

CHAPTER - XXX

PREVENTION, DETECTION AND REMOVAL OF ENCROACHMENT ON RAILWAY LAND

30001. Need to protect railway land :- The importance of need to protect railway land from encroachment hardly needs to be re-emphasized. The matter has assumed importance in view of the scarcity of land as a resource and the increasing pressure on available land due to the continuous migration of population to urban centres.

Action against encroachers on railway land has generally been taken under the provisions of the P.P.E. Act of 1971. However, it has not given us the desired results.

30002. Section 147 of the Railway Act.:- The Board has, therefore decided that in addition to the provisions of P.P.E. Act, 1971 stern action also needs to be taken against encroachers on Railway land under section 147 of the Railway Act of 1989, which is reproduced below:

" Section 147(i): If any person enters upon or into any part of the Railway without lawful authority or having lawfully entered upon or into such part, misused such property or refused to leave, he shall be punishable with imprisonment for a terms which may extend to six months or with fine which may extend to Rs. 1000/- or both. Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the court, such punishment shall not be less than a fine of Rs. 500/-.

2. 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. "

30003. Railway supervisors to keep a close watch on their jurisdiction:- The Railway supervisors, identified in Board's letter No. 80/W2/14/0 dated 12.3.1991 will keep a close watch on the area in their jurisdiction and take prompt measures to evict any new encroacher. In case, the action taken by the supervisor concerned does not prove to be effective and it is felt necessary to take help from Railway Protection Force, a Joint site inspection with the RPF should follow and the encroacher warned to desist in his action and leave railway premises. If the encroacher still does not pay heed to the warning given, the supervisor concerned shall take action as provided under section 147(1) of the Railway Act, 1989 and prosecute the offenders in the Court of the Railway Magistrate. The RPF shall provide necessary assistance to the Supervisor concerned by detaining the offender and producing him in the court and in removing the persons while the Engineering Branch will remove the encroachment.

30004. Action by supervisors on Existing encroachment - temporary and hard :- For existing encroachments, which are in the form of temporary structures such as huts/chawls etc., a similar procedure, including a joint site visit by the supervisor and RPF, should be followed. Hard encroachments, consisting of permanent structures, should be tackled, once the other encroachments have been dealt with.

A joint procedure order detailing the sequence and the action to be taken by each department and listing out the documentation to be completed before a case is presented before the Railway Magistrate, shall be issued by the CE/CCM/CSC of the Railway. It should be ensured that there is complete co-ordination among the various departments, namely, Engineering Commercial and RPF in this matter so that the growing menace of encroachments is tackled effectively.

Wherever necessary, help from the GRP/State Police may also be sought. This issues with the concurrence of the Security Directorate.

30005. Classification of Stations for the Purpose of Provision/Passenger Amenity:-

Stations shall be classified in the following categories:-

(a) Category "A":-

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

(b) Category "B"

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

(c) Category "C"

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

(d) Category "D"

- (i) Suburban Stations.

(e) Category "E"

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

30006. Category of Encroachment and division of Responsibility:-

(1) Removal of Encroachments:- (a) New encroachments shall be got removed promptly under provisions of section 147 of Railway Act 1989. For old encroachments where party is not amenable to persuasion for removal of such encroachments, action should be taken under the provisions of Public Premises (Eviction of Unauthorised Occupants) Act 1971. Encroachment of railway land by railway staff also constitutes grave misconduct on their part and is 'good and sufficient reason' for imposition of major penalty after following the procedure laid down in the Discipline and Appeal Rules.

(b) When an encroachment is in the process of building up it should be removed then and there.

(c) Where the encroachments are of a temporary nature in the shape of jhuggies, jhopries and squatters and where it may be difficult to take action under PPE Act the same may be got removed in consultation and with the assistance of local civil authorities.

(d) Every year, at the close of financial year, detailed survey of encroachments must be made under the following categories:-

- (i) **CATEGORY -A** - Encroachments by outsiders removal of which requires action under public premises eviction (PPE) Act.
- (ii) **CATEGORY-B** :- Encroachments by outsiders which do not require action under PPE Act (e.g. temporary occupation of land by hawkers using Railway land for cattle cowdung refuse etc.)
- (iii) **CATEGORY-C** :- Encroachment by Railway staff in the form of temporary huts etc.
- (iv) **CATEGORY-D** :- Encroachment BY Railway staff who have been allotted railway accommodation, by way of additions to the structures , unauthorised use of land for cultivation etc.

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

- (e) The Section Engineer (Works) should maintain details of encroachments in a register showing their incidence and removal with necessary details.

One page of this register shall be allotted to each encroachment. A scale plan of the encroachment shall be provided on the facing side.

Once a case is opened the entries should not be discontinued unless and until the encroachment is removed. A note to that effect should be made in the register. The frequency of inspection of encroachment shall be at least once in 3 months.

Section Engineer (Works) shall give a certificate in the following proforma, once in three months, which shall be verified and countersigned by the AEN.

"I....., Section Engineer (Works) certify that I have inspected the Railway land in my section during the quarter ending and there have been no encroachments except at the locations shown in this register, that have been reported upon vide references given against each. "

Signature
Section Engineer(Works)

AEN should submit every month the summary of the status of removal of encroachments to the Divisional Engineer.

Monthly progress regarding additions and removal of encroachments, filing eviction cases and their progress in court of Estate Officer, in Civil Courts etc. should be submitted by Divisions to Head Quarter.

Encroachment plans to scale shall be made for every encroachment. These encroachment plans alongwith details of encroachment should be checked and signed by Section Engineer(Works)/AEN. Records of such encroachment plans should be kept in the Divisional office and these encroachment plans should be handed over and taken over by Section Engineer (Works)/AENs at the time of change of charge.

A copy of encroachment plan should be available with Section Engineer (Works)/AEN/DEN/Sr.DEN. Any encroachment added or removed should be reflected in the encroachment plan.

A copy of encroachment plan should be handed over by the AEN to SMs /RPF inspectors (where Section Engineer (Works) is not headquartered).

(f) **Steps to control the unauthorised use of Railway land:-** (a) For any addition/alteration of a pucca structure, written sanction of the Divisional Engineer should be necessary. Any structure in which cement is used may be classified as pucca structure.

- (b) For alteration/addition of any temporary structure, written sanction of AEN should be necessary.

- (c) Plans for commercial plots at various stations should be approved jointly by Divisional Engineering and Commercial Officers and at site demarcation of the plots should be done with rail posts by Engineering Deptt. Whenever any commercial plot is licensed the Commercial Department should give a copy of the allotment letter to the Engineering Deptt. so that Section Engineer(Works) can ensure against any unauthorised use. The station Master should also have a copy of the approved plan

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of commercial plots at the situation. Station staff, including Commercial staff posted in Goods Sheds should firstly ensure that commercial plots are not misused and secondly, in case of any misuse and/or encroachment should immediately report it to the Engineering Department for eviction and other action that may be necessary. This will also apply to the cases of any licensing for shops, tehbazari etc. in the circulating area and goods shed premises.

- (d) To prevent imminent encroachments on vacant railway land, planting of suitable trees/shurbs including quick growing thorny trees like Prosopis Juliflora (Vilayati Babul) should be adopted.
- (e) Eviction process shall include interactions:- (i) Identification of the existing encroachments.
- (ii) Ensuring that all the cases under the PPE Act have been filed.
- (iii) Estate Officers should expedite finalisation of the cases pending with them.
- (iv) Action for possession in accordance with the extant orders where eviction orders are received.
- (v) Mobilisation of help of Civil Authorities by formal/informal requests at different levels till the required assistance is forthcoming.
- (vi) Cases directed to the courts to be pursued for early finalisation with the help of the Railway Advocates.

(2) **Division of Responsibility :** The following division of responsibility between the station staff and the engineering staff should be observed in regard to encroachments within the station areas:-

- (a) At stations, the Station Master will be primarily responsible for preventing encroachments and for driving out trespassers by obtaining help from RPF/Police and Section Engineer (Works) as necessary.
- (b) In the goods shed the Chief Goods Clerk wherever available and the Station Master at other places will be responsible for preventing encroachments and for driving out trespassers with the help of RPF/Police and Section Engineer (Works) as necessary.
- (c) The responsibility for preventing encroachments and for driving out trespassers in circulating areas of the stations and goods sheds, will rest with the Station Manager/Station Master/SS/CGC for their respective areas. They can take the assistance from Engineering and RPF staff, as may be found necessary.
- (d) Whenever an encroachment incipient or otherwise is noticed which requires.

30007. Procedure order for detection, Prevention and Removal of Encroachment 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 :-** (i) A register of total Railway land with up to date entries shall be maintained by the Section Engineer(Works) of the Engineering Department. A copy of the land plans, complete and up to date shall be available in the DRM's office also. Clear instructions to this effect are available in Paras 806 & 807 (Annexure -I) of the IRWM (2000 edition), which are to be strictly followed.

- (ii) **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-2) and Paras 808-811(i) of IRWM(2000 edition (Annexure-I) for proper maintenance of Railway Boundaries.
- (iii) Printed Land Boundary Varification 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 varification of land boundary should be done once a year and a certificate on the proforma should be given at the end of the Calendar year which should be verified and

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counter signed by AEN/DEN/Sr.DEN as per para 813(d) of IRWM(2000edition) (Annexure-I).

- (iv) Each Section Engineer (Works) should have a list of encroachment, 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 to the concerned GRP station. This list should be updated as on 1st April every year & circulated as above.

(2) **TYPE OF ENCROACHMENTS:**

- (i) Encroachment may be classified under different categories as specified in para 814(d) of IRWM(2000 edition).
- (ii) A typical proforma may be followed by each sectional Section Engineer(Works) showing the details of encroachments as shown in annexure-3.
- (iii) 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 department alongwith the details of encroachments by Section Engineer(Works).

(3) **PREVENTION OF ENCROACHMENTS :**

- (i) Responsibility for Prevention of New Encroachments :- Responsibility for prevention / reporting of new encroachments will be as given below:-

(i) Within station premises, except at station where SE/Works is posted.	Lies with SM jointly with concerned RPF inspector and senior most RPF official at that station where no RPF Inspector is posted.
(ii) Within/around the colony premises and within station premises where SE/Works are posted.	Lies with the concerned Section Engineer(Works) jointly with concerned RPF Inspector and senior most RPF official at that station where no RPF Inspector is posted.
(iii) In between station and at station of Section Engineer(Works)HQ.	Lies jointly with the concerned Section Engineer(Works/P.Way) and RPF official.
(iv) In/around loco shed	Lies jointly with the nominated Section Engineer of the loco shed and RPF Inspector.
(v) In/around carriage & wagon depot.	Lies jointly with nominated Section Engineer of the Depot and RPF official.
(vi) In/around workshop	Lies jointly with the nominated Section Engineer(of the department to which the workshop belongs) of the workshop and RPF official.

- (ii) 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-2) and Paras 808-811(i) IRWM(2000 Edition) (Annexure-I) in this regard.
- (iii) 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 Master where no SE/Works is posted shall take the help of his staff and persuade the encroacher to dismantle or vacate the Railway land within the station limits. Similar action

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shall be taken by Section Engineer as mentioned in para 3.1 (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/Sr.DOM/Sr.DEN/ Sr.DCM/Sr.DEE/Sr.DME/DSC/CWM 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/Workshop Manager should make arrangement 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 Railway 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 (i) 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 ENCROACHMENT :

- (i) New Encroachment and Trespassing : 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 encroachment/trespassing and also file an FIR at the local police station against the person concerned, if required.

The RPF Inspector/Officials incharge 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.

- (ii) Hard Encroachment:- The Section Engineer (Works/P.Way) shall be responsible for removal of hard encroachment 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, Electrical 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 encroachment 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 meeting 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 encroachment are large and sensitive or with very high potential of threat to law and order.

- (iii) Trespassing and soft encroachment can be removed without recourse to the PPE Act . Encroachment by Railway employees could be removed by recourse to departmental/disciplinary action for which controlling Divisional officer of the encroaching employee will be responsible.

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(5) MONITORING OF ENCROACHMENT

- (i) 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 dated 31.3.98 (Annexure-4) may be referred in this regards.
 - (a) "A" category stations: will be monitored at GM's level through CE/CGE.
 - (b) "B" category stations :- will be monitored at DRM's level through Sr. DEN(Co.).
 - (c) The remaining will be monitored at the Divisional officer's level.
- (ii) While monitoring of encroachments for A category and 'B' category station will be done by GM and DRM respectively as stated above, review for 'A' category station will be done by Railway Board for which six monthly progress report shall be sent from HQs. For 'B' category station review will be done at GM's level. For others review will be done at DRM's level.
 - (a) In order to send six monthly progress report to Board for 'A' category stations, Division (through Sr. DEN) should send the information as per Board's proforma (Annexure C) within the last week of the fifth month positively.
Six monthly progress reports for 'B' category station, which are to be reviewed at GM's level, Should also be sent by the Division, while sending the reports for 'A' category station. Information for 'B' category station may also be submitted in a proforma similar to that of 'A' category.

(6) JOINT INSPECTION AND REVIEW

- (i) 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-5. Such report should be sent to the higher officials (Branch officer/Workshop manager) of the respective departments by concerned Inspectors with a copy to Sr. Divisional Engineer.
- (ii) Section Engineer(Works/P.Way) should update the encroachment register maintained as per para 814(c) of the IRWM(2000 Edition)

(7) HANDING/TAKING OVER CHARGE

- (i) A joint field check on the existing encroachments will be mandatory part of Handing over/Taking over of the Section Engineer(Works/P.Way). This should be followed by a joint signing at the end of the Encroachment 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.
- (ii) Similar procedure should be followed by the concerned official of Commercial, Traffic, Electrical Mechanical, Security, and other department as mentioned in para 3.1 above.
- (iii) In the event of fresh encroachment having taking 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 reports of the officials concerned, and he(they) shall also be liable for DAR action as per para 8 below.

- (8) **LIABILITY FOR DAR ACTION :-** It should be imperative on the part of the concerned Branch Officer that for any new2 encroachments that come up on railway land officials, responsible for the safeguarding the railway land, are taken up under Railway Servant (D&A) Rules.

ANNEXURE-I

- 806 Land Records in C.E.s Office : (a) Vide para 850 of the Indian Railways Code for the Engg. Deptt. (1993 edition) a complete series of land plans for the entire Railway should be maintained in the Chief Engineer's Office. The original tracings that are duly certified by the State Governments should be kept as permanent records in the C.E.'s office. Sufficient copies of certified plans should be made out and supplied to the Divisional Engineers for reference, a copy being kept in the cover of each relevant file.

No notings should be made on certified plans and declarations nor on important letters from the State Governments in connection with acquisition or relinquishment of land as these may, at times, be required in a Court of Law to prove the Railway's title.

(b) Land Records Registers should be maintained in the Chief Engineer's office as per the following proforma (Table 8.1) in which all details of transactions, both acquisition and relinquishment should be noted.

Table 8.1

Land Records Register

Division.....
Section.....

Railway.....

Eng g. Divn	La nd Pla n No.	Stn. Or Kilometrage	Descripti on	Area (in hectare s)	Cost of land	Reference to correspon dence	Govt. Resolution s & date of sanctionin g the transfer of land	Remark s
1	2	3	4	5	6	7	8	9

(c) During consolidation and settlement operations that take place after certain intervals, re-survey of all the villages is carried out by concerned Revenue authorities. During these operations, the shape of the Railway land plans and the total land area available with the Railways may get obliterated in Revenue records. It would, therefore, be necessary that whenever such operations take place, the concerned Section Engineers (Works/P.Way) keep a track of such operations to ensure that Railway's land is kept intact in Revenue records. In fulfilling this responsibility, the Divisions may take suitable assistance from the Land Cell of the Chief Engineer's Office.

(d) Micro-filming :- All certified land plans shall be transferred as micro-films, requisite sets of which can be kept in safe custody both in Head quarters Office and also in the Divisional Offices. These micro -films should not replace original tracings but will help in taking prints of land plans in case original tracings are lost/mutilated.

807. Land Records in Divisional/Executive Engineer's Office

(a) Divisional/Executive Engineer's shall be responsible to ensure that records of title are carefully preserved and kept upto date by noting all changes on the copies of authorised land plans in their possession. All land plans should show complete dimensions preferably with boundary stones and their numbers.

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- (b) Land Records Registers as per para 806(b) should be maintained in the Divisional/Executive Engineer's office. Entries in the Land Register should be duly initiated by the Divisional/Executive Engineer's, as and when any transaction takes place.
- (c) After land acquisition proceedings are completed, the original papers viz. the notifications, awards, certificates of handing over and taking over of land and final land plan and schedule signed by the Collector should be separately bound together and carefully preserved. These documents should be kept in the custody of the head or Chief Draftsman of the Drawing office and these records should be properly handed over whenever there is a change in the incumbent of the post.
- (d) The last stage in the process of land acquisition is the mutation entry in the Revenue records. It is, therefore, necessary that such mutation entries are completed as early as possible in a sustained follow through of the land acquisition process. Unless and until the mutation of the land, which has been acquired, has been done, a quarterly report thereon should continue to be sent to the Chief Engineer's office. This point should also be checked by the Open line Engineers while taking over complete stretches of new construction, involving land acquisition, from the Construction Branch.
- (e) Final land plans, after mutation entries are carried out, should be sent to the Chief Engineer's office for safe custody and record.
- (f) In case of Construction Projects involving land acquisition, it will be the responsibility of the Construction Engineers to hand over the land acquired, free of all encroachments and alongwith all records specified in para (b) and (c), to the Open Line Engineers.

808. Demarcation of Land Boundaries

- (a) For proper demarcation of land boundaries para 1047 of the Indian Railways Code for the Engg. Deptt. (1993 edition) provides as under :
 - (i) All land permanently occupied for the purposes of Railway, shall have its boundaries defined on the ground in such a manner as to enable such boundaries to be readily ascertained and identified.
 - (ii) For this purpose, the boundary of the railway land may be defined by a continuous wall, fence or ditch or by detached marks, posts or pillars.
 - (iii) Where the boundary mark is continuous, the boundary of the Railway land is to be on the outer edge of the wall, fence or ditch, that is to say, the wall, fence or ditch will be situated wholly on Railway land.
 - (iv) Where detached marks, such as isolated posts or pillars are used the boundary of the Railway land will pass along the outside of such posts and pillars. Between marks, the boundary shall in each case be taken in a straight line from the outside of one mark to the outside of the next mark.
 - (v) Detached marks should, in no case be at a greater distance apart (centre to centre) than one fifth of a kilometer (200 meters). They should be of a substantial character, not easily destroyed or moved by accident or mischief, and of such size and form as can be readily found and recognised.
 - (vi) Each detached boundary mark should bear a number. The position and number of each detached boundary mark should be shown on the land plan.
 - (vii) Where a fence, wall or ditch is situated at some distance within the boundary and does not mark the actual limit of the railway land, it will be necessary (in addition to such fence, wall or ditch) to have the actual boundary of the Railway land properly marked and defined in accordance with these rules.

809. Boundary stones

- (a) The boundary stones may be of suitable size and section, projecting about 500 mm above ground and inscribed with appropriate letters e.g. NR for Northern Railway and the number in black below, the stones being colour washed white, red or yellow to

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suit local conditions. The stones should be fixed squarely, the outside face representing the boundary with the letters and number facing the railway line. On the telegraph post side preferably, the boundary stone may be serially numbered 1,3,5 and so on in ascending order of kilometrage, those on the opposite side being numbered 2,4,6 and so on, the number starting from a kilometre post and ending at the next kilometre post where the numbers should begin afresh. The stones should be kept clear from jungle growth or shrubs for at least 1 metre all round within the Railway limits.

- (b) Boundary stones should be fixed at every point of change of alignment. In hilly country and for sharp curves, each stone should be so placed that it can be observed from the adjoining stone on either side.

810. Boundary Pillars On Banks Of Rivers :- High boundary pillars on each bank of rivers or important waterways crossed by Railway bridges should be erected so as to prevent and control encroachments. Land within this boundary should never be surrendered.

811 (i) Construction of boundary wall in areas having habitation

- (a) In areas having habitation bordering 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. Boundary walls are an operational necessity in such situations, so as to prevent trespassing, cattle being run over by trains, use of railway tracks for easing etc. and theft of P. Way fittings and other railway materials. 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 (Letter No. 80/W2/14/0/APT dt. 2.9.93)
- (b) In other areas instructions as per para 3715 of Way and Works Manual should be strictly followed.

813. Verification of Land Boundaries :- (d) Maintenance of land boundaries verification Register:- Railway should maintain printed registers on the lines of Bridge Registers as at Annexure 8.1 (a) & (b) in the attached format showing "Details of Encroachments" and "Details of the Missing Boundary Stones" and action taken thereon. The entries in the register should be certified by the Section Engineer/ (Works/P.Way) of the respective sections and verified/inspected by the Asstt. Engineer./DEN/ Sr/DEN or other higher officers from time to time. The registers should have adequate pages so that record of inspection and verification of land boundaries for a period of 15 years can be accommodated in the register. Separate registers should be maintained for each Section Engineer(Works/P.Way) jurisdiction. A certificate on the following proforma should be given by the Section Engineer once a year which is to be verified and counter signed by AEN with regard to correct demarcation of land boundaries:-

Certificate for Land Boundaries verification is given below:

LAND BOUNDARIES VERIFICATION VERTIFICATE

Year-----Section-----Kms.-----to-----

PW/IOW-----Sub Division-----Division-----

I, -----PW/IOW certify that I have inspected the railway land fencings and boundary stones on my section during the year ending ----- and that they are in accordance with certified the/land plans. There have been no encroachments except at the following kilometerages that have been reported upon vide reference given against each.

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DETAILS OF ENCROACHMENTS.

Date of Inspection	Location	Description of encroachments.	Action taken	Reference	Initials of Inspecting Officers	Remarks.
1	2	3	4	5	6	7

I further certify that wire fencing and / or boundary stones are available at all locations except and the Kilometerages shown below for which action to replace the same is indicated against each location.

DETAILS OF MISSING BOUNDARY STONES

Date of Inspection	Location	Description of encroachments.	Action taken	Initials of Inspecting Officers	Remarks.
1	2	3	4	5	6

1. I certify that railway boundaries are demarcated correctly and that there are no encroachments, except those listed above.
2. Certified that land plans pertaining to the above mentioned PWI/IOW-----
----- are available with him except the following.

Asstt. Engineer/

DEN/Sr.DEN/

Chief Engineer/General

ANNEXURE-2

1047. Demarcation of Land :- The following rules for the demarcation of land have been laid down by the Government of India under Section 13(a) of the Indian Railway Act IX of 1890:-

- (a) All land permanently occupied for the purposes of a railway shall have its boundaries defined on the ground in such a manner as to enable such boundaries to be readily ascertained and identified.
- (b) For this purpose the boundary of the railway land may be defined by a continuous wall, fence or ditch. Or by detached marks, posts or pillars.
- (c) Where the boundary mark is continuous the boundary of the railway land is to be on the outer edge of the wall, fence or ditch, that is to say the wall, fence or ditch will be situated wholly on railway land.
- (d) Where, detached marks, such as isolated posts or pillars are used, the boundary of the railway land will pass along the outside of such posts and pillars, Between the marks the boundary will in each case be taken in a straight line from the outside of one mark to the outside of the next mark.
- (e) Detached marks should in no case be at a greater distance a part (centre to centre) than one fifth of a kilometre(200 metres). They should be of a substantial character, not easily destroyed or moved by accident or mischief, and of such size and form as can be readily found and recognized.
- (f) Each detached boundary mark should bear a number. The position and number of each detached boundary mark should be shown on the Land Plan.
- (g) Where a fence, wall or ditch is situated at some distance within the boundary and does not mark the actual limit of the railway land it will be necessary (in addition to such fence, wall or ditch) to have the actual boundary of the railway land properly marked and defined in accordance with these rules.

1048. Every Railway Administration is responsible for the demarcation and periodical verification of the boundaries and the maintenance of proper records in connection there with of all land in the possession of that Railway.

PREVENTION DETECTION AND REMOVAL OF ENCROACHMENT ON RAILWAY LAND

ANNEXURE-4

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

No. 98/LML/14/7

New Delhi, Dt 31.3.98

The General Managers,
All Indian Railway(Including Production Units)

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

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

2. Thus, in the past the stress has been a generalised one with out determination of its importance of the encroachment for the Railway working. For instance the encroachment in metropolitan and important towns near the station and along the track are not only a safety hazard but also affect developmental works which are already sanctioned or likely to be sanctioned in near future. The problem gets multiplied in these places if the same is not checked in time. The encroachment elsewhere though are equally important, but their removal as and when the Railway land is required to be got vacated from safety consideration/ developmental purpose, may not pose the same amount of problems as in metropolitan cities/major towns.

3. It is in this background, Board considers an ABC analysis of the encroachment on the Railway land needs to be done immediately Railways should segregate number of encroachment at each station in various categories of stations as defined for passenger amenities in letter No. 84/LMB/2/175 dated 18.5.95 (relevant extract at annexure "B").

4. The encroachment at "A" category stations should be monitored at the General Manager's level. At "B" category stations these should be monitored at the DRM's level. The remaining may be monitored at the branch officers level. This will help in focussing attention for removal of encroachment at key locations. On priority. Railway may also include more locations for monitoring the General Manager/DRM's level depending upon the location of the encroachment and its importance as regards to commercial value of property and its impact on the Railway working.

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

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

Kindly acknowledged receipt.

Sd/-
(V.K.AGARWAL)
Exec. Dire./Land Management.
Railway Board.

ANNEXURE-A

Sr No.	Railway Board's instructions regarding definition of encroachment:	Letter No. and date
1.	(i) soft type (ii) Hard type and removal thereof. Survey of encroachments etc.	No. 80/W2/14/0 dated 26.9.90
2.	Responsibility/Jurisdiction of Railway Officers- SS/Engg. And Commercial staff etc.	-do- and No. 80/W2/14/0 dt.12.3.91
3.	Removal /Prevention of encroachments- progress reports to be sent to Board's office. Etc.	No. 80/W2/14/0 dated 10.6.87
4.	Maintenance of Land boundaries verification register.	No.84/W2/LM/19/2 dt. 28.6.85
5.	Assistance of RPF staff for protecting Rly. Land and other matters.	No.85/W2/LM/18/62 dt. 12.6.85 and No.93/Sec.Spl/200/4 dt 8.7.93
6.	Action against encroachments by Railway staff- Action under DAR to be taken.	No.90/LML/14/34 dated 9.3.90
7.	Construction/repair of boundary walls	No.80/W2/14/0/A dated 11.12.96.

ANNEXURE-B

Extracts of Board's letter No. 94/LM(B)/2/175 dated 18.5.95 addressed to General Managers, All Indian Railways.

Sub:- Perspective Plan for provision of Passengers Amenities at Stations.

4.0 **Classification of Stations:**

Stations shall be classified in the following categories:-

4.1 **Category "A":-**

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

4.2 **Category "B"**

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

4.3 **Category "C"**

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

4.4 **Category "D"**

- (i) Suburban Stations.

4.5 **Category "E"**

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

PREVENTION DETECTION AND REMOVAL OF ENCROACHMENT ON RAILWAY LAND

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

NAME OF STATION	DIVISION	TOTAL NO. AT THE BEGINNING OF THE 'A' TYPE ENCROACHMENT	NO. OF AT THE END OF HALF YEAR	NO. OF EVICTION CASES FILED IN THE COURT OF ESTATE OFFICER	NO. OF CASES DECIDED IN THE COURT OF ESTATE OFFICER	NO. OF CASES STILL TO BE FILED IN THE COURT OF ESTATE OFFICER	NO. OF ENCROACHMENTS REMOVED DURING THE SIX MONTH PERIOD	REMARKS
1	2	3	4	5	6	7	8	9

ANNEXURE-5**JOINT INSPECTION REPORT**

STATION:

DATE OF INSPECTION:

Km: From

To

Officials responsible: S.No.

Name/ Designation

- 1.
- 2.
- 3.
- 4.
- 5.

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 encroachme nt plan	Encroacher Employee/ Outsider	Soft/Hard	Area in Sq.m.	Period since existing	Action taken to remov e	Remar ks

4. Certified the 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

.....

S.E (Works/P.Way) S.M. SE(Elect) RPF Inspector/Official Any other official

PREVENTION DETECTION AND REMOVAL OF ENCROACHMENT ON RAILWAY LAND

814. Removal of Encroachments:- (a) New encroachments shall be got removed promptly under provisions of section 147 of Railway Act 1989. For old encroachments where party is not amenable to persuasion for removal of such encroachments, action should be taken under the provisions of Public Premises (Eviction of Unauthorised Occupants) Act 1971. Encroachment of railway land by railway staff also constitutes grave misconduct on their part and is 'good and sufficient reason' for imposition of major penalty after following the procedure laid down in the Discipline and Appeal Rules.

(b) When an encroachment is in the process of building up it should be removed then and there.

(c) Where the encroachments are of a temporary nature in the shape of jhuggies, jhopries and squatters and where it may be difficult to take action under PPE Act the same may be got removed in consultation and with the assistance of local civil authorities.

(d) Every year, at the close of financial year, detailed survey of encroachments must be made under the following categories:-

- (i) **CATEGORY -A** - Encroachments by outsiders removal of which requires action under public premises eviction (PPE) Act.
- (ii) **CATEGORY-B** :- Encroachments by outsiders which do not require action under PPE Act (e.g. temporary occupation of land by hawkers using Railway land for cattle cowdung refuse etc.)
- (iii) **CATEGORY-C**:- Encroachment by Railway staff in the form of temporary huts etc.
- (iv) **CATEGORY-D**:-Encroachment BY Railway staff who have been allotted railway accommodation, by way of additions to the structures , unauthorised use of land for cultivation etc.

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

(e) The Section Engineer (Works) should maintain details of encroachments in a register showing their incidence and removal with necessary details as given in Annexure 8.2 (Encroachment Inspection Register).

One page of this register shall be allotted to each encroachment. A scale plan of the encroachment shall be provided on the facing side.

Once a case is opened the entries should not be discontinued unless and until the encroachment is removed. A note to that effect should be made in the register. The frequency of inspection of encroachment shall be at least once in 3 months.

Section Engineer (Works) shall give a certificate in the following proforma, once in three months, which shall be verified and countersigned by the AEN.

"I....., Section Engineer (Works) certify that I have inspected the Railway land in my section during the quarter ending and there have been no encroachments except at the locations shown in this register, that have been reported upon vide references given against each. "

Signature
Section Engineer(Works)

AEN should submit every month the summary of the status of removal of encroachments to the Divisional Engineer.

Monthly progress regarding additions and removal of encroachments, filing eviction cases and their progress in court of Estate Officer, in Civil Courts etc. should be submitted by Divisions to Head Quarter.

Encroachment plans to scale shall be made for every encroachment. These encroachment plans alongwith details of encroachment as per Annexure 8.2 should be checked

PREVENTION DETECTION AND REMOVAL OF ENCROACHMENT ON RAILWAY LAND

and signed by Section Engineer(Works)/AEN. Records of such encroachment plans should be kept in the Divisional office and these encroachment plans should be handed over and taken over by Section Engineer (Works)/AENs at the time of change of charge.

A copy of encroachment plan should be available with Section Engineer (Works)/AEN/DEN/Sr.DEN. Any encroachment added or removed should be reflected in the encroachment plan.

A copy of encroachment plan should be handed over by the AEN to SMs /RPF inspectors (where Section Engineer (Works) is not headquartered).

(f) **Steps to control the unauthorised use of Railway land:-** (a) For any addition/alteration of a pucca structure, written sanction of the Divisional Engineer should be necessary. Any structure in which cement is used may be classified as pucca structure.

(b) For alteration addition of any temporary structure, written sanction of AEN should be necessary.

(c) Plans for commercial plots at various stations should be approved jointly by Divisional Engineering and Commercial Officers and at site demarcation of the plots should be done with rail posts by Engineering Deptt. Whenever any commercial plot is licensed the Commercial Department should give a copy of the allotment letter to the Engineering Deptt. So that Section Engineer(Works) can ensure against any unauthorised use. The station Master should also have a copy of the approved plan of commercial plots at the situation. Station staff, including Commercial staff posted in Goods Sheds should firstly ensure that commercial plots are not misused and secondly, in case of any misuse and/or encroachment should immediately report it to the Engineering Department for eviction and other action that may be necessary. This will also apply to the cases of any licensing for shops, tehbazari etc. in the circulating area and goods shed premises.

(d) To prevent imminent encroachments on vacant railway land, planting of suitable trees/shurbs including quick growing thorny trees like Prosopis Juliflora (Vilayati Babul) should be adopted.

(e) Eviction process shall include interactions:- (i) Identification of the existing encroachments.

(ii) Ensuring that all the cases under the PPE Act have been filed.

(iii) Estate Officers should expedite finalisation of the cases pending with them.

(iv) Action for possession in accordance with the extant orders where eviction orders are received.

(v) Mobilisation of help of Civil Authorities by formal/informal requests at different levels till the required assistance is forthcoming.

(vi) Cases directed to the courts to be pursued for early finalisation with the help of the Railway Advocates.

815 Division of Responsibility : The following division of responsibility between the station staff and the engineering staff should be observed in regard to encroachments within the station areas:-

(a) At stations, the Station Master will be primarily responsible for preventing encroachments and for driving out trespassers by obtaining help from RPF/Police and Section Engineer (Works) as necessary.

(b) In the goods shed the Chief Goods Clerk wherever available and the Station Master at other places will be responsible for preventing encroachments and for driving out trespassers with the help of RPF/Police and Section Engineer (Works) as necessary.

(c) The responsibility for preventing encroachments and for driving out trespassers in circulating areas of the stations and goods sheds, will rest with the Station Manager/Station Master/SS/CGC for their respective areas. They can take the assistance from Engineering and RPF staff, as may be found necessary.

(d) Whenever an encroachment incipient or otherwise is noticed which requires