

PROCEDURE FOR LAND LICENSING OF LAND

- Licensing of Railway land is mainly guided by Board's circulars (Master circular) no. 2005/LML/18/8 dt.10.02.2005 and circular dated 08.6.2005.

Main features are as follows:

- Licensing for ordinary commercial plots connected with railway working can be given with GM's personal approval in consultation with FA & CAO.
- Periodical review be approved by DRM on the recommendation of Divisional Heads of Engg., Comml. & Finance Deptts.
- Licenses of existing licencees not connected with railway working for shops/retail depots be renewed from time to time as long as the land is not reqd. by railway for its own purpose but on new term & cond.
- In each case of licensing proper agreement must be executed between the railway administration and the licensees before handing over the possession of land to the licensee.
- A Standing Committee at HQ consisting of CE, CCM & FA&CAO shall examine fresh cases connected with railway working and submit recommendation to GM for approval.
- Periodical review to be done by DRM on recommendations of Divisional Heads of Engg., Commercial & Finance.
- For fresh cases of licensing license fee shall be fixed on current market value of land. if current land value is not obtained the updated, cost based on 01.01.1985 land price determined from revenue authorities should be adopted.
- Land value worked out shall be increased every year on the 1st april, starting from 1986, @10% of the previous year's land value for the following year based on which the annual license fee shall be fixed. From 01.4.2004 onwards the land value to be increased @ 7% every year over the previous year's value.
- Rates of license fee of plots for period prior to 01.4.1995 will be governed in terms of Board's letter no. 83/W2/LM/18/87 dated 17.9.85.
- For subsequent periods license fee of plots to be fixed as a percentage of land value as under:

Item no.	Type of plots	Annual license fee as a percentage of land value(from 01.4.95 to 31.3.04 in terms of Bd's letter dated 29.8.95)	Annual license fee as a percentage of land value (from 01.4.04 onwards in terms of Bd's letter dated 24.3.04)
(a)	Railway related activities such as city booking offices, out agencies etc.	6%	6%
(b)	Ordinary commercial plots without structures	6%	6%
(c)	Ordinary commercial plots with temporary structure for stacking/storing		
(i)	Covered area	7 ^{1/2} % for the whole area	7 ^{1/2} %
(ii)	Open area		6%
(d)	Steel yards/coal dumps, bulk oil installations etc.	10%	7 ^{1/2} %
(e)	Land used to lay private sidings	6%	6%
(f)	Shops/retail depots etc.	20%	10%

- Minimum license fee for plot should be Rs. 1000/- p.a.(the maximum size of plot shall be taken as 100 sq.m.)
- Revision of license fee to be done every year. As the notional land value will increase @ 7% over the previous year's land value, the license fee will automatically go up by 7% over the previous year's fee from 1st April of every year.
- For fresh cases of licensing connected with railway working will be approved by GM on recommendation of HOD Committee.
- Renewal of licensing of railway land not connected with railway working for shops/retail depots etc. can be done at GM level with finance concurrence
- Licensing of railway land for cases not connected with Rly. working remain banned.

- For security deposit and liquidated damages, instructions contained in para 1025, 1026 & 1027 of Engg. Code (1999 edition) to be strictly followed.
- For settlement of pending cases Para 10.1 & 10.2 of Board's Master circular dated 10.2.2005 to be followed.
- Temporary licensing of railway land for short duration for activities including cultural activities, commercial activities concerning railways & melas against payment of license fee:- upto 15 days full power to DRM. (Board's circular no.83/W2/LM/18/87 dated 03.03.1987, 2004/LML/18/30 dated 27.4.2004 & dated 13.4.2006.
- All other cases of Licensing such as temporary shops, exhibitions, carnivals or circus shows, held for commercial purpose will continue to require GM's personal approval as per existing procedure. (Board's letter No. 2018/Trans/01/Policy dated 17.10.2018 regarding corrigendum slip No. 1 to Model SOP 2018)

PROCEDURE FOR LEASING OF LAND

- Leasing of Land without Board's approval banned (Board's circular no.82/W2/LM/18/116 dt.22.11.82).
- Leasing of land can be done to Govt. Organizations/undertakings vide Bd's letter no. 2001/LML/13/53 dt.4.10.01, 30.07.03, 11.9.04.

Main features are as follows:

- Leasing of Railway land can be done for a period of 35 years with a provision for renewal for a further period of 35 years.
- Lumpsum payment of lease charges equivalent to 99% of the current market value of land.
- Nominal license fee of rs. 1000/- p.a. as token of land ownership of Railway.
- Proposals with land value up to 25 lakhs can be approved by GM.
- Proposals with land value more than 25 lakhs requires Board's approval.

PROCEDURE FOR WAY LEAVE CHARGES

- Section 16 & 17 of the Railway Act 1989 enjoins upon the Railway to make and maintain specified works for accommodation of the owners & occupiers of the land adjoining the Railway for the purpose of making good any interruptions caused by Railway.
- Involves limited or occasional use of land by a party for a specified purpose without conferring upon the party any right of possession.

Main features are as follows:

- Requests for granting way leave facilities /easement rights received for purposes like crossings, passages, drains, water, passage/access to private houses and establishments, underground pipelines for water supply and sewerage, electrical and telecommunication lines, etc. therefore, need to be considered with due regard to the circumstances of each case. Some such illustrative circumstances include:- i) Non-availability of any other means of access to properties/houses; ii) Non-feasibility of provision of water supply, electricity, sewerages, etc. from any other direction.
- Mainly guided by Board's policy circular No. 97/LML/24/3 dt. 27.11.2001 and further as amended by circulars of even No. dt.30.07.02, 03.10.02, 21.02.05, 18.05.05, 16.11.2005, 11.7.2018 etc. and other Railway Board's circulars issued from time to time.
- Way leave charges for different purposes has been detailed in Para 6 of Board's Circular No. 97/LML/24/3 dt. 27.11.2001.
- Regarding facilities specified in paras 6.1(f), 6.II and 6.III of Board's Circular No. 97/LML/24/3 dt. 27.11.2001, Way leave charges shall be payable in advance in block of 10 years. Discounting of future cash inflows at prevailing interest rates announced by RBI for Government Securities would be permissible. While calculating the advance equivalent to 10 years annual charges, annual increase of 7% (seven percent) in land value would be assumed.
- For Way leave proposal at the tile of application, Rs. 2,000/- to be deposited as Registration fee along with the application as per Bd's letter no. 2011/LML/24/44 dated 26.8.2014.
- In genuine and unavoidable cases, way leave facility/easement right may be allowed after execution of proper agreements.
- For Way leave proposals crossing Railway track (Pipelines, Cables etc.) Applicant Party will have to make online application entering the URL **<http://ircep.gov.in/WLRMS/>** and need to click for "Online Application" option Under the Way Leave/Easement Right section and to follow the instructions.

Empowerment of granting Way Leave permission:

- DRM to grant way leave facilities for stretches up to 100M in consultation with Sr. DFM.
- GM to grant way leave facilities for stretches beyond 100M in consultation with FA&CAO.