

Howe (1919) Department.

Miscellaneous

Crown SERIES.

G.O. No. 1370
-71.

DATED 4-10-29

[Despatch Abstract.]

Memorial rules.

Addressing the Government of India regarding the addition of a clause to rule 11 of the rules for the submission of petitions to the Government of India to the effect that the petition submitted by a person who has no locus standi in the matter may be withheld.

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Financial (Pension) Department.

Extract of notes on petition from M.R.Ry. A. Venkatachalla Mudaliyar, retired Superintendent, Accountant-General's Office dated 17-6-19 re: grant of life certificates to pensioners /disposed of by G.O.193 Pension, dated 28-8-19:-

x

x

x

I dont understand his locus standi in this case. He is not asking for some concession for himself under the rules but apparently that the rules should be modified in a way that does not concern him. Surely such a petition cannot lie ~~every~~ or every busybody would be petitioning.

N.E.M. 17-8-19.

As pointed out by the Chief Secy: it is submitted that the petitioner has no locus standi in the matter. But it is respectfully submitted that there is no rule in the B memorial rules under which the memorial to the Govt. of India can be withheld except under rule 11(15) of the rules as indicated by the U.S.

x

x

x

S.S. 22-8-19.

This is not the first time lately that we have had to consider petitions put in by people who are not directly concerned in the matter at issue. This the Rajah of Ramnad wrote to protest against the Editor of a little paper in Tanjore having to pay an increased security. It was never found that he was correct in his facts. Again various

NOTES.

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various persons have put in petitions about the release of Darisi Chenchayya. Again there is this retired official who wants to petition the Govt. of India to see that the A.G. uses his discretion better.

It is therefore suggested that the B Memorial rules should contain another clause to be numbered 11(17) When the petition is by a person who has no locus standi in the matter which forms the subject matter of the petition.

After all the enforcement of these rules is admittedly discretionary, but at present the Sectt: seems bound to send on a petition that cannot be rejected under them.

The present draft may issue.

E.M.G. 25-8-19.

C.S.

Issue. The question raised above may be taken up separately.

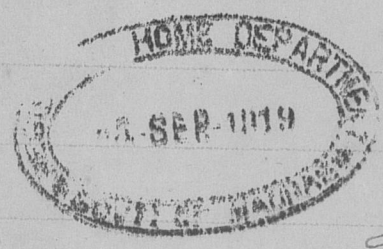
A.Y.G.C.
26-8-19.

(P)
Issued as L.O. No 1937 (1919)
28.8.19

AK

3
H. (Pen) Dept.
B. Memorial rules

Please see on page 4
Exhibit ~~at~~ DP of notes to G.O. 193 Pen of 28.8.19
H.S.'s notes and C.S.'s remarks thereon
regarding a proposal to add another
clause to the B memorial rules. To
B
several questions re: Petition rules
are dealt with in Home (Mis) Dept.
Pub. that the file may be sent to
to H. Dept.
for further action.



C. No 5753 Home (Mis) Dept.

5-5-19

28/8/19
29/8/19

Home No. 1.
E.M. 1.

For the Reg.

Home (Mis) Dept.

(M)

The latest rules
regulating the submission of petitions
to the Govt of India are those
promulgated in Home Dept. (Public)
Notification No 534 of 30.6.16 (G.O. No.
1415 Public of 26.7.16). There is no
specific provision in these rules under
which petitions put in by people who
have no locus standi in the matter
can be
withheld by the local Govt.

But the Political Department Memorial Rules contain a regulation to the effect that when the memorial refers to matters in which the memorialist is not personally interested, its transmission can be withheld: - vide clause (b) of rule 6 of the rules under sec I, printed in G.O. No 104 P.O. of 22.2.1910, and also rule 6 (b) under Sec II of the rules on pp 2-3 of G.O. No 420 P.O. of 4.9.15. It may be pointed out

It may be pointed out in this connection that the Govt of India have, however, ruled on a previous occasion that memorials not relating to personal concerns of the writers need not be treated under the Memorial rules: - vide their letter No 198 Irrigation

of 25. XI. 1886. ^{reference in that case was} ~~no order of the Government~~ ^{authorities returned to the petitioner} ~~no order of the Government~~ ^{in the lines} ~~no order of the Government~~ ^{draft order and letter to India submitted for consideration} It is for orders as to whether they may now be addressed to insert a new clause to rule 11 of their letter in rules, suggested by the Civil Dept.

12.9.19 15.9.19 16.9.19

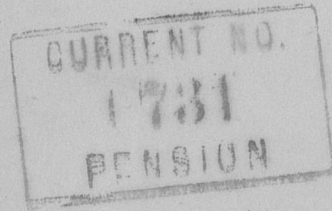
The Memorial rules apply only to memorials, a communication in which the writer is not interested is not a memorial. So it appears to me that we have power to withhold such "memorials" & further the suggested form is out of place in the memorial rules.

Does Secy "shall want the reference to issue?"

1878/4



H. M. 100 5753 + 18.9.4



Aug: 22-9-19

Final (Per) Dept.

The instructions of the C. of P. W. D. contained in their letter 16. 1883 of 25. 11. 1886 that documents treating of matters in which a memorialist is not personally concerned need not be treated under the Memorial rules have not been communicated to other depts. of the Sect. With refer. to Home Secy's remarks above it is subd. for orders whether the draft letter to the C. of I. should issue.

Submitted that the Oxpri dictionary says a memorial is a "statement of facts on the basis of a petition". I do not understand the Home Secy point. J. S. 22.9.19

NOTES.

I should be inclined to send the letter to the
Govt of India.

all
30.8.4

Home no

Home (misc.) Dept.

Pension no 731-1

30.9.4

Rep

Submitted for orders.



La
1.10.19.

Ca
21.10.19

Issued

4/10/19

RECEIVED
1881
20100000

READ AGAIN G.O. No. 1415 Public, dated 26--7--1916. 191x (M)

” ” ” ” ” 191

C. No. 5753, From the _____, No. _____, dated _____ 191

” ” ” ” ” ” 191

" ")) " , " 191

No. 1370, dated 4-20, 1919.

The Government of India will be addressed.

A.R.
12.9.19

C.R. 16.9.19

Letter. 1374 → 4. 1029

The Secy. to the Govt. of India,
Home Department.

Sir,

I am directed to address you on the subject of an addition to the rules regarding the submission of petitions to the Govt. of India promulgated in Home Dept. (Public) Notification No.534 dated the 30th June 1916. I am to state that there have, lately, been instances in which the Madras Govt. have had to con-

sider

G.O. 1415 Publi (M)
26.7.16

consider petitions put in by people who are not directly concerned in the matter at issue and that in the absence of any discretionary power vested in the local Government to withhold such petitions, they have necessarily to be forwarded to the Govt. of India. His Excellency the Governor in Council is of opinion that petitions of this nature should rightly be withheld. Discretion to withhold such petitions is given to local Governments in respect of those intended for the Political Department of the Govt. of India - Vide para 6(6) of the rules forwarded with Foreign Dept. letter No.244-G, dated 29-1-10. I am also to invite attention to letter from the Govt. of India, P.W.D., Civil Works, Irrigation, No.198-I, dated 25-11-86, in which the opinion was expressed that petitions which did not treat of matters in which the memorialists were personally concerned, need not be treated under the memorial rules. The memorial in that case, which was sent back to the local Govt., was returned to the petitioner. His Excellency the Governor in Council considers that memorial rules should be self contained ~~memor~~ covering all possible cases and in that view ^{include} specific provision ~~for rejecting~~ ~~petitions of the description referred to above as in the Political Dept. memorial rules.~~ I am accordingly directed to suggest for the consideration of

for No 104 Pol (M)
22-2-1910

(K)

His Excellency the Governor General in Council that the following may be added as clause (17) to rule 11 of the memorial rules above referred to:-

"When the petition is by a person who
"has no locus standi in the matter which
"forms the subject matter of the petition".

A.R. 12.9.19
S.A. 15.9.19.

I have etc.

17-9-19

by
Cmpt

When given for copying

When copied

When examined

When signed

191

READ AGAIN G.O. No.
191

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

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LETTER GOVERNMENT

STATEMENT WITH LITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.—

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