

POLICE ORDER No. 78

Instructions regarding submission of petitions or memorials etc. addressed to Government.

Appended herewith are all instructions in a Consolidated form issued so far in respect of submission and disposal of petitions or memorials addressed to Government. This is for the information and guidance of all subordinate officers. Petitions or memorials violating the instruction given below are liable to rejection:—

I. Instructions regarding submission of petition or memorial to His Excellency the Governor:—

- (1) No petition or memorial addressed to His Excellency the Governor shall be withheld by any authority.
- (2) Every such petition or memorial shall be submitted through the head of the office or department to which the petitioner or the memorialist belongs or belonged, to the Secretary to Government in the administrative department concerned.
- (3) A petition or a memorial addressed to His Excellency the Governor will be summarily rejected by him if—
 - (i) the petitioner or the memorialist has not availed himself of the remedies provided by rules or orders as applicable to the case ; or
 - (ii) the petition or the memorial was not submitted within six months from the date on which the final order passed on appeal or revision under the rules or orders applicable to the case, was communicated to the petitioner or to the memorialist;

or

- (iii) the petition or the memorial relates to a matter which has already been disposed of by His Excellency the Governor and which does not disclose any new facts.

The authority forwarding a petition or memorial shall state on it whether the petitioner or the memorialist has complied with the above requirements.

- (4) Appeals to Government against orders passed by heads of departments should be addressed to His Excellency the Governor.
- (5) Memorial and petitions should be transmitted to the Secretariat with the views of the authorities through whom they pass within two months from the date of receipt by the authority to whom they are first presented.
- (6) Advance copies of memorials, petitions or appeals, etc, shall not be sent direct to Government and Heads of Department. They should be sent through proper channel.
- (7) No memorials should be permitted to go up in which merely a warning was entered on the orders of a head of a Department passed on appeal or passed by another officer and upheld in appeal by the head of the Department.

II. Instructions regarding submission of certain classes of petitions to the President of the Indian Republic.

PART I

Preliminary

1. *Definition*—For the purposes of these Instructions, petition includes memorials, letters and applications of the nature of petitions.

2. *Scope of Instructions*—These instructions shall apply, so far as may be, to all petition addressed to President relating to matters to which the executive authority of the President extends excepting—

- (i) petitions substituted by or on behalf of persons sentenced by a court of law to death or to any other punishment ;
- (ii) petitions submitted by, or on behalf of persons who have been in the service of the Government in respect of matters arising out of such service or in respect of the termination of such service; and
- (iii) petitions relating to bills pending before the Parliament.

PART II

Form and Manner of submission of Petitions

3. *Form of Petition*—(1) A petition may be either in type or in print.

(2) Every petition shall be authenticated by the signature of the petitioner or, when the petitioners are numerous, by the signatures of one or more of them.

(3) Every petition and the documents accompanying it shall, if possible, be in English, if not they shall be accompanied by an English translation authenticated in the manner provided in sub-instruction (2).

4. *Contents of petition*—Every petition shall—

(a) contain all material statements and arguments relied upon by the petitioner;

(b) be complete in itself ;

(c) if any recorded order of a public authority is complained against be accompanied by a copy of the order and by a copy of any order in the case passed by the subordinate authority;

(d) and with a specific prayer.

5. *Method of submission*—Every petition shall be submitted—

(a) if it relates to a matter directly administered by the President, through the Head of the Ministry concerned ;

(b) if it emanates from a Chief Commissioner's Province and is not covered by the preceding clause, through the Chief Commissioner ; and

(c) in any other case to the President in the Ministry of Home Affairs; and shall be accompanied by a letter requesting the authority to submit the petition to the President.

PART III

Withholding of Petitions by Subordinate Authorities

6. *Circumstances in which petitions may be withheld*—The petitions received by any authority under sub-instructions (a) and (b) of instruction 5 may, if it is an authority specified in the Schedule be withheld by that authority, when

(1) the petitioner has not complied in full with the provisions of Part II of these instructions;

(2) the petition is illegible or unintelligible, or contains language which is, in the opinion of the authority is loyal, disrespectful or improper;

(3) a previous petition from the petitioner on the same subject has been disposed of by the President and the petition, in the opinion of the authority, discloses no new fact or circumstances which afford grounds for reconsideration of the subject;

(4) the petition is a representation against a decision which is declared to be final by any law or statutory rule;

(5) the law provides a different or specific remedy in respect of the subject-matter of the petition, whether or not any period of limitation prescribed for the prosecution of such remedy has expired;

(6) the petition is in effect on appeal from a judicial decision :

(7) the petition is a mere application for relief, pecuniary or other, which is—

(a) presented by a person manifestly possessing no claim or advancing a claim of an obviously un-substantial character, or

(b) so belated that its consideration is clearly impossible ;

- (8) the petition makes a proposal regarding legislation which the authority is not prepared to support ;
- (9) the petition is a representation against the action of a private relations of the petition or such individual or body ;
- (10) the petition relates to a matter in which the petitioner has no direct personal interest;
- (11) the petition relates to a subject on which the authority is competent to pass orders, and no application for redress has been made by the petitioner to the authority ;
- (12) the petition is a representation against an order communicated to the petitioner more than six months before the submission of the petition and no satisfactory explanation of the delay is given ; and
- (13) the petition is a representation against a failure to exercise a discretion vested in the President or any other authority.

7. Petitioner to be informed when petition is withheld. When a petition is withheld under Instruction 6 the authority shall inform the petitioner of the withholding and the reason therefor.

8. *List of petitions withheld*—The authorities mentioned in the Schedule shall send a quarterly return to the President specifying all petitions, withheld under Instruction 6 and the reasons for withholding them.

PART IV

Transmission of Petitions by Subordinate Authorities

9. *Procedure for Transmission*—(1) The authorities referred to in sub-instructions (a) and (b) of Instructions 5 shall transmit to the President all petitions not withheld under Instruction 6, together with a concise statement of facts, materials thereto and an expression of the authority concerned thereon.

- (2) Where the petition or any document accompanying it is not in English—
 - (a) if it is accompanied by an English translation, the authority shall examine the translation and report and defects found therein while transmitting the petition ; and
 - (b) if it is not accompanied by an English translation, the authority shall prepare such a translation and transmit it together with the petition.

SCHEDULE

List of Subordinate Authorities who may withhold petitions

(See Instruction 6)

1. All Heads of Ministries directly administered by the President including—

- (a) the Commander-in-Chief in India;
- (b) the Flag Officer Commanding, Royal India Navy ;
- (c) the Air Officer Commanding-in-Chief, Air Headquarters, India; and
- (d) Railway Board

2. Army, District and Independent Brigade Commanders

3. Chief Commissioners

III. Memorials and petitions addressed to Government should be submitted in duplicate
Manual reference. Rule 700

(Previous Police Order Reference No. 3 of 1952)