GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
(RAILWAY BOARD)  

No.2009/LML/12/18  
New Delhi, dt. 17.12.2009  

General Managers,  
All Zonal Railways  
& Managing Directors of all Railway PSU’s.  

Sub: Land Acquisition for Projects.  

Despite reformative actions taken by Ministry of Railways, a study of  
acquisition proceedings under the Railways (Amendment) Act, 2008 indicates  
that there are large numbers of representations received against acquisition of  
land. It is indicative of resentment among the land loosers who feel that their land  
is being forcibly acquired from them.  

Whereas extant guidelines regarding acquisition of land have been  
enumerated in Chapter VIII of Engineering Code, 1999 and Para 803 of Chapter  
VIII of Indian Railways Works Manual 2000, however to dispel the feeling of  
forcible acquisition of land among the land loosers, to make acquisition more  
attractive and timely and to streamline the process of acquisition of land following  
action be taken:  

a) Acquisition of private land may be done only when very essential and  
unavoidable.  

b) Projects shall be planned in such a manner so as to cause minimum  
acquisition of land particularly agricultural land, and dislocation of land  
owners.  

c) Whenever any land is to be acquired by Railways/PSUs, it will be done  
with full transparency and compassion for land loosers.  

d) Railways/PSUs shall proceed with the acquisition amicably by  
undertaking consultations with the prospective land owners in the  
project affected area even before the start of the Survey. The project  
affected persons shall be apprised of the project alignment and other  
details and also the compensation payable to them.  

e) In projects other than “New Lines” Railways/PSUs should review the  
proposed alignment & construction methodology to ensure that the  
construction is contained within the existing railway boundary to the  
extent possible. Towards this end, the distance between the existing  
railway track and the proposed track should not be more than the  
stipulated track centres, and use of reinforced earth or retaining wall  
may be encouraged. In case, it is technically not possible to
accommodate the construction within the existing railway land or diversion from existing railway alignment is inevitable due to existence of villages or urban/industrial conglomerates, the alignment should be fixed so as to cause minimum possible acquisition of agricultural land. Alternatively, if possible, overhead alignment may be planned so that after completion of the construction work, the land underneath the alignment may be reverted back to their owners.

f) Land acquisition in Railways has normally been undertaken through Land Acquisition Act, 1984. Considering the delays in acquisition of the land and commissioning of the projects involving national infrastructure and required to be completed in a specified time frame, the Railways Act 1989 was amended to facilitate time bound acquisition of land. The Railways (Amendment) Act, 2008 provides for additional payment and application of provisions of National Rehabilitation and Resettlement Policy, 2007 as incentives to the land losers. In-spite of above, representations are being received in case of land being acquired under the Railways (Amendment) Act, 2008. In case of acquisition of land under the Railways (Amendment) Act, 2008 Railways/PSU’s should therefore, organize a workshop of the notified Competent Authorities and other officials involved in the land acquisition process to suitably sensitize them regarding handling of prospective land losers so as to avoid controversies and confrontation and to ensure amicable acquisition of land.

g) In case of land acquisition under the Railways (Amendment) Act, 2008, Railways should analyse all the objections received in reference to notifications issued regarding acquisition of land in a pragmatic way categorising them in the following groups:

i) Objections against acquisition itself,
ii) Objections in respect of compensation/resettlement packages
iii) Other than categories (i) & (ii) above

The analysis/review be conducted kilometre-wise. For objections in category (i) above, the alignment may be reviewed. In case of objections in categories (ii) & (iii) discussions and negotiations may be held with the land losers by the Competent Authority in a sympathetic, transparent and objective way while hearing their objections under section 20D of the Railways (Amendment) Act, 2008, prior to declaration of award.

The above instructions should be brought to the knowledge of all concerned officers and staff immediately.

Please acknowledge receipt.

(Jagdip Rai)
Executive Director (Land & Amenities)
Railway Board.