

S.No. 170
(50)

No. 197-W/O/Pt.III/Land

Dated 28.12.2001.

LAND CIRCULAR NO. 904**PROCEDURE ORDER REGARDING WAY LEAVE FACILITIES FOR
UNDER GROUND LAYING OF CABLES OF CABLE TV**

Railway Board has delegated the power for granting way leave facilities to Divisional Railway Manager (without any further re-delegation) in consultation with divisional associate finance.

Following procedure should be adopted for the same:-

1. Way Leave charges:-

- 1.1 Cables crossing Railway tracks within Metro City limits is Rs. 6000/- per annum, and additional supervision charges @ Rs. 5000/- per annum per single track crossing and @ Rs. 3000/- per annum for each additional track crossing.
- 1.2 Cables crossing Railway tracks outside Metro city limits is Rs. 300 /- per annum, and additional supervision charges as specified in Para 1.1. above.
- 1.3 Cables laid parallel to the track or on Railway land involving no crossing of tracks Rs. 50/- (fifty) per Meters per annum. The length of cable parallel to track should not exceed 500 metres.

2. Terms and conditions covering the proposal

- 2.1 The length of tracks crossing involved normally should not exceed 50 meters.
- 2.2 The diameter of pipes for laying underground should not be more than 300 mm.
- 2.3 Cables within Railway colonies meant to serve railway men are treated as welfare activity for which no way leave charges need be levied.
- 2.4 Way leave charges and maintenance charges should be collected for 03 (three) years in advance alongwith one-year charges as security deposit.
- 2.5 Over ground laying of cables either across or parallel to the tracks should not be permitted.

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3. **Guidelines for execution of agreement**

- 3.1 The facility may be allowed after execution of proper agreement.
- 3.2 It may be noted that the land is not licensed, but only permission granted for a limited use, which is to be specified in detail in the agreement.
- 3.3 The agreement should not use terms like 'Licence' and 'Licence fee' but only, permission and way leave charges.
- 3.4 The agreement should also clearly stipulated that the Railway administration retains full rights to enter up on, pass through or use the land, at any time without any notice to the party.
- 3.5 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, not 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.
4. No construction (whether permanent, quasi permanent or temporary) 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.
5. All way leave proposals should be processed by the DSE/Co.ord at the divisional 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.
6. In all cases of way leave facility granted, proper agreement should be executed. The agreement should invariably provide for revision of way leave charges from time to time.
7. **Monitoring of way leave charges**
 - 7.1 Division should maintain an up-to-date detail of existing way leave cases, which shall be up dated half yearly. Every year Division should submit the up dated detail of granted way leave facility cases and levy of requisites charges to Headquarters.

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**Chief Engineer/General
Northern Railway/HQ
New Delhi.**