

Public Works (1899) Department.

RAILWAY BRANCH.

G.O., No.

674. Ry.

DATED

17th June 1899.

[Despatch Abstract.]

Railways in Native States

Coming to the Ry. Board & officers concerned, Pres of the Pol Dept embodying letter from the Govt of India on the subject of the nature & extent of the powers which that Govt desires to obtain & exercise on ———.

FURTHER PAPERS.							
G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
"	714	Reg.	9/5/00				
"	793	Reg.	31/5/00				
"	1730	Reg.	14/12/00				
"	215	Reg.	7/2/01.				

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
"	714	Ry.	9/5/00				
"	593	Ry.	21/5/00				
"	1730	Ry.	14/12/00				
"	215	Ry.	7/2/01.				

Spare copies

G.O., No. 339, 29th May 1899.

GOVERNMENT OF MADRAS.

POLITICAL DEPARTMENT.

Read—the following paper:—

From Captain H. DALY, Deputy Secretary to the Government of India in the Foreign Department, to the Chief Secretary to the Government of Madras, dated Simla, 1st May 1899, No. 1119 I-B.

The Government of India have recently had under examination the nature and extent of the powers which they desire to obtain and exercise on railways in Native States. The position which the Government of India seek to maintain and to have placed beyond risk of question is this. They do not ask for any cession of sovereignty, but for a cession of jurisdiction, such as to enable them to exercise, during the currency and in respect of the lands dealt with, all power and jurisdiction, whether administrative, legislative or judicial. Under no other arrangement can railway lands in Native States be satisfactorily administered by the Paramount Power. The object in view differs in no respect from that which has been aimed at in the past when cessions of "full jurisdiction" have been obtained. In a recent case, however, the Court found it necessary to examine certain correspondence, in order to ascertain what have been ceded by a Native Chief over a line of railway, and it was held, from the tenor thereof, that jurisdiction strictly limited to matters connected with railway administration was all that was, in fact, contemplated. The lesson to be learnt from this is that it is desirable that a cession of jurisdiction should, in future, be set forth in single, clearly expressed and self-contained document, so that the necessity for a reference to previous and probably vague correspondence cannot again arise.

2. The object will, it is thought, be secured if declarations are obtained in the enclosed form, which has been settled after consultation with the Secretary of State. The expression "full and exclusive power and jurisdiction of every kind" will cover all that the Government of India require.

3. It is not at present intended to attempt any immediate general revision of all railway jurisdictional arrangements with Native States; but it will probably be advisable to take steps to secure a cession in the new form if and when any difficulties arise under the arrangements now existing. The new form should also be used whenever fresh cessions of jurisdiction are required in connection with the construction of new lines of railway or the extension of existing systems. In cases of new extensions, convenient opportunities will perhaps occur for revising the original cessions.

ENCLOSURE.

I,

, of

hereby cede to the British Government full and exclusive power and jurisdiction of every kind over the lands in the said State which are, or may hereafter be, occupied by the Railway (including all lands occupied for stations, for out-buildings and for other railway purposes), and over all persons and things whatsoever within the said lands.

ORDER—No. 339, Political, dated 29th May 1899.

Communicated to the Revenue and Public Works Departments and, for information and guidance, to Political Officers under the Government of Fort St. George.

(True Extract.)

A. H. J. J. J.
for Chief Secretary.

To the Revenue Department.
" Public Works Department.
" Resident, Travancore and Cochin.
" Political Agent, Pudukkottai.
" " Banganapalle.
" " Sandur.

Sp. by Ry. dated 17/6/99

*Communicated to the
Agents Madras & S. I. Railways
to the Examiners of Railway
P. W. Accounts.*

R for removal

Despatched on 17/6/99

*Fks
19/6/99*

Exd. A. F. Eccleston.

*To
The Agent & Man: Madras Ry
- Agent S. I. Ry
- Examiners of Ry. Accs
- do P. W. Accs
- Carriage for Ry.*