

कृपया (करी करे)

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

No.2002/TG-V/03/02

New Delhi, dated. 17.02.2020

The Principal Chief Commercial Managers,
All Zonal Railways.

Commercial Circular No. 07/2020

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 31.12.2019 vide Board's Commercial Circular No.75/2018.

2. Post-facto sanction of Ministry of Railways is hereby accorded for extension of Magisterial Scheme till 31.12.2020, 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.

DA: As above.


(Neeraj Sharma)
Executive Director Passenger Marketing
Railway Board

S.N. 14/2

No.9/9/79-Jud1-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.

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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 (C) 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 13/2

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 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

12/1/82

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

सं. 2002/टीजी-V/03/02

नई दिल्ली, दिनांक 17.02.2020

प्रधान मुख्य वाणिज्य प्रबंधक,
सभी क्षेत्रीय रेलें

वाणिज्य परिपत्र सं. 07/2020

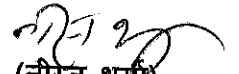
विषय: बिना टिकट यात्रा की जांच करने और उसे रोकने के लिए मेजिस्टीरीयल योजना की अवधि बढ़ाने के संबंध में।

बोर्ड के वाणिज्य परिपत्र सं. 75/2018 के तहत भारतीय रेलों में बिना टिकट यात्रा करने की जांच और उसे रोकने के लिए मेजिस्टीरीयल योजना की अवधि पिछली बार 31.12.2019 तक बढ़ाई गई थी।

2. एतद्वारा, रेल अधिनियम में अनुबद्ध मौजूदा नियमों एवं शर्तों तथा प्रावधानों के अनुसार मेजिस्टीरीयल योजना को 31.12.2020 तक बढ़ाने के लिए रेल मंत्रालय द्वारा कार्योत्तर मंजूरी प्रदान की जाती है।

3. जहां तक टिकट जांच का संबंध है, यह पूर्णतः कार्यकारी प्रक्रिया है जिसके लिए केवल रेल प्रशासन द्वारा ही औचक जांच कार्यक्रम बनाए जाने चाहिए। जहां कहीं भी उचित लगे, रेल अधिनियम, 1989 के अन्य खंडों के अन्य मामलों की भांति रेलवे मेजिस्ट्रेट की सहायता केवल मामलों की जांच के लिए ली जाए।

3. यह दोहराया जाता है कि रेलवे मेजिस्ट्रेट से संबंधित लागत का प्रभाजन गृह मंत्रालय के दिनांक 14.07.1982 के पत्र सं. 9/7/79-जुड़ल सेल एवं बोर्ड के दिनांक 20.08.82 के पत्र सं. 78/टिकट चैकिंग/1036/1 के तहत परिपत्रित (प्रतिलिपियां संलग्न) किए गए अनुसार सुनिश्चित किया जाए, जिसमें यह अनुबद्ध किया गया है कि मेजिस्ट्रेट, उनके कोर्ट स्टाफ और उनसे संबद्ध पुलिस बल पर होने वाले व्यय का वहन राज्य सरकार द्वारा किया जाएगा और जुर्माने की राशि उसके लेखे में जमा की जाएगी।


(नीरज शर्मा)

कार्यपालक निदेशक, यात्री विपणन
रेलवे बोर्ड

संलग्न : यथोक्त