

## **RAIL LAND DEVELOPMENT AUTHORITY (CONSTITUTION) RULES, 2007**

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### **RAIL LAND DEVELOPMENT AUTHORITY (CONSTITUTION) RULES, 2007**

G.S.R.4(E).--In exercise of the powers conferred by Section 4A read with Section 198 of the Railways Act, 1989 (24 of 1989), the Central Government hereby makes the following rules, namely:--

#### CHAPTER 1 PRELIMINARY

#### **1. Short title and commencement :-**

(1) These rules may be called the Rail Land Development Authority (Constitution) Rules, 2007.

(2) They shall come into force on the date of their publication in the Official Gazette.

#### **2. Definitions :-**

In these rules, unless the context otherwise requires:-

(a) "Act" means the Railways Act, 1980 (24 of 1989);

(b) "Annual Plan" means a work plan with financial outlay proposed to be executed by the Authority in a financial year;

(c) "Annual Report" means the report of the activities of the Authority during the previous financial year;

(d) "Audit Report" means the report of the accounts and the audit thereon for the previous financial year, concerning the Authority;

(e) "Authority" means the Rail Land Development Authority established under Section 4A of the Act;

(f) "Board" means the Executive Board of the Authority;

(g) "Central Government" means the Ministry of Railways;

(h) "Classification of Employees" means all levels of the Authority grouped as A1 from Levels I to III, A2 from Levels IV to VII, A3 for Level VIII; as Group B for Level IX; Group C for Level X a to g and Group D for Level XI a and b, in terms of the Levels specified in sub-rule (1) of rule 12 of the Rail Land Development Authority (Constitution) Rules, 2007;

(i) "Core Cell" means the cell constituted by the Central Government for the facilitation and travaux preparatoires for the establishment of the Authority;

(j) "Financial year" means the financial year of the Central Government starting from first day of April each year and ending on thirty first day of March of the following year;

(k) "Five year plan" means a work plan with physical inputs, manpower requirements, time schedules and other relevant inputs, along with estimates of earnings and expenditure, for discharging the functions of the Authority under sub-section (2) of Section 4D of the Act;

(l) "Five Year perspective Plan" means a plan for the five years next to the Five Year Plan in terms of the functions of the Authority under subsection (2) of Section 4D ;

(m) "Fund" means the Rail Land Development Authority Fund;

(n) "Fast track mechanism" means decision of the Railway Board through Board Memorandum subject to proper scrutiny by the appropriate directorate as may be stipulated by them but within a definite timeframe to suit the business needs of the Authority;

(o) "Member" means the Chairman, Vice Chairman or any of the four members under S.4B(1) of the Act;

(p) "First Authority" means the Vice-Chairman along with such other members of the Board who may be nominated by the Central Government at the time of the constitution of the Authority;

(q) "Railway administration" means General Manager of the Zonal Railway.

## CHAPTER 2

### FIRST AUTHORITY

### **3. First Authority to be nominated by the Central Government :-**

The first Authority shall be nominated by the Central Government and those appointed by nomination shall hold office till the appointment and joining of regular incumbent by selection. Initially till such time the Authority is formally constituted, the elements for the post of Vice-Chairman and other Members, in Higher Administrative Grade and Senior Administrative Grade respectively, could be created as work charged posts chargeable to funds provided for meeting the recurring expenditure of the Authority.

### CHAPTER 3

#### LOCATION AND FUNCTION OF THE AUTHORITY

#### **4. Location of the Authority :-**

(1) The head office of the Authority shall be in National Capital Region of Delhi and the Authority may also establish offices or agencies at other places in India.

(2) The Authority as a statutory body shall have perpetual succession and a common seal and may by its own name sue and be sued.

#### **5. Entrustment of Land to the Authority and its functioning :-**

The Central Government shall, at the earliest, after the establishment of the Authority, entrust to the Authority in writing, such sites for development of railway land and air space in terms of sub-section (2) of S.4(D) of the Act as the Central Government may deem fit and the proposed working of the Authority shall be as follows:-

(a) Potential sites for commercial utilization shall be identified either by Central Government or by the Authority in consultation with the Central Government. If the identified land is not required for operational purposes or future expansion, then the site will be entrusted to the Authority for commercial development.

(b) The Authority will carry out necessary market survey to assess the potential and work out the best mode of commercial development from the angle of revenue returns and accordingly proceed with the bidding process. The decision to accept or reject offers should be taken at an appropriate level within the Authority itself.

(c) Developer will be finalized through transparent, open, fair and competitive bidding process and all the earnings realised will go to

the Central Government.

(d) Where commercial development of site entrusted to the Authority under clause (ii) of sub-section (2) of S.4(D), involves construction or redevelopment or modifications to railway station building and/or yards, the detailed plans for such development shall be got approved by a Committee consisting of one nodal officer each from Authority and railway administration and the Central Government shall ask the railway administrations to nominate one nodal officer for such purpose.

(e) The Authority may seek a review from the Central Government of its decision regarding any site entrusted for preparation of a scheme under clause (i) of sub-section (2) of Section 4D of the Act, or for commercial development under clause (ii) of sub-section (2) of Section 4D of the Act and the decision of the Central Government in this regard shall be final.

(f) The Authority shall not take up commercial development of railway land or air space at any site unless specifically entrusted to it by the Central Government under clause (ii) of sub-section (2) of Section 4D of the Act.

(g) The Authority shall prepare the scheme or schemes for use of railway land as assigned by the Central Government under clause (i) of sub-section (2) of Section 4D of the Act.

(h) The Authority shall carryout any other work or functions as may be entrusted to it by the Central Government, by order in writing under clause (iv) of sub-section (2) of Section 4D of the Act.

#### **6. Plan of the Authority :-**

The Authority may prepare a 5-Year Plan of the Commercial Development Projects proposed to be taken up for execution under clause (i) and (ii) of sub-section (2) of Section 4D . The Authority may also prepare a Five Year Plan for consultancy, construction or management services and operation proposed to be executed by it in relation to development of land and property under clause (iii) of subsection (2) of Section 4D .

#### **7. Powers of the Board :-**

The Board shall have fill financial and administrative powers in relation to discharge the functions as assigned to the Authority under this Act. Since Rail Land Development Authority is an Authority which will have to work on commercial lines in

competitive business environment and its revenue from the use of Railway property will form part of other miscellaneous revenues of the Central Government, it may not be desirable to bind their functioning through rules that are exactly same as that of Indian Railways. However, the Authority will frame its rules/regulations within the overall framework of rules applicable to Government/Public Sector Undertakings.

#### CHAPTER 4

#### BOARD OF THE AUTHORITY

### **8. Management of the Authority :-**

(1) The general superintendence, direction and management of the affairs and business of the Authority shall vest in an Executive Board which may exercise all such powers and do all such acts and things as may be exercised or done by the Authority under the provisions of the Act.

(2) The Executive Board shall consist of the Chairman, the Vice Chairman and four other Members appointed under the Act. The four members shall be Member (Planning, Infrastructure and Development), Member (Planning Rail Traffic Coordination), Member Finance and Member (Real Estate and Urban Planning).

(3) The business of the Board shall be conducted according to the procedure laid down by the Authority under the provisions of Section 4F of the Act.

(4) The Board at its meeting shall among other matters consider for approval, adoption and execution wherever applicable, the scheme or schemes for the use of railway land and sites for commercial development as entrusted by the Central Government and the Authority may, if necessary convey to the Central Government its opinion regarding such schemes for reconsideration and the decision of the Central Government there after shall be final.

(5) A member of the Executive Board who is in anyway directly or indirectly interested in a contract made or proposed to be made by the Authority or any associate of the Authority, which is brought up for consideration before the Board, shall as soon as possible after the relevant circumstances have come to his knowledge, disclose the nature of his interest at a meeting of the Board and such a disclosure shall be recorded in the minutes of the Board Meeting and thereafter the member shall not take part in any deliberation

or decision of the Board with respect to that contract.

(6) The Board may appoint from time to time any person as advisor or consultant as it may consider necessary on such terms and conditions as may be laid down by the regulations, as per the extant Central Government Rules.

(7) The authority shall have one Chief Vigilance Officer who shall report directly to the Vice Chairman.

(8) The Board shall appoint the Secretary of the Authority who shall be responsible for all legal compliances and be the custodian of the common seal of the Authority. The Secretary shall report directly to the Vice-Chairman the day-to-day affairs of the Authority.

### **9. Committees of the Authority :-**

The Board may appoint such committees as may be necessary for the efficient discharge of its duties and performance of its functions under the Act.

### **10. Vacancy in the Board not to invalidate the proceedings :-**

No act or proceeding of the Board shall be deemed to be invalid by reason merely of any vacancy in or any defect in the constitution or irregularity in the procedure of the Board.

#### CHAPTER 5

#### DUTIES OF VICE-CHAIRMAN

### **11. Duties of the Vice Chairman :-**

(1) The Vice Chairman , who shall be the chief executive officer of the Authority, shall exercise general supervision and control over the affairs of the Authority and give effect to the decisions of the Board.

(2) The Vice Chairman shall exercise such powers as may be delegated to him by the Board, as per the Regulations to be made under the Act.

#### CHAPTER 6

#### STRUCTURE AND SALARIES

### **12. Structure and Salaries :-**

(1) Subject to the budgetary provisions for salaries and allowances made by the Central Government, the Authority may, as per the initial Organogram at Annexure I, have the following strength of

employees under levels I to XI, with their respective salary grades:

Level	Group	Group	Initial Strength	Salary Grade (Rs.) (CDA Scales)
I	A1	Chairman	1	None being ex officio
II		Vice Chairman	1	24050-650-26000
III		Members	4	18400-500-22400
IV	A2	General Manager	3	18400-500-22400
V(a)		Deputy General Manager	6	14300-400-18300
V(b)		Chief Vigilance Officer	1	14300-400-18300
VI(a)		Senior Manager	2	12000-375-16500
VI(b)		Secretary to the Authority	1	12000-375-16500
VII(a)		Manager	4	10000-325-15200
VII(b)		Principal Private Secretary	5	10000-325-15200
VII(c)	Asst, Legal Adviser	1	10000-325-15200	
VIII(a)	A3	Assistant Manager	3	8000-275-13500
VIII(b)		Accounts Officers	1	8000-275-13500
IX	B	Sr. Executive Officer	1	7500-250-12000
<b>Supporting Staff</b>				
X(a)	C	Office Assistants	4	6500-200-10500
X(b)		Accounts Assistants	2	6500-200-10500
X(c)		Private Secretary	3	6500-200-10500
X(d)		Draughtsman	2	5500-175-9000
X(e)		Personal Assistants	8	5500-175-9000
X(f)		UDCs	3	4000-100-6000
X(g)		LDC cum typists	6	3050-75-3950-80-4500
XI(a)	D	Peons/Messengers	10	2550-60-3200-65-4000
XI(b)		Telephone attendant-cum- dak- khalasis (TADKs)	8	2550-60-3200-65-4000

(2) Initially the elements would be transferred from Indian Railways to man the various posts from level IV to XI in the Authority indicated in sub-rule (1). Level II and III would be operated in Higher Administrative Grade and Senior Administrative Grade respectively for the First Authority and accordingly the required element would be transferred from Indian Railways. Later on, the Authority shall work out the requirement of posts from level



IV onwards and come up with proposal for the approval of Central Government.

(3) The Authority may, from time to time, approach the Central Government with the proposal for additional manpower on the basis of its future business plans, and the same shall be decided upon by the Central Government in terms sub-section (1) of Section 4G of the Act.

(4) Subject to the provisions of the Act, the Authority may appoint such other officers and employees, as may be necessary, for the efficient performance of its functions and the method of appointment. The scale of pay and allowances and other conditions of service of such other officers and employees of the Authority shall be such as provided by the Authority in the regulations.

(5) The Authority shall decide on the selection and appointment of officers and staff for level IV to XI.

(6) The Authority shall function with the bare minimum officers and staff required in the efficient discharge of its functions under the Act. The Authority shall periodically review the levels of employees from Level IV to XI as also the strength of each level in terms of its business and principles of efficiency, but the overall strength of the officers and staff shall not exceed the strength as mentioned under sub rule (1) above, without prior approval of the Central Government.

(7) The seniority and promotion of the officers and employees of the Authority shall be determined by the provisions made in the regulations.

#### CHAPTER 7

#### FINANCE AND BUDGET

### **13. Finance, Accounts and Audit :-**

(1) On and from the date of publication of the notification under Section 4A of the Act constituting the Authority, in respect of the properties that the Authority has been asked to develop:

(a) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for, the Central Government immediately before such date for or in connection with the purposes of any of the functions of the Authority under Section 4D of the Act, shall be deemed to have

been incurred, entered into and engaged to be done by with or for the Authority;

(b) all sums of money due to the Central Government in relation to the Authority immediately before such date shall be deemed to be due to the Authority;

(c) all legal proceedings instituted or which could have been instituted by or against the Central Government immediately before such date for any matter in relation to the Authority may be continued or instituted by or against the Authority.

(2) If any dispute arises as to which of the assets, rights or liabilities of the Central Government have been transferred to the Authority, such dispute shall be decided by the Central Government.

### **13. Finance, Accounts and Audit :-**

(1) On and from the date of publication of the notification under Section 4A of the Act constituting the Authority, in respect of the properties that the Authority has been asked to develop:

(a) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for, the Central Government immediately before such date for or in connection with the purposes of any of the functions of the Authority under Section 4D of the Act, shall be deemed to have been incurred, entered into and engaged to be done by with or for the Authority;

(b) all sums of money due to the Central Government in relation to the Authority immediately before such date shall be deemed to be due to the Authority;

(c) all legal proceedings instituted or which could have been instituted by or against the Central Government immediately before such date for any matter in relation to the Authority may be continued or instituted by or against the Authority.

(2) If any dispute arises as to which of the assets, rights or liabilities of the Central Government have been transferred to the Authority, such dispute shall be decided by the Central Government.

### **15. Fund :-**

There shall be constituted a Fund to be called the Rail Land Development Authority Fund and to which shall be credited the following, namely,-

- (a) any monies made to the Authority by the Central Government including start-up capital and annual recurring expenditure towards establishment and administrative expenses, and operational expenses as per rule 14 of these rules;
- (b) all fees and charges received by the Authority;
- (c) all monies received by the Authority from its own consultancy, construction, management or operation of land and property under clause (iii) of sub-section (2) of Section 4D of the Act;
- (d) any loan taken or borrowings made by the Authority;
- (e) any margin the Authority is allowed to retain through annual budgetary process as per rules 14 and 19 of these rules; and
- (f) any other sums received by the Authority.

**16. Vesting and application of Fund :-**

(1) The fund shall vest in and be held and applied by the Authority for meeting its expenses in relation to or in connection with the efficient discharge of its functions under the Act.

(2) The Authority shall evolve suitable mechanism of internal accounting and budgeting including classification of receipts and expenditure in respect of the fund.

(3) The Authority shall maintain a separate account to which all earnings, including royalties, concession fees, licence fees and profits out of Authority's projects, shall be credited and thereafter they shall be passed in full, on to the Central Government as per the procedure to be laid down in the regulations.

**17. Borrowing Powers of the Authority :-**

(1) The Authority may with the consent of the Central Government or in accordance with the terms of any general or special authority given to it by the Central Government borrow money from any source by any instrument as it may deem fit for discharging all or any of its functions under the Act.

(2) The Central Government shall not provide any guarantee or letter of comfort for the borrowing programme of the Authority and

the Authority shall raise fund on the strength of its projects viability and market should not be misled by any sovereign guarantee.

**18. Investments :-**

The Authority may invest its funds (including any reserve fund) in the securities of the Central Government or in such other manner it deems fit as per the extant guidelines of Ministry of Finance for investments by Public Sector Undertakings and it shall specifically exclude all speculative investments, particularly, in real estate.

**19. Budget :-**

(1) The Authority shall prepare in such form and at such time in each financial year as may be prescribed a budget for the next financial year showing the estimated receipts and expenditure of the Authority and forward the same to the Central Government after its approval by the Board.

(2) To enable the Authority to finalise its budget for the next financial year, the Central Government shall convey in writing to the Authority sufficiently in advance, preferably during the first half of the previous financial year, the schemes which are required by the Authority to prepare for use of railway land and the railway land that would be entrusted to it for development under Section 4D of the Act. The Budget of the Authority shall, however, not be framed with any presupposition of funding from the Central Government.

(3) The Authority at or about the middle of the current financial year shall prepare a list of its own consultancy, construction, management services and operation of land and property under clause (iii) of sub-section (2) of Section 4D of the Act for the next financial year.

(4) The Authority shall, wherever necessary, also forward to the Central Government the supplementary budget in respect of the financial year to which it relates before such dates as may be specified by the Central Government.

**20. Accounts and Audit :-**

(1) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor General of India.

(2) The accounts of the Authority shall be audited by the Comptroller and Auditor General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority to the Comptroller and Auditor General, as required.

(3) Suitable mechanism for internal audit should be evolved by the Authority.

**21. Annual Report :-**

The Authority shall prepare in such form and at such time in each financial year as may be prescribed, its annual report, giving a full account of its activities during the previous financial year.

**22. Approval by the Board :-**

After the annual report and the accounts as certified by the Comptroller and Auditor General together with the audit report have been approved by the Board, the same shall be forwarded annually to the Central Government and the Central Government shall cause these to be laid before each House of Parliament.

CHAPTER 8

MISCELLANEOUS

**23. Making of regulation :-**

The Authority may, by notification in the official Gazette, make regulations not inconsistent with this Act and the rules made thereunder to carry out the provisions of this Act.

**24. Formation of joint ventures :-**

The Authority may set up any special purpose vehicle, joint ventures or other legal entities for the performance of all or any of its functions under the Act with the approval of Central Government.

**25. Authentication of orders and delegation of powers of Authority etc. :-**

(1) All orders, decisions and other instruments of the Authority shall be authenticated by the signature of the Vice Chairman or any other Member or any Officer of the Authority authorised by it in this behalf.

(2) The Authority may by general or special order in writing, delegate to any Member or to any Officer of the Authority, subject to such conditions and limitations, if any, as may be specified in the

order such of its powers and functions under this Act (except its power to make Regulations under sub-section (1) of Section 41 as it may deem necessary).

**26. Rest Houses and Holiday Homes for Officers and employees who are on deputation :-**

All members, officers and employees of the Authority, who are on deputation from the Railways, shall be treated at par with other Railway Officers and staff with regard to making available Railway Rest Houses and Holiday Home accommodations, which they shall be eligible for as per their grade of pay. Their requirements of Rest House on duty shall be treated at par with any other serving \* Railway Officer/staff on duty. The charges payable for Rest Houses and Holiday Homes shall be same as applicable in case of other Railway Officers and staff on duty or on leave, as the case may be.

**27. Works including Development Schemes to be undertaken by the Authority :-**

(1) Subject to any directions of the Central Government, the Authority shall prepare development schemes and execute all works for the commercial development of Railway land in accordance with the International Building Code or the National Building Code, but without any interference or restraint from any official of the authority, body or instrumentality.

(2) The Authority may undertake all types of commercial development on, below or above the Railway Land, including airspace above existing railway structures or any other land based on market demands on business principles.

(3) The Authority may execute any projects or works allotted to it by the Central Government, with concomitant funds.

(4) A committee appointed by the Board shall holistically scrutinise all schemes for commercial development of railway land, including aspects of safety, aesthetics vis-a-vis surroundings and user amenities.

(5) The Central Government shall consider for approval, the proposals including any scheme/ schemes for use of railway land submitted by the Authority through a fast track mechanism, which shall, however, be subject to proper scrutiny by the appropriate directorates of the Railway Board, but in a definite time frame to suit the business requirements of the Authority.

(6) The Authority may, under the provisions of clause (iii) of sub-rule (2) of Section 4D of the Act, undertake to carry out for the Government or any local authority or any other organisation any works or services or any class of works or services on such terms and conditions as may be agreed up

on between the Authority and the Government or local authority or the organisation concerned.

(7) Subject to any regulations made in this behalf, any person, generally or specially authorised by the Authority in this behalf, may whenever it is necessary to do so at all reasonable times, enter upon any land or premises to carry out the following activities namely:-

(a) make any inspection, survey , measurement, valuation or inquiry;

(b) take levels;

(c) dig or bore into the sub soil;

(d) set out boundaries and intended lines of work;

(e) mark such levels , boundaries and lines by placing marks and cutting trenches , or

(f) do such other acts or things as may be prescribed :

Provided that no such person shall enter any boundary or any enclosed court or garden attached to a dwelling house, except with the consent of the occupier thereof and without previously giving such occupier at least twenty four hours notice in writing of his intention to do so.

### **28. Welfare fund of the Authority :-**

The Authority may, with the approval of the Central Government, set up a Welfare Fund for the benefit of its employees on the basis of a progressive compulsory deduction from the salary of all Levels.

### **29. Other terms and conditions of the Authority :-**

(1) Without prejudice to the other provisions of this Act, the Authority shall in the performance of its functions and duties under this Act, be bound by such directions on questions of policy as the Central Government may give in writing from time to time.

(2) The vacant posts of the Authority shall continue and shall not

lapse by virtue of being vacant unless specifically surrendered.

(3) The Authority may, with the approval of the Central Government, create posts in terms of the Annual Man Power Plan formulated and finalised by it.

(4) If any question arises in respect of transaction of the business of the Authority, the same shall be decided by the Authority, except where it concerns interpretation of the rules and regulations framed under the Act, in which case it will be decided by the Central Government.