

24/02/14/2017
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**Government of India (Bharat Sarkar)
Ministry of Railways (Rail Mantralaya)
(Railway Board)**

No.2002/TG-V/03/02

New Delhi, dated.17.02.2017

**The Chief Commercial Managers,
All Zonal Railways.**

Commercial Circular No. 18 /2017

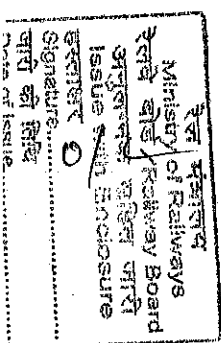
**Sub: Extension of Magisterial Scheme for check and prevention of
ticketless travel.**

The Magisterial Scheme for checks and prevention of ticketless travel on Indian Railways was last extended upto 31.12.2015 vide Board's Commercial Circular No.27/2015.

2. Sanction of Ministry of Railways is hereby accorded for extension of Magisterial Scheme till 31.12.2018, in accordance with extant terms and conditions.

3. 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.

4. This issues with the concurrence of Finance Directorate of the Ministry of Railways (Railway Board).



(Vikram Singh)

**Director, Passenger Marketing
Railway Board**

DA: As above.

No.2002/TG-V/03/02.

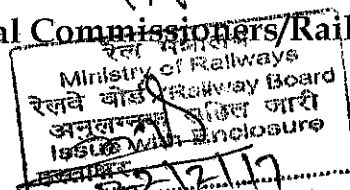
New Delhi, dated.17.02.2017

Copy for information and necessary action to

- FA&CAO ,All Zonal Railways.
- Director (Audit) All Zonal Railways.

DA: As above.

For Financial Commissioners/Railways



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

सं. 2002/टीजी-V/03/02

नई दिल्ली, दिनांक 17.02.2017

मुख्य वाणिज्यिक प्रबंधक,
सभी क्षेत्रीय रेलें।

वाणिज्यिक परिपत्र सं. 18/2017

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

बोर्ड के वाणिज्यिक परिपत्र सं. 27/2015 के तहत भारतीय रेलों में बिना टिकट यात्रा की जांच करने और उसकी रोकथाम करने के लिए मजिस्टेरियल स्कीम को पिछली बार 31.12.2015 तक के लिए बढ़ाया गया था।

2. मैजिस्टेरियल स्कीम को मौजूदा नियमों एवं शर्तों के अनुसार 31.12.2018 तक आगे बढ़ाने के संबंध में रेल मंत्रालय की एतद्वारा स्वीकृति प्रदान की जाती है।

3. यह पुनः दोहराया जाता है कि गृह मंत्रालय के दिनांक 14.07.1982 के पत्र सं. 9/7/79-ज्यूडीशियल सेल, जिसे बोर्ड के दिनांक 20.08.1982 के पत्र सं. 78/टिकट चेकिंग/1036/1 (प्रति संलग्न) के तहत परिपत्रित किया गया था, के अनुसार रेलवे मजिस्ट्रेट की लागत का विनियोजन किया जाना सुनिश्चित किया जाए, जिसमें यह निर्धारित किया गया है कि मजिस्ट्रेटों, उनके कोर्ट स्टॉफ और उनके साथ तैनात पुलिस बल की समग्र लागत का वहन राज्य सरकारों द्वारा किया जाना चाहिए और जुर्माना की राशि को उन्हें क्रेडिट किया जाना चाहिए।

4. इसे रेल मंत्रालय (रेलवे बोर्ड) के वित्त निदेशालय की सहमति से जारी किया जाता है।

संलग्नक: यथोक्त

(विक्रम सिंह)

निदेशक, यात्री विपणन
रेलवे बोर्ड

सं. 2002/टीजी-V/03/02

नई दिल्ली, दिनांक 17.02.2017

प्रतिलिपि सूचनार्थ और आवश्यक कार्यवाही के लिए प्रेषित

- वित्त सलाहकार एवं मुख्य लेखा अधिकारी, सभी क्षेत्रीय रेलें।
- निदेशक (लेखा परीक्षा) सभी क्षेत्रीय रेलें।

संलग्नक: यथोक्त

कृते वित्त आयुक्त/रेलें

SN 13/2

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 force
attached to them and crediting of
judicial fine.

.....

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.

- 2 -

The Administration of Criminal Justice is the concern of the State Governments. The Magistrate under the 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, 1982

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)

SN 13/1

No 78/Tkt. Checking/1036/1 New Delhi, dated: 16-8-1982.
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The General Managers,
All Zonal Railways.

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-Judl-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 Comm. (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