

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS

(RAILWAY BOARD)
प्रधान कार्यालय उप.रेलवे, जयपुर
New Delhi, dated 25.06.2015
03 AUG 2015
मुख्य अभि./मु.पु.अभि./मु.यो.एवं प्रावक.अभि./
मुख्य अभि./ट्रेक मशीन/मुख्य अभि./
क सप्लाय/मु.सा.अभि./
प्र.गु.अभि.

No. 2015/LML-I/19/2

General Manager
All Zonal Railways.

Principal Chief Engineer
All Zonal Railways.

Sub.: Procedure for issue of 'No Objection Certificate' for construction/ redevelopment of Government and private building on land adjoining railway boundary.

Ref.: Railway Board's letter No.2008/LML/19/17 dated 16.2.2010 and No.94/LM(L)/14/22 dated 29.8.95.

The construction of Government and private buildings near the railway land is governed by para 827 of the Indian Railways Works Manual (IRWM). The basic intention behind the stipulations of the para is to safeguard Railway's interest in such a manner that no future encroachments take place and there is no accrual of easement right such as, Right of Way, Right to discharge sullage and storm water, etc. on railway land over a period of time. Although, it has been mentioned that an open space of approximately 30 metres between the Railway land boundary and the nearest edge of the building (the exact space to be left being governed by the local conditions) be suffice, it is also stipulated that in cities and 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 interest 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 request for surrender of railway land for such facility at future date. The duties and role of railway officials regarding dealing with utilisation of land as adjoining the railway land boundary have been clearly defined in para 827 of IRWM 2000.

2.0 Railways NOC is required for construction of building within 30 metres from railway boundary as per para 827 of IRWM. Instructions with regard to issue of "No Objection Certificate" (NOC) for construction/ redevelopment of Government and private building on land adjoining railway boundary have been issued vide above referred letters. It is observed that Railways are following different procedure and in some zonal railways too much time is taken in granting NOC. Hence a need is felt to streamline the

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procedure. The Party be asked to submit the following documents along with request letter duly forwarded by State Government/ Local authority to the concerned Divisional office.

- a) Clear title of land in favour of applicant supported by all related documents
- b) Detailed drawing of the building showing complete layout (including height, width and length).
- c) Structural stability certificate by a Civil/Structural Engineer.

3.0 After receipt of request, the site verification is to be done by the field units. Field officials should check and certify the width of railway land and distance of plots from railway boundary. Rail level, ground level, etc. shall be taken. Sufficient open space be left between Railway boundary and nearest edge of building to ensure that it will not result into accrual of various easement rights as mentioned in para 1.0 above. 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.

4.0 A drawing showing all the aspects as mentioned in para 3.0 above and other aspects like drainage arrangements, access arrangement to building, height, length, width of building and distance between Railway boundary & nearest edge of building be prepared, which will be jointly signed by all concerned.

5.0 On receipt of verification from the field units, further scrutiny of the request is to be done in the division. The proposal may also be got verified, if required, from construction units to confirm that the land is not under acquisition.

6.0 The proposal of NOC duly approved by DRM should be sent to headquarters. The plan should be signed by CE/G (or SAG officer dealing with the subject in headquarters) in token of his approval. After approval of CE/G (or the SAG officer dealing with the subject in headquarters), one copy of the plan be kept in HQ for record and the original plan be returned to the Division for issuing the NOC.

7.0 Whenever a NOC application is received in railway, the case should be thoroughly examined duly verifying the site conditions and taking into consideration factors such as safety to trains, land boundaries, disposal arrangements for waste, road

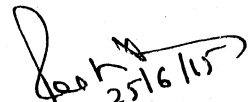
availability etc. Disposal of wastes such as sewage & Sullage water and disposal from septic tank should be away from the railway land.

8.0 The total 60 days is the time limit for granting NOC. Railway should keep a continuous watch on construction along the railway boundary and ensure that no construction is allowed without railway's NOC. A data base of NOC cases shall be maintained by the railways.

9.0 As regards compliance of provisions of development control regulations or other rules issued by State Government/ Local authorities in this regard, it is for the State Government/ Local authority to examine and ensure compliance of the same. The provisions of IRWM 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 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 thereof.*

10.0 In case of high rise buildings/ buildings with basements, where deep digging is involved in close proximity to Railway track, Railway should examine the drawings and construction methodology and ensure that under no circumstances safety of Railway track is affected during or after construction. If necessary, Railway may stipulate site supervision/ inspection, etc., by Railway official during construction stage as well as inspection during lifetime of the building to ensure that building/basements do not affect the safety of trains.

Please acknowledge receipt of the letter.


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

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.

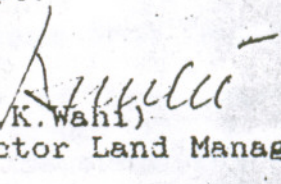
The construction of private buildings near the Railway land is governed by Para 3728 of the Indian Railway Way & Works Manual. The basic intention behind the stipulations of the Para is to safeguard Railway's interests in such a manner that no future encroachments take place, and there is no accrual 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 facilities 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.

The construction of private buildings near 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 facilities at a future date.

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