GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following letter from E. C. BUCK, Esq., C.S., Secretary to the Government of India, Revenue and Agricultural Department (Revenue), to the Secretary to the Government of Madras, Revenue Department, dated Simla, 15th September 1885, No. 628-R—3-274 :—

In transmitting a memorial received from Venkatachella Reddi, in which the petitioner asks to be reinstated in his office of Munsif Moniem of Mulakaraipatti in the Tinnevelly district, I am directed to request that the memorial may be returned to the petitioner, and that he may be informed that the Government of India will not interfere in his behalf.

2. It is observed from one of the statements in the memorial that the Government of Madras by endorsement No. 877, dated the 12th September 1884, declined to forward the memorial of the petitioner to the Government of India on the ground that the order of the Governor in Council is by law final in such cases. The course thus adopted was in accordance with the spirit of the rule laid down by the Secretary of State in regard to the transmission of similar memorials when addressed to His Lordship. I am, however, to observe that in the case of memorials addressed to the Government of India regarding orders of a similar nature and similar finality passed by the Governor of Bombay in Council, it has been decided that such memorials should always be transmitted. This decision has been adopted, not because the Government of India contemplates any necessity for interference, but because, if the Local Government declines to transmit a memorial, the appellant may not improbably, as in the present case, submit it directly to the Supreme Government, which then would have to deal with it without the advantage of such remarks as to its admissibility or otherwise as might have been made by the Local Government. Similar reasons indicate the expediency of the adoption of a similar course in the case of memorials received by the Government of Madras; and I am accordingly to request that, with the permission of His Excellency in Council, all petitions of the same nature as that now returned, addressed through the Local Government to the Governor-General in Council or to the Government of India, may be forwarded to the Government of India with any remarks which may be considered necessary. These instructions will not affect the existing rule as to memorials of this class addressed to the Secretary of State respecting orders which are final by law.

Despatch, No. 3, dated the 26th March 1874.

3. I am to take this opportunity of stating, for the information of His Excellency the Governor in Council, that in accordance with what is believed to be the existing practice, if memorials addressed to the Government of India are mere appeals against judicial decisions of the ordinary Civil Courts or of executive authorities exercising the powers of such courts, they need not be sent on; but if they contain other matter such as complaints or remarks upon the conduct of the courts concerned or on the working of any particular law, they should not be withheld. Nor does the exemption apply to such appeals against judicial decisions in criminal cases as are practically appeals for mercy or pardon. Appeals of this nature should always be transmitted.

ORDER—dated 20th October 1885, No. 1177, Revenue.

Miscellaneous.

Communicated to the departments of the Secretariat.

2. The memorial will be returned to the petitioner, who will be informed of the decision of the Government of India.

3. The wishes of the Government of India regarding transmission of memorials are noted and will be complied with in future.

4. Ordered that the following letter be addressed to the Government of India :—

(Here enter No. 1178, dated 20th October 1885.)

(True Extract.)

(Signed) J. F. PRICE,
Ag. Secretary to Government.

To the Public, &c., Departments.
„ the Military Department.
„ the Public Works Department.

Exd. P. L. Pereira.

80 Copies.

№ 2572 dt 3 Nov 1885

Recorded for guidance

(sd) J. S.

Govt. of [1885] Madras.

REVENUE.

Issued

Recd. Encl.

G.O., 20th October 1885, No. 1177.

B № 2572 w 3.11.85

OCTOBER.

Petitions.

Letter from the Government of India regarding transmission of memorials, communicated to the departments of the Secretariat; and petition of Venkatachella Reddi returned to him with the intimation that the Government of India decline to interfere in his behalf.