

(1) Number of pages 24  
(2) Date of repair 7/86  
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# TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

P.W.D DEPARTMENT

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| G.O. No. | 1968      | Press. |
| B.P. No. |           | Mis.   |
| Dated    | 26-4-1878 | 197    |

Not to be folded or roughly handled.

Archives I—10,006—19-4-79.

H. Mani

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

8th April 1878, No. 628.

Memorials.

Read the following paper :—

No. 54. *Notification from the Government of India, Home Department (Public), dated Fort William, 29th March 1878, No. 707.*

The following rules for the submission, receipt, and transmission of memorials and other papers of the same class, addressed to Her Majesty the Queen, Empress of India, or to the Right Honorable the Secretary of State for India, by private persons or by officers of all Civil Departments, are published for general information; and the rules published under Home Department Notifications, No. 3742, dated 21st August 1867, and No. 1461, dated 31st July 1877, are cancelled :—

I.—No memorial will be received or attended to unless forwarded as hereinafter prescribed.

II.—Every memorial should be accompanied by a letter requesting its transmission to the authority to which it is addressed.

III.—Every memorial addressed to Her Majesty or to the Secretary of State for India should be forwarded through the Local Government under which the writer is residing or is employed.

IV.—Memorials to Her Majesty or to the Secretary of State from persons in the Madras and Bombay Presidencies should be forwarded direct by the Local Government, with a full statement of facts and an expression of opinion, except in the case of memorials which relate to any rule or standing order of the Government of India, or which, if granted, would cause expenditure for which the Imperial and not the Local Government would be primarily responsible, or which relate to any legislative proceeding of the Governor-General in Council. Such memorials should be forwarded with a covering letter containing a full statement of facts and an expression of opinion to the Government of India in the department having cognizance of the subject-matter of such memorial, by which department the memorials will be transmitted to the Secretary of State.

V.—Memorials to Her Majesty or to the Secretary of State from persons in Bengal, the North-Western Provinces and Oudh, or the Punjab, should be forwarded by the Local Government, with a full statement of facts and an expression of opinion, to the Government of India in the proper department for transmission to the authority addressed.\*

\* Appeals by private persons from the orders of Lieutenant-Governors lie, in the first instance, to the Governor-General in Council. An appeal to the Secretary of State will lie only in the event of an appeal to the Governor-General in Council having been rejected.

VI.—Memorials to Her Majesty or to the Secretary of State from persons in the minor Administrations—the Central Provinces, British Burma, Berar, Mysore, Coorg, and Assam—should be forwarded with a full statement of facts and an expression of opinion by the Chief Commissioner, or other officer charged with the administration of the Province, to the Government of India in the proper department for transmission to the authority addressed.†

† In these minor Administrations also appeals by individuals from the orders of the Chief Commissioners, &c., lie, in the first instance, to the Governor-General in Council and thereafter to the Secretary of State.

VII.—No limit is fixed to the time within which an appeal from an order of the Governments in India must be preferred to the Home Government, except in the case of appeals from a Judicial decision in which the Judge is a political officer and in which the appeal ordinarily lies to Government in the Political Department. Such appeals‡ must be preferred within a period of twelve months from the date of communication to the persons concerned of the order to which objection is taken.

‡ When a judicial decision of the nature referred to has been communicated to the party or parties concerned before the 31st July 1877, he or they may appeal from such decision within eighteen months from that date.

VIII.—Memorials may be transmitted either in manuscript or in print, but must, with all accompanying documents, be properly authenticated by the signature of the memorialist on each sheet.

IX.—Memorials, together with their accompanying documents, should be in English. If the accompanying documents must necessarily be forwarded in the vernacular, an English translation should be appended, which should be attested by the signature of the memorialist.

N.B.—It will be well for the transmitting office to examine such translations, and if they are found to be incorrect or faulty, to notice the fact in sending on the memorial.

X.—It is not necessary that memorials should be forwarded in duplicate or triplicate. The originals will invariably be transmitted to England, a copy being made and retained by the Government of India, if necessary, for record.

XI.—As a general rule, the transmission to England of a memorial duly forwarded through the proper channel will not be delayed by the transmitting Government in India beyond a month after the receipt of such memorial.

XII.—Governments and Administrations in India are vested with discretionary power to withhold the transmission of memorials addressed to Her Majesty or to the Secretary of State in the following cases:—

- 1.—When a memorial is illegible or unintelligible.
- 2.—When a memorial contains disrespectful or improper language.
- 3.—When a second memorial is presented after a decision has already been given by the authority to which it is addressed and when no new facts or circumstances are adduced which afford grounds for a reconsideration of the case. A memorial addressed to Her Majesty by a person whose appeal to the Secretary of State has already been rejected, shall be held to be a second memorial to the same authority and shall not be transmitted.
- 4.—When a memorial is a mere application for pecuniary assistance by a person manifestly possessing no claim.
- 5.—When a memorial is an application for employment under one of the Governments in India from a person not belonging to the covenanted service.
- 6.—When a memorial is a mere appeal from a judicial decision.
- 7.—When a memorial is addressed by an officer still in the public service and has reference to his prospective claim to pension.

XIII.—The Government of India may withhold the transmission of a memorial addressed to Her Majesty or to the Secretary of State unless the memorialist has previously memorialised the Government of India and the Local Government concerned on the same subject.

XIV.—A list of memorials withheld under the discretionary power conferred by Rule XII will be forwarded quarterly to the Government of India in the case of memorials withheld by Local Governments under the same discretionary power, and by the Government of India in the department concerned to the Secretary of State.

(Signed) J. O'KINEALY,  
Offg. Secy. to the Govt. of India.

No. 16-708.

Copy forwarded to all Local Governments and Administrations for information and guidance.

Copy forwarded to the several departments of the Government of India for information with reference to their No. , dated

Copy forwarded to the Superintendent of Port Blair and the Nicobars, Director-General of the Archaeological Survey of India, Sanitary Commissioner with the Government of India, Secretary to the Board of Examiners, and the Registrar of the Calcutta University for information.

(Signed) J. O'KINEALY,  
Offg. Secy. to the Govt. of India.

To the Government of Madras.

No. 55. ORDER THEREON, 8th April 1878, No. 628.

Communicated to the Departments of the Secretariat and to the Honorable the Judges of the High Court.

(True Extract.)

D. F. CARMICHAEL,  
Chief Secretary.

To the Revenue Department.  
„ the Military Department.  
„ the Public Works Department.  
„ the Honorable the Judges of the High Court, with covering letter.  
„ all Heads of Departments under the Chief Secretary.

Exd. T. O'Connor.

APRIL 5, 1904.]

FORT ST. GEORGE GAZETTE.

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MEMORIAL RULES.

Fort St. George, April 5, 1904..

No. 179.—The following are republished for information :—

A.

RULES FOR THE SUBMISSION, RECEIPT AND TRANSMISSION OF MEMORIALS AND OTHER PAPERS OF THE SAME CLASS ADDRESSED TO HIS MAJESTY, OR TO THE RIGHT HONOURABLE THE SECRETARY OF STATE FOR INDIA.

[Notifications of the Government of India, Home Department (Public), dated the 29th March 1878, 24th May 1878, 30th January 1879, 7th November 1879, 24th September 1880, 18th March 1881 and 30th October 1882.]

- I. No memorial will be received or attended to unless forwarded as hereinafter prescribed.
- II. Every memorial should be accompanied by a letter requesting its transmission to the authority to which it is addressed.
- III. Every memorial addressed to His Majesty or to the Secretary of State for India should be forwarded through the Local Government under which the writer is residing or is employed.
- IV. Memorials to His Majesty or to the Secretary of State from persons in the Madras and Bombay Presidencies should be forwarded direct by the Local Government, with a full statement of facts and an expression of opinion, except in the case of memorials which relate to any rule or standing order of the Government of India, or which, if granted, would cause expenditure for which the Imperial and not the Local Government would be primarily responsible, or which relate to any legislative proceeding of the Governor-General in Council, or to an Act to which the Governor-General in Council has assented, or which relate to a case which has been previously under the consideration of the Government of India, whether on appeal or otherwise. Such memorials should be forwarded with a covering letter containing a full statement of facts and an expression of opinion to the Government of India in the Department having cognizance of the subject-matter of such memorial, by which Department the memorials will be transmitted to the Secretary of State.
- V & VI. These do not apply to the Madras Presidency.
- VII. Memorials to His Majesty or to the Secretary of State from persons who have been employed in the Army should, if they relate to military subjects, be forwarded through the Lieutenant-General Commanding the Forces of the Command in which the memorialists have served. The Lieutenant-General will forward them, with a full statement of facts, and an expression of opinion, to the Government of India in the Military Department for transmission to the authority addressed.
- VIII. No limit is fixed to the time within which an appeal from an order of the Government in India must be preferred to the Home Government, except in the case of appeals from a judicial decision in which the Judge is a Political officer, and in which the appeal ordinarily lies to Government in the Political Department. Such appeals must be preferred within a period of twelve months from the date of communication to the persons concerned of the order to which objection is taken.
- IX. Memorials may be transmitted either in manuscript or in print, but must, with all accompanying documents, be properly authenticated by the signature of the memorialist on each sheet and must conclude with a specific prayer.
- X. Memorials, together with their accompanying documents, should be in English. If the accompanying documents must necessarily be forwarded in the Vernacular, an English Translation should be appended, which should be attested by the signature of the memorialist.
- XI. It is not necessary that memorials should be forwarded in duplicate or triplicate. The originals will invariably be transmitted to England, a copy being made and retained by the Government of India, if necessary, for record.
- XII. As a general rule, the transmission to England of a memorial duly forwarded through the proper channel will not be delayed by the transmitting Government in India, beyond a month after the receipt of such memorial.
- XIII. Governments and Administrations in India are vested with discretionary power to withhold the transmission of memorials addressed to His Majesty or to the Secretary of State in the following cases :—
  - (1) When a memorial is illegible or unintelligible.
  - (2) When a memorial contains disrespectful or improper language.
  - (3) When a second memorial is presented after a decision has already been given by the authority to which it is addressed, and when no new facts or circumstances are adduced which afford grounds for a reconsideration of the case. A memorial addressed to His Majesty by person whose appeal to the Secretary of State has already been rejected, shall be held to be a second memorial to the same authority, and shall not be transmitted.
  - (4) When a memorial is a mere application for pecuniary assistance by a person manifestly possessing no claim.
  - (5) When a memorial is an application for employment under one of the Governments in India from a person not belonging to the covenanted service.
  - (6) When a memorial is a mere appeal from a judicial decision.
  - (7) When a memorial is addressed by an officer still in the public service and has reference to his prospective claim to pension.

Govt. of 1878

PUBLIC.

To THE REVENUE DEPARTMENT,

&c, &c, &c,

Dated April, 8th.

Forwarded

Recd.

G.O., 8th April 1878, No. 628.

APRIL.

Nos. 54-55.

Memorials.—Communicating Notification of Government of India containing Rules for the submission, receipt, and transmission of memorials, &c., to Her Majesty the Queen or the Secretary of State by private persons or officers of all Civil Departments.

- (8) When a memorial is an appeal against an order of a Local Government regarding the dismissal, removal, reduction or other punishment of a Government servant whose salary was not more than Rs. 100 a month; or when it is an appeal against similar orders of a Local Government confirmed by the Government of India from a Government servant whose salary was not more than Rs. 250 a month.
- (9) When a memorial is a mere appeal against the non-exercise by one of the Governments or Administrations in India of a dispensatory discretion vested in such Government or Administration by law or rule.
- (10) When a memorial is an appeal against a decision by any local, municipal, or other authority, which by any law or rule having the force of law is declared to be final.
- (11) When a memorial is an appeal against the action of a private individual, or of a body of private individuals, regarding the private relations of the memorialist and such individual or body.
- (12) When a memorial is an appeal against orders refusing the grant of a pension to an inferior servant who is not eligible for such grant under the pension rules.

XIV. The Government of India may withhold the transmission of a memorial addressed to His Majesty or to the Secretary of State, unless the memorialist has previously memorialised the Government of India and the Local Government concerned on the same subject.

XV. A list of memorials withheld under the discretionary power conferred by Rule XIII will be forwarded quarterly to the Government of India in the case of memorials withheld by Local Governments under the same discretionary power, and by the Government of India in the Department concerned to the Secretary of State.

### B.

#### RULES FOR THE SUBMISSION, RECEIPT AND TRANSMISSION OF MEMORIALS AND OTHER PAPERS OF THE SAME CLASS ADDRESSED TO HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

(Notifications of the Government of India, Home Department, dated the 11th October 1889, 30th October 1891, 13th July 1893, 1st May 1895 and 21st January 1898, and letter of the Home Department No. 1077-1-55 B., dated 3rd October 1890.)

Note.—(1) In these rules, the words Local Government include a Local Administration, the Commander-in-Chief in India, and a Lieutenant-General Commanding the Forces; and also, except as regards rule 3 (7), section III, the head of a department directly under the Government of India.

(2) These rules do not apply to non-pensionable subordinate, clerical and menial establishments employed in the construction and working of State Railways, to whom Circular No. VI, Railway, Public Works Department, dated 1st June 1888, applies.

(3) These rules apply so far as may be to all memorials, letters and applications, etc., addressed to the Governor-General in Council.

(4) The rules in sections I and III apply also to petitions by persons, no longer in military employ, who have served in the Army or the Royal Indian Marine, or have been attached to regiments or batteries or to the staff or departments of the Army in any capacity.

### SECTION I.

#### *Petitions from private persons or public bodies.*

1. Every petition to the Government of India, whether it bears immediately on a matter of Imperial policy or has reference to the orders or the general policy and action of Local Government, should be forwarded through the Local Government under which the petitioner is residing or is employed. But there is no objection to the petitioner's forwarding simultaneously a duplicate copy of the petition to the Government of India, if he so desires, provided that he marks it as a "duplicate".

1-A. A petition from a person who has been removed from, or has left the service of Government, relating to his removal from the service or to claims arising out of his service, should be forwarded through the Local Government under which the petitioner was employed.

2. A petition may be either in manuscript or print, but must, with all accompanying documents, be properly authenticated by the signature of the petitioner, or when the petitioners are numerous, by one or more of them, and it must conclude with a specific prayer.

3. Every petition should be accompanied by a letter addressed to the Local Government requesting its transmission to the Government of India, and when any order of a Local Government is appealed against, by a copy of such order, as well as of any orders passed in the case by subordinate authorities.

4. Communications on matters connected with any Bills before the Council may be addressed either in the form of a petition to the Governor-General in Council or in a letter to the Secretary in the Legislative Department, and must in either case be sent to the Secretary to the Legislative Department. Ordinarily such communications will not be answered. Except in the case of the High Court at Fort William, such communications from Courts, officials, or Public bodies should be sent through the Local Governments.

### SECTION II.

#### *Petitions from officers in civil employ.*

1. Every officer wishing to petition the Government of India should do so separately.
2. Every petition should be submitted through the head of the office or department to which the petitioner belongs and be forwarded by him through the usual official channel. But there is no objection to the petitioner transmitting a duplicate to the Government of India direct, provided that he marks it as a "duplicate".
3. No officer may submit a petition in respect of any matter connected with his official position unless he has some personal interest in such matter.
4. No notice will be taken of a petition relating to any matter connected with the official prospects or position of an officer still in the public service, unless it is submitted by the officer himself.

### SECTION III.

#### *Rules for observance by Local Governments in regard to the transmission or withholding of Petitions.*

1. Petitions should be forwarded to the Government of India by the Local Government with a concise statement of material facts and (unless there be special reasons for not doing so) an expression of opinion.

If the petition is an appeal against an order of dismissal from Government service, the papers submitted by the Local Government should show whether the charge against the petitioner was reduced to writing; whether his defence was taken and reduced to writing; and whether the decision was in writing.

2. When the petition is not in English, the Local Government should transmit a translation with it.

3. Local Governments are vested with discretionary power to withhold petitions addressed to the Government of India in the following cases:—

- (1) When a petition is illegible or unintelligible.
- (2) When a petition contains language which, in the opinion of the Local Government, is disloyal, disrespectful or improper.
- (3) When a previous petition has been disposed of by the Secretary of State or the Governor-General in Council, and the petition discloses no new facts or circumstances which afford grounds for a reconsideration of the case.
- (4) When a petition is an application for pecuniary assistance by a person manifestly possessing no claim.
- (5) When a petition is an application for employment from a person not in the service of Government.
- (6) When a petition is an appeal from a judicial decision with which the executive has no legal power of interference.
- (7) When a petition is an appeal against an order of the Local Government upholding on appeal the dismissal, removal, reduction, or other punishment of a Government servant whose salary was not more than Rs. 100 a month.
- (8) When a petition is an appeal against a decision which by any law or rule having the force of law is declared to be final.
- (9) When a petition is an appeal in a case for which the law provides a different or specific remedy, or in regard to which the time limited by law for appeal has been exceeded.
- (10) When a petition is an appeal against an order or decision of the Local Government, and is made more than six months after the communication of such order or decision to the petitioner without satisfactory explanation of the delay.
- (11) When a petition is addressed by an officer still in the public service and has reference to his prospective claim for pension, except as provided in article 995 of the Civil Service Regulations.
- (12) When a petition is an appeal against the non-exercise by the Local Government of a dispensatory discretion vested in it by law or rule.
- (13) When a petition relates to a subject on which the Local Government is competent to pass orders and no previous application for redress has been made to the Local Government.

4. If a petition is withheld, the petitioner should be informed of the fact and the reason for it.
5. A list of petitions withheld under Rule 3, with the reasons for withholding them, shall be forwarded quarterly to the Government of India in the department concerned.

### C.

#### RULES FOR THE SUBMISSION AND RECEIPT OF PETITIONS AND OTHER PAPERS OF THE SAME CLASS ADDRESSED TO THE GOVERNMENT OF FORT ST. GEORGE.

1. Persons having cause of complaint against any servant of Government, civil or military, shall, in the first instance, seek redress from the officer in whom the local authority is vested, who, if unable to grant the redress sought, shall pass an order in writing to that effect. If dissatisfied with this decision, the petitioner shall be at liberty to address the Board of Revenue or Court, or superior civil or military authority, by which the local authority is controlled; or he may address the Government, in cases wherein there is no intermediate authority.

II. The Government will not receive a petition on any matter, unless it shall appear that the petitioner has first applied to the local authority, and also to the Board of Revenue or other controlling authority, where such exists. The petitions addressed to such local and controlling authorities, or copies of them, and the answers or orders of those authorities respectively, if any shall have been passed, must be annexed to the petition addressed to Government.

III. In order to enable Government to maintain the foregoing rule, without injustice or hardship to complaining parties, all heads of offices will understand that a party affected by an order is entitled to have, on application, a copy of the order, which should contain full details of the grounds of the decision. This is to be furnished to him, on plain paper, and without payment.

IV. Government will receive petitions only from principals; addresses running in the name of a vakil or agent will receive no attention. Anonymous petitions will be totally disregarded.

V. Petitions addressed to Government will be liable to summary rejection in the following cases:—

- (1) When a petition is illegible or unintelligible.
- (2) When a petition contains language which, in the opinion of Government, is disloyal, disrespectful or improper.
- (3) When a previous petition has been disposed of by the Madras Government, the Governor-General in Council, or the Secretary of State and the petition discloses no new facts or circumstances which afford grounds for a reconsideration of the case.
- (4) When a petition is an application for pecuniary assistance by a person manifestly possessing no claim.
- (5) When a petition is an appeal from a judicial decision, with which the executive has no legal power of interference.
- (6) When a petition is an appeal against a decision which by any law, or rule having the force of law, is declared to be final.
- (7) When a petition is an appeal in a case for which the law provides a different or specific remedy, or in regard to which the time limited by law for appeal has been exceeded.
- (8) When a petition is addressed by an officer still in the public service, and has reference to his prospective claim for pension, except as provided in article 295 of the first Edition of the Civil Service Regulations.
- (9) When a petition is an appeal against the non-exercise by Government of a dispensatory discretion vested in it by law or rule.
- (10) When a petition is an appeal against the decision of a duly constituted Court of Law in a Native State in political relations with Government.
- (11) When a petition is an appeal against any order prejudicially affecting a Government servant who is in receipt of a salary not exceeding Rs. 50 a month, if an appeal against such order has already been decided by an officer superior to the officer passing the order.

VI. As the Governor in Council never interferes with the distribution of subordinate appointments applications for situations in the gift of heads of departments will also remain unnoticed.

VII. The mode and channels through which all ranks of effective military officers and men should make known any complaint or grievance to superior authority are clearly laid down by the regulations of the service.

VIII. The foregoing general regulations for petitions are applicable in the Military Department to the following classes:—

- 1st.—Persons, not in the public service, residing within the limits of Military bazaars; camp-followers.
- 2nd.—Contractors for military supplies; abkari contractors.
- 3rd.—Military pensioners.
- 4th.—Persons having claims on Government in any Military Department either on their own account or on account of services rendered to the State by deceased relatives.

IX. Every officer wishing to petition the Government should do so separately.

X. Every petition must be submitted through the head of the office or department to which the petitioner belongs or belonged. But there is no objection to the petitioner transmitting a duplicate copy of his petition direct to the Government, provided that he marks it as a "duplicate."

XI. The head of the office or department will at once forward the petition to the Government through the ordinary official channel, and may make such remarks, as he may consider necessary, in regard to the accuracy of the statements made and inferences drawn in the appeal petition; he will also forward such records, not submitted by the appellant, as should properly be consulted in order to the disposal of the appeal.

XII. No officer may submit a petition in respect of any matter connected with his official position unless he has some personal interest in such matter.

XIII. Applications from unpassed candidates wishing to obtain appointments in the public service and praying for exemption from the examination rules must be made to the head of the department which they wish to enter. Applications submitted direct to Government will remain unnoticed.

XIV. (1) Every petition from an inhabitant of a Native State under the political control of the Madras Government must be submitted through the British Resident or Political Officer of the State in which the petitioner resides.

(2) There is no objection to a petitioner transmitting a duplicate copy of his petition direct to the Government, provided that he marks it as a "duplicate."

(3) The Resident or Political Officer will forward the petition to the Government of Madras with such report on the case as may be necessary.

XV. Petitions from the Carnatic stipendiaries, or on the subject of Carnatic stipends, should be submitted through the Paymaster, Carnatic Stipends.

XVI. Petitions from Political pensioners, other than Carnatic stipendiaries and from Kandyan pensioners, or on the subject of Political pensions other than Carnatic, should be submitted through the Government Agent or the Collector of the district in which the petitioners reside.

## D.

RULES REGARDING THE SUBMISSION OR WITHHOLDING BY LOCAL GOVERNMENTS OR ADMINISTRATIONS AND BY OFFICERS OF THE POLITICAL DEPARTMENT OF THE GOVERNMENT OF INDIA OF PETITIONS, MEMORIALS AND OTHER PAPERS OF THE SAME CLASS RELATING TO MATTERS AFFECTING PERSONS OR PLACES UNDER THEIR POLITICAL CHARGE, WHEN SUCH PETITIONS OR OTHER PAPERS ARE ADDRESSED TO THE GOVERNMENT OF INDIA, TO HIS MAJESTY THE KING, EMPEROR OF INDIA, OR TO THE RIGHT HONOURABLE THE SECRETARY OF STATE FOR INDIA.

## I.—Memorials, etc., addressed to the Government of India

1. Every memorial must be submitted to the Political Officer of the State within whose jurisdiction the subject-matter has arisen, accompanied by a copy of the order appealed against and by a letter requesting its transmission to the authority to which it is addressed.

2. Memorials may be transmitted either in manuscript or in print, but must, with all accompanying documents, be properly authenticated by the signature of the memorialist on each sheet.

3. Subject to the exceptions hereinafter contained every memorial received which conforms to the above rules should be forwarded by the Political Officer through the usual official channel, with a concise statement of material facts and, unless there be special reasons to the contrary, an expression of opinion.

4. Memorials, together with their accompanying documents, should be in English. If the accompanying documents must necessarily be forwarded in the vernacular, an English translation should be appended, which should be attested by the signature of the memorialist on each sheet.

N.B.—The transmitting officer should examine such translations, and, if they are found to be incorrect or faulty, notice the fact in sending on the memorial.

5. Every memorial should be accompanied by copies of all the orders passed in the case by the authorities who have dealt with it in India.

6. Local Governments, Administrations and Political Officers in direct subordination to the Foreign Department of the Government of India are vested with discretionary power to withhold memorials addressed to the Government of India in the following cases:—

- (1) When the memorial is illegible or unintelligible.
- (2) When the memorial contains language which, in the opinion of the authority who would otherwise forward it, is disloyal, disrespectful, or improper.
- (3) When a previous petition of the memorialist (which term includes a rejoinder submitted by the memorialist in answer to a previous petition of some other party) has been disposed of by the Secretary of State or the Governor-General in Council, and the petition discloses no new facts or circumstances which afford grounds for a reconsideration of the case.
- (4) When the memorial relates to a matter which is within the competence of the Local Government, Administration or Political Officer to dispose of, and no application has previously been made to such Government, Administration, or Political Officer for redress.
- (5) When the memorial is an appeal preferred more than twelve months after the date on which the memorialist was informed of the order against which he appeals.
- (6) When the memorial refers to matters in which the memorialist is not personally interested.

7. Provided they do not contravene the condition specified in the preceding section, memorials which are appeals against orders passed by Local Governments, Administrations and Political Officers in direct subordination to the Foreign Department of the Government of India, in the exercise of political control in territories not included in British India, shall be forwarded, except in the following cases in which a discretionary power to withhold the memorials may be exercised:—

- (1) When the order appealed against has been passed by the Local Government, Administration, or Political Officer as a recognized Court of Appeal in regard to a judgment or order of any Court of civil or criminal jurisdiction established or continued by the Governor-General in Council in such territories.
- (2) When the order appealed against is a mere refusal to exercise political control in regard to a judgment or order of any special Court established by the Governor-General in Council in such territories, from which Court there is, by its constitution, no appeal, though a general political control over it is declared or understood to exist.
- (3) When the order appealed against is a mere refusal to interfere in a matter of purely internal policy with the action or orders of the Ruler of a Native State of which the memorialist is a subject: provided that the State is one in which it is not customary for the British Government to intervene in matters of internal policy, and that the matter complained of does not disclose a state of misrule so gross that the paramount power would be called upon to interfere.

N.B.—This rule applies to a temporary Administration established in a Native State by the Governor-General in Council when the temporary Administration is appointed to exercise the same powers and occupy the same position as the Native Administration which it supersedes.

8. Memorials from persons\* in such territories which are not covered by these rules may be treated under the memorial rules of the Home Department when they are applicable.

\* E.g., petitions from Government servants about diamical, pensions, etc.

*II.—Memorials, etc., addressed to His Majesty the King, Emperor of India, or to the Secretary of State for India.*

1. Every memorial must be submitted to the Political Officer of the State within whose jurisdiction the subject-matter has arisen, accompanied by a copy of the order appealed against and by a letter requesting its transmission to the authority to which it is addressed.

2. Memorials may be transmitted either in manuscript or in print, but must, with all accompanying documents, be properly authenticated by the signature of the memorialist on each sheet.

3. Subject to the exceptions hereinafter contained, every memorial received which conforms to the above rules should be forwarded by the Political Officer through the usual official channel, with a concise statement of material facts, and, unless there be special reasons to the contrary, an expression of opinion.

4. Memorials, together with their accompanying documents, should be in English. If the accompanying documents must necessarily be forwarded in the vernacular, an English translation should be appended, which should be attested by the signature of the memorialist on each sheet.

*N.B.*—The transmitting officer should examine such translations, and if they are found to be incorrect or faulty, notice the fact in sending on the memorial.

5. Every memorial should be accompanied by copies of all the orders passed in the case by the authorities who have dealt with it in India.

6. Local Governments, Administrations and Political Officers in direct subordination to the Foreign Department of the Government of India are vested with discretionary power to withhold memorials addressed to His Majesty or to the Secretary of State in the following cases:—

- (1) When the memorial is illegible or unintelligible.
- (2) When the memorial contains language which, in the opinion of the authority who would otherwise forward it, is disloyal, disrespectful, or improper.
- (3) When a previous petition of the memorialist (which term includes a rejoinder submitted by the memorialist in answer to a previous petition of some other party) has been disposed of by the Secretary of State, and the petition discloses no new facts or circumstances which afford grounds for a reconsideration of the case.
- (4) When the memorialist has not previously appealed to the Government of India (or the Government of Madras or Bombay, as the case may be), and received the decision of the Governor-General (or Governor) in Council upon it.
- (5) When the memorial is an appeal preferred more than twelve months after the date on which the memorialist was informed of the order against which he appeals.
- (6) When the memorial refers to matters in which the memorialist is not personally interested.

7. Provided they do not contravene the condition specified in the preceding section, memorials which are appeals against orders passed by the Governor-General in Council (or Governor in Council in Madras or Bombay, as the case may be), in the exercise of political control in territories not included in British India shall be forwarded, except in the following cases, in which a discretionary power to withhold the memorials may be exercised:—

- (1) When the order appealed against has been passed by the Government of India, Madras or Bombay (as the case may be), as a recognised Court of Appeal in regard to a judgment or order of any Court of civil or criminal jurisdiction established or continued by the Governor-General in Council in such territories.
- (2) When the order appealed against is a mere refusal to exercise political control in regard to a judgment or order of any special Court established by the Governor-General in Council in such territories, from which Court there is, by its constitution, no appeal, though a general political control over it is declared or understood to exist.
- (3) When the order appealed against is a mere refusal to interfere in a matter of purely internal policy with the action or orders of the Ruler of a Native State of which the memorialist is a subject: provided that the State is one in which it is not customary for the British Government to intervene in matters of internal policy, and that the matter complained of does not disclose a state of misrule so gross that the paramount power would be called upon to interfere.

*N.B.*—This rule applies to a temporary Administration established in a Native State by the Governor-General in Council when the temporary Administration is appointed to exercise the same powers and occupy the same position as the Native Administration which it supersedes.

\* *E.g.*, petitions from Government servants about dismissal, pensions, etc.

8. Memorials from persons\* in such territories which are not covered by these rules may be treated under the memorial rules of the Home Department when they are applicable.

*III.*—List of memorials to the Secretary of State and of petitions to the Government of India withheld under the discretionary powers conferred by the above rules will be forwarded quarterly to the Government of India in the Foreign Department.

*IV.*—When a petition or memorial is withheld, the writer should be informed of the fact and of the reason for withholding it.

M. HAMMICK,  
*Ag. Chief Secretary.*

## JUDICIAL DEPARTMENT.

## LEAVE.

No. 154.—Mr. E. B. Powell, Government Pleader, Madras, leave for seven months, from or after the 28th April 1904, under article 653 of the Civil Service Regulations.

No. 155.—Mr. C. H. Travers, Acting Commissioner of Police, Madras, privilege leave for one month, from or after the 18th April 1904, under article 260, Civil Service Regulations.

## INVESTITURE OF POWERS.

*Fort St. George, March 31, 1904.*

No. 156.—Under section 357 of the Code of Criminal Procedure (Act V of 1898), the under-mentioned officer is authorised to take down the evidence of witnesses with his own hand in the English language:—

M R.Ry. Vorkadi Rama Row Avargal, First-class Magistrate, in the district of Bellary.

*Fort St. George, April 5, 1904.*

No. 157.—Under the provisions of section 2, Act XII of 1890, "An Act for the appointment of persons to the office of Kazi," His Excellency the Governor in Council is pleased to appoint Muhammad Jihangir Sahab, son of Badruddin Sahab, as Kazi of Coimbatore, Thondamuthur, Podanur, Edayapalayam and Telungapalayam, in the district of Coimbatore.

No. 158.—Under section 12 of the Code of Criminal Procedure (Act V of 1898), the undermentioned officer is appointed to be a Magistrate of the First class, and under section 37 he is invested with all the powers specified in the fourth schedule as powers which the Government may confer on a Magistrate of that class, except the power to try cases summarily under section 260:—

M.R.Ry. Valavaram Srinivasachariar Avargal, Acting Deputy Collector and Magistrate, in the district of North Arcot.

No. 159.—Under section 12 of the Code of Criminal Procedure (Act V of 1898), the undermentioned officer is appointed to be a Magistrate of the Second class, and under section 37 he is invested with all the powers specified in the fourth schedule as powers which the Government may confer on a Magistrate of that class, except the power to pass orders as to first offenders under section 562:—

Mr. J. L. Jacques, Acting Deputy Collector, in the district of South Canara.

## NOTIFICATIONS.

*Fort St. George, March 10, 1904.*

No. 152.—Under the provisions of section 9 of the Indian Petroleum Act, 1899 (VIII of 1899), it is proposed to make the following amendments in the rules to regulate the granting of licenses to possess or transport petroleum in the Presidency of Madras published at pages 138—145 of Part I of the *Fort St. George Gazette*, dated the 2nd February 1904. Notice is hereby given that the said draft will be taken into consideration on or after the 20th April 1904.

2. Any objections or suggestions which may be received from any person with respect to the draft amendments before the aforesaid date will receive due consideration.

## DRAFT AMENDMENTS.

(1) Add the following as clause 8 to rule 10:—

(2) The issue of a general license to transport petroleum granted under this rule shall be immediately notified by the licensing authority in the *Fort St. George Gazette* in the following form:—

It is hereby notified that a general license has been granted under section 11 of the Indian Petroleum Act, 1899 (VIII of 1899), to \_\_\_\_\_ residing at \_\_\_\_\_ in the district of \_\_\_\_\_ to transport in bulk (or otherwise than in bulk) Petroleum other than dangerous petroleum by rail, by road, or by water (as the case may be) within the Presidency of Madras.

The license will continue in force till the \_\_\_\_\_ day of \_\_\_\_\_ 190 \_\_\_\_\_

STATION \_\_\_\_\_  
Date \_\_\_\_\_  
Secretary to Government,  
President, Municipal Commission, Madras,  
or Magistrate.

If the general license is for the transport of petroleum in bulk particulars as to the marks and numbers of the wagons, ships or carts shall be appended to the notification.

(2) For form II substitute the following :—

## II.

Pass to be granted by the Holder of General License No. for the transport of Petroleum other than Dangerous Petroleum.

No. This pass covers cases containing gallons of petroleum being the property of while in transport from to  
Dated 190 . Holder of General License No.  
granted by the Chief Secretary to Government, the President of the Municipal Commissioners of the City of Madras, or Magistrate and notified at page of Part of the Fort St. George Gazette, dated the 190 .

## ENDORSEMENT ON FORM II.

## Rules.

[Here enter rule 10, sub-rules (3) to (7), under section 9 of Act VIII of 1899.]

## General Condition.

1. The number of the general license under cover of which the petroleum is transported shall be legibly marked on a conspicuous part of the vehicle used for the conveyance of petroleum.

## Condition when the Petroleum is being conveyed by Ship.

The petroleum shall be stored in such part of the ship and in such manner as may be approved by the licensing officer, or any officer appointed by him in writing in this behalf.

## Conditions when the Petroleum is being conveyed by Boat.

1. No smoking or fire shall be allowed in the boat in which the petroleum is being carried.
2. The boat conveying the petroleum shall from sunrise to sunset, show at its stern a red flag, eighteen inches long and twelve inches broad, having the words "Petroleum Boat" marked on it in black letters.

## Condition when the Petroleum is being conveyed by Cart.

The carts conveying the petroleum shall not move after sunset or before sunrise or carry any light.

## Condition when the Petroleum is being conveyed by Rail.

The petroleum shall be subject to all the regulations which may, from time to time, be prescribed generally or specially in that behalf by the Railway authorities of the line or lines over which it may be conveyed.

Fort St. George, April 5, 1904.

No. 160.—In exercise of the powers conferred by section 9 of the Indian Petroleum Act, 1899 (VIII of 1899), His Excellency the Governor of Fort St. George in Council is pleased, with the previous sanction of the Governor General in Council, to make the following modification in rules 11 and 12 of the rules to regulate the importation, possession, sale and transport of carbide of calcium in the Madras Presidency, published at pages 74-80 of the Fort St. George Gazette, Part I, dated 21st January 1902, as amended by notification No. 475, published at page 1177 of Part I of the Fort St. George Gazette, dated 25th November 1902 :—

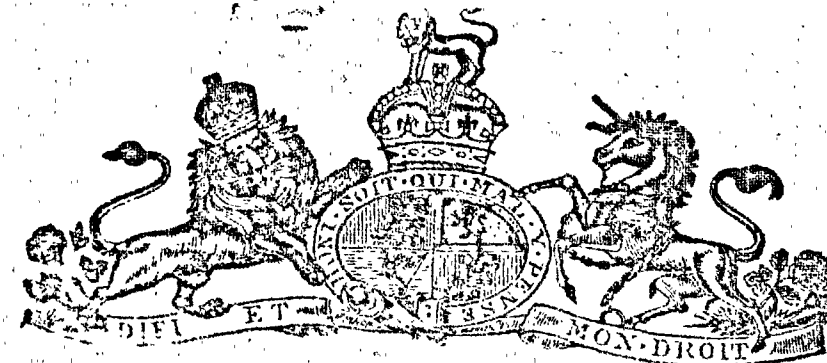
At the end of rules 11 and 12 the words "the license shall cover transport from the place of deposit under rule 3 to such building" shall be added.

Fort St. George, March 31, 1904.

No. 161.—Under the provisions of section 5 of the Indian Registration Act, III of 1877, His Excellency the Governor in Council is pleased to direct that, from and after 1st May 1904, the sixteen villages hereinafter named which now form part of the registration sub-district of Tenkasi be transferred to and constitute a new registration sub-district under the designation of "the Registration sub-district of Puliur" in the registration district of Tinnevely. The limits of the villages shall be the limits which shall, from time to time, be determined for administrative purposes.

## GOVERNMENT VILLAGES.

| Serial number. | Names of villages and their hamlets. | Serial number. | Names of villages and their hamlets. |
|----------------|--------------------------------------|----------------|--------------------------------------|
| 1              | Avadaiyanur—                         | 1              | Avadaiyanur—cont.                    |
| (1)            | Adinmailagipatti.                    | (18)           | Meisannunogapuram.                   |
| (2)            | Ariyappapuram.                       | (19)           | Minlaramanuttupatti.                 |
| (3)            | Avudaisivampatti.                    | (20)           | Mattarur.                            |
| (4)            | Kaikondanpatti.                      | (21)           | Muttirularamanpatti.                 |
| (5)            | Kakumperumalpatti.                   | (22)           | Muttumadanur.                        |
| (6)            | Kanapattipatti.                      | (23)           | Nilakuttinadanpatti.                 |
| (7)            | Karuvellanadanpatti.                 | (24)           | Panduramatti.                        |
| (8)            | Karuvellanurmalapatti.               | (25)           | Pettakuttipatti.                     |
| (9)            | Kodikumarupatti.                     | (26)           | Podishunadalamadanpatti.             |
| (10)           | Kodivellayanpatti.                   | (27)           | Rasuppanadanur.                      |
| (11)           | Kodiyaruttanpatti.                   | (28)           | Sandanakumarupatti.                  |
| (12)           | Kondavelur.                          | (29)           | Sangilimadanpatti.                   |
| (13)           | Kuttalapriyanur.                     | (30)           | Sendivelupatti.                      |
| (14)           | Madakannupatti.                      | (31)           | Sidambarampatti.                     |
| (15)           | Madiviradupatti.                     | (32)           | Sinnanadanur.                        |
| (16)           | Manalvilaiipatti.                    | (33)           | Sittirapattinadanpatti.              |
| (17)           | Marudadiyur.                         |                |                                      |



## OFFICIAL PAPERS.

## PUBLIC DEPARTMENT.

## NOTIFICATION.

Fort St. George, January 31, 1905.

The following notifications of the Government of India are republished :—

## HOME DEPARTMENT.

## PUBLIC.

Calcutta, the 19th January 1905.

No. 147.—The following rules regarding the submission of petitions to the Government of India are published for general information in supersession of the rules published with the Home Department notification No. 1812, dated the 11th October 1899, as amended by subsequent notifications :—

## RULES REGARDING THE SUBMISSION OF PETITIONS TO THE GOVERNMENT OF INDIA.

NOTE 1.—In these rules the words "Local Government" include a Local Administration, the Commander-in-Chief in India, and a Lieutenant-General Commanding the Forces, and also, except as regards rule 11 (7), the head of a department directly under the Government of India.

NOTE 2.—These rules do not apply to non-peaceable subordinate, clerical, and menial establishments employed in the construction and working of State Railways, to whom Circular No. VI-Railway, Public Works Department, dated 1st June 1898, applies.

NOTE 3.—These rules apply, so far as may be, to all memorials, letters and applications, etc., addressed to the Governor General in Council.

NOTE 4.—These rules apply also to petitions by persons no longer in military employ who have served in the Army or the Royal Indian Marine, or have been attached to regiments or batteries or the staff or departments of the Army in any capacity.

## SECTION I.

As to the submission of petitions to the Government of India by private persons or public bodies.

1. Every petition to the Government of India should be forwarded through the Local Government having jurisdiction in respect of the subject-matter of the petition. In cases where no Local Government is in a position to deal with the subject-matter of the petition, it should be forwarded through the Local Government within whose jurisdiction the petitioner is or has last been residing or employed.

2. A petition may be either in manuscript or in print, but must, with all accompanying documents, be properly authenticated by the signature of the petitioner, or, when the petitioners are numerous, by the signatures of one or more of them, and it must conclude with a specific prayer.

3. Every petition should be accompanied by a letter addressed to the Local Government requesting its transmission to the Government of India, and, when any order of a Local Government is appealed against, by a copy of such order, as well as of any orders passed in the case by subordinate authorities.

4. Communications on matters connected with any bills before the Council may be addressed either in the form of a petition to the Governor General in Council or in a letter to the Secretary in the Legislative Department, and must in either case be sent to the Secretary in the Legislative Department. Ordinarily such communications will not be answered. Except in the case of the High Court at Fort William, such communications from Courts, officials or public bodies should be sent through the Local Government.

## SECTION II.

As to the submission of petitions by officers in civil employ.

5. Every officer wishing to petition the Government of India should do so separately.  
6. Every petition should be submitted through the head of the office or department to which the petitioner belongs, and should be forwarded by him through the usual official channel.

7. No officer may submit a petition in respect of any matter connected with his official position unless he has some personal interest in the matter.

8. No notice will be taken of a petition relating to any matter connected with the official prospects or position of an officer still in the public service, unless it is submitted by the officer himself.

### SECTION III.

#### *As to the transmission or withholding of petitions by Local Governments.*

9. Every petition to the Government of India should be forwarded by the Local Government concerned with a concise statement of the material facts and (unless there are special reasons for not doing so) an expression of opinion.

If the petition is an appeal against an order of dismissal from Government service, the papers submitted by the Local Government should show whether the charge against the petitioner was reduced to writing; whether his defence was taken and reduced to writing; and whether the decision was in writing. Where service or character books are maintained these also should be submitted.

10. When the petition is not in English, the Local Government should transmit a translation with it.

11. Local Governments are vested with discretionary power to withhold petitions addressed to the Government of India in the following cases:—

- (1) When a petition is illegible or unintelligible.
- (2) When a petition contains language which, in the opinion of the Local Government, is disloyal, disrespectful, or improper.
- (3) When a previous petition has been disposed of by the Secretary of State for India or the Governor General in Council, and the petition discloses no new facts or circumstances which afford grounds for a reconsideration of the case.
- (4) When a petition is an application for pecuniary assistance by a person manifestly possessing no claim.
- (5) When a petition is an application for employment from a person not in the service of Government; or is a request for exemption from the provisions of any law or rule prescribing the qualifications to be possessed by persons in the service of Government or by persons engaging in any profession or employment.
- (6) When a petition is an appeal from a judicial decision with which the executive has no legal power of interference.

Note 1.—In the following cases, namely:—

- (a) when a petition is an appeal from a judicial decision in a case in which the Government has reserved any discretion of interference, or
- (b) when a petition is an appeal from a judicial decision in a suit to which the Government was a party, or
- (c) when a petition is practically a prayer for mercy or pardon, or contains such a prayer,

Note 2.—When a petition of the kind referred to in clause (c) of Note 1, is addressed to the Government of India after a previous petition has been rejected by the Local Government, the petition must be transmitted, unless the case is one of which the Local Government is competent to dispose on its own responsibility under the orders contained in the Resolution of the Government of India in the Home Department No. 20—1403-13, dated the 14th October 1885.

- (7) When a petition is an appeal against an order of the Local Government upholding on appeal the dismissal, removal, reduction, or other punishment of a Government servant or an employé of a local authority whose salary was not more than Rs. 100 a month.
- (8) When a petition is an appeal against a decision which by any law or rule having the force of law is declared to be final.
- (9) When a petition is addressed by an officer still in the public service and has reference to his prospective claim for pension, except as provided in article 915 of the Civil Service Regulations.
- (10) When a petition is an appeal against the non-exercise by the Local Government of a discretion vested in it by law or rule.
- (11) When a petition is an appeal in a case for which the law provides a different or specific remedy, or in regard to which the time limited by law for appeal has been exceeded.
- (12) When a petition is an appeal against an order or decision of the Local Government, and is made more than six months after the communication of such order or decision to the petitioner without satisfactory explanation of the delay.
- (13) When a petition relates to a subject on which the Local Government is competent to pass orders and no previous application for redress has been made to the Local Government.
- (14) When a petition makes a proposal regarding legislation which the Local Government is not prepared to support.

12. If a petition is withheld, the petitioner should be informed of the fact and the reason for it.

13. A list of petitions withheld under Rule 11, with the reasons for withholding them, shall be forwarded quarterly to the Government of India in the proper department.

No. 148.—The following rules for the submission, receipt and transmission of memorials and other papers of the same class to His Majesty the King, Emperor of India, or to the Right Honourable the Secretary of State for India are published for general information in supersession of the rules published with the Home Department Notification No. 707, dated 29th March 1878, as amended by subsequent notifications:—

#### RULES REGARDING THE SUBMISSION OF MEMORIALS AND OTHER PAPERS OF THE SAME CLASS TO HIS MAJESTY THE KING, EMPEROR OF INDIA, OR TO THE RIGHT HONOURABLE THE SECRETARY OF STATE FOR INDIA.

N.B.—These rules do not in any way affect or supersede orders issued on the same subject by the military authorities for the guidance of the army.

1. No memorial will be received or attended to unless forwarded as hereinafter prescribed.

11. Every memorial should be accompanied by a letter requesting its transmission to the authority to which it is addressed.

III. Every memorial to His Majesty or to the Secretary of State for India should be presented through the Local Government having jurisdiction in respect of the subject-matter of the memorial. In cases where no Local Government is in a position to deal with the subject-matter of the memorial, it should be presented through the Local Government within whose jurisdiction the memorialist is or has last been residing or employed or, if there is no Local Government answering to these descriptions, then through the Government of India.

IV. Every memorial to His Majesty or to the Secretary of State for India presented through the Government of Madras or Bombay should be forwarded direct by the Local Government, with a full statement of facts and an expression of opinion, except in the case of a memorial which—

(a) relates to—

- (i) any rule or standing order of the Government of India, or
- (ii) any Legislative Proceeding of the Governor General in Council or to an Act to which the Governor General has assented, or
- (iii) a case which has been previously under the consideration of the Government of India, whether on appeal or otherwise, or

(b) if granted, would cause expenditure for which the Imperial and not the Local Government would be primarily responsible.

Every such memorial should be forwarded with a covering letter containing a full statement of facts and an expression of opinion to the Government of India in the proper Department for transmission to the Secretary of State for India.

V. Every memorial to His Majesty or to the Secretary of State for India presented through a Local Government, other than the Government of Madras or Bombay, should be forwarded by the Local Government, with a full statement of facts and an expression of opinion, to the Government of India in the proper department for transmission to the authority addressed.†

VI. Every memorial to His Majesty or to the Secretary of State for India from a person who has been employed in the army should, if it relates to a military subject, be forwarded through the Lieutenant-General Commanding the Forces of the Command in which the memorialist has served. The Lieutenant-General will forward it, with a full statement of facts and an expression of opinion, to the Government of India in the Military Department for transmission to the authority addressed.‡

VII. No limit is fixed to the time within which an appeal from an order of the Governments in India must be preferred to the Home Government, except in the case of an appeal from a judicial decision in which the Judge is a Political officer, and in which the appeal ordinarily lies to Government in the Political Department. Such appeals must be preferred within a period of twelve months from the date of communication to the person concerned of the order to which objection is taken.

VIII. A memorial may be transmitted either in manuscript or in print, but must, with all accompanying documents, be properly authenticated by the signature of the memorialist on each sheet and must conclude with a specific prayer.

IX. Memorials, together with their accompanying documents, should be in English. If the accompanying documents must necessarily be forwarded in the Vernacular, an English translation should be appended, which should be attested by the signature of the memorialist.

N.B.—It will be well for the transmitting office to examine such translations, and if they are found to be incorrect or faulty, to notice the fact in sending on the memorial.

X. It is not necessary that memorials should be forwarded in duplicate or triplicate. The originals will invariably be transmitted to England, a copy being made and retained by the Government of India, if necessary, for record.

XI. As a general rule, the transmission to England of a memorial duly forwarded through the proper channel should not be delayed by the transmitting Government in India, beyond a month after the receipt of the memorial.

XII. The Governments in India are vested with discretionary power to withhold the transmission of memorials addressed to His Majesty or to the Secretary of State for India in the following cases:—

- (1) When a memorial is illegible or unintelligible.
- (2) When a memorial contains disrespectful or improper language.

\* "In the case of memorials and petitions against, or regarding Acts passed by the Legislative Council of the Governor General, the Legislative Department is to be considered to be the department having cognisance of the subject-matter of the memorial. Such memorials will be transmitted to His Majesty's Secretary of State through that department; and to it should be referred all memorials of the kind now described, which may reach any other department of the Government of India. The Legislative Department will, when necessary, consult the executive department concerned before disposing of, or transmitting, such memorials."—Home Department No. 22-996-1001, Public, dated 24th May 1878.

Memorials involving questions relating to pensions, gratuities, allowances, and the like should be forwarded through the Government of India.—Home Department Notification No. 6163, dated 10th September 1901.

† Appeals by private persons from the orders of the Lieutenant-Governors lie, in the first instance, to the Governor General in Council. An appeal to the Secretary of State will lie only in the event of an appeal to the Governor General in Council having been rejected.

‡ Appeals by individuals from the orders of the Lieutenant-General Commanding the Forces, lie in the first instance to the Governor General in Council and thence to the Secretary of State.

§ "As it frequently happens that the disposal of vernacular petitions presented to the Government of India is delayed owing to their being unaccompanied by English translations, and as Local Governments and Administrations have greater facilities for translating the vernaculars in use under their different provinces than the Government of India have, I am directed to request that in order to avoid inconvenience and delay, all vernacular petitions transmitted by a Local Government and Administration to the Government of India may invariably be accompanied by an English translation."

2. "It should, however, be clearly understood that it is not the intention of the Governor General in Council that any petition presented for transmission to the Government of India or the Secretary of State should be refused by reason of its being in the vernacular or because it is unaccompanied by a translation. The great majority of the population do not know English, and cannot obtain the services of an English petition-writer; and it is most undesirable that in a country like India the free right of petition should be curtailed. But as the languages of India are many and diverse, it is desirable that any vernacular petition or memorial forwarded to supreme authority by or through a Local Government should be accompanied by an English translation."—[Home Department, No. 51-2696-25 (Public), dated 21st November 1878.]

- (3) When a second memorial is presented after a decision has already been given by the authority to which it is addressed, and when no new facts or circumstances are adduced which afford grounds for a reconsideration of the case. A memorial addressed to His Majesty by a person whose appeal to the Secretary of State for India has already been rejected, shall be held to be a second memorial to the same authority, and shall not be transmitted.
- (4) When a memorial is a mere application for pecuniary assistance by a person manifestly possessing no claim.
- (5) When a memorial is an application for employment under one of the Governments in India from a person not in the service of the Government or is a request for exemption from the provisions of any law or rule prescribing the qualifications to be possessed by persons in the service of Government or by persons engaging in any profession or employment.
- (6) When a memorial is a mere appeal from a judicial decision.

NOTE 1.—If the memorial is practically an appeal for mercy or pardon, or contains such an appeal, it must be transmitted, unless it falls under rule XIII.

NOTE 2.—When a memorial of the kind referred to in Note 1 is addressed to His Majesty or to the Secretary of State for India after a previous petition has been rejected by the Government of India or the Local Government, the memorial must be transmitted unless the case is one of which the Local Government is competent to dispose on its own responsibility under the orders contained in the Resolution of the Government of India in the Home Department, No. 1161-72, dated the 15th August 1890.

- (7)\*When a memorial is an appeal against an order of a Local Government regarding the dismissal, removal, reduction or other punishment of a Government servant or an employé of a local authority whose salary was not more than Rs. 100 a month; or when it is an appeal against a similar order of a Local Government confirmed by the Government of India from a Government servant or an employé of a local authority whose salary was not more than Rs. 250 a month.

NOTE.—The first sentence in this clause applies to the orders of the Government of India as well as to those of Local Governments.

- (8) When a memorial is an appeal against a decision, which by any law or rule having the force of law, is declared to be final.
- (9) When a memorial is addressed by an officer still in the public service and has reference to his prospective claim to pension.
- (10) When a memorial is a mere appeal against the non-exercise by one of the Governments in India of a discretion vested in such Government by law or rule.
- (11) When a memorial is an appeal against the action of a private individual, or of a body of private individuals, regarding the private relations of the memorialist and such individual or body.
- (12) When a memorial is an appeal against orders refusing the grant of a pension to an inferior servant who is not eligible for such grant under the pension rules.

XIII. The Government of India may withhold the transmission of a memorial to His Majesty or to the Secretary of State for India unless the memorialist has previously memorialised the Government of India and the Local Government concerned on the same subject: provided that, when the memorial is one for pardon which no authority in India has power to grant, it should be addressed to His Majesty and forwarded to the Secretary of State for India.

XIV. When a memorial is withheld, the memorialist should be informed of the fact and of the reason for it.

XV. A list of memorials withheld under the discretionary power conferred by Rule XII, with the reasons for withholding them, will be forwarded quarterly to the Government of India in the case of memorials withheld by Local Governments under the same discretionary power, and by the Government of India in the Department concerned to the Secretary of State for India.

\* "The Governor-General in Council considers that the discretionary power of withholding petitions under clause 8, Rule XIII of the Rules for the submission, receipt, and transmission of memorials and other papers of the same class addressed to His Majesty the King, Emperor of India, or to the Right Honourable the Secretary of State for India, by private persons or by officers of all Civil Departments, should be used with caution, and only after full consideration of the facts in each case. Having regard to the constitution and character of the Indian subordinate services, dismissal of Government officials often involves serious distress; if not actual ruin, to them, and it is right that, under such circumstances, every opportunity should be allowed to them of making themselves heard. Further, when, as sometimes happens, their representations reach the Secretary of State through non-official channels, it is convenient that he should be in a position to deal with them, instead of being obliged, as may now be the case, to refer for information to this country. Such petitions, therefore, should not be withheld when there is any reasonable prospect of difference of opinion as to the order passed on them by the Government of India, or when they contain anything to which the attention of the Secretary of State is likely to be especially directed."—Home Department Resolution No. 1438 (Public), dated 24th September 1880.

† Since renumbered clause 7, rule XII.

G. S. FORBES,  
Chief Secretary.

B

## MEMORIAL RULES.

Rules for the submission, receipt and transmission of Memorials and other Papers of the same class addressed to His Excellency the Governor-General in Council.

FORT ST. GEORGE,

April 1904.

(Notifications of the Government of India, Home Department, dated the 11th October 1889, 30th October 1891, 13th July 1893, 1st May 1896 and 21st January 1898, and letter of the Home Department No. 1077-1-55 R., dated 3rd October 1890.)

*Note.*—(1) In these rules, the words Local Government include a Local Administration, the Commander-in-Chief in India, and a Lieutenant-General Commanding the Forces; and also, except as regards rule 3 (7), section III, the head of a department directly under the Government of India.

(2) These rules do not apply to non-pensionable subordinate, clerical and menial establishments employed in the construction and working of State Railways, to whom Circular No. VI, Railway, Public Works Department, dated 1st June 1888, applies.

(3) These rules apply so far as may be to all memorials, letters and applications, etc., addressed to the Governor General in Council.

(4) The rules in sections I and III apply also to petitions by persons, no longer in military employ, who have served in the Army or the Royal Indian Marine, or have been attached to regiments or batteries or to the staff or departments of the Army in any capacity.

## SECTION I.

### *Petitions from private persons or public bodies.*

1. Every petition to the Government of India, whether it bears immediately on a matter of Imperial policy or has reference to the orders or the general policy and action of Local Government, should be forwarded through the Local Government under which the petitioner is residing or is employed. But there is no objection to the petitioner's forwarding simultaneously a duplicate copy of the petition to the Government of India, if he so desires, provided that he marks it as a "duplicate".

1-A. A petition from a person who has been removed from, or has left the service of Government, relating to his removal from the service or to claims arising out of his service, should be forwarded through the Local Government under which the petitioner was employed.

2. A petition may be either in manuscript or print, but must, with all accompanying documents, be properly authenticated by the signature of the petitioner, or when the petitioners are numerous, by one or more of them, and it must conclude with a specific prayer.

3. Every petition should be accompanied by a letter addressed to the Local Government requesting its transmission to the Government of India, and when any order of a Local Government is appealed against, by a copy of such order, as well as of any orders passed in the case by subordinate authorities.

4. Communications on matters connected with any Bills before the Council may be addressed either in the form of a petition to the Governor-General in Council or in a letter to the Secretary in the Legislative Department, and must in either case be sent to the Secretary to the Legislative Department. Ordinarily such communications will not be answered. Except in the case of the High Court at Fort William, such communications from Courts, officials, or Public bodies should be sent through the Local Governments.

## SECTION II.

### *Petitions from officers in civil employ.*

1. Every officer wishing to petition the Government of India should do so separately.

2. Every petition should be submitted through the head of the office or department to which the petitioner belongs and be forwarded by him through the usual official channel. But there is no objection to the petitioner transmitting a duplicate to the Government of India direct, provided that he marks it as a "duplicate."

3. No officer may submit a petition in respect of any matter connected with his official position unless he has some personal interest in such matter.

4. No notice will be taken of a petition relating to any matter connected with the official prospects or position of an officer still in the public service, unless it is submitted by the officer himself.

[G.O., No. 207, Public, dated 4th February 1898.]

## SECTION III.

### *Rules for observance by Local Governments in regard to the transmission or withholding of Petitions.*

1. Petitions should be forwarded to the Government of India by the Local Government with a concise statement of material facts and (unless there be special reasons for not doing so) an expression of opinion.

If the petition is an appeal against an order of dismissal from Government service, the papers submitted by the Local Government should show whether the charge against the petitioner was reduced to writing; whether his defence was taken and reduced to writing; and whether the decision was in writing.

2. When the petition is not in English, the Local Government should transmit a translation with it.

3. Local Governments are vested with discretionary power to withhold petitions addressed to the Government of India in the following cases:—

- (1) When a petition is illegible or unintelligible.
- (2) When a petition contains language which, in the opinion of the Local Government, is disloyal, disrespectful or improper.
- (3) When a previous petition has been disposed of by the Secretary of State or the Governor-General in Council, and the petition discloses no new facts or circumstances which afford grounds for a reconsideration of the case.
- (4) When a petition is an application for pecuniary assistance by a person manifestly possessing no claim.
- (5) When a petition is an application for employment from a person not in the service of Government.
- (6) When a petition is an appeal from a judicial decision with which the executive has no legal power of interference.

*Note.*—If the Government has reserved any discretion of interference or is concerned as a party to the suit, or if the appeal is practically an appeal for mercy or pardon, the petition must be transmitted. But in the last-mentioned case the transmission of the petition will not affect the discretion in regard to capital sentences allowed to Local Governments by the Home Department Resolution, dated 14th October 1885.

- (7) When a petition is an appeal against an order of the Local Government upholding on appeal the dismissal, removal, reduction, or other punishment of a Government servant whose salary was not more than Rs. 100 a month.

*Note.*—If a memorial is an appeal against an order of dismissal, removal, reduction or other punishment of a Government servant, passed by an authority subordinate to the local Government who was competent to inflict such a punishment, and if that order is subsequently confirmed by the local Government on appeal, it is proper to withhold it under this section. If, on the other hand, the original order of dismissal were passed by the local Government itself, the memorial cannot be withheld under this rule.

- (8) When a petition is an appeal against a decision which by any law or rule having the force of law is declared to be final.
- (9) When a petition is an appeal in a case for which the law provides a different or specific remedy, or in regard to which the time limited by law for appeal has been exceeded.
- (10) When a petition is an appeal against an order or decision of the Local Government, and is made more than six months after the communication of such order or decision to the petitioner without satisfactory explanation of the delay.
- (11) When a petition is addressed by an officer still in the public service and has reference to his prospective claim for pension, except as provided in article 995 of the Civil Service Regulations.

- (12) When a petition is an appeal against the non-exercise by the Local Government of a dispensatory discretion vested in it by law or rule.

*Note.*—In the letter from the Foreign Department, No. 2757-I, dated the 18th August 1890, it was said that this rule could only be applied to cases in which a discretion was reserved to Government by some law or rule to dispense with some requirement or qualification. In a subsequent letter from the Department of Revenue and Agriculture, No. 1077-1-55 R., dated the 3rd October 1890, it was further explained that for the rule to apply there must be a discretion vested in the Local Government by a law or rule to waive or dispense with some qualification or condition, and the Local Government must have declined to waive such qualification or condition. The Governor-General in Council is now pleased to withdraw this limitation of the rule and directs that the rule should not be interpreted in the restricted sense conveyed in the letters above cited.—see Home Department letter No. 2584, *Public*, dated 29th December 1898.

- (13) When a petition relates to a subject on which the Local Government is competent to pass orders and no previous application for redress has been made to the Local Government.

4. If a petition is withheld, the petitioner should be informed of the fact and the reason for it.

5. A list of petitions withheld under Rule 3, with the reasons for withholding them, shall be forwarded quarterly to the Government of India in the department concerned.

*Note.*—The name of the authority, by whom the original order of dismissal was passed, should be indicated in the return.

## GOVERNMENT OF MADRAS.

### PUBLIC DEPARTMENT.

8th April 1878, No. 628.

#### Memorials.

Read the following paper:—

No. 54. *Notification from the Government of India, Home Department (Public), dated Fort William, 29th March 1878, No. 701.*

The following rules for the submission, receipt, and transmission of memorials

*N.B.*—These rules do not in any way affect or supersede orders issued on the same subject by the Military authorities for the guidance of the Army.

Civil Departments, are published for general information; and the rules published under Home Department Notifications, No. 3742, dated 21st August 1867, and No. 1461, dated 31st July 1877, are cancelled:—

I.—No memorial will be received or attended to unless forwarded as hereinafter prescribed.

II.—Every memorial should be accompanied by a letter requesting its transmission to the authority to which it is addressed.

III.—Every memorial addressed to Her Majesty or to the Secretary of State for India should be forwarded through the Local Government under which the writer is residing or is employed.

IV.—Memorials to Her Majesty or to the Secretary of State from persons in the Madras and Bombay Presidencies should be forwarded direct by the Local Government, with a full statement of facts and an expression of opinion, except in the case of memorials which relate to any rule or standing order of the Government of India, or which, if granted, would cause expenditure for which the Imperial and not the Local Government would be primarily responsible, or which relate to any legislative proceeding of the Governor-General in Council. Such memorials should be forwarded with a covering letter containing a full statement of facts and an expression of opinion to the Government of India in the Department having cognizance of the subject-matter of such memorial, by which Department the memorials will be transmitted to the Secretary of State.

V.—Memorials to Her Majesty or to the Secretary of State from persons in Bengal, the North-Western Provinces and Oudh, or the Punjab, should be forwarded by the Local Government, with a full statement of facts and an expression of opinion, to the Government of India in the proper Department for transmission to the authority addressed.\*

\* Appeals by private persons from the orders of Lieutenant-Governors lie, in the first instance, to the Governor-General in Council. An appeal to the Secretary of State will lie only in the event of an appeal to the Governor-General in Council having been rejected.

VI.—Memorials to Her Majesty or to the Secretary of State from persons in the minor Administrations—the Central Provinces, British Burma, Berar, Mysore, Coorg and Assam—should be forwarded with a full statement of facts and an expression of opinion by the Chief Commissioner, or other officer charged with the administration of the Province, to the Government of India in the proper Department for transmission to the authority addressed.†

VII.—No limit is fixed to the time within which an appeal from an order of the Governments in India must be preferred to the Home Department, except in the case of appeals from a Judicial decision in which the Judge is a political officer and in which the appeal ordinarily lies to Government in the Political Department. Such appeals must be preferred within a period of twelve months from the date of communication to the persons concerned of the order to which objection is taken.

or to an Act to which the Governor-General has assented. (vide C No 2320 of 81)

VIII.—Memorials may be transmitted either in manuscript or in print, but must, with all accompanying documents, be properly authenticated by the signature of the memorialist on each sheet.

IX.—Memorials, together with their accompanying documents, should be in English. If the accompanying documents must necessarily be forwarded in the vernacular, an English translation should be appended, which should be attested by the signature of the memorialist.

N.B.—It will be well for the transmitting office to examine such translations, and if they are found to be incorrect or faulty, to notice the fact in sending on the memorial.

X.—It is not necessary that memorials should be forwarded in duplicate or triplicate. The originals will invariably be transmitted to England, a copy being made and retained by the Government of India, if necessary, for record.

XI.—As a general rule, the transmission to England of a memorial duly forwarded through the proper channel will not be delayed by the transmitting Government in India beyond a month after the receipt of such memorial.

XII.—Governments and Administrations in India are vested with discretionary power to withhold the transmission of memorials addressed to Her Majesty or to the Secretary of State in the following cases:—

- 1.—When a memorial is illegible or unintelligible.
- 2.—When a memorial contains disrespectful or improper language.
- 3.—When a second memorial is presented after a decision has already been given by the authority to which it is addressed and when no new facts or circumstances are adduced which afford grounds for a reconsideration of the case. A memorial addressed to Her Majesty by a person whose appeal to the Secretary of State has already been rejected, shall be held to be a second memorial to the same authority and shall not be transmitted.
- 4.—When a memorial is a mere application for pecuniary assistance by a person manifestly possessing no claim.
- 5.—When a memorial is an application for employment under one of the Governments in India from a person not belonging to the covenanted service.
- 6.—When a memorial is a mere appeal from a judicial decision.
- 7.—When a memorial is addressed by an officer still in the public service and has reference to his prospective claim to pension.

XIII.—The Government of India may withhold the transmission of a memorial addressed to Her Majesty or to the Secretary of State unless the memorialist has previously memorialised the Government of India and the Local Government concerned on the same subject.

XIV.—A list of memorials withheld under the discretionary power conferred by Rule XII will be forwarded quarterly to the Government of India in the case of memorials withheld by Local Governments under the same discretionary power, and by the Government of India in the Department concerned to the Secretary of State.

(Signed) J. O'KINEALY,  
Offg. Secy. to the Govt. of India.

No. 16-708.

Copy forwarded to all Local Governments and Administrations for information and guidance.

Copy forwarded to the several Departments of the Government of India for information with reference to their No. , dated

Copy forwarded to the Superintendent of Port Blair and the Nicobars, Director-General of the Archaeological Survey of India, Sanitary Commissioner with the Government of India, Secretary to the Board of Examiners, and the Registrar of the University for information.

(Signed) J. O'KINEALY,  
Offg. Secy. to the Govt. of India.

To the Government of Madras.

No. 55. ORDER THEREON, 8th April 1878, No. 628.

Communicated to the Departments of the Secretariat, and to the Honorable the Judges of the High Court.

(True Extract.)

*J. O'Connell*  
Chief Secretary.

To the Revenue Department.  
„ the Military Department.  
„ the Public Works Department.  
„ the Honorable the Judges of the High Court, with covering letter.  
„ all Heads of Departments under the Chief Secretary.

Exd. T. O'Connor.

Prof. April

PUBLIC

THE REVENUE DEPARTMENT,

80.

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Date April, 8th.

*Issued*

Fixed.

C.D., Sch. Dist. 1878, No. 808.

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105. 61-63.

*Memoriale*.—Communicating Notification of Government of Italia containing Rules for the submission, receipt and transmission of memorials, &c. to Her Majesty the Queen or the Secretary of State, by private persons or officers of all Civil Departments.

no 1268 27th April 8

Dis. Recorded  
JUL 25/11

11/10/20

To Atty 24-4-78.

1-copy to C-16-4-99

2<sup>d</sup> - copies to Qaty - 3-5-78