

1886

Current No.

Cir

No. 31.

Dated

Received

ENCLOS.—

SUBJECT

Rules for the submission of
Memorials to the Govt of India

Today: for information
and guidance.

DISPOSAL.

Current Log 11346
+ 11464

No.

Dated _____

Communicated to officers
of the P. W. Dept for information
and guidance.

Chief Engrs for Insps
comd Engrs for Rys
Chief Engrs P. Propriet
Supty Engineers
comd Archt to Govt
Examiner P.W. A
Examiner Rys. A

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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.

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:
- (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.

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.

Endorsement No. $\frac{30}{1228F}$

Foreign.
Finance.
Military.
Revenue and Agricultural.
Public Works.
Legislative.

Copy forwarded to all Departments of
the Government of India, for information.

Copy forwarded to all Local Governments and Administrations, and to the Heads of Departments under the Home Department, for information and guidance.

[For General Distribution.]

Circular No. 31 Public Works.

GOVERNMENT OF INDIA.
PUBLIC WORKS DEPARTMENT.
GENERAL.

Calcutta, the 16th November 1889.

Rules for the submission of memorials to the Government of India.

The following is forwarded to Local Governments, Administrations and

Officers noted in
the margin, for
information and
guidance.

The Governments of Madras, Bombay, Bengal, the North-Western Provinces and
Oudh and the Punjab.
The Chief Commissioners of the Central Provinces, Burma, Assam and Coorg.
The Resident at Hyderabad.
The Agents to the Governor General for Central India, Rajputana and Baluchistan.
The Accountant General, Public Works Department.
The Director General of Railways.
The Consulting Engineers to the Government of India for Railways, Calcutta,
Central Division and Lucknow.
The Director General of Telegraphs.

By order,

G. H. Walcher

Under Secretary to the Govt. of India.

No. 1812, dated 11th October 1889.

NOTIFICATION,—By the Government of India, Home Dept.

PUBLIC.

The following rules regarding the submission of petitions to the Government of India are published for general information:—

- NOTE 1.—In these rules the words Local Government include a Local Administration, and also, except as regards Rule 3 (7), Section III, the head of a Department directly under the Government of India.
- NOTE 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.
- NOTE 3.—These rules apply so far as may be to all memorials, letters and applications, &c., addressed to the Governor General in Council.

SECTION I.

Rules regulating the submission of petitions to the Government of India by 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 a 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."
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.

Special rules regulating the submission of petitions by officers in civil employ.

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

To The Secretary to the Govt of Madras
P. W. Department

Govt. of {1889} Madras.
PUBLIC.

Issued

Recd.

Encl.

G.O., 18th November 1889, No. 931.

NOVEMBER.

Petition Rules.

Communicating to the Departments of the Secretariat and to all Heads of Departments Government of India Notification prescribing rules regarding the submission of petitions to that Government, and publishing the same in the Fort St. George and District Gazettes.

Proceedings of the Public Dept. No.

931 d/18th November 1889

Circular from the Govt of India,

P.W.D. No. 31 d/16th Nov/1889.

On Dec. 10th 3492 d/17th Dec 1889

Communicates to

officers of the P.W.D. for

information & guidance.

Sd/ W. L. C. B.

Note The original is not

forthcoming from the

Records.

To 9-9-02

The Chief Engr for Inspn.

.. Consig. Engr for Rys

.. Chief Engrs P. Proposal

.. Supts. Engrs.

.. Consig. Archt to Govt

.. Execr. P. W. Accts.

.. Execr. Ry Accts.

No.

Copy forwarded to all Local Governments and Administrations, and to the Heads of Departments under the Home Department, for information and guidance.

(By Order.)

(Signed) J. P. HEWETT,
Under Secy. to the Govt. of India.

ORDER—dated 18th November 1889, No. 931, Public.

Communicated to the Departments of the Secretariat and to all Heads of Departments.

2. The rules will be published in English and in the several vernaculars in three successive issues of the Fort St. George and District Gazettes.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To the Revenue Department.

" the Military
" the Public Works Department.
" all Heads of Departments under the Chief Secretary.
" the Translators to Government.
" the Superintendent, Government Press.

Exd. W. H. French.

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;
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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 effect 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;
- (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;
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- (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.

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.

(Signed) C. J. LYALL,
Offg. Secy. to the Govt. of India.

No.

Foreign.
Finance.
Military.

Revenue and Agricultural.
Public Works.
Legislative.

Copy forwarded to all Departments of the Government of India, for information.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following paper :—

Notification of the Government of India, Home Department (Public), dated Simla, the 11th October 1889, No. 1812.

The following rules regarding the submission of petitions to the Government of India are published for general information :—

NOTE 1.—In these rules the words Local Government include a Local Administration, and also, except as regards Rule 3 (7) Section III, the head of a Department directly under the Government of India.

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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.

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Endorsement No. ³⁰
1235F.

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