

CENTRE FOR JUDICIAL ARCHIVES

Beginning of The Journey



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JUDICIAL
ARCHIVES**

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Centre for Judicial Archives

INTRODUCTION

The High Court of Orissa undertook an ambitious project to digitize its records, both legacy and present, in the year 2011. However, not much progress could be made till the year 2021, when the whole project was revisited with a more scientific and integrated approach. It was also decided to include the records of the District Courts in which as a pilot project, four districts viz, Cuttack, Ganjam, Sambalpur and Balasore were chosen. While reorganizing record rooms of the High Court and the four District Courts named above for the purpose of digitization, certain very old records including judgments, dating back to even more than two centuries were stumbled upon. While some of such records were found to be in a fairly good condition, most of the others had been rendered extremely fragile. This necessitated urgent conservation of such records. This also provided solid material for research into the workings of the judicial system in the state in the relevant periods of time.

The High Court also took a decision in the year 2020 to come out with a publication depicting the history of judicial system of the state. The work was entrusted to some judicial officers who researched on the available historical texts, papers and other materials and prepared a draft. But the discovery of old records and judgments in the year 2021 changed the whole perspective in as much as it was felt that the publication ought to be based upon actual research on the said materials along with other available historical texts. A decision was also taken to refurbish the Museum of Justice. Thus was born the Project for Centre for Judicial Archives, Judicial History and Museum of Justice.

THE FIRST STEPS

In an era of increasing enthusiasm for revisiting the past by exploring more unexplored areas, the need of proper preservation of historical records and their collation and sifting is of paramount importance. This objective is believed to be achieved by bringing in place a proper archival system where records of historical importance are not only preserved scientifically but also dissemination and sharing of information is given utmost priority. Since the modern judicial system of Odisha started with the annexation of Odisha by the East India Company in different phases from the second half of the eighteenth century, both the High Court of Orissa and different district courts have left us with thousands of invaluable court case records and documents which not only require proper archiving but also consultation as source materials of history. Realizing the importance of preserving these documentary heritages with an archiving policy and using them as source materials for writing the judicial history of the state, Dr S. Muralidhar, the Chief Justice of the High Court of Orissa in a letter dated 22 March 2022 addressed to the Chief Minister of Orissa solicited the cooperation of Government of Odisha for the project with the three distinct objectives of preservation and digitization of records, documenting the judicial history of the state and revamping the existing museum. The Chief Minister in his reply dated 2 April 2022 by reciprocating the idea, reaffirmed that preservation of the heritage and history of Odisha is one of the stated priorities of his government. He therefore assured his full support for the establishment of the Centre for Judicial Archives, the revamping of the Museum of Justice and the Odisha Judicial History Project.



25th March, 2022

Dear Chief Minister,

Aware of your keen interest in preserving the heritage and historical landmarks in Odisha, I am placing before you a proposal for preserving the heritage and history of the judiciary in Odisha. The idea of having a project for documenting the judicial history of Odisha took seed in the first half of 2021 when we began concerted efforts to streamline the preservation of old case records both in the High Court as well as four District Courts in Sambhalpur, Balasore, Cuttack and Ganjam. That process led to the serendipitous discovery of documents dating back to the early 19th century, which were in a reasonably readable condition, though fragile. A sampling of these documents gave valuable insights into the functioning of the judiciary and of the problems brought before the courts during those times.

The case records of the High Court of Orissa include the old judicial records of three other High Courts: at Calcutta, Patna and Madras. They also include records belonging to the erstwhile High Courts of the princely states of Mayurbhanj, Sonapur and so on. The treasure-trove of historical information contained in the records requires careful physical handling and treatment using the latest scientific techniques before the information is properly identified, collated, preserved and made accessible to researchers and scholars. This would be one limb of the proposed project on the judicial history of Odisha.

Archiving of judicial records would be another major limb of the project. As a preliminary step, old judicial records of pre-1950 vintage have been segregated and kept in separate locations within the District

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Court complexes. As far as the High Court is concerned, these fragile records are kept in a separate room in the Record Room Digitization Centre (RRDC), which is a state-of-the-art facility where records of disposed of cases are currently being preserved and digitized. The High Court has consulted the Intach Conservation Institute, Bhubaneswar on how it should go forward with the task of handling, preserving and digitizing the old fragile case records. The High Court has also consulted the Piloo Mody College of Architecture (PMCA), Cuttack on how the space for handling of fragile records can be appropriately reconfigured for the task on hand. Both Intach and PMCA have jointly prepared the enclosed project report which addresses both the issue of preservation of old fragile records at the High Court of Orissa's RRDC and revamping the Museum of the High Court in Cuttack which is intended to showcase the heritage and history of the judiciary in Odisha.

The third element is the identification of court buildings, court room and judicial structures, landmarks and artefacts of judicial historical importance. It is proposed to identify and declare them as having 'heritage' value and preserving them as such or recreating them in a 'Museum of Justice'.

The joint report of PMCA and Intach includes estimates of the initial outlay for establishing the Judicial Archives Centre and revamping the Museum. As far as the Judicial Archive Centre is concerned, it is proposed that it be headed by a person with sufficient and appropriate experience in preservation and retrieval of old records, assisted by two senior level scholars, one from the field of history/archives and the other from the legal discipline with focus on judicial history. Further, the services of at least four Law Researchers (young law graduates) to examine the judicial records and identify those which are of historical

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Dr. S. Muralidhar
Chief Justice



High Court of Orissa

importance would be required in the next layer. It is also proposed that on a regular basis at least eight law students would assist the project as interns for short periods.

The support of the State Government for the three initiatives viz. (i) the establishment, within the RRDC, of a Centre for Judicial Archives with all modern facilities, (ii) the revamping of the Museum of Justice and (iii) the Odisha Judicial History project in general would require the financial, infrastructural, and personnel support of the State Government.

I would be happy to hear from you on the above proposal.

Warm regards,

Yours sincerely,

(S. Muralidhar)

Shri Naveen Patnaik,
Hon'ble the Chief Minister of Odisha,
Naveen Niwas,
Bhubaneswar.

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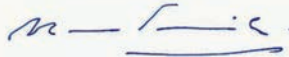
Dear Dr. Muralidhar ji.

I am in receipt of your letter dated 25th March, 2022. I have seen your proposals for the establishment of a Centre for Judicial Archives within RRDC, the revamping of the Museum of Justice and the Odisha Judicial History Project.

Preserving the heritage and history of Odisha is one of our stated priorities and I assure that the State Government will extend all the support to realise these important projects. I am asking the Chief Secretary to take necessary further steps in this regard in consultation with the officials concerned.

With regards,

Yours sincerely,



(NAVEEN PATNAIK)

DR. JUSTICE S. MURALIDHAR,
Chief Justice, High Court of Orissa
Cuttack.

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In pursuance of above the office of the Registrar General of High Court of Orissa submitted a detail proposal to the Government of Odisha regarding establishment of Centre for Judicial Archives on 26 April 2022 which was approved by them vide Home Department's notification no 14386 dated 1 May 2022. On same date the Home Department also sanctioned creation of seven posts i.e. Director cum Officer on Special Duty, two consultants (History and Law each) and four Law Researchers vide their notification no 14380 for the archives. In this process the Centre for Judicial Archives was set up on 1 May 2022.

This centre is the first of its kind in India which at present preserves in its custody about 51, 308 fragile records of the High Court of Orissa and other district courts. At present, the Centre is functioning in Record Room Digitisation Centre (RRDC) Building, an annexe building of the High court of Orissa which is used for the digitization of old records and storage of both Cuttack District Court Records and fragile records of High Court of Orissa.

Since its establishment, the primary objectives of the centre may be classified as follows:

1. Preserving and archiving the old and fragile records of High Court and other district courts of Odisha up to 1950.
2. Acquisition of fragile records from High Court and other District Courts of Odisha, their proper arrangement, scientific preservation, cataloguing, publication and digitization.
3. Allowing access of records to Research Scholars
4. Compilation of the judicial history of Odisha with the assistance of team of officials attached to Judicial archives and the eminent historians of the state.
5. Overseeing the upgradation and expansion of Museum of Justice.

A project of this magnitude and ramifications obviously needed for its effective implementation, a person to oversee and direct the work in the field exclusively. Such a person also needed to be well-versed and well-experienced in the relevant field. Thus, Dr. Lalatendu Das Mohapatra, the former Deputy Director of National Archives of India after being

nominated by the Home Department vide its notification no 14386 dated 1 May 2022 as the Director cum Officer on Special Duty, joined the Centre on 10 May 2022. One Consultant(Law) namely Dr Bijoy Mohapatra and two Law Researchers, namely Rahul Vikram Pathy and Tanuja Meghamala were appointed for a two-year term.

THE PLAN

At the outset a plan was chalked out comprising the following steps:

1. Selecting the agency for archiving records and revamping the museum
2. Approval of the cost-estimate
3. Study of best-practices of other institutions
4. Plan for preservation and conservation of old records
5. Engagement of researcher(s) and staff
6. Selection of land for the Archives
7. Acquisition of materials for the museum and history project

THE PATH

The Committee for Record Room Digitization Centre comprising six Judges was entrusted the work of overseeing the project work in addition to its normal work. The committee is comprised of Justice Debabrata Dash as the Chairman and Justice Sanjeeb Kumar Panigrahi, Justice Mruganka Sekhar Sahoo, Justice Sashikanta Mishra, Justice Biraja Prasanna Satpathy and Justice Sanjay Kumar Mishra as Members. The need for identifying and selecting an agency for the conservation and museum revamping work having adequate expertise and experience was of paramount importance. It was understood that INTACH, a Govt. of India recognized Trust committed to the conservation of heritage of the country had both expertise and experience in the field and had preserved the documentary heritages of many archival institutions and museums and designed/revamped several museums in the state. The Committee therefore, unanimously selected INTACH for the work. On the cost-

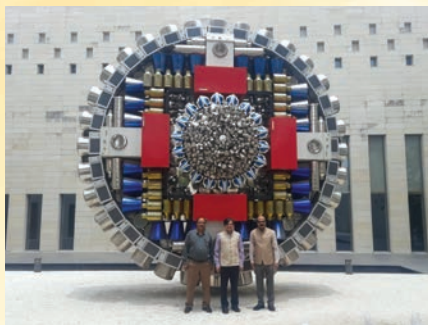
estimate being submitted by the agency, it was approved by the Committee and forwarded to government for its approval.

As a preliminary step, a team headed by the Chief Justice and Justice Sashikanta Mishra, a member of the Committee and the Director cum OSD, Centre for Judicial Archives visited the following institutions in Calcutta, Patna and Madras in June 2022 to have an idea about the preservation, scientific conservation, digitization and archiving of old records and also the mode of display of exhibits in the proposed museum.

1. Alipore District Court, Kolkata
2. Indian Museum, Kolkata
3. Police Museum, Kolkata
4. Patna Museum, Patna
5. Bihar Museum, Patna
6. Khuda Baksh Oriental Public Library, Patna
7. Roja Mutthaiya Library, Chennai



(Police Museum, Kolkata)



(Patna Museum, Patna)



*(Khuda Baksh Oriental Public Library,
Patna)*

That apart, another team led by Justice Sashikanta Mishra and Dr. Lalatendu Das Mohapatra visited the following institutions in June 2022 and January 2023 to study the method of archiving of records and also to collect materials for the museum and the history project.

1. National Archives of India, New Delhi
2. Delhi State Archives, New Delhi
3. National Museum, New Delhi
4. Asiatic Society, Kolkata
5. The Centre for Studies in Social Sciences, Kolkata
6. West Bengal State Archives, Kolkata



(National Archives of India, New Delhi)





(West Bengal State Archives, Kolkata)



(Asiatic Society, Kolkata)



(The Centre for Studies in Social Sciences, Kolkata)

A plot of land measuring 1.88 acres near Odisha Judicial Academy was identified and government was requested to alienate the said land in favour of the High Court.

Upon execution of agreement and issuance of work order on 20 June 2022 and 26 July 2022 respectively INTACH has taken up the work of conservation of old records of the High Court in the first phase. Presently, the conservation Laboratory is housed in the RRDC building.

PROGRESS

Since its establishment the progress of the centre may be summarized as follows:

7. **Acquisition of records:** The Centre in its original repository had 14, 271 records out of which 11,217 were civil cases and 3054 criminal cases(1813-1950). The earlier records belong to Sadar Diwani Adalat and Sadar Nizamat Adalat pertaining to Bengal, Madras and Central Provinces. Subsequently on 15 July 2022, 1999 files kept in the existing High Court Museum were transferred to its custody. Thereafter 3606 files from the judgeships of Sundergarh, Bolangir, Puri, Keonjhar, Balasore, Koraput, Mayurbhanj and Kalahandi have been added to the collection. Besides, 31,432 files of District Records Room, Cuttack which is also functioning in RRDC building also form an important constituent of the archival collection of Centre for Judicial Archives. At present, the total strength of archival collection stands at 51, 308 files in which the earliest one dates back to 1808.

Since Persian was the official language till 1839, all these case records till 1839 are exclusively in Persian. Thereafter, along with Persian, English and other vernacular languages such as Odia, Bengali and Telugu are found to have been used in the judgment. But the use of Odia is also found in records from as early as 1840 in the district court of Balasore, immediately after government order for use of vernacular was issued in 1839. Besides, Odia is also used frequently in the courts of the princely states such as Keonjhar, Dhenkanal and

Patnagarh in the 19th century. By the end of the 19th century Odia and English had totally replaced Persian in almost all the courts in Odisha.

Efforts for transcribing of records in different languages was made and in the process a Persian scholar, Dr. Muzaffar Islam, former Assistant Director of National Archives, New Delhi was requested to visit the Centre and to survey the 800 odd pages of Persian documents for a full-text translation or transcribing for preparation of a descriptive catalogue. He went through about 50 files and suggested guide lines for proper binding and digitization of the documents for easy reading of the same. Since the whole process according to him would take around two years, the further course of action is being worked out.

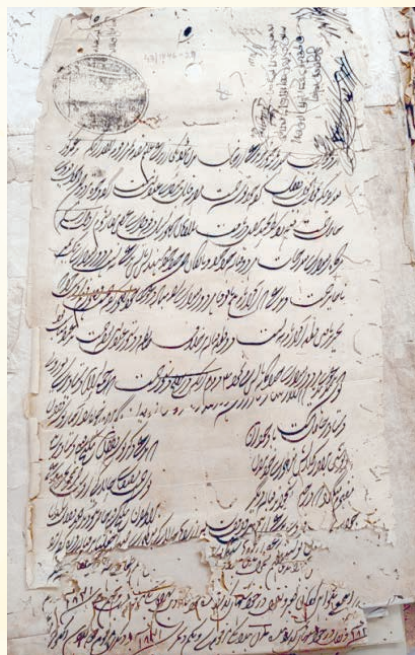
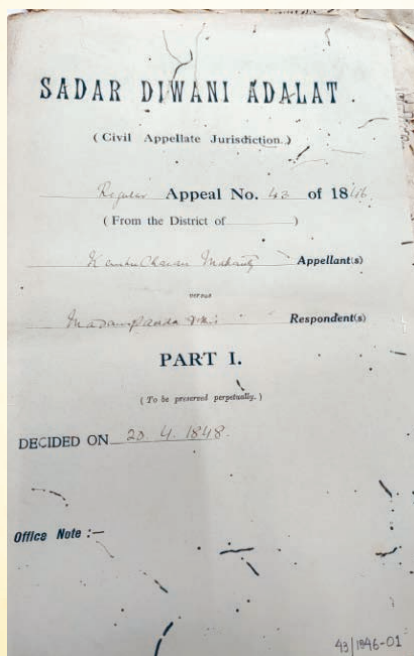
8. **Preservation:** At the time of setting up of the centre most of the files were worm eaten and in fragile condition. Their repair and scientific preservation was therefore the main priority. In view of this the preservation work has been assigned to INTACH, which has been repairing and preserving the records. While repairing the records, the modern parameters of fumigating, lining, guarding, stitching and binding are followed. The files are fumigated in a digitally controlled vault where required temperature can be regulated without causing any damage to the files. After fumigation the files are de-stitched and sheets are chemically washed. In this process the insects are killed and fungus are removed after which all pages are restored. All the sheets are laminated with Japanese/German tissue paper. The specialty of this tissue paper is that they can be delaminated without causing any harm to the sheet. Until December 2022, INTACH has repaired 768 files out of 808 files handed over to them.
9. **Cataloguing:** For retrieval of information, cataloguing of records is necessary. The Centre has so far made provisional cataloguing of 9,537 files. In the provisional catalogue Case No with date, name of the parties, no of pages, languages used and overall condition of records are mentioned. Preparation of a descriptive catalogue of these records is also under active consideration which will be taken up in due course.

10. **Digitization:** Though section 1 of the Odisha Gazette (Extraordinary), High Court of Orissa's notification dated 13 September 2021 stipulates destruction of any judicial records, books or papers after their conversion to electronic format in accordance with Section 7 of the Information Technology Act, 2000, the fragile records upto 1950 shall not be destroyed because of their archival value. While digitizing the records the same parameter are to be followed as much as possible as in the case of non-fragile records. As per the applied parameters

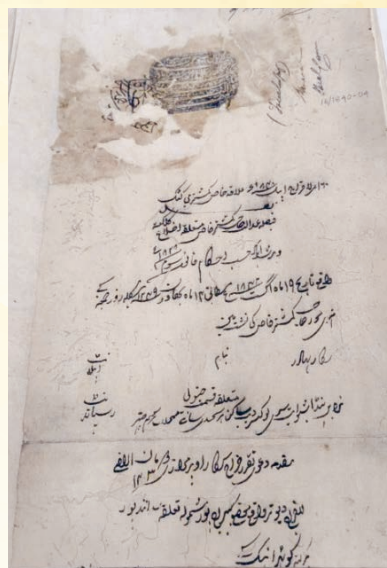
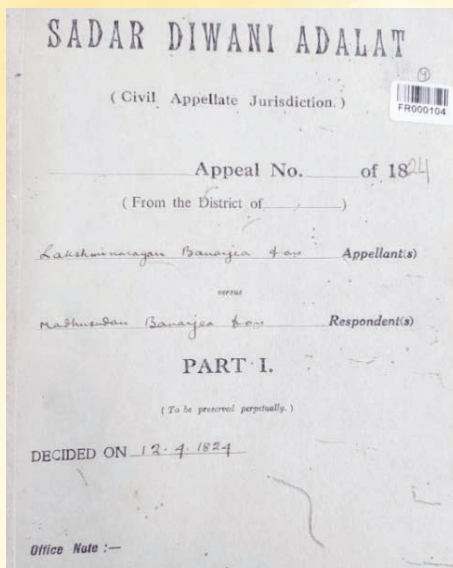
- Each case record shall be applied with a barcode sticker so that the data that will be captured from the record will be readable using the barcode reader.
- Each scanned case record shall be indexed in accordance with the indexing parameters of the physical case record in such manner that the prescribed software accurately identifies every indexed document available in the scanned record.
- Each scanned page shall be converted to PDF in Optical Character Recognition (OCR) mode. Each PDF file shall be segregated according to indexing parameter.
- Every scanned record shall be provided with adequate and proper meta data.
- The agency entrusted with the work of scanning and digitization shall use necessary technology to ensure that the scanned and digitized documents stored in the server shall remain accessible, readable and printable without affecting the information originally generated, sent and received for posterity.
- Though the database containing the digitized records of the court shall be accessible in the local area network(LAN) of the court, in future all archival records may be uploaded in the website for the free access of the scholars. For accessing this method the system practiced in National Archives may be followed. As per this practice, all scholars intending to consult these records will have to register with Centre for

Judicial Archives. After their online registration the web master will provide them an user ID and password which the scholar will use to access these records. He/ she will only read the records without being able to download them. In case they need any digitized copy for their research work they will have to apply separately and will be provided the soft copy on payment.

- While handing over records for digitization, the agency will ensure that duplicate copies of any part thereof are removed to avoid needless scanning.
- The Centre has so far digitized 2970 second appeal cases from 1901 to 1950. After preservation works started by INTACH, they have digitized so far 201 files/3755 sheets so far.



(BEFORE CONSERVATION- Different Files)



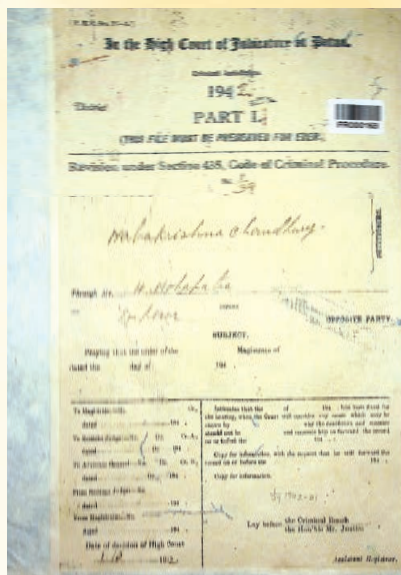
(AFTER CONSERVATION)



(CONSERVATION PROCESS)



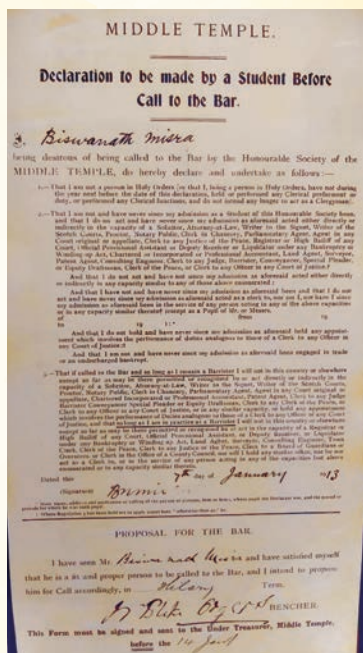
(FUMIGATION CHAMBER)



(DIGITIZATION)

11. Judicial History Project : Though compilation of Judicial History is one of the very important projects launched formally along with the inception of Centre for Judicial Archives, a draft titled, ‘ Judicial History of Odisha- A Journey through Time’ was prepared by judicial officers headed by Justice Sashikanta Mishra in 2017. This work is a broad outline of the judicial system of Odisha starting from ancient Odisha, medieval, later medieval, Maratha and British periods which is being used as reference tool for building up a larger and more detailed project of the kind. Since the expansion and upgradation of Museum of Justice and inception of Centre for Judicial Archives are part of this project, any related work and collection of materials relating to them are treated as part of the compilation of judicial history project. In this connection both Justice Sashikanta Mishra and Dr Lalatendu Das Mohapatra during their visit to Asiatic Society, West Bengal State Archives, Centre for Studies in Social Sciences, Kolkata have collected many materials for the judicial history project. Besides, the team of officers and researchers of judicial archives led by the Director cum OSD have also collected some materials from National Archives of India, Odisha State Archives and Samaj office for the project.

Several contacts have also been made by Director cum OSD, Centre for Judicial Archives with families eminent personalities including, First Barrister of Odisha, and First Chief Justice of High Court of Orissa, Bira Kishore Ray. Shri Surya Mishra, grandson of Shri Biswanath Mishra has donated few literatures and photographs of Shri Biswanath Mishra. Mr. Prasanta Kishore Ray, the grandson of Bira Kishore Ray has also provided few literatures on Bira Kishore Ray, Sukanta Kishore Ray and Urmimala Ray.



(Donated items by Mr. Surya Kumar Mishra)

As a prelude to this project, a workshop on Archival Management & Preservation of Archival Records was held on 9 April 2022 in Odisha Judicial Academy in which the resource persons from National Archives of India, New Delhi, Roja Muthaia Library, INTACH and Piloo Mody College of Architecture were invited. Though this was a workshop on Archival Management the deliberation and discussion also provided the impetus for the Judicial History Project.



Inaugural address by Dr. Justice S. Muralidhar, Chief Justice, High Court of Orissa

Hon'ble Chief Justice Dr. S. Muralidhar formally launched the Odisha Judicial History Project. He stated that the exercise of archiving of judicial records, by treatment of fragile records, retrieving the information contained therein, preserving it and making it accessible for research by digitisation, would be taken up initially for the records of the High Court and the District Court at Cuttack. Based on the outcome, it could be implemented in the rest of the District Courts in Odisha.



By Hon'ble Mr. Justice D. Dash, Judge, High Court of Orissa

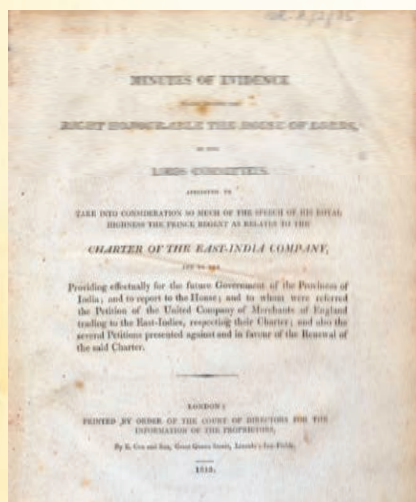
The object of the Record Room Digitisation Centre was explained to emphasise the need of documenting the Judicial history of Odisha discussing the importance considering the functioning of the robust Judicial System during the British period which was maintained wholly independent from the Rulers. It was stated that, having such legacy of records which are presently stored in Fragile Record Room of RRDC, the initiatives of the High Court of Orissa for developing a "Research Centre for Judiciary in Odisha" and to have a "Museum of Justice" can only be possible with the sensitisation and training of Staff.



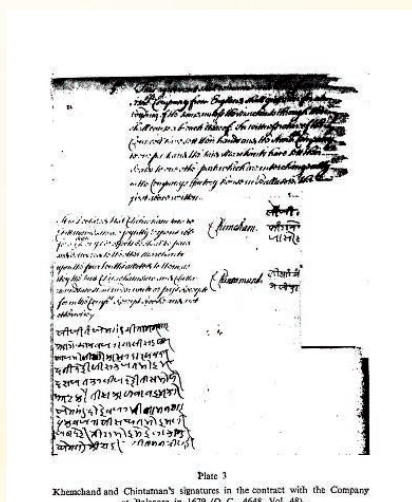
(Workshop on Archival Management)

As per the rest of the work in the compilation of judicial history project is concerned several materials have already been collected while several others have been identified for collection at different places such as, National Archives of India, British Library, West Bengal State Archives, Odisha State Archives, Asiatic Society and National Library etc. The law researchers are proposed to be deputed to these institutions for the purpose. Besides Dr Bijoy Mohapatra is also compiling a bibliography and Dr Lalatendu Das Mohapatra by using the free access to British Library given to him by Adam Mathew Agency has collected some useful information from their holdings which along with the draft compiled by Justice Sashikanta Mishra may be used as reference for compiling the detail project. It is expected to be ready for publication as early as possible, preferably within the next six months.

Further, as a part of collecting more credible materials for museum and judicial history project, the Chief Justice desired to explore the possibility of collecting materials from British Library, London the largest repository of primary source materials on India. As per his advice an online meeting was held with the Library Representatives on 11 January 2023 under his chairmanship attended by other members of RRDC committee, Registrar



(British Library)



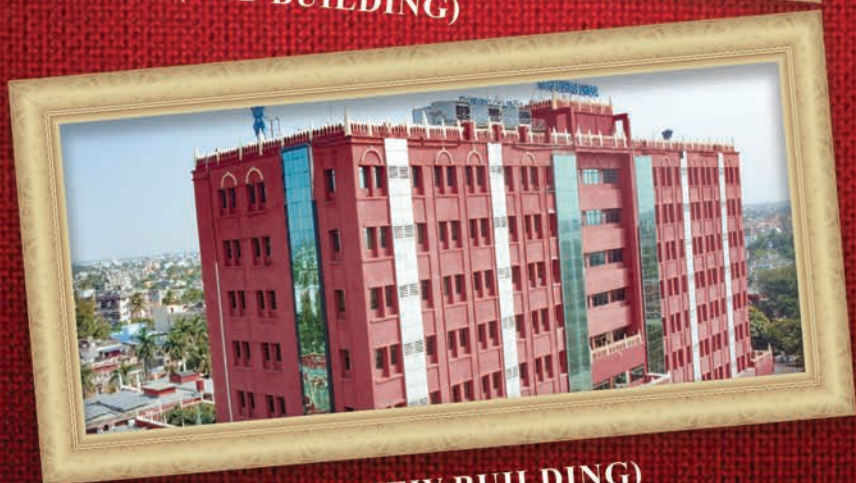
(Source: Sushil Chowdhury, *Trade and Commercial Organisation in Bengal, 1650-1720*)



**(HIGH COURT BUILDING
PRE INDEPENDENCE)**



(OLD BUILDING)



(NEW BUILDING)