

GOVERNMENT OF INDIA (BHARAT SARKAR)
MINISTRY OF RAILWAYS (RAIL MANTRALAYA)
(RAILWAY BOARD)

No. 94/LM(L)/14/22

New Delhi, dated 29.8.95

The General Manager,
All Indian Railways & Production Units.

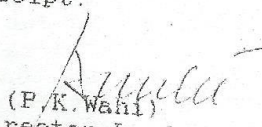
Sub: Construction of private buildings near Railway Land.

Cases have come to the notice of the Board wherein private parties have been denied the grant of a 'No Objection Certificate' for undertaking construction on their properties which adjoin the 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.

2. The construction of private buildings near the Railway land is governed by Para 3728 of the Indian Railway Way & Works Manual. The basic intention behind the stipulations of the Para is to safeguard Railway's interests in such a manner that no future encroachments take place, and there is no accrual of 'easement rights' such as right of way and right to discharge sullage & storm water, etc. on railway land over a period of time. Although it has been mentioned that an open space of approximately 30m between the railway land boundary and the nearest edge of the building (the exact space to be left being governed by the local conditions) should suffice, it is also stipulated that in cities & towns, where land is valuable, 'it is not expected of the land owner of a plot to leave a large vacant space between his building and the railway boundary'; and it is deemed that Railway's interests will be adequately safeguarded if sufficient vacant space is left so as to ensure development of any future road access and drainage outside the Railway land and to avoid requests for surrender of railway land for such facility at a future date.
3. Furthermore, the provisions of the Para 3728 of the Indian Railway Way & Works Manual are not meant to unnecessarily restrict the utilisation of the land adjoining railway land on the plea that such land may be required for future development of the Railway System. In case land is required by the Railway at a future date, it is only fair that the same is acquired after paying due compensation for the land and the built-up property thereon.

4. In view of the above and the fact that the land in the urban conglomerates has become very valuable, Board desire that the Railways should adopt a pragmatic approach and insist on only the barest possible distance between the Railway boundary and the edge of the proposed building. This minimum required distance can be ascertained by examining the building plans and ensuring that the layout of the building is of a type which will not result into accrual of the various 'easement rights' as mentioned in para-2 above.

Please acknowledge receipt.


(P.K. Wahi)
Executive Director Land Management

General Manager (Vig.)
Hajipur

March 28, 2014.

No. ECR/Vig./Policy/02

**Principal Chief Engineer,
East Central Railway,
Hajipur.**

Sub: Improving vigilance administration by leveraging technology: Increasing transparency through effective use of websites in discharge of regulatory, enforcement and other functions of Govt. Organizations.

- Ref: (i) SDGM/ECR's letter no. ECR/Vig./Policy/02 dated 20.10.11
(ii) Director Vigilance(M)/Rly. Board's letter no 2006/V-1/CVC/1/11 dated 13.03.2014.

List of 25 items to be put-up on website for increasing transparency has been circulated to all PHODs/CHODs vide letter referred (i) above. Board, vide letter at (ii) above, have added item no. 26 in the list having four sub items as indicated below:-

- (i) Issue of NOC regarding construction of private structure over the private land, adjacent to Railway boundary within 30 meters from Railway boundary.
- (ii) Crossing of overhead ET lines across track.
- (iii) Laying of telephone cables, electrical cables across track.
- (iv) Laying of water/drainage pipeline crossing Railway track, through culverts and bridges.

It is requested that complete information regarding the law, rules and procedure governing the above items as well as status of individual application are placed on website by 15.04.14 positively, target fixed by Board.

A confirmation to this effect should be sent to this office by 20.04.14 so that compliance is reported to Board.

(J.K.Verma)
Sr.Dy.General Manager

Copy for information and necessary action to:-

1. CEE & CSTE
2. DRMs/ECR- DHN, MGS, DNR, SEE & SPJ.

277-10284
28.3.14
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महाप्रबन्धक (प्रशासन) कार्यालय
पूर्व-मध्य रेल, हाजीपुर
नवे बोर्ड का पत्र दिनांक 30/4/14

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
RAILWAY BOARD

(211)

New Delhi, 24.04.14



General Manager,
All Indian Railways, PUs, CORE,
Metro, Kolkata.
Director General, RDSO, Lucknow.
Director General, NAIR, Vadodara.
Chief Commissioner of Railway Safety,
16, Ashok Road, Lucknow.

Sub:- Indian Railway Engineering code - Para 1033.

Advance Correction slip No. 47 to the above mentioned para of the Railway Engineering Code (Revised Edition 2012) are sent herewith for information and guidance.

(Ramesh Kumar)
Director/Land and Amenities
Railway Board

DA: as above.

No.97/LML/24/3

New Delhi, 24.04.14

Copy together with one copy each of the correction slip no.47 is forwarded to:

1. The Principal Director of Audit, All Indian Railways.
2. The Deputy Comptroller & Auditor General of Indian Railways, Room No.224, Rail Bhawan, New Delhi.

DA: as above.

(Ramesh Kumar)
Director/Land and Amenities
Railway Board

No. 97/LML/24/3 dated 24.5.14

Sr.DBN/Co-ord
DPM, DMR, MES
SEERSPJ
per information please

- Copy to:
- i. All Board Members, Additional Members, Advisors and EDs.
 - ii. Code Revision Cell of Railway Board.
 - iii. Director, IRICEN, Pune.
 - iv. Director, IRIEEN, Nasik
 - v. Director, IRISSET, Secunderabad.
 - vi. Director, IRIMEE, Jamalpur.
 - vii. Director, IRITM, Vill. Kanausi, Manik Nagar, Lucknow.
 - viii. All Directorates of Rly. Board.
 - ix. PCEs, CAOs, FA & CAOs of All Indian Railways and Chief Engineers for Production Units.
 - x. Accounts-III Branch Railway Board (with 10 spare copies).

E.C. Rly,
Hajipur

Hindi version will follow.

मोसुई

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re

Matter pertains to
Way Leave Facilities.
CGE may like to deal.
3/5/14
CGE

1. See.
2. Circulate to all divs for information
6/5/14

1033: WAY LEAVE FACILITIES/EASEMENT RIGHTS

1. 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.
2. 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. Such works include crossings, passages, drains, water courses etc. Apart from these, requests are often received for provision of way leave/easement on railway land in the form of passage/access to private houses and establishments, underground pipelines for water supply and sewerage, electrical and telecommunications lines, etc. In many cases, these are unavoidable in view of the very nature and extent of the railway alignment.
3. Such 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:-
 - i) Non-availability of any other means of access to properties/houses;
 - ii) Non-feasibility of provision of water supply, electricity, sewerage, etc. from any other direction.
4. 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. To avoid any misunderstanding on this score, the agreement should not use terms like 'Licence' and 'Licence fee', but only 'permission' and 'way leave charges'. 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 such a 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.
5. 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. Railways are advised to deal these cases in strict compliance to instructions contained above mentioned letter. In case of oblique crossing, unavoidable and bare minimum railway land parallel to the track should be used.

6. The following rates as revised from time to time may be levied for way leave/ easement rights on railway land:-

I. a) Passage/pathway on/across railway land (up to 1m. wide) for pedestrians, cyclists etc.	One time recovery of Rs. 6400/- (Way leave agreement for 35 years renewable for another 35 years)
b) Water pipeline xing for cultivation by individual farmers.	One time recovery of Rs. 12800/- (Way leave agreement for 35 years renewable for another 35 years)
c) Electric lines xing for individual houses shops, etc. (both underground and overhead).	-do
d) Water/ sewage pipelines xings for individual upto 300 mm dia.	-do
e) Electrical crossings by State Electricity Boards & Central Agencies.	-do
f) 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.	Rs. 6000/- p.a upto two lane road crossing two tracks and Rs. 12,000/- p.a in case the Bridge is wider than two lane and/or crossing more than two tracks.
II. a) Passage/road for vehicles, scooters etc. (i.e. between 1m. to 3m. wide) by individuals, housing societies, private firms, organizations etc.	6% of the market value of land p.a. subject to a minimum of Rs. 5000/- p.a.
b) Public roads by local bodies/State Govt./ Govt. & Autonomous bodies, charitable/welfare organisations.	6% of the market value of land p.a. subject to a minimum of Rs. 10000/- p.a.
c) Underground water/ sewage/ effluent pipelines.	-do
d) Underground/overhead electrical crossing other than covered under 1(c) above, and other than for Cable TV/OFC.	-do
III. a) Open drains and overground water/sewage/oil/ gas/effluents pipelines by private parties (including Public Sector Undertakings).	10% of the market value of land p.a. subject to a minimum of Rs. 20000/- p.a.
b) Underground Oil/gas/ pipelines	-do

IV. Underground/overhead cables and alignments including track crossings in favour of Department of Telecommunications/ Bharat Sanchar Nigam Limited/ Mahanagar Telephone Nigam Limited/Videsh Sanchar Nigam Limited. This includes laying of Optic Fibre Cable(OFC).

6% of the market value of land per annum subject to a minimum of Rs.10,000/- per annum per crossing.

Optic Fibre Cable:

- a) 6% of the market value of land per annum subject to a minimum of Rs.10,000/- per annum per crossing.
- b) For purpose of laying OFC along the length of bridge, 6% of market value of land in approaches, subject to a minimum of Rs.25,000/- per annum per bridge, would be charged. In addition, an amount of Rs.100. per metre for the length of cable under the bridge would also be recovered as bridge surcharge.
- c) For the purpose of laying OFC through ROBs, 6% of market value of land in approaches, subject to a minimum of Rs.10,000/- per annum per crossing through ROB would be charged.

Note – (i) In cases of I(a) to (e), and II(a), the length of land involved normally should not exceed 50 m.

7. 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 nature.

8. 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.

9. For calculating these charges, in the case of Electrical crossings, the width of land may be decided in consultation with Divisional Electrical Engineer locally.

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

11. Regarding facilities specified in Paras 6.I(f), 6.II to 6.IV, it has been decided that 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.

12. In all the above cases of way leave facilities (except ROB/RUBs, and underground pipelines), no construction (whether permanent, quasi permanent or temporary), other than a kuchcha or pucca road in cases the facility is expressly given for the same, is to be permitted on railway land. If any construction comes up subsequently, the same should be immediately removed as soon as noticed, and the way leave facility discontinued with.

13. In view of the large number of cases involved, decision for granting way leave facilities may be taken by the D.R.M (without any further redelegation) in consultation with Divisional Associate Finance. Way leave facilities involving stretch of railway land more than 100 Metres, can be permitted only by the General Manager in consultations with the FA&CAO.

14.(a) All way leave proposals should be processed by the Sr.DEN(Co-ord) 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. 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.

(b) 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 favour 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.

15. In all cases of way leave facility granted, proper agreement should be executed. The agreement should provide for revision of way leave charges from time to time.

16. 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. by granting such permission. Suitable clause securing Railways' financial interests may be provided in the agreement to be executed with the party, whenever necessary.

17. Provisions of para 6.I (a) to (e) shall be applied prospectively i.e. for fresh cases. Cases already decided shall be continued with earlier provisions. However, one time recovery as per present guidelines can be applied in old cases too if the other party accords consent to the same. Fresh agreement needs to be executed in such cases.

18. The calculation of annual increase should be on the basis of the actual way leave charge and not on the minimum charge specified in Paras from 6.II to 6.IV.

19. In case such proposals envisage crossing of track in the form of road, pipelines etc., the extant rules and procedures relating to safety, provision of level crossings, pipeline crossings, etc. will govern and the provisions of this para would be limited to the use of railway land only.

(Authority Board's letters No.97/LML/24/3 dated. 27.11.2001, 3.10.2002 18.05.2005, 16.11.2005, No.2001/LML/24/20 dated 16.08.2005 & No.2011/LML/24/44 dated 05.02.2013).

CE/W

04/8/13
 प्रसादन (प्रसादन) कार्यालय
 पूर्व-मध्य रेल, हाजीपुर
 रेलवे बोर्ड का पत्र क्रमांक 02/08/13
 दिनांक 02/08/13

GOVERNMENT OF INDIA
 MINISTRY OF RAILWAYS
 (RAILWAY BOARD)



103

No.2011/LMB/14/64

New Delhi, Dt. 26.07.2013

The General Manager
 All Zonal Railways/PUs
 E.C. Railway, Hajipur

The Director/RDSO
 Lucknow.

Sub: Construction of Boundary walls on Railway land.

Ref:- Railway Board letter No.91/LMB/3/82/Pt. dated 26.08.1992.

PCE ✓ Indian Railways has been facing greater challenges as far as custody and management of land is concerned in the light of the following-

i) Railway land is vulnerable to trespass. Encroachments on Railway land in urban areas have increase posing greater challenges to safety and security on train services as also creating hindrance on capacity enhancement works. Further, it has become increasingly difficult to remove such encroachments due to various social and political reasons.

ii) There is a nuisance of open defecation on Railway tracks in urban areas and non-provision of civic Amenities by local authorities. Keeping in view the provisions in the Bill on Eradication of Manual Scavenging under consideration in the Parliament, it is incumbent on the Railways to take mitigating measures to check open defecation.

iii) The land is costly in urban areas specially in metros and big cities and, therefore, needs to be protected.

2. To address the above challenges, Board desire that Railways may take necessary action for providing in a phased and planned manner:

- RCC boundary walls in Metros/ Major cities where land value is high.
- Fencing (steel/ barbed wire) or masonry walls in vulnerable urban areas and
- Multiple rows of plantation on remaining land boundary.

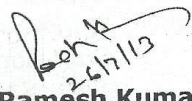
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 05/08/13
 EAST CENTRAL RAILWAY
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पत्र भेजें

3. Instructions for construction of boundary walls along the Railway land boundary already exist. Such works are to be done under "Revenue" as already communicated vide Board's letters of even number dated 25.11.2009 and 91/LMB/3/82/Pt. dated 26.08.1992. Wherever quantum of work involved is heavy and large commitment of funds is involved, the expenditure should be against the "Plan-heads" after sanction of works.

4. Railway may also examine the option of private investment in lieu of advertisements on the boundary walls.

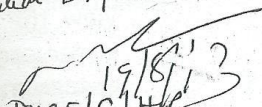
This issues with the concurrence of Finance Directorate in the Ministry of Railways.


(Ramesh Kumar)
Director (Land & Amenities)
Railway Board

NO: N-6/340/37 Circular/Pt. 607
Dated 19 Aug 2013

Sr DEN/ Co-od
DHN, DNR,
MAS, SEZ & SPJ

For information & action please


19/8/13
DYCE/9/HJP

CGE

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

(Cdr) Mansel

No. 91/LM(B)/3/82/Pt.

New Delhi, dt. 26-8-92.

General Managers,
All Indian Railways
&
Production UnitsSub: Construction boundary wall for checking
encroachments.

In the Chief Engineers' conference held recently in Board's office, it was pointed out by some Chief Engineers that they have not received a copy of Board's letter No. 91/LM(B)/3/82 dated 10.3.92 vide which Railways have been intimated that expenditure incurred on construction of boundary wall for checking encroachments will be charged to revenue.

In view of this, a copy of Board's above letter is enclosed for information and necessary action.

(V. K. Gupta)

Director, Land Management
Railway Board

Copy of Board's letter No. 91/Let(B)/3/82 dated 10.3.92
regarding construction of boundary wall in encroachment-prone
area issued in reference to Eastern Railway's D.O. letter
No. 401/225/1 dated 25.9.91.

The case sent by Eastern Railway vide their letter
referred to above seeking Board's opinion as to what head
of account the expenditure incurred on the construction of
boundary wall to prevent encroachment on Railway land,
should be charged, has been considered in detail. In this
regard, it is advised that as the expenditure incurred on
construction of boundary wall is for the maintenance of railway
assets, i.e., railway land, such expenditure may be charged
to Revenue.

2. This issues with the concurrence of Finance Directorate
in the Ministry of Railways.
