

Public (1897) Department.

ORDINARY M.S.

G.O., No. 491

Dated 2-5-97

INDEXED.

[Despatch Abstract.]

Directing the publication  
in the 2d of Gazette at the commencing  
month of each official year of the A.B.C.  
2d Memorial Rules corrected up to  
date; and ordering the Supt. of  
Press, to keep copies for sale to the  
public & to make the first publi-  
cation at once.

T  
15/18/97

# BACK PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
|------|-----|-------------|-------|------|-----|-------------|-------|
|      |     |             |       |      |     |             |       |

# FURTHER PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
|------|-----|-------------|-------|------|-----|-------------|-------|
|      |     |             |       |      |     |             |       |

To under Secy

Last month <sup>one</sup> application was received from an Ex Govt. Servant for copies of the "Petition" and memorial Rules. It was then found that they though intended for the guidance of the public they were not available for sale at the Govt. Press and that if a party wanted to refer to them he would have to look up the issues of the Fort St. George Gazette from 1878 up to date for the original rules and the corrections from time to time made therein. It was accordingly suggested <sup>in the office</sup> that the <sup>corrected</sup> rules should be re-published in the Fort St. George Gazette at fixed intervals <sup>that copies should be kept corrected to date</sup> and the Secy has ordered that the suggestions might be sent to the Publ. Dept for being dealt with.

the matter is accordingly re.  
submitted for orders.

Wm  
1.4-98  
Lee  
6/4/98

Pub Dyt com 1897, vol. 4, 53  
8/21/98

Same //

for the under day  
There appears  
to be no objection to the  
suggestion made in the  
Rev. Dept. - the rules, as  
corrected to date, might  
be republished in the  
S. G. Gazette at the  
beginning of next session  
in the S. G. Gazette  
Press might be taken  
to the printer for the

Wm. H. H. H.  
1898  
Wm. H. H. H.

| C. No. | From the | No. | dated | 189 |
|--------|----------|-----|-------|-----|
| "      | "        | "   | "     | 189 |
| "      | "        | "   | "     | 189 |
| "      | "        | "   | "     | 189 |

12  
11-5-98

order no 491 of 2-5-98  
mis

The A. B. C. & D.  
corrected to date, will  
be published in the  
First S. G. Gazette  
at the commencement  
of next session,  
and copies will be  
kept by the S. G. Gazette  
Press for sale to the  
public. The first  
publication will be  
made at once, &  
addenda & corrigenda  
slips will thereafter  
be furnished to the  
S. G. Gazette Press.

being brought up to date.  
(from order of S.)

Cy  
28.4.52. M.  
29/4/59 P. 215 V.

**A**

# MEMORIAL RULES.

Rules for the submission, receipt and transmission of Memorials and other papers of the same class addressed to Her Majesty, or to the Right Hon'ble the Secretary of State for India.

OOTACAMUND,

August 1896.

May 1899

Set in long form  
all over in one  
volume

copy 24/5/59

To the Supr. Govt. P.  
with corrected copies  
of the rules, for necessary  
action.

(Notifications of the Government of India, Home Department, dated the 29th March 1878, 24th May 1878, 30th July 1879, 7th November 1879, 24th September 1880, 18th March 1881 and 30th October 1889.)

- (4) When a memorial is a mere application for pecuniary assistance by a person manifestly possessing no claim.
- (5) When a memorial is an application for employment under one of the Governments in India from a person not belonging to the covenanted service.
- (6) When a memorial is a mere appeal from a judicial decision.
- (7) When a memorial is addressed by an officer still in the public service and has reference to his prospective claim to pension.
- (8) When a memorial is an appeal against an order of a Local Government regarding the dismissal, removal, reduction or other punishment of a Government servant whose salary was not more than Rs. 100 a month; or when it is an appeal against similar orders of a Local Government confirmed by the Government of India from a Government servant whose salary was not more than Rs. 250 a month.
- (9) When a memorial is a mere appeal against the non-exercise by one of the Governments or Administrations in India of a dispensatory discretion vested in such Government or Administration by law or rule.
- (10) When a memorial is an appeal against a decision by any local, municipal, or other authority, which by any law or rule having the force of law is declared to be final.
- (11) When a memorial is an appeal against the action of a private individual, or of a body of private individuals, regarding the private relations of the memorialist and such individual or body.

[Vide Government of India, Home Department Notification No. 1516, dated 14th September 1894, printed in Public G.O., No. 731, dated 1st October 1894.]

XIII. The Government of India may withhold the transmission of a memorial addressed to Her Majesty or to the Secretary of State, unless the memorialist has previously memorialised the Government of India and the Local Government concerned on the same subject.

XIV. A list of memorials withheld under the discretionary power conferred by rule XII will be forwarded quarterly to the Government of India in the case of memorials withheld by Local Governments under the same discretionary power, and by the Government of India in the Department concerned to the Secretary of State.

- (a) These rules do not in any way affect or supersede orders issued on the same subject by the Military Authorities for the guidance of the Army.
- (b) It will be well for the transmitting office to examine such translations, and, if they are found to be incorrect or faulty, to notice the fact in sending on the memorial.
- (c) RESOLUTION.—The Governor-General in Council considers that the discretionary power of withholding petitions under Clause 8, Rule XII of the Rules for the submission, receipt, and transmission of memorials and other papers of the same class addressed to Her Majesty the Queen-Empress of India, or to the Right Honourable the Secretary of State for India, by private persons or by officers of all Civil Departments, should be used with caution and only after a full consideration of the facts in each case. Having regard to the constitution and character of the Indian subordinate services, dismissals of Government officials often involve serious distress, if not actual ruin, to them, and it is right that, under such circumstances, every opportunity should be allowed to them of making themselves heard. Further, when, as sometimes happens, their representations reach the Secretary of State through non-official channels, it is convenient that he should be in a position at once to deal with them, instead of being obliged, as may now be the case, to refer for information to this country. Such petitions, therefore, should not be withheld when there is any reasonable prospect of difference of opinion as to the orders passed on them by the Government of India, or when they contain anything to which the attention of the Secretary of State is likely to be specially directed.

12. When a memorial is an appeal against order requiring the grant of a licence to an inferior servant who is not eligible for such grant under the provisions of the rules.

- I. No memorial will be received or attended to unless forwarded as hereinafter prescribed.
- II. Every memorial should be accompanied by a letter requesting its transmission to the authority to which it is addressed.
- III. Every memorial addressed to Her Majesty or to the Secretary of State for India should be forwarded through the Local Government under which the writer is residing or is employed.
- IV. Memorials to Her Majesty or to the Secretary of State from persons in the Madras and Bombay Presidencies should be forwarded direct by the Local Government, with a full statement of facts and an expression of opinion, except in the case of memorials which relate to any rule or standing order of the Government of India, or which, if granted, would cause expenditure for which the Imperial and not the Local Government would be primarily responsible, or which relate to any legislative proceeding of the Governor-General in Council, or to an Act to which the Governor-General in Council has assented, or which relate to a case which has been previously under the consideration of the Government of India, whether on appeal or otherwise. Such memorials should be forwarded with a covering letter containing a full statement of facts and an expression of opinion to the Government of India in the Department having cognizance of the subject-matter of such memorial, by which Department the memorials will be transmitted to the Secretary of State.

V & VI. These do not apply to the Madras Presidency.

VII. No limit is fixed to the time within which an appeal from an order of the Governments in India must be preferred to the Home Government, except in the case of appeals from a judicial decision in which the Judge is a Political officer, and in which the appeal ordinarily lies to Government in the Political Department. Such appeals must be preferred within a period of twelve months from the date of communication to the persons concerned of the order to which objection is taken.

VIII. 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.

IX. Memorials, together with their accompanying documents, should be in English. If the accompanying documents must necessarily be forwarded in the Vernacular, an English Translation (b) should be appended, which should be attested by the signature of the memorialist.

X. It is not necessary that memorials should be forwarded in duplicate or triplicate. The originals will invariably be transmitted to England, a copy being made and retained by the Government of India, if necessary, for record.

XI. As a general rule, the transmission to England of a memorial duly forwarded through the proper channel will not be delayed by the transmitting Government in India beyond a month after the receipt of such memorial.

XII. Governments and Administrations in India are vested with discretionary power to withhold the transmission of memorials addressed to Her Majesty or to the Secretary of State in the following cases:—

- (1) When a memorial is illegible or unintelligible.
- (2) When a memorial contains disrespectful or improper language.
- (3) When a second memorial is presented after a decision has already been given by the authority to which it is addressed, and when no new facts or circumstances are adduced which afford grounds for a reconsideration of the case. A memorial addressed to Her Majesty by person whose appeal to the Secretary of State has already been rejected, shall be held to be a second memorial to the same authority, and shall not be transmitted.

**B**

**MEMORIAL RULES.**

Rules for the submission, receipt and transmission of Memorials and other papers of the same class addressed to His Excellency the Governor-General in Council.

Ootacamund,

~~August 1896.~~

May 1899

## SECTION I.

### *Petitions from 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 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."

1-A. A petition from a person who has been removed from, or has left the service of Government, relating to his removal from the service or to claims arising out of his service, should be forwarded through the Local Government under which the petitioner was employed.

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.

### *Petitions from officers in civil employ.*

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

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.

*Note.*—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—*vide* Home Department No. 1077—1—55, dated 3rd October 1890.

- (13) When a petition relates to a subject on which the Local Government is competent to pass orders and no previous application for redress has been made to the Local Government.

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.

5-  
**C**

**PETITION RULES.**

Rules for the submission and receipt of Petitions  
and other Papers of the same class addressed  
to the Government of Fort St. George.

(11) When a petition is an appeal against any order prejudicially affecting a Government servant who is in receipt of a salary not exceeding Rs. 50 a month, if an appeal against such order has already been decided by an officer superior to the officer passing the order.

I. Persons having cause of complaint against any servant of Government, civil or military, shall, in the first instance, seek redress from the officer in whom the local authority is vested, who, if unable to grant the redress sought, shall pass an order in writing to that effect. If dissatisfied with this decision, the petitioner shall be at liberty to address the Board of Revenue or Court, or superior civil or military authority, by which the local authority is controlled; or he may address the Government, in cases wherein there is no intermediate authority.

II. The Government will not receive a petition on any matter, unless it shall appear that the petitioner has first applied to the local authority, and also to the Board of Revenue or other controlling authority, where such exists. The petitions addressed to such local and controlling authorities, or copies of them, and the answers or orders of those authorities respectively, if any shall have been passed, must be annexed to the petition addressed to Government.

III. In order to enable Government to maintain the foregoing rule, without injustice or hardship to complaining parties, all heads of offices will understand that a party affected by an order is entitled to have, on application, a copy of the order, which should contain full details of the grounds of the decision. This is to be furnished to him, on plain paper, and without payment.

IV. Government will receive petitions only from principals; addresses running in the name of a vakeel or agent will receive no attention. Anonymous petitions will be totally disregarded.

V. Petitions addressed to Government will be liable to summary rejection in the following cases:—

- (1) when a petition is illegible or unintelligible;
- (2) when a petition contains language which, in the opinion of Government, is disloyal, disrespectful or improper;
- (3) when a previous petition has been disposed of by the Madras Government, the Governor-General in Council, or the Secretary of State 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 appeal from a judicial decision, with which the executive has no legal power of interference;
- (6) 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;
- (7) 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;
- (8) 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 first Edition of the Civil Service Regulations;
- (9) when a petition is an appeal against the non-exercise by Government of a dispensatory discretion vested in it by law or rule.
- (10) when a petition is an appeal against the decision of a duly constituted Court of Law in a Native State in political relations with Government.

VI. As the Governor in Council never interferes with the distribution of subordinate appointments, applications for situations in the gift of heads of departments will also remain unnoticed.

VII. The mode and channels through which all ranks of effective military officers and men should make known any complaint or grievance to superior authority are clearly laid down by the regulations of the service.

VIII. The foregoing general regulations for petitions are applicable in the Military Department to the following classes:—

- 1st.—Persons, not in the public service, residing within the limits of Military bazaars; camp-followers.
- 2nd.—Contractors for military supplies; abkari contractors.
- 3rd.—Military pensioners.
- 4th.—Persons having claims on Government in any Military department either on their own account or on account of services rendered to the State by deceased relatives.

IX. Every officer wishing to petition the Government should do so separately.

X. Every petition must be submitted through the head of the Office or department to which the petitioner belongs or belonged. But there is no objection to the petitioner transmitting a duplicate copy of his petition direct to the Government, provided that he marks it as a "duplicate."

XI. The head of the office or department will at once forward the petition to the Government through the ordinary official channel, and may make such remarks, as he may consider necessary, in regard to the accuracy of the statements made and inferences drawn in the appeal petition; he will also forward such records, not submitted by the appellant, as should properly be consulted in order to the disposal of the appeal.

XII. 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.

XIII. (1) every petition from an inhabitant of a Native State under the political control of the Madras Government must be submitted through the British Resident or Political Officer of the State in which the petitioner resides.

(2) There is no objection to a petitioner transmitting a duplicate copy of his petition direct to the Government, provided that he marks it as a "duplicate."

(3) The Resident or Political Officer will forward the petition to the Government of Madras with such report on the case as may be necessary.

For Rule XIV substitute the following:—

XIV. Petitions from Carnatic stipendiaries should be submitted through the Paymaster Carnatic Stipends.

XV. Petitions from Political pensioners, other than Carnatic stipendiaries, and from Kandyan pensioners should be submitted through the Government Agent or the Collector of the district in which the petitioners reside.

OOTACAMUND,

4th July 1896.

May 1896

# D

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 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 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 about 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 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

withheld under the discretionary powers conferred by the above rules will be forwarded the reason for withholding it.

*Vide notes overleaf.*

NOTE [1].—The following extracts from despatches should be read with rule 7 (3).

*Despatch from the Government of India, Foreign Department (Internal), dated 3rd July 1894, No. 1157.*

With regard to the first objection, viz., "that the memorialists are not the subjects of the State of Travancore, but of the State of Cochin; that they reside in Cochin and are interested in temple trust-property situated in that State (which is not the subject of appeal) and in the State of Travancore; and that it is in regard to the latter property that an appeal for justice and for redress of grievances has been made;" it may be conceded that, according to the literal wording of the rule (which has been incorporated as rule 7 (3) of the new rules sanctioned under Lord Kimberley's despatch No. 8 (Political), dated the 8th February 1894), the memorialists might claim that their petition could not be withheld. But at the same time the object of the rule was mainly to protect the interests of British subjects who might consider themselves aggrieved by the order of a Native Chief, and not to place immigrants from another Native State in a semi-independent position with regard to the authorities in the State in which they have taken up employment or acquired property. We would therefore suggest that Rule 7 (3) should be regarded as governing such a case as the present, in which a memorial is presented by subjects of one Native State against the authorities of another Native State on a matter of purely internal policy—subject, of course, to the provisos laid down in the rule.

*Despatch from the Right Honorable the Secretary of State for India, dated 23rd August 1894, No. 62, Political.*

3. I must add, however, with reference to the remarks in your final paragraph, that I do not think that Rule 7 (3) can be properly so altered as to cover a case of this kind. That rule refers, not to judicial decisions of competent Courts, but to the executive action of Native Rulers in matters of internal policy, and I do not think it can be interpreted as applying only to British subjects, to the exclusion of subjects of alien Native States.

4. The rules regarding "Political" memorials addressed to the Government of India and the Home authorities fail to provide for petitions which are, in effect, appeals from the decisions of regularly constituted legal tribunals in Native States, and, while I should discourage the reception of such petitions except on very cogent grounds, I do not find that they have hitherto been of sufficient frequency to render necessary an alteration of the rules recently passed in regard to the transmission of such memorials.

[G.O., dated 19th October 1894, No. 717, Political.]

NOTE [2].—The following order should invariably issue to memorialists on cases where No. 7 (3) of the above rules is applicable:—

"The memorial is withheld as the matter in respect of which the memorialist appeals is one of internal policy affecting him as a subject of a Native State, and His Excellency the Governor in Council sees no reason to interfere."

[G.O., dated 24th August 1895, No. 563, Political.]

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 supercedes.

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.

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.

NOTE [1].—The following extracts from despatches should be read with rule 7 (3):—

*Despatch from the Government of India, Foreign Department (Internal), dated 3rd July 1894, No. 1157.*

With regard to the first objection, viz., "that the memorialists are not the subjects of the State of Travancore, but of the State of Cochin; that they reside in Cochin and are interested in temple trust-property situated in that State (which is not the subject of appeal) and in the State of Travancore; and that it is in regard to the latter property that an appeal for justice and for redress of grievances has been made;" it may be conceded that, according to the literal wording of the rule (which has been incorporated as rule 7 (3) of the new rules sanctioned under Lord Kimberley's despatch No. 8 (Political), dated the 8th February 1894), the memorialists might claim that their petition could not be withheld. But at the same time the object of the rule was mainly to protect the interests of British subjects who might consider themselves aggrieved by the order of a Native Chief, and not to place immigrants from another Native State in a semi-independent position with regard to the authorities in the State in which they have taken up employment or acquired property. We would therefore suggest that Rule 7 (3) should be regarded as governing such a case as the present, in which a memorial is presented by subjects of one Native State against the authorities of another Native State on a matter of purely internal policy—subject, of course, to the provisos laid down in the rule.

*Despatch from the Right Honorable the Secretary of State for India, dated 23rd August 1894, No. 62, Political.*

3. I must add, however, with reference to the remarks in your final paragraph, that I do not think that Rule 7 (3) can be properly so altered as to cover a case of this kind. That rule refers, not to judicial decisions of competent Courts, but to the executive action of Native Rulers in matters of internal policy, and I do not think it can be interpreted as applying only to British subjects, to the exclusion of subjects of alien Native States.

4. The rules regarding "Political" memorials addressed to the Government of India and the Home authorities fail to provide for petitions which are, in effect, appeals from the decisions of regularly constituted legal tribunals in Native States, and, while I should discourage the reception of such petitions except on very cogent grounds, I do not find that they have hitherto been of sufficient frequency to render necessary an alteration of the rules recently passed in regard to the transmission of such memorials.

[G.O., dated 19th October 1894, No. 717, Political.]

NOTE [2].—The following order should invariably issue to memorialists on cases where No. 7 (3) of the above rules is applicable:—

"The memorial is withheld as the matter in respect of which the memorialist appeals is one of internal policy affecting him as a subject of a Native State, and His Excellency the Governor in Council sees no reason to interfere."

[G.O., dated 24th August 1895, No. 563, Political.]

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 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 in 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 recognized 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

\* *E.g.*, petitions from Government servants about dismissal, pensions, &c. treated under the memorial rules of the Home Department when they are applicable.

## 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.

## 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 the 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.

*Note.*—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—*vide* Home Department No. 1077—1—55, dated 3rd October 1890.

- (13) When a petition relates to a subject on which the Local Government is competent to pass orders and no previous application for redress has been made to the Local Government.

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.

## C.

### RULES FOR THE SUBMISSION AND RECEIPT OF PETITIONS AND OTHER PAPERS OF THE SAME CLASS ADDRESSED TO THE GOVERNMENT OF FORT ST. GEORGE.

I. Persons having cause of complaint against any servant of Government, civil or military, shall, in the first instance, seek redress from the officer in whom the local authority is vested, who, if unable to grant the redress sought, shall pass an order in writing to that effect. If dissatisfied with this decision, the petitioner shall be at liberty to address the Board of Revenue or Court, or superior civil or military authority, by which the local authority is controlled; or he may address the Government, in cases wherein there is no intermediate authority.

II. The Government will not receive a petition on any matter, unless it shall appear that the petitioner has first applied to the local authority, and also to the Board of Revenue or other controlling authority, where such exists. The petitions addressed to such local and controlling authorities, or copies of them, and the answers or orders of those authorities respectively, if any shall have been passed, must be annexed to the petition addressed to Government.

III. In order to enable Government to maintain the foregoing rule, without injustice or hardship to complaining parties, all heads of offices will understand that a party affected by an order is entitled to have, on application, a copy of the order, which should contain full details of the grounds of the decision. This is to be furnished to him, on plain paper, and without payment.

note for CA

It is very stupid indeed that the note should have got into the Gazette.

The Masters office was told to send to the Supt. Genl. Press, with the V.O., copies of the memorial Rules corrected & set, - getting into the whole thing. I am very sorry because instructions were not sent down to omit the note. It might be well to omit note (1) as well as note (2).

The Supt. Genl. Press has been told to keep copies of the Rules for sale to the public. I shall send down a note to the effect that note

(2) should be omitted in all copies to be sold - If you think it desirable, I shall give instructions to omit note (1) also.

V.C.  
J. H. M.

SA

What we should have done  
Explanation of the

Cu  
13859



If these rules were not  
intended for despatches  
they would not not have  
been sent down.

In reference to para  
2 of your note to C.A.  
I may state that no  
instructions were received  
in the Madras office  
beyond the despatch  
instructions in the L.O.  
itself - and as a complete  
set of the rules connected  
at Ooty were attached  
to the draft L.O. the  
~~Madras office~~ ~~forwarded~~ ~~those rules~~  
forwarded those rules  
to the Pres. I submit  
that no blame attaches  
to the Madras office  
in this matter and  
Yours faithfully  
1/1/99

H.C.

Must tell, before I  
replied to C.A., that the  
copies of the rules sent  
to Press with the 20...  
were supplied from the  
custodian office. It now  
appears that copies were  
sent from here. How is  
this?

Cu  
19.5.55

NOTE FOR THE ~~UNDER SECRETARY~~.

bas :-

- In the absence of instructions to the contrary, I beg to state that in a case like this, the City office was not to blame for having sent on the whole file as it was.

SA

5

Done.

Returned &  
accordingly.

La

Perhaps the copies of  
the ~~to~~ p.c. and mem. rules (herewith)

~~was~~ obtained back ~~for~~ by the H.C.

Madras from the Govt. Press  
may now be returned to the Supt.

As they form enclosures to the G.O.

Mk  
20/5/89

St  
20/5/89

When given for copying \_\_\_\_\_  
When copied \_\_\_\_\_  
When examined \_\_\_\_\_ 189  
When signed \_\_\_\_\_

READ AGAIN G O, No. \_\_\_\_\_, DATED  
189 .

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT .. .. A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILLED UP, BEING MEANT FOR DESPATCH  
IN ORIGINAL.

N.B. -

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