SOUTH EASTERN RAILWAY

CE’s Circular No.158 Dated: 19 February, 1999

CSC/RPF’s Circular No. RPF/G/13-1/Encroachment. Dated : 03/02/1999

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 IOW 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 3714 & 3719 (Annexure-I) of the IRWWM in this regard which are to be strictly followed.

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 E (Revised Edition 1989) (Annexure-II) and paras 3715-3718 (Annexure-I) of IRWWM 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 IOW. Entries should be made in the register mentioned by the IOWs of the sections and verification of the same should be done periodically by the AENs/DENs/Sr.DENs. (Board’s letter No.84/W2/LM/19/2 dated 8.3.85 – Annex-III).

1.4 Each IOW should have a list of the encroachments, locationwise, and copy of the same is to be furnished to the concerned RPF post, 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**

Encroachment may be classified as:

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, use of 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.

2.1 A typical proforma may be followed by each sectional IOW as under:

<table>
<thead>
<tr>
<th>SECTION</th>
<th>DIVN</th>
<th>SUB-DIVN</th>
<th>HQ</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>Value of land approx.</td>
<td>Station premises /colony/ mid section KM/EM Station (from-to)</td>
<td>Reference to encroachment plan</td>
</tr>
<tr>
<td>Approx. period since Encroachment existing</td>
<td>Purpose Personal/Commercial/religious/Social/Other</td>
<td>Action taken to remove</td>
<td></td>
</tr>
<tr>
<td>Remarks</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2.2 If the encroacher is a Railway employee, detailed particulars should be prepared mentioning the employee’s name, designation and department.

3. **PREVENTION OF ENCROACHMENTS**

3.1 **RESPONSIBILITY FOR PREVENTION OF NEW ENCROACHMENT**

Responsibility for prevention of new encroachments will be as follows:

(i) Within station premises - Lies with the SM jointly with concerned RPF Inspector and RPF personnel at that station where no RPF Inspector is posted.

(ii) Within the colony premises - Lies with the concerned IOW jointly with concerned RPF Inspector and RAF personnel at that station where no RPF Inspector is posted.

(iii) In between stations - Lies jointly with the concerned IOW & PWI.
Division shall specify for each station, the officials responsible for prevention of new encroachments. The demarcation of “stations premises” and “colony area” will be done for each station with approval of DRM.

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 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 continuos wall or ditch etc.) for each area based on cost and vulnerability of land. [Detailed directives are available in Engineering Code { Para 1047 & 1048(Annexure-II)} and IRWWM {Para 3718 (Annexure-I)} in this regard.] In addition, Sal, or other useful tree plantation, should be made along the Railway land boundaries.

Board’s letter No.98/LML/14/88 dt.14.8.98 (Annexure-IV) and 98/LML/15/4 Dt. 6th Aug’98(Annexure-V) may be referred in this regard.

3.3 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 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/IOW or PWI (as the case may be) and the RPF inspector.

It shall be the duty of the SM/IOW/PWI/RPF representatives 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 Indian 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 provisions of Section 147(2) of the I.R.Act, 1989, which states “(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,” no FIR need be lodged.
3.4 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 TREPASSING.**

As mentioned earlier, the responsibility for preventing fresh encroachment/tresspassing shall be with the RPF Inspector incharge and IOW/PWI or the SM of the area. In case of any sudden encroachment/construction, the concerned IOW/PWI/SM will requisition the help of RPF where necessary and stop such encroachments/tresspassing and also file an FIR to 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 IOW/PWI/Station Masters. 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 IOW/PWI shall be responsible for removal of hard encroachments as per procedure laid down by law under PPE Act. The IOW/PWI shall file the cases in the court of Estate Officer against the encroachers.

During the course of hearing by the Estate Officer, concerned SM & RPF Inspector shall actively co-operate with the concerned IOW/PWI.

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 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 DRM's may preside over the meetings 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 very large and very sensitive or with very high potential of threat to law and order.
4.3 Tresspassing and soft encroachment can be removed without recourse to the PPE Act. Any 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. For all the remaining encroachments, action under the P.P. Eviction Act must be taken with least possible delay.

Board’s letter No.80/W2/14/0 dated 26.9.90, (Annexure-VI) may be referred in this regard.

5. **MONITORING OF ENCROACHMENTS:**

5.1 An ABC analysis of the encroachment on the Railway land should be done immediately which are elaborated in the following paragraphs. Board’s letter No. 98/LML/14/7 dt.31.3.98 (Annexure-VII) 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 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 GM’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. Informations for ‘B’ category may be submitted in a proforma similar to that of ‘A’ category.
6. **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 the old and new encroachments for taking immediate necessary action. The record of encroachments are to be maintained by the Engg. Department and shall be put up to the superiors officers during their inspection.

7. **DISCIPLINARY ACTION:**

   It may be ensured that for any new encroachments, officials responsible for safe guarding these encroachments is severely taken up under D & A rules.

_Sd/-_  _Sd/-_  _Sd/-_
_CSC/RPF/SER_  _COM/SER_  _CE/SER_
LIST OF ANNEXURES

(1) Relevant extracts from the IRWWM (paras 3714-3720)             Annexure-I
(2) Relevant extracts from the Engg.Code (Paras 1047 & 1048)        Annexure-II
(3) Railway Board’s letter No.84/W2/LM/19/2 dated 8.3.85.          Annexure-III
(4) Railway Board’s letter No.98/LML/14/88. dt.14.08.98.          Annexure-IV
(5) CRB’s letter No.98/LML/15/4 dt.6.8.98                           Annexure-V
(6) Railway Board’s letter No. 80/W2/14/0  dt.26.9.90             Annexure-VI
(7) Railway Board’s letter No.98/LML/14/7 dt.31.3.98              Annexure-VII
(8) Section 147 of Indian Railway Act,1989                       Annexure-VIII