

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

No. 2001/LML/21/14

New Delhi, dt. 5.11.01

As Correction Slip No.5

Addressed to:-

As per list attached.

Sub: Licensing of railway land to Welfare Organisation, private schools etc.

The existing Para 824 of Indian Railway Works manual, 2000 may be substituted by the following:

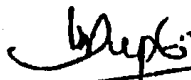
824 Licensing of Railway Land to Welfare Organisations, Private Schools etc.

- (a) For railway land licensed to temple committees, Railway Co-operative stores/Co-operative societies, handicrafts centres and other welfare organisations, a nominal fee as per extant rules should be recovered. Such proposals duly concurred by F.A. & C.A.O. and recommended by the General Manager would require the prior sanction of Railway Board
- (b) The licensing of railway land to all schools (Govt./Private) will require prior sanction of the Railway Board.
- (i) Kendriya Vidyalayas can be provided surplus land/ accommodation purely as a welfare measure at nominal licence fee decided by Railway Board from time to time. Similarly, surplus land can be licensed to State Govt.s for opening new school by the State Govt.s for benefit of children of railway employees at nominal licence fee.
- (ii) 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 sparable, may also be licensed to privately run schools on payment of annual licence fee @ 6% of the present market value of land. In such cases, licence agreements entered into with these organisations should provide for some direct control of the Railway over the functioning of such organisations including their financial affairs. Railways should also insist that the managing committees of such organisations comprise of some members of railway staff, or railways' nominated representatives. The school should obtain railway's approval to any charges/fees/membership fees etc. proposed to be levied by them. Likewise, Railway may stipulate preference in admission of children/wards of railway staff in such institutions to the extent of 75% of their intake. No compensation shall be

payable for any structures on railway land, in case Railway decides to terminate agreement for violations of conditions or for any other reason whatsoever. Such proposals should be duly approved by CPO (with regard to need, capacity of school required for railway children after taking account of the existing facilities etc.) and concurred by F.A. & C.A.O. and recommended by the General Manager.

(c) The period of lease for Railway land in such cases should not exceed 30 years. In the case of railway land leased to Kendriya Vidyalaya, the lease period may be 99 years.

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


(DESH RAFAN GUPTA) 1/11/21
Director/Land & Amenities
Railway Board

○ (l) In case of locosheds/workshops, concerned (nominated) departmental supervisor (e.g. Section Engineer (C&W) for coach manufacture depots etc.) along with RPF Inspector shall be jointly responsible”.

35. Sub-paras (f), (g) and (h) in para 815 should now be read as (g), (h) and (i) respectively.

36. The new para 815(g) (earlier para 815(f)) should be replaced with the following:

“While instructions contained in this para (a) to (d) would generally apply, it would be desirable to nominate Traffic, Commercial, Engineering officials as in-charges of specified areas at medium and large sized stations to keep a watch on encroachments and take appropriate action for immediate removal”.

37. The new para 815 (h) (earlier para 815(g))should be replaced with the following:

“Whenever encroachments are taken up under PPE Act, the concerned officials from Engineering(including workshops Supervisors), Commercial, Traffic or Security departments, as the case may be, would act as the Presenting Officer, and proactively help in expeditious finalisation of the proceedings. Adequate training may be provided by IRICEN/Pune 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 cases of encroachments. Course contents may include case histories and various relevant court judgements on the appeals against the orders of Estate Officers”.

38. In new para 815(i) (earlier para 815(h), the term “render all help” should be replaced with the term “play a proactive role”, for the full para to be read as “RPF should play a proactive role in removal of soft encroachments as and when existence of such encroachments is brought to their notice. They should also provide assistance in co-operation with State Police/GRP where cases have been decided by the Estate Officers”.

39. New Paras 815-A and 815-B should be added to the Manual to read as follows:

“815-A Action to be taken while handing/taking over of charge by Supervisors.
(a) 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)s’ charge. 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, Electrical and Security departments.

(b) 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 officers/authorities as specified in paragraph 814(b) 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.

815-B. Liability for D&AR action. It is imperative on the part of 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".

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

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(DESH RATAN GUPTA)
Director(Land & Amenities)
Railway Board

New Delhi, dt. 21.12.01

No. 98/LML/14/156

Copy to:

1. ADAI(Rly.s), New Delhi.
2. The Director of Audit, All Indian Railways.

23. Heading of para 814 should be modified to read as "Prevention and Removal of Encroachments".

24. Para 814 (b) should be replaced with the following:

"When an encroachment is in the process of building up, it should be removed then and there. In case the new encroachment is sought to be built by force, the Section Engineer will immediately contact his AEN and DEN, the Security Officers(RPF) of the Railway, the Civil and Police officers of the District(directly or through AEN/DEN) in writing as well as by personal contacts without loss of time to ensure that the new encroachment is not allowed to come. The Station Master, Chief Goods Clerk, RPF Inspector, and other Section Engineers also will be equally responsible for taking similar action in their areas of responsibility as per para 815 of the Manual. Headquarters Office should also be contacted without loss of time if necessary.

The Section Engineer/Section Engineer of workshop concerned/Station Master/Chief Goods Clerk will call on the gangmen, khalasis to dismantle and remove the encroachment as soon as noticed. If during such process of removal of the encroachment the official(s) as stated above is (are) threatened, an FIR should be lodged with the RPF and simultaneously assistance of RPF Inspector be sought. The RPF Inspector will provide the manpower and other required assistance to the officials for immediate removal of the encroachments, and simultaneously lodge FIR with GRP, Civil Police as the case may be.

Senior Officers on the Divisions as mentioned above should guide the subordinate officials in doing their best to deal with the situation. Simultaneously, if the ground situation so requires the senior officers should contact their counterparts of similar rank/authority in the Civil and Police Departments of the State Govt. and seek their help to deal with the situation. The senior officers of the Division should also contact the concerned officers in the Headquarters and seek their intervention in the matter as necessary.

The officers in the Headquarters should contact their counterparts in the Civil and Police Depts. of the State Govt. and request that required civil assistance be made available by them to the Railway officials.

As specified above, a well-coordinated efforts should be made by officers/officials of different capacities and jurisdiction to achieve the ultimate objective that the encroachments are removed/dismantled within the shortest possible time."

25. In Para 814(c) wherever the term "Section Engineer (Works)" appears shall be replaced with the term "Section Engineer (Works/P.Way)".
26. In Para 814 (e) the last sentence "A copy of encroachment plan should be handed over by the AEN to SMs/RPF inspectors (where Section Engineer (Works) is not headquartered)" should be read as "A copy of encroachment plan should be handed over by the Section Engineer(Works/P.Way) to SMs/RPF Inspectors/Workshops Supervisors in charge etc."
27. The number '814' appearing to denote Para 814(f) should be treated as deleted.
28. In Para 814(f) the sub-paras (a) to (d) should be read as sub-paras (i) to (iv) respectively.
29. Sub-para 814(f)(e) should be read as sub-para 814(g).
30. In the heading of the new sub-para 814(g)(earlier para 814(f)(e)) the word 'interaction' should be read as 'inter alia'.

31. Para 815(a) should be replaced with the following:

"At stations, the Station Master, jointly with nominated/senior RPF Inspector, will be responsible for preventing encroachments and for driving out trespassers by obtaining help also from RPF, Police and Section Engineer (Works/P.Way) as necessary".

32. Para 815(b) should be replaced with the following:

"In the goods shed, the Chief Goods Clerk wherever available and at other places the Station Master, jointly with RPF Inspector, will be responsible for preventing encroachments and for driving out trespassers also with the help of RPF, Police and Section Engineer (Works) as necessary".

33. Para 815(d) should be replaced with the following:

"Whenever an encroachment incipient or otherwise is noticed in the station area, the Station Master/Chief Goods Clerk should take immediate action to have it removed. Assistance from the RPF and Engineering staff should be taken as necessary".

34. Sub-para (f) should be added to para 815 to read as follows:

"Final land plans, after mutation entries are carried out, should be sent to the Chief Engineer's office for safe custody and record. Copies of final land plans should be made and kept in the Divisional and field offices for use of DENs, AENs, and Section Engineers (Works/P.Way)."

13. Para 807(f) should be replaced with the following :

"In case of Construction Projects involving land acquisition, it will be the responsibility of the Construction Engineers to hand over the land acquired, free of all encroachments and alongwith all records specified below, to the Open line Engineers :-

- (i) Land Records Register (Table 8.1) duly filled in; and
- (ii) The original papers viz. the notifications, awards, certificates of handing over and taking over of land and final land plan and schedule signed by the Collector, separately bound together.

14. In para 808, the letter 'a)' to denote a sub-para should be treated as deleted.

15. In para 808 (v), the phrase 'one-fifth of a kilometer (200 meters)' should be read as '50(Fifty) meters'.

16. Para 811 (iii) (b) should be read as "Plantation of Juli Flora or similarly effective bushes in the area".

17. Para 812(b) should be treated as deleted since the contents of this para is covered in Para 806(d). The first and the second paras of Para 812(c) should be re-numbered as Para 812(b) and Para 812(c) respectively.

18. The heading of para 813 should be read as "Verification of Land Boundaries and Encroachments".

19. ~~Para 813 (b)~~ should be replaced with the following:

"The Section Engineer (Works/P. Way) is responsible for maintaining railway land within the jurisdictions defined in paras hereinafter, without any encroachments or development of easement rights. He should prevent and remove encroachments, as and when these arise and where removal of encroachment is possible without taking recourse to PPE Act. Particular care is required to prevent encroachment on railway land situated above tunnels and below bridges especially Road over/ Under bridges.

In cases where the Section Engineer (Works/P. Way), Station Master, Chief Goods Clerk, Carriage & Wagon Inspector, RPF Inspector, and other concerned Inspectors are not able to remove the encroachments on railway land within their respective areas of responsibility as defined in para 815

hereinafter, they should report the case to the Assistant Engineer/Divisional Engineer/Divisional Commercial Manager/Senior Divisional Engineer/ Senior Divisional Commercial Manager and concerned Departmental officer in charge in case of workshop/sheds)/ Divisional Security Commissioner as well as the Superintendent of Police/ Divisional Commissioner, and other Civil authorities verbally as well as in writing for further action."

20. In para 813(d), in the formats of Land Boundaries Verification Certificate and Details of Missing Boundary stone the term "PWI/IOW" should be read as Section Engineer (P.Way/Works).

21. In para 813(d), the format of Details of Encroachments should be replaced with the following format:

Details of encroachments

| Station premises/colony/mid section | Location | | Rly. employee/outside persons/others | Soft/hard | Area in Sq.m. | Value of land approx. | | Approx. period since encroachment existing | Purpose: Personal/Commercial/religious/Social other | Action taken to remove | Remarks |
|-------------------------------------|-------------------------|--------------------------------|--------------------------------------|-----------|---------------|-----------------------|--|--|---|------------------------|---------|
| | KM/EM Station (from-to) | Reference to encroachment plan | | | | Value | Basis market rate/notified rate/Rough assessment | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |

22. In para 813(d), the format of Details of Missing Boundary Stones should be replaced with the following format:

Details of missing boundary stones

| Date of inspection | location | Description of missing boundary stones | | Action taken | Initials of inspecting officers | Remarks |
|--------------------|----------|--|--------------------|--------------|---------------------------------|---------|
| 1 | 2 | Km | Boundary stone No. | 5 | 6 | 7 |
| | | 3. | 4 | | | |