

27/8/14

from
20/7/2014

ONLINE APPLICATION FORM
(FOR WAY LEAVE/EASEMENT RIGHT)

Date: /

/2014

1) Applied to : DRM/Engg.
Division
Railway

2) Purpose: ☐

1. Water Supply
2. Drainage/Sewerage
3. ROB/RUB/Road Passage
4. Electric Cable
 - I) Underground
 - II) Overhead

5. Gas/Oil pipeline
6. OFC Cable including Telecom cable
7. TV Cables
8. Effluent pipe line
9. Culvert/Box
10. Others (To be specified)

3) Applicant: (i) Individual

Name, Address & Contact No.

(ii) Central Govt. Deptt:

i) Name (or Authorised signatory for other than individual):

(iii) State Govt. Deptt:

ii) Designation (or Authorised signatory for other than individual):

(iv) PSU

iii) Address:

(a) PSU Central Govt.

iv) Contact No. (Mobile & Land Line):

(b) PSU State Govt.

v) Email id:

(v) Local Body:

(vi) Private company/firm:

(vii) Welfare Organization:

(viii) Charitable Organization:

(ix) Housing Society:

(x) Autonomous body:

(xi) State Electricity Board:

(xii) State Electricity Distribution Company:

4) Location :

- (i) Between Stations: and
(ii) Railway KM/TP : and
(iii) a) Revenue Village
b) Tehsil:
c) District:

d)State:

- 5) **Detail of Crossing :**
- (i) Pipeline
 - (a) Carrier pipe (Type & size):
 - (b) Casing pipe (Type & size):
 - (ii) ROB
 - (a) Length in railway land:
 - (b) Number of Lanes:
 - (iii) RUB
 - (a) Length in railway land:
 - (b) Number of Lanes:
 - (iv) Culvert/Box:
 - (a) Length in railway land:
 - (b) Size:

6) **Rough Sketch :**

(To be enclosed with hard copy of application showing details of crossing).

- 7) **Draft agreement** ☐ Complete Draft Agreement Linked
(Signed copy to be enclosed with application)

- 8) **Registration Fee (Rs.2,000/-):** ☐
(Original to be enclosed with the application)

A)DD/Banker's Cheque:

i) No.:

ii) Date:

iii) Issuing Bank:

iv) In favour of Sr. DFM:

B) MR :

i) No.:

ii) Date:

iii) Name of station where deposited:

Note:

1. Duly filled Application form should be downloaded, signed and enclosing a copy of rough sketch and draft agreement duly signed (on each page) by the applicant should be sent to DRM/Engg. of the Division within one week of online registration by speed post / registered post.
2. The formal registration will be done after receipt of duly signed application form.
3. Application form without rough sketch, draft agreement duly signed by applicant (on each page) and registration fee shall be considered incomplete and be summarily rejected.
4. The demand draft (DD) should be prepared in favour of Senior Divisional Finance Manager of the concerned Division payable at the divisional head-quarter's station.

(Signature of the Applicant)

Seal (in case other than
Individual applicant)

Date:

**GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
RAILWAY BOARD**

No. 97/LML/24/3

New Delhi, dt. 27.11.2001

The General Managers,
All Indian Railways & Production Units.

Sub: Granting of way leave facilities/easement rights - Policy regarding.

The policy regarding grant of way leave facilities/easement rights has been laid down in Board's letter of even number dt. 10.7.98 read with letters dt. 8.12.98 and 7.1.99. In pursuance of suggestions received from various Zonal Railways it has now been decided that in supersession of all the instructions issued earlier on the subject, the guidelines as laid down below should be followed in the matter of granting way leave facilities /easement rights on railway land.

2. Sections 16 and 17 of the Railways Act, 1989 enjoin upon the Railways to make and maintain specified works for the accommodation of the owners and occupiers of the lands adjoining the railway, for the purpose of making good any interruptions caused by the railway to the use of the lands through which the railway is made. Such works include crossings, passages, drains, water courses etc. Apart from these, requests are often received for provision of way leave/easement on railway land in the form of passage/access to private houses and establishments, underground pipelines for water supply and sewerage, electrical and telecommunication lines, etc. In many cases, these are unavoidable in view of the very nature and extent of the railway alignment.

3. Requests for granting way leave facilities /easement rights, therefore, need to be considered with due regard to the circumstances of each case. Some such illustrative circumstances include:-

- i) Non-availability of any other means of access to properties/houses;
- ii) Non-feasibility of provision of water supply, electricity, sewerages, etc. from any other direction.

4. By its very definition, way leave facility/easement right on railway land involves occasional or limited use of land by a party for a specified purpose like passage etc., without conferring upon the party any right of possession or occupation of the land and without in any way affecting the Railways' title, possession, control and use of the land.

5. In genuine and unavoidable cases, way leave facility/easement right may be allowed after execution of proper agreements. 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. To avoid any misunderstanding on this score, the agreement

should not use terms like 'Licence' and 'Licence fee', but only 'permission' and 'way leave charges'. The agreement should also clearly stipulate that the Railway Administration retains full rights to enter upon, pass through or use the land, at any time, without any notice to the party. In the event of the way leave facility being discontinued with, the Railway will neither be liable to pay any compensation or reimburse any amount to the party, nor 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.

6. The following rates may be levied for way leave facilities/easement rights on railway land:-

I. a) Passage/pathway on/across railway land (up to 1m. wide) for pedestrians, cyclists etc.	One time recovery of Rs. 6400/- (Way leave agreement for 35 years renewable for another 35 years)
b) Water pipeline xing for cultivation by individual farmers.	One time recovery of Rs. 12800/- (Way leave agreement for 35 years renewable for another 35 years)
c) Electric lines xing for individual houses shops, etc. (both underground and overhead).	-do-
d) Water/ sewage pipelines xings for individual upto 300 mm dia.	-do-
e) Electrical crossings by State Electricity Boards & Central Agencies.	-do-
f) In case of ROB/RUB which are undertaken on deposit terms and do not involve closure of level crossing----for the portion of ROB/RUB lying over/below the Railway track as the case may be, and also new level crossings.	Rs. 6000/-p.a upto two lane road crossing two tracks and Rs. 12,000/- p.a in case the Bridge is wider than two lane and/or crossing more than two tracks.
II. a) Passage/road for vehicles, scooters etc. (i.e. between 1m. to 3m. wide) by individuals, housing societies, private firms, organisations etc.	6% of the market value of land p.a. subject to a minimum of Rs. 5000/- p.a.
b) Public roads by local bodies/State Govt./Govt. & Autonomous bodies, charitable/welfare organisations.	6% of the market value of land p.a. subject to a minimum of Rs. 10000/- p.a.
c) Underground water/sewage/effluent pipelines.	-do-
d) Underground/overhead electrical crossing other than covered under 1(c) above, and other than for Cable TV/OFC.	-do-

III. a) Open drains and overground water/sewage/oil/gas/effluents pipelines by private parties (including Public Sector Undertakings).	10% of the market value of land p.a. subject to a minimum of Rs. 20000/- p.a.
b) Underground Oil /gas/pipelines.	-do-
IV. Underground/overhead cables and alignments including track crossings in favour of Department of Telecommunications/Bharat Sanchar Nigam Limited/Mahanagar Telephone Nigam Limited/Videsh Sanchar Nigam Limited. This includes laying of Optic Fibre Cable(OFC).	6% of the market value of land per annum subject to a minimum of Rs.10,000/- per annum per crossing.

Note – (i) In cases of I(a) to (e), and II(a), the length of land involved normally should not exceed 50 m.

(ii) In case of OFC crossings, all the terms and conditions, and broad guidelines specified in Board's policy circular No.2001/LML/24/20, dated 18.10.2001 as amended from time to time, would be applicable.

7. Openings of any kind into Railway land/air space should not be permitted. This includes drops and sprouts from buildings, supports for buildings, wires, poles and other such needs of permanent nature.

8. Any proposal for passage/roads for width more than 3 m. should be treated under licensing as per extant circulars on the subject of licensing.

9. For calculating these charges, in the case of Electrical crossings, the width of land may be decided in consultation with Divisional Electrical Engineer locally.

10. In case of any crossing, minimum width of land is to be taken as 1m for the purpose of assessment of way leave charges.

11. Regarding facilities specified in Paras 6.I(f), 6.II and 6.III, it has been decided that these charges shall be payable in advance in block of 10 years. Discounting of future cash inflows at prevailing interest rates announced by RBI for Govt. Securities would be permissible. While calculating the advance equivalent to 10 years annual charges, annual increase of 7% in land value would be assumed. Adjustments needed because of variation vis-a-vis actual increase as per rates notified by local development authority or as obtained from District Collector, would be carried out at the time of payment of the installment of way leave charges for the next 10 years.

12. In all the above cases of way leave facilities (except ROB/RUBs, and underground pipelines), no construction (whether permanent, quasi permanent or temporary), other than a kuchcha or pucca road in cases the facility is expressly given for the same, 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.

13. In view of the large number of cases involved, decision for granting way leave facilities may be taken by the D.R.M (without any further redelegation) in consultation with Divisional Associate Finance. Way leave facilities involving stretch of railway land more than 100 metres, can be permitted only by the General Manager in consultations with the FA&CAO.

14. (a) All way leave proposals should be processed by the Sr.DEN(Co-ord) at the Divisional level, and the Chief Engineer at the Headquarters 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.

(b) Way leave permission in respect of open drainage and surface/overhead pipelines should be allowed only in unavoidable cases. In any case, fresh permission for this in favour of private parties should not be given. All efforts may also be made to have the existing open drainage and surface/overhead pipelines replaced by underground installations at the earliest.

15. In all cases of way leave facility granted, proper agreement should be executed. The agreement should provide for revision of way leave charges from time to time in all cases other than the facilities listed at paras 6.I (a) to (e).

16. Provisions of para 6.I (a) to (e) shall be applied prospectively i.e. for fresh cases. Cases already decided shall be continued with earlier provisions. However, one time recovery as per present guidelines can be applied in old cases too if the other party accords consent to the same. Fresh agreement needs to be executed in such cases.

17. The calculation of annual increase should be on the basis of the actual way leave charge and not on the minimum charge specified in Paras from 6.I (f) to 6.III.

18. In case such proposals envisage crossing of track—in the form of road, pipelines etc., the extant rules and procedures relating to safety, provision of level crossings, pipeline crossings, etc. will govern and the provisions of this circular would be limited to the use of railway land only.

19. These instructions will be effective from the date of issue.

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

21. Hindi version will follow.



GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No. 2005/LML/18/8

New Delhi, dt. 10.02.2005

The General Managers,
All Indian Railways & Productions Units

Sub: Policy on licensing of railway land for commercial plots etc. (Master Circular)

Ref: Board's letter No. 83/W2/LM/18/87 dt. 29.8.1995

Policy guidelines for commercial licensing of Railway land last issued vide Board's letter No. 83/W2/LM/18/87 dated 29.8.1995 in super-session of the earlier policy directives, have been amended from time to time. With a view to bring all such policy instructions under one umbrella, it has been decided to issue a Master Circular combining all the instructions issued so far on the subject. Henceforth, Railways should quote only the present letter for any further reference.

New Delhi, dt. 10.02.2005

2.0 General

2.1 Leasing of land is not permitted except in cases where it is specifically approved by the Railway Board. Lands for the purpose of commercial use should be given on licensing basis only. In this connection, Board's letter No. 82/W2/LM/18/116 dt. 22.11.1982 may please be referred to.

2.2 Temporary licensing of railway land to private individuals for the purpose of setting up shops, commercial offices, vending stalls, clinics etc. not connected with the Railway working was stopped in terms of Board's letter No. W2/18/10/A dt. 7.6.1984. This ban will continue. In exceptional cases, where such licensing may have to be done with the prior approval of the Board, licence fee must be fixed by resorting to public auction/open tenders for getting the maximum revenue.

2.3 Licensing of ordinary commercial plots connected with Railway working as indicated in para-3 below will be done with the personal approval of General Manager in consultation with FA&CAO. The periodical review may, however, be approved by DRM on the recommendation of Committee of Divisional Heads of Engineering, Commercial and Finance Departments.

2.4 Licenses of existing licencees, not connected with the Railway working as mentioned in Para 3 (f) below may, however, be renewed from time to time so

2.5 Temporary licensing of railway land to private individuals for the purpose of setting up shops, commercial offices, vending stalls, clinics etc. not connected with the Railway working was stopped in terms of Board's letter No. W2/18/10/A dt. 7.6.1984. This ban will continue. In exceptional cases, where such licensing may have to be done with the prior approval of the Board, licence fee must be fixed by resorting to public auction/open tenders for getting the maximum revenue.



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long as the land is not required by Railway for its own purpose but on new terms and conditions indicated in this letter.

2.5 In each case of licensing, proper agreement must be executed between the Railway Administration and the licensee before the licensee is given possession of the land/plot. This must be strictly followed and for any violation of these instructions, the official handing over land before the execution of agreement, shall be held personally responsible by the Railway Administration.

3. Rates of licence fee

3.1 Licence fee of plots will continue to be fixed as a percentage of the land value, determined as per the procedure detailed in para-5 below. The percentage applicable w.e.f 1.4.04 to various types of plots will be as under:

Item No.	Types of Plots	Annual Licence Fee as a Percentage of Land Value
(a)	Railway related activities such as City Booking offices, Out Agencies etc.	6%
(b)	Ordinary Commercial Plots - without structures	6%
(c)	Ordinary Commercial Plots - with temporary structures for stacking/storing	
	(i) Covered area	(i) 7 1/2%
	(ii) Open area	(ii) 6%
(d)	Steel Yards / Coal Dumps, Bulk Oil Installations etc.	7 1/2%
(e)	Land used to lay private sidings	8%
(f)	Shops / Retail Depots etc.	10%

4.0 Formation of a Standing Committee

4.1 A Standing Committee of three HODs will be set up at the Headquarters of each Zonal Railway and other Railway Units. The Standing Committee consisting of CE, CCM and FAS&AO shall examine fresh cases connected with railway working as indicated in Para 3 (a) to (e) and submit its recommendations to G.M. for approval.

4.2 The periodical review will, however, be done by DRM on the recommendations of Divisional Heads of Engineering, Commercial and Finance Departments. The Committee will review annually whether the traffic commitments by the licensees of the commercial plots have actually materialised

and in case of any deviation, initiate suitable corrective action including de-
ing and vacation as necessary.

5.0 Fixing of land value

5.1 A market value would however, be required to be taken to serve as a base value for working out rental fee payable. This shall be fixed on the basis of the land value of the surrounding area as on 1.1.1985, as determined from the Revenue Authorities and/or from the following:

- (a) Evaluation of Town Planning Department;
- (b) Actuals as per PWD and CPWD transactions;
- (c) Actual Transactions, as per documents filed in the Office of the Sub-Registrar;
- Value of land as assessed by professional evaluators of the State and Central Governments;

5.2 The land value as worked out shall be increased every year on the 1st of April, starting from 1.4.1986, at the rate of 10% over the previous year's land value to arrive at the land value for the following year based on which the annual licence fee shall be fixed. From 1.4.2004 onwards, the land value shall be increased at the rate of 7% every year over the previous year's value.

5.3 However, for fresh cases of licensing of plots, for any purpose(s) defined in Para 3.1 (a) to (e) above, the licence fee shall be fixed after obtaining the current value of land. In very rare cases where it is not possible to obtain the current cost (reasons for which should be brought on record), the updated cost based on 1.1.1985 land price should be adopted.

However, for the Metropolitan towns of Mumbai, Kolkata, Delhi, and Chennai if the HODs' Committee feel that the land rates are widely varying within the City, two or more rates can be utilised for that city. Using this method, arrears of collection of license fee on this account should not be allowed to accumulate.

6.0 Minimum licence fee

6.1 The minimum licence fee in respect of plots covered under this letter should be Rs. 1000/- per annum. For the purpose of determining the minimum license fee, the maximum size of a plot shall be taken as 100 sq. metres. For instance, in case licensing of a plot measuring 250 sq. metres is involved, the minimum license fee chargeable shall be relevant to three plots of 100 sq.m metres each and will work out to Rs. 3000 per annum.

7.0 Revision of licence fee

7.1 As the notional land value will increase by 7% over the previous year's land value as mentioned in Para 5.2 above, the licence fee will automatically go up by 7% over the previous year's fee from the first of April every year. Suitable provisions, with the Schedule of payment due, may be incorporated in the Agreement.

7-3
7.2 The termination/renewal date of the Agreement should always be the end of the Financial year so that there is no confusion and a better watch is kept on renewals.

8.0 Powers of licensing and renewal

8.1 Fresh cases of licensing of plots connected with Railway working and mentioned at (a) to (e) of Para 3 above will be approved by GM, on recommendation of the HOD's Committee. As regards plots mentioned at (f) of Para 3 viz. shops, retail oil depots etc. as already stated, the existing ban on fresh licensing for purposes unconnected with Railway working, will continue. Renewal of licences of railway land not connected with Railway working given under para 3 (f) can be done at G.M.'s level with Finance concurrence.

9.0 Security Deposit and Liquidated Damages

9.1 Instructions contained in para 1025, 1026 and 1027 of the Indian Railways Code for the Engineering Department (1999 Edition) should continue to be strictly followed and any violation of these instructions should be viewed seriously.

10.0 Settlement of pending cases:

10.1 The revised instruction would become effective with effect from 1.4.2004. It has also been decided to withdraw the retrospective effect of orders dated 29.8.1995. Thus, the orders of August 1995 would be made applicable for the period 1995-96 onwards and not for the earlier period i.e. from 1-4-1986 to 31-3-1995. Any recovery already effected for the period between 1-4-1986 to 31-3-1995 need not be refunded in cash but should be adjusted against future payments due from the concerned party. Arrears of land licence fee may be recovered in easy instalments.

10.2 In cases pending in Courts of Law, the Law Officer of the Railway should be consulted before arriving at a settlement.

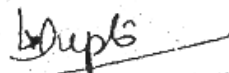
11.0 Having included their provisions in the master circular, the earlier circulars on the subject Nos.

- i 83/W2/LM/18/87 dt. 24.3.04
- ii 83/W2/LM/18/87 dt. 29.8.95
- iii 83/W2/LM/18/87 (Vol. II) dt. 14.3.01
- iv 83/LML/18/87 (Vol. II) dt. 5.11.01
- v 83/W2/LM/18/87 (Vol. II) dt. 28.4.04

vi 01/LML/18/58 dated 23.9.02, stand withdrawn.

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

Please acknowledge receipt.

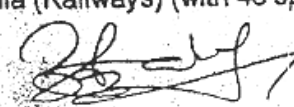

(DESH RATAN GUPTA)
Director (Land & Amenities)
Railway Board.

No. 2005/LML/18/8

New Delhi, Dated 10-02-05.

Copy forwarded for information to (i) FA&CAO, all Indian Railways and Production Units.

(ii) Deputy Comptroller and Auditor General of India (Railways) (with 46 spares).


For Financial Commissioner / Railways

Copy to EDTC@,
Branches, Railway Board.

EDFC@,

FC

and

F(X)

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22/5/05

SOUTHERN RAILWAY

Headquarters Office,
Works Branch,
Chennai-3.

W.277/P/Way leave Vol.III

Dated: 22-2-2005.

DRM/W/MAS, PGT, TVC, TPJ & MDU.

Sub: Land for formation of road – Request by Panchayats and
Other local bodies– reg.

In one case recently, when a Panchayat requested for permission for laying a road on railway land for public use, the division concerned has readily agreed and advised the Panchayat the amount of money to be paid by them treating the case as a way - leave request. Roads on railway land are not way - leave requests and cannot be treated similar to track crossings, as such requirements are arising due to developments outside the railway limits and mostly on account of improper planning by the Panchayats /Local bodies themselves. In addition, the Railway's requirements of land for future developments can be decided only through a proper study by the Planning and Operating departments at headquarters. Hence requests for road on railway land cannot be considered normally and divisions should not agree to such requests at their end.

Similar to such way - leave permission cases, NOC requests/ licensing cases are recommended by the divisions without serious scrutiny which is leading the Railways into problems connected with developments at Doubling/ Gauge Conversion stages.

Henceforth, it is directed that if a Panchayat/ Local body or VIP is asking for permission to lay a road on railway land, the division should not commit anything to the party directly. Division should advise the party that the proposal will be considered by the Railway headquarters office and forward the request with details, including a sketch and division's views if any, to PCE. However, if it is clear that the case is not admissible right in the beginning, the party should be advised so clearly and immediately duly closing the case, with a copy to this office for record. Based on PCE's directives, further action, such as permitting of way- leave/ NOC or processing of license can be taken up by the division.



Division should follow the above instructions meticulously. Receipt of this letter may be acknowledged.

This issues with the approval of PCE.

S. Vijayakumaran

(S. Vijayakumaran)
Chief General Engineer

For Principal Chief Engineer,

Copy to: DRM/W/MAS, PGT, TVC, TPJ & MDU.

" CWM/GOC, CWM/CW/PER, CWM/LW/PER, Dy.CE/EWS/AJ.

Accd
h

Sl. No.	& Date
Sr. DEN/Co.ord.	
Sr. DEN/Central	
Sr. DEN/East	
DEN / East	
DEN/XEN/Dr.	
ADEN/CTR	
SSE/Drg.	
OS/CC.	<i>h</i>
.....	<i>1/3/01</i>

Encl. in S/W. 277/G dt. 07.03.2001

*Copies forwarded to all A-B/L
PRT Division for information and stat compliance.*

*By
9/3/01
DRM/Wom./PRT
8/13*

Copies to all in S/W. 277/G

**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 facility 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.

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. Mahajan)
Executive Director Land Management

**GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)**

RB/ L&A No. 55 / 2005

No. 2001/ LML/ 24/ 20

New Delhi, dt 16.08.2005

The General Managers,
All Zonal Railways,
Production Units.

The Directors General,
RDSO, Lucknow,
RSC, Vadodara.

The Director,
IRICEN, Pune.

Sub: Permission of laying Optic Fibre Cable crossing under railway tracks.

Ref: Board's policy circular of even No. dt. 18.10.2001, as amended by circulars of even No. dt.22.02.02, 17.09.02, 21.11.02, and 17.02.04

Board have decided that in supersession of all the policy circulars mentioned at reference above, the policy for **laying Optic Fibre Cable crossing under railway tracks will be as under:**

1.1 - The guidelines for way leave facilities issued vide Board's letter No.1997/LML/24/3, dt. 27.11.2001 will be broadly applicable for grant of way leave facilities for optical fibre cable crossing also, subject to the following:-

- i) The charges to be levied for way leave facilities would be as under:-
 - (a) 6% (six percent) of the market value of land subject to a minimum of Rs. 10,000/- (Rs.Ten thousand) per annum per crossing. The length involved should normally not exceed 100 (One hundred) metres. For calculation of way leave charges, the width of land will be actual subject to a minimum of 1(one) metre.
 - (b) For purpose of laying OFC along the length of bridge, 6% (six percent) of the market value of land in approaches, subject to a minimum of Rs. 25,000/- (Rs. Twenty five thousand) per annum per bridge, would be charged. In addition, an amount of Rs. 100/- (Rs.One hundred) per metre for the length of the cable under the bridge would also be recovered as bridge surcharge. If any crossing of track is required for laying the OFC, the same would be permitted only outside the bridge proper.
 - (c) For purpose of laying OFC through ROB, 6% (six percent) of the market value of land in approaches, subject to a minimum of Rs.10,000/- (Rs.Ten thousand) per annum per crossing through ROB, would be charged. For

calculation of way leave charges, the length would be as per actual and width of land should be on actual basis subject to a minimum of 1(one) metre.

2. These charges shall be payable in advance in block of 10(ten) years. Discounting of future cash inflows at prevailing interest rates announced by RBI for Govt. Securities would be permissible. While calculating the advance equivalent to 10 (ten) years annual charges, annual increase of 7% (seven percent) in land value would be assumed. Adjustments needed because of variation vis-a-vis actual increase as per rates notified by local development authority or as obtained from District Collector, would be carried out at the time of payment of the installment of way leave charges for the next 10 (ten) years.
3. Before entering into any contract with the party concerned, the feasibility of providing/permitting the proposed crossing should be examined and established by DEN/Sr.DEN in consultation with DSTE/ Sr. DSTE and the proposal should be approved by DRM.
4. Before granting way leave facilities for laying of optical fibre cable, the Division must ensure that the Agency has got requisite license from the Department of Telecommunication, Government of India, BSNL/MTNL for laying of optical fibre cable in the area.
5. With a view to keep the processing time to the minimum, Railways may adopt following procedure on working out way leave charges based on land value:-
 - i) The Agency makes a provisional payment to be advised by the Division, adequate to cover likely way leave charges. A rough assessment of these charges can be made based on the sanctions accorded in the division in earlier similar cases;
 - ii) The Agency submits an indemnity bond for making good any shortfall, which might arise, if the way leave charges as actually calculated work out to be more than the provisional payments made by them; and
 - iii) The Agency agrees to sign the requisite way leave agreement within the framework of Board's letter No. 97/LML/24/3 dated 27.11.01, after the exact charges are worked out and formal permission granted.
6. Appropriate advance deposit would be required if the work is carried out by Railways on Deposit terms. Likewise, Supervision charges would be involved if work is executed, by the party. These should be recovered as per normal provisions. Railways must ensure that exact supervision charges where Agency

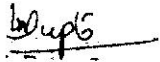
directly executes the work, or cost of deposit work where Railway executes the work, is calculated early, and recovery effected before execution of the work

7. Way leave charges should be worked out and all other formalities completed within a reasonable time after grant of permission and a formal agreement signed with the Agency. Adjustments of any excess amount deposited by the Agency or any additional payments due from them should be made.

8. Broad guidelines to be followed by the Railway is enclosed.

9. These instructions will be effective from the date of issue of this letter. Decisions taken earlier need not be revoked.

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


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

No.2001/LML/24/20

New Delhi, dated 16.08.2005

Copy forwarded to:-1.The FA&CAOs/All Indian Railways, Production Units
2.JD(Fin), RDSO, Lucknow; 3.The Deputy Comptroller and Auditor General of
India (Railways), Room No.224, Rail Bhavan (with 45 spares).

for Financial Commissioner Railways

Copy to F(X)-I, Railway Board, New Delhi.



SOUTHERN RAILWAY

Headquarters Office,
Works Branch,
Chennai.600 003.
dt.30.11.2001.

No.W.277/P/Way leave/Vol.III

DRM/MAS, PGT, TVC, SBC, MYS, TPJ & MDU.

Sr.DEN/Co-ord/MAS, PGT, TVC, SBC, MYS, TPJ & MDU.

Sub: Granting of Way leave facilities/
easement rights.

Ref: 1. Board's letter No. 97/LM(L)24/3
dt. 10.7.1998 forwarded vide this
office letter dated. 20.8.98.

2. Board's letter No. 2001/LML/24/20
dt.18.10.2001.

Please refer to this office letter dated 20.8.98 cited above, wherein the Board's guidelines dt. 10.7.98 for Way leave facilities/easement rights etc. were circulated. Further to the above, Board have recently issued guidelines for granting of way leave facilities for Optical Fibre Cable crossings, vide their letter dt.18.10.2001, referred at item 2 above. Copy of the same is enclosed herewith. The Board's guidelines includes technical specifications for such crossings (given at annexure), which may be noted.

The above guidelines may be brought into force for all future cases. Conditions laid down in Board's letter dt. 10.7.98 for considering way leave permission and in letter dt. 18.10.01 (para 2.0 (i) to (iii)) should be strictly ensured. The Way leave charges should be collected as an advance payment for block period of 10 years as specified in the Board's guidelines above.

Encl: As above.

(S.Vijayakumar)
Chief General Engineer
for Chief Engineer.

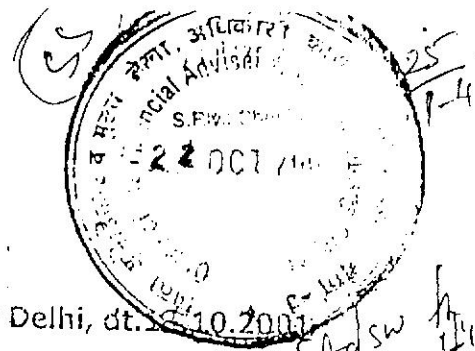
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Sr. DEN/Co-ord	
Sr. DEN/W	
DEN/E	
DEN/C	
XEN/BRIDGES	
ADEN/CTR	
SSE	
OS/W	
OS	

OFC → FRESH GUIDE LINE
&
FOLLOW OTHER INSTRUCTIONS



GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)



No. 2001/LML/24/20

New Delhi, dt. 22.10.2001

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The General Managers(Engg.),
All Indian Railways, Production Units.

Sub: Permission of laying Optic Fibre Cable crossing under railway tracks.

Board have earlier issued policy guidelines for granting of way leave facilities/easement rights vide letter No. 97/LML/24/3 dt. 10.7.98. The said guidelines, however, do not contain explicitly the guidelines for grant of way leave facilities for optical fibre cable crossings. In the light of various recent developments in the telecom sector, requests are being received for grant of way leave facilities/easements rights for crossing optical fibre cable.

2.0 Board have carefully considered the matter and have now decided that the guidelines issued vide Board's letter dt. 10.7.98 will be broadly applicable for grant of way leave facilities for optical fibre cable crossing also, subject to the following:-

- i) The charges to be levied for way leave facilities would be as under:-
 - a) 6% of the market value of land subject to a minimum of Rs. 10,000/- per annum per crossing. The width and length involved should normally not exceed 0.5 meter and 100 meter, respectively. The width of land for calculation of way leave charges should not be taken less than 1 m.
 - b) These charges shall be payable in advance in block of 10 years. Discounting of future cash inflows at prevailing interest rates announced by RBI for Govt. Securities would be permissible. While calculating the advance equivalent to 10 years' annual charges, annual increase of 10% in land value would be assumed. Adjustments needed because of variation vis-a-vis actual increase as per rates notified by local development authority or as obtained from District Collector, would be carried out at the time of payment of the installment of way leave charges for the next 10 years.
- ii) Before entering into any contract with the party concerned, the feasibility of providing/permitting the proposed crossing should be examined and established by DEN/Sr.DEN in consultation with DSTE/ Sr. DSTE and the proposal should be approved by DRM.
- iii) The Division must ensure that the Agency has got requisite license from the Department of Telecommunication, Government of India, BSNL/MTNL for laying of optical fibre cable in the area before granting way leave facilities.

3. With a view to keep the processing time to the minimum, Railways may adopt following procedure on working out way leave charges based on land value:-

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34/10

- i) The Agency makes a provisional payment to be advised by the Division, adequate to cover likely way leave charges. A rough assessment of these charges can be made based on the sanctions accorded in the division in earlier similar cases;
- ii) The Agency submits an indemnity bond for making good any shortfall, which might arise, if the way leave charges as actually calculated work out to be more than the provisional payments made by them; and
- iii) The Agency agrees to sign the requisite way leave agreement within the framework of Board's letter No. 97/LML/24/3 dated 10.7.98, after the exact charges are worked out and formal permission granted.

4. Appropriate advance deposit would be required if the work is carried out by Railways on Deposit terms. Likewise, Supervision charges would be involved if work is executed by the party. These should be recovered as per normal provisions. Railways must ensure that exact supervision charges where Agency directly executes the work, or cost of deposit work where Railway executes the work, is calculated early, and recovery effected before execution of the work.

5. Way leave charges should be worked out and all other formalities completed within a reasonable time after grant of permission and a formal agreement signed with the Agency. Adjustments of any excess amount deposited by the Agency or any addition payments due from them should be made.

6. These instructions shall not apply to such works directly executed by BSNL/MTNL. The policy in such cases is under review and shall be notified separately.

7. Broad guidelines to be followed by the Railway is enclosed.

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

9. Hindi version will follow.

DA: As above

b. Dup 6
(DESH RATAN GUPTA)
Director (Land & Amenities)
Railway Board

No. 2001/LML/24/20

New Delhi, dated 18.10.01

Copy forwarded to:-

1. The FA&CAOs/All Indian Railways, Production Units, S.P.U., Chennai.
2. The Directors of Audit/All Indian Railways

Encl: (2)

P. S. S. S. S.
for Financial Commissioner Railways

F(X)I Branch, Railway Board.

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JAD GUIDELINES TO BE FOLLOWED FOR OPTICAL FIBRE CABLE CROSSING BY AN OUTSIDE AGENCY

- ✓ 1. The crossing shall be permitted only when no convenient route other than crossing the track is available.
- ✓ 2. The technical feasibility of the proposed crossing should be examined and established by the DEN/Sr.DEN in consultation with DSTE/Sr.DSTE.
- ✓ 3. The Division must ensure that the Agency has got requisite license from Department of Telecommunication, Government of India for laying of optical fibre cable in the area before granting way leave facilities.
- ✓ 4. As far as possible, cable crossing shall make use of any existing culverts, subways etc.
5. Where the cable is to be laid under a railway track, the use of cast iron spun concrete or any other pipe for protection of the cable is obligatory.
6. The pipes shall be of suitable diameter and strength.
7. The pipes shall be laid at not less than 1mt. below the formation level.
8. It shall be ensured that it would be possible to withdraw the cable for repairs or replacement without disturbing the railway track formation.
9. The pipes shall be laid with a gradient to facilitate drainage of water, if any.
10. The pipes shall be laid upto the railway boundary at both ends or upto the point as prescribed by the Railway.
11. If the underground cable is armoured, the armour shall be earthed by independent earths at the two sealing ends of the cable. No further earthing of the armouring of the cable shall be done within 500 mt. of the electrified track. The scheme and method of earthing shall be approved by the Railways.
12. Each cable crossing shall be indicated by at least two cable markers, one at each end of the crossing, within the railway boundaries. The cable marker shall be fixed at both ends of the underground crossing. They shall be of a design approved by the Railway.
13. Before the agency commences any work on a crossing, it shall obtain the approval in writing, of the Railway for the proposed location and the method of execution of the crossing.
14. For taking approval, the agency shall inform:-
 - ✓ i) Location of the proposed cable crossing
 - ✓ ii) Names of the railway stations on either side of the crossing

- ✓iii) The distance of the crossing from the nearest railway station
 - iv) Detailed drawing of lay-out and site plan showing protective pipe, cable marker, earthing arrangement etc.
 - v) The Angle of crossing the track. As far as practicable, the cable should cross the track at right angle to it.
 - ✓vi) Details of the license obtained from Department of Telecom, Government of India for laying optical fibre cable in the area.
15. The agency shall notify the Railway in writing at least 7 days in advance on the date on which it will commence the work of construction of crossing. The Sr. DSTE/DSTE or his representative may, if he so desires, inspect the site of the crossing during the construction to ensure that it is being constructed in accordance with the approved designs and drawings.
 16. In the event of it being necessary in the opinion of the Railway to protect the railway tracks, the cable crossings shall be carried out by the railway at the cost of the agency.
 - ✓17. Neither the agency nor his employees will enter the railway land for any purpose, whatsoever, in connection with crossing without the consent in writing of the railway without any cost to the Railway.
 18. If for convenience of operation, the railway desires shifting or removal of the crossing, the owner will carry out such works within a reasonable period determined by the railway and all costs for the same shall be borne by Agency.
 19. The railway may at any time be at liberty in its absolute discretion to suspend temporarily or terminate permanently this arrangement in the interest/safety of Railway operations and all or any of the privileges granted to the agency.
 - ✓20. The Railways shall not be responsible for any damage to the crossing and other property of the owner due to an accident in the working of the Railway due to any cause whatsoever.
 - ✓21. The owner will not sublet, transfer or assign this agreement or any of the privileges granted without the previous consent in writing of the Railway.
 - ✓22. The Agency is not given any rights over the property of the Railway.

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