.

No.2893 DVII/48-1 dated 13th December 1948.

Sir,

Sub:- Collection and gleaning of records relating to the Judiciary of India lying scattered in various High Court Offices.

Ref:- Government Endorsement No.86370-1 C2., Education, dated 7th December 1948.

The letter from the Director of Archives, Government of India, which has been forwarded to this Government for what action may be considered necessary, outlines a scheme for centralising, preserving and throwing open for research all non-current records of the High Courts and the Subordinate Courts of the various provinces. It is suggested that in provinces where there is an organized record office these records should be centralised in that office and the necessary arrangements made there for preserving them and for making them available for research, and that, where there is no organized record office, the High Courts and the Subordinate Courts should themselves organize record offices for these purposes, pending the organization of the provincial record office.

2. It will be seen that the Director of Archives has admitted that Madras is the only province which has a fully organized records office. In this office, therefore, the non-current records of both the High Court and the District Courts ought, according to the plan suggested, be centralised. There can be no doubt that such a centralisation would be advantageous from several points of view, but there have been several practical difficulties which have till now stood in the way of such centralisation. The chief of these is the want of space in the Madras Record Office. The mass of the non-current records of the High Court and the District Courts is too large to be accommodated in any Central Record Office.

3. The only satisfactory way of centralising, preserving and throwing open for research the District Court records is that of centralising them in local record offices in which would be concentrated the records of the District Courts as well as all other important district offices of two or three districts. I have explained the details of the scheme for opening local record offices in my letter No.3163 DVII/46-5 dated 13th June 1947 sent in response to Government Memorandum No.69926 C2/46-3 Education, dated 7th May 1947. Unfortunately, however, this is not the time for organizing local record offices, as they will involve considerable expenditure. (Please see my letter No.110-DVII/48-11 dated 16th October 1948). They can be organized only when financial conditions improve. For the present we have to be content with what has already been done for the preservation of these records. The District Judges, like the better of Departments, have been asked to send, through the High Court, annual reports on the condition of their records, in order to ensure that they are kept, as far as possible, in good condition. Training

has also been given by the Madras Record Office to an attender from each of the District Courts in the art of mending old records, so that they might attend to the repairs of the Court records. So far as making these records accessible for research purposes is concerned, I may say that there has practically been no demand from any student of history till now for consulting them.

4. In regard to the High Court records some of the records have already been centralised, preserved and made available for research in the Madras Record Office. Such, for instance, are the Mayor's Court Records, the Coroner's Records and the Sheriff's Records of the early period. The records of the Supreme Court, the Sadr and the Faujdari Adalat and the non-current records of the High Court itself alone have yet to be centralised in the Madras Record Office. The question of centralising these records has been considered from time to time during the last forty years and it has been agreed that they should be centralised in the Madras Record Office. Recently in 1946 I took up this question with the Registrar of the High Court and suggested that all their non-current records might be transferred to the Madras Record Office after the records were transferred from Chittoor to Egmore. And in order that I might know the space required for these records, I asked him to let me know their bulk. To this he replied that the question of transferring the old records of the High Court to the Madras Record Office had been deferred pending the return of the Madras Record Office to Madras. If the Government have no objection the Registrar may now be asked to state the bulk of these records.

5. Pending the transfer of these records to the Madras Record Office, the High Court is expected, according to the scheme of the Director of Archives, to organize a record office on the lines indicated by him. The High Court will be in a position to say which of the suggestions has already been adopted and which can be adopted now. It may be stated in this connection that an annual report on the condition of its records is received by this office from the High Court and that for the better preservation of the records two of their attenders have been given training in mending and one of their clerks has been given general training in mending as well as archive preservation. This office has also been mending some of the badly damaged documents of the High Court whenever required. It is needless for me to say that this office will always be glad to render whatever help and advice it can to the High Court in archival matters and matters relating to historical research.

Yours faithfully,

CURATOR

15-12-1948

PM
15-12-48

SA/

E & P.H. (C2).

Letter/No.

279. Edn. D. 5² 49

To

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

Hon'ble Sir,

Collection and gleaning of records relating to the Judiciary of India lying scattered in various High Court Offices.

I am directed to invite a reference to this Department Letter No. 56996/48-2-C2.Edn. dated, 23-8-'48 on the subject mentioned above, and to forward, in continuation, a copy of the letter from the Govt. of India, Ministry of Education, No.F.50-34/48.A.2., dated 17-11-'48, with its enclosures, together with the copy of the remarks of the Curator, M.R.O. thereon contained in his letter No.2893-DVII/48-1 dated 13-12-48, for such action as may be considered necessary. I am to request that the Hon'ble the Judges will be so good as to offer their remarks on proposals contained therein. The Curator's letter.

Yours faithfully,

Note:- Home may seen before issue.

The Govt. of India have not called for any report. It would seem sufficient to forward copies of the communications for such action as may be considered necessary by the High Court.



E.P.H. No. 21-1-49



May be perused and returned to

the E.P.H. depn.

E.P.H.

may issue.

No. F.50-34/48.E.I.
Government of India,
Ministry of Education,

New Delhi 3, the

July 1948.

From

Ashfaq Hussain, Esquire,
Deputy Secretary to the Government of India.

To

56996

All Provincial Governments.

SUBJECT:- COLLECTION AND GLEANING OF RECORDS RELATING TO THE
JUDICIARY OF INDIA LYING SCATTERED IN VARIOUS HIGH
COURT OFFICES.

Sir,
Finance Dept.
Stock File.

I am directed to say that the Government of India have had under consideration the question of Collection and gleaning of records relating to the Judiciary of India now lying scattered in the various High Courts. After a careful consideration of the matter, they consider that the only possible way of solving the problem is to arrange for the concentration of all judicial records, whether of High Courts or subordinate courts, as soon as they cease to be required in business, in the repositories of the Provincial or State Governments where such repositories are scientifically equipped. Detailed suggestions in this regard are being framed and will be forwarded to you, as soon as they are finalised, for the consideration of the Provincial Government.

2/- In the meantime, I am to request that, if there be no objection, the High Court in the Province may be asked:

- (i) not to destroy or disperse any records in their custody without authorization from the Government;
- (ii) to arrange for the preparation of descriptive lists of such records; and
- (iii) to follow, as far as possible, the methods of preservation followed in the National Archives of India (vide "Note on methods of Preservation of Records as followed in the National Archives of India, New Delhi", copy forwarded with this Ministry letter No. F.50-34/48.E.I., dated the 7th July, 1948).

E.P.H.C. Yours faithfully,

Enclt no: 56996 C2/48-1

Referred to Curator, M.R.O.

for urgent remarks in continuation
of last. Enclt no: 51451 E.P.H.C2/48-1

for Deputy Secretary.

To The Curator M.R.O.

C.No.91632-E/48.

Let/Ref. No. 56996/48-2 Cg. Edu., dated, 23-8-48

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

Hon'ble Sir,

Collection + gleaning of records
relating to the judiciary of India
lying scattered in ~~various~~ various
High Court offices.

I am directed to forward a copy
of the letter of the ^{Ministry of Education} Govt. of India, No. 950-
34/48-E.I. dated 20-7-48 on the subject
cited above and to request that action
as suggested in paragraph 2 of the letter
may kindly be taken in respect of the

2 4/12

records relating to the Judiciary of this Province.
A copy of the 'Note on methods of Preservation
of Records as followed in the National Archives
of India, New Delhi' referred to in the
letter is also enclosed.

Yours faithfully,

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16.8.48
m
17.8.48

Note: Home may see before issue.

85
16.8.48
m
17.8.48

S
17/8/48
Home Dept.

May be perused and ~~forwarded~~ returned to E. & P. H. Dept.

20/8/48
20/8/48
Done
23/8/48

73120
T 11-3-10/9(I)

Home 73120-8
26/20/8

Copy to the Curator, M.R.O.

28 AUG 1948
18 AUG 1948
HOME DEPARTMENT

E. & P. H. u.o. 596962/48-1
17.8.48

62541

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

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

No. 2013-D-VII/48-1, dated 2nd September 1948.

Sir,

65452

Sub:- Collection and Gleaning of Records relating to the
Judiciary of India lying scattered in various High
Court Offices.

Ref:- Copy of Letter No. 56996/48-2, C-2, Edn., dated 23rd
August 1948.

P. 12.7. I request that a copy of the letter of the Government of India,
Ministry of Education, No. F.50-34/48 E.I., dated 20th July 1948, which
is referred to in the letter cited above, may kindly be supplied to me,

as

16
as it has not been received by me. Only a copy of the "Note on the methods of preservation of records as followed in the National Archives of India, New Delhi" has been received by me.

Yours faithfully,

M. Mahajan
CURATOR.
2-9-1948.

BR.

*Sub
2-9-48.*

*E. P. H.
C₂*

7
Memo. No. 56996/48-3C₂ Edn., dated, 10-9-48.

*254
11/9*
Collection and gleaning of records relating to the Judiciary of India lying scattered in various High Court offices.

P.P. 5-6 d. 7. Ref: From the Curator, N.R.O.,
No. 2013-D-VII/48-1., dated, 2-9-48.

A Copy of the letter from the Govt. of India, Ministry of Education, No. F. 50-34/48. E.1., dated, 20-7-48, is furnished.

P. 10.7.

To

*Add with
enc
12/9/48*
The Curator,
N.R.O.

(With Copy of letter on 7.10.7.)

8/9/48

*JP
8/9/48*

2-9-48

8
16

12/98

12/98

From R.O.C. 6293/48-D6.

AS III
C2
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17

J. Subbuswamy, Esq., M.A., Bar-at-law,
Assistant Registrar, Appellate Side,
High Court, Madras.

To The Secretary to Government,
Education and Public Health Department, Madras.

Dated 11th September, 1948.

Sir,

Sub: Records - Collection and gleaning of records relating
to the Judiciary of the Province.
Ref: Your letter No. 56996/48-2-C2 Education and Public
Health Department dated 23-8-48.

67892 PP. 3-4
ante

The copy of the letter of the Government of India, Ministry
of Education No. F 50-34/48-E.1., dated 20-7-1948 stated to have been
enclosed with your letter cited above has not been received in this
office. The same may please be sent.



J. Subbuswamy
11 Sep 48

Assistant Registrar,
Appellate Side.

P.S. PAG

E.P.H.(C2).

Letter/Ref. No. 56996/48-H C2. Edn., dated, 17.9.48.

To

29
20/9

With and
P.H.
23.9.48

The Honble the Chief Justice of the
High Court of Judicature at Madras,
Madras.

(with enclosure)

(Copy of page 10.7.)

Honble Sir,

Collection and gleaming of
records relating to the
judiciary of India lying
scattered in various High
Court offices.

With reference to the letter
from the Asst. Registrar, Appellate Side,
High Court, Madras, No. R.O.C. 6293/48-DB,
dated,

P. 90.7.

dated, 11-9-48, I am directed to forward a copy of the letter from the Govt. of India, Ministry of Education, No. F.50-34/48-E.1, dated, 20-7-48.

yours faithfully,

16/9/48

16544

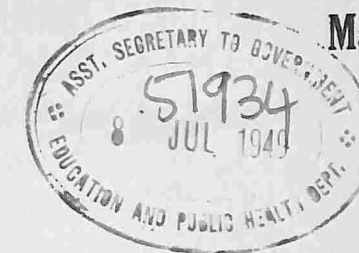
17944

H.Ct. No. 4 (thick)-5,002-28-11-41.

R.O.C. No. 4306/49-D.6.

From
K.N.Ganpati Esq., B.A., Bar-at-law,

Registrar of the High Court of Judicature,
Madras.



To
The Secretary to Government,
Education and Public Health Department,
Fort St. George,
MADRAS.

Dated, Madras, the 6th July 1949.

Sir,

Subject: Collection and gleaning of records relating to the Judiciary of India lying scattered in various High Court Offices.

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

①/1 In this letter No.F.50-34/48-E.1 dated 28th July 1948, the Government of India state that detailed suggestions are being framed and will be forwarded to the provincial Government for consideration as soon as they are finalised. Please state whether the detailed suggestions have been received from the Government of India.

REGISTRAR.

PK.

25/7

53/7
25/7
MS
25/7

[I think that the paper
in the Memo at P
may be filed with P
& also his letter
after care]

pref

↑ 7 of (I)
Letter 279. Edm. refers to
MS 5/2/49

13
Letter Ref. No. 51934-1 C2. Edm.,
25-7-49. C2

The Honble Mr Chief Justice
of the High Court of Judicature
at Madras, Madras.
Honble Sir,

Collection of
records relating to the Judiciary &
Judicial Section in various High
Court of India. Refer Request
letter No. 4306/US D. 606-745

I am directed to inform
a reply to this letter of 5.2.49, for
No 279 Edm. waiting to the details which
received from the Govt. & send in
you please

✓42

1954, 9-11-1954, 11-11-1954, 11-11-1954

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