

ORDINARY, MS.

Pub. DEPARTMENT.
G.O., DATED 9th June 1894
No. 410

INDEXED.

When given for copying.

[Despatch Abstract.]

According to the P.W.D. letter from the Govt. forwarding a copy of revised rules regulating submission or withdrawal by local Govts and Administrations and by officers of the Political Dept of the Govt of matters affecting persons or places under political charge, such letters are referred to the Govt of India.

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22/9/27. R.H.

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BACK PAPER, No.

FURTHER PAPER, No.

OF 189

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

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DISPATCH
IN ORIGINAL (not pagged).

17TH MAY 1894, No. 320, POLITICAL.

GOVERNMENT OF MADRAS.

POLITICAL DEPARTMENT.

READ—the following paper:—

From A. WILLIAMS, Esq., Under Secretary to the Government of India, Foreign Department, to the Chief Secretary to the Government of Madras, dated Simla, the 24th April 1894, No. 139-I.

In continuation of the correspondence ending with your letter, No. 358, dated the 7th June 1893, I am directed to forward a copy of the revised rules, as finally approved by Her Majesty's Secretary of State for India, regulating the submission or withholding by Local Governments and Administrations and by officers of the Political Department of the Government of India of petitions and memorials relating to matters affecting persons or places under their political charge, when such petitions or memorials are addressed to the Government of India or Her Majesty's Secretary of State for India.

2. I am to request that, with the permission of the Governor in Council, these rules may be observed in future.

ENCLOSURE.

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 Her Majesty the Queen, Empress of India, or to the Right Honorable 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 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.

N.B.—

A — Copy in full.

B — Not to be copied.

P — Copy abstract only.

Q — Copy heading only.

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 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.

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 and dismissal, pensions, &c.

II.—MEMORIALS, ETC., ADDRESSED TO HER MAJESTY THE QUEEN, EMPRESS 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 Her 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.

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 dismissal, pensions, &c.

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.

ORDER—dated 17th May 1894, No. 320, Political.

Recorded.

(The Extract.)

J. W. P. H.
Hyder Ali Khan
Chief Secretary.

To the Public Department.
„ Political Officers.

Public Dept

Govt. of {1894} Madras.
POLITICAL.

Order of June 1894 No. 410.

Recorded

S. B.

for C.S.

9/6/94

Issued

Recd.

Encl.

G.O., 17th May 1894, No. 320.

MAY.

Petition Rules.

Recording letter from the Government of India forwarding a copy of the revised rules regulating the submission or withholding by Local Governments and Administrations and by officers of the Political Department of the Government of India of petitions relating to matters affecting persons or places under their political charge, when such petitions are addressed to the Government of India or the Secretary of State for India.