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S No 28

NORTHERN RAILWAY

HEADQUARTERS OFFICE
BARODA HOUSE, NEW DELHI.

No. 195-W/O/Pt.XII/Land

4 DEC 2001

Dated: 24.12.2001.

The Divisional Railway Manager,
Northern Railway,
ALLAHABAD, BIKANER, DELHI, FIROZPUR,
JODHPUR, LUCKNOW, MORADABAD & AMBALA.

Sub: Joint procedure order in regard to prevention and removal of encroachments on Railway land over Northern Railway.

Land Circular No. 903 in connection with detection, prevention and removal of encroachments on railway land is sent herewith for your information and necessary action please. The circular has been jointly signed by Chief Engineer, Chief Security Commissioner, Chief Commercial Manager, Chief Mechanical Engineer and Chief Electrical Engineer. Divisions should give it wide publicity and should ensure its full implementation at an early date. This supersedes Land Circular No. 901 issued vide this office letter No. 195-W/O/Pt.XII/Land dated 15.5.2001.

DA/As above.

(V.K. JAIN)

Chief Engineer/General

Copy to:-

CE, CCM, CME, CEE & CSC, N.Rly. Baroda House New Delhi for information please.

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

LAND CIRCULAR NO. 903

**PROCEDURE ORDER FOR DETECTION, PREVENTION & REMOVAL OF
ENCROACHMENTS ON NORTHERN RAILWAY 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 of the IRWM (2000 edition), which are to be strictly followed.

1.2 DEMARCATON 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) and paras 808-811 (i) of IRWM (2000 edition) 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 Performa may be followed by each sectional Section Engineer (Works) showing the details of encroachments as under:-

Details of encroachments.

Section _____ Divn. _____ Sub-Divn _____ HQ _____

Station premises/ colony/ mid section	Location		Rly. employee/ outsiders 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/E M Station (from- to)	Reference to encroachment plan				Value	Basis market rate/no notified rate/R ough assessment				
1	2	3	4	5	6	7	8	9	10	11	12

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 alongwith 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 seniormost 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 seniormost 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
(vi) In/around workshops	Lies jointly with the nominated Section Engineer (of the department to which the workshop belongs) of the Workshops 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 The officials specified in para 3.1 should take immediate action 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 sub-section (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 TRESSPASSING

As mentioned earlier, the main responsibility for preventing fresh encroachment/trespassing shall be with the RPF Inspector incharge 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.

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 court of the Estate Officer gives the decision, 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.

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 (Annexure - I) 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 Annexure - II. 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

(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). 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.

- (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 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.



CHIEF ENGINEER



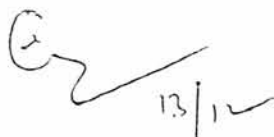
CHIEF SECURITY COMMISSIONER



CHIEF COMMERCIAL MANAGER



CHIEF MECHANICAL ENGINEER



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CHIEF ELECTRICAL ENGINEER