

Public Works (1899) Department.

RAILWAY BRANCH.

G.O., No. 260. Ry.

DATED 4th March 1899.

[Despatch Abstract.]

Railways in Native States

Coming: to the Agents, M. & S. Ry., for info.
Pros of the Political Dept forwarding to the
Residents in Madanore & Cochin, & to the
Political Agents, Pudukottai, Banga-
napalle, & Sandur, endorsement of
the Govt forwarding copy of certain
correspondence on the question of the
distribution of the charges incurred on
account of railway police employed on
open lines of —.

Indexed. 14/3/99

Enclosures

1899.

Spare copies

G.O., No. 171, 24th February 1899.

FEBRUARY.

For order see
page 4 of supersession
G.O. below.

Railways in Native States.

Communicating to the Resident in Travancore and Cochin and to the Political Agents, Pudukkottai, Banganapalle and Sandur, endorsement of the Government of India forwarding copy of certain correspondence on the question of the distribution of the charges incurred on account of railway police employed on open lines of —.

GOVERNMENT OF MADRAS.

POLITICAL DEPARTMENT.

READ—the following papers :—

From H. S. BARNES, Esq., Officiating Secretary to the Government of India, Foreign Department, to the Agent to the Governor-General in Central India, dated Simla, 22nd July 1896, No. 2332-I.B.

I am directed to acknowledge the receipt of your letter, No. 3329-G., dated the 2nd May 1896, regarding the distribution of police charges on the Bhopal-Ujjain Railway.

2. The results of your negotiations with the Gwalior and Bhopal Darbars are satisfactory. The Government of India are not prepared, however, to accept contributions from those States in excess of the amounts proportional to the length of railway in the territory of each. The fact that these Darbars own the line does not alter the case, for the Government of India consider it essential to preserve the principle that the duty of maintaining law and order on a railway remains, irrespective of all other circumstances with the State through which the line runs. To depart from this principle in the case of the Bhopal-Ujjain Railway would create an inconvenient precedent; and should it be eventually decided to exempt the Indore and Dewas States from contributing their share, the charges as regards the portions of the line within their territories will be defrayed from Imperial revenues. On the other hand, having regard to the terms of the working agreement for the Bhopal-Ujjain Railway, the Government of India cannot propose to debit the total police expenditure to working expenses, for such a course would throw on the Indian Midland Railway Company an undue share of the cost of the railway police.

3. I am to express regret that it was not more clearly explained that the Government of India had no desire to enforce on railways previously constructed the principles recently laid down. There was no intention of altering existing arrangements on theoretical grounds, or that the principles mentioned should be applied retrospectively. It was desired that, at the time of ceding jurisdiction, Native States should also be asked to accept the rule observed in British India and to pay their legitimate share ($\frac{3}{10}$) of the cost of the railway police, and it was believed that most States, in order to secure the construction of a railway, would gladly accept such an obligation in addition to ceding jurisdiction. With this explanation I am to enquire whether you continue to deprecate demanding from the Indore and Dewas Darbars the contributions due in respect of the short lengths of the Bhopal-Ujjain line which pass through their territories. If you are still of opinion that the demand is inexpedient in consideration of the fact that no mention was made of it when jurisdiction was ceded by these States, the matter may be dropped.

From Captain H. DALY, C.I.E., Officiating Deputy Secretary to the Government of India, Foreign Department, to the Agent to the Governor-General in Central India, dated Simla, 2nd September 1896, No. 2867-I.

I am directed to refer to the correspondence ending with your letter, No. 5118-G., dated the 6th July 1896, regarding the Bhopal-Ujjain Railway.

2. The Government of India have recently had under consideration the question of how police charges should be met on open lines of railway in Native States. In State territory, the advent of a railway does not exempt a Native State, any more than in British territory it exempts the Supreme, or any Local Government, from the duty of maintaining law and order on any road, or in respect of any property, within the territory through which the railway is made. Nor does the fact that the jurisdiction necessary for the discharge of this duty is, for the general convenience, exercised by the British Government, exonerate the Native State which cedes the jurisdiction from liability to pay for the service rendered. The new factors which are introduced by the advent of the railway are, that the ordinary duties of protection are largely augmented on the strip of territory occupied by the line itself, and that some of these duties, particularly duties of watch and ward, originating in the character of railway property and traffic, are such that they may properly be paid for as part of the working expenses of the railway.

3. In view of these considerations, a rule has been established in British India, that the police charges incurred on open lines of railway are divisible, in the ratio of seven to three, between the railway administration and the Government. This distribution of charge was made upon the basis of the number and cost of the police actually employed on the East Indian Railway, which was taken as the test railway, on the duties assigned, to the railway administration and the State, respectively, as explained below. The duty and cost of dealing with offences committed within railway limits were accepted by Government; the duty and cost of keeping order at railway stations and of watching standing passenger trains, goods sheds, goods trains, and railway buildings, were accepted by the railway administrations. For the general convenience, all these duties were originally combined in a single police force, but subsequently it was found more economical to allow the railway companies to appoint for the purposes of watch and ward chowkidars, who could also be employed on other than police duties. Enrolled police are therefore now chiefly used on the railways to maintain law and order, but when calculating the distribution of police charges, that term is held to include the chowkidars established abovementioned in addition to the enrolled police, and Government pays the three-tenths of the whole cost.

4. The Government of India are of opinion that the same principles should be applied in the case of open railways in Native States, and that accordingly, in the absence of special reasons to the contrary, seven-tenths of the police charges (including under that term the charges for watch and ward as ordinarily defined on Indian Railways as well as those for law and order) on such lines should be debited to the railway administration as working expenses, and the remaining three-tenths should be defrayed by the States through which the railway runs, in proportion to the length of the line in each State. This distribution of charge has already been adopted on the railways in the Hyderabad State.

5. The Gwalior and Bhopal Darbars should accordingly be invited to bear their proportional shares of the police charges which may eventually arise on the Bhopal-Ujjain Railway. The States of Indore and Dewas (senior and junior) should similarly be requested, unless you see objections, to contribute in respect to the portions of this line running through their territories.

No. 434 I-B.

Copies of the foregoing letters are forwarded to the Government of Madras for information and guidance.

(By order.)

FOREIGN DEPARTMENT,
FORT WILLIAM,
16th February 1899.

(Signed) S. F. BAYLEY,
Asst. Secy. to the Govt. of India

ORDER—No. 171, Political, dated 24th February 1899.

Communicated to the Resident in Travancore and Cochin and to the Political Agents, Pudukkottai, Banganapalle and Sandur.

(True Extract.)

A. Edgington
for Chief Secretary.

To the Resident in Travancore and Cochin.

„ Political Agent, Pudukkottai.

„ Political Agent, Banganapalle.

„ Political Agent, Sandur.

Copy to Public Works Department (Railway Branch).

„ Accountant-General.

No. 260 Ry of 4th March 1899

*Communicated to the Agents,
Madras and South Indian Railways, for
information*

Sa/ T.C. &

D.R.

3.3.99

To

The Agent & Engrs. Ry

" S. I. Ry.

" Consulting Engineer S. I. Ry

" Examining Engrs. Ry Accounts

Government {1899} of Madras.

POLITICAL.

P.W. Ry Encl. 308

Recd 2.3.99

Recd.

Regd.

1899.

Enclosures

Spare copies

G.O., No. 171, 24th February 1899.

FEBRUARY.

Bhopal-Ujjain Railway.

Communicating to the Resident in Travancore and Cochin and to the Political Agents, Pudukkottai, Banganapalle and Sandur endorsement of the Government of India forwarding copy of certain correspondence regarding the —.

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Copy to Public Works Department (Railway Branch). ✓

" Accountant-General.

No 260 Reg of 4/3/99.

*Communicated to the Agents
Madras and Santa Inez Railway
for information*

*Ed
SR
3.3.99*

To

The Agents & Managers of the

" " S. D. R. of 10/3/99

" Consulting Engineer

" Examined & signed by Agents

Exd. P. Seetharam.

Despatched on 4/3/99

Substituted Copy dtd 10/3/99

3/3-99