

ORDINARY, MS.

Public DEPARTMENT.	
G.O., DATED	23-2-91
No.	140.

When given for copying

[Despatch Abstract.]

*Amended copy
of India's letter re-
garding the term "dis-
pensatory discretion"
used in section III 3 (2)
of Memorial rule -*

FILE No. 1.

SERIAL No. 55.

[To be substituted for the letter bearing the same number and date.]

No. 1077—1-55 R., dated Simla, the 3rd October 1890.

From—J. W. P. MUIR-MACKENZIE, Esq., Under-Secy. to the Government of India

To—The Secretary to the Government of Madras.

IN acknowledging the receipt of your letter No. 4856 A., dated 7th August 1890, submitting a petition from Subramaniya Somarazulu of the Bellary District, in which he prays for a refund of the assessment collected on his inam lands, I am directed to say that the Government of India will not interfere in behalf of the petitioner who may be informed accordingly.

2. With regard to the definition of the term "dispensatory discretion" in Section III, 3 (12) of the rules for the transmission of memorials to the Government of India, I am directed to invite a reference to paragraph 3 of Government of India Foreign Department letter No. 2757 I., dated 18th August 1890. noted on the margin, to the address of the Chief Secretary to the Government of Madras, in which the term has been explained. 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 appeal too must be against such refusal only.

3. The accompaniments of the petition are returned.

No. 1263—1-55 R., dated 25th October 1890.

COPY, with copy of the letter replied to, forwarded to the Home Department for information.

READ AGAIN ORDER OF GOVERNMENT, DATED
18 , No. , MISCELLANEOUS.

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT.

A A

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL (not paged).

N.B.—

- A = Copy in full.
- B = Not to be copied.
- F = Copy abstract only.
- Q = Copy heading only.

In Public No. 405/91.

Govt. of (1891) Madras.

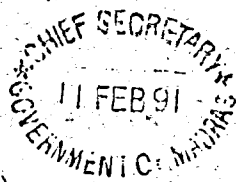
REVENUE

To

The Public Dept

Dated

Recd.



Encl. /

1 copy of Encl. 9.

Mis. G.O., 7 Feb 1891, No. 903

SUBJECT.

Communicating letter
from the Government of India
regarding the meaning of the
term "dispensatory discretion"
used in the Seditious rules.

CL
mis

Order 23 Feb 91 / 140

Recorded in continuation of

G.O. 810 of 24. XI. 90.

2. The necessary correction will
be made in that G.O.

CL
19.2.91

20 Feb.

* For Office

I have made the correction in
the Pub. Dept. G.O. filed with G.O.
810 of 24. XI. 90. Refs must be
in any spare copies of the
Revenue G.O. they have.

CL
17

20.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read Again the following letter to the

Government of India, Revenue and Agricultural Dept.
dated 27th November 1890 No 7309.

"I am directed to enquire whether the word
"admissible" in the last sentence of para 2 of your letter
dated 3rd October 1890 No $\frac{1077}{1-55}$ is not a clerical
mistake for "inadmissible"

Read also the following letter from the Government of India,
Revenue and Agricultural Dept. d/30 January 91 No $\frac{131}{15-3}$

"In acknowledging the receipt of your letter
No 7309 dated 27 November last, I am directed
to request that the accompanying letter may be
substituted for the one bearing the same num-
ber and date.

Order thereon 7 February 1891 No 903

Communicated to the other Depart-
ments of the Secretariat with reference to
G.O. dated 30 October 1890 No 857.

/ True Extract /

Chetty
Secretary to Govt.

To

The Public Dept

Other Depts of the Secretariat

with spare copies of the G.O. letter

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2. With regard to the definition of the term "dispensatory discretion" in Section III, 3 (12) of the rules for the transmission of memorials to the Government of India, I am directed to invite a reference to paragraph 3 of Government of India Foreign Department letter No. 2757 L, dated 18th August 1890. noted on the margin, to the address of the Chief Secretary to the Government of Madras, in which the term has been explained. 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 appeal too must be against such refusal only.

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Quies to Rev. G. G. 902

4/7-2-91.

Ph. L. 1000. 1400

23-2-91