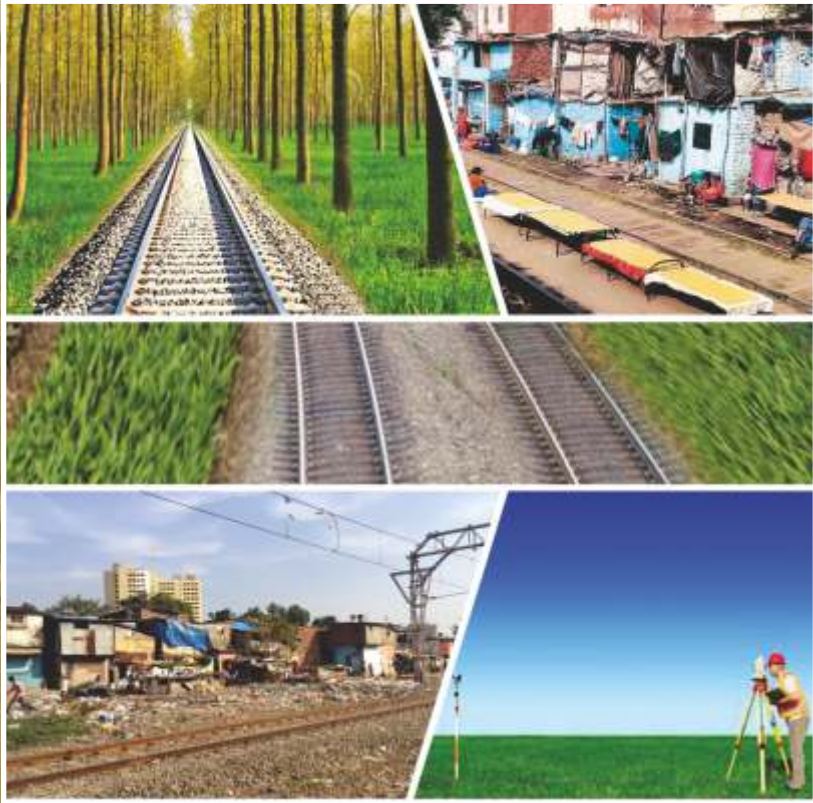




ज्ञान ज्योति से मार्गदर्शन
To Beam As A Beacon of Knowledge

Hand Book on Land Management



May 2021

INDIAN RAILWAYS INSTITUTE OF CIVIL ENGINEERING
PUNE - 411001.

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FOREWORD TO SECOND EDITION

Land is the costlier asset it is to be maintained with great care. Railway could not be done in the absence of full awareness. On Indian Railways there is a continuous need to manage Railway land professionally. Various instructions on Land Management are available in Engineering code, Indian Railways Works Manual & various policy instructions and guidelines issued by Railway Board. Railway land is to be managed for inspection, proper documentation for dealing court cases, holding clear title, custody free from encroachment and to fetch earning. Due to fast growing economy, demand for Railway land is increasing for leasing, licensing, track crossings, way-leave facilities/easement rights, connectivity with ports & private sidings and commercial exploitation.

The Book on “Hand book on Land Management” was first published in year 2016. Now the second revised edition is being brought out. Content of this book provide, in addition to provisions of new Land Acquisition Act now other procedures i.e. Land Acquisition through provisions of Railway Act, direct negotiation, transfer of land etc.

It is hoped that this book will fulfil the need and assist the field engineers in bringing awareness about various instructions on Land Management and will be very useful to the field officials in their daily working needs.

Any suggestions for improvement in this publication are welcome, Suggestions for improvement may be sent to mail@iricen.gov.in.

Pune,
May 2021

S.K. Agrawal,
Director General,
IRICEN

FOREWORD

Land is a very precious commodity and prone to encroachment and therefore, warrants giving due professional importance to management of land. In view of many infrastructure projects being taken up by Indian railways and all round developments envisioned by Indian railways, importance of optimum use of railway land has assumed significant importance in terms of way leave facilities/easement rights and also leasing and licensing required for various crossings and connectivity to ports & sidings keeping in line with railway board's policies.

As various instructions on railway land are scattered in Indian railways engineering code, Indian railways works manual and various policy instructions / guidelines issued by land & amenities (L&A) directorate of railway board from time to time, a necessity, was therefore, felt for compiling various instructions on this subject for quite some time. Shri Surendra Kumar Bansal, Dean/IRICEN and Shri Niraj Kumar Mishra, Associate Professor/Track/IRICEN have made sincere efforts to fulfill this necessity by bringing out this volume. I not only hope but also feel confident that the staff and engineers in particular and larger fraternity of railways in general will find it extremely informative and useful.

(N. C. Sharda)
Director / IRICEN

PREFACE

Land is becoming a very precious commodity day by day, therefore, it has to be closely monitored for proper custody and record so as to keep it free from encroachment and optimize its use.

Various instructions on land management are available in engineering code, Indian railways works manual, various policy instructions & guidelines issued by railway board from time to time. Due to fast growing economy, demand for railway land is increasing by way of way-leave facilities/ easement rights, leasing, licensing, track crossings, connectivity with ports & private sidings and commercial exploitation, so as to use the land effectively and maximize earnings. Efforts have been made to compile all the instructions in this booklet which are available in various codes and manuals including policy instructions and guidelines issued by the board from time to time. We believe this handbook will be very useful to the field officials in their daily working needs.

Authors are thankful to the then Director Shri Vishwesh Chaubey and the present Director Shri N.C. Sharda for their unstinted encouragement and guidance. Special thanks are also due to Shri Arun Kumar Bansal, ex. additional director general moef for his contribution in the chapter on environmental clearance for railway projects and Shri Achal Jain, ED/railway board for his guidance.

Authors are thankful to Shri Anil Kumar Patel, Professor/Track-1/iricen for track management system (tms) chapter and Shri D.G.Joshi, Associate Professor/Finance/iricen who prepared the topic related to finance. Thanks are also due to Shri V. Sasikumar, Senior Instructor/Works/iricen and Shri Shailendra Prakash, Library Informaton Assistant/iricen for reading the manuscript and providing valuable suggestions on the subject.

Contributions provided by Shri Gautam Birhade, Professor/ Works/iricen and Shri Pravin Kotkar, Senior Instructor/Track for their selfless efforts in scrutinizing the manuscript and arranging printing of the book are acknowledged .

Efforts are acknowledged in respect of the supporting staff, viz. Mrs. Vidya Jamma, ps/II and staff of computer section of iricen who provided logistic support for drafts.

In spite of all the above, there is every possibility that errors and mistakes might have crept in. It would be a welcome gesture that mistakes and errors are pointed out by the readers, through email or letters. We shall try to keep it organized and devise a system that these are taken care of in the revised edition. For any suggestions, please feel free to send your comments on mail@iricen.gov.in.

Surendra Kumar Bansal
Dean/IRICEN

Niraj Kumar Mishra
Associate Professor/Track-1

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CHAPTER - 1

Introduction

The management of railways' land is entrusted to engineering department of Indian Railways. As per Civil Engineering Information 2018, as on 31/03/2018, Indian railways own a total area of land approximately 4.77 lakh hectares, out of which, 90% of the land is used for operational and service infrastructure, license for various purposes such as forestation, pisciculture, Grow More Food scheme, and for commercial purpose approximately 45652 hectares' land is lying vacant and 844 hectares' land is under encroachment. It is the need of the hour to make the best utilization of the land for railways' future expansion and revenue generation.

In view of the relevant code, manual, acts and circulars, it is the duty of every railway administration to preserve unimpaired, the title of all land in its occupation and to keep it free from encroachment. The efforts have been made in this handbook to deal with the areas lying vacant or under encroachment. A separate chapter has been included on TMS and earnings from the railway land and environment clearance.

This book consists of total 13 Chapter - Chapter 2 covers the statutory provision regarding railway land. Public Accounts Committee (PAC) had emphasized the need for setting up of land management cell to maintain accurate land records, planned removal and prevention of encroachments. These aspect have been covered in chapter 3 & 6. Duties of Engineering officers along with table of inspection schedule has been elaborated in chapter 3. Proforma of various inspection registers, records and certificates have been incorporated in chapter 3. Instructions regarding relinquishment, transfer and disposal are incorporated in Chapter 4. Provisions of Right to fare compensation and transparency in land acquisition, rehabilitation and resettlement act 2013 along with Land acquisition with Railway

Act provision and direct negotiation have been incorporated in chapter 5. Leasing licensing, way leave and easement rights and grow more foods have been covered in chapter 7 to 9. The field officers and staff are facing difficulties in dealing with NOC pertaining to land, this aspects has been covered in chapter 10. The allocation of earnings from railway land are discussed in chapter 11. Land management has been a part of the recently introduced Track Management System. This has been discussed in chapter 12. Various policy circulars and important railway board's letter are included in Appendix at the end of the book.

In PAC's recommendations it has been pointed out that guidelines and instructions of railway board were to be adhered to. This has been reiterated by CAG also.

The objective to prepare this handbook on 'Land Management' is to disseminate the knowledge in details for the guidance of civil engineering personnel involved in dealing with various land issues at divisional, zonal levels. This handbook does not supersede any existing instructions from railway board, RDSO, zonal railways provisions of IRWM, engineering code & various circulars/reports on the subject.

This handbook is not statutory and contents are only for the purpose of guidance. Most of the data & information mentioned herein are available in some form or the other in relevant codes and manuals, acts and circulars. Information covered in this handbook will be an important and other training institutes of Indian railway input in imparting training at iricen and other training instiutes of Indian railway. For the purpose of guidance annexures are added at the end of book for reference. For more in-depth information, relevant literature on the subject may be referred before final implementation of any information contained in this handbook.



CHAPTER - 2

Management and Custody.

201 Land – Definition

Land is, in ordinary sense, includes all standing trees, buildings, fences, stones and water as well as earth we stand on. (Places where entire living and non-living things survive and functions independently.)

Land sometime refers to, as "dry land" is the solid surface of the earth that is not permanently covered by water. Majority of human activity occurs in land areas.

The word 'Land' is derived from Middle English land, lond and old english land, Lond (earth, land, soil, defined piece of land, territory, province, country) like Scotland Dutch land, Swedish land etc.

201(a) Position of land under the constitution

The general position under Article 294 of the constitution is that as from the commencement of the constitution:-

- a) All property and assets that immediately before such commencement vested in his majesty for the purpose of the government of the dominion of India. all property and assets which immediately before such commencement were vested in 'His Majesty' for the purpose of the government of each Governor's Province shall vest respectively in the union and the corresponding state.
- b) All rights, liabilities and obligations of the government government of the dominion of India and of the government of each governor's province, whether arising out of any contract or otherwise. the rights, liabilities and obligations respectively of the government of India and the Government of each corresponding state, subject to any adjustment made

or to be made by reason of the creation before the commencement of the constitution of the dominion of Pakistan or of the provinces of West Bengal, East Bengal, West Punjab and East Punjab.

All property and assets, which include land and buildings vest in the state government under article 294 and 295 of the constitution or otherwise shall be at the disposal of the respective state governments. who will be at liberty to dispose of them by sale, mortgage, etc., and the proceeds thereof shall be credited to the revenues of the respective state governments.

202 Railway Land

The word land appears in section 2(31) (a) and by section 2(32) (A) of the railways act (it was incorporated in the year 2005 by Act 47 of 2005); it mean, any land in which a government railway (railway owned by the Central Government-section-2(20) of the railways act) has any right, title, or interest all the railway land within the fences or other boundary marks indicating the limits of the land appurtenant to a railway.

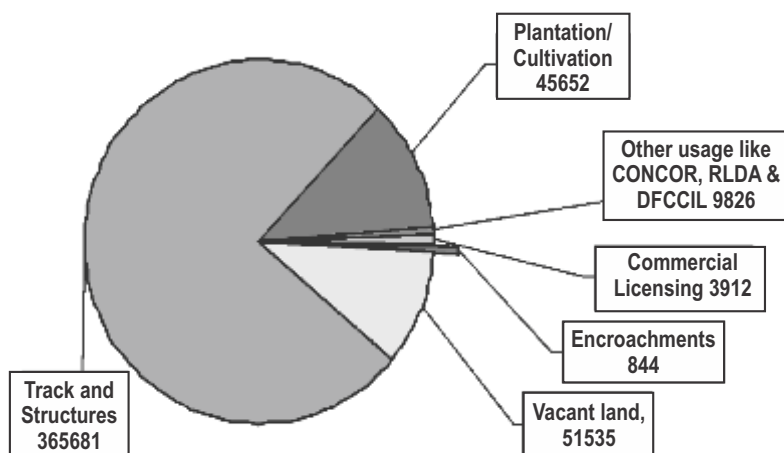
The Indian Railways is having a vast land with all demarcations all along side of the railway's track, its own sidings, and at various other places wherein, in addition to vacant land spread over to several thousands of hectares, the railways have their own buildings, offices, complexes, workshops, manufacturing units, training institutions, railway colonies, which all come within the meaning of Indian railways' properties.

203 Railway Land –Area Wise Description

As per Indian Railway Civil Engineering Information 2018, IR owns about 4.77 lakh hectares of land. 90% of this land is under railways operational and allied usages such as laying of new lines, doubling, gauge conversions, tracks, stations,

workshops, staff colonies etc. however details of land holdings are shown as below-

Railway Land as on 31-03-2018 (in hectares)



204 Railway Land Ownership

As per Para 802 of IRWM, the ownership of all land held by the railways vests in the Central Government. It is the duty of every railway administration to preserve unimpaired, the title to all land in its occupation and to keep it free from encroachment. With a view to avoid any litigation, accurate and certified land plans of all railway land should be maintained and boundaries adequately demarcated and verified at regular intervals. Special care is normally taken by railway administration to see that remains of archaeological and historical interest are not touched. Interference with religious edifices, burial grounds and other places or objects which may be considered as sacred should be avoided, unless they come in alignment of line/yard or any new project.

**Land Holding (Usages-wise):
(Details of Railway Land Usage on IR)**

Type of Usages	Details	Area in Hect.
Track & Structure	Track & Yard	297156.02
	Structures & Buildings (Other than track & yard	68526.68
	Total under Track & Structure	365681.70
Plantation/ Afforestation	Departmental	21071.78
	Forest Deptt. & other Govt. bodies	19184.60
	Commi, Plantation	2022.57
	GMF Sche for Railway Employees	3372.77
	Total under plantation/ cultivation	45651.72
Comm. Licensing for Rly. Related Other uses	Oil Depots/ Bulk Installations	207.67
	Private sidings	1998.59
	Shops	572.39
	Other Comm, Plots	1133.29
	Total under commercial Licensing	391.94
	Area given on long term lease at 99% of market values to Govt. bodies.	486.68
Other uses	Area under pisciculture.	3502.77
	Area under KV Other School	543..51
	Area under religious structures	87.76
	Land licensed to CONCOR	691.52

Detailed / Summary on Usage of Railway Land.

S.No.	Details	Area in Hect.
1	Total under Track & Structure	3,65,682
2	Total under plantation / cultivation	45,652
3	Total under comml Licensing	3,912
4	Total under other Usage including Land given to CONCOR, RLDA & DFCCIL	9,826
5	Area under encroachment	844
6	Balance vacant land	51,535
Grand Total		4,77,452

205 Responsibility of Management

The engineering department of the railway will be responsible for the management of all land in the occupation of the railway. As engineering department is the custodian of land and responsible for its proper management in railways, all proposals for setting up of any facility are required to be routed through engineering department. (Ref: RB Lr.No.2009 / LML / 13 / 26 dt. 11.11.2010)

205 (a) Management by State Government

A state government may be offered the management of such areas of "available" land as it may agree to accept and, if necessary, may be permitted to retain a percentage (to be agreed upon between the railway administration and the state government), of the gross receipts accruing from the lease of the land. In such case the following conditions will apply, viz.:

- (i) That such transfer conveys no power to sell, exchange or give away the land without the sanction of the railway administration (i. e. the land will still remain in the "occupation" of the central government); and that the latter may impose such restrictions as it may consider necessary on the use or occupation of the land so entrusted.
- (ii) That the railway administration reserves the right to withdraw such land, without compensation after giving reasonable notice or on payment of a fair price if resumption is made at such short notice as to preclude the gathering of any crop, indigenous to the locality, sown thereon.
- (iii) Receipts, less any percentage that may be agreed upon, will be credited to the railway. Taxes, which would be leviable on the land where it retained under the management of the railways administration, will continue to be a charge on the railway.
- (iv) That on the resumption of the land by the railway administration or if under disposal, in its sale, it

should be handed over with a clear title, any steps necessary to preserve such title being taken by the state government on behalf of the president.

205 (b) Management by station committees

Station committees may, at the discretion of the general manager and on terms to be prescribed by him, be given the management of all or any portion of the land under their jurisdiction.

205 (c) Management by railways- land custody

As per para 807 of Indian railways code for the engineering department , the engineering department or the department which has custody of the land, is responsible for seeing that it is made use of to the best advantage. In particular, if a portion of the land is not immediately required for the use of the railway, it should be considered whether it can be leased or licensed at a proper rental to outsiders with adequate safeguards for resuming possession as and when required.

205 (d) Supplementary rules relating to custody of land

General managers will be responsible for drawing up supplementary rules to ensure in respect of land other than that managed by a state government,

- (i) That records of title are safely preserved and kept up to-date;
- (ii) That boundaries are periodically inspected; and
- (iii) That any encroachments found are promptly reported and dealt with.

These duties should ordinarily devolve on the authority entrusted with the management of the land, though it may be desirable to reserve the actual institution of all ejectment suits to one authority (preferably the engineering department). No

legal proceedings in this connection may be entered upon without the sanction of the General Manager.

205 (e) Determination of disputes as to titles

Supreme court shall determine disputes as to titles between the union government and state government.

205 (f) Statutory authority for development of vacant land

Rail land development authority established by act of parliament in the year 2006. RLDA set in January 2007 to deal with commercial development of railway land air space. Aim is to generate revenue by utilizing surplus Railway land through non-tariff measures i.e. Commercial exploitation. RLDA works under the control of Ministry of Railways. Section 11 of railway act amended to include clause "developing any railway land for commercial use". The land, which is not required for operational purposes in the foreseeable future is identified by various Zonal Railways and entrusted to RLDA by Railway Board.

The authority shall discharge such functions and exercise such powers of the central government in relation to the development of railway land and specifically assigned to it by the central government.

In particular, and without prejudice to the generality of the foregoing power, the central government may assign to the authority all or any of the following functions namely-

- (i) To prepare scheme or schemes for use of railway land in conformity with the provisions of the Act.
- (ii) To develop railway land for commercial use as may be entrusted by the central government for generating revenue by non-tariff measures
- (iii) To develop and provide consultancy, constructions or management services and undertake operations in India in relation to development of land and property.

- (iv) To carry out any other work or function as may be entrusted to it by the central government, by order in writing. Subject to directions as may be given by the central government in this behalf from time to time, the development of any railway land shall be effected by-(a)Grant of lease of the railway land to developers who shall bear the cost of the development; or (b) Developing built-up area at the Authority's own cost and leasing the same.

205 (g) Important points while dealing with RLDA

◆ **Written agreement before usage of railway land:** permit the usage of railway land under these regulations only after a written agreement is executed between the authority and the lessee on the terms and conditions as determined by the authority under these regulations.

◆ **No transfer of ownership of railway land:**

- (i) The ownership or title of the railway land shall continue to vest with the railway administration at all times and only the lease rights for the use of the land or the structures built on it shall be transferred by the authority.
- (ii) The mortgage of railway land is not permitted at any time and the land shall be incapable of conversion from leasehold to freehold.
- (iii) The transfer of ownership of railway land is not allowed at any time unless the central government specifically instructs it.

◆ **Possession of railway land until transfer to the developer:**

The railway land entrusted to the authority shall continue to be in the possession and control of the railway administration until

the authority decides to give possession of land to any developer after concluding of a contract for developing the railway land.

◆ **Return of railway land to railway administration**

Unless the authority decides to offer the railway land and the buildings or structures existing on it on a fresh lease, on expiry / termination of the lease period, as the case may be, the entire railway land together with the buildings or structures existing thereon shall revert and vest upon the railway administration.

◆ **Type of development**

- (i) Subject to directions from central government, railway land can be developed for any purpose including, but not limited to residential, commercial, institutional, hospitality, and entertainment consisting of developments. Further also including, but not limited to offices, shops, hotels, shopping malls, theatres, etc. as may be decided by the authority based on the feasibility and market study: Provided that specific approval of central government shall be required for residential development on railway land.
- (ii) The authority may also decide to develop the railway land in a phased manner, in case the phased development is considered more beneficial based on market assessment.

◆ **Local master plan and building byelaws**

The development of the railway land shall conform to the local master plan under building bye laws of the area. When land is located where such local master plan or building byelaws are not available, then the authority in accordance with the provisions of the National Building Code shall decide the development for the land.

◆ **Re-development work of railway administration**

The authority in consultation with railway administration shall get a “phasing plan” prepared, which shall indicate the time wise schedule of construction of the assets.

◆ **Enabling works for development project:**

The ancillary works like construction of boundary walls, removal of encumbrances or structure existing on railway land, construction or rehabilitation works for the railway administration etc. The necessary development of a railway land may be carried out by the authority at its cost to enhance the value of the land prior to invitation of bids, if the authority so decides.

◆ **Power of railway for development/redevelopment of railway land without consent/concurrence from local authority.**

Board's letter No. 2011/LMB/WCS/22/07/25/pt.17.10.2018, stated that “Railways /RLDA/IRSDC/shall consult urban local bodies /other Statutory authorities while approving its plans in terms of powers conferred to it as per Sec. 11 of Railway Act, 1989 so that development in Railway land is harmonious with the surrounding development, generally following the national TOD policy *. (The term TOD* Transit oriented developments is a type of urban developments that maximizer the amount of resident business and ensure space within walking distance of public transport). No change in land use to require by Railways for developing Railway Land for Commercial use. Board also clarifies that “Consultation ‘does not mean ‘consent / Concurrence”.

Further Para 201 to the Indian Railway Works Manual, Provides for the right to erect buildings on their own land by Railways without having to obtain sanction of the Municipal or Cantonment authorities in terms of Sec 11 of the Railway Act,

1989 , and Government Building Act 1899 read in conjunction with Sec, 291 if the Cantonments Act No. II of 1924.

It is cleared that Railways have Statutory mandate to carry out activities for constructing And maintaining the Railways including Railway Station redevelopment and developing any Railway land for commercial use, it is desirable that to take the local authorizes into Confidence so far as provision of infrastructural facilities like Electricity, Water, Sewerage, Drainage, Roods etc, are concerned for the purposes of holistic development /Redevelopment.

So whenever zonal Railways can take up this matter with all local/ regulatory bodies responsible for drafting local by – laws/ development control norms in their jurisdiction to ensure that they are drafted / amended to entail suitable provision to facilitate development on Railway land under section 11 of the Railway Act 1989 . Endeavour should be made to extend the entire Railway Land in and around stations for intense development.



CHAPTER - 3

Maintenance of Land Records

301 Types of Records

301(a) Land plan

In order to enable the revenue authorities and railway authority to take action for new acquisition / regular verification it is necessary to keep proper land plans. The scale for these land plans should under ordinary circumstances, be 50m to one cm. but if sufficient details to be shown, then scale should be 10m to one cm. A scale of 5m to one cm may be followed in special cases for congested areas in large towns. This scale can be waived when the land to be acquired an addition to land already acquired. In such cases same scale in which original plans are available are to be prepared.

Following important points to be ensure while dealing with preparation or updating land plan.

The land plans should be made up in sets for continuous portions of land, each set being complete for a revenue district or charge of a collector or deputy commissioner. On each end sheet (first and last) of every set of land plans, a sufficient portion of the continuation sheet of the next set should be repeated, to enable two sheets to connect or traced together, if required. For each set of land plans the sheets should be numbered consecutively through-out and the name of the revenue district to which the set relates, is to be marked conspicuously on each sheet.

The minimum number of sets of land plans and schedules required is two-one for revenue authorities and another for railway. Each set of land plans and schedules should be signed by the officer immediately responsible for its preparation and by the chief engineer of the railway. In the case of land required for a line already opened, the general manager or his authorized

representative should also countersign the plans and schedules before sending them on.

Land plans should be kept up to date either by adding to the existing plans or substituting new sheets as may be necessary. Each such addition or alteration should be carefully checked by the officer immediate in charge of that portion of railway, and attested by his signature. It should be understood that the land plans at any date should show a clear and accurate record of the land occupied by the railway on that date.

On all land plans, the position of the boundary of each class of land should be determined by dimension written on the plan, these dimensions should be sufficiently complete to enable such boundaries being, at any time, readily ascertained or verified. The names of villages to which the land belongs, should in each case, be written on the plan alongside of the line indicating the village boundary. If the boundary line crosses the railway line the names should be repeated on the other side of the railway line and the chainage of the crossing point noted.

The plans should, in short, be full and complete and should show all existing roads, building and when the latter are known to be used for public purposes or by special departments, their purposes and ownership should be stated.

The plans made out for the first acquisition of land should show the outer boundary line and all land for whatever purposes it may be required, should be taken up as for permanent occupation. This land should be distinguished on the land plans by being coloured ink. On these land plans, the two classes of land are to be distinguished by colour like Permanent land Pink & Temporary land (Yellow) This rule applies only to copies of the plans made for the revenue authorities for use in the acquisition of land and is not intended to prevent engineers from marking on their office copies the intended disposition of the land as "permanent" and

"temporary" or any other information which may be found convenient for use during construction, or for the purpose of estimate.

As early as practicable, after the line is open the original plans should be corrected (or fresh plans be made) to show the boundaries of the land required for permanent occupation ('permanent land') and also for the land to be disposed off ('temporary land'). The original plan should be corrected (or fresh plans be made) to show the disposition of land as determined after the work of construction is completed. Detached portions of land should be referred to some fixed point on one of the main sheets. A corresponding entry should in each case be made on the nearest main sheet to draw attention to the detached plot.

301(b) Land record register

Land records registers should be maintained in PCE Office as per proforma mentions in Para 304 in which all details of transactions; both acquisition and relinquishment should be noted.

301(c) Micro filming

Micro-filming - All certified land plans shall be transferred as micro-films, requisite sets of which can be kept in safe custody both in headquarters office and also in the divisional offices. These micro-films should not replace original tracings but will help in taking prints of land plans in case original tracings are lost/mutilated.

302 Duties of Engineering Officials

302(a) Duties of Senior Section Engineers (Works)

- (i) Maintenance of land boundaries, within station premises (if HQ office is within station premises) & within/ around colony premises as per laid down frequency.

- (ii) Maintenance of land record.
- (iii) To carry out inspections of encroachments and record details of inspection in encroachment inspection register as per laid down frequency.
- (iv) To carry out inspections for land boundary verification and record details of inspection in land boundary verification register as per laid down frequency.
- (v) Removal of encroachment.
- (vi) During inspections of higher officers from the division and zonal Railway, the SSE will keep the land register with him.

302(b) Duties of Senior Section Engineer (P.Way)

- (i) Maintenance of land boundaries, in between station limits.
- (ii) To carry out inspection of encroachments and record details of inspection in encroachment inspection register. The inspection may be done in piecemeal as per laid down frequency.
- (iii) To carry out inspections for land boundary verification and record details of inspection in land land boundary verification register. The frequency of inspection of land boundary verification shall be at least once in a year by SSE (P.Way)/ incharge and by JE (P.Way)/ SE (P.Way) once in 06 months. The inspection may be done in piecemeal.
- (iv) Random verification of land boundary during push trolley inspection.
- (v) Removal of encroachment.
- (vi) During inspections of higher officers from the division and zonal railway, the SSE will keep the land register with him.

302 (c) Duties of Assistant Divisional Engineer

Up to date land plans should be available in the Assistant Divisional Engineer office and copies should be made available

to the field Inspectors whenever required in connection with any work.

- (i) To ensure that every Section Engineer (Works/P.Way) maintains a land record as per Para 806(b) and all entries in the Register are up-to-date. Land records register should be checked annually by AEN and observation to be communicated to Section Engineer (Works/P.Way) in writing.
- (ii) To ensure that Section Engineers (Works/P.Way) inspection for encroachment and land verification are being done as per schedule.
- (iii) Removal of encroachments.
- (iv) During inspections of higher officers from the headquarters and railway board, the land register will be kept by the AEN with him.

302(d) Duties of Sr. Divisional Engineer/Divisional Engineer

- (i) To ensure availability of land records at all times.
- (ii) During consolidation and settlement operations that take place after certain intervals, re-survey of all the villages is carried out by concerned revenue authorities. During these operations, the shape of the railway land plans and the total land area available with the railways may get obliterated in revenue records. It would, therefore, be necessary that whenever such operations take place, the concerned section engineers (Works/ P.Way) keep a track of such operations to ensure that railway's land is kept intact in revenue records. In fulfilling this responsibility, the divisions may take suitable assistance from the land cell of the chief engineer's office.
- (iii) The last stage in the process of land acquisition is the mutation entry in the revenue records. It is, therefore, necessary that such mutation entries are completed as early as possible in a sustained follow-through of

the land acquisition process. Unless and until the mutation of the land, which has been acquired, has been done, a quarterly report thereon should continue to be sent to the chief engineer's office. This point should also be checked by the open line engineers while taking over complete stretches of new construction, involving land acquisition, from the construction branch.

- (iv) Final land plans, after mutation entries are carried out, should be sent to the chief engineer's office for safe custody and record.
- (v) In case of construction projects involving land acquisition, the acquired land should be taken over, free of all encroachments and along with all records.

302(e) Duties of HOD in headquarter :

Vide Para 850 of the Indian railways code for the engineering department (2012 edition) a complete series of land plans for the entire railway should be maintained in the chief engineer's office. The original tracings that are duly certified by the state governments should be kept as permanent records in the C.E.'s office. Sufficient copies of certified plans should be made out and supplied to the divisional engineers for reference, a copy being kept in the cover of each relevant file.

No noting should be made on certified plans and declarations nor on important letters from the state governments in connection with acquisition or relinquishment of land as these may, at times, be required in a court of law to prove the railway's title.

- (i) Ensuring availability of land plans in PCE's office all the time.
- (ii) Scrutinizing the registers related to land boundary/encroachment/boundary pillars submitted by Sr. DEN/DEN.

- (iii) Monitoring of pending cases of mutation of land
- (iv) Taking action for removal of encroachments and monitoring the progress of their removal.

Note: AXEN/XEN and Dyce in Construction and other railway units shall perform the responsibility of Aden and SrDen/Den mentioned in the manual.

303 Inspection Schedule

Following Inspection frequency in connection with Land matters.

Subject	Inspection schedule in connection with land matters				
	Division				H.Q.
	SE/SSE/ Works or P. Way	ADEN	DEN/ Sr.DEN	Sr.DEN/Co.	
Checking of condition and availability of land plans and Land record Registers. (Tables 1 to 4)	Yearly	Yearly	Yearly	Yearly	Yearly
Checking of Land boundary registers and field verification of boundary pillars and offsets. (Tables 5 to 7 and Certificate 1)	Yearly	Yearly	Yearly	During inspection especially on vulnerable locations. Furnish details in the Inspection Note	During inspection especially on vulnerable locations. Furnish details in the Inspection Note

Tabel Cond. .

Subject	Inspection schedule in connection with land matters				
	Division				H.Q.
	SE/SSE/ Works or P. Way	ADEN	DEN/ Sr.DEN	Sr.DEN/Co.	HOD
Checking of Encroachment Inspection Register & certificate on number of existing encroachment. (Tables 8 and Certificate 2)	Quarterly	Yearly	–	–	–
Certificate for number of new encroachment. (Certificate 3)	Quarterly	Yearly	–	–	–
Checking of Mutation Entries of land acquisition in Revenue records & obtaining mutation certificate from concerned land Revenue authorities.	Yearly	Yearly	Yearly	Yearly	Yearly

Tabel Cond. .

Subject	Inspection schedule in connection with land matters				
	Division				H.Q.
	SE/SSE/ Works or P. Way	ADEN	DEN/ Sr.DEN	Sr.DEN/Co.	HOD
Handing over of land related records of new line projects by Construction Organisation.	<p>It should be ensured/confirmed/certified while taking over the new line projects, that the following documents handed over by Construction Organisation and taken over by Open Line.</p> <ol style="list-style-type: none"> 1) Indent placed on Revenue authority for acquisition of land. 2) Shajra duly verified. 3) Notification for intention for acquisition of land. 4) Notification for declaration for acquisition of land. 5) Award. 6) Taking/ handing over note. 7) Attested copy of mutation. 8) Land plan duly verified by the revenue authorities showing details of mutation. 9) Land record register. <p>Note: The handing over and taking over of all the above documents have to be confirmed by CAO(C) and PCE.</p>				

Tabel Cond. .

Inspection schedule in connection with land matters					
Subject	Division				H.Q.
	SE/SSE/ Works or P. Way	ADEN	DEN/ Sr.DEN	Sr.DEN/Co.	HOD
Land, plots, shops, etc., leased /licensed by Railway	Once in six months	Yearly	During the inspection, the following items to be checked: 1) Whether the payment made are up-to- date. 2) Whether ownership as per site verification is same as that in the Agreement. 3) Whether the total area of land occupied is same as allotted.		
NOCs granted for construction of government & Private buildings near Railway land	Keep a constant look out for any unauthorise extension/ new construction	Keep a constant look out for any unauthorised extension/ new construction.	During inspection	During inspection	During inspection

Tabel Cond. .

Inspection schedule in connection with land matters					
Subject	Division				H.Q.
	SE/SSE/ Works or P. Way	ADEN	DEN/ Sr.DEN	Sr.DEN/Co.	
Checking of extension/new construction of religious structures	Keep a constant look out for any unauthorised extension/new construction.	Yearly	During inspection	During inspection	During inspection
Inspection of colony regarding boundary walls/ fencing/ boundary pillars/ encroachment	Quarterly	Yearly	Yearly	During inspection	During inspection

NOTE: specific notes related to land matters as mentioned above must be reflected in inspection note for items inspected during the inspection.

304 Various Proforma for Maintenance of Land Management

Table 1: Consolidated Position of Land Plans:

Remarks	19	
Signature of (i) LCO (ii) Dy.CE/G (iii) CE/G	18	
(iii) Sectional DEN/ Sr. DEN	17	
(ii) AEN/ADEN	16	
(i) JE/SE/SSE / Works/ P.way	15	
Signature of concerned Divisional officials	14	
No. of land plans where mutation has not been done	13	
No. of land plans found in damaged condition	12	
No. of land plans inspected	11	
No. of missing land plans	10	
No. of authenticated land plans	9	
No. of land plans available during inspection	8	
Total no. of land plans, as on ...	7	
No. of Land plans added in the current year	6	
No. of land plans at the end of previous year	5	
Section	4	
Concerned SSE/Works/P.Way	3	
Division	2	
S. No.	1	

Table 2: Details of Missing Land Plans:

S. No.	1	2	3	4	5	6	7	8	9	10	11	12	
Remarks													
Signature of (i) LCO (ii) Dy.CE/G (iii) CE/G													
Signature of concerned Divisional officials (i) JE/SE/SSE / Works/ P.way (ii) AEN/ADEN (iii) Sectional DEN/ Sr. DENed condition													
Responsibility													
Action taken to recoup the land plan													
Details of place from where missing & date/month/year since it is missing													
Kilometer from.....to.....													
Land plan No. (if available)													
Section													
Concerned SSE/Works/P.Way													
Division													

(Details of this Table should tally with contents of Column 10 of Table 1, otherwise reasons for difference in figures should be clearly indicated)

Table 3: Details of Pending Authentication of Land Plans:

S. No.	1	2	3	4	5	6	7	8	9	10	11	
Remarks												
Signature of (i) LCO (ii) Dy.CE/G (iii) CE/G												
Signature of concerned Divisional officials (i) JE/SE/SSE / Works/ P.way (ii) AEN/ADEN (iii) Sectional DEN/ Sr. DEN												
Responsibility												
Action taken for authentication of land plan												
Kilometer from.....to.....												
Land plan No.												
Section												
Concerned SSE/Works/P.Way												
Division												

(Details of this Table should tally with contents of Column 13 of Table 1, otherwise reasons for difference in figures should be clearly indicated)

Table 4: Details of Action on Damaged Land Plans:

S. No.	1	
Division	2	
Concerned SSE/Works/P.Way	3	
Section	4	
Land plan No.	5	
Kilometer from.....to.....	6	
Details of place date/month/year when damage was detected	7	
Action taken to recoup the land plan	8	
Responsibility	9	
Signature of concerned Divisional officials (i) JE/SE/SSE / Works/ P.way (ii) AEN/ADEN (iii) Sectional DEN/ Sr. DEN	10	
Signature of (i) LCO (ii) Dy.CE/G (iii) CE/G	11	
Remarks	12	

(Details of this Table should tally with contents of Column 12 of Table 1, otherwise reasons for difference in figures should be clearly indicated)

Table 5: Land Plan Record Register

Division	Engineering Division	(1)	
.....	Land Plan No	(2)	
.....	Station or Kilometrage	(3)	
.....	Description	(4)	
.....	Area (in Ha)	(5)	
.....	Cost of land acquisition/ relinquishment	(6)	
.....	Reference to correspondence	(7)	
.....	Government Resolutions & date of sanctioning the transfer of land	(8)	
.....	Date of consolidation/ mutation with revenue authorities	(9)	
.....	Remarks	(10)	
.....			

Table 6A: Land Boundary verification Registers (LBVRs):

INDEX					
Sl. No.	Block Section/Station			Page No.	Remarks
	From	To	FROM KM	TO km	
1	2	3	4	5	7

Table 6B: Land Boundary Pillars: (Right side of register)

Plan showing railway boundary stones between

Km..... To.....
Between Station..... To.....

Left		Track Km/C/L	Right		Correctness of offsets wrt track centre of the reference track
Pillar No.	Distances (mt)L		Pillar No.	Distances (mt)R	
1	2	3	4	5	6

For the above purpose, the offset of the land boundary should be painted on the rail foot/web at an interval of 50 meters and each change of direction of land boundary which will facilitate engineering official during verification. As and when hand held GPS become available, co-ordinates of these boundary pillars should also be recorded & maintained appropriately.

Table 6C :

Inspection details of boundary stone between
Kilometer.....
TO..... **(Left side of register)**

Date of inspection	Location	Description of missing boundary stones		Action taken	Initials of Inspecting officers	Remarks
		KM	Boundary Stone No.			
1	2	3	4	5	6	7

Certificate 1: Land boundaries verification certificate

Year _____ Section _____ Kms _____ to _____
SE (P. Way/Works) _____ Sub Div _____ Div. _____

I, _____ Section Engineer (P. Way/Works) certify that I have inspected the railway land fenceings and boundary stones on my section during the year ending _____ and that they are in accordance with the certified land plans. There have been no encroachments except at the following kilometerages that have been reported upon vide reference given against each.

Further certify that boundary wall/ wire fencing and/or boundary stones are available at all locations except at the Kilometerages shown below for which action to replace the same is indicated against each location.

Table 7 : Details of Encroachments

Remarks		12	
Action taken to remove		11	
Purpose: Personal/ Commercial /religious /social /other		10	
Value of land approx.Approx Period since encroachment existing		9	
Value of land approx.	Basic market rate/ notified rate/Rough assessment	8	
Value		7	
Area in Sqm.		6	
Soft/hard		5	
Location	Railway employee/ outsiders persons/ others	4	
	Reference to encroachment plan	3	
KM/EM Station (from – to)		2	
Station premises/colony/ mid section		1	

Table 8 : Encroachment Inspection Registers (EIR)

(Left Page)

1. Location
2. Name of encroacher
3. Father's name & address
4. Area occupied
5. Use of land ----- Commercial/residential/Cultivation)
6. Date of commencement of unauthorized occupation
7. Date on which encroachment came to the notice for first time,
8. Reference of File No.

Date of inspection/ Review	Action taken	Date of Removal	Initial of Inspecting official

(Right Page)

Note: The encroachment plan has to be prepared to scale and pasted on the right side of EIR.

Certificate 2: Existing Encroachments (EIR)

Section Engineer (Works/P. Way) shall give a certificate in the following proforma, once in three months which shall be verified and countersigned by the concerned AEN.

Detail of Jurisdiction

"I....., Section Engineer (Works/P. Way) certify that I have inspected the Railway land in my section during the quarter endingand there have

been no encroachments except at the locations shown in this register, that have been reported upon vide references given against each."

sd/-
Section Engineer (Works/P. Way)

Certificate 3: New Encroachments (EIR)

Section Engineer (Works/P. Way) shall give a certificate in the following proforma, once in three months, which shall be verified and countersigned by the concerned AEN.

Detail of Jurisdiction

"I....., Section Engineer (Works/P. Way) certify that I have inspected the Railway land in my section during the quarter endingand certify that in my jurisdiction there is no new encroachment/___no of encroachments added/ developed during period"

sd/-
Section Engineer (Works/P. Way)

(Note: For encroachment on Railway land, the responsibility has been distributed among different departments viz; station area, between stations settlements where SSE (works) is headquartered/not headquartered, workshops, locosheds etc. In case of new encroachments the signatures of concerned Sr sub-ordinates of other departments also will be required on similarly worded certificates, which should be filed in a file, with an endorsement to this effect in the EIR and reported to higher officials)



CHAPTER - 4

Disposal, Transfer & Relinquishment

401(a) Disposal of land

In regard to railway land the policy of the railway is to limit holdings to actual requirements, present and prospective. Every railway administration should, therefore, be in a position to justify the retention of land occupied by them and where unable to do so, should classify it as "eligible for disposal" and arrange for its disposal agreeably to the rules as specified for the purpose.

401(b) Criteria for declaring "Land eligible for disposal"

In deciding whether or not a certain area is eligible for disposal, railway administrations should see that whether the land is required for the effective discharge of the duties of ministry of Railways. If it falls within one or the other of the following categories than can be said as required for effective discharge of duties :

- (i) Land in the active occupation of a railway, i. e., land actually occupied by the permanent works of the railway or acquired for their construction, maintenance or repair.
- (ii) Land not so occupied but to the permanent alien control of which specific objection exist, i.e., land in the midst of or adjoining that in active occupation and to separate which from such area would be detrimental to railway interests.
- (iii) Land required in the interest of the health or welfare of the staff, or for the safety of railway property (e. g., sanitary or fire zones, etc.)

401(c) Procedure for disposal of "Land eligible for disposal"

When it has been decided that a certain area of land is no longer required by any department of the railway then it is, eligible for disposal. The following procedure should be observed.

- (i) If the land adjoins or is in the near vicinity belonging to any other railway or department of the central government, it should first be offered to such railway or department. If one of these desires to acquire it, a formal record of transfer should be made and the state government advised; or if willing, the latter may be entrusted with the work of transfer.
- (ii) If the land is surplus to the requirements of the central government, the government of the state in which it is situated will be given the option of assuming possession of the whole or portion thereof subject to the following conditions:
 - The central government themselves shall be the judge of whether they require to retain any particular land or not;
 - If the state government desires to assume possession of the land, the option to do so shall be exercised within six months of the date on which the central government signify their intention of surrendering their land
 - The amount payable for the land will in all cases be its market value at the date of transfer;
 - When the state government desires to assume possession of only a portion of the land surrendered, they shall be entitled to do so only if the value of land as a whole is not materially reduced by the division and if the state government do not desire to assume possession of any land on the foregoing terms, the central government will be free to dispose of it to a third party. Before, however, so disposing of the land, the central government will consult the State government as to the levy of ground rent or assessment and the conditions, if any, subject to which it should be sold and they will, as far as possible dispose of the land subject to the conditions which the state government may desire to impose.

- It can also be noted that the central government are not, however, bound to obtain the concurrence of the state government in all cases and in case of disagreement the central government shall be the sole judge of the terms and conditions to be imposed.
- (iii) If the state government is unwilling to assume possession as indicated above, the land should be disposed of to the best advantage possible.
- (iv) If neither another railway nor a department of central government nor the state government desire to acquire the land, and if there has been a request from the railwaymen's co-operative housing society for the same the railway administration can relinquish the land to them after obtaining necessary clearance from the respective state governments, with the prior approval of the board. The sale value of the land in all these cases should be market value prevailing at the time of transfer.
- (v) If neither another railway nor a department of the central government nor the state government desires to acquire the land, and if no reasonable offer is forthcoming from other parties, the land should be retained by the railway administration and managed until such time as one or the other of the above contingencies eventuates.

401 (d) Disposal of land when state government unwilling to assume possession.

In the disposal of land under clause 401 (c) iii above, the following procedure should be adopted:

- (i) The state government may be asked to undertake the whole process of disposal, the railway administration merely concurring in the terms.
- (ii) If the state government is unwilling to undertake negotiations for sale, these should be carried out by the railway administration, and the state government

requested to carry out the final transaction on the terms arranged.

- (iii) If the state government is unwilling to effect even the actual transfer, a formal deed of conveyance should be drawn up by the railway administration (ordinarily at the expense of the purchaser), submitted to the authority competent to execute it for signature, and registered. The land being thereafter made over, by the responsible authority, to the purchaser.
- (iv) In any case the state government should be consulted as to the manner of disposal, the conditions (if any) that should be laid down for the use of the land after sale, and the extent to which (if at all) the principles of the resolution of the government of India in the department of revenue and agriculture no. 13/44-13, dated 30th October, 1896, should be applied.

401 (e) Disposal of land to department of the central government

In the case of disposal of land to department of the central government the amount payable will be the market value of the land and the buildings thereon. In all other cases land will be disposed of at the highest offer which is considered reasonable.

402 Transfer of Land

402 (a) Transfer of land and buildings between union and state governments

Transfer of land and buildings between union and state governments are regulated by the provisions of the constitution and subsidiary instructions issued by the union government and as per general financial rules. From the commencement of the constitution the transfer of land between union and state governments shall be regulated by mutual agreements except when they are acquired under some act. The amount payable

by the union government will ordinarily be the market value of the land and buildings if any thereon.

Note: In the case of transfer of land or buildings to and from the railway ministry the full market value of the land or buildings shall be charged.

402 (b) Transfer of land to or from the military authorities

In regard to transfer of land to or from the military authorities the “application for such land when within cantonment limits should be made by the officer in charge of the works, to the cantonment authority but in the case of a military encamping ground or other state land in military occupation application should be made to the general officer commanding the division or independent brigade. The military authorities will then take the necessary steps to obtain

- (i) The competent sanction to enter into negotiations for the proposed transfer of land; when this is sanctioned
- (ii) The opinion of the state government, which should invariably be recorded upon all applications and
- (iii) The sanction of the central government to the occupation of the required land. In all cases where the sanction of the railway Board to the acquisition of such land by a railway administration is necessary, the application for such sanction should be made only after the sanction of the central government in the ministry of defense has been obtained”.

402 (c) Transfers from ministries to statutory authorities or PSUs.

Transfer of land is permitted in following cases (Railway board letter No. 2011.LML/18/17 dt. 21/8/2012 & OM dt. 30/7/2012)

- (i) All cases of land transfers from Ministries to statutory authorities or PSUs may be allowed, subject to the requirements of government of India (Transaction of business) rules.

- (ii) All cases of land transfer on lease or rent or license to a concessionaire which have been appraised through the Public Private Partnership approval committee (PPPAC) route and approved by the Finance Minister or by the ministers concerned or by the cabinet, as the case may be, depending upon the value of the project.
- (iii) Development and use of railway land by rail land development authority, (RLDA) as per provisions of railways amendment act, 2006 and the rules framed there under and in accordance with the prevalent policies and guidelines of the railway ministry and the government.

403 Land Relinquishment

When it has been decided that a certain area of land is no longer required for railway purposes and is eligible for relinquishment, action should be taken as detailed in para 1035 to 1044 of Indian railways code for the engineering department.

- a) When Railway land is relinquished, possession of the land should not be given until the price for the land has been paid. Possession should be handed over jointly by the representatives of the railway and the state government to the purchaser if the purchaser is not a government department/ public sector undertaking.
- b) When state governments, in arranging disposal of surplus railway land, decide to sell it by public auction, a minimum upset or reserve-price should be fixed along with such other terms, as will be beneficial to the railway administration with their consultation. The auction should take place in the presence of a responsible railway representative. All papers and plans prepared by the civil authorities before the auction should be carefully scrutinized to ensure that the description of the land being sold is correct and

that no easements are allowed over adjoining land remaining in the possession of the railway.

- c) The amount payable by the central government or the state government for lands relinquished by the railway will, in all cases, be their market value at the time of transfer and not the original value paid on their acquisition by the railway.
- d) Vide para 1042 of the Indian railways code for the engineering department, in cases where railway land is transferred to a state government and where the capitalized value of the land revenue had been paid to the local government on acquisition, the amount payable by the state government for the land should include the refund of the capitalized value. In the case of land disposed of to private parties, the refund of the capitalized value of land revenue by the state government will not however be necessary.
- e) In all other cases, land will be disposed of at the highest offer and also if that is considered reasonable.
- f) In respect of relinquishment of railway land in favour of the state government or outsiders for the approaches of ROBs/RUBs, specific approval of the Railway Board should be obtained irrespective of the value of land involved.
- g) Railways should include contingency charges @ 3% in all the relinquishment estimates to cover incidental charges incurred during the process.
- h) Powers of sanction – in all cases of disposals, conditions of restriction of uses agreed upon if any by both the parties may be embodied in the transfer or sale deeds. When the estimated value exceeds Rs. 25 Lacs, a prior reference should be made to the railway board.



CHAPTER - 5

Land Acquisition

501 General - Following various important aspects are to be kept in mind while preparing proposal for land acquisition

501 (a) How Railway Land is acquired

Following Acts/Procedures of Govt. of India are available for Railway land acquisition:-

1. The new railway land acquisition known as “The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013”. (Act No.30 of 2013, effective from 01.01.2014). It extends to the whole of India (including Union Territory of Jammu & Kashmir w.e.f. 31.10.2019, as per The J&K Reorganization Act, 2019). In case of New Lines & Gauge Conversion, acquisition should be carried out either through RA Act 2016 or RFCTLARR Act 2013.
2. There are provisions available in railway act 1989, also known as The Railways (Amendment) Act, 2008. (RAA 2008).
3. Through Direct Negotiation with land owners as per State Govt. Policy.
4. Through direct transfer of land when land belongs to central/state it includes land belongs to defense, forest, land in mines area. Table 5.1 Showing guidelines for Act/Procedure through which land to be acquired for various Railway project.

501(b) Responsibility of railway administration **(Para 803 of engineering code).**

In acquiring land for railway purposes, the railway administration is responsible for seeing:--

- (i) that it is necessary to acquire the land;

- (ii) that the sanction of competent authority exists for the acquisition;
- (iii) that if any departure from the rules is contemplated, the specific approval of the Railway Board to such departure has been obtained;
- (iv) that a proper title to the land acquired is secured and kept, and that it is capable of accurate identification; and
- (v) that the land is utilized to the best advantage.

501(c) Necessity for Land

The initial responsibility for ensuring that land is not acquired without a clear necessity therefore rests with the heads of departments concerned in respect of land acquired for their departments. They will be held accountable for the accuracy of the facts on which the justification for acquisition is accepted by the head of the administration.

501(d) Other aspects while acquiring land (Ref Para 803 of IRWM)

The state governments frame rules in respect of their states consistent with the act. The procedure of land acquisition may differ from state to state. The actual practice in vogue in the state may be verified before processing the papers for land acquisition. Some of the important aspects/principles to be observed while acquiring land are,

- i) While acquiring land for major projects, alignment should be fixed in such a way that minimum extent of agricultural land is involved.
- ii) In case of urgency, the application should be made to the collector under section 40(old 17) of the right to fair compensation and transparency in land acquisition, rehabilitation and resettlement Act 2013 (30 of 2013). As per this section the land can be occupied on expiry of 30 days after publication of

notice under section 21 (old 9(i)) of the act. No Social impact assessment study required.

- iii) When land is acquired on the bank of a river with the intention of obtaining the rights to the foreshore, it should be made clear, subject to the concurrence of the state government that the boundary on the river side as indicated in the acquisition plan is the low water line for the time being and that, should the river at any time recede from the bank, accretion to the foreshore shall form part of the land acquired and no additional payment or compensation for such accretion shall be made.

Cases, in which difficulties arise in consequence of a sudden change in the course of a river as distinguished from a gradual process of erosion and accretion, should be dealt with on their merits.

- iv) In the case of any slip or other accident happening or being apprehended to any cutting, embankment or other works, section 14 of the Indian railways act 1989 empowers railway to enter upon any lands adjoining the railway for the purpose of repairing or preventing the accident and to do all such works as may be necessary for the purpose. Adjoining land should be entered upon only in cases of absolute necessity and to the minimum extent required.

In such cases, a report must be made to the central government (railway board) within 72 hours of such entry, specifying the reasons which necessitated entry on the land without having obtained previous permission. The collector of the district will be called upon under section 27 & 28 of the same act to assess damage and compensation he should be advised of the entry within 24 hours.

- v) It will be in the interest of the administration if the assistant engineer or section engineer (works) concerned is deputed to attend award inquiries and

also settlement operations in civil districts with a view to have proper records of settlement pertaining to the railway land.

- vi) In special cases, if the state government so desires, the railway should deposit in advance an amount determined on the advice of the state government for the expeditious payment of compensation to the land owners. This amount should be kept as low as possible and should not normally exceed the amount that can be disbursed by the state government within the financial year in which the deposit is made.
- vii) As the financial justification for a project and its location in a particular place, takes also into consideration the value of the land to be acquired for the project, it is essential to obtain a realistic estimate of the cost of the land from the land revenue authorities at the time of preparation of the estimate.
- viii) For acquisition of forest Land, the procedure laid down in para 502(a) below should be followed.

502 Acquisition of Land

502(a) Acquisition of forest land

(Ref Para 857/858 of engineering code)

The land required for laying down a new railway line can be divided into two parts:

- (1) The land on which the railway line is to be actually laid; and
- (2) The land required by the railway for borrow pits etc.

All forest trees in area indicated in clause (1) above have to be clear felled but it is not necessary to fell the tree growth in area indicated in clause (2) above. The trees falling on land required by the railway for borrow pits etc; will remain the property of the forest department, though the land on which these trees will be standing will remain with the railway.

While acquiring forest, lands suitable agreement should be made with the forest department covering the following aspects:-

- (i) If in future the removal of any tree or trees is considered necessary by the railways in connection with train operation the railway should notify to the forest department about it and the forest department would fell and remove these trees quickly;
- (ii) If for any future construction on the land acquired by the railway trees have to be felled, the railway will notify the same to the forest department, and the forest department will fell and remove them quickly;
- (iii) If an emergency the railway has to sell any trees the forest department will be notified of this being done and the railway will be paying the compensation thereof.
- (iv) That for trees felled by the forest department according to sub-para (i) and (ii) above no payment will be made by the railways to the forest department unless the felling of trees is done by the railways, in which case the railways will pay for the trees felled to the forest department.

502(b) Acquisition of land in coal mining area

Land required by the railways in the coal mining area is usually required under the land acquisition (mines) act, 1885 on the basis of a declaration that the 'mines of coal, etc. In the areas are not needed. For further proceeding refer engineering code para No.813

502(c) Acquisition of land for Quarrying Purpose

Railway administration while acquiring land for quarrying purposes should ensure that the state government do not insert such declarations as would deny quarrying rights to the

railway. Legally once such declaration is inserted, the state government are entitled to claim royalty.

502 (d) Acquisition of land for Tunnelling work

Railway Board vide letter no. 2018/W-I/Genl./Land Acquisition/ Pt I dt. 05.09.2018 clarified that for Tunnelling work the land should be acquired only for portal/adit/shaft construction or for provision of safety measures. No land should be acquired for balance alignment of the tunnel. Whenever land to be acquire at location of Viaduct, it should be acquired for minimum width along the span and pier locations (generally approximate 8.0m width is sufficient for single line).

503 Brief History of Land Acquisition Act

The land acquired by railways for their requirements through the state governments is regulated under land acquisition act 1894 (as amended by the land acquisition amendment act no.68 of 1984). The railway act 1989 was amended to facilitate time bound acquisition of land and commissioning of projects involving national infrastructure in a specified time. The railway (amendment) act 2008 facilitates time bound acquisition of land, additional payment and application of provisions of national rehabilitation and resettlement policy 2007 as incentives to the land losers.

- i. The land acquisition act, 1894 is the general law relating to acquisition of land for public purposes and also for companies and for determines the amount of compensation to be made on account of such acquisition. The said act is found inadequate in issues regarding rehabilitation and resettlement to the affected person and families.
- ii. The expression of word public purpose is very wide and which needs to be correctly describe. Now a day land acquisition is carried by various agencies/private persons due to expansion of infrastructure facilities roads, rails, commercial hub, industrial hub, irrigation water supply, sanitation, residential hub, SEZ etc. It has therefore become

necessary to re-define it so as to restrict its scope for acquisition of land for strategic purposes vital to the state, and for infrastructure projects where the benefits accrue to the general public.

- iii. There have been multiple amendments to the land acquisition act, 1894 not only by central government but by the state government as well. There is also public concern over land acquisition over multi crop irrigated land and no central law for landless displaced persons.
- iv. Now a new act has been enforced named as “the right to fair compensation and transparency in land acquisition, rehabilitation and resettlement act, 2013 (30 of 2013).

504 Procedure of Land Acquisition : (Ref. Para 915 of Engineering Code)

504(a) Application of Land

As a general rule land may not be acquired except in connection with a duly sanctioned work but this rule does not debar the acquisition of land for bonafide railway purposes, such as 'sanitary zones' which are unconnected with any particular work. Where any third party's right of way in the form of a path or road has been permanently obstructed by the railway, either by the land having been acquired or otherwise, unlimited powers are delegated to the General Manager for the acquisition of land to restore the right of way on another site.

Whenever land is required for railway purposes, an application should first be made direct to the revenue officer in-charge of the district in which the land is situated, for a statement of the value of the land and a draft declaration for acquiring it. When the work of acquisition extends to more than one district but lies within one division, application should be made to the commissioner, when in more than one division to the Chief Revenue Authority of the state.

The application should set forth clearly the purpose for which the land is required, every endeavor should be made to avoid interference with religious edifices, burial grounds or other places or objects which may be considered as sacred and if the land applied for contains religious edifices, the fact must be specially noted in the application. It should be accompanied by the following documents specifying the extent of the land and such other particulars necessary for its identification .

A complete set of land plans i.e two one for the revenue authorities and one for the railway. Each set of land plans and schedules should be signed by the officer immediately responsible for its preparation and by the Chief Engineer of the railway. In case of land required for a line already opened, the General Manager or his authorized representative should also countersign the plans and schedules before sending them on. For complete set of schedules form given in Appendix IV of engineering code may be referred.

The following information should also be furnished by a Railway administration to the state government or administration in applying for the acquisition of land :-

- (i) The name of the railway.
- (ii) The copy of the order of government, when necessary, sanctioning the construction of the railway.
- (iii) A brief general description of the route to be followed by the railway with the names of the more important villages or towns through or near which it is intended that the railway should pass.
- (iv) A list of civil districts in which the land will be required for the purposes of the railway with the approximate area in acres of the land required in each.

- (v) For each civil district, the name or description of the place of places at which the land plans for the district will be available for inspection by the public.
- (vi) The state government or administration should be furnished with a general index plan to a scale of 0.5 KM to a cm. showing the route to be followed by the railway.
- (vii) Railway administration land estimates: - In preparing land estimates, Form E.910 of engineering code to be followed.

505 Valuation of Land : Market Value of Land & Building

- a) Market value when applied to land may be defined as the price which the land would fetch if sold in the open market subject to the ground rent or assessment shown against it in the revenue registers, or if no ground rent or assessment shown against it in the revenue register, subject to a ground rent or assessment levied at the rate at which ground rent or assessment is actually being levied on similar lands in the neighborhood excluding all cases in which such similar lands in the neighborhood are held free of ground rent or assessment at favorable or unfavorable rates of ground rent or assessment.
- b) Market value of the building sold to or acquired from other departments. When railway buildings are sold/transferred/relinquished to or acquired from the departments or central government/state governments, the value thereof may be calculated by taking present day reproduction cost less depreciation on straight-line method plus cost of land at present day rates.
- c) Market value (As on the date of S.11 notification) will be either be
 - stamp duty registration value or

- Average sales price of preceding three year (50% higher side values are taken to arrive at average) or
- Consent value for private company & PPPs.

506 Reasonableness of Price

The ultimate responsibility for seeing that the purchase price is reasonable/as per provisions of the prevalent act, rests with the general manager and the engineering department of the railway; but so far as the actual valuation of the land is concerned, their chief responsibility lies in obtaining from the local revenue authorities as accurate an estimate as possible of the value before initiating proposals for acquisition.

507 Awards

Collector passes two types of awards one for land acquisition & another for R & R . The total amount of award is based upon following.

- (a) Market value and area of will provide cost of land.
- (b) Amount of compensation will be as follows
 - Increase market value by one to two times for urban to rural area respectively.
 - Add for the value of assets attached to land.
 - An amount equivalent to 100% can be added as Solatium.
 - For delayed add an amount 12% interest from the date of SIA report declaration (u/s. 7) to possession should be given.
- (c) Rehabilitation and Resettlement award committee (u/s 31): Project level R & R Committee consists of following representatives:
 - A woman representative
 - SC/ ST representative one each
 - A voluntary organisation working in area

- A bank (Nationalised) representative
 - Land acquisition officer
 - Sarpanch
 - Chairperson District Planning Committee.
 - MP & MLA or their nominee.
 - Acquiring body
 - Administrator for R & R as member convenor
- (d) R&R award to land owners and livelihood losers, for those having livelihood on the land, on forests or water bodies, urban areas over the last three years. (Ref second schedule of section 31 (i) 38 (i) & 105(3) of new act 301 20/3
- Provision of housing units in case of displacement
 - For tenants & share croppers, artisans minimum R & R entitlements will be 3000 per month per family for 12 months plus 50000/- for SC & ST families
 - For cattle shed or petty shop, artisans, small traders it will be minimum 25,000/-
 - For Fishing rights to community any of the following
 - Railway has no policy for Mandatory employment to 1 member per family however on issue of certificate of displacement by collector Rupees 5 lacs per family or
 - ₹ 2000 Per month per family as annuity for 20 years, with appropriate index for inflation can be made.
 - Land for Irrigation Project - One acre of land to each family, 50000 for transportation and one time settlement of 50000.
 - For SC & ST community land equivalent to land acquired or one acres whichever is lower plus an additional 25% (if land offer at outside of the district)

- In future If the land is sold to third party at higher price than an amount equivalent to 40% of the appreciated land value (or profit) to be given to original owners.

(e) Apportionment to individual

508 Opportunity to Railway in Valuation

A Land Acquisition officer in an inquiry and award under section 23 (old 11) of the land acquisition act, will give notice to the railway administration or their chief local representative of the day on which the inquiry is to be held and will take into consideration any representation which the railway administration or their chief local representative may make whether orally or by letter. Also before finally making the award the land acquisition officer will allow the railway authorities an opportunity of appearing in person or by agent and of producing evidence as to the value of the land. Railway administrations should take advantage of these opportunities for representing their views and protecting their interests.

509 Excess Over Estimate

If the award, as finally settled after objections have been heard in the course of proceedings, exceeds by more than 20 per cent of the original estimate of the cost of acquisition or if the evidence as to the value is conflicting and such as to indicate a reasonable probability that the civil court will award a sum exceeding that estimate, the land acquisition officer should defer the award and inform the railway administration concerned of the facts. Further action will then be suspended until the railway administration has decided whether acquisition should be proceeded with or not. Before communicating such decision, the railway administration should, when the excess is likely to exceed their powers of sanction, submit a report of the matter for the orders of the railway board, explaining at the same time whether the acquisition of the land is necessary or whether some plot of

land other than that originally contemplated may not be taken up instead. It is incumbent on railway administrations to endeavour to avoid the location of a railway line upon land, the acquisition of which will entail either unnecessary expenditure to government, or annoyance to the owners, if the object sought can be equally well attained by a slight alteration of the alignment or in some other manner.

510 Taking Possession

(a) Possession of the land will be made over by the local revenue authority or his representative, and will be taken over by a representative, not lower in status than an inspector of works of the engineering department of the railway. The area on the ground should be carefully checked with that on the plan and, if found correct, the permanent boundary marks should be affixed as soon as possible thereafter.

(b) A certificate, at least in duplicate, to the effect that the land has been on that day correctly made and taken over, will then be signed by both parties recorded by the revenue and railway authorities respectively.

511 Handing over of Land Acquisition Documents

(Ref. railway board's letter no.2014/LML-II/13/7 dated: 09/07/14) Following documents are required to be handed over to open line in original, in bound register (refer Para 807(f), IRWM)

- (a) Indent placed at revenue authority for acquisition of land
- (b) Sajra (village map) duly verified
- (c) Notification under section 4
- (d) Notification under section 6
- (e) Award
- (f) Taking/handing over note
- (g) Attested copy of mutation

- (h) Land plan duly verified by revenue authorities showing detail of mutation

512 Land Acquisition Act 2013

512 (a) Salient Features

Comparative table of land acquisition act, 1894 and right to fair compensation & transparency in land acquisition rehabilitation & resettlement act 2013 is shown in Table 5.1 Page 69. Salient features of new & old acquisition under

- (a) The new act concerns only such cases where the land will be acquired by central or state authorities for any public purpose. Chapter ii Of the act stated procedure regarding determination of social impact and public purpose.
- (b) The new act replaces a nearly 120-year-old law enacted during british rule in 1894. It lays emphasis on rehabilitation & resettlement
- (c) It calls for taking the consent of 80% of land owners for acquiring land for private projects and of 70% landowners for public-private projects.
- (d) It also tries to lay down a transparent process for land acquisition for industrialization, development of essential infrastructural facilities and urbanization by giving adequate financial compensation to the affected people. "affected family" includes-
 - (i) A family whose land or other immovable property has been acquired;
 - (ii) a family which does not own any land but a member or members of such family may be agricultural laborers, tenants including any form of tenancy or holding of usufruct right, share-croppers or artisans or who may be working in the affected area for three years prior to the acquisition of the land, whose primary source of livelihood stand affected by the acquisition offhand;

- (iii) The scheduled tribes and other traditional forest dwellers who have lost any of their forest rights recognized under the scheduled tribes and other traditional forest dwellers (recognition of forest rights) act, 2006 due to acquisition of land;
- (iv) Family whose primary source of livelihood for three years prior to the acquisition of the land is dependent on forests or water bodies and includes gatherers of forest produce, hunters, fisher folk and boatmen and such livelihood is affected due to acquisition of land;
- (v) A member of the family who has been assigned land by the state government or the central government under any of its schemes and such land is under acquisition;
- (vi) A family residing on any land in the urban areas for preceding three years or more prior to the acquisition of the land or whose primary source of livelihood for three years prior to the acquisition of the land is affected by the acquisition of such land;
- (e) It gives priority to the interests of the farmers, landless laborers, dalit's and tribal. Chapter III of the act stated special provision to safeguard food security however as per Para 10.(4) of the act, provisions of this section shall not apply to projects that are linear in nature such as those relating to railways, highways, major district roads, irrigation canals, power lines and the like.
- (f) Multi-crop irrigated land will not be acquired except as a demonstrably last resort measure. Wherever multi-crop irrigated land is acquired an equivalent area of cultivable wasteland shall be developed for agricultural purposes. States are also required to set a limit on the area of agricultural land that can be acquired in any given district.
- (g) It also provides for leasing of land to developers, instead of sale, so that the ownership will remain with

the original land holders and they can also have a regular income by way of lease rent; the terms of lease to be laid down by the state government according to type of land, location, market rates etc.

- (h) The act clearly enunciates the issues relating to acquisition, award, compensation and rehabilitation and also curtails the discretionary powers of the district magistrates.
- (i) 13 central acts which are outside the purview of the new act have to conform to the provisions of compensation and rehabilitation and resettlement package within one year of the coming into force of the legislation.
- (j) Where land is acquired for urbanisation, 20% of the developed land will be reserved and offered to land owning project affected families, in proportion to their land acquired and at a price equal to cost of acquisition and the cost of development.
- (k) Chapter v of the act stated regarding rehabilitation and resettlement award The Collector shall pass rehabilitation and resettlement awards for each affected family in terms of the entitlements provided in the second schedule.

The rehabilitation and resettlement award shall include all of the following, namely:-

- (i) Rehabilitation and resettlement amount payable to the family;
- (ii) Bank account number of the person to which the rehabilitation and resettlement award amount is to be transferred;
- (iii) Particulars of house site and house to be allotted, in case of displaced families;
- (iv) particulars of land allotted to the displaced families;

- (v) Particulars of one time subsistence allowance and transportation allowance in case of displaced families;
- (vi) Particulars of payment for cattle shed and petty shops;
- (vii) Particulars of one-time amount to artisans and small traders;
- (viii) Details of mandatory employment to be provided to the members of the affected families
- (ix) Particulars of any fishing rights that may be involved;
- (x) Particulars of annuity and other entitlements to be provided;
- (xi) Particulars of special provisions for the scheduled castes and the scheduled tribes to be provided.

Provided that in case any of the matters specified under clauses (i) to (xi) are not applicable to any affected family the same shall be indicated as "not applicable":

- (xii) Provided further that the appropriate government may, by notification increase the rate of rehabilitation and resettlement amount payable to the affected families, taking into account the rise in the price index.
- (xiii) In every resettlement area as defined under this act, the collector shall ensure the provision of all infrastructural facilities and basic minimum amenities specified in the third Schedule.
- (xiv) The collector may at any time. but not later than six months from the date of award or where he has been required under the provisions of this act to make a reference to the authority under section 64, before the making of such reference, by order, correct any clerical or arithmetical mistakes in either of the awards or errors arising therein either on his own motion or on the application of any person interested

or local authority. Provided that no correction which is likely to affect prejudicially any person shall be made unless such person has been given a reasonable opportunity of making representation in the matter.

- (xv) The collector shall give immediate notice of any correction made in the award so corrected to all the persons interested. Where any excess amount is proved to have been paid to any person as a result of the correction made under sub-section (J), the excess amount so paid shall be liable to be refunded and in the case of any default or refusal to pay, the same may be recovered as prescribed by the appropriate government.
- (xvi) As per chapter vii of this act a national monitoring committee for rehabilitation and resettlement for reviewing and monitoring the implementation of rehabilitation and resettlement schemes or plans can be made. The committee may, besides having representation of the concerned ministries and departments of the central and state governments. Associate with it eminent experts from the relevant fields. The procedures to be followed by the committee and the allowances payable to the experts shall be such as may be prescribed. The central government shall provide officers and other employees to the committee necessary for its efficient functioning.

512(b) Steps to be taken for Land Acquisition as per new act

Following steps are to be taken for land acquisition as per new act “the right to fair compensation and transparency in land acquisition, rehabilitation and resettlement act, 2013 (30 of 2013).

- (i) Before start of procedure of acquisition, concern state Govt shall notify the officers who shall work as Collector, Administrator R&R (under Sub-section (i)

of Section 43) and Commissioner R&R (under Sub-section (i) of Section 44). Railway) shall request Collector for land acquisition under intimation to Commissioner R&R.

- (ii) Collector shall constitute a Committee of officers this Committee shall make field visit and submit report to Collector to make preliminary enquiry regarding availability of waste or arid land and bare minimum land required for the project. Collector then prepare Preliminary Estimate of the cost of Acquisition + Administrative Expenses. After depositing amount by Railway.
- (iii) Simultaneously Social Impact Assessment unit shall prepare terms of reference for SIA Study and estimate of processing fee for SIA study. Railway will deposit processing fee for SIA study, SIA unit of State Govt will appoint an agency for SIA study. SIA team shall prepare draft SIA Report in consultation with local social group or panchayati raj institute by making field visits.
- (iv) Draft SIA Report shall be published and/or shall be made available in the office of collector/Tehsil/Gram Sabha. Public hearings for objections/ queries raised shall be conducted by State Govt. Responsible representative from Land Acquisition Functionary, designated R&R functionary shall be present in public hearings to respond to the queries.
- (v) This starts with preliminary investigation and draft study report. It is put before for public hearing and then corrected report is published. Further report will be evaluated by independent multi-disciplinary expert group (u/s7) and they have given two month time for their recommendations. Further course of action will be taken for acquisition of land as per the recommendation of expert group.

- (vi) After the publication of the declaration under section 19 (old 6) of the land acquisition act 2013 the state government or administration will direct the collector, or other officer specially appointed for the purpose, to acquire the land in the manner indicated in the land acquisition act and all subsequent proceedings will be taken by the state government or administration. When the awards have been announced, the railway administration may enter unto possession of the land but before doing so, the authority of the land acquisition officer to its occupation should be obtained. When possession is taken, the acquisition is completed and the land then vests absolutely in government. Up to the moment of taking possession under the act, government is at liberty to withdraw from the acquisition but not afterwards. It should be noted that withdrawal from acquisition entails liability for payment of compensation for any damage suffered by the owner in consequence of the notice or any proceedings there under [(section 93 (old 48 (2)) of the land acquisition act 2013).]
- (vii) Notification, award enquiry, passing final award, disbursement of payments etc. are done by the district collector/special land acquisition officer. In the process, approximate land acquisition cost including solatium and interest etc. As per statutory provisions is deposited in advance with the state government by railways.

513 Procedure of Land Acquisition through Railway Act The Railways (Amendment) Act, 2008

To empower Central Govt (Ministry of Railways) for land acquisition on fast track basis an amendment was made in The Railways Act, 1989. When the Central Govt is satisfied that for a public purpose, any land is required for execution of a Special Railway Project, it may acquire land under the provisions of this Act. This includes all such Railway infrastructure projects

which have to be completed in a specified time frame, the land should invariably be acquired by declaring them Special Railway Projects. It came into force on the 31st day of January, 2008.

Authority dealing land acquisition procedure in aforesaid act is mention as competent authority. "Competent Authority" (CA) means any person authorized by Central Government, through Gazette notification to perform the functions of the Competent Authority for such area as may be specified in the notification. Some important point of RAA 2008.

- (1) Notification 20(A) to be published in two local newspapers (one in vernacular language).
- (2) Payment to damages during survey, measurement etc done and paid within a period of 6 months from the completion of the said works.
- (3) The notification u/s 20A shall cease to have any effect if no declaration u/s 20E has been published within one year from notification.
- (4) Before issue of award, Notice to invite claims be issue and publish it in two local newspapers including one in a vernacular language and require all persons to appear before CA at specified time/date and place. If objections are in respect of compensation/ resettlement packages, then discussion and negotiation may be held with land losers by the CA prior to declaration of award.
- (5) CA shall make an award within one year from the date of declaration u/s 20E, otherwise the entire proceedings shall lapse. CA may make award within extended period (6 months) by recording reasons for delay in writing. Declaration shall not be called in question in any court or by any authority.

As for as market value of land and buildings Compensation for Rehabilitation and Resettlement provision,

is concern provisions mentioned in new act shall be considered. Some important section and description shown in table: 5.4.

514 Procedure for Land Acquisition through Direct Negotiation

It is a simple approach to land acquisition. All preparatory work like Final Location Survey, Joint survey and Marking of alignment on Revenue maps by Revenue officials. Preparation of schedule & land plans by Revenue staff. Checking and verification of land plans by Railways.

Application to be made by placing indent of land to be acquired to Land Acquisition Officer (LAO) nominated by State government.

State government will constitute a committee of Negotiation duly associating Railway's representative in Committee. Joint inspection with all concerned departments & land owners shall be done. Further for fixing rate of the land Negotiation with land owners shall be done. On the Recommendation by Committee and approval by State Govt. payment/ Award shall be finalise by LAO. After signing an Agreement with Land Owner and Deposit of requisite amount by Railways with State Government. Payment to land owners shall be made through State Government. Possession of land is taken by railway.

Table 5.1: Guidelines for Use of Various Act.

(Railway Board no. 2015/W-2/SCR/NL/22 dated 20.10.2016)

SN	Situation of acquisition	Procedure/act
1	<p>In case of Doubling, Traffic facilities passenger amenities works and other works when requirement of land is minimal as most of the land required is available with Railways,</p> <p>(a) If the State Government has formulated policy /guidelines under section 108 of RFCTLARR Act 2013.</p> <p>(b) If State Government has not formulated any policy.</p>	<p>(a) Through direct. Negotiation</p> <p>(b) Either through RA Act 2016 or RFCTLARR Act 2013</p>
2	<p>In case of New Lines & Gauge Conversion, acquisition should be carried out.</p> <p>(a) For projects.</p> <p>(b) For projects which have been declared as Special Railway Project</p> <p>(c) If left over/balance acquisition due to missing plots. Or deviation in the boundaries while interpreting the revenue map, change in Record of right. Or additional requirement to accommodate minor (less than 10% of the total acquisition of land) alteration if any.</p>	<p>(a) May be through RA Act 2016 or RFCTLARR Act 2013.</p> <p>(b) May be through RAA 2008.</p> <p>(c) May be through direct negotiation through policy formulate BY State Govt. with approval of General Manager.</p>
3	In case all land acquisition in a State.	May be done either by State or by Centre Government agencies through direct negotiation only

SN	Situation of acquisition	Procedure/act
4	In case all land acquisition (including New Line/ Gauge Conversion) in a State and state Government is categorically stating that they are not in a position to acquire land through RFCTLARR Act 2013 & are not ready / willing to spare / associate any District officials as Competent authority for facilitating acquisition under RAAct 2008.	May be acquired through direct negotiation through the policy /guidelines formulated by the respective state & with the approval of General Manager.
5	When land belongs to central/state it includes land belongs to defense, forest, land in mines area.(transaction between government land)	Through direct transfer of land

5.2 (a) Comparison Of Provisions In Various Land Acquisition Acts

SN	Item	Old Act	New Act	Raa 2008
1	Name of the act	The Land Acquisition Act, 1894	The Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013	The Railways (Amendment) Act, 2008
2	SIA and approval	NA.	Section 4 to section 9	NA
3	Preliminary Notification	Section 4	Section 11.	Section 20-A
4	Declaration	Section 6	Section 19	Section 20-E
5	Enquiry and Award	Section 11	Section 23	Section 20-F
6	R & R Award	NA	Section 31 to section 37.	Section 20-O

5.2 (b) Comparative Table of Land Acquisition Act, 1894 and Right to Fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013

Land Acq Act, 2013 (New Act)	Land Acq Act, 1894 (Old Act)	Land Acq Act, 2013 (New Act)	Land Acq Act, 1894 (Old Act)	Land Acq Act, 2013 (New Act)	Land Acq Act, 1894 (Old Act)
1	1	36	15-A	90	-
2	-	37	-	91	47
3	3	38	16	92	45
4	-	39	-	93	48
5	-	40	17	94	49
6	-	S. 41 to S.63 there are no subsequent Sections in Old Act		95	50
7	-			96	50
8	-			97	51-A
9	-			98	52
10	-			99	-
11	4	64	18	100	-
12	-	65	19	101	-
13	5	66	20	102	-
14	-	67	21	103	-
15	5-A	68	22	104	-
16	-	69	-	105	-
17	-	70	26	106	-
18	-	71	27	107	-
19	6	72	28	108	-
20	8	73	28-A	109	55
21	9	74	-	110	-
22	10	75	29	111	-
23	11	76	30	112	-
24	-	77	31	113	-
25	11-A	78	32	114	-
26	12	79	33	First Schedule	-
27	23	80	34	Second Schedule	-
28	15-24	81	35	Third Schedule	-
29	-	82	36	Fourth Schedule	-
30	-	83	37		
31	-	84	-		
32	-	85	46		
33	13-a	86	-		
34	13	87	-		
35	14	88	-		
		89	-		

Table 5.3 Important Section and their Brief Description of the Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act, 2013 (New act 30/2013).

SN	Section	Description
1	Section 11	Preliminary notification to be Published by State Govt. & Published in Official Gazette and 2 daily newspapers of the locality. Copy to be kept at the offices of DC, SDM, Tehsil, Gram Sabha, Govt Website, affected areas. Updating of land records to be done within 2 months from the date of publication of Preliminary Notification.
2	Section 12 /13.	Power to survey in 12 & payment to damages if any under 13.
3	Section 14	Lapse of SIA report or justification why not section 11 issued after the appraisal of SIA report by expert group with a years' time.
4	Section 15	Hearing of objections within 60 days from the date of preliminary notification.
5	Section 16	Preparation of Rehabilitation and Resettlement (R&R) scheme within 60 days from the date of preliminary notification.
6	Section 17 & 18	After hearing & Review and Approval given to R&R scheme and make it public.
7	Section 19	Declaration
8	Section 23	Land acquisition award by Collector.
9	Section 25	The Collector shall make an Award if no award is made within 12 months from the date of publication of declaration u/s 19 the entire proceedings for acquisition of the land shall lapse.

SN	Section	Description
10	Section 38	Collector shall take possession of land after ensuring payment of Full amount of compensation (within 3 months) - Monetary part of R&R entitlements (within 6 months) & Infrastructural R&R entitlements (within 18 months) Collector shall be responsible for ensuring that the R&R process is completed in all aspects before displacing the affected families.
11	-	Land acquiring Body shall take possession from Collector.

Table : 5.4 Showing Important Section and Description of RAA 2008 Act.

SN	Section	Description
1	Section 20A (Notification)	Central Govt, by notification, declare its intension to acquire land called Notification.
2	Section 20B/20C	Power to enter in to land to take level, measure survey etc. & Payment to damages if any.
3	Section 20D	Hearing of Objections if any. Objection to be raise within 30 days from notification in writing.
4	Section 20E (Declaration)	After finalisation of objections and submission of report to Central Govt. Central Govt shall issue notification known as declaration.
5	Section 20F	Determination of Compensation
6	Section 20G	Criterion for determination of market value of land
7	Section 20H	Amount to be Deposited by railway and CA to make Payment of Amount to persons entitled.
8	Section 20-I	Power to take Possession
9	Section 20J	Right to enter into Land
10	Section 20N	No provision of old Ia act 1894 shall apply here
11	Section 20-O	R&R policy

Table : 5.5 Activity v/s Time Required for New Act and Railway Act.

SN	New Act		Railway Act	
	Activity	Time	Activity	Time
	Section-4(2) : From notification for SIA study to submission of SIA Report to Govt	3-6 months	NA	NA
	Section-7(4) : Appraisal of SIA report by Expert Group	1-2 months	NA	NA
	Section-14 : From the date of appraisal of SIA Report by expert group to preliminary notification u/s 11	3-12 months	NA	NA
	Section-19(7) : From preliminary notification u/s 11 to declaration u/s 19	3-12 months	Section 20E (3): From Notification u/s 20A to Declaration u/s	One year
	Section-25 : From declaration u/s 19 to date of award u/s 23	3-12 months	Section 20 F(2): From Declaration u/s 20E to Award u/s 20F	One year +6 months can Be extended by CA
	Section-38(1) :From date of Award u/s 23 to Possession of Land u/s 38	2-6 months	Section u/s 20 1: From Declaration u/s 20E to Possession of land u/s 20 I	60 days after deposit of Amount to CA
	Total period: 1 year 2 months to 4 years 2 months		Total period: 2 years to 2 years 8 months	

CHAPTER - 6

Encroachment

601 Introduction

In spite of best efforts by railways, railway land is under encroachment at many places. Any unauthorised use of railway land is termed as encroachment. Railway board has, from time to time, issued detailed instructions to the zones regarding the steps to be taken to prevent encroachments and remove existing encroachments on railway land.

As per the joint procedure orders issued by the railways and also as per para 813 (d) of irwm, each section engineer should have a list of encroachments, location-wise, and copy of the same is to be furnished to the local police station and also the concerned grp station. This list should be updated as of 1st april every year and circulated. The responsibility for prevention/reporting of new encroachments lies jointly with the concerned sse/se and the rpf officials in that area. Cases of encroachments should be brought to the notice of divisional authorities/local police/civil authorities. If necessary, an FIR first information report under section 147 of railway act 1989 should be lodged by the Engineering department with the police.

Trespassing and soft encroachments should be removed without recourse to the PPE act. In case of hard encroachments, SSE/SEs, should file cases in the court of estate officers (EOs) against the encroachers. A joint field check on the existing encroachments is mandatory on the part of the SSE/SE (Permanent way/Works) while handing over/taking over during their transfer. This should be followed by a joint signing at the end of the encroachment register on the number of the encroachments in the jurisdiction duly bringing out the steps taken so far.

Monthly progress regarding additions and removal of encroachments, filing of eviction cases and their progress in the courts of EOs, in civil courts etc. should be submitted by divisions to headquarters. Further, encroachment plans to scale shall be made for every encroachment. These encroachment plans along with details of encroachment should be checked and signed by SSE/SE (Works)/AENs and a copy of such encroachment plans should be available with divisional authorities

602 Categories of Encroachment

Encroachments are broadly classified as four category viz;

Category	Type of encroachments
A	Encroachment by outsiders, removal of which requires action under public premises eviction (PPE) act .
B	Encroachment by outsiders, which do not require action under PPE act (e.g. temporary occupation of land by hawkers, using railway land for cattle, cow dung, refuses etc.)
C	Encroachment by railways staff in the form of temporary huts etc.
D	Encroachment by railway staff who have been allotted railway accommodation, by way of additions to the structures, unauthorised use of land for cultivation etc.

Note : Category “A” encroachment is of the hard type and category B, C, and D encroachments are of the soft types. Some typical examples are given below.

Soft encroachment : Unauthorised way leave facilities such as door opening into railway area, throwing garbage onto railway land, use of railway land for cattle rearing etc.

Hard encroachment : Construction of temporary or permanent structure for using commercial or other purposes, additions and alteration to existing railway structures etc.

603 Division of Responsibility in Regard to Encroachment

The following division of responsibility between the station staff and the engineering staff should be observed in regard to encroachments within the station area.

- (a) At stations, the station master is primarily responsible for preventing encroachments and for driving out, trespassers by obtaining help from RPF/GRP and section engineer /Work as necessary.
- (b) In the goods shed the chief goods clerk, wherever available and the station master at other places is responsible for preventing encroachments and for driving out, trespassers by obtaining help from RPF/GRP and section engineer /Work as necessary.
- (c) The responsibility for preventing encroachments and driving out trespassers in circulating areas of the station and good sheds normally rest with the station master and chief good clerk for their respective areas. They can take assistance from engineering and RPF staff as may be found necessary.

All records to be maintained as per the proformas mention in Para 304 of this book.

604 Preventive Steps

604(1) Identification of vulnerable areas

On identifying vulnerable areas following initiatives are to be taken

- (a) Construction of boundary wall/fencing.
Construction of boundary wall in areas having habitation, In areas having habitation bordering

railway land and also where habitation is likely in near future, boundary walls should be provided, so that potential encroachments are prevented and outsiders do not develop any right of entry on railway land. Pucca boundary walls may be constructed in urban areas to prevent encroachment.

Fencing as a rule, should be provided at the following locations:-

- (i) For specified lengths on either side of level crossings, so as to prevent trespassing when the gates are closed;
 - (ii) Around busy station yards for 30m width on either side;
 - (iii) In municipal limits and notified-area limits and in proximity to villages or such localities where huts or houses are close to railway line.
- (b) Plantation of Juliflora or similarly effective bushes in the area.
- (c) Ensuring proper maintenance of boundary pillars in the area. The land boundary pillars / stones may be of suitable size and section, projecting about 500 mm above ground and inscribed with ir for indian railways and the number in black below, the stones being colour washed white, red or yellow to suit local conditions. The stones should be fixed squarely, the outside face representing the boundary with the letters and number facing the railway line. On the telegraph post/ ohe mast side preferably, the boundary stone may be serially numbered 1,3,5 and so on in ascending order of kilometrage, those on the opposite side being numbered 2,4,6 and so on, the number starting from a kilometre post and ending at the next kilometre post where the numbers should begin afresh. The stones should be kept clear from jungle growth or shrubs for at least 1 metre all round within the railway limits. All pillars should having

marking it instead of zonal railway abbreviation. Boundary stones should be fixed at every point of change of alignment. In hilly country and for sharp curves, each stone should be so placed that it can be observed from the adjoining stone on either side.

- (d) Boundary pillars on banks of rivers - High boundary pillars on each bank of rivers or important waterways crossed by railway bridges should be erected so as to prevent and control encroachments. Land within this boundary should never be surrendered.
- (e) Interaction with local authorities for assistance in preventing encroachments in these areas.
- (f) Joint visits of the vulnerable locations by representatives of concerned departments along with civil authorities with a view to create adequate impression in the locality that railways are serious in preventing encroachments in the areas.
- (g) Offset pillars are to be erected at land boundary demarcation. Land boundaries offsets generally are at right. Inclined land boundary demarcations should to not be there; and if any, same to be verified properly. The offset pillars should have mark either or + on the top.

604(2) Laying down jurisdiction of railway officer in regard to land under their control

Generally the station master/ chief goods clerk are responsible for preventing encroachment on railway land within the station premises and circulating areas nearby. They can take the assistance of engineering and rpf staff as may be found necessary. To achieve better co-ordination, officers of various disciplines of railways are also nominated as in-charges of specified areas at medium and large sized stations to keep a watch on encroachment and report the same to engineering department for further remedial action. (refer Para 507).

604(3) Plans for commercial plots to be approved jointly by engineering & commercial officers

Plans for commercial plots at various stations are approved jointly by the divisional engineers and commercial officers and at sites, demarcation of the plots should be done with rail posts by the engineering department. To stop any misuse/ encroachment subsequently, engineering department should be informed immediately so the remedial action can be taken promptly.

604(4) Tree plantation to prevent Encroachment

- (a) As far as possible bulk plantation of fast growing trees like Eucalyptus, Subabool etc. should be done to prevent encroachment, regarding tree plantation being done by forest department along the track. Railway should ensure that plantation does not obstruct visibility and trees are sufficiently away from track so that they do not infringe with telegraph/telephone wires.
- (b) Plantation of Juliflora or similarly effective bushes should be done in the area vulnerable to encroachment.
- (c) **Afforestation on Railway land:** Railway land can be given to forest department for afforestation after Execution of agreement. Railways shall observe following guidelines on afforestation on Railway land:-
 - i) Railway must incorporate all the provisions of the Standard Agreement circulated by Board vide their letter No. 81/W2/15/5 dated 4.4.84. Specific attention on Clause 7 of the Agreement which envisages that only management of the land is handed over to the Forest Department and the application of the State Forest Act in respect of such lands can only be for the limited purpose of protection of the plantation.
 - ii) The Railways must watch the progress of afforestation on Railway land handed over to

the Forest Departments and ensure that the land is actually utilised for afforestation and does not remain fallow nor is it encroached upon.

- iii) No new area of Railway land may be handed over to a Forest Department until a proper agreement is executed by that Department for the land already handed over and such land is actually utilised for afforestation.
- iv) For Plantation of fruit-bearing trees: Plantation of fruit-bearing trees along Railway track may invite stone-throwing by people living in the vicinity, thereby causing injury to Railway passengers and damages to Railway property. In view of this, plantation of fruit-bearing trees is restricted to staff colonies and areas from operational buildings/structures.

605 Eviction Process

Railways have a well laid down system for preventing unauthorised use of land outsiders. Major steps taken in this regard are as under:

- (a) On Identification of the existing encroachments it is ensured that all the cases under the PPE Act have been filed.
- (b) Estate officers should expedite finalisation of the cases pending with them.
- (c) Action for possession in accordance with the extant orders where eviction orders are received.
- (d) Mobilisation of help of civil authorities by formal / informal requests at different levels till the required assistance is forthcoming.
- (e) Cases directed to the courts to be pursued for early finalisation with the help of the railway advocates.
- (f) Nominating traffic, commercial, engineering officials as in-charges of specified areas at medium and large sized stations to keep a watch on encroachments

and report encroachments incipient or otherwise to the engineering officials for eviction, if necessary, under PPE act.

- (g) Adequate training to be given to the estate officers to make them well conversant with the provisions of the PPE Act, 1971 and also various avenues available to them while dealing with the cases of encroachments. Course contents may include case histories and various relevant court judgements on the appeals against the orders of estate officers.
- (h) RPF to render all help in removal of soft encroachments as and when their assistance is sought. They should also provide assistance in coordination with state police/GRP where cases have been decided by the estate officers.

606 Land Eviction by Estate Officers

The eviction of unauthorized occupants from public premises is regulated by the provisions of "the public premises (eviction of unauthorised occupants) act 1971". Action under this act can be taken only by those officers who are appointed as estate officers. "Estate Officer" means an officer appointed as such by the central government under section 3.

606 (1) Appointment of estate officers

The Central government may, by notification in the official gazette,-

- (a) Appoint such persons, being gazetted officers of government [or of the government of any Union territory] or officer of equivalent rank of the [statutory authority] as it thinks fit, to be estate officers for the purposes of this act;
Provided that no officer of the secretariat of the rajya sabha shall be so appointed except after consultation with the chairman of the rajya sabha and no officer of the secretariat of the lok sabha shall be so appointed except after consultation with speaker of the loksabha provided further that an officer of a statutory

authority shall only be appointed as an estate officer in respect of the public premises controlled by that authority; and

- (b) Define the local limits within which, or the categories of public premises in respect of which, the estate officers shall exercise the powers conferred and perform the duties imposed, on estate officers by or under this Act.

606 (2) Power of estate officers

An estate officer shall, for the purpose of holding any inquiry under this act, have the same powers as are vested in a civil court under the code of civil procedure, 1908, when trying a suit in respect of the following matters namely:-

- (a) Summoning and enforcing attendance of any person & examining him on oath.
- (b) Requiring the discovery and production of documents;
- (c) Any other matter which may be prescribed;

606 (3) Functioning of estate officer

As per Paras 1057 and 1058 of Indian Railways Code for the Engineering Department, estate officer is an individual and the decision to be taken by him under public premises (eviction of unauthorised occupants) act, is personal to him and the power to decide is vested in him personally and in exercising it he has to act quasi-judicially and cannot accept any private advice or guidance in coming to a conclusion. Estate officer function as quasi-judicial authority and it would be inappropriate for him to seek even informally the opinion or advice of the ministry of law, save with the knowledge and consent of the party to the proceeding. The proceedings of estate officer are not judicial proceedings and as such evidence act is not applicable, though the basic principles of the same should be observed. Estate officer should maintain separate record of all his proceedings under the act and departmental noting should not be mixed up with such record.

A copy of the notice or order under the relevant sections of the act shall be served in the appropriate form to the person for whom it is intended or to any adult member of his family through registered post acknowledgement due in a letter addressed to that person at his usual or last known place or residence or business. When the copy of the notice is delivered or tendered, the signature of the person to whom the copy is so delivered or tendered should be obtained in token of acknowledgement of the service. A copy of the notice shall be affixed on the outer door or some other conspicuous part of the ordinary residence or usual place of business of such person in case the person or the adult member of the family of such person refuses to sign acknowledgement.

606 (4) Proceedings of estate officer

Proceedings of estate officer are not judicial proceedings and as such evidence act is not applicable, though the basic principles of the same should be observed. Estate officer should maintain separate record of all his proceedings under the act and departmental noting should not be mixed up with such record.

607 Joint Procedure Order Dated 25.09.2001 by Adviser (Land & Amenities)

Procedure order for detection, prevention & removal of encroachments on rail way land

Following action will be taken for prevention, detection and removal of encroachment on railway land by staff of various departments.

1. Land records and registers

- 1.1** A register of total railway land with up-to-date entries shall be maintained by the section engineer (works) of the engineering department. A copy of the land plans, complete and up to-date, will be available in the DRM's Office.

Clear instructions to this effect are available in paras 806 & 807 (Annexure-) of the IRWM (2000 edition), which are to be strictly followed.

1.2 Demarcation of land boundaries

Boundary pillars shall be maintained, projecting about 500 mm above ground and as per details given in Paras 1047 & 1048 engineering code (Revised Edition 1993) (Annexure-) and paras 808-811 (i) of IRWM (2000 edition) (Annexure-) for proper maintenance of railway boundaries.

1.3 Printed land boundary verification register showing details of encroachments and missing boundary stones shall be maintained by section engineer (works). Entries should be made in the register maintained by the section engineer (works) of the sections and verification of the same should be done periodically by the AENs/DENs/Sr. DENs (813 (d) IRWM (2000 edition).

1.4 Each Section Engineer(Works) should have a list of encroachments, location wise, as per para 2.2 below and para 813 (d) of IRWM (2000 edition) and copy of the same is to be furnished to the local police station and also the concerned GRP station. This list should be updated as on 1st April every year & circulated as above.

2. Type of encroachments

2.1 Encroachments may be classified under different categories as specified in para 814(d) of IRWM (2000 edition)

2.2 A typical pro-forma may be followed by each sectional Section Engineer (Works) showing the details of encroachments as per proforma shown in table 8 of chapter no.3 of this book.

- 2.3** If the encroacher is a railway employee, detailed particulars should be prepared mentioning the employee's name, designation and department, and forwarded to the concerned departments along with the details of encroachments by section engineer (Works).

3. Prevention of encroachments

3.1 Responsibility for prevention of new encroachment

Responsibility for prevention/reporting of new encroachments will be as given below.

- (i) **Within station premises** - Lies with the SM jointly with concerned RPF Inspector and senior most RPF official at that station where no RPF Inspector is posted.
- (ii) **Within/around the colony-**
Premises lies with the concerned Section Engineer (Works) jointly with concerned RPF Inspector and senior most RPF official at that station where no RPF Inspector is posted.
- (iii) **In between stations-**
Lies jointly with the concerned Section Engineer (Works/ P.Way) and RPF official.
- (iv) **In/around loco sheds-**
Lies jointly with the nominated Section Engineer of the loco shed and RPF Inspector.
- (v) **In/around carriage & wagon depots-**
Lies jointly with nominated Section Engineer of the depot and RPF official.

3.2 All out efforts should be made to ensure that no new encroachment takes place. Proper maintenance of land boundary is the first and effective step towards prevention of encroachment. Boundary wall and fencing should invariably be erected in places where land is vulnerable to encroachment or costly. Divisional railway manager will be responsible for deciding the nature of boundary structure (fencing or tree row or continuous wall or ditch etc.) for each area based on cost

and vulnerability of land. Detailed directives are available in paras 1047 & 1048 engineering code (revised edition 1993) and paras 808-811 (i) IRWM (2000 edition) in this regard.

3.3 Immediate action should be taken by the officials specified in para 3.1 where encroachment is incipient and is in the process. It is easier to prevent encroachment at this stage by awareness, persuasion, watch and ward, show of force etc. Station masters shall take the help of his staff and persuade the encroacher to dismantle or vacate the railway land within the station limits. Similar action should be taken by SM/ section engineer (Works/P.Way) (as the case may be) and the RPF Inspector.

It shall be the duty of the officials responsible for prevention of encroachments to take all measures to prevent new or incipient encroachments. In case they themselves are not successful, it shall be their duty to bring the same to the personal notice of AEN/DEN/DCM/Sr. DEN/ Sr. DCM/DSC as well as SP /DC/local police and civil authorities verbally as well as in writing, requesting them to take measures to stop the same.

As soon as they come to know of it, the concerned divisional officers should make arrangements including getting in touch with civil and police authorities as well as HQ office (if necessary) to see that encroachment does not come up.

Wherever persuasion by the railway authorities does not yield any result, the construction should be stopped by force, if necessary, and thereafter an fir under section 147 of railways act, 1989 should be lodged by the engineering department with the police having jurisdiction over the area, taking assistance of the rpf inspector, who will coordinate. For applying the provision of section 147(2) of the railways act, 1989, which states" any person referred to in subsection (1) may be removed from the railway by any railway servant or by any

other person whom such railway servant may call to his aid," no fir need be lodged.

To prevent encroachment on vacant railway land, plantation of suitable trees (quick growing type) should be adopted as one of the methods.

If the place is affected by recurring encroachment, plantation may be done immediately after removal of the encroachments, and the area fenced by barbed wire.

4. Detection and removal of encroachments

4.1 New encroachments and trespassing

As mentioned earlier, the main responsibility for preventing fresh encroachment/trespassing shall be with the RPF Inspector in charge and other officials of the area. In case of any sudden encroachment/construction, the concerned officials will requisition the help of RPF where necessary and stop such encroachments/trespassing and also file an FIR at the local police station against the person concerned, if required.

The RPF Inspector/official in-charge of the place will provide full assistance to the other officials. He will arrange for extra force if necessary from the divisional security commissioner or the local officer-in-charge of the police station to provide augmented police assistance.

4.2 Hard encroachments

The Section Engineer (Works/P.Way) shall be responsible for removal of hard encroachments as per procedure laid down by law under ppe act. The section engineer (works/p.way) shall file the cases in the court of estate officer against the encroachers.

During the course of hearing by the estate officer, concerned official from engineering, commercial, traffic, mechanical or security depts., as may be nominated by the

section engineer(works), shall act as the presenting officer and proactively help in expeditious finalisation of the proceedings.

As soon as the decision is given by the court of the estate officer, the section engineer(works) shall take suitable steps in removing the encroachments as per the order of the court. In this he shall be assisted by the concerned sm/rpf inspector and local police. The dsc of the division/ asc/ipf of rpf post will coordinate for local police assistance. At the divisional head quarters, the drms may preside over the meetings in this connection or may attend such meetings with the district authorities if the civil authorities so desire. Such steps will particularly be required if the encroachments are large and sensitive or with very high potential of threat to law and order.

4.3 trespassing and soft encroachment can be removed without recourse to the ppe act. Encroachments by railway employees could be removed by recourse to departmental/disciplinary action for which, the controlling divisional officer of the encroaching employee will be responsible.

4.4 Action as per section 147 of Railway act

As per railway Board in addition to the provisions in P.P.E. Act,1971 action shall also be taken against encroachers on Railway land under section 147 of the Railways' Act of 1989.

"Section147": (1) If any person enters upon or in to any part of the Railway without lawful authority or having lawfully entered upon or in to such part, misuse such property, refuse to leave be shall be punishable with imprisonment for a terms which may extend to six months or with fine which may extend to Rs.1000/-or both.

(2): Any person referred to in sub-section (1) may be removed from the Railway by any Railway servant or by other person whom such Railway servant may call to his aid.

Procedure Order on use of Section 147 of the Railways' Act. 1989.

In case action taken by the supervisor concerned does not prove to be effective and it is felt necessary to take help from Railway Protection Force, a joint site inspection should be done to warn to desist in his action and to leave railway premises. If the encroacher still does not pay heed to the warning given, the Supervisor concerned shall take action as provided under Section 147(1) of the Railway Act and prosecute the offenders in the Court of the Railway Magistrate. The RPF shall provide necessary assistance for the Supervisor concerned by detaining the offender and producing him in the Court and in removing the persons whereas the Engineering Branch will remove the encroachment.

For proper and effective action on encroachers, zonal railway should form a joint procedure order duly signed by CE/CSC/CCM. JPO should cover dealing sequence and action taken by each department, List of documents to be prepared before case is put up to railway magistrate, whenever required help of GRP/State Police to be obtained.

5. Monitoring of encroachments

5.1 An ABC analysis of the encroachment on the railway land should be done as elaborated in the following paragraphs. Board's letter No. 98/LML/14/7 dt. 31.3.98 may be referred in this regard.

5.1.1 'A' category stations:

Should be monitored at GM's level through CE/CGE

5.1.2 'B' category stations

Should be monitored at DRM's level through Sr. DEN(Co.)/DEN (Estate).

5.1.3 The remaining may be monitored at the Divisional Officer's level.

5.2 While monitoring of encroachments for 'A' category and 'B' category stations are to be done by GM and DRM respectively as stated above, review for 'A' category will be made by railway board for which six monthly progress reports are to be sent from HQs. For 'B' category, review will be done at G.M's level. For others, review will be done at DRM's level.

5.2.1 In order to send the six monthly progress report to Board for 'A' category, divisions should send the information as per board's proforma (Annexure 'c' of Board's letter of 31.3.98) within the last week of the fifth month positively.

Six monthly progress reports for 'B' category stations which are to be reviewed at GM's level should also be sent by the divisions while sending the reports for 'A' category. Information for 'B' category may be submitted in a proforma similar to that of 'A' category.

6. Joint inspection and review

6.1. A monthly joint inspection should be conducted by the officials specified in para 3.1 duly co-opting the section engineer(works) wherever other departments are responsible to study on the spot the old and new encroachments for taking immediate necessary action. The inspection report should be made out in a format given in in certificate 39 chapter 3 and para 89 this chapter . Such report should be sent to the higher officials (branch officer) of the respective departments by concerned inspectors.

6.2. Section Engineer (Works/P. Way) should update. The encroachment register maintained as per para 814(e) of the IRWM (2000 edition).

7. Handing/Taking over charge

7.1 A joint field check on the existing encroachments will be mandatory part of the handing over/taking over of the section engineer (works/ p. Way). This should be followed by a joint signing at the end of the

encroachments register on the number of encroachments in the jurisdiction. The fact that these steps have been completed, should be an

Item required to be specifically mentioned in the handing over note of the outgoing supervisor.

Similar procedure should be followed by the concerned officials from commercial, traffic, mechanical, security, and other departments.

- 7.2** In the event of fresh encroachments having taken place being noticed at the stage of handing over of charge, and which were not specifically brought out in writing to the notice of the higher officers/authorities, suitable adverse entries shall be made in the confidential records of the official(s) concerned, and he (they) will also be liable for dar action as per paragraph 8.

8. Liability for DAR action.

It should be imperative on the part of the concerned Branch Officer that for any new encroachments that come up on railway land, officials responsible for safeguarding the railway land are taken up under railway servants (D&A) rules.

9. Format of joint inspection report

(Jointly signed by SSE/ Work/ Pway, SM, SSE/ Elect, RPF)

Station: Date of Inspection:

Km: From _____ To _____

Name _____ Designation of officials responsible,

1. Number of encroachments (As on last day of previous month):
2. Number of encroachments noticed as on date:
3. Exception report containing the details of addition/removal of encroachments to be given duly showing location (Km./TP etc), reference to encroachment plan, encroacher*- employee/

outsider soft/hard, area in Sq.m, period since existing, action taken to remove

4. Certified that no fresh encroachment has been made/all fresh encroachments have been removed/all fresh encroachments are numbered, and will be removed within a week(Strike off whichever is not applicable).

Note - A list of employee who have made encroachment on railway land to be made with their name, designation, department along with outsider with other details like name, location etc.



CHAPTER - 7

Leasing and Licensing

701 Lease and License, Definition

As per para 1020 of engineering code a lease presents certain difficulties in that there is a danger of accrual of occupancy rights. Nevertheless, if the added security of tenure given thereby is likely to result in an appreciably enhanced rental, its employment should be seriously considered. A license, on the other hand, merely confers on the licensee the right, subject to certain restrictions, to use the allotted land for the purpose of operations specified, and creates no tenancy therein.

In general difference between leasing and licensing is as below

Leasing	Licensing
There is danger of accrual of occupancy right.	No such danger
Duration is long i.e. 99 yr. or 35 yr.etc.	Duration is small and under revision of rent annually.
99% of land cost already obtain and leasee is free to use land or with negligible amount.	Licensee cannot use land for the purpose other than it is granted.
Leasee can create tenancy resulting in higher return and earning.	No such right is permissible.

Some more important points regarding leasing of railway land are as under:

- i. Leasing of railway land without board's approval banned (board's circular no.82/w2/lm/18/1160 dt.22.11.82) leasing of land is not permitted except in cases where it is specifically approved by the railway board. Lands for the purpose of commercial use should be given on licensing basis only.
- ii. Railway land should not be given to any housing society including indian railway welfare organization (RWO) as per extant policy. Railway boards letter no.88/lml/13/64 dt.27.12.1990
- iii. In the case of railway land leased to defense department the rent for the first 10 years of occupation will be fixed on the basis of 6 percent of the market value of the land, as assessed by local revenue authorities. (Para 1029 of Engineering code). If the total period of occupation extends beyond 10 years, the rent will be subject to revision after every 10 years period of occupation on the same basis of 6 percent of the market value as assessed by revenue authorities.
- iv. Leasing of land to the recognized unions for construction of offices is not permitted.
- v. Enhancement of power to GM for long term leasing of Railway land/relinquishment of Railway Land in exchange (increase limit from 5 lakhs to 25 lakhs) to government department / PSUS. (railway board letter no.2001/lml/13/15 dt.11.09.2014)
- vi. Check list for proposals of leasing/exchange of railway land (costing more than Rs. 5 lakhs) requiring approval of railway board.

Railway board vide their letter no.2014/lml-ii/13/15 dt.08.07.2014 observed that at times, the proposals of leasing/exchange of railway land submitted to railway board for approval are deficient as they do not contain some of essential details due to which they have to be referred back to zonal railways for clarifications. This results in avoidable delay in processing the proposals.

With a view to eliminate the avoidable back references to zonal railway, a check list (mention below) should be enclosed duly filled in along with each proposal submitted to railway board. It should be ensured that the proposal is complete and contains all documents/details mentioned in. The check list. The check list may also be signed by headquarter officer submitting the proposal to railway board.

Check list for cases sent to railway board for leasing/exchange of railway land (Costing more than Rs. 25 lakhs)

1.	Comprehensive proposal from Railway - Main letter	Yes/No
2.	Request from government department/local bodies etc. for leasing/exchange of land - Annexure I	Yes/No
3.	Railway's certification that concerned railway land (either being given on lease or being exchanged with other party's land (government department/Local bodies etc. of equivalent value) is not required for railway's developmental purpose in near future - Annexure II	Yes/No
4.	In case of exchange of land, railway also need to certify that land being taken over by railway is required for railway's own purposes and is free from encumbrance - Annexure III	Yes/No
5.	In case request for exchange of land is from railway's side then consent of other government departments/ local bodies etc. for the proposed exchange of land. - Annexure IV	Yes/No

6.	Calculation sheet with current land rates with documentary evidence (for cases involving exchange of land, these are required, separately both for the railway land proposed to be given and for the land proposed to be taken over by Railway) – Annexure V	Yes/No
7.	Finance concurrence - copy of PP-noting of railway file/letter of finance conveying finance concurrence - Annexure VI	Yes/No
8.	GM's approval of the proposal - copy of PP-noting of railway file - Annexure VII	Yes/No
9.	Site plan showing details of location, railway boundary and area of plot(s) of land to be leased/exchanged duly signed by Engineering officer (in case plots of land to be exchanged cannot be covered in one plan then separate site plans be given). - Annexure VIII	Yes/No

702 Terms of Lease Agreement and Licenses

The terms embodied in the various forms of agreement pertaining to licensing and leasing out of railway lands should, broadly speaking, be such as to ensure :---

- (i) That the interests of the central government and of the railway administration are adequately safeguarded.
- (ii) That the rental obtained will provide a margin of profit.
- (iii) That, except as provided in clause (ii) of the conditions on which the management of the land may be entrusted to a state government (para 1011 of Engineering code permits railway administration to

offer management of railway land to state government on agreement to retain some percentage of gross receipt with certain condition duly safeguard railways full right over land) no liability attache to the railway administration for any compensation on resumption; and that except under the general or specific orders of the Railway board, the railway ad- ministration is not committed (though it may retain an option) to the purchase, on resumption of the land, of buildings or structures erected thereon.

- (iv) As per Railway board's letter no. 2011/lml/18/17dt. 24/01/2012licensing of railway land shall be initially restricted to a period of five years, except in case of leasing to govt departments/PSUS where it will be 35 years.
- (v) Temporary licensing of railway land to private individuals for the purpose of setting up shops, commercial offices, vending stalls, clinics etc not connected with the railway working, is not permitted (Board letter no.80/w2/18/0/a dt. 7.6.1984). This ban will continue. In exceptional cases, where such licensing may have to be done with the prior approval of the Board, licence fee must be fixed by resorting to public caution/open tenders for getting the maximum revenue.
- (vi) Licensing of ordinary commercial plots connected with railway working, as indicate in para1023 below will be done with the personal approval of GM in consultation with FA&CAO The periodical review may, however, be approved by DRM on the recommendation of committee of divisional heads of engineering, commercial and finance departments.
- (vii) Licenses of existing licensees, not connected with the railway working may, however be renewed from time to time so long as the land is not required by

railway for its own purpose but with new terms and conditions.

- (viii) In each case of licensing, proper agreement must be executed between the railway administration and the licensee before the licensee is given possession of the land/plot. This must be strictly followed and for any violation of these instructions, the official handing over land before the execution of agreement, shall be held personally responsible by the railway administration. Above paras v to viii as referred in railway board's letter no. 2006/lml/18/8 dated 10/2/2005 (master circular).
- (ix) Fresh cases of land licensing connected with railway working :a standing committee of three PHODS will be set up at head quarter of each zonal railway and other railway units. The standing committee comprises of PCE, CCM and FA&CAO shall examine all fresh cases connected with railway working and submit their recommendations to General Manager for approval.

703 Licensing of Land to Railway Staff

Licensing of vacant railway land to railway employees is permitted in all types of railway land whether in urban or in non-urban areas for group C and group D staff only for the purpose of cultivation of crops. Preference is given to gateman, trackman & staff belonging to SC/ST/OBC category and those belonging to the economically weaker section of the society. However, it must be ensured before allotment that such land is not required for railway's own operational purpose in immediate future.

This item is covered separately in chapter 8 grow more food.

704 License fee for Railway Land Licensed to Private Parties

For fixation of license fee for railway land licensed to private parties, a return of six per cent on the market value of the land, as assessed by the local revenue authorities, should be treated as "standard rent". But in actual licensing out railway administration should aim at obtaining the best possible rent. They may accept in individual cases, variation from "standard rent" on merits and for good and sufficient reasons. The assessment of market value of the land as made by the revenue authorities need not always be treated as final or binding. It may require be suitably adjusting and escalating if sufficient time has passed since the last assessment was made or if information was available with the railway of higher prices having been paid for private and other transactions of land in the vicinity.

Following procedure is adopted for fixing land value

- A market value be required to be taken to serve as a base value for working out rental fee payable. This shall be fixed on the basis of the land value of the surrounding area as on 1.1.1985 as determined from the revenue authorities and/or from the following:
- Evaluation of town planning department
- Actuals as per PWD and CPWD transactions actual transactions, as per documents filed in the office of the sub-registrar.
- In metropolitan towns of Mumbai, Kolkata, Delhi and Chennai, if the HOD's committee feel that the land rates are widely varying within the city, two or more rates can be utilized for that city.
- Annual license fee will be collected based upon following percentage of market value of land.

Item No.	Types of plot	Annual license fee as percentage of market value (01/04/2004 on wards)
1	Railway related activities such as City Booking offices, Out Agencies etc.	6 %
2	Ordinary Commercial Plots – without structures	6 %
3	Ordinary Commercial plots – with temporary structures for stacking/ storing <ul style="list-style-type: none"> • Covered area • Open area 	7.5 % 6 %
4	Steel Yards /Coal Dumps. Bulk Oil Installations etc.	7.5 %
5	Land used to lay private sidings	6 %
6	Shops / Retails Depots etc.	10 %
7	Railway built shops (Ref. letter no. 2001/LML?18/31 dated 26/04/2006)	10% plus 6% of original cost of construction.

Minimum license fee should not be less than the amount mention in para 705.

705 Minimum License Fee

The minimum license fee is respect of plots covered under this letter should be Rs. 1000/-per annum.

- For the purpose of determining the minimum license fee, the maximum size of a plot shall be taken as 100 sq. meters.
- In case of licensing of a plot measuring 250 sq.meters is involved, the minimum license fee chargeable shall be relevant to three plots of 100 sq.meters each and will work out to Rs.3000 per annum.

706 Periodical Revision of Rent for Railway Land Licensed to Private Parties

During recent CE(G) seminar held at IRICEN, all CE(G) agreed to remove clause containing revision of rent in 5yrs. The present clause of “aquinquennial (five years’ time) revision of rent for railway land licensed to private parties should be applicable to large towns and commercial centres. At other locations rent should be revised at interval of 10 years only. In all relevant agreements provisions should exist for such periodical revision of rent and recovery of enhanced rent with retrospective effect. For annual bills the notional land value will increase by 7% over the previous year’s land value hence the license fee will automatically go up by 7% over the previous year’s fee from the first of April every year. This amount will be adjusted later when rent/license fee is revised after five or ten year as per the agreement.”

707 Security Deposit in the case of Railway Land Licensed to Outsiders.

In all cases of licensing of railway land to outsiders the license agreement should provide, inter alia, for

- (i) Recovery of occupation fees monthly in advance.
- (ii) Payment of security deposit, equivalent to 12 months occupation fee.
- (iii) When the duration of license is one year or more, 12 months occupation fees should be recovered in advance every year with a grace period of one month.
- (iv) When the duration of license is less than a year, the occupation fees for the full period should be recovered in advance.
- (v) in case of advance occupation fees as per sub-Para (iii) above is not paid by the party within the stipulated period of one month, the occupant shall also pay liquidated damages at the rate of one per cent per month or part thereof to be reckoned from the due date to the date of actual payment.

- (vi) in case payment of occupation fees is not made within a further period of 3 months, the government shall be entitled to:-
 - (a) Forfeit the security deposit referred to above.
 - (b) Initiate eviction proceedings for getting the railway premises vacated and take action for recovery of occupation fee and liquidated damages up to the date of actual vacation.

708 Forms in which Security Deposit is Accepted

License could be permitted to make the security deposit not necessarily in cash but also in other forms as approved in the case of other contracts (refer Para 1246). The money should be in cash or in the form of deposit receipts, pay orders, demand drafts or guarantee bonds executed by State Bank of India or any of the nationalized bank or by a scheduled bank. Government Securities (Stock Certificates, Bearer Bonds, Promissory Notes, and Cash Certificates etc.) should not be accepted as security money.

The security deposit may be in the following forms:--

- (i) A deposit of cash;
- (ii) Government securities including State Loan Bonds at 5 per cent below the market value;
- (iii) Deposit receipts pay orders, demand drafts and guarantee bonds. These forms of security deposit could be either of the State Bank of India or of any of the nationalized banks;
- (iv) Guarantee bonds executed or deposits receipts tendered by all scheduled banks;
- (v) A deposit in the Post Office Saving Bank;
- (vi) A deposit in the National Savings Certificates;
- (vii) Twelve years National Defence Certificates;
- (viii) Ten years Defence Deposits;
- (ix) National Defence Bonds

While payment of advanced rent as indicated in para 707 above should be insisted in the case of land licensed to

government owned undertakings, payment of security deposits may not be insisted upon provided the concerned ministry gives a guarantee to the railway against payment of dues by the government undertakings. In the case of land licensed to government departments payment of advanced rent should be insisted, but security deposit may not be insisted upon.

709 Railway Land Licensed to other Government Departments

709 (a) Land to government departments (or undertaking)

The land to government departments (or undertaking) the land should be leased instead of transfer/relinquishment on long term basis for a period of 35 years with the provision for renewal for a further period of 35 years, on upfront payment of lease charges equivalent to 99% of the market value of the land along with nominal licence fee of Rs. 1000/ per annum. The lease agreement shall be further renewable for a period of 35 years at a nominal licence fee per annum to be decided at that time.. A provision for revaluation of rent at fixed intervals in the case of long term lease should be provided in the agreement.

(Railway Board's letter No. 2001/LML/13/53 dt. 4/10/2001 &30/7/2003)

General Managers with the concurrence of FA&CAO will have the power to sanction the leasing/ relinquishment of railway land to govt. departments /PSUs upto 25 lakhs in exchange for land of govt. department /PSUs. Railway Board's letter No. 2001/LML/13/53 dt.30/7/2003 &11/9/2014)

In the case of land licensed to other government departments, a uniform rate of 6 percent of the market value of land as assessed by local revenue authorities is to be levied. A provision for revaluation of rent at fixed intervals (refer Para 1024) in the case of long term lease should be provided in the agreement.

709(b) Licensing of railway land for providing connectivity to existing rail heads

Railway land, if available and not required for railway's own use in the near future, may be allotted to private parties for providing connectivity to the nearest rail head.

The license fee may be charged on the basis of industrial rates for providing connectivity to the existing rail heads on Indian Railways. The land needed for connectivity should be limited to the extent inescapable based on local conditions and terrain. General Manager shall decide upon the area to be licensed based on the phods committee's recommendations as per para 1025. It may please be noted that the licensee shall not use the land for any purpose other than the one for which railway land has been licensed, without prior approval of railway. In case of use of land for a purpose other than the one for which railway land had been licensed, railway will have the right to refund the licence fee based on proposed use. Besides, railway will have the right to adopt market/commercial rates or terminate the agreement when it is found that the usage of the licensed land is not connected with railway working. For this purpose, railway will conduct checks periodically (say at six months' intervals) to see if the railway land is being put to additional/alternative

710 Leasing of Railway Land to Defence Department

In the case of railway land leased to defence department the rent for the first 10 years of occupation will be fixed on the basis of 6 per cent of the market value of the land, as assessed by local revenue authorities. If the total period of occupation extends beyond 10 years, the rent will be subject to revision after every 10 years period of occupation on the same basis of 6 per cent of the market value as assessed by local revenue authorities.

711 Licensing of Railway Lands for Religious Purposes

In existing cases of railway lands licensed for use as religious places the fee should be recovered on a uniform rate

of Rs.1,000/- per annum. (authority: railway board's letter No. 2002/LML/21/16 dated 4.6.2003), however fresh licensing of railway land for religious purpose is not permitted

711(a) Licensing of railway land to welfare organisation

As per board's letter no. 2001/Lml/21/14 dated 5/11/2001, for railway land licensed to temple committees, railway co-operative stores/co-operative societies, handicrafts centres and other welfare organizations, a nominal fee as per extant rules (500/- per annum- railway board's letter no. 2002/Lml/21/16 dated 10/4/2003) should be recovered. Such proposals duly concurred by fa&cao and recommended by the general manager would require the prior sanction of Railway Board.

712 Licensing of Land for Schools by State Government in Railway Colonies

Railway land required by the state government for opening of new schools for the children of railway employees in railway colonies may be licensed to them at a nominal fee. The period of license should not exceed 30 years and the amount of nominal fee should be settled by the railway administration in consultation with their financial adviser and chief accounts officer.

The fresh licensing of railway land to govt/ private schools except kendriya vidyalayas, is not permitted. Kendriya Vidyalayas can be provided railway land purely as a welfare measure at nominal license fee decided by railway board from time to time. The period of lease for land leased to Kendriya Vidyalaya, the lease period may be 99 years. The land shall be leased to Kendriya Vidyalayas with prior approval of General Manager provided sanction for opening has been accorded by railway board. (reference railway board's letter no. 2002/Lml/21/16 dated 10/4/2003&Letter No. 2001/LML/21/14 dated 5/11/2001).

713 License Form

A sample license form, for Bulk Oil Depots, is given in Appendix 6/1 of engineering code para 1032 but other forms may be adopted to suit requirements provided that, whether for a Lease or a License, they are drafted under competent legal advice.

In the case of land rented to a department of the government of India, or state government, an unstamped agreement embodying the terms and signed by authorized representatives of both parties, is all that is required.

714 Temporary Licensing for Fair, Carnival etc.

- Temporary licensing of land for conducting exhibitions, melas, carnivals, circus-shows and such other cultural activities including temporary shops on such festive occasions can be permitted. Temporary licensing of land for short duration upto 15 days for activities including cultural and sport activities, commercial activities concerning railways, melas and carnivals as mentioned above can be permitted by DRM. Temporary licensing of land for period exceeding 15 days subject to maximum of 3 months can be permitted with the personal approval of General Manager.
- Based on the merit of each case, general manager may also permit temporary licensing of land to religious organizations for a short duration for holding functions provided such functions are not likely to lead to any communal tension. This provision will not apply to political functions and any other functions having political hue.
- Reference railway board's letter no. 2004/LML/18/30 dt. 27/4/2004 & 13/4/2006, Railway Board's letter No. 98/LML/18/28 dt. 22/1/2002 & 22/3/2002

715 Important Points while Dealing with Fresh Cases

Fresh cases of licensing of plots connected with Railway working will be approved by GM on recommendation of the HOD's Committee.

- There is a ban on fresh licensing i.e. shops, retail oil depots etc. for purposes unconnected with railway working. A standing committee of three HODs is set up at the Headquarters of each zonal railway and other production units. The Standing Committee consisting of CE, CCM and FA & CAO shall examine fresh cases connected with railway working and submit its recommendations to G.M. for approval.
- Renewal of licenses of railway land not connected with Railway working can be done at G.M's level with finance concurrence. [railway boards letter no.2005/LML/18/8 DT.08.06.05) master circular]
- No oil pipe line for conveyance of petrol or other oil is permitted on railway land without the special sanction of the Chief Engineer/Chief General engineer. Where the sanction to the project has been obtained, a set of rules for the laying, construction and maintenance of pipeline from the point of view of safety of travelling public and railway property shall be drawn by the administration in Consultation with the Commissioner of Railway Safety before the work on the project is permitted. (Para 826(a(i)& b) of IRWM)
- Licensing of land for laying of pipe line, sewer line to state government and local bodies can be approved by General Manager. with FA & CAO's concurrence. However, for other agencies, permission of railway board would be required.
- For railway land licensed to temple committees, railway co-operative stores/cooperative societies, handicrafts centers and other welfare organizations, a nominal fee as per extant rules should be recovered. (Para 824 OF IRWM)

- Such proposals duly concurred by F.A & C.A.O and recommended by the General Manager would require the prior sanction of railway board.
- The licensing of railway land to all schools (govt. /private) will require prior sanction of the railway board.
- In areas, where educational institutions are not available or existing school facilities are not adequate to cater to the needs of wards of railway employees, railway land if it is separable, may also be licensed to privately run schools on payment of annual license fee at 6% of the present market value of land. (Railway board letter no.2001/lml/21/14 dt. 5.11.01).
- Admission of children/wards of railway staff in such institutions to the extent of 75% of their intake. The period of lease for railway land in such cases should not exceed 30 years. In the case of railway land leased to kendriyavidyalaya, the lease period may be 99 years.
- Licensing of fresh and additional land for shopping/ tehbazari has been banned. (Para 821 (I) of IRWM).Renewal of old cases has been permitted. However, specific cases for licensing of land, for purposes not connected with railway working but concerning welfare to staff, such as providing shops in areas where adequate shopping facilities do not exit, may be accepted on merits, with the concurrence of the FA & CAO and personal approval of the General Manager.The licence fee should be fixed at 20% of the market value of land.



CHAPTER - 8

Grow More Food

801 Authority: Licensing of Land to Railway Staff

Para 1022 of engineering code states for licensing of land to railway staff. Further it is as an exception to clause 1021(ii) of the engineering code 2012 which states that the term embodied in forms of agreement pertaining licensing and leasing out railway land must ensure “the rental obtained will provide a margin of profit” railway staff may, at the discretion of the railway administration be permitted the cultivation of small plots of "available" land and the enjoyment of usufruct (use and enjoy) free of charge. Plots of vacant railway land may also be licensed to railway employees, or to such non-railway organizations as provide facilities to railway employees, for the purpose of playing games at a nominal rent, where necessary, provided that it is made clear in the agreement in each case that the land will be resumed at short notice, not exceeding a month, without compensation for any buildings erected or improvements effected thereon.

802 History

This policy come to light since 1976 for railway employees and outsider like state government. Later in 1984 this has been reviewed and decided to take back the land given to railway employee and outsider for mass a forestation except land allotted to group D staff of SC/ST/ and those belong to weaker section of society, to whom, land permitted to use such cases should be examined on merit by Chief Engineer and, if considered unavoidable their licenses may be allowed to continue.

In 1992 with some modification and relaxations for land adjacent to gate lodges and gang hut can be licensed to gateman and gang men respectively. in 2000 as per demand and suggestions in CEG's seminar that land with railway employee in Mumbai sub urban area largely remain free of

encroachment. Based upon above board reconsidered the matter and asked to identify land in urban area which is under threat of encroachment and arrange to license this land to railway employee only land to group C or D employee preference to SC/ST etc.

803 Present Policy

Finally GMF scheme covered in RB's policy issued vide ME's letter no.98/LML/16/9 of Feb 2000, further revised vide letter dt. 16-07-2010. Following important instructions are to be followed:-

- (a) It is for licensing of railway land in urban areas as well as in rural area.
- (b) Licensing only to railway employees in group C or D category. Only to permanent employee having min 5 years of service. Preference be given to SC/ST, OBC and economically weaker section.
- (c) Land to be taken back land at least 1 year before retirement of employee whom licensing of land under GMF scheme allotted.
- (d) Plot should not be licensed for a period exceeding 5 years at a stretch to any particular employee.
- (e) Size of plot to be generally $\frac{1}{2}$ Ha and max 2Ha where large size plot available & no much demand from employee.
- (f) Licensing fees to be fixed based upon the expected annual revenue. Generally it is $\frac{1}{4}$ th to $\frac{1}{3}$ rd of this and should be decided by DRM. Minimum license fee to be Rs 1.0 per sq m per annum.
- (g) Initial licensing for 2 years is done by division and subsequent done by AEN's office. The period of license be generally 1st April to 31st march or crop year in the area.
- (h) Details of plot to be maintained by IOW/AEN for their jurisdiction
- (i) No permanent structure allowed on such land.

- (j) Main thrust of this scheme is prevention of encroachments.
- (k) The licensee on his own cost shall make water arrangement.



CHAPTER - 9

Way Leave Facility and Easement Right

901 Introduction

Sections 16 of the railways act, 1989 enjoins upon the railways to make and maintain specified works for the accommodation of the owners and occupiers of the lands adjoining the railway, for the purpose of making good any interruptions caused by the railway to the use of the lands through which the railway is made. In many cases, these are unavoidable in view of the very nature and extent of the railway alignment.

As per para 1033 of engineering code “way leave facilities/easement rights on railway land involve occasional or limited use of land by a party for a specified purpose like passage etc., without conferring upon the party any right 'of possession or occupation of the land and without in any way affecting the railway's title, possession, control and use of the land”. Such works include crossings, passages, drains, water courses , passage /access to private houses and establishments, underground pipelines for water supply and sewerage, electrical and telecommunications lines, etc.

The financial limits given in the chapter for the guidance purpose while actual changes to be levied as per prevailing guidelines.

902 Grounds for Consideration of Such Request

Requests for granting way leave/easement facilities have to be considered with due regard to the circumstances of each case. Some such circumstances may be:-

- a) Non-availability of any other means of access to properties/houses;
- b) Non-feasibility of provision of water supply, electricity, sewerage, etc. from any other direction.

903 Powers to Deal such Cases

All way leave proposals should be processed by the Sr.DEN (coordination) at the divisional level, and the Chief Engineer at the headquarters level. Way leave facilities should not be granted as a matter of routine, but only after consideration of each case on merits based on a site inspection. Way leave permission in respect of open drainage and surface/overhead pipelines should be allowed only in unavoidable cases. In any case, fresh permission for this in favor of private parties should not be given. All efforts may also be made to have the existing open drainage and surface/overhead pipelines replaced by underground installations at the earliest.

Special care should be taken to see that the way leave facility does not in any way impinge on the safety and security of railway operations and railway property. . In case such proposals envisage crossing of track in the term-of road, pipelines etc., the extant rules and procedures relating to safety, provision of level crossings, pipeline crossings, etc. will govern. Way leave permission, should be accorded only after ensuring that railways', financial interests are not affected in any manner, i.e. by way of loss of traffic, loss of revenue etc. Final decision for granting way leave facilities may be taken by the D.R.M (without any further re- delegation) in consultation with divisional associate finance.

904 Registration Fee Charges

Large percentage of way leave proposals received in zonal railways appear to be non-serious. In many cases, the party does not turn up for joint inspection or depositing survey and estimate charges. To check such non-serious cases, amount of 2000/- to be deposited as registration fee along with the application for way leave permission so that only genuine party may apply for way leave permissions. This fee would be adjusted against the survey and detailed estimate charges/way leave charges.

905 Way Leave Facility & Charges

- (a) Passage/pathway on/across railway land (up to 1 m. wide) for pedestrians, cyclists etc.

These rates as revised from time to time may be levied for way leave/ easement rights on railway however at present one time recovery of 6400.00 (way leave agreement for 35 years renewable for another 35 years) are applicable. The length of land involved normally should not exceed 50 meter.

- (b) Passage/road for vehicles, scooters etc. (i.e. between 1 m to 3m wide) by individuals, housing societies, private firms, organizations etc. Any proposal for passage/roads for width 'more than 3 m. should be treated under licensing as per extant circulars on the subject of licensing.

These rates, as revised from time to time, may be levied for way leave/ easement rights on railway however at present one time recovery of 12800.00 (way leave agreement for 35 years renewable for another 35 years) are applicable. The length of land involved normally should not exceed 50 meter.

- (c) Public roads by local bodies/state Government & Government & autonomous bodies, charitable/welfare organizations.

These rates as revised from time to time may be levied for way leave/ easement rights on railway land however at present 6% of the market value of land p.a. subject to a minimum of 10000/- p.a. are applicable. These charges shall be payable in advance in block of 10 years. Discounting of future cash inflows at prevailing interest rates announced by RBI for government securities would be permissible. While calculating the advance equivalent to 10 years annual charges, annual increase of 7% in land value would be assumed. Adjustments needed because of variation vis-a-vis

actual increase as per rates notified by local development authority or as obtained from District Collector, would be carried out at the time of payment of the instalment of way leave charges for the next 10 years.

- (d) In case of ROB/RUB which are undertaken on deposit terms and do not involve closure of level crossing for the portion of ROB/RUB (lying over/below) the railway track as the case may be.

These rates as revised from time to time may be levied for way leave/ easement rights on railway land however at present 6000/- p.a up to two lane road crossing / two tracks and 12,000/- p.a in case the bridge is wider than two lane and/or crossing more than two tracks are applicable. These charges shall be payable in advance in block of 10 years. Discounting of future cash inflows at prevailing interest rates announced by RBI for government securities would be permissible. While calculating the advance equivalent to 10 years annual charges, annual increase of 7% in land value would be assumed. Adjustments needed because of variation vis-a-vis actual increase as per rates notified by local development authority or as obtained from district collector, would be carried out at the time of payment of the installment of way leave charges for the next 10 years.

- (e) Electric lines xing for individual houses shops etc. (both underground and overhead).

These rates as revised from time to time may be levied for way leave/ easement rights on railway however at present one time recovery of 12800.00 (way leave agreement for 35 years renewable for another 35 years) are applicable. The length of land involved normally should not exceed 50 meter.

- f) Underground/overhead electrical crossing other than covered for individual and other than for Cable TV/OFC.

These rates as revised from time to time may be levied for way leave/ easement rights on railway land however at present 6% of the market value of land p.a. subject to a minimum of Rs 10000/- p.a. are applicable. These charges shall be payable in advance in block of 10 years. Discounting of future cash inflows at prevailing interest rates announced by RBI for Government securities would be permissible. While calculating the advance equivalent to 10 years annual charges, annual increase of 7% in land value would be assumed. Adjustments needed because of variation vis-a-vis actual increase as per rates notified by local development authority or as obtained from District Collector, would be carried out at the time of payment of the installment of way leave charges for the next 10 years.

- (g) Electrical crossings by state electricity boards & central agencies.

These rates as revised from time to time may be levied for way leave/ easement rights on railway however at present one time recovery of 12800.00 (way leave agreement for 35 years renewable for another 35 years) are applicable. The length of land involved normally should not exceed 50 meter. It should be noted that the same charges may be levied for electrical crossings by state electricity boards, electricity board's restructured into state owned companies under electricity act, 2003 as well central agencies. The rates levied in this para would not be applicable where electricity boards have been privatized.

- (h) Water pipeline crossing, cultivation by individual farmers.

These rates as revised from time to time may be levied for way leave/ easement rights on railway however at present one time recovery of 12800.00 (way leave agreement for 35 years renewable for another 35 years) are applicable. The length of land involved normally should not exceed 50 meter.

- (i) Water sewage pipelines xing's for individual up to 300 mm dia.

These rates as revised from time to time may be levied for way leave/ easement rights on railway however at present one time recovery of 12800.00 (way leave agreement for 35 years renewable for another 35 years) are applicable. The length of land involved normally should not exceed 50 meter.

- (j) Underground water/ sewage, effluent pipelines.

These rates as revised from time to time may be levied for way Leave/ easement rights on railway land however at present 6% of the market value of land p.a. subject to a minimum of 10000/- p.a. are applicable. These charges shall be payable in advance in block of 10 years. Discounting of future cash inflows at prevailing interest rates announced by RBI for govt. securities would be permissible. While calculating the advance equivalent to 10 years annual charges, annual increase of 7% in land value would be assumed. Adjustments needed because of variation vis-a-vis actual increase as per rates notified by local development authority or as obtained from District Collector, would be carried out at the time of payment of the installment of way leave charges for the next 10 years.

- (k) Open drains and over ground water/sewage/oil gas/ effluents pipelines by private parties (including public sector undertakings).

These rates as revised from time to time may be levied for way leave/ easement rights on railway land

however at present 10% of the market value of land p.a. subject to a minimum of 20000/- p.a. are applicable. These charges shall be payable in advance in block of 10 years. Discounting of future cash inflows at prevailing interest rates announced by RBI for govt. securities would be permissible. While calculating the advance equivalent to 10 years annual charges, annual increase of 7% in land value would be assumed. Adjustments needed because of variation vis-a-vis actual increase as per rates notified by local development authority or as obtained from District Collector, would be carried out at the time of payment of the installment of way leave charges for the next 10 years.

(l) Underground oil/gas/ pipelines

These rates as revised from time to time may be levied for way leave/ easement rights on railway land however at present 10% of the market value of land p.a. Subject to a minimum of 20000/- p.a. Are applicable. These charges shall be payable in advance in block of 10 years. Discounting of future cash inflows at prevailing interest rates announced by RBI for govt. Securities would be permissible. While calculating the advance equivalent to 10 years annual charges, annual increase of 7% in land value would be assumed. Adjustments needed because of variation vis-a-vis actual increase as per rates notified by local development authority or as obtained from District Collector, would be carried out at the time of payment of the installment of way leave charges for the next 10 years.

(m) Underground/overhead cables and alignments including track crossings in favor of Department of Telecommunications/ Bharat Sanchar Nigam Limited Mahanagar Telephone Nigam Limited Videsh Sanchar Nigam Limited.

These rates as revised from time to time may be levied for way leave/ easement rights on railway land however at present 6% of the market value of land p.a. subject to a minimum of 10000/- p.a. per crossing are applicable. These charges shall be payable in advance in block of 10 years. discounting of future cash inflows at prevailing interest rates announced by RBI for Govt. securities would be permissible. While calculating the advance equivalent to 10 years annual charges, annual increase of 7% in land value would be assumed. Adjustments needed because of variation vis-a-vis actual increase as per rates notified by local development authority or as obtained from District Collector, would be carried out at the time of payment of the instalment of way leave charges for the next 10 years.

- (n) Underground/overhead cables and alignments including track crossings in for laying of optic fiber cable (OFC).

These rates as revised from time to time may be levied for way leave/ easement rights on railway land however at present following rates are applicable:

- (1) 6% of the market value of land p.a. subject to a minimum of 10000/- p.a. per crossing
- (2) For purpose of laying OFC along the length of bridge, 6% of market value of land in approaches, subject to a minimum of. 25,000/- per annum per bridge, would be charged, In addition, an amount of RS.100 per meter for the length of cable under the bridge would also be recovered as bridge surcharge.
- (3) For the purpose of laying OFC through ROB, 6% of market value of land in approaches, subject to a minimum of 10, 000/- per annum per crossing through ROB would be charged.

These charges shall be payable in advance in block of 10 years. Discounting of future cash inflows at prevailing interest rates announced by RBI for govt. securities would be permissible. While calculating the advance equivalent to 10 years annual charges, annual increase of 7% in land value would be assumed. Adjustments needed because of variation vis-a-vis actual increase as per rates notified by local development authority or as obtained from District Collector, would be carried out at the time of payment of the installment of way leave charges for the next 10 years.

- (o) Way leave facilities for underground laying of cables of cable T.V.

The following charges may be levied for granting way leave facilities for underground /over ground laying of cables of cable T.V. Way leave charges and maintenance charges should be collected for 3 (Three) years in advance along with one year's charges as security deposit. Cables crossing railway tracks within metro city limits: 6000/- per annum, and additional supervision charges @ 5000 per annum per single track crossing and @ 3000 per annum for each additional track crossing.

Cables crossing railway tracks outside metro city limits: Rs. 3000/- per annum, and additional supervision charges as specified in para 2.1 above.

Cables laid parallel to the track or on railway land involving no crossing of tracks: 50 (Fifty) per meter per annum.

Other terms and conditions governing the proposal are as given below:-

The length of tracks crossing involved normally should not exceed 50 meters. The diameter of pipes for laying underground should not be more than 300 mm. Cables within railway colonies meant to serve railway men are treated as welfare activity for which no way leave charges need be levied. Over ground laying of cables either across or parallel to the tracks should not be permitted.

- (p) Permission for metro crossing on railway land there is no specific guideline with regard to permission of crossing railway land including underground, on ground and above ground by metro railway networks. In pursuance of suggestions received from certain metro railways, it has been decided that the guidelines as laid down below shall be followed in the matter for granting permission of crossing of railway land by metro railway networks.

Such permission should be granted only after consideration on merits based on a site inspection. Special care should be taken to see that such permission does not in any way impinge on the safety and security of railway operations and adjoining railway property. Party shall submit the Indemnity bond before executing the agreement indemnifying railways against any loss/damage to railway property or loss of life, direct or incidental occurring any account related to the said permission.

Permission to metro railway networks to cross railway land may be accorded only if such crossing on railway land is inescapable, unavoidable and there is no other alternative and the proposal is technically suitable, feasible and durable from safety point of view.

It shall be ensured that such permission to use of railway land by metro railway network does not restrict zonal railways for their own operational expansion and usage for future growth. Further, railway land below existing station building and permanent structures shall not be given for crossing facility.

Permission to cross railway land by metro railway networks may be allowed by general managers (without any further delegation) of zonal railways in consultation with FA&CAOS after execution of proper agreements.

Crossing of railway land by metro railway network involves limited use of land by a metro railway for specific purpose without conferring upon them any right of possession or occupation of the land and without in any way affecting the railways title, possession, control and use of the land.

Metro railway administration shall ensure that all the relevant codes, manuals and instructions are followed for the purpose of durability, safety and soundness of structures thereof.

Railway shall consider their own action plan for future development of infrastructure while granting permission. Where any underground structure/alignment is envisaged for planning by railway, no crossing shall be allowed up to a depth of 30metre (top of proposed metro structure) from natural ground level. Where there is no proposal by railway to undertake any underground infrastructural work in future, such depth shall be limited to 15 metre(top of proposed metro structure). These instructions are applicable for metro railway networks owned by central government or state government.

- (q) Following charges are applicable for metro crossing on railway land
 - (i) On ground for track alignment and station charges equivalent to 99% of market value of land plus nominal charges of 1000/- for further 35 years extendable p.a. for 35 years
 - (ii) In case of overhead crossings for track alignment and station, the charges for area of land in plan under track portion shall be 50,000 p.a. for track crossing up to two tracks and 100000/- p.a. for more than two tracks for each block of 100 metre stretch of length of crossing or a part thereof. The area beyond track portion up to railway boundary shall be charged as per (a) above. (track portion includes the stretch up to 2.65 m from centreline of outermost track). All air/space rights shall remain with the railways.

- (iii) Underground crossing for track alignment and station charges for crossing railway land shall be 50,000/- per annum for track crossing up to two tracks and 1,00,000/- for track crossings of more than two tracks for a block of 100 metre stretch of length of crossing or a part thereof. All air/space rights shall remain with the railways.

906 Important Points while Dealing Way Leave Facility

Following important points to be kept in mind while dealing with way leave facility and easement right

In genuine and unavoidable cases, way leave facility/easement right may be allowed after execution of proper agreements. However, the land is not licensed, but only permission is to be granted for a limited use which is to be specified in detail in agreement.

Agreement should not use terms like 'licencee' and 'licence fee', but only 'permission' and 'way leave charges' can be mentioned.

The agreement should also clearly stipulate that the railway administration retains full rights to enter upon, pass through or use the land, at any time, without any notice to the party.

In the event of the way leave facility being discontinued with, the railway will not be liable to pay any compensation or reimburse any amount to the party, nor to provide any alternative arrangement for access, etc in case, any installations like underground pipelines, etc. Put up by the party are liable to be removed/shifted by the party at its own cost.

The way leave facility/ easement right on railway land provided for these specific purposes should not be used to transverse and use railway land along the track.

In case of oblique crossing, unavoidable and bare minimum railway land parallel to the track should be used.

For calculating these charges, in the case 'of electrical crossings, the width of land may be decided' in consultation with divisional electrical engineer locally.

In case of any crossing, minimum width of land is to be taken as 1 m for the purpose of assessment of way leave charges.

Openings of any kind into railway land/air space should not be permitted. This includes drops and sprouts from buildings, supports for buildings, wires, poles and other such needs of permanent.

In all cases of way leave facilities. (except robs/Rubs, and underground pipe lines), no construction (whether permanent, quasi permanent or temporary) is normally permitted. If any construction comes up subsequently, the same should be immediately removed as soon as noticed, and the 'way leave facility' discontinued with.

907 Time Frame for Disposal

There are abnormal delays in granting permissions for crossing railway track by the railway administration. These cases should be finalized expeditiously. In this regard a meeting of CGEs and CBEs of all the railways was also called in railway board on 27.6.2014 wherein it was impressed upon by Board (CRB & ME) that due importance should be given to these cases and they should be finalized expeditiously in a time bound manner. Both the check list and model time schedule have been discussed during the CGE's meeting on 27.06.2014 and modified wherever required as per suggestions made during the meeting. The checklist (see para 908) and model time schedule was finalized during the meeting. This time schedule is for the cases where plan is to be approved at divisional level and permission for track crossing can be granted by DRM. Additional 7 days may be taken where land rates are required to be obtained from revenue department. Additional 10 days may be taken where only approval of plan is required at headquarters level. Where approval of GM is also required; additional 20 days (including 10 days for approval of plan) may be taken. DRM should monitor status of pending requests for permission for track crossings on a nominated day

every week. Execution of work in some cases may require speed restriction/traffic block which may be ensured by DRM.

Schedule of time for dealing way leave cases-

1.	Receipt of request from party containing location and rough details of proposed crossing	D
2.	Joint site verification	D+7
3.	Preparation of abstract estimate	D+12
4.	Advice to party. for depositing 2% cost of abstract estimate towards preparation of detailed plan and estimate (Party to be advised to submit the charges within 7 days)	D+13
5.	Receipt of plan and estimate charges from Party	D1 / (D + 23)*
6.	Preparation of detailed plan by Executive Department (including signature on plan by ADEN & party)	D1 + 7 / (D + 30)
7.	Approval of plan by all concerned in Division	D1 + 14 / (D+37)
8.	Preparation of detailed estimate	D1 + 19 / (D + 42)
9.	Vetting of estimate by Finance department	D1 + 26 / (D+49)
10.	Approval of way leave facility.	D1 + 29 / (D+52)
11.	Advice to party for depositing requisite charges (party to be advised to submit the charges within 7 days)	D1 + 30 / (D + 53)

12.	Receipt of charges from party in reference to item No.11	$D 2 / (D + 63)$
13.	Execution of agreement and granting permission for crossing	$D2 + 5 / (D + 68)$

Note : *3 days for intimation to reach the party. Some cases may be required to be sent to headquarters such as, When estimated cost of work in railway land exceeds the power of division for approval permission of deposit work. Plans which require approval of headquarters.

908 Check List of Information to be Collected before Approval of DRM

As per railway board during CEG's meeting on 27/06/2014 a check list for processing the way leave proposal has been proposed with a view to expedite processing and eliminate avoidable back reference by various functionaries involved in the processing. This checklist should be available at the top on correspondence side and should be progressively filled up a case is processed to next stage. Format and items of checklist are as below.

1.	Whether letter-of party requesting for way leave permission giving details of proposed crossing available in file	Yes/ No
2.	Serial number at which letter of party requesting for Way Leave Facility is available	SN-
3.	Details of proposed crossing Location: (i) Block Section (ii) Kilometer	
4.	Type (pipe etc.) of crossing and size	
5.	Length of crossing	
6.	Purpose of crossing	
7.	Whether underground/ overhead/ surface	

8.	Crossing required by. Individual, Govt. dept. /PSU/ Local body/ Private organization	
9.	Particulars of party (name, address etc.) requesting for crossing	
10.	Whether site verification done and proposed crossing found feasible	yes/no
11.	If yes, Serial number at which feasibility report is available	SN-
12.	Abstract cost estimate prepared Rs	
13.	Party advised for deposition of 2% plan and estimate preparation charges	Yes/No
14.	Whether party has deposited 2% of abstract cost for preparation of detailed plan and estimate	Yes/No
15.	Whether way leave charges are on lump sum basis or based on Percentage of market value -lump sum basis/based on market value. If based on percentage of market value then whether latest land rate have been obtained	Yes/No
16.	Serial number at which latest land rate are available	SN-
17.	Detailed plan prepared by division is available at	SN-
18.	Detailed estimate prepared by division is available at	SN-
19.	Detailed estimate vetted by Finance	Yes/No
20.	Approval of competent authority taken for Way Leave facility	Yes/No
21.	As per detailed estimate vetted by Finance, amount to be Rs Deposited by party. Party advised for depositing the amount	SN-

22.	Details of amount deposited by party	
23.	Total amount deposited .	
24.	Instrument through which amount was deposited	
25.	Date when amount was deposited	date
26.	Date of execution of agreement	date
27.	Date of issuing permission for crossing	date
28.	Whether details of case entered in the register of Way leave cases maintained in Division. -	Yes/ No

Note: Checklist should be signed by Sectional DEN/Sr. DEN also before putting up the case to DRM for approval or sending to headquarters whenever required.



CHAPTER - 10

No Objection Certificate for Proposed Construction Near Railway Boundary.

1001 Introduction

Based upon number of representations have been received by the board prior to 1995 regarding denial of issue of 'no objection certificate' by the railways to construction of private buildings in private lands in vicinity of 'railway land, on the plea that such construction would restrict future development needs of the railway, and would result in land acquisition complexities at the time of actual acquisition. Boards letter no. 94/Im (I)/14/22 of 1995 has clarified that the construction of private buildings near track is governed by para 3728 of the IRWWM (now para 827 of IRWM) the basic intention behind the stipulation of this para is to safe guard railways interests in such a manner that no future encroachment can take place, and there is no accrual of way leave and easement right.

While it may be realized that railways have a prior right of acquisition and utilization of land adjacent to Railway boundaries, the railway administration can only insist on previous intimation being given by the revenue authorities or the local government. when such lands are assigned for specific purposes.

In cities and towns where land is valuable and the cost high, it is not expected of the owner of a plot to leave a large vacant space between his building and the railway boundary. The Interests of the railway would be adequately safeguarded if sufficient vacant space is left so as to facilitate future road and drainage developments outside the railway land to avoid requests for surrender of railway land for access at a future date. Railways should insist on barest minimum distance. Barest minimum distance shall be ascertained by examining building plans and ensuring that the lay out of the building shall

not result into accrual of various easement rights as mentioned above.

1002 Role of Railway

As per Para 827 of IRWM, It is necessary that the chief engineer should arrange with each state authority to frame rules in connection with the following:-

- a) The procedure to be adopted for obtaining the railway administration's opinion before consenting to the assignment of land adjacent to railway limits for any specific purposes.
- b) The extent of open space to be left outside the railway boundaries for government owned and privately-owned lands. Such orders may be issued by the state governments in the form of government circulars or government orders, copies of which should be carefully recorded in the offices of the Chief Engineer, Divisional Engineer and Assistant Engineer.
- c) Construction of a building or other structure near a station yard or between stations adjacent to the railway limits and within the zone specified in the said government circulars or orders, should be intimated at its commencement by the section Engineer (p.way/works) to the Divisional Engineer and Assistant Engineer by telegram and copies to the local authority, furnishing brief particulars with kilometrage and the distance of the structure from the railway boundary. This action should be immediately followed by a brief report and a sketch of the construction. On receipt of the report, the Divisional Engineer should address the local authority to arrange stoppage of the construction.
- d) Intimation regarding proposed construction on lands adjacent to the railway boundary being given to the railway authorities at least 90 days before the commencement of erection work.

- e) The lands adjoining the railway boundary will be either privately owned or nazul and will be either included in a municipal area or not. Regarding private lands not included in a municipal area, there appears to be no method of enforcing the provisions mentioned above. As regards private lands included in a municipal area, the provisions can be made applicable by incorporating them in the municipal bye-laws and if the state governments have no objection, the municipal committees of the state may be asked to frame byelaws to this effect. As regards nazul lands, both inside and outside municipal areas, it is suggested that if the state governments have no objection, suitable provision may be made in the conditions governing transfer, at the time of making grants.

1003 Role of State Government

The permission for construction of building on land adjoin the railway track is invariably given by the local body concerned viz., corporation, and municipal council as the case may be. Any work being under taken in the proximity of the railway can have serious effect on safety of the track, it is necessary that NOC be obtained from the railway authority before the local authority grants permission to the construction of such building. State governments can direct through notification for implementation to insist NOC from concern railway authorities before granting permission for the building with in 30 m from railway boundary.

As an example Government of Maharashtra urban development department has issued notification / order/ direction under section 154 to all planning authorities to the effect that they invariably insist on “no objection certificate from the concern railway be insisted before granting permission for building plan between the railway boundary and 30m. Reference to Maharashtra Regional & Town Planning Act, 1966 vide no. Tpb 4302/1318/cr-23/03/ud-11 dated

23/05/2003. Similar provisions of other state may have to be followed.

1004 Clarification by Railway Board on Term ‘Track Boundary’

In cases where the nearest track is at a considerable distance from the proposed building, especially in Mumbai area are governed by provisions, as per regulation no.29 (8) (ii) of the 'Govt. of Maharashtra, urban development department development control regulations for Greater Bombay which provides that "no new construction of any building or reconstruction of an existing building shall be allowed within a distance of half the height of the said building from the railway track boundary, and in any case at least 3m away from such boundary."

In above case railway track boundary has not been defined by railways therefore later railway board vide their letter no. 2007/lml/19/4 dated 16/05/2008 has clarified that "Railway Track Boundary" be considered to be a horizontal distance of 6m plus height of railway embankment at the point of consideration' from the Centre line of the railway track nearest to the proposed building or the actual railway boundary from the centre line of the railway track nearest to the proposed building whichever is less. Further nearest track will be existing track or proposed track in future if contemplated to be constructed in the near future. It is also clarified that railway should not unduly keep such allowance for individual sites when future track is not feasible on that site in view of existing buildings or structure on either side of proposed site.

1005 Development of Drawing for Considering NOC

Following important information to be shown on drawing

- 1) Original paper tracing (OPT) should clearly 'show the site plan with details, location of plot, floor plans, drainage arrangements, directions, detailed sectional drawing of building indicating height and

distance between railway boundary and nearest edge of building in various stages.

- 2) The drawing should be signed by all branch officers and DRM.
- 3) Construction organization or respective PSU having planning of any work at that location should also be consulted whether the land is required in foreseeable future and following certificates in this regard should be given in the plan itself:

"It is certified based on the sanctioned plans/ works for new line and surveys available with the division that the land is not required for railways own development in the foreseeable future".

- 4) Clear title of land in favour of the applicant supported by all related documents shall be ensured.
- 5) Field officials should check and certify the width of railway land and distance of plot from railway boundary. Rail level, ground level etc. shall be taken and necessary sketches should be prepared by field staff after verification of site. Minimum clearance of 3.00 m between railway boundary and nearest edge of building shall be ensured, plot should be marked in the sketch with reference to KM post and permanent structures. Railway land width shall be verified with the certified land plan/roll diagram.
- 6) Following condition to be drawn before sending OPT drawing to HQ for approval of NOC.
 - (a) The height of the proposed building structures varying in different stages with minimum different I clear horizontal distances between railway land boundary/track boundary to nearest edge of the proposed building structures as under as shown in the drawing bearing No. DRM(w) ...
 - (b) The maximum height of the proposed building from ground level to top of building

- (c) The maximum height of the proposed building from rail level to top of building.
- (d) The minimum clear horizontal distance provided between rail land boundary/track boundaries to nearest edge of the proposed building in m.
- (e) No construction material is allowed to store/stack on the railway land by the builder during construction of buildings/structures
- (f) In no case encroachment on railway land should be allowed during the construction of proposed building/structure.
- (g) No access will be provided to the proposed building/structures from railway land or proposed building/structures to railway land. Sewer and drain should be connected to the municipal sewer line and drain should not be directed towards railway track.
- (h) Drainage and storm water from railway land should not be obstructed. Proper drainage arrangement along with arrangement of discharge is shown in the drawing be provided.
- (i) Responsibility for the safety of the proposed buildings will rest with tile owner/developer.
- (j) The design and construction work of the proposed buildings should be followed as per relevant I.S. codes
- (k) No foundation of any structure, whatsoever, should come under the railway land and not affect track stability.
- (l) Signal visibility to the train drivers is not obstructed due to construction of proposed building.
- (m) Adequate precaution/safety should be taken for excavation work, so that it may not cause any damage to railway boundary wall and railway track.

- (n) The excavation work should not be carried out in rainy/monsoon season.
- (o) If buildings /structures are not constructed as per approved drawing by railway or detection of any deviations to drawing will lead to cancellation of NOC granted by railway and necessary action will be taken immediately. The applicant/party will inform to concerned AEN of railways about commencement of work within 60 days giving reference of NOC issued by railways.
- (p) Complete safety should strictly be ensured in respect of any crane working towards railway land involved during the construction work. The builder will be fully responsible for any loss caused to the railway or anyone else during the course of constructions as well as after construction.
- (q) Railways has right to inspect the worksite during construction stage as well as during life time of building/structure to ensure safety of railway assets and train operation.
- (r) NOC should be given to get necessary clearance from State Government Municipality etc. It is no way authorize the applicant, the ownership of said land. The railway land boundary shown is for indicative purpose.
- (s) All the data/ documents related with ownership of land is rest with the applicant to prove. Railway NOC does not mean the ownership of land.
- (t) The party will construct the common boundary wall at its own cost as per drawing and directions of railway wherever feasible restricting to the stretch of common boundary between railways and party. The demarcation would be done by railways.
- (u) It is certified based on the sanctioned plans works for new line and surveys available with the division

that the land is not required for railways own development in the foreseeable future.

- (v) The protection system-phased implementation of excavation should be ensured while excavation is being carried out for basement, deep foundation etc. and proper protection for nallah should be ensure.

1006 Final Disposal of NOC Cases

Structural stability certificate should be signed by Structural Engineer! architect and owner/ applicant. Must be kept in record before issue of NOC.

Status of proposals should be updated in railways website in the prescribed format after receipt of application along with requisite fees from party at divisional level and application should be "processed on First come First serve basis".

After receiving the approval of NOC from HQ, conditions mentioned in the letter and plan should be conveyed to all concerned field officials and concerned local bodies / revenue authorities to ensure compliance of the conditions at site by them.



CHAPTER - 11

Allocations of Earnings

1101 Cost of Land

The cost of land taken up permanently for a railway is debitable to capital account of the line irrespective of the amount involved whether required for capital or revenue work. The cost of land required for the manufacture of material or for quarrying, mining, boring or other operations, charged to the work concerned.

1102 Establishment Charges

The cost of establishment including overhead such as pensions leave salary etc. which may be incurred for the purpose of acquisition of land is included in the cost of land. Similarly, the contingent charges, if any, should be included in the cost of land.

However, that no portion of the cost of any establishment employed by a railway in connection with the indication of the areas required for acquisition of the drawing up of land plans, schedules etc. i.e. prior to notification under section 6 of the land acquisition act should be included in cost of land but should be charged off separately for the work concerned.

1103 Disposal of Land Eligible for Disposal

Due to fast growing urbanization/industrialization along railway lines and around areas served by railways, the railway land now offers vast scope for commercial exploitation. Dwindling budgetary support from general revenue has compelled railways to find means for raising internal resources and for this purpose commercial exploitation of land and also the air space over railway lands in metropolitan etc. cities has great potential. Therefore, normally decision for disposal of land should be taken with circumspection and after due

consideration of all factors. However, when it has been decided that a certain area of land is no longer required by any department of the railway and that it is therefore eligible for disposal the following procedure is required to be observed:

- (1) If the land adjoins or is in the near vicinity belonging to any other railway or department of the central government, it should first be offered to such railway or department. If one of these desires to acquire it, a formal record of transfer should be made and the state government advised; or if willing, the latter may be entrusted with the work of transfer.
- (2) If the land is surplus to the requirements of the central government, the government of the state in which it is situated will be given the option of assuming possession of the whole or portion thereof subject to the following conditions:-
 - (a) The central government themselves shall be the judge of whether they require to retain any particular land or not
 - (b) If the state government desire to assume possession of the land, the option to do so shall be exercised within six months of the date on which the central government signify their intention of surrendering their land;
 - (c) The amount payable for the land will in all cases be its market value at the date of transfer.
 - (d) When the state government desire to assume possession of only a portion of the land surrendered, they shall be entitled to do so only if the value of land as whole is not materially reduced by the division; and
 - (e) If the State Government do not desire to assume possession of any land on the foregoing terms, the central government will be free to dispose of it to a third party.

Before, however, so disposing of the land, the central government will consult the state government as to the levy of ground rent or assessment and the conditions, if any, subject to which it should be sold and they will, as far as possible dispose of the land subject to the conditions which the state government may desire to impose; The central government are not, however, bound to obtain the concurrence of the state government in all cases and in case of disagreement the central government shall be the sole judge of the terms and conditions to be imposed.

- (3) If the State Government is unwilling to assume possession as indicated in sub-Para 2 above, the land is disposed of to the best advantage possible.
- (4) If neither another railway nor a department of central government nor the state government desire to acquire the land, and if there has been a request from the railway men's co-operative housing society for the same the railway administration can relinquish the land to them after obtaining necessary clearance from the respective state government, with the prior approval of the Board. The sale of the land in all these cases should be at market value prevailing at the time of transfer.
- (5) If neither railway nor a department of the central government nor the state government desire to acquire the land, and if no reasonable offer is forthcoming from other parties, the land should be retained by the railway administration and managed in accordance with the prescribed rules on commercial lines. Such land is referred to as available land.
- (6) Powers of sanction to the disposal of land. In all cases of disposal of land, a prior reference should be made to the railway board. Where the estimated value of land exceeds financial limit laid down i.e. 1,00,000/-

1104 Adjustment of Sale Proceeds

The proceeds of all railway land disposed of less any charges incurred in its disposal to be credited to capital account of the Railway. However the lease charges and accounted for in Abstract Z as under Main head Z 240

Abstract Z indicates the Sundry other earnings.

Minor Head Z200 is for rents and tolls under this minor head Z240 is sub head for land where as detailed heads Z241 to 246 are as under.

Z 241-Leased out for building purposes.

Z 242-Leased out for other purposes. Under Z242 following transactions covered.

- (i) Commercial licensing of railway land (ordinary commercial plots, warehousing, bulk oil installations, oil depots, steel yards & coal dump, private siding etc.
- (ii) Licensing of land for tehbazari, shopping.
- (iii) Licensing of land for Grow More Food.
- (iv) –deleted.
- (v) Land license given to Forest Department.
- (vi) Land for Concrete sleeper plant.
- (vii) Land given to CONCOR.
- (viii) Land given to Defense Department.
- (ix) Other income (long term lease, building rent for GRP, P&T, Interest & maintenance charges of leave crossing & siding etc. (land related)
- (x) Any other licensing except for property development.

243-Property development of land/air space

244-Right of way for OFC laid by/for rail tel

245-Right of way /way leave facility for others.

246-Receipts from car/scooter/cycle parking at stations/

247-Registration fees for construction of private sidings.

Railway premises.

(Authority: 2008/AC-II/1/5 dated 09-01-09)



CHAPTER - 12

Land Management on TMS

1201 Introduction

Indian Railways have implemented Track Management System for all divisions. A online application has been developed by CRIS wherein all asset is mapped and fed in system, all inspections, maintenance attentions and renewal data is fed in system from time to time. Once asset mapping and data feeding is stabilised the report menu has lot of customised query functions which can be used to check health of asset and plan maintenance actions.

1202 Land Module

One of the latest module in TMS is land module. Every division has been given a centralised login id and password to feed various land related data. This login id is to be managed by land section under Sr DEN/Co's office. All other users of TMS have access to land data through report menu. The work of GIS mapping is in progress and will be available soon. In the division SSE/Land is responsible for feeding land data.

When SSE/Land login with his ID and password he can see data feeding menu (sample shown in fig 1). In this screen he can visit to following links:

- Land management
- Miscellaneous
- Wayleave
- Reports
- Innovations
- Quick link duly provided with railway boards policy circulars data

1202 (a) Land management

While connecting with land management data one can see following to four options.

1. **Scope of land plan:** Scope of land plan data is to have a base figure of how many land drawings a division has so that data feeding percentage can be determined
2. **Land management data :** On clicking land management menu a data table appears (as shown in Fig 2.) in which all the land data of the division , PWI Incharge wise is entered alongwith land plans. The complete information regarding land plan no. , revenue plan no, details of land acquisition, various type of land use , district, state in which land portion belongs can be feeded. For the first time this information is required to be feeded. On clicking add a data feeding form sample shown in Fig 3, pops up where new data can be fed and saved.
3. **Details of vacant land parcel:** Details of vacant land parcel can be added by clicking relevant menu. This will help in generating a data base of vacant land in railways. For vacant land use further planning can be done. Sample form is shown in Fig 4
4. **Edit of vacant land parcel:** Edit of vacant land parcel can be done by clicking relevant menu. This will help in updating a data base of vacant land in Railways. Sample form is shown in Fig 4

1202 (b) Miscellaneous

Users can feed their inspection/circulars as an additional information for their use

1202 (c) Way leave

Now all the way leave proposal processed through TMS only. In way leave application proposal to be processed is captured step by step on TMS and after end of each process

data has to be fed in system for updating. The complete execution of way leave work from registration to completion of work has to be entered step by step. This enables knowing the exact position of proposal to all relevant users. The menu function is shown in Fig 5. Step by step data feeding menu are available as below

- (1) Registration of new application
- (2) Call for Joint feasibility
- (3) Joint feasibility survey and report
- (4) Preparation of abstract estimate
- (5) Deposit of plan & estimate charges by party
- (6) Preparation of plan & estimate
- (7) Signing of plan & estimate by party
- (8) Detailed estimate
- (9) Administrative approval
- (10) Advice for deposit of charges
- (11) Deposit of charges by party
- (12) Signing of agreement by party
- (13) CRS sanction
- (14) Receipt of CRS sanction
- (15) Permission for execution of work
- (16) Completion of work

1202 (d) Reports

Wayleave proposal approval timeline analysis is available in report menu of SE/Land as shown in Fig 6.

Various report features of land management menu of TMS users is shown from Fig 7 to 14 below

Based upon the feeding data by SSE/ land of division, following reports can be generated. These reports can also be

generated by other users of the divisional jurisdiction lies by selecting link through their logging to Assests – Land - in which four type of reports are available:

1. Land management,
2. Vacant land,
3. Way leave,
4. Land plan analysis.

In addition to above, for land boundary verification, data feeding link provided by sectional JE with due confirmation by SSE concern. Further they can also entered their inspection and generate report as shown in fig.15 & fig. 16.



Figure : 1 Dashboard of SE Land of a Division

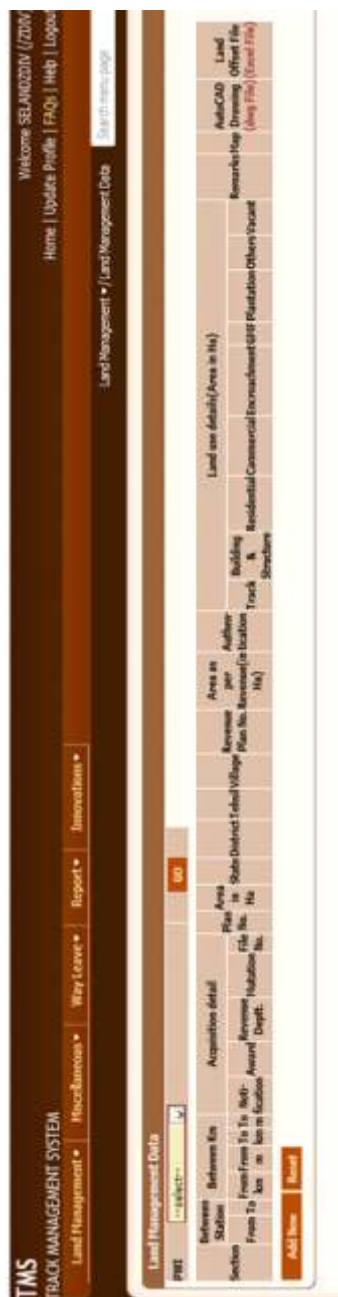


Figure : 2 Land Management Data Base Table.

Add New Land Register

Section --select--

☒ Station area ☐ Block section

From Station 🔍

Acquisition details

Notification Select One Award Select One
 Revenue Dept. Mutation Select One
 File No.

Plan No. Area in Ha
 State Select One District Select One
 Tehsil Village
 Revenue Plan No. Area as per Revenue (Ha)
 Authentication Select One

Land use details (Ha)

Track		Building & Structure		Residential	
Commercial		Encroachment		GMF	
Plantation		Vacant		Others	

Map (pdf or image File only, Size < 5 MB)

Add Map

Upload AutoCAD Drawing (dwg File only, Size < 5 MB)

Choose File No file chosen

Upload Land Offset File (Excel File only, Size < 1 MB)

Choose File No file chosen

Remarks

Save

Figure 3: Add New Land Register Form of TMS

Details of Vacant Land Parcel				
SSE :-	-[Select One]-	▼	Section :-	-[Select One]-
Nearest Station :-	-[Select One]-	▼		
Name of locality :-			District :-	-[Select One]-
Scale :-	-[Select One]-	▼	Area in Hectare :-	
Area in Acre :-	-[Select One]-	▼	m by	m
Shape of plot :-			km	
Size of best fit rectangle :-			m	
Distance from nearest station :-			Type of Encroachment :-	-[Select One]-
Distance from nearest track :-				
Encroachment :-	-[Select One]-	▼		
Earmarked (Category) :-	-[Select One]-	▼		
Details of Earmarked :-				
Upload Plan :-	<div> <div>Choose File</div> <div>No file chosen</div> </div>			
Remarks :-	<div> <div></div> <div>(.pdf & .jpg) .png files only, size maximum 200 KB) (Plan to be uploaded including encroachments if any to be shown)</div> </div>			

Figure 4 : Form for Filling Details of Vacant Land Parcel

TMS TRACK MANAGEMENT SYSTEM

Welcome SELANZODIV (ZDIV) Home | Update Profile | FAQs | Help | Logout

Land Management ▾ / Vacant Land Parcel

Search menu page

Miscellaneous ▾ Way Leave ▾ Request ▾ Interventions ▾

Details of Vacant Land Parcel

SSE : [Select One] ▾
 Nearest Station : [Select One] ▾
 Name of locality :
 State : [Select One] ▾
 Area in Acre :
 Shape of plot : [Select One] ▾
 Size of land in rectangle :
 Distance from nearest station :
 Distance from nearest track :
 Encroachment :
 Earmarked (Category) : [Select One] ▾
 Details of Earmarked :
 Upload Plan : Choose File No file chosen
 (.pdf & .jpg / jpeg files)
 Remarks :

Save Vacant Land Parcel Details

Request

1. Registration of New Application
 2. Call for Joint Feasibility Survey
 3. Joint Feasibility Survey & Report
 4. Preparation of abstract estimate
 5. Deposit of first charges by party
 6. Preparation of Plan & Estimate
 7. Signing of plan & estimate by party
 8. Detailed Estimate
 9. Administrative approval
 10. Advice for deposition of charges
 11. Deposit of Charges by Party
 12. Signing of Agreement by Party
 13. ODS Sanction
 14. Receipt of ODS Sanction
 15. Permission for execution of Work
 16. Completion of Work

Interventions

(Maximum 100 characters)
 (Maximum 100 characters)
 (Maximum 250 characters)

Old Way Leave Case Entry

<https://tms.gov.in/TMS/Home/land.jsp>

Figure 5 : Way Leave Data Feeding Menu



Figure 6 : Timeline Analysis for Pending Way Leave Cases.

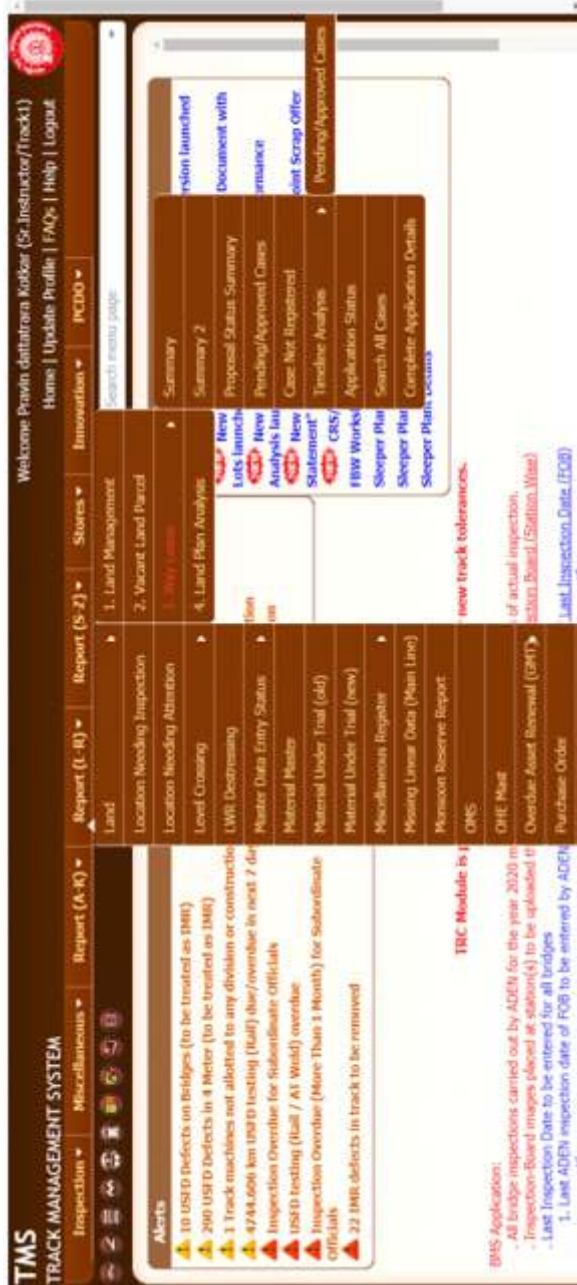


Figure 7 : Report Menu on Land Subject for TMS Users



Figure 8 : Land Management Report Menu

Grand Environmental Report														
Project Overview														
Project Details														
Project Location														
Project Description														
Project Schedule														
Project Budget														
Project Risk														
Project Impact														
Project Conclusion														
Station	Track	Distance (km)	Speed (km/h)	Frequency (Hz)	Power (W)	Temperature (°C)	Humidity (%)	Pressure (hPa)	Altitude (m)	Latitude	Longitude	Area (km²)	Volume (m³)	Weight (kg)
GRN-001	001	001	2	880	4	0.01	50	1013	100	40.71	11.58	1.0	1000	1000
GRN-002	002	002	4	8	8	50	50	1015	200	40.72	11.59	2.0	2000	2000
GRN-003	003	003	6	8	8	50	50	1017	300	40.73	11.60	3.0	3000	3000
GRN-004	004	004	8	8	12	50	50	1019	400	40.74	11.61	4.0	4000	4000
GRN-005	005	005	10	10	12	50	50	1021	500	40.75	11.62	5.0	5000	5000
GRN-006	006	006	12	12	12	50	50	1023	600	40.76	11.63	6.0	6000	6000
GRN-007	007	007	14	14	12	50	50	1025	700	40.77	11.64	7.0	7000	7000
GRN-008	008	008	16	16	12	50	50	1027	800	40.78	11.65	8.0	8000	8000
GRN-009	009	009	18	18	12	50	50	1029	900	40.79	11.66	9.0	9000	9000
GRN-010	010	010	20	20	12	50	50	1031	1000	40.80	11.67	10.0	10000	10000
GRN-011	011	011	22	22	12	50	50	1033	1100	40.81	11.68	11.0	11000	11000
GRN-012	012	012	24	24	12	50	50	1035	1200	40.82	11.69	12.0	12000	12000
GRN-013	013	013	26	26	12	50	50	1037	1300	40.83	11.70	13.0	13000	13000
GRN-014	014	014	28	28	12	50	50	1039	1400	40.84	11.71	14.0	14000	14000
GRN-015	015	015	30	30	12	50	50	1041	1500	40.85	11.72	15.0	15000	15000
GRN-016	016	016	32	32	12	50	50	1043	1600	40.86	11.73	16.0	16000	16000
GRN-017	017	017	34	34	12	50	50	1045	1700	40.87	11.74	17.0	17000	17000
GRN-018	018	018	36	36	12	50	50	1047	1800	40.88	11.75	18.0	18000	18000
GRN-019	019	019	38	38	12	50	50	1049	1900	40.89	11.76	19.0	19000	19000
GRN-020	020	020	40	40	12	50	50	1051	2000	40.90	11.77	20.0	20000	20000
GRN-021	021	021	42	42	12	50	50	1053	2100	40.91	11.78	21.0	21000	21000
GRN-022	022	022	44	44	12	50	50	1055	2200	40.92	11.79	22.0	22000	22000
GRN-023	023	023	46	46	12	50	50	1057	2300	40.93	11.80	23.0	23000	23000
GRN-024	024	024	48	48	12	50	50	1059	2400	40.94	11.81	24.0	24000	24000
GRN-025	025	025	50	50	12	50	50	1061	2500	40.95	11.82	25.0	25000	25000
GRN-026	026	026	52	52	12	50	50	1063	2600	40.96	11.83	26.0	26000	26000
GRN-027	027	027	54	54	12	50	50	1065	2700	40.97	11.84	27.0	27000	27000
GRN-028	028	028	56	56	12	50	50	1067	2800	40.98	11.85	28.0	28000	28000
GRN-029	029	029	58	58	12	50	50	1069	2900	40.99	11.86	29.0	29000	29000
GRN-030	030	030	60	60	12	50	50	1071	3000	41.00	11.87	30.0	30000	30000
GRN-031	031	031	62	62	12	50	50	1073	3100	41.01	11.88	31.0	31000	31000
GRN-032	032	032	64	64	12	50	50	1075	3200	41.02	11.89	32.0	32000	32000
GRN-033	033	033	66	66	12	50	50	1077	3300	41.03	11.90	33.0	33000	33000
GRN-034	034	034	68	68	12	50	50	1079	3400	41.04	11.91	34.0	34000	34000
GRN-035	035	035	70	70	12	50	50	1081	3500	41.05	11.92	35.0	35000	35000
GRN-036	036	036	72	72	12	50	50	1083	3600	41.06	11.93	36.0	36000	36000
GRN-037	037	037	74	74	12	50	50	1085	3700	41.07	11.94	37.0	37000	37000
GRN-038	038	038	76	76	12	50	50	1087	3800	41.08	11.95	38.0	38000	38000
GRN-039	039	039	78	78	12	50	50	1089	3900	41.09	11.96	39.0	39000	39000
GRN-040	040	040	80	80	12	50	50	1091	4000	41.10	11.97	40.0	40000	40000
GRN-041	041	041	82	82	12	50	50	1093	4100	41.11	11.98	41.0	41000	41000
GRN-042	042	042	84	84	12	50	50	1095	4200	41.12	11.99	42.0	42000	42000
GRN-043	043	043	86	86	12	50	50	1097	4300	41.13	12.00	43.0	43000	43000
GRN-044	044	044	88	88	12	50	50	1099	4400	41.14	12.01	44.0	44000	44000
GRN-045	045	045	90	90	12	50	50	1101	4500	41.15	12.02	45.0	45000	45000
GRN-046	046	046	92	92	12	50	50	1103	4600	41.16	12.03	46.0	46000	46000
GRN-047	047	047	94	94	12	50	50	1105	4700	41.17	12.04	47.0	47000	47000
GRN-048	048	048	96	96	12	50	50	1107	4800	41.18	12.05	48.0	48000	48000
GRN-049	049	049	98	98	12	50	50	1109	4900	41.19	12.06	49.0	49000	49000
GRN-050	050	050	100	100	12	50	50	1111	5000	41.20	12.07	50.0	50000	50000

Figure 9 : Sample Land Management Report from TMS

Vacant Land Parcel

Under this menu reports can be generated showing vacant land parcel available under control of various officials viz SSE, ADEN, Sr DEN etc.



Fig 10: Vacant land parcel summary menu

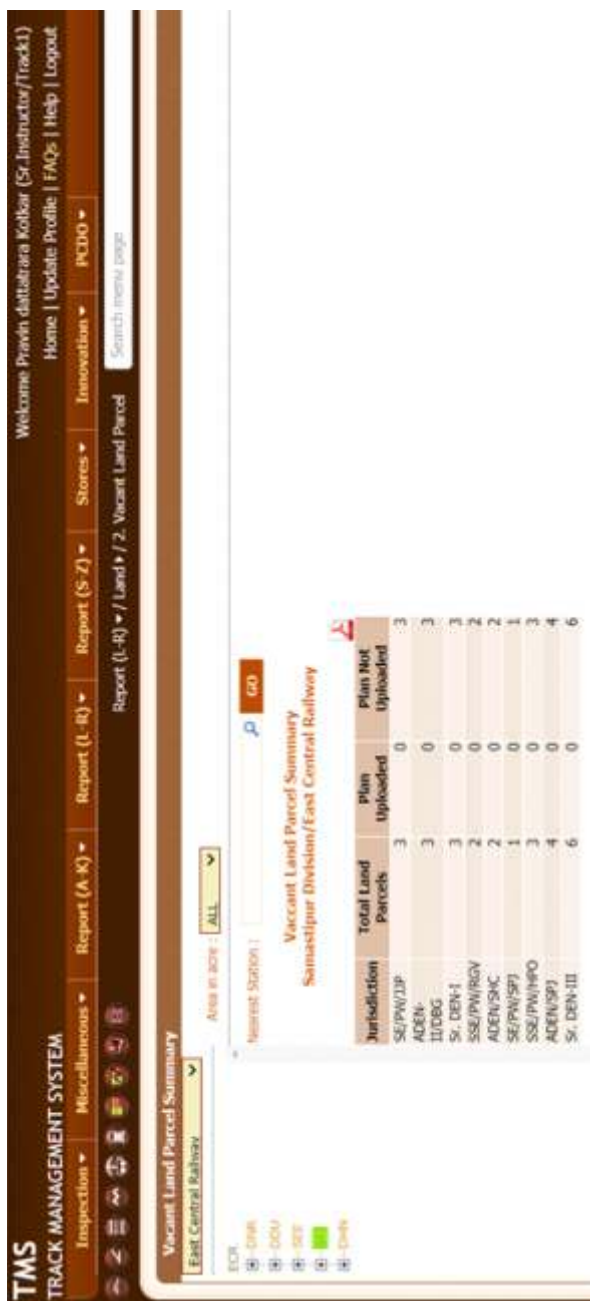


Figure 11: Sample Report of Vacant Land Parcel Summary

Way Leave Facilities

Under this menu reports can be generated showing summary/details of cases approved, pending & not registered including Time line Analysis.

TMS TRACK MANAGEMENT SYSTEM

Welcome Pravin dattatrasa Kollur (Sr. Instructor/Trackt)

Home | Update Profile | FAQs | Help | Logout

PCDO

Report (L-R) | Land | 3. Way Leave | Summary

Report (L-R) | Land | 3. Way Leave | Summary

Way Leave Facilities/Easement Rights Summary

Railway : Central Railway Division : All Divisions

Period From : 28/12/2020 To : 28/01/2021

Report Type : Division Wise

Generate Report

Way Leave Facilities/Easement Rights Division Wise Summary

Railway : Central

Period : 28/12/2020 To 28/01/2021

Sr#	Railway	Division	Total Registered Applications	Applications Pending for Registration	Permission Granted	Registered Applications Pending On Railway Account	On Party Account	Dropped
1.	CR	BSL	0	8	0	0	0	0
2.	CR	CSTM	4	2	0	4	1	3
3.	CR	NGP	8	5	0	8	0	8
4.	CR	PA	2	9	0	2	0	2
5.	CR	SLR	4	15	0	4	0	4
Total			18	39	0	18	1	17

Figure 12 : Way Leave Facility Data Summary

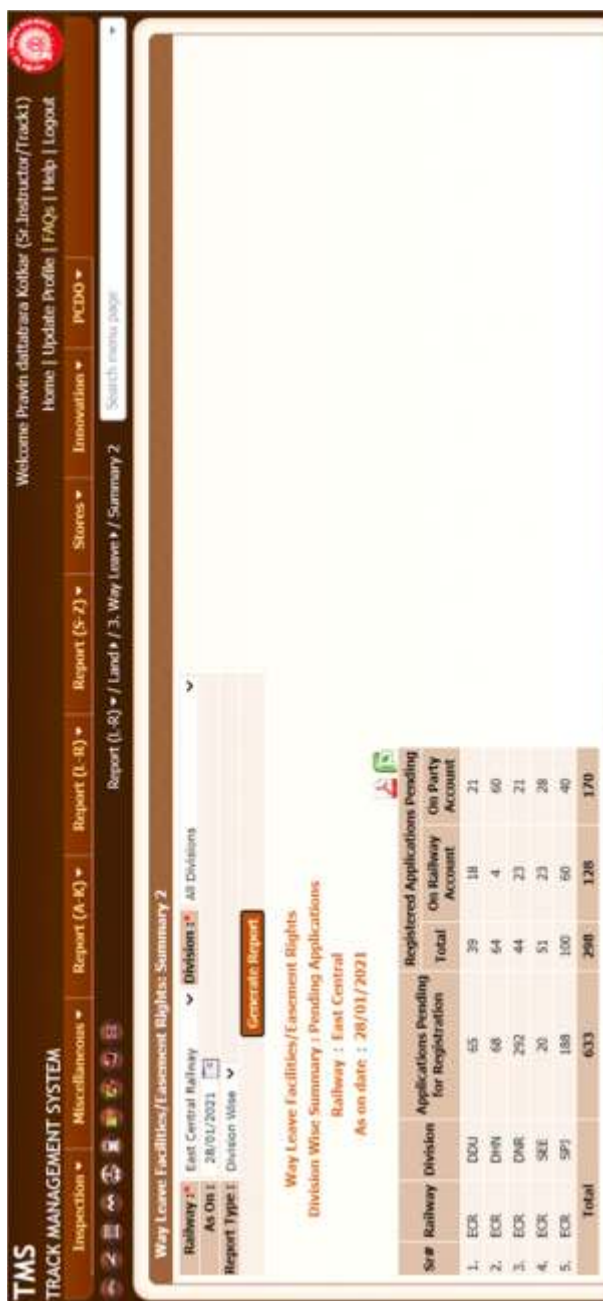


Figure 13 : Way Leave Proposal Status Summary



Figure 14 : Way Leave Proposal Status Summary



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[Assets](#) | [Inspection](#) | [Planning](#) | [Work](#) | [Miscellaneous](#) | [Report \(A-R\)](#) | [Report \(L-R\)](#) | [Report \(S-Z\)](#) | [Innovation](#)

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Figure 15 : Land Boundary Data Feeding Sheet

TMS
TRACK MANAGEMENT SYSTEM

Assets ▾

Inspection ▾

Planning ▾

Work ▾

Miscellaneous ▾

Report (A-R) ▾

Report (S-Z) ▾

Innovation ▾

Welcome trjel (trjel/2019)

Home | Update Profile | FAQs | Help | My Jurisdiction | Logout

Search items page

Inspection ▾ / Land Boundary

Land Boundary Inspection

Section ▾ From Route (BOLCOM Route) (0 - 200)

Line ▾

From km ▾

To km ▾ 10 km

Go

UP

Location From

km

0

m

0

20

m

0

UP

Location To

km

0

m

0

20

m

0

Inspection Date ▾

LH/RH ▾	Location* km	m	Post No.	Distance of boundary post (maltam) from nearest line	Inspection
Left ▾	10	80	1	9.38	Available ▾
Left ▾	10	200	3	45	Available ▾
Left ▾	10	300	5	55	Available ▾
Right ▾	10	60	2	12.36	Available ▾
Right ▾	10	200	4	40	Available ▾
Right ▾	10	300	6	50.5	Available ▾

Save

Confirm

New Form

Figure 16 : Land Boundary Inspection Sheet

CHAPTER - 13

Environmental Clearance for Railway Projects

1301 Environmental Concerns in Development Agenda

United Nation's Conference on human environment 1972 underlined the need for more prudent care for environmental consequence of our actions and gave a call for preservation and improvement of human environment – acceptance of responsibility by citizens, communities, enterprises and institutions at every level. The un conf. on environment & development 1992 focused on inclusion of social and environmental dimensions of development besides economic aspects.

Millennium Development Goals adopted in 2000 included two goals having direct relevance to sustainable development namely, goal 7 - ensure environmental sustainability and goal 8 - develop a global partnership for development. Rio+20 conference gave special focus on sustainable development goals. Several adaptive and mitigation initiatives are under way in the ongoing global discussions on climate change.

India is the first country in the world to enshrine protection of environment as a stated goal in the constitution. Under article 21 (fundamental rights) “no person shall be deprived of his life or personal liberty except according to procedure established by law”. Although environment is not explicitly mentioned but various courts have given wider interpretation to the word “life” in this article - the right to life includes the right to a living environment. Article 48 a (directive principles of state policy) – makes it the responsibility of the state government to protect and improve the environment and to safeguard forests and wildlife. Article 51g (fundamental duties) makes it a fundamental duty of every citizen to protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures.

A very well knit and coordinated transport system is necessary for sustained economic growth. However, transport sector also accounts for substantial & growing proportion of air pollution and contributes significantly to greenhouse gases emissions – being a major consumer of fossil fuels which is a matter of serious concern and requires improvement in public transportation system. In india, transport sector is the second largest consumer of energy, next industry and commercial energy consumption.

Railways is considered to be environmentally safer compared to road transport and hence preferable wherever feasible. With a vast network railways is the principal mode of freight and passenger transport in india. The network is required to expand to meet the needs of our developing society.

Considering various aspects railways has been kept out of the purview of the environment protection act 1986 but environment impact assessment is to be undertaken for railway projects that are executed with financial support from international donor agencies (jica/adb/wb.) along with preparation of detailed environment management plan as required by their mandatory guidelines for environmental and social considerations. The environmental impacts are assessed for all phases of project cycle: Location, design, construction and operation & impacts are categorized as negative and positive. Cost of environment management and monitoring programs are estimated and budgeted as apart of the project costs.

Railways require land for expansion of its network to cover new areas as well as for enhancing service efficiency. Land is very important and fixed resource and land use changes for infrastructure are generally irreversible requirement of additional land for railways is to be planned with utmost care and has to comply to various land related laws of the respective states (land being a state subject under

the scheme of delegation of powers under the constitution of india.

Requirement of forest land for any railway project attracts the provisions of the forest conservation act (fca), 1980, a central regulatory act applicable to whole of india except J & K. Under this act, any diversion of forest land for any non-forestry use is to be ordered by the concerned state government only after prior approval of the government of india, ministry of environment, forest and climate change (moef&cc).

For obtaining approval for using forestland for a railway project online application (<http://efclearance.nic.in>) is to be filed by the concerned railway authority. Separate application are required to be filed if the land is situated in more than one states. If considered necessary, applications can be filed district-wise. Among other details as mentioned in the application form prescribed by the moef&cc for the purpose (FCA Amendment Rules, 2014), some important information documents required include:

1. Geo-referenced map of the forest area involved along with non-forest land required & map on original SOI topo sheet.
2. District Collector's certificate about settlement of rights under FRA
3. Justification for the locating the project in Forest area and map indicating alternatives examined.
4. Employment generation – permanent / temporary
5. Displacement of people, if any
6. Details of cost/benefit analysis
7. Certificates/undertaking about Compensatory Afforestation, Net Present Value, Preliminary Joint Inspection Report, Details of trees, non-starting of work, land schedule, Muck Disposal Scheme, etc.

It is important to note that as per the Apex Court's order of 1996 the provisions of the Forest Conservation Act apply to all areas recorded as forest in any government record irrespective of ownership, and the term 'forests' is as understood in the dictionary sense (since the term is not defined in any Act).

After due scrutiny at various levels, the State Government having satisfied itself on the need for diversion of forest land for applied non-forestry purpose, the State Government is required to forward the application along with its recommendation in the prescribed form to the concerned Regional Office (RO) of the MOEF&CC. The proposal is then considered at the meeting of the Regional Empowered Committee (REC). The Railway authority may in its own interest attend the meeting of the REC to clarify any issues that may come up to make a decision on the application. If the REC recommends, prior approval (stage 1) for the diversion is communicated to the State Government along with conditions of such diversion including funds to be deposited for compensatory Afforestation and Net Present Value etc. Consequent to furnishing compliance of the conditions of stage 1 approval, final prior approval is given by the Regional Office of MOEF&CC. Consequent to the stage 2 clearance from the RO of the MoEF & CC diversion order is to be issued by the State Government and possession of forest land is to be given by the concerned Divisional Forest Officer.

However, if the forest land required falls within a notified protected area (Wild life National Park or Sanctuary) the diversion is to be ordered by the Apex Court after detailed and very careful scrutiny by the State Government and MOEF&CC as per procedure under FCA.

Generally, if any project which requires Environment Clearance (EC) under the Environment Protection Act (EPA) 1986 and involves land situated in notified eco-sensitive zone around a national park or wild life sanctuary, the proposal is also

needs recommendation of the National Board for Wild Life but this is not required for railway projects since they do not need environment clearance under EPA. However, railway projects other than laying railway tracks i.e. Factory, housing colony etc. they will require EC as per the EPA.

Starting any work in forest land before approval of diversion under FCA attracts action against the officer(s) ordering such works to be taken up in violation of the FCA as prescribed under Section 3 of the Act.

Diverted forest land can be used only for the non-forestry use as mentioned in the application and approved under the FCA. Any other use by same or another agency requires approval of re-diversion by MoEF&CC. Moreover, there is no change in the legal status of the diverted forest land, and only permission to use for the purpose applied for – laying of railway track etc. and does not confer proprietary right and the Forest and Wild Life Laws continue to be applicable.

Land earlier acquired by railways and planted up with trees requires FCA clearance if already notified as Reserve/Protected Forest. For survey and investigation in forest areas not involving felling of trees clearance under FCA is not required but permission from the State Forest Department under the Indian Forest Act or the State Forest Act is necessary. For Survey and investigation within National Parks and Wild Life Sanctuaries as a prelude to future diversion of land permission under Wild Life Act 1972 is required also Wild Life Protection Act and Coastal zone Regulations if project involves Protected Area or is in CR Zone

Recommendations of Standing Committee of NBWL is not required if a railway project includes area within ESZ around a Protected Area - but if such land is classified as “forest” approval under FCA is required.



Annexure

Railways Important Circulars Regarding Encroachment:

Sr. No.	Subject	Letter No.
1	Issue of NOC for certificate for construction/redevelopment of Government and Private building on land adjoining Railway boundary.	2008/LML/19/17Dt. 16.02.10 Director Land & Amenities, Railway Board, New Delhi.
2	Construction of boundary wall along railway boundary	2009/LML/20/01, Dt: 25.11.2009, Director Land & Amenities, Railway Board, New Delhi.
3	Removal of Encroachments under PPE Act, 1971 – Interpretation of the provisions of the Act vis-a-vis proposals of this Ministry.	L.No.1996/LML/14/85, dated 12/7/2005, Director Land & Amenities, Railway Board, New Delhi.
4	Removal of Encroachments – order of Hon'ble Minister of Railways.	L.No.2004/LML/14/15 dated 27/10/2004, Director (Land & Amenities) Railway Board.
5	Removal of Soft Encroachments.	L.No.2004/LML/PCDO/Encroachments, Dated 3/6/2004, Adviser (Land & Amenities), Railway Board.
6	MOUD's guidelines regarding recourse to eviction proceedings under PPE Act 1971 do not pertain to Rlys.	L.No.2001/LML/14/1, Dated 5/4/2004, Deputy Director, Land Management, Railway Board.
7	Removal of encroachment from railway land in Delhi area-Policy.	L.No.2000/LML/14/31, Dated 26/5/2003, Director/Land & Amenities, Railway Board.
8	Safety Zone Definition in the Context of Removal of Encroachments along the tracks.	L.No.2002/LML/14/70, Dated 13/11/2002, Director (Land & Amenities), Railway Board.
9	Amendment of Indian Railway Works Manual (2000 Addition) Chapter VIII (Correction slip No.6)	L.No.98/LML/14/156 Dated 21/12/2001, Director (Land and Amenities),Railway Board.
10	Joint Procedure order in regard to Prevention & Removal of Encroachments.(Land Circular No. 903)	L.No.1996/LML/14/156 Dated 25/12/2001, Director (Land and Amenities),Railway Board.

11	Joint Procedure order in regard to Prevention & Removal of Encroachments.	L.No.80/W2/14/O, Dated 12/3/01 Executive Director, Land Management, Railway Board
12	Removal of Encroachments in the Railway Premises role of RPF Personnel.	L.No.8/WR/14/0/A, Dated 19/7/2000, Executive Director, Land Management, Railway Board.
13	Standing Engineering Order No.15 Compendium of Instructions (Encroachment Annexure E-I to 29)	Land Management Directorate, Ministry of Railway, Dated: August, 1999.
14	Encroachment on Railway Land- Procedure Order on use of Section 147 of the Railway Act, 1989.	L.No.98/LML/14/156, Dated 8/02/1999, Officer on Special duty, Railway Board.
15	Notes Taken During Presentation to the Board – Encroachment on Rly Land Prevention & Removal	L.No.98/LML/14/7, Dated.31/03/1998 Executive Director Land management, Railway Board.
16	Joint Procedure Order in Regard to Prevention & Removal of Encroachments.	L.No.196-W/O/PLIX/Land Dated 27/11/1995, N.Rly.New Delhi.
17	Prevention of trespass into Railway premises and control of Encroachments.	L.no.80/W2/14/0/A Dated 27/8/1993, Executive Director, land Management, Railway Board.
18	Construction of boundary wall for checking Encroachments- charging the cost to revenue.	L.No.1991/LM(B)/3/82/Pt.Dated 26/8/1992, Director Land Management, Railway Board.
19	Encroachment on Railway land.	L.No.80/W2/14/0/A, Dated 25/6/1992 Executive Director, Land Management, Railway Board.
20	Encroachment on Railway Land Prevention and removal thereof.	L.No.80/W2/14/0 Dated 12-26/3/1991, Executive Director, Land Management, Railway Board.
21	Encroachment on Railway Land Prevention & Removal.	L.No.80/W2/14/0, Dt.26/9/1990, Advisor (Works), Railway Board.
22	Management of Land prevention and removal of Encroachments-take up matter with State Govt.	L.No.1980/W2/14/0A/Dated 31/10/1984, Joint Director, Land Management, Railway Board.

Action Against Railway Servants/Employees who unauthorised Encroached Railway land.		
1	Disciplinary Action Taken Against Railway Servant who Unauthorisely occupy Railway/Govt.Land etc.	L.No.90/LML/14/34 Dated 9/3/1990, Executive director, Land Management, Railway Board.
2	Unauthorised Occupation of Railway Quarters Prevention & Removal of Encroachment	L.No.86/W2(LM)/14/31, Dated 24/10/1986, Additional Executive Director, Land Management, Railway Board.

Important Circulars (Railway land Policy) regarding Railway land given to State government/Private parties on Leasing/Licensing

Leasing/Licensing of Commercial Plots.		
1	Policy on Licensing of Railway Land for Commercial Plots	2014/LML-II/18/5Dt. 29.02.2016
2	Enhancement of GM's power for long term leasing if Rly land.	2013/LML-I/24/3711.09.2014
3	Checklist for proposals of leasing/exchange of railway land (costing more than Rs.5 lakhs) requiring approval of Railway Board	2014/LML-II/13/15Dt: 8.07.2014
4	Long term leasing of Railway Land - regarding Cabinet Approval	2011/LML/18/17Dt: 21.08.2012
5	Approval of Cabinet for permitting use of Railway Land for Railways core activities and other related purposes.	2011/LML/1817Dt: 24.01.2012
6	Management of land on Railways	2009/LML/13/26Dt: 11.11.2010
7	Land use planning in Metros and approval of Board thereof.	2009/LML/13/1Dt:23.01.2009
8	Licensing of Railway land for establishing a Rail Terminal and/or for providing connectivity to existing rail heads.	L.No. 2008/LML/18/15, Dated 17/03/2008, Deputy Director/Land Management, Railway Board.
9	Policy on Licensing of Railway Land for Commercial plots etc. (Master Circular)	L.No. 2005/LML18/8, Dated 20/09/2005, Executive Director (Land & Amenities), Railway Board.
10	Policy on Licensing or Railway Land for Commercial Plots etc.(Master Circular)	L.No.2005/LML?18/8 dated 8/6/2005, Director (Land & Amenities), Railway Board.
11	Policy on Licensing of Railway Land for Commercial Plots etc. (Master Circular)	L.No.2005/LML/18/8 Dated 10/02/2005, Director (Land & Amenities), Railway Board
12	Licensing of Railway Land Execution of written Agreement with the Licensees.	L.No.2004/LML/18/55. Dated 30/7/2004, Executive Director (Land & Amenities), Railway Board.
13	Licensing of Railway Land Execution of Written Agreement with the Licensees	L.No.83/W2/LM/18/87 (vol.II) Dated 28/4/2004, Director (Land & Amenities)Railway Board.
14	Review of Policy on Commercial Licensing of Railway land.	L.No.83/W2/LM/18/87, Dated 24/3/2004, Executive Director, (Land & Amenities), Railway Board.

15	Revision of Licensing of Commercial plots.	L.No.196-W/Fzr/Shops/Land. Dated. 8/7/2002. CE/General N.Rly.
16	Long Time Licensing of Railway Land to Govt.Departments.	L.No.2001/LML/13/53, Dated 4/10/2001, Director (Land & Amenities), Railway Board.
17	Rationalisation of guidelines for commercial licensing of Railway Land.	L.No.83/W2/LM/18/87, dated 13/8/1998, Executive Director/Land Management, Railway Board.
18	Review of Policy on commercial Licensing of Railway Lands.	L.No.83/W2/LM/18/87, Dated 29/8/1995, Executive Director/Land Management, Railway Board
19	Rationalization of guidelines for commercial Licensing of Railway land.	L.No.83/W2/LM/18/87, Dated 03/3/1987, Executive Director/Land Management, Railway Board
20	Rationalization of guidelines for commercial Licensing of Railway land.	L.No.83/W2/LM/18/87, Dated 17/9/1985, Director (Land Management, Railway Board
Railway Land To Oil Companies		
1	Licensing of Railway Land to Oil Companies for setting up Retail outlets (Petrol Pump).	L.No.2005/LML/18/117, Dated 5/10/2005, Director, (Land & Amenities), Railway Board
2	Policy of Licensing of Railway Land For Commercial Plots etc. (Master Circular)	L.No.2005/LML-18/8, Dated 20/9/2005, Director, (Land & Amenities), Railway Board
3	Policy of Licensing of Railway Land For Commercial Plots etc. (Master Circular)	L.No.W.105/10/Policy, Dated 10/5/2005, Principal Chief Engg., Chennai.
4	Review of policy on commercial licensing of Railway land.	L.no.83/W2/LM/18/87, dated 24/3/2004, Executive Director, (Land & Amenities), Railway Board
5	Rationalisation of land license fee from Oil companies for oil sidings and bulk storage facilities.	L.No.2001/LML/18/58, Dated 23/9/2002, Executive Director (Land & Amenities), Railway Board
6	Licensing of Railway land to Oil Companies for Setting Up Retail Out lets (Petrol Pumps)	L.No.2005/LML/18/161, Dated 21/2/2002, Director, (Land & Amenities), Railway Board
ATMs, Banks in Railway Areas.		
1	Licensing of Railway land for Opening of Banks Policy regarding	L.No.2005/LML/18/22, Dated 11/2008. Deputy Director/Land management, Railway Board.
2	Licensing of Railway Land For Opening of ATMs in Railway colonies.	L.No.2005/LML/18/22, Dated 3/10/2007, Deputy Director (Land Management), Railway Board.
IRCTC		
1	Tourist facilitation counters at Railway stations.	L.no.2006/Tourism/140/11, Dated 13/11/2007, Director (Tourism & Catering), Railway Board.

2	Licensing/Lease Charges for Budget Hotels, Food Plazas etc. To IRCTC	L.No.2001/LML/13/56, Dated 28/09/2006, Deputy Director/land management(Land)II, Railway Board
3	Licensing/Lease Charges for Budget Hotels, Food Plazas etc. To IRCTC	L.No.2001/LML/13/56, Dated 07/07/2006, Director/land management(Land)II, Railway Board
4	Licensing/Lease Charges for Budget Hotels, Food Plazas etc. To IRCTC	L.No.2001/LML/13/56, Dated 14/10/2005, Ex. Director/Land Amenities II, Railway Board
5	Licensing rent/lease Charges for Budget Hotels/ yatri Niwas, Food Plazas etc.c set up/to be set up by IRCTC	L.No.2001/LML/13/56,Dated 24/06/2005, Director (Land Management)Railway Board
6	Land RentLease charges for Budget Hotels/Yatri Niwas etc.	L.No.2004/TGIII/67/1/IRCTC Dated 25/2/2005,Executive Director (T&C), Railway Board.
7	Licensing of railway land to IRCTC Ltd., for setting up and operate Food Plazas, Budget Hotels.	L.No.2001/LML/13/14 Dated 8/10/2004, Director (Land & Amenities),Railway board.
8	Licensing of railway land to IRCTC Ltd., for setting up and operate Food Plazas, Budget Hotels.	L.No.2001/LML/13/14 Dated 10/9/2004, Adviser (Land & Amenities),Railway board.
9	Lease of railway land to IRCTC for establishing Budget hotels.	L.No.2001/LML/13/56,Dated 13/4/2004, Deputy Director(Land & Amenities),Railway Board.
TEMPORARY LICENSING		
1	Short Term temporary licensing for circus shows.	L.No.1998/LML/18/28 Dated 27/4/2004, Deputy Director(Land & Amenities),Railway board
2	Short Term temporary licensing for circus shows.	L.No.1998/LML/18/28 Dated 17/10/2002, Director(Land & Amenities),Railway board
3	Short Term temporary licensing for circus shows.	L.No.1998/LML/18/28 Dated 22/3/2002, Deputy Director(Land & Amenities),Railway board
4	Short Term temporary licensing of railway land for circus shows- Fixation of licence fee..	L.No.1998/LML/18/28 Dated 20/1/2002, Director(Land & Amenities),Railway board

1	Right of Way charges for Track Crossing, Laying of Cable etc. By Rail Tel Corpn. Of India Ltd.,	L.No.2006Tele/Rcil/4/,Dated 18/6/2008, Executive Director, (Telecom),Railway Board.
2	Provision of Telecom Services Construction of Towers By Rail Tel Corporation of India Ltd., (RCIL)	L.No.02/LML/13/12, Dated 11/12/2006,Deputy Director (Land Management), Railway Board.
3	Licensing of Railway Land to RailTel corporation of India Ltd. (RCIL)	L.No.02/LML/13/12,Dated 5/10/2006,Deputy Director (Land Management),Railway Board
4	Provision of Telecom, Services construction of Towers by RailTel Corporation of India Ltd., (RCIL) on Railway Building.	L.No.02/LML/13/12, Dated 5/5/2006, Director(Land Management),Railway Board
5	Guide Lines for Granting Right of Way and Sparing land/Building to RailTel Corporation of India Ltd., (RCIL).	L.No.2/LML/13/12, Dated 28/11/2005, Director (Land Management),Railway Board
6	Guide Lines for Granting Right of Way and Sparing Land/Building to Rail Tel Corporation of India Ltd., (RCIL)	L.No.02/LML/13/12,Dated 19/11/2004, Director (Land Management),Railway Board
Licensing of Railway Land to Container Corporation of India Ltd.(CONCOR)		
1	Licensing of Railway Land to Container Corporation of India limited	L.no.2001/LML/13/55/Vol.III/ Dated 24/1/2008, Dy. Director/LML II, Railway Board
2	Licensing of Railway Land to Container Corporation of India limited for Setting up of ICDs etc.	L.no.2001/LML/13/55/Vol.III/ Dated 14/3/2006, Director/Land & Amenities), Railway Board
3	Licensing of Railway Land to Container Corporation of India limited for Setting up of ICDs etc.	L.no.2001/LML/13/55/Vol.III/ Dated 12/2005, Dy. Director/Land & Amenities, Railway Board
4	Licensing of Railway Land to Container Corporation of India limited for Setting up of ICDs etc.	L.no.2001/LML/13/55/Vol.III/ Dated 24/8/2005, Dy. Director/Land & Amenities, Railway Board
5	Licensing of Railway Land to Container Corporation of India limited for Setting up of ICDs etc.	L.no.2001/LML/13/55/Vol.III/ Dated 24/9/2003, Desk Office/Land & Amenities, Railway Board
6	Licensing of Railway Land to Container Corporation of India Limited .	L.No.88/LML/13/63,Dated 26/12/1994, Exec. Director/Land Management, Railway Board.
7	Licensing of Railway Land to Container Corporation of India Limited (CONCOR).	L.No.88/LML/13/63, Dated 25/9/1991, Commissioner,(Railways).
8	Licensing of Railway Land to Container Corporation of India Limited .	L.No.88/LM/L/13/63, Dated 13/3/1990,Ex.Director/Land Management, Railway Board.
Welfare Organisation, Kendriya Vidyalayas & Religious Buildings		
1	Revision of Nominal License Fee of Railway land Lease/License to Kendriya Vidyalayas. All other School & Welfare Organisation.	L.No.2002/LML/21/16, Dated 15/2/2006, Deputy Director/Land Management, Railway Board.
2	Extension of license for schools and religious institutions.	L.No. 2003/LML/21/20, Dated 29/9/2003, Director / Land & Amenities, Railway board
3	Revision of Nominal License Fee of Railway Land lease/License to Kendriya Vidyalaya. All other School & Welfare Organisation.	L.No.2002/LML/21/16,Dated 10/4/2003, Executive Director(DM),Railway Board.
4	Licensing of Railway Land to Welfare Organisation, private Schools etc. (Correction slip no.5 IRWM)	L.No.2001/LML/21/14, Dated 5/11/2001, Director (L&A),Railway Board.
5	Licensing of Railway Land To Kendriya Vidyalayas. All Other School & Welfare	Indian Railway Works Manual 2000 Para 824.

	Organisations.	
6	Licensing of Railway Land To Kendriya Vidyalayas	L.No.1990/LML/18/07 Dated 14/7/1992, Railway Board.
7	Revision of lease charges for land licensed to schools and welfare organisation.	L.No.1992/LML/21/04 Dated 11/5/1992, Railway Board.
8	Licensing of Railway Land for religious purposes	L.No.1984/W2/LML/18/159,Dated 21/5/1987, Railway Board.
Defence		
1	Licensing of Railway Land to Military Department.	Indian Railway Works Manual 2000 Para 823 & Engineering code Para 1029.
2	Standard Memo of Terms & conditions to be executed between the Ministry of railway and the Ministry of Defence regarding Defence	L.No.71/W1/WMT/8,Dated 27/6/1985 Joint Director, Civil engg. Railway Board.
3	Maintenance of Rail facilities, Siding Ramps, etc. Constructed on Defence Account.	L.No.77/Wi/WMT/3, Dated 10/1/1978, Executive Director Civil Engg.(G),Railway Board
Grow More Food		
1	Utilisation of vacant railway land for Grow More Food purpose by railway employees	L.No.2009/LML/16/3, Dated 16/7/2010,Director (Land & Amenities), Railway board.
2	Utilization of Railway Land for Grow More Food purpose.	L.No.98/LML/16/9, dated 3/7/2002, Director(Land & Amenities), Railway board.
3	Licensing of Railway Land to Railway employees for Cultivation purpose.	L.No.98/LML/16/9, Dated 26/2/2002, Advisor (Land & Amenities) Railway Board
4	Utilization of Railway Land for Grow More Food purposes	L.No.98/LML/16/9, Dated 13/4/2000, Ex. Director/Civil Engg.(G) Railway Board
5	Utilization of Railway land for Grow More Food purposes.	L.No.98/LML/16/9 dt.2/2000 Member Engg. Railway Board.
6	Afforestation on Railway land.	L.No.94/LM(LY)15/4,Dated 14/11/1994, Ex. Director (Land Management) Railway Board
7	Licensing of Railway Land to Railway Employees for Cultivation purposes.	L.No.94/LM(LY)16/8, dated 28/4/1992, Ex. Director (Land Management) Railway Board
8	Licensing of Railway Land Railway Land for Grow More Food Scheme	L.No.1967/0/4/pt.VIII/Land Dated 26/5/1987 General Manager/Engg.
9	Land Under Grow More Food	L.No.196-W/369-F IV/Land, Dated 24/7/1985, General Manager (Engg.) N.Rly
10	Policy in Regard to Surplus cultivable Railway Land on the Railways	75/W2/16/78,Dated 16/10/1984, Director Land Management, Railway Board.
11	Licensing of Railway Land for Grow More Food	L.no.196-W/0/4-V(W-Land),Dated 21/2/1969 General Manager (Engg.) N.Rly. New Delhi
Forest		
1	Declaration of Vegetation along with Railway Track as protected forest by Forest department	L.No.98/LML/15/14,Dated 18/10/2004, Ex.Director/L&A spl. Railway Board, New Delhi.
2	Afforestation of Railway land by forest Departments and related problems	L.No.98/LML/15/14 Dated 26/11/1998 Ex Director Land Management,Railway Board
3	Agreement for handing over Rly Land for a forestation purpose to the State Forest Departments	L.No.81/W/75/5, Dated 4/1984 Jt.Director/Land management, Railway Board
4	Management of Railway land	L.No. 18246-60 Dated 9/12/1980 Chief Conservator of Forests

		Punjab Chandigarh
5	Plantation of Tree along Railway Lines and station & Colonies etc.	L.No.59/W2/PL/12 Dated 14/7/1959, Director Civil Engg.Railway Board
6	Revenue Department (Forests) Notification	L.no.1122-Ft-58/1195,Dated 3/5/1958 Under Secretary to Govt of Punjab.
7	Protected Forests	Para 29 & 85A The Indian Forest Act 1927
Development of Automobile and Ancillary Hub		
1	Development of Automobile and Ancillary Hub	L.No.2009/TC(FM)/14/2 Dated 16/6/2010 Director Freight Marketing, Railway Board
RDLA		
1	Commercial Development of land by Railway land by RLDA-General Instructions to Railway	L.No.2008/LML/2/17 Dated 27-28/4/2009, Director/L&A, Railway Board
2	Commercial Development of Land By Railway Land Development Authority	D.O.No.2007/LML/2/8, Dated 6/11/2007, Member Engg. Railway Board
3	Rest House & Holiday Home Facility for Officers & Staff of Rail Land Development Authority	L.No.2005/LMB/3/34,Dated 18/1/2007, Director (Land & Amenities),Railway Board
4	Gazette Notification regarding Constitution of the Rail Land Development Authority	L.No.2008/LML/2/17, Dated 27-28/04/2009, Director/L&A, Railway Board
5	Gazette Notification of amendment to Railways Act for setting up of Rail Land Development Authority.	L.No.47 of 2005 (File No.2001/LML/02/46), Dated 16/9/2005, Railway Board
6	Identification of new Sites for Commercial Development of Railway Land/Air Space	L.No.05/LML/2/8, Dated 8/72005 Ex.Director (Land & Amenities), Railway Board
Change of Owner Ship		
1	Policy regarding Extension of plot of land Change of owner ship etc.	L.No.97/LML/18/67, Dated 26/7/2004, Director/Land Management, Railway Board
2	Policy regarding Extension of Plot of land change of Owner ship etc.	L.No.97/LML/18/67,Dated 25/6/1996, Deputy Director/Land Management, Railway Board
Shops		
1	License Fee for Railway Built Shops	L.No.2001/LML/18/31,Dated 26/4/2006 Director (Land & Amenities),Railway Board
2	Development of shopping complex through co-operative Societies	L.No.2002/LML/18/33, Dated 10/7/2002, 19/12/2002, Railway Board
3	Licensing of Built Shops Revision of License Fee	L.No.2001/LML/18/31, Dt. 16/10/2002, Director (Land & Amenities) Railway Board
4	Development of shopping Complex on Railway Land Powers regarding	L.No.2000/LML/18/33, Dated 8/2/2001, Ex. Director (Land Management),Railway Board
5	Licensing of Railway Land for shopping purposes	L.No.1983/W2/18/87,Dated 27/3/1989, Ex.Director, Land Management, Railway Board
Railway Mail Service		
1	Construction of RMS building under Deposit Scheme	L.No.43-W/O/Policy, Dated 19/7/1991, GM/Engg.N.Rly. New Delhi
2	Construction of RMS Building Under Deposit Scheme	196/W/0/I/IX/Land 28/8/87 Deputy GM/Engg.N.rly.New Delhi
3	Licensing of Railway Land for Government Department including P&T department for RMS building.	L.No.87/W/2/Lm/18/73, Dated 31/7/1987,Dy.Director/Cont.I., Railway Board
4	Construction of RMS Building Under	L.No.86/W2/3/33/Deposit

	Deposit Scheme	Work.Dated 22/6/1987,Ex.Director (LM)/Bld.Railway Board
5	Ambala Building for RMS	L.No.43-W/166,Dated 9/11/1984, Deputy GM/Engg. N.Rly.New Delhi
6	Construction of RMS works by the Indian Railway under Deposit Scheme	L.No.83/W2/3/48 Dated 30/4/1984 Dy.Director,Civil engg./G.Railway Board
7	Construction of RMS building by Indian Railway Under Deposit Scheme	L.No73/W2/3/8 Dated 18/8/1982 Add.Director, Civil Engg. Railway Board
8	Construction of RMS works by the Indian Railway Under Deposit Scheme	L.No.706/W/O/W/Policy, Dated 9/1981,DSE/C/FZR & 73W2/3/8 Pt.I dt. 20/8/81, Railway Board
9	Construction of RMS works by the Indian Railway under Deposit Scheme	L.No.43W/O/Policy, Dated 28/12/1979,GM/Engg. N.Rly.New Delhi
10	Matter Relating to the Const. Of RMS Buildings	L.No.229W/262 Pt.II. Dated 28/11/1979 GM/Engg. N.Rly. New Delhi
11	Construction of RMS Works by the Indian Railway Under Deposit Scheme	L.No.3W2/3/8, Dated 24/8/1979 Joint Director Civil Engg. Railway Board
12	Construction of RMS works by the Indian Railway Under Deposit Scheme	L.No.73W/2/3/8, Dated 2/2/1979 Director, Civil Engg., Railway Board
13	Revision of Basis of levy of Rent for RMS buildings	L.No.41-18/74-D/Prp. Dated 16/6/1976, Asstt.Director Geneal (lp)
14	Rent of RMS buildings	Para 1942, 1943 (Engg.Code 1999)
Siding		
1	Private Siding Agreement: Additional Clauses	L.No.2002/CE1/SP/1, Dt. 11/5/06 Ex.Director Civil Engineering (G), Railway board
2	Liberalization of siding Rules	L.No.99/TC(FM)26/1, Dt.13/3/06 Joint Director/Freight Mktg.Railway Board
3	Private Siding Agreement: Additional clauses	L.No.2002/CE1SP/1 Dt.28/2/06 Ex.Director Civil engg.(G), Railway Board
4	Revised Standard form of Agreement for private Sidings	L.No.2002/CE1/SP/1, Dated 12/7/2005 Ex.Director Civil Engg.(G) Railway Board
5	Liberalization of Siding Rules	L.No.99/TC(FM)26/1, Dated 31/3/2005 Joint Director/Freight Mktg. Railway Board
6	Survey & Const. Of Private Siding	L.No.2001/E&R/400/6, Dated 24/1/2005, Ex. Director (E&R), Railway Board
7	Levy of Charges	L.No.97/CE-1/SP/Misc.Dated 8/4/2004 Ex.Director Civil engg (G) Railway Board
8	Maintenance of Rail Facilities, Sidings, Ramps etc. Constructed on Defense Account	L.No.2003/CE-I/WMT/3, Dated 22/8/2003 Ex. Director Civil Engg.(G), Railway Board
9	Maintenance of Staff Cost of Signalling & Telecom Facilities	L.No.99/TC(FM)/26/1, Dated 11/3/2003, Director Freight Marketing Railway Board
10	Delay in submission of Completion Report of sidings.	L.No.96-Bc-AP-3.2.4/2000-2001, Dated 18/3/2003 Ex.Director Civil Engg.(G),Railway Board
11	Non Recovery of cost of Gateman Engaged at Level Xing in Pvt.Siding	L.No.2002/BC/AP/3.2.4/2000- 2001, Dated 7/11/2002

		Ex.Director, Civil engg.(G) Railway Board
12	Survey & Construction of Private Siding	L.No.2001/E&R/400/6, Dated 7/3/2002, Ex. Director (E&R),Railway Board
13	Correction slip no.1 Siding Matter	L.No.96/CE-I/SP/7, Dated 18/2/2002, Ex. Director, Civil Engg.(G),Railway Board
14	Compendium On siding Matter. Standing form of Agreement	L.no.96/Ce-I/Sp/7, Dated 18/2/2002, Jt.Director Traffic Comm.(Rates),Railway Board
15	Calculation of Chargeable Distance for siding working on Through distances basis	L.No.Tc-I/98/214/4, Dated 28/4/1999, Jt.Director Traffic Comm.(Rates),Railway Board
16	Execution of siding Agreements	L.No.98/CE.WMT/I, Dated 13/6/1998, Ex.Director,Civil Engg.(G),Railway Board
17	Maintenance of private sidings	L.No.90/CE-I/SP/38, Dated 22/4/1998, Ex.Director,Civil Engg.(G),Railway Board
Union Office		
1	Licensing of Railway land for construction of Union Offices	L.No.89/LM(L)/18/108, Dated 8/1/1992, Director, Land management,Railway Board
Plans		
1	Land acquisition documents and authenticated land downloads for new projects (new lines, guage conversion, doublings, yard remodelling etc.) Incorporating the clause in the opening documents for CRs sanction.	L.No.2001/LML/11/1 dated 14/6/2002, Director, Land & Amenities, Railway Board
2	Long lasting documentation of land records relating to disputes	L.No.200/LML/14/22 dated 21/1/2002, Director,L&A Railway board
3	Maintenance of upto-date and downloads and demarcation of land boundaries.	L.No.1982/W2/LML/19/5, Dated 22/12/1982 Additional Director, Civil Engg./G/Railway Board.
Cycle/Motor Cycle, Scooter, Car parking		
1	Cycle/Motor Cycle, Scooter, Car parking contracts (Commercial circular no.39 of 2004)	L.No.2004/TG/V/8/P Dated 29/10/2004, Director Traffic Commercial(G),Railway Board
2	Specimen Agreement	L.No.95/TGI8/P Dated 15/12/1995 of Railway Board
STD/PCD/ISD/FAX Internet booth		
1	Policy for fresh allotment of STD/PCO/ISD/FAX/Internet booths at Railway station (commercial circular no. 8 of 2004).	L.No.COI/TGI/V/10/PCO/Review Dated 14/5/2004, Executive Director Passenger Marketing, Railway Board
Commercial Publicity		
1	Rick coefficient for design of high rise hoardings along the railway track on Indian Railways.	L.No.2006/TGIV/39/18/SR/HT3 Dated 19/06/2006, Director Traffic Commercial(G), Railway Board
2	Sole right for Commercial Publicity (Commercial circular no. 36 of 2006).	L.No. 2005/TGIV/39/8/EOI, Dated 1/05/2006, Executive Director, passenger marketing, Railway Board
Miscellaneous		
1	National Policy on Resettlement & Rehabilitation (R&R) for Project Affected Families.	L.No.98/LML/12/23 Vol.II Dated 5/8/2005, Director (Land & Amenities), Railway Board
2	Relinquishment of Rly Land in Exchange from State Govt in Terms of Para 1045 of Engg Code 1993 Powers Sanction to General Managers	L.No.2001/LML/13/53, Dated 19/10/2004, Deputy Director/Land Management, Railway Board

3	Licensing of land- execution of written agreements with the licenses.	L.No.2004/LML/18/55, Dated 30/7/2004, Ex.Director/Land & Amenities, Railway Board
4	Leasing of Railway land to Govt. Departments – Power of Sanction to General Managers.	L.no.2001/LML/13/53, Dated 30/07/2003, Deputy Director, Land Management, Railway Board
5	Contingency charges for Relinquishment of land	L.No. 1990/LML/13/17, Dated 28/2/1991, Ex. Director, Land Management, Railway Board
6	Allotment of Railway land for Housing Societies.	L.No.1989/LML/13/64, Dated 27/12/1990, Ex.Director, land Management, Railway Board

Important Circulars (Railway land Policy) regarding Railway land given to

Government/Private parties for Way leave facilities.

	Way leave facility/long term leasing of Railway land.	2013/LML-II/13/53Dt. 3.12.13
	Granting of way leave facilities/easement rights-policy regarding.	2011/LML/24/44 Dt: 05.02.2013
	Permission to cross Railway land by Metro Railway Networks	2009/LML/24/42 Dt: 12.07.2010
	Permission to cross Railway land by Metro Railway Networks	2009/LML/24/42 Dt: 29.09.2009
	Erection of dish antennae and cable network for Direct to Home (DTH) services in Railways colony.	No.2000/LML/24/20 Dt: 29-Dec-06
	Issue of BS: guidelines on Pipeline crossing under Railway track (Report no.BS-105)	B&S Directorate RDSO, Lucknow October,2009.
2	Granting of Way leave Facilities/Easement Rights Policy.	L.No.97/LML/24/3 Dated 18/5/2005, Director(Land & Amenities) Railway Board.
3	Granting of Way Leave Facilities/Easement Rights- Recovery of Way leave charges from Department/MTNL/BSNL/VSNL.	L.No.97/LML/24/3 Dated 3/10/2002, Director(Land & Amenities),Railway Board.
4	Granting of Way Leave Facilities/Easement Rights-Policy regarding.	L.no.97/LML/24/3/Dated 30/7/2002, Director(Land & Amenities),Railway Board.
5	Granting of Way Leave Facilities/Easement Rights-Policy regarding.	L.No.97/LML/24/3/Dated 30/7/2002, Director(Land & Amenities),Railway Board.
6	Granting of Way Leave Facilities/Easement Rights-Policy regarding.	L.No.97/LML/24/3/ Dated 10/7/1998, Executive Director (Land & Amenities), Railway Board.

CABLE TV

1	Way leave Facilities for Underground Laying of Cables of Cable T.V.- Corrigendum.	L.No.2000/LML/24/20 Daed 11/12/2001, Director (Land & Amenities), Railway Board
2	Way leave Facilities for Underground Laying of Cables of Cable T.V	L.No.2000/LML/24/20 Daed 13/11/2001, Director (Land & Amenities), Railway Board
3	Laying of Cable T.V. Connections in Rly colonies & Licensing of building / Land there for	L.No.194/LML(B)/10/33- Policy Dated 7/7/1994, Executive Director/Land Management,Railway Board.

O F C

1	Permission of Laying Optic Fibre Cable Crossing under Railway Tracks.	L.No.2000/LML/24/20,Dated 16/8/2005, Director(Land & Amenities),Railway Board
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2	Permission of Laying Optic Fibre Cable Crossing under Railway Tracks.	L.No.2000/LML/24/20, Dated 17/2/2004, Director(Land & Amenities), Railway Board
3	Permission of Laying Optic Fibre Cable Crossing under Railway Tracks.	L.No.2001/LML/24/20, Dated 21/11/2002, Director(Land & Amenities), Railway Board
4	Permission for Laying O.F.C.Crossing Under Railway Tracks.	L.No.2001/LML/24/20, Dated 18/10/2001, Director(Land & Amenities), Railway Board
DTH		
1	Erection of dish Antennae & Cable Network for Direct to Home (DTH) Services in Railway colonies.	L.No.2000/LML/24/20, Dated 29/12/2006, Director (Land & Amenities), Railway Board

Important Circulars (Railway Policy) regarding ISSUE OF No objection certificate for construction of building near Railway land

	Issue of No Objection Certificate for construction/Re-development of Government and private building on land adjoining Railway Boundary.	L.No.2008/LML/19/17, Dated 16/02/2010, Director (Land & Amenities), Railway Board
	Construction of private building near Railway land	L.No.94/LML/14/22, Dated 29/8/1995, Ex. Director/Land Management, Railway Board

Important Circulars (Railway Policy) regarding plantation on Railway land

	Plantation on Railway land along Commercial lines.	L.No.94/LML/15/1, Dated 1/6/2004, Deputy Director, Land Management, Railway Board.
	Plantation on Railway Land along Commercial lines.	L.No.94/LML/15/1, dated 12/2/2004, Director, Land & amenities, Railway Board.
	Plantation on Railway Land along Commercial lines.	L.No.94/LML/15/1, dated 30/9/2003, Director, Land & amenities, Railway Board.
	Plantation on Railway Land along Commercial lines	L.No.94/LML/15/1, dated 20/2/2003, Adviser, Land & amenities, Railway Board.
	Plantation on Railway Land along Commercial lines/Draft model Agreement-reg.	L.No.94/LML/15/1, dated 8/3/2002, Director, Land & amenities, Railway Board.
	Progress of Jatropha Plantation on Railway Land	L.No.IROAF/CME-BD/RAILWAY, Dated 6/3/2009, CME/BD
	Processing of Jatropha seed	L.No.IROAF/M Land, Dated 17/2/2009, CME/BD
	Jatropha plantation along Railway track	L.No.2008/LML/15/1, Dated 10/10/2008, Director, Land & Amenities, Railway Board.
	Jatropha Plantation along Railway Track	L.No.2008/LML/15/1, Dated 10/10/2008, Director, Land & Amenities, Railway Board.
	Indian Railway Alternate Fuel	L.No.2005/L(M)101/2 (BG) Prt.(CNG) Dated 22/7/2008, Secretary, Railway Board
	Jatropha plantation on Railway Land	L.No.2005/LML/ME's/Inspection Notes, Director, Land & Amenities, Railways Board.
	Bio-Diesel	L.No.2002/Fuel/282/14, Dated 3/12/2003, Exec.Director Engineering (Traction)

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