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## JUDICIAL.

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G.O., 24th August 1895, No. 1762.

## AUGUST.

### Railway Accidents.

Directing that the submission of reports on — to the Chief Secretary to Government be discontinued and that notices of the date and hour of the departmental enquiry referred to in Rule 5 (1) (*a*) of the rules issued under section 84 of the Indian Railways Act, 1890, shall invariably be given to the Stationary Sub-Magistrate, or, in his absence, to the Subordinate Magistrate of the second or third class within whose local jurisdiction the railway accident has taken place ; and requesting District Magistrates to issue necessary instructions to this effect.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following paper :—

Memorandum, in the Public Works Department (Railway Branch), dated 5th July 1895, No. 503-D.

*Read*—the following letter from the Acting Agent, South Indian Railway, to the Consulting Engineer for Railways, dated Madras, 20th June 1895, No. 560 :—

Referring to the rules for the guidance of Agents in reporting accidents to the Government Inspector, received with your letter, No. 1867, of the 14th instant, I have the honour to inquire whether I am correct in assuming—

(*a*) that, with regard to paragraph 1 and the foot-note thereto, one telegram, addressed to yourself, will suffice, and that, as the powers of the Local Government are vested in yourself, the separate telegraphic intimation hitherto furnished to the Chief Secretary to Government in the Judicial Department is not required ;

(*b*) that the revised rules are now in force.

2. With reference to paragraph 5 (1) (*a*) of enclosure No. 1 to Government of India Circular, No. 1, kindly let me know what magisterial officer, if any, other than the District Magistrate, the Local Government have appointed as the person to whom notice should be given of the date and hour fixed for a departmental inquiry. If no action has yet been taken in this matter, I would suggest that, as in the case of similar information to be given to the Police authorities, the Subordinate Magistrate within whose immediate jurisdiction an accident has occurred be the officer to whom the required information should be given.

The District Magistrate might frequently be at a considerable distance from the scene of an accident, perhaps beyond reach of telegraphic communication, and his whereabouts unknown ; thus delay might be caused to departmental inquiry, which should be held as soon as possible after the occurrence of an accident.

---

*Memorandum*—dated 5th July 1895, No. 503-D., Public Works (Railway).

Forwarded to the Judicial Department for favour of orders.

2. The Agent, South Indian Railway, inquires—

(i) if separate communication of accidents should be furnished to the Chief Secretary, Judicial Department ;

(ii) what magisterial officers, if any, other than the District Magistrate, have been appointed by the Local Government as the persons to whom notice should be given of the time fixed for the departmental inquiry.

3. With regard to Query (i), it is observed that the new rules do not as in the case of the old ones (*vide* Rule 5 (*b*), section I, of rules accompanying India's Circular, III, Railway, dated 7th January 1881) require that notice be given to Government in the Judicial Department, and the continuance of this procedure appears to be unnecessary since the senior Government Inspector being also a Joint Secretary is the Local Government within the meaning of the Act.

4. In connection with Query (ii), the Agent suggests that, as in the case of similar information to be given to the Police authorities, the Subordinate Magistrate within

whose immediate jurisdiction an accident may occur may be the officer to whom the required information should be given. This suggestion is approved, and it is requested that orders may be issued declaring Subordinate Magistrates of the first class within whose immediate jurisdiction the accident may occur to be appointed under Rule 16, Enclosure I, to Government of India No. 7, Railways, of 1895.

(Signed) F. R. UPCOTT,
*Jt. Secy. to Govt., P.W.D. (Ry. Branch).*

To the Judicial Department.

---

ORDER—dated 24th August 1895, No. 1762, Judicial.

The submission of reports on railway accidents to the Chief Secretary to Government is no longer required by the rules and may therefore be discontinued.

2. With reference to the enquiry of the Agent, South Indian Railway, the Government is pleased to direct that notices of the date and hour of the departmental enquiry referred to in Rule 5 (1) (*a*) * of the rules issued under section 84 of the Indian Railways Act, 1890, and contained in enclosure No. 1 to Government of India's Circular No. 7, Railways, shall invariably be given to the Stationary Sub-Magistrate, or, in the absence of such officer, to the Subordinate Magistrate of the second or third class within whose local jurisdiction the railway accident has taken place. District Magistrates will issue necessary instructions to this effect.

* Published at page 565 of the *Fort St. George Gazette*, Part I, dated 21st May 1895.

3. Rule 16, to which reference is made in the memorandum from the Public Works Department, does not relate to the departmental enquiry contemplated by Rules 4 and 5, but to a magisterial enquiry which the District Magistrate may, if he sees fit, make into the causes which led to the accident. It does not appear necessary or desirable generally to confer such powers upon Subordinate Magistrates, as the District Magistrate is himself authorised to depute Subordinate Magistrates to make such enquiries when he thinks fit.

4. It is desirable that the officer who receives notice of the time of the departmental enquiry contemplated in Rules 4 and 5 in the circular quoted above should be the officer to whom the report of the occurrence of an accident should be submitted as required by section 83 of the Act, and the Government is accordingly pleased to direct that this course shall be followed. Occurrence reports will therefore in future be submitted to the Stationary or other Sub-Magistrate of the second or third class having local jurisdiction, and not the District Magistrate. Executive orders should, however, in addition be issued by District Magistrates requiring the Stationary or other Sub-Magistrates concerned to communicate the occurrence reports in cases of importance without delay to the Sub-Divisional Magistrate to whom they are immediately subordinate. Similarly, the Sub-Divisional Magistrates should be directed, in cases of a special importance, to transmit a copy of the report to the District Magistrate.

(True Extract.)

J. F. PRICE,
*Chief Secretary.*

To the Public Works Department (Railway Branch).
„ all District Magistrates, except South Canara and Nilgiris.

Exd. A. Raitt.

Govt. of {1895} Madras.

JUDICIAL.

*Issued*

*Recd.* *Encl.*

G.O., 26th August 1895, No. 1772.

AUGUST.

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(Signed) J. H. SPRING-BRANSON,
*Advocate-General.*

From the Superintendent, Government Press, Madras, dated 14th August 1895, No. 1945.

ABSTRACT.—Reporting the dates on which Bill No. 11 of 1895 was published in the *Fort St. George Gazette* in English and the vernaculars.

From the Acting Registrar of the High Court of Judicature, Appellate Side, Madras, to the Chief Secretary to Government, dated Madras, 14th August 1895, No. 2187.

With reference to G.O., dated the 22nd ultimo, No. 1536, Judicial, communicating, for opinion, a Bill to amend the Indian Penal Code, I am directed to forward a transcript of the minute recorded by the Hon'ble Mr. Justice Best, and to state that the Hon'ble the Chief Justice sees no objection to the amendment and that Mr. Justice Parker considers the Bill necessary. The Hon'ble Justices Shephard and Subrahmania Aiyar have no remarks to offer.

(Signed) D. W. G. COWIE,
*Ag. Registrar, Appellate Side.*

ENCLOSURE.

*Minute.*

*Mr. Justice Best.*—It seems to me that the object will be attained without introducing any contradiction in the section itself, if for clause 2 the following were substituted :—

"Queen's coin is metal stamped and issued by the authority of the Queen, or by the authority of the Government of India, or of the Government of any Presidency or of any Government in the Queen's Dominions, whether used for the time being as money or not."

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ORDER—dated 26th August 1895, No. 1772, Judicial.

The following letter will be despatched to the Government of India :—

[Here enter No. 1773, dated 26th August 1895.]

(True Extract.)

J. F. PRICE,
*Chief Secretary.*

Exd. A. Raitt.

# Govt. of {1895} Madras.

## JUDICIAL.

*Issued*

*Recd.* *Encl.*

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**G.O., &c., 26th August 1895,
Nos. 1772, 1773.**

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## AUGUST.

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### Bills—Legislative.

Communicating to the Government of India the opinions of the Hon'ble the Judges of the High Court, the Advocate-General and this Government on the provisions of the Bill to amend the Indian Penal Code.