Public Works (1898) Department.

RAILWAY BRANCH.

G.O., No. 533-34 Rly.

DATED 5th April 1898.

[Despatch Abstract.]

Reserved Accommodation for ladies or gentlemen in carriages on Indian Railways.

Ordered that the copies of certain correspondence on the subject of ——— be forwarded for the orders of the Govt. of India.

Forwarded

Indexed. 23/4/98.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Le 533-29
5-4-29

By CM

"For Ladies Only."

A MATTER OF CONSIDERABLE INTEREST TO the travelling public in connection with the Madras Railway Company has recently been under consideration by Government. The question arose as to whether a Railway Administration had the right, under the Indian Railways Act of 1890, to reserve compartments in any class for females or ladies only; and consequently whether or not it was necessary to make a new rule with a view to ensure that a reserved compartment of a class higher than the lowest shall not be entered by persons for whose use it has not been reserved. According to Section 64 (i) of the Indian Railways Act, it is provided that "on and after the first day of January, 1891, every Railway Administration shall, in every train carrying passengers, reserve for the exclusive use of females one compartment at least of the lowest class of carriage, forming part of the train." Section 119 of the same Act provides the penalty of a fine, extending to one hundred rupees, on any male passenger who without lawful excuse enters and remains in such reserved compartment. Doubts were expressed as to whether the Railway Company was empowered by Section 64 (i) to reserve first and second, as well as third class compartments for females or ladies only, and whether male passengers incurred the penalty, prescribed in Section 119, by taking their places in first and second class compartments thus reserved. Of course there could be no doubt whatever with regard to a compartment reserved for "ladies only," if all the seats had been duly paid for; the point at issue was whether the Company has a right to reserve a compartment for ladies only in any class above the lowest, when all the seats have not been secured by the said "ladies only." The Railway Act renders it obligatory on the Company to give every person, who tenders the requisite fare, a ticket, provided there is room in the train; and the Company is only empowered to refuse persons who are suffering from infectious or contagious diseases. Under these circumstances it became doubtful whether a male passenger, who had paid a first or second class fare, would not be justified in entering a first or second compartment (as the case may be) reserved for "ladies only"—provided of course that all the seats in the said reserved compartment had not been paid for and taken up by ladies. The Solicitors of the Madras Railway Company were of opinion that there was nothing in the Indian Railways Act which prevents a first-class passenger travelling in any compartment of that class, however reserved, unless the full fares according to the capacity of the compartment had been paid by the persons travelling in it. And the Solicitors added that, in case of such intrusion, the penalty prescribed in Section 127 would not apply; but would only be applicable in the case of third-class passengers. They therefore advised that it would be necessary to frame a new Rule with regard to this matter, and submitted the following draft Rule:—"Every Railway Administration shall be at liberty to reserve compartments in any class for passengers of either sex in every train carrying passengers."

The Madras Government submitted the question to the late Acting Advocate-General; and he was of opinion that Section 64 (i) of the Act authorises a Railway Administration to reserve in any train, carrying passengers, one or more compartments for the exclusive use of females or ladies in the higher classes; though the Section only makes it compulsory on the part of a Railway Administration to reserve at least one such compartment in the lowest class. And the late Acting Advocate-General proceeded to urge that, if this was the right construction of Section 64 (i), the Railway Administration is at perfect liberty to reserve compartments in the higher classes for the exclusive use of ladies; and the penalty provided in Section 119 will be incurred by any male passenger entering without lawful excuse compartments so reserved. If the wording of Section 64 (i) had been that every Railway Administration shall, in every train carrying passengers, *reserve in the lowest class* one compartment at least for the exclusive use of females; then, in the absence of a Rule, which was framed under Section 47 (i) b [enabling Railway Companies to make Rules for the accommodation and convenience of passengers], and which empowered a Railway Administration to reserve a compartment in the higher classes for ladies, Section 119 (prescribing penalties) would not apply; and under Section 67 (i) a male passenger who has secured the proper ticket would be entitled to travel in such compartment, if there be room in it. But, in the opinion of the late Acting Advocate-General, Section 64 (i) provides that every Railway Administration is bound in every train carrying passengers to reserve *for the exclusive use of females* at least one compartment of the lowest class, thereby necessarily implying that a Railway Administration is at liberty to reserve, and may reserve, a compartment or compartments in the higher classes; or more than one compartment in the lowest class for the exclusive use of females. As the Section now runs the *least* that a Railway Administration ought to do in the matter of providing reserved accommodation for females is to set apart in the lowest class one compartment. The power intended to be conferred on a Railway Administration by the proposed Rule [drafted by the Railway Solicitors] so far as it relates to females, is already conferred on it by necessary implication by Section 64 (i) of the Act itself. But if the intention is to allow a Railway Administration also to be at liberty to reserve compartments or carriages for males, such power, according to the late Acting Advocate-General, will have to be conferred by a Rule made under Section 47 (i) b [empowering Railway Administrations to frame such Rules]; and Mr. Bhashyam Iyengar advised the adoption of the draft Rule, which was framed by the Company's Solicitors and relates to both sexes; so that no possible misconceptions may arise from restricting the Rules to males, and also in order that the existing practice of reserving compartments for ladies in the higher classes may be placed upon legal footing beyond the possibility of doubt. In conclusion, Mr. Bhashyam pointed out that the draft Rule, as it now stood, would not enable a Railway Administration to reserve compartments for males or females of any particular nationality or race; and thus a carriage could not be legally reserved for "Europeans and Eurasians only;" or on the other hand "for Native ladies only;" though "for ladies only" would be perfectly legitimate.

the Traffic Manager, Madras, from Messrs Barclay, Orr and David, High Court, Madras.

We are in receipt of your letter of the 4th instant, No. C 52952 with copy of the General Rules for open Lines of Railway.

2. The difficulty with regard to the question as to whether a Railway Administration has the right to reserve a particular compartment for either Ladies or Gentlemen unless, of course, reserved accommodation is paid for by a passenger, arises from the provision of the Railway Act. In considering these provisions we, of course, leave out all references to section 64 of the Act which imposes a duty on Railway Administrations.

3. Section 63 provides that every Railway Administration shall fix the maximum number of passengers which may be carried in each compartment of every description of carriage and shall exhibit the number so fixed in a conspicuous manner inside and outside each compartment.

4. Section 66(1) provides that every person desirous of travelling on a Railway shall upon payment of his fare, be supplied with a ticket

specifying

specifying the class of carriage for which the fare has been paid. Thus Section 67 (1) provides that fares shall be deemed to be accepted and tickets to be issued subject to the condition of there being room available in the train, i.e. any part of the fare not specially received on payment, for which the tickets are issued.

5. Reading these Sections together it seems to us that prima facie, an intending passenger who has paid his fare and obtained his ticket is entitled to enter and to travel in any compartment of the class for which he has paid his fare, provided that the number already in that compartment is not the maximum fixed under Section 63. This opinion is strengthened by the provision of Section 68, which are that no person shall without the permission of a railway servant enter any carriage or a railway for the purpose of travelling therein as a passenger unless he has with him a proper pass or ticket, thereby implying that provided a person has with him a proper pass or ticket he may enter and travel in any carriage provided, of course there is room in it for him.

6. Again, Section 71 (1) provides that no Railway Administration may refuse to carry, except in accordance with the conditions prescribed under

and on a passenger who avoids the law [illegible]

MADRAS RAILWAY.

From

The Agent and Manager.

To

The Consulting Engineer

for Railways.

Dated 188

Recd.

No.

MADRAS RAILWAY.

From

The Agent and Manager.

To

The Consulting Engineer

for Railways.

Dated 188

Read.

No.

entry of another passenger into a Compartment not reserved by the Railway Administration

6 52 3

under Section 47, sub Section (1) Clause (d) person suffering from any infectious or contagious disorder, Section 47 (1) (d) provides a Railway Company shall make general rules consistent with the Act for regulating the conditions on which the Railway Administration will carry passengers suffering from infections or contagious disorders and rules have been made for this purpose (Vide Chapter Rules 7 and 8) and one of the conditions under which a passenger suffering from any such disease will under these rules, be carried in any train is that he has engaged a reserved Compartment for himself and his attendants.

7. Section 47 (1) (b) provides that a Railway Company shall make general rules for providing for the accommodation and convenience of passengers and certain rules have been made for these purposes but such rules do not provide for a Railway Company reserving special accommodation for either Ladies or Gentlemen.

8. Section 109 of the Act imposes a penalty on a passenger, who having entered a compartment which is reserved for the use of another passenger (i.e. on payment) or which already contains the maximum number of passengers exhibited therein or thereon under Section 63 and also on a passenger who resists the lawful

the

MADRAS RAILWAY.

From

The Agent and Manager.

To

The Consulting Engineer

for Railways.

Dated 188

Recd.

No.

entry of another passenger into a Compartment not reserved by the Railway Administration for the use of the passenger resisting and not already containing the maximum number of passengers. Both these Sections clearly refer to a Compartment reserved for an individual passenger and not for a class of passengers. There is of course, nothing to prevent a Company reserving a Compartment for an individual or several individual passengers, on payment or under Section 68. without payment or ticket or with the permission of a Railway Servant but this is a very different thing from reserving a Compartment for all passengers of one or other of the sexes.

9. It seems to us that, as the Act provides certain circumstances mentioned in Section 68 and 71 under which an intending passenger shall not enter a railway Carriage it must be inferred that unless such circumstances apply to such a passenger, he has a right to enter and travel in any carriage (or compartment) of the class for which he has paid his fare and in which there is room for him. Were this otherwise we think Rules would have been made empowering a Railway Administration to reserve compartments for either Ladies or Gentlemen or any other special class of passengers.

We

to be carried on its railway but, unless authorised by its sanctioned rules to do so,

the

10. We do not think it would be safe, in considering this question to rely in any way on the practice of Railway Companies in England, for they are governed by laws not in force here. For instance under 31 and 32 Vict C 119 the Regulation of Railways Act 1868 Section 20, all Railway Companies, except the metropolitan Railway Company, are bound to provide smoking Compartments for each class of passengers in every train where there are more carriages than one of each class, unless exempted by the Board of Trade. There is nothing however to prevent any passenger from travelling in a smoking Compartment. There is no law in India which obliges a Railway Administration to provide Smoking Compartments in its trains.

11. No doubt you are perfectly right in saying, that there was no wish on the part of Government that the contract of Guaranteed Railways should be interfered with when the rules were revised nor are such contracts interfered with in our view of the question is correct. The law gives an intending passenger certain rights on his entering into a contract with a Railway Administration to be carried on its railway but, unless authorised by its sanctioned rules to do so,

MADRAS RAILWAY.

From

The Agent and Manager.

To

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Dated 188

Recd.

No.

the Railway Administration cannot impose a condition on such passengers which will take from him the rights the Law gives him.

12. While therefore we see no objection to your labelling a compartment "For Ladies only" or "For Gentlemen only", we are never-theless of opinion that any passenger who has paid his fare to travel in a compartment of the class of that so labelled and who is not suffering from an infectious or contagious disorder has a right to enter and cannot be prevented from entering such Compartment provided it is not full.

13. Returning the book of Rules you sent us and will only add that in this letter the word "passenger" applies to both sexes.

MADRAS RAILWAY.

From

The Agent and Manager.

To

The Consulting Engineer

for Railways.

Dated 188

Recd.

No.

ENC. No. 2 TO E. R's. C. No. 1003 OF 1898.
LETTER No. 175 D 26-2-98
FROM Ans

MADRAS RAILWAY.

From

The Agent and Manager.

To

The Consulting Engineer

for Railways.

Dated 188

Read.

No.

Copy of Traffic Manager's letter dated 11th Febry 1898 to Messrs Barclay, Orr & David. High Court, Madras.

Your letter of the 10th instant.

Unfortunately in my letter of the 9th inst. Section 109 was inadvertently stated instead of Section 119 and the point I wished to draw attention to was, that in Section 119 it is clearly laid down that any male person entering a compartment knowing it to be reserved for the exclusive use of females (and I suppose I am safe in assuming that a lady is a female) may be subjected to a fine to the extent of Rs 100/-, &c. It may be contended that Section 119 only refers to the reserved compartments for females travelling in the lowest class of carriage forming part of the train, but Section 119 does not mention Section 64 nor does it mention any class; from which the non-professional mind arrives at the conclusion that any first class male passenger who did enter a ladies compartment, even of the same class, would be liable to a penalty under section 119 in the event of the case being proved against him. Will you kindly favour me with your opinion on this view of the case.

2. It may be desirable to frame a rule which would permit the Madras Railway to reserve a compartment or compartments in any train, without payment for the maximum number of berths or seats per compartment, for persons of either sex, for submission to the Governor General in Council for sanction and publication in the Government Gazette, and in that case I shall be glad if you will kindly draft me such a rule as briefly as may be consistent with its lucidity.

ENC. NO. 3 TO E. R'Y. A. NO. 1003 OF 1898.
LETTER NO. 175 D 26.2.98
FROM Ans

MADRAS RAILWAY.

From

The Agent and Manager.

To

The Consulting Engineer

for Railways.

Dated 188

Recd.

No.

Ext pst D

Copy of letter dated 14th February 1898 to the Traffic Manager, Madras. from Messrs Barclay Orr & David, High Court, Madras.

We are in receipt of your letter of 11th instant No. C/52952.

2. We do not think that the provisions of section 119 of the Indian Railways Act 1890 affect the question. If there were any provision in the Act except Section 64, or in the Rules which empowered the Company to reserve accommodation for any particular class of passengers, then, Section 119 would apply to a male person entering a carriage which he knows to be reserved for females. But Section 119 must, we think, be read with Section 64 which imposes a duty on every railway administration to reserve for the exclusive use of females, one compartment at least of the lowest class of carriage forming part of a train. Without Section 64, Section 119 would have no meaning so far as carriages are concerned and it is quite unnecessary that the former section

should

MADRAS RAILWAY.

From

The Agent and Manager.

To

The Consulting Engineer

for Railways.

Dated 188

Reed.

No.

1181

should be mentioned in the latter. Section 64 provides that every Railway administration shall in every train carrying passengers, reserve for the exclusive use of females, one compartment at least of the lowest class of carriage forming part of the train and section 119 provides that if a male person, knowing that such compartment is so reserved, enters it without lawful excuse, he shall be punished &c. But except section 64 there is no authority for a Railway administration reserving a carriage or compartment for females and there is no authority for a railway administration reserving a compartment for males.

3. Section 119 refers not only to carriages and compartments but to rooms and other places as well. A railway administration may in our opinion, reserve a room or a latrine or other place for females or for males, because the provisions of the act as to carriage of passengers and especially sections 66 & 67 do not apply to places. Our opinion is that those

sections

Sections give a passenger who has paid his fare and obtained his ticket a right to enter and travel in any carriage in a train not reserved under section 64, provided there is room for him and provided he is not suffering from any infectious or contagious disorder, but those sections do not give him a right to enter any other class which may be reserved by the railway administration.

4. As requested we enclose, for approval, draft rule to enable your company to reserve a compartment or compartments in any train for persons of either sex. We have made the rule applicable to every railway administration as probably the Governor General in Council would be more likely to sanction the rule than if it were limited to your Company. However this can, of course, be altered if thought desirable.

MADRAS RAILWAY.

From

The Agent and Manager.

To

The Consulting Engineer

for Railways.

Dated 188

Recd.

No.

ENC. P'O. 4 TO E. R'S. O. NO. 1003 F | 8
LETTER NO. 175 D | 26-2-98
FROM Ans

MADRAS RAILWAY.

From

The Agent and Manager.

To

The Consulting Engineer

for Railways.

Dated 188

Recd.

No.

Ent. 13 Ed.

The following Rule is published in accordance with the Indian Railways Act 1890.

Every Railway administration shall be at liberty to reserve in any train carrying passengers one or more compartments of any class of carriage forming part of the train for the exclusive use of passengers of either sex without payment by them of any special rate or fare in excess of the ordinary fares for which such passengers may respectively be liable.

ENC. L'r. 5 TO E. R's. C. No. 1003 OF 1898.
LETTER No. 175 D 26.2.98
FROM Agt

(No. 1.)

No.

MADRAS RAILWAY.

AGENT AND MANAGERS OFFICE,

Madras, _____ 188

From

Agent and Manager.

To

Consulting Engineer for Railways.

SIR,

A

No. C52952 / 31509

Madras Railway Company
Traffic Managers Office
Central Station Madras 23rd Feby 98

The Agent & Manager
Rayapuram

Dear Sir,

Reserved accommodation for Ladies or Gentlemen in railway carriages on Indian Railways when the full fares pas compartment are not paid.

You are aware that it is our practice to reserve a first or second class compartment for ladies travelling by mail trains on application and that the Indian Railway act compels us to provide similar accommodation for third class female passengers. In a correspondence I have had with Messrs Barclay, Orr & David, our lawyers have stated their opinion that there is nothing in the Indian Railway act which prevents a first class passenger of either sex from travelling

Section 64

3 ll

in any compartment of that class however reserved, unless the full fares according to the capacity of the compartment have been paid by the persons travelling in it.

The opinion is also expressed that section 119 would not apply to a first class male passenger who entered a first class ladies compartment, but that it is only intended to apply to the case of third class female reserved accommodation compulsorily provided under the Act.

It would therefore seem that certain additional rules are necessary and Messrs Barclay, Orr & David have drafted the accompanying rule which they suggest should be submitted to the Government of India for publication in the Gazette of India either applying to the Madras Railway only or to Railway administrations generally as may

MADRAS RAILWAY.

AGENT AND MANAGER'S OFFICE,

Madras, _____ 18

From

Agent and Manager.

To

Consulting Engineer for Railways.

Sir,

File No. 1 of F. No. A No. 1003 of 1898

175 26. 2. 98

From Agent

(No. I.)

No. 10508
A/175

MADRAS RAILWAY.

AGENT AND MANAGER'S OFFICE,

Madras, 26th February 1898.

1003 28.2.98

RECEIVED 28 FEB. 1898 MADRAS.

From

The Agent and Manager.
Madras Railway

S/L

Messrs Barclay's argument is very subtle and
Lawey Magistrate not to would convict under Sec 119.
Messrs Barclay are the fort Solicitors so to ref their opinion as
can't is the Advocate Genl. Forward to Madras for orders
But Mundaca be an Advocate Genl.
get his opinion first. 7/3/98
Send in original thereafter
Fort Solicitors opinion. 2/3/98

To The Consulting Engineer for Railways.
Madras.

SIR,

I have the honor to forward herewith copy of a letter from the Company's Traffic Manager with its enclosures on the subject of reserved accommodation for Ladies or Gentlemen in Railway carriages on Indian Railways when the full fares per compartment are not paid, and shall be obliged if you will be so good as to forward them to the Government of India with a request that the rule suggested by the Company's Solicitors vide enclosure 5 may be authorised and made applicable to the Madras Railway.

I have the honor to be,
Sir,
Your most obedient servant
Agent & Manager.

Encls/5

(A. & M. I.)

No

MADRAS RAILWAY.

AGENT AND MANAGER'S OFFICE,

Madras, 18

From

Agent and Manager.

To

Consulting Engineer for Railways.

SIR,

Form No. 4.

OFFICE OF THE CONSULTING ENGINEER FOR RAILWAYS,

Madras, 3rd March 1898.

To

The Govt. Solicitor. Madras

~~AGENT AND MANAGER, M. R.~~

No. 628 Reply No. 128, dated 8.3.98

SIR,

I have the honour to request

that you will obtain the opinion of

the Hon'ble the Advocate General Madras on the

subject of the enclosed correspondence, viz

the Agent of Mangalore Madras R. letter No.

10508/A.175 and its original accompaniments.

2.— The special point on which the Advocate General's opinion is desired, before a decision is given whether a reference should be made to the Govt. of India, is whether or not it is necessary to make a new rule with a view ~~to the Railway Act, may~~ to ensure that a reserved compartment, of a class higher than the lowest, shall not be entered by persons for whose use it has not been reserved.

I have &c

Reminders.

Encls: 5

Despatched on 3/3/98

Subject.

Re

The question whether or not it is necessary to make a new rule with a view to ensure that a reserved compartment of a class higher than the lowest shall not be entered by persons for whose use it has not been reserved.

O P I N I O N

I am of opinion that Section 64 (1) of The Indian Railways Act, 1890, authorises a Railway administration to reserve in any train carrying passengers one or more compartments for the exclusive use of females in the higher classes, though the section only makes it compulsory on the part of the Railway Administration to reserve at least one such compartment in the lowest class. If this be the right construction of Section 64 (1), the Railway administration is at perfect liberty to reserve compartments in the higher classes for the exclusive use of females, and the penalty provided by Section 119 will be incurred by any male passenger entering without lawful excuse compartments so reserved. If the wording of Section 64 (1) had been that every Railway Administration shall, in every train carrying passengers, reserve in the lowest class one compartment at least for the exclusive use of females, then in the absence of a rule framed under Section 47 (1) (b) empowering a Railway administration to reserve a compartment in the higher classes for ladies, Section 119 would not apply, and under Section 67 (1) a male person who has secured the proper ticket would be entitled to travel in such compartment if there be room in it as contemplated by Section 63 (b). But as I read Section 64 (1) it provides that every railway administration is bound in every train carrying passengers to reserve for the exclusive use of females at least one compartment of the lowest class, thereby necessarily implying that a Railway administration is at liberty to reserve, and may reserve a compartment or compartments in the higher classes or more than one compartment in the lowest class for the exclusive use of females. As the Section now runs, the least that a Railway administration ought to do in the matter of providing reserved accommodation for females, is to set apart in the lowest class one compartment.

2. The power intended to be conferred on a Railway administration by the proposed rule so far as it relates to <u>females</u> is already conferred on it by necessary implication by Section 64 (1) of the Act itself. But if the intention is that a Railway administration should also be at liberty to reserve compartments or carriages for <u>males</u>, such power will have to be given by a rule made under Section 47(1)(b) and in that case it will be well, in view to obviate a possible misconception which may result from restricting the rule to males, and also in view to place the existing practice of reserving compartments for ladies in the higher classes beyond the possibility of a doubt, to adopt the draft rule which relates to both sexes. I may point out that the draft rule as suggested would not enable a Railway administration to reserve compartments for males or females of a particular nationality or race. Perhaps it is not intended that it should have such power, though sometimes I see compartments reserved for passengers of a particular nationality in the lowest class, and also in one of the higher classes.

V. Bhashyam Iyengar

Offg: Advocate General.

Madras
7th March 1898.

(True Copy)

Ernest Barclay

Government Solicitor.

Enc. 1 1147 8
128 8-3-98
From Govt solicitor Madras

No 128

Madras 8th March 1898

From,

Ernest Barclay

Government Solicitor

Madras

G. No. 1147
Recd. 8-3-98

To,

The Consulting Engineer for Railways

Madras,

Sir,

With reference to your letter No 828 dated 3rd instant, I have the honor to inform you that I have obtained the opinio of the Acting Advocate General on the question therein raised and now forward herewith copy of such opinion.

2. I return the enclosures to your letter under reference &

I have the honor to be

Sir

Your Obedient Servant

Ernest Barclay

Government Solicitor

Encl

The Agent's intention seems to be to frame rules applicable to ladies or gentlemen. Forward to him a copy of the Advocate General's opinion and ask him to let us know more fully how the circumstances which led to the correspondence between the Traffic Manager & the Co. lawyer

FORM No. 7.

MADRAS, 10 March 1898.

To

Agent, ~~G. I. P.~~ and Manager.
Madura R.

No. 715 Reply No 729/257, dated 24.3.98

SIR,

In reply to your letter No. 1050 A/175 dated the 26th Feb. 98. I have the honour to forward a copy of an opinion of the Acting Advocate General on the question referred by you, and to say that I shall be prepared to receive any further suggestion which you may make after perusal of this opinion.

Meanwhile the matter has not been referred to the Govt. of India.

I have &

F. W. S.
9/3/98

Reminders.

Despatched on 10/3/98

Subject.

C o p y of letter dated 17th March 1898 from Messrs Barclay Orr and David, High Court Madras to the Traffic Manager Madras Railway Company Madras.

We are in receipt of your letter of 15th instant No.C 52952 with copy of the Acting Advocate General's opinion on the question on which we have already advised you.

2. In his opinion the Acting Advocate General says that Section 64 (1) of the Indian Railways Act 1890 authorises a Railway Admin-istration to reserve in any train carrying passengers one or more compartments for the exclusive use of females in the higher class-es. The Acting Advocate General goes on to say that if the word-ing of Section 64 (1) had been that every Railway Administration shall, in every train carrying passengers, reserve in the lowest class one compartment at least for the exclusive use of females, then in the absence of a rule empowering a Railway Administration to reserve compartment in the higher classes for ladies, section 119 would not apply &c.

3. Section 64 (1) does provide that every Railway Administra-tion shall, in every train carrying passengers, reserve for the exclusive use of females one compartment at least of the lowest class of carriage forming part of the train and we must confess that we fail to see the difference between the wording of the Section and the supposititious wording of the Acting Advocate General viz every Railway Administration shall, in every train carrying passengers reserve in the lowest class one compartment at least for the exclusive use of females. In both cases the words in the lowest class apply to the compartment and there is a mere transposition of words.

4. The Acting Advocate General goes on to advise that , as he reads section 64 (1) it provides that every Railway Administra-tion is bound, in every train carrying passengers to reserve for

ENG. No. 1 TO E. R'e. C. No. 1463 OF 1898
LETTER NO. 257 dt 24.3.98
FROM ...

MADRAS RAILWAY.

From The Agent and Manager.

To

The Consulting Engineer
for Railways.

Dated 188

Recd.

No.

(No. I.)

No. E. 729.

257

MADRAS RAILWAY.

AGENT AND MANAGER'S OFFICE,

Madras, 24th March, 1898.

CONSULTING ENGINEER FOR RAILWAYS
RECEIVED
25 MAR 1898
MADRAS.

1463
25.3.98

From The *Agent and Manager.*

Madras Railway.

To

The *Consulting Engineer for Railways.*

Madras.

SIR,

With reference to your letter No.715 dated 10th March 1898, I have the honor to state that our Solici-tors do not agree with the opinion given by the Acting Advocate General of Madras and it appears desirable there-fore to have a firm ruling.

The rule suggested by the Solicitors and sent to you with my letter of the 26th February would undoubted-ly get over the difficulty, but the rule to be effective must be specially sanctioned by the Government of India for adoption on the Madras Railway.

I enclose copy of the last letter we have re-ceived on the subject from our Solicitors.

I have the honor to be,

Sir,

Your most Obedient Servant,

Agent and Manager.

Form No. 1.

PUBLIC WORKS DEPARTMENT,

RAILWAY BRANCH.

B/

Papers to be read in Proceedings:—

Again G.O., dated 189 , No.

Again G.O., dated 189 , No.

Cons. Engrs Current No. 1003. of 1898, dated 28-2-98 with Enclosures, from Agent & Manager, S.I.Ry

" " " 1147 " 1898, " 8-3-98 with Enclosures, " Govt Solicitor, Madras

" " " 1433 " 189 , " 25-3-98 with Enclosures, " Agent & Manager, M&S Ry

No 533 Ry dt 5/4/98.

ORDER.

The Govt of India write to the addressed.

21

No. 534 Ry dt 5/4/98.

R Form No. 12.

B/

No. 534 Rg.

Government of Madras.

PUBLIC WORKS DEPARTMENT,

RAILWAY BRANCH.

To

The Secy. to the Govt. of India,

P. W. Department.

5th April 1898.

Sir,

I am directed to forward for the orders of the Govt. of India copies of the correspondence noted in the margin on the subject of reserved accommodation for ladies or gentlemen in carriages on Indian railways.

The legal advisers of the Madras Rys., who are also Solicitors to the Govt., consider that in order to ensure that a reserved compartment higher than the lowest shall not be entered by persons for whom no such reserved

A/1
10508 of 26/2/98 and encls.
advocate Genl's Opinion
A/s 725 of 24/3/98 & encls.

rule ~~similar to~~ on the
lines of the ~~Rules~~ drafted by
the ~~Government~~ Solicitors
should be authorised by the
Govt of India and made
applicable to the Madras Rl.

The opinion of the Govt Advocate
Genl Madras which has also
been obtained is attached.

28/3/98

Despatched on 5/4/98

Documents: 9

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