

S. No. 3

Government of India (भारत सरकार)
Ministry of Railways (रेल मंत्रालय)
(Railway Board)

No.2002/TG-V/03/02

New Delhi, dated. 19.12.2018

The Principal Chief Commercial Managers,
All Zonal Railways.

Commercial Circular No. 75/2018

Sub: Extension of Magisterial Scheme for check and prevention of ticketless travel.

The Magisterial Scheme for checks and prevention of ticketless travel on Indian Railways was last extended upto 31.12.2018 vide Board's Commercial Circular No.18/2017.

2. Sanction of Ministry of Railways is hereby accorded for extension of Magisterial Scheme till 31.12.2019, in accordance with extant terms and conditions and provisions stipulated in the Railways Act.

3. As far as ticket checking is concerned, it is purely an executive function for which programs of surprise checks should be drawn by Railway Administration only. The assistance of Railway Magistrate should be taken only for trial of the cases wherever deemed fit just like other cases under other sections of the Railways Act, 1989.

4. It is reiterated that the apportionment of cost of Railway Magistrate may be ensured as per Ministry of Home Affairs letter No.9/7/79-Judl Cell dated 14.07.1982 and circulated vide Board's letter No.78/Ticket Checking/1036/1 dated 20.08.82 (Copies enclosed) which stipulate that the entire cost of Magistrates, their court staff and the police force attached to them should be borne by the State Governments and fines should be credited to them.



(Shelly Srivastava)
Director, Passenger Marketing
Railway Board

DA: As above.

S.N. 14/2

No.9/9/79-Judl-Cell
Government of India (Bharat Sarkar)
Ministry of Home Affairs/Grih Mantralaya

To: Home Secretaries of All State Governments, and
Union Territories (except Andaman & Nicobar
Island & Lakshadweep).

NEW DELHI-110001

dated the 14th July, 1982.

Sub: Apportionment of the cost of the Railway
Magistrates, their court staff and the police for
forces attached to them and crediting of
judicial fine.

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Sir,

The Government of India have had under consideration the question of apportionment of the cost of the Railway Magistrates, their court staff and the police force attached to them and the crediting of judicial fine. The State Governments were also addressed vide this Ministry's letter of even number, dated 2nd June, 1979 (copy enclosed) to examine the following three alternatives in regard to the apportionment of cost of Magistrates, their court staff and the police force attached to them and the crediting of judicial fine and indicate their preference:-

- (i) the entire cost should be borne by the Railways and the fines should be credited to them; or
- (ii) the entire cost should be borne by the State Governments and the fines should be credited to them; or
- (iii) the cost incurred and the judicial fines realised should be shared on a 50:50 basis between the State Governments and the Railways.

2. The matter has been considered in consultation with the Ministry of Law, keeping in view the replies received from State Governments.

The amount of fine collected pursuant to the orders passed by the Magistrate in respect of the offences committed under the Railways Act is payable to the State Government just as the fines in respect of the offences under the other Central Acts like the Imports and Exports (Control) Act, Prevention of Food Adulteration Act, etc. are also credited to the Public Account or Revenue Account, as the case may be, of the State Government.

The Administration of Criminal Justice is the concern of the State Governments. The Magistrate under Cr.P.C. are appointed by the State Government. The fact that the Magistrates in the discharge of their duties have also been conferred jurisdiction to try cases under the Railways Act make no difference in the above position.

In view of the above facts alternative (ii) mentioned in para 1, is considered to be the proper course to follow.

3. It is requested that the concurrence of the State Government to the above arrangement may kindly be communicated direct to the Ministry of Railways (Railways Board) under intimation to this Ministry.

Yours faithfully,

(sd/-)
JOINT SECRETARY TO THE GOVT
OF INDIA

No.9/9/79-Judl.Cell New Delhi Dated: the 14th July, 1979

Copy forwarded for information to the Ministry of Railway (Railway Board), Shri Love Dev Raj, Dy. Director, Traffic Commercial (G) with reference to their U.O.No.78/Tkt.Checking/1036/1 dated, the 29th May, 1982.

Sd/-
JOINT SECRETARY TO THE GOVT. OF INDIA

/DINESH/

Government of India (Bharat Sarkar)
Ministry of Railways (Rail Mantralaya)
(Railway Board)

No. 78/Tkt. Checking/1036/1 New Delhi, dated: 16-8-1982.
20

The General Managers,
All Zonal Railways.

21/8
9/Jan
Sub: Apportionment of the cost of the Railway Magistrates, their court staff and the police force attached to them and crediting of judicial fine.

The present practice in regard to the apportionment of the cost of the Railway Magistrates, their court staff and the police force attached to them and crediting of judicial fines, differs from State to State etc. With a view to bringing uniformity of practice in this regard throughout the country, the matter was referred to the Ministry of Home Affairs.

The Ministry of Home Affairs considered the matter in detail in consultation with the Ministry of Law and have suggested to the State Governments that the entire cost of Railway Magistrates, their court staff and the police force should be borne by the State Governments and the fines also should be credited to them. A copy of Ministry of Home Affairs letter No. 9/7/79-Judi-Cell dated 14th July, 1982 addressed to the Home Secretaries of all State Governments, and Union Territories (except Andaman & Nicobar Island & Lakshadweep) is enclosed for information and necessary action.

Please acknowledge receipt of this letter.

(Love Dev Raj)
Dy. Director, Traffic Comml. (G),
Railway Board

DA/ As above.

No. 78/Tkt. Checking/1036/1 New Delhi, dated: 16-8-1982.
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Copy forwarded to the Ministry of Home Affairs (Judicial Cell) for information with reference to their letter quoted in para 2 above.

(Love Dev Raj)
for Secretary (TC), Railway Board.
Tel. No. 382745

भारत सरकार/GOVERNMENT OF INDIA
रेल मंत्रालय/MINISTRY OF RAILWAY
(रेलवे बोर्ड/RAILWAY BOARD)

सं.2002/टीजी-V/03/02

नई दिल्ली, दिनांक. 19.12.2018

प्रधान मुख्य वाणिज्यिक प्रबंधक,
सभी क्षेत्रीय रेलवे।

2018 का वाणिज्यिक परिपत्र सं. 75

विषय: बिना टिकट यात्रा की जांच और रोकथाम करने के लिए मैजिस्टेरियल स्कीम की अवधि बढ़ाना।

भारतीय रेल में बिना टिकट यात्रा की जांच करने और उसकी रोकथाम के लिए मैजिस्टेरियल स्कीम को पिछली बार बोर्ड के 2017 के वाणिज्यिक परिपत्र सं. 18 के तहत 31.12.2018 तक बढ़ाया गया था।

2. रेल अधिनियम में अनुबद्ध मौजूदा नियमों एवं शर्तों और प्रावधानों के अनुसार, मैजिस्टेरियल स्कीम को 31.12.2019 तक बढ़ाने के संबंध में रेल मंत्रालय की एतद्वारा स्वीकृति प्रदान की जाती है।

3. जहां तक टिकट जांच का संबंध है, यह पूर्णतः अधिशासी प्रकार्य है, और इसके लिए औचक जांच के कार्यक्रम केवल रेल प्रशासन द्वारा ही तैयार किए जाएं। अन्य मामलों की तरह ही, जहां-कहीं उपयुक्त समझा जाए, रेल अधिनियम, 1989 की अन्य धाराओं के अंतर्गत मामलों की सुनवाई के लिए ही रेलवे मैजिस्ट्रेट की सहायता ली जाए।

4. यह दोहराया जाता है कि गृह मंत्रालय के दिनांक 14.07.1982 के पत्र सं.9/7/79-ज्यूडीशिएल सेल, जिसे बोर्ड के दिनांक 20.08.82 के पत्र सं. 78/टिकट चेकिंग/1036/1 (प्रतिलिपि संलग्न) के तहत परिपत्रित किया गया था, के अनुसार रेलवे मैजिस्ट्रेट की लागत का विनियोजन किया जाना सुनिश्चित किया जाए, जिसमें यह निर्धारित किया गया है कि मैजिस्ट्रेटों, उनके कोर्ट स्टाफ और उनके साथ तैनात पुलिस बल की समग्र लागत का वहन राज्य सरकारों द्वारा किया जाना चाहिए और जुर्माने की राशि को उन्हें क्रेडिट किया जाना चाहिए।



(शैली श्रीवास्तव)

निदेशक, यात्री विपणन
रेलवे बोर्ड