

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

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

Delhi, dated 30.04.2015.

The Chief Commercial Managers,
All Zonal Railways.

Commercial Circular No 27 /2015

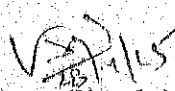
Sub: Extension of Magisterial Scheme for check and prevention of ticketless travel.

The Magisterial Scheme for checks and prevention of ticketless travel on Indian Railways was last extended upto 31.05.2014 vide Board's Commercial Circular No.40/2013.

2. The Post-Facto sanction of Magisterial Scheme beyond 01.06.2014 till 31.12.2015, in accordance with extant terms and conditions, is hereby accorded.

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 30.04.2015.

Copy for information and necessary action to

- FA&CAO, All Zonal Railways.
- Director (Audit) All Zonal Railways.
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DA: As above.


For Financial Commissioners/Railways

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, 1979.

Subj: Apportionment of the cost of the Railway
Magistrates their court staff and the police force
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 Magistrates in respect of the offences

is to be shared between the Railways and the State Governments on a 50:50 basis. The amount of fine realised in respect of the offences is to be shared between the Railways and the State Governments on a 50:50 basis.

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 (Railway Board) under intimation to this Ministry.

Yours faithfully,

(sd/
JOINT SECRETARY TO THE GOVT.
OF INDIA

No. 9/9/99. Judl. Cell. New Delhi Dated: the 14th July, 1982

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

(sd/
JOINT SECRETARY TO THE GOVT. OF INDIA

/DINESH/

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

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- (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.

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/DINESH/