

B. K. Agarwal
Adviser(Land & Amenities)

D.O. No.98/LML/14/156

New Delhi, date

25.9.01

Dear Shri ,

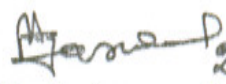
Sub: Prevention and removal of encroachments.

In terms of directions issued by Railway Board vide letter of even No. dated 08.02.1999, all Railways have issued Joint Procedure Orders(JPO) on prevention, detection and removal of encroachments and proper coordination between the various departments on the above subject. However, the aspect of preventing any new encroachment, and responsibility therefor, has not been adequately addressed in these JPOs. I am enclosing herewith copy of a model JPO on the subject which has been approved by full Board on 11.09.2001 with directions that JPO issued at your end may be modified on these lines, and issued under the signatures of the concerned officers. A copy of the revised JPO issued may be sent to Railway Board.

2. Monitoring of encroachments, which is now being done on monthly basis as per Board's letter No. 2000/LML/14/Stat, dated 22.12.2000, should accordingly focus also on prevention of new encroachments. Strict action should be taken against the concerned staff in whose jurisdiction any new encroachment has been noticed.

With

Yours sincerely,


(B. K. Agarwal) 24/9/2001

PROCEDURE ORDER FOR DETECTION, PREVENTION & REMOVAL OF ENCROACHMENTS ON 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 upto-date, will be available in the DRM's Office.

Clear instructions to this effect are available in paras 806 & 807 (Annexure-) 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) (Annexure-) and paras 808-811 (i) of IRWM (2000 edition) (Annexure-) 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)(Annexure -).
- 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 pro-forma 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/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

- 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) (Annexure -) and Paras 808-811 (i) IRWM (2000 edition) (Annexure -) in this regard.

3.3 Immediate action should be taken by the officials specified in para 3.1 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.

4.2 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 decision is given by the court of the Estate Officer, 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 -) 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 - . 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
CHIEF ELECTRICAL ENGINEER

JOINT INSPECTION REPORT

ANNEXURE

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

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

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SOUTHERN RAILWAY

CE CIRCULAR No. 1/2002

Joint Procedure order for
Detection, Prevention & Removal of Encroachments
on Railway Land

The importance of keeping the Railway premises free from unauthorised occupation or encroachments has been emphasized from time to time. Taking serious note of the increase in the number of encroachments on railway land, particularly in the Metropolitan Cities, Railway Board have, vide their letter No. 98/LML/14/156 dt. 4.10.2001, directed the Railways to issue a Joint Procedure Order duly fixing responsibility for detection, prevention & removal of encroachments on the field units. The same are being issued under the signature of CE/MAS, COM/MAS, CME/MAS, CEE/MAS and CSC/MAS.

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:

A register of total railway land with up-to-date entries shall be maintained by the Section Engineer (Concerned) of the Engineering department for the section concerned. A copy of the land plans, complete and up-to-date, will be available in the DRM's office. Clear instructions to this effect as available in paras 806 & 807 of the IRWM (2000 edition), shall be strictly followed.

[Signature]

Authenticated by CGE/MAS

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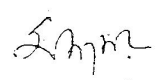
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1.2 DEMARCATION OF LAND BOUNDARIES

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/P.Way concerned) of the Engineering department. Entries should be made in the register maintained by the Section Engineer 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 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.


Authenticated by CGE/MAS

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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 proforma may be followed by each sectional Section Engineer (Concerned) showing the details of encroachments as under:-

Details of encroachments.

Section _____ Divn. _____ Sub-Divn. _____ HQ _____

Station premises/ colony/ m ld section	Location		Rly employ ee/outsi ders persons /others	Soft / hard	Area in sqm.	Value of land approx.		Approx period since encroach ment existing	Purpose Personal /Comm ercial/reli gious/Soc ial other	Action taken to remove	Remarks
	KM/EM Station from to	Reference: to encroach ment plan				Value	Basis market rate/n otified rate/ R ough assess ment				
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 controlling officer/supervisor, and forwarded to the concerned departments alongwith the details of encroachments by the Section Engineer (Works/P.Way/other).

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1. PREVENTION OF ENCROACHMENTS :

1.1 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.



Authenticated by CGE/MAS

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3.3 Immediate action should be taken by the officials specified in para 3.1, where encroachment is incipient and/or 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(Concerned) 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 ADEN or DEN or Sr.DEN/ AOM or DOM or Br.DOM/ ASC or DSC of the subdivision and division, 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 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 shall 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.

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Authenticated by: CGE/MAS

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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 :

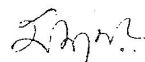
4.1 NEW ENCROACHMENTS AND TRESSPASSING:

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

4.2 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 Officers against the encroachers.



Authenticated by CGEMAS

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During the course of hearing by the Estate Officer, concerned official from Engineering, Commercial, Traffic, Mechanical or Security depts., shall act as the Presenting Officer and proactively help in expeditious finalisation of the proceedings.

As soon as the decision is given by the court of the Estate Officer, the Section Engineer(Works/P.Way) 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 co-ordinate 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 (copy enclosed as Annexure - I) may be referred to in this regard.

5.1.1 'A' category stations:

Should be monitored at GM's level through CE/CGE.


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4.1.2 'B' Category stations

Should be monitored at DRM's level through Sr. DEN(Co-ord.)/ DEN (Relate).

4.1.3 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.

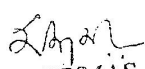
5.2.1 In order to send the six monthly progress report to Board for 'A' category, Divisions should send the information as per Board's proforma (Annexure 'C' of Board's letter of 31.3.98) within the last week of the fifth month positively.

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 wherever other departments are responsible to study on the spot the old and new encroachments for taking immediate necessary action duly co-opting the Section Engineer(Works/P.Way). The inspection report should be made out in a format given in Annexure - II. Such report should be sent to the branch officers/higher officials 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).

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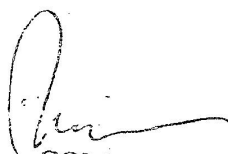
7. Handing / Taking over charge.

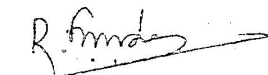
- (a) A joint field check on the existing encroachments will be mandatory part of the Handing over/Taking over of the Section Engineer(Works/P.way). This should be followed by a joint signing at the end of the Encroachments Register on the number of encroachments in the jurisdiction. The fact that these steps have been completed, should be an item required to be specifically mentioned in the Handing over Note of the outgoing Supervisor.

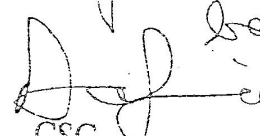
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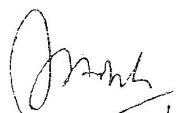
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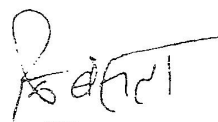
8. LIABILITY FOR DAR ACTION It should be imperative on the part of the concerned Branch Officer that for any new encroachments that come up on railway land, officials responsible for safeguarding the railway land are taken up under Railway Servants(D&A) Rules


COM


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subject to before
below.

CSC


CME. 27/11/2021


CEE

Since the responsibility for prevention of new encroachments is jointly given to the RPF Inspectors, it is essential that copies of the land documents showing the demarcation of the Rly. Land should be made available for RPF Officials by 31/12/2021 so as to facilitate such identification. Similarly, the updated list of encroachments prepared on 1st April, every year should also be made available. In Non-RPF stations where not even a single RPF staff is available, the jurisdiction RPF Inspectors can not be held responsible for prevention of encroachments but will involve himself in all activities for dismantling and eviction of such new encroachments.

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GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

RB/LRA/7/03

No. 2000/LML/14/31

New Delhi, date 26.05.2003

General Manager,
Northern Railway,
New Delhi.

Sub: **Removal of encroachment from railway land in Delhi area – Policy.**

Ref: GM, Northern Railway's DO letter No. 195W/Misc/Delhi/Pt.VI,
dated 03.04.03.

In terms of Board's letter of even number dated 22/10/01, Northern Railway was permitted to bear part cost of resettlement and rehabilitation (R&R) of encroachers on railway land required for execution of sanctioned projects in the National Capital Territory of Delhi as per the policy of the State Government, which has been approved by the Ministry of Urban Development. The cost of R&R in such case(s) is chargeable to the project.

It has now been decided that Northern Railway may bear part cost of the R&R, as per policy of the Government of National Capital Territory of Delhi, for removal of the encroachments falling within the safety zone also within the jurisdiction of the National Capital Territory of Delhi, subject to observance of the following conditions: -

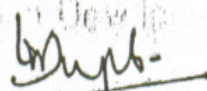
1. Genuineness of encroachers should be decided based on joint survey carried out by representatives of Commissioner (Slums) and Northern Railway as per procedure laid down in R&R policy of Delhi state.
2. Participation in R&R scheme will be applicable only for the area notified as safety zone. A committee constituted by the GM will visit the areas, recognize the safety hazards and identify the length to be cleared. Thereafter, the genuineness of the encroachers should be established through a joint survey with Commissioner (Slums) and only those who are pre-1998 encroachers should be included for benefits as per their R&R policy.
3. Appropriate records in regard to identification of persons who have been rehabilitated should be maintained to avoid any fresh and duplicate claims.

4. Since the allotment of land is subject to the outcome of the SLP suitable undertaking should be obtained from the persons to be evicted to this effect making them liable to refund the compensation in case the final verdict of the Supreme Court so demands.
5. Proper fencing and appropriate plantation should simultaneously be done to guard against repeated encroachment.

Above is an exception to the Railways' policy on removal of encroachments and is applicable within the jurisdiction of NCT of Delhi only. However, R&R policy of the Government of Delhi will be subject to the outcome of SLP filed in Supreme Court by the Ministry of Urban Development against the orders dated 29/11/2002 of Hon'ble High Court, Delhi quashing the R&R policy of the Government of National Capital Territory of Delhi. Railway should monitor the outcome of the SLP and keep the Board posted of the developments.

Expenditure on the removal of encroachments from safety zone, which is not part of sanctioned work, should be charged to Revenue

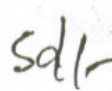
This has the approval of President and issues with the concurrence of Finance Directorate of the Ministry of Railways.


(Desh Ratan Gupta)
Director (Land & Amenities)
Railway Board

No.2000/LML/14/31

New Delhi, date 26.05.03

Copy forwarded for information to: The FA&CAO, Northern Railway, New Delhi
Principal Director of Audit, Northern Railway, New Delhi


for Financial Commissioner/Railways

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

No. 2001/LML/14/1

New Delhi, dt. 5 .04.04

The General Managers,
All Indian Railways, & PUs,

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

The Director,
IRICEN,
Pune.

Sub: Guidelines for recourse to eviction proceedings Under
Public Premises (Eviction of unauthorised Occupants) Act,
1971.

A copy of D.O. letter No. 21011/2/97-Pol.I dt. 2.9.02 received from the Secretary, Ministry of Urban Development & Poverty Alleviation, Government of India, alongwith a copy of Resolution dt. 8.6.02 on the above subject, was circulated to the Railways and PUs vide Board's circular of even number dt. 3.10.02 (copy enclosed).

On receipt of a letter from Western Railway seeking clarification whether the guidelines contained in the Resolution apply to the Railways, the matter was discussed with the Legal Adviser, Railway Board. **It is clarified that the Guidelines issued by M/o Urban Development vide Resolution dt. 08.06.02 in the Gazette of India, to prevent arbitrary use of the powers to evict genuine tenants from public premises using PPE Act, 1971, applies only to Public Sector Undertakings/Financial institutions, and do not apply to the Railways.**

This is for the information of the Railways.

DA: As above

Rashmi
2-4-04

(RASHMI BHATNAGAR)
Deputy Director/Land Management
Railway Board



एम. शंकर

M. SHANKAR

Tel.: 3019377

सांचव
भारत सरकार
शहरी विकास और गरीबी उपशमन मंत्रालय
शहरी विकास विभाग
निर्माण भवन, नई दिल्ली-110011

SECRETARY
Government of India
Ministry of Urban Development
& Poverty Alleviation
Department of Urban Development
Nirman Bhavan, New Delhi-110 011
D.O.No. 21011/2/97-Pol.I
September 02, 2002

Dear Shri Rana,

The Ministry of Urban Development and Poverty Alleviation is responsible for the administration of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. This Act provides for speedy eviction of unauthorized occupants from public premises. A number of Public Sector Undertakings like LIC, Banks, National Textile Corporation, Oil Companies, etc. resort to the provisions of this Act for eviction of the unauthorized occupants from the premises owned by them

2. A number of representations and complaints have been received in this Ministry from individuals, organisations and Members of Parliament alleging that the provisions of this Act are being used indiscriminately by the Public Sector Undertakings, to obtain possession of premises for commercial motives. In order to prevent arbitrary use of powers under this Act and to redress the grievances of these individuals/parties, the Ministry formulated Guidelines in 1992 and circulated them to all the Union Ministers vide letter dated 14.1.92, enjoining upon them to give wide publicity to these guidelines, and to advise the officers of all the Public Sector Undertakings under their control, to enforce them strictly. These guidelines were reiterated through letters dated November 13, 1997 and December 30, 2000.

3. However, representations still continued to be received from aggrieved parties. Accordingly, an Inter-Ministerial Committee was constituted under the Chairpersonship of Director of Estates to look into the matter and recommend how these guidelines can be better enforced. On the recommendations of the Committee, this Ministry has issued a 'Government Resolution', notifying the Guidelines dated January 14, 1992 in the Gazette of India on June 8, 2002.

4. The underlying intention in issuing these guidelines through a Government Resolution is to impress upon the Public Sector Undertakings and other Government bodies, engaged in the process of eviction of unauthorized occupants from public premises, to adhere to them in letter and spirit and not to invoke the provisions of the P.P.(E) Act, 1971 indiscriminately.

5. I enclose a copy of the Govt. Resolution dated June 8, 2002. I shall be grateful if you could issue instructions to the Public Sector Undertakings/Banks, etc. under your control to observe these guidelines in letter and spirit while resorting to the provisions of the Public Premises (Eviction of Unauthorized Occupants), Act 1971.

With regards,

Yours sincerely,

Encl.: As above

(M. Shankar)

Shri I.I.M.S. Rana,
Chairman, Railway Board
Ministry of Railways,
New Delhi

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

RB/L&A No. **34/2004**

No.2004/LML/14/15

New Delhi date **27.10.2004**

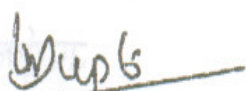
The General Managers All Indian Railways Production Units	The Directors General RDSO, Lucknow Railway Staff College, Vadodara	The Director IRICEN, Pune
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Sub: Removal of encroachments – orders of Hon'ble Minister of Railways.

Following orders have been given by Hon'ble MR:

- (i) No encroachment should be permitted on Railway land. (In this context detailed instructions already issued should be strictly followed.)
- (ii) All locations where garbage is thrown on railway line be identified, house owner warned and taken to task if nuisance continues.
- (iii) At many locations unauthorised markets are being run on railway land due to which garbage is accumulating on the tracks and endangering the safety of track. All such locations should be identified, and such markets should be stopped with the assistance of the civil authorities.

A report on the action taken as above, be furnished to Board.


(Desh Ratan Gupta)
Director (Land & Amenities)
Railway Board

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
RAILWAY BOARD

RB/L&A No.53/2005.

No.96/LML/14/85

New Delhi date 12.07.05

The Principal Chief Engineers
All Zonal Railways,

Chief Engineers, Production Units,

Director(CE), RDSO, Lucknow

The Director, IRICEN, Pune

Sub: Removal of encroachments under PPE Act, 1971 – interpretation of the provisions of the Act vis-à-vis proposals of this Ministry.

This Ministry had submitted a proposal to the Ministry of Urban Development for amendments of certain provisions of PPE Act, 1971 with a view to make the Act more effective in dealing with encroachments. On the suggestion of Ministry of Urban Development the Ministry of Law examined the proposal and advised that some of the amendments requested by this Ministry was not necessary since the extant provisions serve the purpose of the proposed amendments.

A statement containing the amendments sought by this Ministry of the specific section of the Act, and the remarks of the Ministry of Law, is enclosed herewith for information and general guidance. Some other amendments sought by this Ministry is under active consideration of the Ministry of Law, and decision in this regard may be communicated to Railways later.

Receipt of the letter may be acknowledged.

(Desh Ratan Gupta)
Director(Land & Amenities)
Railway Board.

Section	Amendments sought	Remarks of Dept. of Legal Affairs
5-A (2)	Sentence may be amended to read “The Estate Officer or any other officer duly authorised by him may remove the building or any other structure or fixture... ” in place of sentence “The Estate Officer may remove the building or any other structure or fixture.”	This power of the Estate Officer can be exercised by him through the staff attached to his office. The officers acting under his instructions/authority to remove the structure etc. is permissible under the existing Act.
5	May be amended to include the actual residents/user of the property to whom possession has been transferred in an unauthorised manner.	No need in view of the definition of “unauthorised occupation” under Section 3(g) which provides that unauthorised occupation in relation to any public premises, means the occupation by any person of the public premises without authority for such occupation and includes the continuance in occupation by any person of the public premises after the authority (whether by way of grant or other mode of transfer) under which he was allowed to occupy a premises has expired or has been determined for any reason whatsoever.
7	Provide for Recovery officers for the recovery of expenses, damages/arrears and interest thereof.	Under Section 7 of the Act the Estate Officer is empowered to recover rent or damages from very person who is in unauthorised occupation of any public premises. This is the essential duty of the Estate Officer and this need not be delegated to the other officers.
7	Empower the Estate Officer to direct attachment of the encroachers’ property with a view to meeting the dues of the Railway.	Once after inquiry, the Estate Officer arrived at a conclusion that the allotted premises have been damaged/altered or overstayed etc. the Estate Officer is empowered to take the steps under the Act.
11	Provide for penalty of Rs. 100/- per day during the period the default continues..	The provision already exists for charging of damages for retention of the public premises beyond the unauthorised period.

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No. 2009/LML/20/01

New Delhi, dt.25.11.2009

General Managers
All Zonal Railways

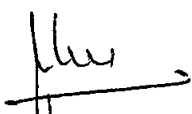
Sub.: Construction of boundary wall along railway boundary

Ref.: Railway Board letter No.91/LM(B)/3/82/Pt. dated 26.8.92

Vide above referred Railway Board letter (copy attached), directions were issued that construction of boundary wall for checking encroachments should be carried out under Revenue. However, proposals are received in Railway Board for sanctioning the work under Works Programme. Zonal Railways are directed that the work of construction of boundary wall should be carried out under Revenue.

Attention is invited to para 811 (i) (a) of Indian Railways Works Manual 2000 where it is indicated that *"In areas having habitation railway land and also where habitation is likely in near future, boundary walls should be provided, so that potential encroachments are prevented and outsiders do not develop any right of entry on railway land. It is also necessary for boundary walls to be extended right from the Station outwards along the tracks of vulnerable locations within towns so that outsiders do not find an easy access to the Stations."* Railways may take necessary action for identification of vulnerable locations and construction of boundary wall at these locations on a programmed basis under Revenue.

PA: One


(J. S. Lakra)
Director (L&A)
Railway Board

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

No. 2009/LML/14/69

New Delhi, dated 09 -8-2017

**General Manager,
All Zonal Railways & Productions Units**

Sub : Toilet for encroachers on Railway land
Ref: Railway Board letter No. 2015/Environ/01/03 dated 30.04.2015

The instructions were issued vide above referred letter that suitable mobile toilets/eco-friendly toilets have to be provided for the use of encroachers in the Railway land by the local government to avoid human evacuation on the railway track and nearby.

2. Now, it has been decided by the Board that Railways may allow mobile/eco-friendly toilets or prefab toilets with septic tanks on railway land (Septic tank shall only be permitted provided no sewer line exists in vicinity) provided

- (a) Land belonging to State Govt land/Urban Local Bodies is not available in the vicinity of the encroachment on railway land. A joint survey should be conducted for each location by the divisional railway officials and the State Govt/Urban Local Bodies officials and report submitted certifying the same.
- (b) Toilets can only be provided on the Railway land after making allowance for the safety zone requirement of 15 m from the outer most existing/proposed tracks and requirement for the infrastructure development like doubling/tripling/yard re-modeling/passenger amenities/Railway electrification etc. It shall be ensured that there is no interference with vital installations/service, e.g. signaling/ power/ communication cables/ junction boxes/ TSP/ SP/ SSP, etc.
- (c) These toilets shall be provided and maintained by the State Govt/Urban Local Bodies after entering **into an agreement** with the railway authorities subject to the condition that these would be removed as and when land is required for the railway's development or maintenance

works. No permanent/temporary construction should be permitted. Only mobile or prefab toilets should be permitted. Daily maintenance of such toilets and periodical cleaning of septic tanks has to be ensured by the State Govt /Urban Local Bodies. These should not be the cause of nuisance. Railways reserve the right to remove such toilets if not maintained properly by the State Govt/Urban Local Bodies or not removed within the prescribed time limit advised by the railways when Railway requires such land for their own purpose. All these condition shall be the part of the agreement. There will be no licensing/leasing of land ,such words shall not be the part of agreement , only permission will be given subject to conditions as stated above.

(d) Railways shall not be responsible if any mishap occur due to the running train to the users of toilets and shall be indemnified.

3. Permission for mobile/ prefab toilets on railway land can only be given by GM after he is personally satisfied on the fulfillment of the stipulations as stated above. Proper plan should be prepared in this regard which should be approved by DRM and the officers nominated in Headquarters by GM. This power cannot be delegated to any lower level by the GM.

Please acknowledge receipt of this letter and advise all concerned accordingly.



(Chander Shekhar)
Joint Director (Land & Amenities)
Railway Board