

Closed
57 ✓
E.H.H. (1950) Department.

MS SERIES. (1)

G.O. NO. 430 Edu

Dated 11. 2. 50.

(9)

[Despatch Abstract.]

M.R.O — Access to records — Srinmathi.
A.k. Vasuimathi. — Permission to consult
records relating to the "Separation of judiciary
from the Executive" — Not sanctioned.

Back Papers.

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

Further Papers.

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

No. 2956-D.7/49-1.

Madras Record Office,
Chittoor, 1st December 1949.

From

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.

Sir,

Sub:- Search - Access to records - Miss A.K.
Vasumathi - Permission to consult records.

I enclose a letter which I have received from Sri T. Balakrishnan Nayar, Professor of History and Politics, Presidency College, Madras, recommending an application of Srimathi A.K. Vasumathi, a research student working under him, for permission to consult the originals and copies of records available in this office from the earliest period to the present day relating to the subject of her research, "Separation of the Judiciary from the Executive with special reference to Madras".

2. According to the rules governing the access of the public to the records in this office for purposes of bona fide historical research, the sanction of the Government is necessary for consulting the records belonging to the Revenue Department after 1800 and other departments after 1856. Recently even confidential records have been thrown open for research. (Please see Government letter No. 50040/48-4 C.2, Education, dated 5-2-1949 to the Secretary to the Government of India, Ministry of Education). But the records of the last 50 years being current records, the originals of the records of this period whether confidential or non-confidential are not thrown open to research. Only printed copies of the records placed at the disposal of the press during this period are made available to research students.

3. The research student, it may be seen, desires to consult the records relating to "Separation of the Judiciary from the Executive with special reference to Madras" from the earliest period to the present day. A search on this subject was made by me in 1946 in connection with a reference received from the Legal Department and an exhaustive note was prepared by me and submitted to the Government. The note was of a confidential nature. Some time afterwards, I remember to have read in the newspapers that a question was asked in the Legislative Council whether the Government would place a copy of my note on the table and that it was then stated that the note was confidential and that it would not be placed on the table. The Government have also till now not made public the report of the Rajah Ayyar Committee which considered the note in connection with its investigation on the subject. Moreover the subject is of living interest and is also of a controversial nature and various opinions have been expressed upon it by several persons, official and non-official, some of whom are still living. In these circumstances I submit it for the consideration of the Government whether permission should be granted to Srimathi Vasumathi to consult the records on the subject available in this office.

4. My note referred to above has been printed and copies of it may be available in the Legal Department.

Yours faithfully,

M. A. Balakrishnan
CURATOR,
-12-1949.

M. A.
1.12.49.

CPS.

From

T. BALAKRISHNAN NAYAR.
M. A. (MADRAS); M. A. (LONDON).
PROFESSOR OF HISTORY AND POLITICS,
PRESIDENCY COLLEGE.



Madras.

16. 11. 49.

To the Curator..
The Madras Record Office,
Madras.

Sir, The bearer Miss. A. N. Vasumathi, B.A. Hons. has been a research student working under my direction for the Ph.D. degree of our University, her subject of research being "Separation of the Judiciary from the Executive with special reference to Madras." I shall be very thankful to you if you will kindly allow her access to records in your office which she may want to consult.

Yours faithfully,
T. Balakrishnan Nayar.



Mehen Bhavan
20, Brahmin St.,
Saidapet,
Madras 15
26. 11. 49

From: Miss. A.K. Vasumathi B.A. (Hons)
Research Student in Politics
Presidency College, Madras

To: The Curator
The Madras Record Office,
Chittoor

Sir,
I am a research student in Politics working on the subject of 'The Separation of the Judiciary from the Executive, with special reference to Madras' for the Ph.D degree. I shall indeed be very grateful to you if you will kindly permit me to have access to all the necessary records - originals and copies - from the earliest period to the present day available at the Record Office in Madras and Chittoor.

As I have to submit my thesis next August I request you to be so good as to kindly permit me to look into the earlier records at least immediately.

Thanking you.

Yours faithfully
A.K. Vasumathi
(Research Student)

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T. BALAKRISHNAN MAYAR
(MADRAS) M.A. (LONDON)
PROFESSOR OF HISTORY AND POLITICS
PRESIDENCY COLLEGE
MADRAS

To the Curator
The Madras Record Office,
Chittoor

Sir,
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CM. 94295/49.

51/11-2
H/1-24
10/2

To
The Curator,
M.R.O.

(Lr) E.H.P.H. (92) 7

M.R.O. - Access to records - Srimathi. A.K. Vasumathi - Permission to consult records relating to the 'Separation of Judiciary from the Executive' - Not Sanctioned.

Ref : From the curator, M.R.O no 2958-D7-49-1 dated 1.12.49.

Order/MS 430 - Edn. 11-2.50
The curator is requested to inform Srimathi. A.K. Vasumathi, Research Student in Politics, Presidency College, Madras, that her request ^{for access to} ~~to forward~~ the records relating to the ~~subject~~ "Separation of Judiciary from Executive" cannot be complied with.

6.2.50
7.2.50
8.1.50

Notes

(16)

E.H.P. H. (92)

CR 94295/49.

M.R.O - Search - Access to records -
Miss. A.K. Vasumathi - Permission to
consult records relating to the Separation
of Judiciary from the Executive

Ref: From the Curator, M.R.O. No. 2956-D. 7/49-1
dated. 1.12.49.

Public (Sep) and Legal
Home Dept's may be requested to offer
remarks at the first instance with reference
on the curator's letter at pp 1-2 cf. - Vide
the para 3 of the Curator's letter
on p 2 cf.

4.1.50

5-1-50

Pub (Sep)
Legal

E.H.P. H. 94295-4/49-1
5.1.50.



PUBLIC (SEPARATION-A) DEPARTMENT

The note of E & P.H. overleaf and the letter of the Curator, M.R.O., Chittoor on pp.1-2 c.f. may be perused.

The Curator desires to be informed whether permission may be granted ^{to} for one, Srimathi A.K. Vasumathi, a Research student, for looking into the records relating to the Separation of the Judiciary from the Executive, available in the M.R.O. from the earliest period to the present day.

It may be noted, in this connection that the said Research student applied for and obtained permission ^{in 1948} to look into all relevant papers concerning the Separation of the Judiciary from the Executive, available in this department, ~~in 1948~~. Orders in circulation then were that such of the records as ~~were~~ not of a confidential nature ^{might} be made available to her. This was done. In answer to a Legislative Council Question by Sri Adityan, M.L.C., whether the note prepared by the Curator in 1946 for ^{the} use of the Separation Committee would be made available, it was ordered that as the note was of a confidential nature, it could not be placed on the Table of the House. Hence the Curator may be informed that the permission sought for has to be negatived. ^{in so far as it relates to Mr. Bahja's Note.} _(which is a)

The statement of the Curator in p.2 c.f. that the report of the Rajah Ayyar Committee is not made public is not correct. The Report of the Rajah Ayyar Committee ^{has been published and} is available to the public ~~and can be had~~ from the Superintendent, Government Press, on payment of Rs.12.

With these remarks the case may be passed on to Legal.

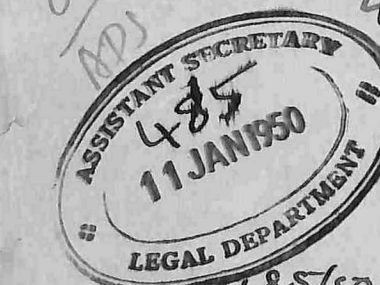
LEGAL DEPARTMENT.

This Department agrees with the views of Public (Separation).

In view of the notes of Pub (Separation) and Legal, it does not appear that permission to consult any



Pub (Sepm).
U.O.N
89/50-1
10.1.50.



Legal No 485/50-1
12-1-50.

Any Records, how - ⁴ The Research has
been shown all the Non-Confidential
papers on the subject in 1948

Please see A on p. 2 ante -

The Comator may be informed
that the Raja Aiyar Committee's
report is available ^{to the} with

The S.G.P. for 12 Annas -

Wm (E.L.) may see ^{for orders}

Whether the permission may be
Refused -

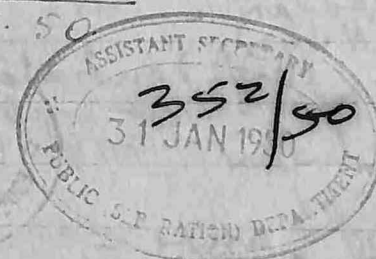
25/1/50

28-1-50

S
H.M. (E.L.)

E.S.H. 942950/2/50-2

31. 1. 50



Public (Separation-A) Department.

With reference to the note of the
Secy. (E.&P.H.), ^{above} it may be pointed out

that Dr. Baliga's note is marked 'Confdl.' as

some of the materials therein were obtained from the Records
Office notes and Govt. files which have not been published.

and that it may also be noticed that the Report of the Rajah
Ayyer Committee does not refer to the note of Dr. Baliga, nor ^{has}
any passage from the note has been extracted in the report.

The answers given by the then H.M. (Home) to an inter-
pellation by a M.L.C. at 'A' on p. 13 of (F), ^{may also be perused.} clearly govern
the points at issue. In the circumstances permission asked for
by the research students ^{may have to be} has been negatived.

With these remarks the case may be returned to E.&P.H.

1.2.50

1.2.50

1.2.50

Apart from the technical aspect of
the matter (being ^{that it is} a confidential
paper which ~~was~~ intended only for
a particular use) it is seen from a

perusal of the Note [pp. 1-24 & 70] ^{that}
that its publication is likely to ~~occasion~~
afford ~~no~~ considerable ^{trouble} for much
unwelcome discussion and even mischief.
The 'Note' contains verbatim extracts from
files of minutes of offls. & administrative
many of whom are living. Hence it seems
that prudence requires that this official

and confidential document
should not be published. (E.P.H.)
may kindly consider this aspect
of the matter also.

94295/45/32

for
1/2/50

A.D.S. / [E.P.H.]

Col
3/2

Recd (Sejm)
U.O.N. 89/50-2
4.2.50

E.P.H. (42).

Please see the notes further notes of
Public [Dep] at pp 5-6 n.f. In view
their notes, the permission applied for
the petitioner may be ~~rejected~~ refused.



A draft order below is for approval.
H.M. (E+L) may see. No case
for orders under the draft below may be issued.

See
6.2.50.

7.2.50 8.1.50 S

May see from page 5 -
In view of the reasons given by
Public Dept, may refuse inspection
of Dr Baliga's note

H.M. (E+L)

9
2

ol
17
22

