

4/5/78

No. 707, dated Fort William, the 29th March 1878.

NOTIFICATION—By the Government of India, Home Department.

THE following rules for the submission, receipt, and transmission of

N. B.—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.

memorials and other papers of the same class, addressed to Her Majesty the Queen, Empress of India, or to the Right Hon'ble the Secretary of State for India, by private persons or by

officers of all civil departments, are published for general information ; and the rules published under Home Department notifications No. 3742, dated 21st August 1867, and No. 1461, dated 31st July 1877, are cancelled :—

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. 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.—Memorials to Her Majesty or to the Secretary of State from persons in Bengal, the North-Western Provinces and Oudh, or the Punjab, should be forwarded by the local Government, with a full statement of facts and an expression of opinion, to the Government of India in the proper department for transmission to the authority addressed.*

* Appeals by private persons from the orders of Lieutenant-Governors lie, in the first instance, to the Governor-General in Council. An appeal to the Secretary of State will lie only in the event of an appeal to the Governor-General in Council having been rejected.

VI.—Memorials to Her Majesty or to the Secretary of State from persons in the minor Administrations—the Central Provinces, British Burma, Berar, Mysore, Coorg and Assam—should be forwarded with a full statement of facts and an expression of opinion by the Chief Commissioner, or other officer charged with the administration of the province, to the Government of India in the proper department for transmission to the authority addressed.†

† In these minor Administrations also appeals by individuals from the orders of the Chief Commissioners, &c., lie, in the first instance, to the Governor-General in Council, and thereafter to the Secretary of State.

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 Department, 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

‡ When a judicial decision of the nature referred to has been communicated to the party or parties concerned before the 31st July 1877, he or they may appeal from such decision within 18 months from that date.

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 should be appended, which should be attested by the signature of the memorialist.

N. 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.

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 a 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.
- (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.

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.

No. 16-710.

COPY forwarded to all local Governments and Administrations for information and guidance.

No.

COPY forwarded to the several Departments of the Government of India for information, with reference to their No. , dated.

(3)

No.

Copy forwarded to the Superintendent of Port Blair and the Nicobars, Director-General of the Archaeological Survey of India, Sanitary Commissioner with the Government of India, Secretary to the Board of Examiners, and the Registrar of the Calcutta University, for information.

JAMES O'KINEALY,

Offg. Secretary to the Govt. of India.

Circular No. 9.

Copy forwarded to
for information and guidance.

By order of the Lieutenant-Governor of Bengal,

H. H. RISLEY,

Under-Secretary to the Govt. of Bengal.

CALCUTTA ;
GENERAL DEPT.—*Miscellaneous,*
The 17th April 1878.

No. 31

*Copy forwarded to the Principal
Presidency College for information
and guidance*

*For William
The 20th April/78*

*By order
H. H. Risley
Head Assistant
to the offg. Secy: of
Pub. Insl.*

*Ed
P. 10*

