SOUTH EASTERN RAILWAY

Office of the
General Manager (Engg.)
Garden Reach, Calcutta-43
Dated: 28.08.91

CE’s Circular No. 118

Sub: Demarcating & verification of Rly. Boundaries & maintenance of records.

In terms of Para 1047 and 1048 of the Indian Railways Engineering Code (Revised Edition of 1989). “Every Railway Administrations is responsible for demarcation and periodical verification of the boundaries and maintenance of proper records in connection with of all land in the possession of that Railways.”

To prevent incidence of increasing encroachment on Railway land, the matter and had been specially emphasised by the Railway Board in recent past through circulars which were concurrently circulated to all divisions for strict observance of the Engineering Code as referred to above as well as Way and Works Manual (Paras 3714 to 3720).

Construction of boundary pillars and fencing/wall where necessary, periodical verification, keeping records, certification and sending periodical report to Head quarters in this regard as per provision of the Engineering code and works manual and Railway Board's Circular No. 84/W2/LM/19/2 dtd 08.03.85, must be adhere to meticulously. Any failure in this regard will cause D & A action on the staff responsible for such failure as per Jt. Procedure order circulated under this office No. L.Poly/ENC dtd 04.11.85 by the Competent authority.

The extracts of the relevant paras, copies of the Railway Boards Circular as well as the Jt. Procedure Order as mentioned above, are enclosed as ready references.

Encl: As above.
RELEVANT EXTRACTS FROM THE ENGINEERING CODE

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 Railways Act IX of 1990:-

(a) All land permanently occupied for the purposes of railway shall have 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 well, 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 marks.

(e) Detached marks should in no case be at a greater distance apart (centre to centre) than one fifth of a kilometre (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 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 no 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 all maintenance of proper records in connection therewith of all land in the possession of that Railway.
RELEVANT EXTRACTS FROM THE WAY & WORKS MANUAL

3714. Land records in Regional Engineer’s and Divisional/District Engineer’s Office-(a) Divisional/District Engineers shall be responsible to ensure that records of title are carefully preserved and kept up-to-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.

(b) Land Registers under the following heads should be maintained in the Regional Engineer’s and Divisional/Engineer’s Offices in which all transactions, both acquisition and realignment should be noted.

Engineering Division/District- land plan No.- Station or Kilometerage (Mileage)-Description-Area in hectares (acres)-cost of land-Reference to correspondence-Government Resolutions and date sanctioning the transfer of land and Remarks to show the date of actual transaction.

Entries in the Land Register should be duly initialled when transaction takes place.

3715. Same as para 1047 of Engineering Code.

3716. Boundary stone- (a) The boundary stones may be of suitable size and section, projecting about 500 mm (18”) above ground and inscribed with the letters “N.R. (as for Northern Railway)” and the number in the black below, the stones being colour washed white, red or yellow to 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 stones may be serially numbered 1,3,5 and so on in the ascending order of kilometrage (mileage), those on the opposite side being numbered 2,4,6 and so on on the numbering being commence from a kilometre-post (mile post) and ending at the next kilometre post (mile post) whence the numbers should be given a fresh. The stones should be kept clear from jungle growth or shrubs for atleast 1 metre (4 ft) all round within the railway limits.

3717. Boundary pillars on banks or rivers-High boundary pillars on each bank of rivers or important water ways crossed by railway bridges should be created so as to prevent and control encroachments. Land within this boundary should never be surrendered.
3718. Fencing-Fencing, as a rule, need only be provided:-

(i) For specified lengths on either sides of level crossings;
(ii) Around busy station Yards and for 30m. (100’) on either side;
(iii) In Municipal limits and notified-area limits and
(iv) in proximity to villages or such localities where huts or houses are close to the railway line.

3718. Land plans with Assistant Engineers and Inspectors-Ferros of certified land plans showing complete dimensions should be in the possession of the Assistant Engineers, Permanent Way Inspectors and Works Inspectors as pertain to their jurisdictions. Copy of railway Board’s letter No. 84/W2/LM/19/2 dated 08.03.85 from Shri M.P.Budhirajan, Director (land management), Railway Board addressed to the General Manager, All India Railways (including DLW, CLW, ICF) Gm/W & AP/Bangalore’64. The Director General R.D.S.O./Lucknow.

**Sub: Maintenance of Land Boundaries verification register.**

In terms of para 1048 of the Indian Railways code for the Engineering Department (Revised Edition) 1982, every Railway Administration is responsible for the demarcation and periodical verification of the boundaries and maintenance of the proper records in connection therewith of all land in possession of that Railway. Detailed instruction in this regard exist in para 3720 of the Indian Railways Ways and Works Manual. Format for the certificate to be submitted annually by IOWs/PWIs of inspection of land boundaries of lands in their sections has been prescribed in para 3720 (d) of the IRWWM.

2. It has come to Board’s notice that the prescribed certificate is not submitted by many of the PWI’s, IOW’s. Also in cases where certificates are submitted, there is no proper record of the same and in many cases, the certificates get lost/misplaced, with the result that no proper record of annual verification of land boundaries is available with the Divisional/Zonal Railways.

3. Board have considered the matter and desire that Railways should maintain printed registers on the lines of Bridge Registers, in the attached format showing ‘Details of the encroachments’ and ‘Details of the Missing Boundary Stones’ and action taken thereon. The entries in the register should be certified by the PWI/IOW in charge 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 PWI/IOW’s jurisdiction.

4. Steps may be taken to print the registers immediately, so that these instructions are implemented in respect of annual inspections of land boundaries for year ending 31/3/1985.

5. Please acknowledge receipt.

DA : As above.

Copy of Railway Board’s letter No. 84/W2/LM/19/2 dated 08.03.95 from Shri M.P.Budhiraja, Director (Land Management), Railway Board addressed to the General Manager, All Indian Railways (including DLW, CLW, ICF), GM W & AP/Director. The Director General, RDSO/Lucknow.

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4. Step may be taken to print the registers immediately so that these instructions are implemented in respective of annual inspections of land boundaries for year ending 31.03.85

5. Please acknowledge receipt.

3720. Verification of land boundaries:- (a) Vide para 841 E, ‘every Railway administration is responsible for the demarcation and periodical verification of the boundaries and maintenance of proper records in connection therewith of all land in the possession of that Railway.”

(b) The Permanent Way/Works Inspector is responsible for maintaining the railway land boundaries and for reporting any encroachments that may occur as soon as they are noticed to the Assistant Engineer who will on receipt of such reports take immediate measures to remove the encroachments.

Particular care is required to prevent encroachment on railway land situated above tunnels.

(c) The Permanent Way Inspector shall inspect and maintain the railway land boundaries between stations and at unimportant stations.

The works Inspector shall and maintain the land boundaries at important stations and staff colonies.

(d) The Permanent Way Inspector/Works Inspector should submit by the prescribed date a certificate to the Assistant Engineer, endorsed to Divisional/District Engineer for information, in the following form each year.

“I certify that I have inspected the railway land fencings and boundary stones on my section during the year ending ............... And that they are accordance with the land plans. There have been no encroachments except at the following kilometrages (mileages) that have been reported upon vide reference given against each. I further certify that missing wire fencing and/or boundary stones at the kilometrages (mileages) shown below have been replaced.

No..... Date ..........Permanent Way Inspector/Works Inspector.
(e) During the Inspections the Assistant Engineer should ensure that railway boundaries are demarcated correctly and that there are no encroachments. In cases where he cannot prevail on the parties to remove the encroachments he must report the facts with particulars to the Divisional/District Engineer who will take up the matter the local Authorities.

(130 E)

JOINT PROCEDURE ORDER FOR DETECTION AND REMOVAL OF ENCROACHMENTS ON RAILWAY LAND

No. L/POLY/ENC Dated: 04.11.1985

1.0 Arising out of the discussions on the railway Budget on 18.03.85 on the subject “Encroachments on Railway land” and instructions issued thereafter by the Minister of Railways/Railway Board, the following action to be taken by staff detailed below:-

2.0 Land Records and registers:

2.1 Register of Railway land with upto-date entries shall be maintained by IOW/PWI of the Engineering Department.

2.2 IOW/PWI should make out a list of the encroachments location-wise and copy of the same may be furnished of the concerned RPF post the Police Station. This will facilitate to keep upto-date data of encroachments.

2.3 There should be close co-ordination in this regard among officials of Engg. Department, RPF and the Police in order to avoid serious problems of law and order.

3.0 Prevention:

3.1 Responsibilities of various department immediate action should be taken by Station Master/Inspector-RPF/IOW/PWI where encroachment is incipient and is in the process. It is easier to prevent encroachment at this stage by awareness, persuasion, watch & ward, 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 IOW & PWI individually and jointly wherever is possible taking the assistance of RPF Inspector.

3.2 Wherever persuasion by the Railways authorities does not yield any result, an FIR should be lodged by the Engg. Deptt. With the police having jurisdiction over the area.
4.0 Detection and removal of encroachments in early stages:

4.1 Station Limits:

4.1.1 The Station Masters shall be responsible for detection of the encroachments within the station limits and immediate report to the concerned IOW/PWI who in turn and together with the assistance of RPF/GRP/Local Police will immediately arrange the removal of encroachments on Railway Land situated within the station limits should be provided to the S.M. by the IOW.

4.1.2 The Inspector of RPF shall similarly be responsible for detection of the encroachments and immediate report to the concerned IOW who in turn & together with the assistance of RPF/GRP/Local Police will immediately arrange the removal of encroachments made on Rly. Land situated within the station limits of his Headquarters station where IOW is not head-quartered.

4.1.3 The IOW shall be responsible for detection of the encroachments at his HQ station and with the assistance of concerned RPF/GRP/Local Police will immediately arrange the removal.

4.2 Outside the station limits:

4.2.1 The prevention and removal of encroachments shall be the responsibility of Sectional PWI in the matter prescribed above.

5.0 Removal of encroachments through Estate action:

5.1 If no action taken by the local police, the sectional IOW shall immediately file the case in the court of estate Officer against the encroacher.

5.2 During the course of hearing by the Estate officer, concerned Station master/Inspector of RPF shall activity co-operate with the concerned IOW.

5.3 As soon as the decision is given by the court of the Estate Officer, the IOW shall take suitable steps in removing the encroachments as per the orders if the Estate Officer. In this he shall be assisted by the concerned SM/RPF Inspector and local police.

6.0 Joint Inspection and Review:

A monthly joint inspection should be conducted by the Station Master/IOW/PWI/RPF Inspector concerned to study on the spot of the old and new encroachments for taking immediate necessary action.
The record of encroachments are to be maintained by Engg. Department and shall be put up to the supervising officers during their inspection. The registers shall show the dates of encroachment, names of encroachments, areas occupied and the action taken. A summary of this should be sent every 3rd month by the IOW concerned to AEN & DEN.

6.0 Disciplinary action:
It will be ensured by all concerning departments that there is no laxity in the implements of these orders and responsibility should be fixed if there is violation of these orders.

Sd/-
(Vishnumoorthy)
Chief Engineer

Sd/-
(T.Ananthachari)
Inspector
General/RPF

Sd/-
(S.Hots)
Chief Comml.Supdt.

The above instructions are subject to the following Persons mentioned below will be responsible for preventing encroachment of Railway land.

(i) IOW in his own HQ Station;
(ii) Where IOW is not posted but Inspector/RPF is posted the latter;
(iii) Station Master within the concerned station limits;
(iv) PWI in the concerned mid-section.