

Public Works (1898.) Department.

RAILWAY BRANCH.

G.O., No. 893 Rg.

DATED 7th July 1898.

Include

63 A.M. 7/9-2-98.

[Despatch Abstract.]

Arrest of three Railway guards of the Madras
Railway Company.

Pro: Judicial Deptt, forwarding reports
from the District Magistrate, North Arcot,
and the Inspector General of Police in the
— who were creating a disturbance
in the public streets of Arkonam on the
night of 4th Jan'y '98, Caused to the
Agent & Managers.

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

On the night of the 4th instant about 7-30, I in Company with Under Guards Quinn + Rodriguez, went to the Station Platform in order to meet Under Guard Goss, who was transferred to Arkonam from Madras via Rodriguez. After seeing Goss, all three of us (Quinn, Rodriguez + myself) left the station, this would be about 8-15 p.m. and we went to the bakers where each of us had a glass of beer in the tavern, and we then started for Quinn's house, having to pass the road where the Magistrate's Catcherry is situated, when we came near the Post office, I began to sing a song which I kept up to about a hundred yards or more past the Catcherry, in advance of us Police Constable 1147 was walking who did not question or interfere with us at this stage, Police Constable No 1112 (who is an orderly at the Magistrate's Court) came up to us from behind. Stopped us on the road, and said the Magistrate wanted us; all three of us came at once to the Catcherry, this would be about 8-30, and the Police Constable took us before the Magistrate, Constable 1147 who had come along the same road with us, went about his own business, and did not accompany us to the Catcherry. The Magistrate was

at the time sitting down at a table and writing the

Copy of letter dated 14th January 1898 to the Traffic Manager, from the Divisional Officer, Arkonam.

On the evening of the 4th instant, three of the Guards at Arkonam were by orders of the Magistrate sent to the Police Station and required to sign Bail Bonds for their appearance at Court the following morning. I enclose you the statements made by all these 3 men in regard to this transaction and also the statements of the two Assistant Station Masters who were on duty at Arkonam station and of the Apothecary Arkonam.

I have made enquiries and I feel quite satisfied that the men were in no way under the influence of liquor and from what I can learn it is stretching the point considerably to say the men were causing disturbance.

The action of the Magistrate in causing these men to be detained seems to me a breach of Government order as it was tantamount to arresting these men without first communicating with the Railway Authorities.

One of the Guards detained was booked to work No 39 train from Arkonam that night to Cuddalore and special arrangements had to be made at the least moment in order that he should be at Arkonam the following morning. Another of the men was booked to work No 83 Goods train leaving Arkonam at 5 o'clock on the morning of the 5th and special arrangements

arrangements had to be made to relieve him. A relieving
shunting Master being put to work in his place. The
3^d man was under orders to proceed to Madras on
transfer on the 5th and was detained at Arkonam.

It would readily be understood that
simultaneous detention of 3 guards at any sta-
tion without notice would inevitably result
in considerable inconvenience and is liable
to entirely disorganise the arrangements for
working traffic.

I beg to request that this action of
the Magistrate at Arkonam may be repre-
sented to the proper authority with a view to
him receiving such definite instructions
as will prevent him from taking any such
proceedings with our staff in future.

Copy of letter dated 20th January 1898 to the
Traffic Manager from the Assistant Traffic Manager
Arkonam.

Further to my report of the 14th instant
on the above subject I should have pointed
out that when the men appeared in compliance
with the Bond, which they were required to enter
into, they were detained until 10 o'clock that
night. Thus we were deprived of the services of
these men from the night of the 4th until the
morning of the 6th or if sent out, on the night
of the 5th this was done without the men having
had any proper rest. You will notice too that
one of the men was fined Rs 3/ but the other
two men declined to be tried by the Magistrate
and this case will consequently be disposed of
by some other Magistrate. I shall be glad to
be advised what action has been taken on
the matter.

Traffic Manager's Office
Central Station, Madras 4/26th January 1898.

The Agent and Manager
Rayapuram.

Dear Sir,

Arrest of Under Guards at Arkonam.

With reference to the enclosed copies of letters and statements from the Divisional Officer Arkonam, you will observe the men were kept off duty from the night of the 4th instant till the morning of the 6th idem and this necessitated booked trains being worked by other persons.

In a case of this description, perhaps it would be well to enquire of Government, who would be considered responsible in the event of an accident occurring through a train being worked by a substitute for the proper Guard.

I beg to refer you to Correspondence under your letter No 2085 of the 13th March 1893, and if a definite ruling from Government on this very important subject could be obtained it would often be of great assistance to Executive Railway Officers upon whom a great anxiety is occasionally imposed by the compulsory absence of the competent men, who are being relied upon to perform certain work.

(True Copy)

(Sd) F. W. Read.

(Sd) Louis S. Moss.

Traffic Manager

Agent & Manager.

Copy of a letter from the Agent and Manager
Madras Railway No 10456 dated 28th January 1898.
to the Comg. Engrs. for Mys. 85

I have the honor to forward herewith
Copy of a letter from the Company's Traffic Manager
and its enclosures from which it will be seen
that the Magistrate at Arkonam caused con-
siderable inconvenience to the Company by having
three Guards arrested on the night of the 4th instant
and making them sign bail bonds for their ap-
pearance before him the following morning.

In this connection I beg to invite your
attention to the High Court Circulars referred to
in the papers forwarded with your endorsement
No 3363 dated 24th October 1896 and to Section 72
of the Criminal Procedure Code relating to the
procedure to be adopted by Magistrates when sum-
moning Railway servants to attend Court.

The case in question was not one of summons
but the accused were charged with committing
an offense which was a bailable one and moreover
should have been allowed to make arrangements
for their attendance in Court.

I would also beg to point out that the
Magistrate would not appear to have been justified
in detaining the Prisoner Guard from 10 A.M. to
10 P.M. on the day they attended Court. It

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would also be seen from the evidence of the -
Apothecary and others that the men were not drunk.

I have therefore to request that you will
kindly take such steps in the matter as will prevent
repetition of such action on the part of the Magistrate.

(Sd) Louis S. Gross
Agent & Manager

Form No. 1.

PUBLIC WORKS DEPARTMENT.

OFFICE OF CONSULTING ENGINEER FOR RAILWAYS,

Madras, 9-2-1898.

Letter from the Agent & Manager
M.B. No. 10456 of 28 Jan'y 198
with enclosures - (7)

No. 63 R. M.

Transferred to the Judicial Department
SUBMITTED. in original -

Government.

ER
W 893 R
7/7/8

Subject.

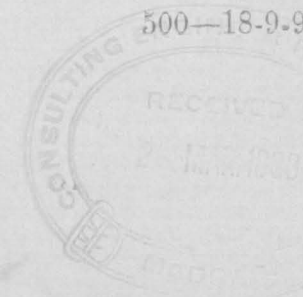
The question of course is independent
of whether the Magistrate was
justified or not in summoning
and convicting the accused guards, and
to what extent the Magistrate
was justified in ^{anything} summoning
Railway employees ~~without~~ through
~~their proper~~ office and without
giving them reasonable time for
complying with the summons
as defined in Pro of the High
Court of Judicature Madras No
1103 of 24 July 1870. In the
opinion of the undersigned (if
the facts as stated by the Rly Co
are correct) this is a case in
which the Rules on the subject
do not appear to have been
complied with ^{complied with}
~~understood~~ by the Magistrate & merits
serious notice being
taken of it.

C.M. 1/2 7/11/18

Despatched on 9/2/98.

R

500-18-9-93.



From

The Agent and Manager,
Madras Railway Company,
Madras,

1063
2.3.98

To

The Consulting Engineer
for Railways,
Madras.

Dated

1st March 1898.

Received

No. 10456
M 178

The undersigned has the honour to
request the favour of an early reply to his
letter No. 10456 dated 28th Jan^y 98
on the subject of Arrest of
Under Guards at
Arkonam.

Amis S M V S
Agent and Manager.

W. L. S.

Received reply from
The Agent and Manager
No 63 RM 29.2.98

2/3/98

R. 2 ⁸/₄

500-18-9-93.



From

The Agent and Manager,

Madras Railway Company,

Madras,

To

The Consulting Engineer
for Railways.
Madras.

Dated

Received

} 4th May 1898.

No. 10456

392



The undersigned has the honour to
request the favour of an early reply to his
letter No. ¹⁰⁴⁵⁶/₈₅ dated 28th Jan'y 1898
on the subject of Insert of
Understands at
Arkanam.

ck

Wm. S. M. V. S.

Agent and Manager.

No. 63 Bm

PUBLIC WORKS DEPARTMENT,
RAILWAY BRANCH.

To

The Judicial Department

7th May 1898.

No. 63RM dated 9.2.98

Arrest of under-quards
at Arkoram.

THE undersigned has the honour to
invite attention to the { Order } noted on
Memo. }
the margin, and to request that the reply
may be expedited.

CMR

off Under Secretary to Government, P. W. D.,
Railway Branch.

Ind
7/5/98

6/5/98
7/5/98

Public Works (1898) Department.

Railway
CURRENT No. 790

care 63/96

Bf.

From
The Judicial Dept.

Order No 893 Regd 7/7/98.

Communicated to
the Agent & Manager Madras
Railway with reference
to his letter No. 1048 of 28th
January 1898.

[Signature]
D.R.

No. 976

Dated 24-6-98
Received } 29th do
Registered }
Enclosures
Spare copies

SUBJECT.

Coming to the P.W.D. the
reports from the Qu., North
Arrest, & the S.G. of Police at the
arrest of three Ry. guards of the
Madras Railway Company who
were creating a disturbance in the
public streets of Arkonam, on
the 4th January 1898.

The Agent & Manager: *[Signature]*

Despatched on 9.7.98

[Signature]

BACK PAPERS.

FURTHER PAPERS.

Dis No. 52 Eng. of 98.

7th April 1898.

Arkonam.

To

The District Magistrate.

North Arcot.

Most Honoured Sir,

With reference to your honor's order, dated 18th Ultimo, forwarding for explanation G.O.No.446,dated 17th February last,Judicial Department, I respectfully beg to state that on the night of the 4th January 1898, while I was working in the office, I heard a great disturbance near the office gate on the public road leading to Tirutani as if some persons were fighting with each other. I immediately directed the Police Constable who was the court orderly to go and see what the disturbance was about. He went and brought before me three East Indians and reported that they were the persons who caused the disturbance. They were then fully intoxicated and behaved before me in a very disorderly manner and talked incoherently. Neither did I know,nor did they inform me, that they were Railway guards. As I was then very busy with my work, I dispensed with their presence and told the Constable that he can deal with them according to law if he liked. I did not know what transpired. Subsequently till the charge sheet was placed before me the next day at 1-30 P.M. The Constable appears to have taken them to the Police Station where they were charged and released on their own recognisances to appear before me the next day to answer the charge. From these facts it will be seen, that I had no hand in arresting them, nor compelling them to appear before me without giving sufficient notice to their Official Superiors.

2. The endorsement under report with its enclosures.

is herewith submitted.

I beg to remain &c
(Sd) W. Jagannadam
2nd class Magistrate.

Copy of letter from the District Magistrate, North
Arcot, Dis.No.385/Mag1. of 1898, dated 16th April 1898:-

In reply to Mr. Under Secretary Knapp's endorse-
ment No.446, dated 17th February 1898, I have the honour to
report that the three guards were neither summoned nor
arrested by the Sub Magistrate. They were arrested without
warrant by the Police on a cognizable charge. One of them has
since been convicted and the cases against the others are
pending because they have applied for a transfer.

2. A copy of the Sub Magistrate's report is enclosed
and the papers received with the above endorsement, are re-
turned.

C. S. /
27.6.98.

C. S. /
27.6.98.

98
27-6-98

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27-6-98

Copy of the letter from the Inspector-General of Police, Madras, No. 2115 dated 7th June 1898:-

With reference to Endorsement No. 1020, Judicial, dated 29th April 1898, made upon C. No. 1696, a letter from District Magistrate, North Arcot, dated 16th April 1898, dealing with the arrest of 3 guards belonging to the Madras Railway at Arkonam, I have the honour to submit Mr. Armitages report in the case and to say that the facts appear to have been that the three East Indian guards, whose arrest was objected to by the Agent and Manager, Madras Railway, were creating a disturbance in Arkonam in the public streets on the 4th January 1898. It seems extremely probable that they were drunk at the time. If they were not creating a disturbance it is hardly likely that the sub-magistrate would have sent for them, and from their own conduct, as shown in the statements given to the Railway authorities, I should certainly have said that they did not act as sober men would have done. It is curious that the Railway apothecary does not mention the time when he examined the men while the Assistant Station-Master says he saw them at 8 p.m. on the platform (though they were then apparently in the Police station) and that they did not smell of liquor. The other Assistant Station-Master however says that at 11 p.m. they did smell of liquor though they were far from being intoxicated. The police, who were no doubt told by the sub-magistrate to act according to law, acted under section 8 of Act III of 1889 and, it appears to me, probably arrested these men and took them to the station.

2. The men at the station appeared to have behaved in a noisy manner and were detained there until 10 p.m. as they refused to give their names and refused to give bail. At 10 p.m. when the Station House Officer appeared the men were admitted to bail for appearance at 10 a.m. the next day, the hour apparently being their own suggestion, and were released.

3. If above were the facts, the Police cannot I think

be held to be much to blame. They did however neglect Police Order 104 under which the Station House Officer at Arkonam should have at once told the Station-Master there that these men had been bound over. It would have been better also, no doubt, had a later time been fixed for appearance. The time however which was entered was according to the police story the men's own choice. Excepting these two mistakes the Police were not in my opinion to blame. The Railway authorities write as if the men themselves were not to blame at all but the fact that one of them was fined Rs.3 and the fact that the Magistrate in his Court was disturbed by the noise they made surely shows that the men were creating a disturbance and if they were, the police were acting perfectly in order in arresting them. Certainly I do not read the orders as prohibiting the police or magistracy from arresting a man creating a disturbance in the public streets when under the influence of drink, because he happens to be a Railway servant. This is however what apparently the Railway authorities consider to be the proper interpretation of the existing orders. The Police at Arkonam will be warned in future to take the greatest care that in all cases of arrest of Railway servants the Station-Master there is at once informed of the fact of the arrest and also warned that when Railway servants are admitted to bail and bound over to appear ample time is allowed to enable the Railway authorities to make proper arrangements for getting their work done without inconvenience. It does not seem necessary to do more than this.

Judicial Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following papers:-

Memorandum of the Public Works Department, Railway Branch, No. 63 R.M., dated 9th February 1898.

Copy
attached

From the District Magistrate, North Arcot, Dis. No. 385/Magl. of 1898, dated 16th April 1898.

Copy
attached.

From the Inspector-General of Police, Madras, No. 2115, dated 7th June 1898.

Order No. 976, dated 24th June 1898.

The foregoing reports from the District Magistrate of North Arcot and the Inspector-General of Police, will be communicated to the Public Works Department.

(True Extract)

A. K. M. S.

for Chief Secretary.

C. V. 27.6.98

To

The Public Works Department.
,, District Magistrate, North Arcot.
,, Inspector-General of Police.

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27.6.98