

SOUTH EASTERN RAILWAY

CE's Circular No.240

Rly. Board's D.O. No.98/LML/14/156

New Delhi, dated 25-2-2001

PROCEDURE ORDER FOR DETECTION, PREVENTION & REMOVAL OF ENCROACHMENTS ON RAILWAY LAND IN S.E. RAILWAY.

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 instruction to this effect are available in para 806 & 807 of the IRWM (2000 edition) which are to be strictly followed.

1.2 DEMARCATION OF LAND BOUNDARIES.

Boundaries pillars shall be maintained, projecting about 500 mm above the ground and as per details given in paras 1047 & 1048E (Revised Edition 1993) and Para 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) of the sections and verification of the same should be done periodically by the AENs/DENs/Sr.DENs (813 (d) IRWM (2000 edition).
- 1.4 Each section Engineer (Works) should have a list of the 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 concerned GRP station. This list should be updated as on 1st April every year and circulated as above.

2 **TYPE OF ENCROACHMENTS.**

3 Encroachment may be classified under different categories as specified in Para 804 (d) of IRWM (2000) edition).

- i) Soft encroachments such as unauthorised way leave facilities such as doors opening into railway area, access from Railway land, drainage into Railway area, throwing refuse onto Railway land for cattle, dung etc.
- ii) Hard Encroachments such as construction of temporary or permanent structures for housing, commercial or other purposes, additions and alterations to existing Railway Structures etc.
- iii) Trespassing such as entering Railway land unauthorisedly with or without materials, with intention of setting of dwelling unit, or for carrying out trade or business.

DETAILS OF ENCROACHMENTS

Section _____ DIVN _____ SUB-DIVN _____ HQ _____

Stn premises/colony/Mid see/Workshop/Locos shed/wagon depot.	Locations		Rly employe /outsider oerso nd/others	Soft/hard	Area in Sqm	Value of land approx		Approx period since encroachment existing	Purpo se perso nal/Co mmer cial/R eligiou s/Soci al/oth er	Action taken to remov e	Remarks
	Km/EM stn (from-to)	Refer ence to encro achm ent plan				Value	Basis marke t rate/N otified rate/r ough asses ment				
1	2	3	4	5	6	7	8	9	10	11	12

3.1 A typical proforma may be followed by each Sectional Engineer (Works) showing the details of Encroachments as under :-

3.2 If the encroacher is a Railway employee, detailed particulars should be prepared mentioning the employee's name, designation and department AND FORWARDED TO 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.

1.	Within station premises	Lies with the SM jointly with concerned RPF Inspector and Senior-most official at that station where no RPF Inspector is posted except in case where S.E.(Works) is posted Hd. Quartered and has office within the premises of the station area, in which case the responsibility shall lie jointly between.
2.	Within/around the colony premises	The concerned section Engineer (Works) jointly with concerned RPF Inspector or Senior most RPF official at tat station where no RPF Inspector is posted.
3	In between stations	Lies jointly with the concerned section Engineer (Works/P.Way) and RPF Officials.
4.	In/around Loco shed	Lies jointly with the nominated section Engineer of the Loco Shed and RPF Inspector.
5.	In/around carriage and Wagon Depot	Lies jointly with nominated section Engineer of the Depot and RPF Official
6.	In/around workshop	Lies jointly with the nominated Section Engineer (of he department to which the Workshop belongs) of the Workshop and RPF Official.

The demarcation of "Stations premises" and "Colony area" for each station and jurisdiction around Loco-shed , carriage and Wagon Depot, Workshops etc. will be done with the approval of DRM concerned. Each Supervisor shall maintain the diagram of demarcated area of responsibility in his office for easy reference. The documents shall be properly handed over when handing over charge of their jurisdiction posting.

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. The entire Railway land where boundaries are

made by wire/fencing a board should display that "The land belongs to Indian Railways and Trespassers will be prosecuted.

Boundary wall and fencing should invariably be erected in place 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 Para 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 the is 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 (as the case may be) and 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 and concerned Divl. Officers including DSC/RPF 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 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 and 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 provisions 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 ENCROACHMENTS

4.1 NEW ENCROACHMENTS AND TRESPASSING :

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 Officer against the encroachers.

During the course of hearing by the Estate Officer, concerned officials from Engg., Comml., Traffic, Mechanical or Security Deptts., as may be nominated shall actively cooperate with the section Engineer (Works) who 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 be 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 HQs , the DRMs may preside over the meetings in this connection or may attend such meeting with the District Authorities if the civil authorities so desire. Such steps will be required if the encroachments are large & sensitive or with very high potential of threat to law and order.

Trespassing and soft encroachment can be removed with recourse to the PPE Act. Encroachments by rly. 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 Rly. land should be as elaborated in the following paragraphs. Board's letter No. 98/LML/14/7 dt.31.3.98 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 Stations :
Should be monitored at DRM's level through Sr.DEN/Co-ord/DEN (Estate).

5.1.3 The remaining may be monitored at the Divisional Officers level.

5.2 While monitoring of encroachments for 'A' Category and 'B' 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 GMs level. For others, review will be done at DRMs level.

5.2.1 In order to sent the six monthly progress report to Board for 'A' category divisions should send the informations 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 GMs level should also be sent by the divisions while sending the reports for 'A' category. Informations for 'B' category may be submitted in a proforma in 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 reports

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 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 Encroachment Register of 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 procedures should be followed by the concerned officer from Commercial, Traffic, Mechanical, Security & other Departments while handing over/taking over charge.

- b) In the event of fresh encroachments 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 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 MECHANICAL ENGINEER

CHIEF ELECTRICAL ENGINEER

CHIEF COMMERCIAL MANAGER

CHIEF OPERATION MANAGER