

**JOINT PROCEDURE ORDER IN REGARD TO PREVENTION AND
REMOVAL OF ENCROACHMENTS ON RAILWAY LAND OVER NORTHERN
RAILWAY**

(This supersedes the Joint Procedure Order issued earlier vide letter No. 195-W/O/Pt.IX/Land dated 21.11.1995)

1. The encroachments over railway land cause hindrance to Railway working and put considerable pressure on civic amenities meant for bonafide passengers and railway staff. Therefore, old encroachments shall be removed expeditiously and no fresh encroachments shall be permitted to come up on Railway land. However, to ensure that directives given here under are implementable, the Railway land and premises should be demarcated in visible and intelligible manner and a map of this should be given to authorities who report the encroachments and take action. These will be prepared and supplied by concerned Engineering officials.

2. Types of Encroachments:-

Old encroachments shall be categorised as under:-

- (a) Category - 'A':- Encroachment of hard type by the outsider e.g. construction of temporary or permanent structures for housing, commercial or other purposes.
- (b) Category - 'B':- Encroachment of soft type by outsiders e.g. unauthorised Way leave facilities such as doors opening into railway area, access from railway land, drainage into railway area, throwing refuse onto railway land, use of railway land for cattle, dung etc.
- (c) Category - 'C':- Encroachment by Railway staff in the form of temporary constructions etc.
- (d) Category - 'D':- Encroachment by railway staff who have been allotted railway accommodation, by way of addition/alteration to the structures, unauthorised cultivation of land etc.

Note: Category 'A' encroachment is of the hard type and category 'B', 'C' & 'D' encroachments are of soft types.

3. REPORTING OF ENCROACHMENTS

Responsibility for reporting of new encroachments will be as follows:-

- 3.1 Within station premises (i) Station Manager/Station Master Incharge of

Including Goods Sheds

Station. He will advise such cases through numbered control message to MTS/Engineering Control through SCNL.

- (ii) Goods Supervisor, wherever posted, for Goods shed area.
- (iii) SSE/Works will provide approved plan/diagram of Station Premises indicating clearly Railway boundaries to S.M./GS.

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Within the colony premises (i)

At the Hd. Qrs. of (Sr) Section Engineer (Works) :- Sr. Section Engineer (Works) Incharge.

- (ii) At the non-Hd.qrs. station of (Sr) Section Engineer (Works), wherever RPF Inspector is available :- RPF Inspector.

- (iii) At other colonies :- (Sr) Section Engineer (Works) Incharge.

3.3 In between stations - (Sr) Section Engineer (P. Way) Incharge.

3.4 In areas other than (i), (ii) & - (Sr) Section Engineer (Works)
(iii) above.

4. REMOVAL OF ENCROACHMENTS.

4.1 NEW ENCROACHMENTS AND TRESSPASSING.

4.1.1 Immediate action should be taken to stop the encroachment by SSF (Works)/SSE(P.Way)/Station Manager/.Station Master/Chief Goods Supervisor/RPF Inspector 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.

4.1.2 Wherever persuasion by the Railway authorities does not yield any result the concerned railway officials as per Para 3 would make all efforts to stop the construction even by use of Police force as per law, if necessary. He will report the matter to concerned (Sr.) Section Engineer (Works) Incharge through control message/special messenger.

4.1.3 On receipt of an intimation for new encroachment, Section Engineer (Works) shall remove the encroachments under section 147 of Indian Railway Act 1989 within seven days time. He shall be assisted by the concerned SM, Goods Supervisor (Goods shed and station premises), RPF Inspector, and other staff available at the station.

The RPF Inspector/Official in-charge of the area will provide full assistance to the SSE(Works)/SSE(P.Way). He shall arrange for extra force, if necessary, from the Divisional Security Commissioner or the local Officer-in-Charge of the Police station and provide augmented police assistance. In station and Goods sheds premises, SM/GS shall also provide full assistance to the SSE(Works)/SSE(P.Way).

4.2 OLD ENCROACHMENTS

4.2.1 Old encroachments (Category 'A') shall be removed as per procedure laid down under PPE Act, 1971. As soon as the decision is given by the court of Estate Officer, the SSE(Works) shall take suitable steps in removing the encroachments as per the order of the court. He shall be assisted by the concerned SM (Goods shed and Station premises) and RPF Inspector. The DSC/ASC/RPF Inspectors incharge of post will coordinate with local police officers for assistance.

4.2.2 Soft encroachments and trespassing (Category 'B') shall be removed without recourse to the PPE Act, 1971. These encroachments shall be removed under Section 147 of Indian Railway Act, 1989.

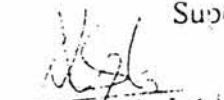
4.2.3 In case of any encroachments by the railway employees (Category 'C' & 'D'), D&AR action shall be taken by the Controlling Officers. Simultaneously, SSE (Works) shall remove such encroachment and cost of removal shall be advised to the Controlling Officer for recovery through salary of the employee.

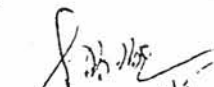
5. MONITORING OF ENCROACHMENTS

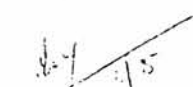
5.1 Details of encroachments shall be maintained in a register by (Sr) Section Engineer (Works) for item No. 3.1, 3.2 & 3.4 above and by (Sr) Section Engineer (P.Way) for item No. 3.3 above. Once the encroachment is entered in the encroachment register, the entries should not be discontinued unless and until the encroachment is removed. Minimum frequency of inspection of encroachment shall be once in a month for Headquarters area of SSE(Works)/SSE(P.Way) and once in three months for other areas.

5.2 Division should maintain a up-to-date list of existing encroachments which shall be updated monthly. Every year, Division should submit the updated list to Hd.qrs.

5.3 A joint field check on existing encroachments shall be part of Handing over/Taking over charge of the (Sr.) Section Engineer(Works) and Sr. Section Engineer (P.Way). This should be followed by joint signing of the list of encroachment in the jurisdiction. The fact that these steps have been completed, should be specifically mentioned in the Handing Over Note of the outgoing Supervisor.


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

to. 98/LML/14/7

New Delhi, Dt 31.3.98

The General Managers,
All Indian Railways.

(Mentoring Production Unit)

Sub: Notes taken during presentation to the Board - Encroachment on Railway Land-Prevention and removal thereof.

Board have expressed concern about the growing menace of encroachment of Railway land. Instructions have been issued from time to time. So far the instruction issued were primarily aimed at laying down jurisdiction of the Railway Officials, maintenance and annual updating of the land records and classification of the encroachment. Various instructions issued over the period are listed in the annexure "A".

2. Thus, in the past the stress has been a generalised one without determination of its importance of the encroachment for the Railway working. For instance the encroachment in metropolitan and important towns near the station and along the track are not only a safety hazard but also affect developmental works which are already sanctioned or likely to be sanctioned in near future. The problem gets multiplied in these places if the same is not checked in time. The encroachment elsewhere though are equally important, but their removal as and when the Railway land is required to be got vacated from safety consideration/developmental purpose, may not pose the same amount of problems as in metropolitan cities/ major towns.

3. In this background, Board considers an ABC analysis of the encroachment on the Railway land needs to be done immediately. Railways should segregate number of encroachment at each station in various categories of stations as defined for passenger amenities in letter No. 91/LM/D/22/175 dated 18.5.95 (relevant extract at annexure "B").

4. The encroachment at "A" category stations should be monitored at the General Manager's level. At "B" category stations these should be monitored at the DRM's level. The remaining may be monitored at the branch officers level. This will help in focussing attention for removal of encroachment at key locations on priority. Railways may also include more locations for moni-

ring the General Manager/DRM level depending upon the location of the encroachment and its importance as regards to commercial value of property and its impact on the Railway working.

5. A six monthly progress report should be sent to Railway Board for "A" category stations as per the annexure "C" and for "B" category stations it should be reviewed at G.M.S level.

6. In Metropolitan, towns at places, even multilayered encroachments have come up. They pose serious danger to the safety of train operation as well as of the encroachers. A survey of all such encroachment should be carried out immediately and action plans drawn to remove/shift these encroachments. Details should also be sent to Railway Board of this survey by 31.5.98.

Kindly acknowledged receipt.


(V.K. AGARWAL)
26/3/98
Exec. Dir./Land Management.
o/c Railway Board.

D.A. as above.

Copy to:

- Officer on Spl. Duty,
- East-Coast Zone, Bhubaneswar
- North-Central Zone, Allahabad.
- East-Central Zone, Hajipur.
- North-Western Zone, Jaipur.
- South-Western, Zone, Bangalore.
- West-Central Zone, Jabalpur.

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ISSUED (D) BRANCH
ISSUED
Signature
Date

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ISSUED (D) BRANCH
ISSUED
Signature
Date

S.No.	Railway Board's instructions regarding	Letter date
1.	<u>Definition of encroachment:</u> (i) Soft type (ii) Hard type and removal thereof. Survey of encroachments etc.	No.80, .. dated 26.9.77
2.	Responsibility/Jurisdiction of Railway officers- S.S./Engg. and Commercial staff etc.	-do- and No.80/W2/14/ O dated 12.3.91
3.	Removal/Prevention of encroachments- progress reports to be sent to Board's office. etc.	No.80/W2/14/O dated 10.6.87
4.	Maintenance of Land boundaries verification register.	No.84/W2/LM/19/ 2 dated 28.3.85.
5.	Assistance of RPF staff for protecting Rly. land and other matters	No.85/W2/LM/18/ 62 dated 12.6.85 and No.93/Sec. Spl/200/4 dt. 8.7.93
6.	Action against encroachments by Railway staff- Action under DAR to be taken	No.90/LML/14/34 dated 9.3.90.
7.	Construction/repair of boundary walls	No.80/W2/14/O/A dated 11.12.96.

Extracts of Board's letter No. 94/LN(E)/2/175 dated 10.5.95 addressed to General Managers, All Indian Railways.

Sub: Perspective Plan for Provision of Passengers Amenities at Stations.

0 CLASSIFICATION OF STATIONS

Stations shall be classified in the following categories:-

1 Category "A"

- (i) Stations serving State Capitals
- (ii) Non-Suburban Stations with a annual passenger earning of Rs. 6 crore and above
- (iii) Divisional and Zonal Railway Headquarters

2 Category "B"

- (i) Non-Suburban Stations with annual passenger earning between Rs. 3 and Rs. 6 crore.
- (ii) Stations serving places of Tourists interest and having a very significant tourist traffic.
- (iii) Junction Stations

3 Category "C"

- (i) Non-Suburban Stations with passenger earnings between Rs. 1 and Rs. 3 crore.
- (ii) District Headquarters
- (iii) Stations of local importance to be classified by the Railway

Contd.....2.

4.4 Category "D"

- (i) Suburban Stations

4.5 Category "E"

- (i) Other wayside Stations not covered in category "A" to "D", above.

by

ANNEXURE - 'C'

HALF YEARLY PROGRESS REPORT OF EVICTIONS CASES FOR 'A' CATEGORY STATION/ & OTHER IMPORTANT STATIONS MONITORING LEVEL.

NAME OF STATION	DIVISION	TOTAL NO. AT THE BEGINNING OF THE YEAR 'A' TYPE ENCROACHMENT	NO. AT THE END OF HALF YEAR	NO. OF EVICTION CASES FILED IN THE COURT OF ESTATE OFFICER	NO. OF CASES DECIDED IN THE COURT OF ESTATE OFFICER
1	2	3	4	5	6

NO. OF CASES STILL TO BE FILED IN THE COURT OF ESTATE OFFICER	NO. OF ENCROACHMENTS REMOVED DURING THE SIX MONTH PERIOD	REMARKS
7	8	9

JOINT INSPECTION REPORT

ANNEXURE-II

STATION:

DATE OF INSPECTION:

Km From To

Officials responsible: S.No.

Name/Designation

- 1.
- 2.
- 3.

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 in the following format:

Location (Km/TP etc)	Reference to encroachment plan	Encroacher* – Employee/outsider	Soft/Hard	Area In Sq.m.	Period since existing	Action taken to remove	Remarks

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).

* Name, Designation and department of employee, and/or details of outsider

Section Engineer (Works / P. Way) SM SE(Elect) RPF Inspector/Official Any other official