

G.O., No. 268 W

DATED 27th Jan - 1899.

Rules for the transmission of Memorials
to the Govt of India [Despatch Abstract.]

From: Public Dept. recording letter
from the Govt of India withdrawing certain limitation
which was placed upon Rule 3 (12), Sec. III, of
the ———, recorded.

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Government {1899} of Madras. PUBLIC.

Recd. 24.1. } 1899.
Regd. 24.1. }
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G.O., No. 52, 14th January 1899.

JANUARY.

Recorded.

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25.1.99.

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To The Chief Engr. for Bridges
" Comd. Engr. for Railways, Coimbatore R.

W. J. G. L.

Rules for the transmission of Memorials to the Government of India.

Recording letter from the Government of India withdrawing certain limitation which was placed upon Rule 3 (12), Section III, of the —.

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W. J. G. L.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following paper :—

From A. H. L. FRASER, Esq., C.S.I., Officiating Secretary to the Government of India, Home Department (Public), to the Chief Secretary to the Government of Madras, dated Calcutta, 29th December 1898, No. 2584.

I am directed to refer to the letter from the Department of Revenue and Agriculture, No. 1327—125-4, dated the 6th July 1898, in which it was stated that the question of altering the wording of Rule 3

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

“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.”

(12) *, Section III of the Rules for the transmission of memorials to the Government of India with a view to remove all

doubts as to its meaning was under separate consideration.

2. 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.

ORDER—No. 52, Public, dated 14th January 1899.

Recorded.

(True Extract.)

For Secretary

for Chief Secretary.

To the Departments of the Secretariat. *(Pullin works)*