

PROPERTY MANAGEMENT DIVISION, HQRS

SUBJECT: STANDARD OPERATING PROCEDURE (SOP) FOR HANDLING THE ENCROACHMENT FROM THE ESIC PROPERTIES ALL OVER INDIA

1. Preface

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ESIC has a large number of properties located all over India to meet the functional requirements to render various beneficiary services to its IP's. These properties include land, office buildings (RO/SRO/BO), medical colleges, nursing colleges, paramedical colleges, hospitals, dispensaries, staff quarters, etc. During the course of expansion of ESIC services, ESIC is continuously acquiring land at new locations and constructing the required nature of buildings to meet the work requirements. In order to deliver efficient services to IPs, it is a must to develop ESIC's infrastructure and to have proper maintenance of these buildings to maintain the serviceability conditions.

The responsibility of maintaining the ESIC properties lies with the Property Management Division (PMD). All the property records, land acquisition, construction, maintenance and safeguards of the ESIC properties are dealt with by PMD with the help of the respective Estate Officers (RD) and Dean/Medical Superintendent. It is observed that ESIC properties are prone to encroachment due to their prime location and high valuation and ESIC is facing encroachment issues from the private owner as well as Govt. Department.

Keeping in view the above policy guidelines to remove the encroachment from ESIC properties is required. It is observed that The Public Premises (Eviction of Unauthorized Occupants) Acts-1971 as amended is a legal tool that ESIC can use for the removal of encroachment from the ESIC/ESIS properties.

2. REASONS BEHIND THE ENCROACHMENT IN ESIC PROPERTIES

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- i. Delay in construction of boundary wall after the acquisition of land.
- ii. Not having the property ownership records.
- iii. Lack of vigilance on the ESIC properties by the local offices.
- iv. No reaction or weak defence by the local ESI offices against the encroachment.
- v. Forceful intrusion
- vi. Acquisition of ESIC properties by Govt. Departments, temporarily for specific purpose (site office, camp office, etc.) and then not vacating the same even after completion of work.
- vii. Keeping ESIC Buildings vacant for a long time

3. **Scope**

This SOP applies to all ESIC properties under encroachments or where encroachments may occur, including land, buildings, and other assets.

4. **Statue provisions**

- i. 'The Public Premises (Eviction of Unauthorized Occupants) Acts-1971' as amended.
- ii. Appointment of Regional Directors as Estate Officer under section 3 of 'The Public Premises (Eviction of Unauthorized Occupants) Acts-1971' *vide* Gazette notification dated 01/03/2019 circulated *vide* Hqrs Letter No. ESIC/D-11/19/Policy/2011-Estate dated 08/04/2019.

5. **Roles and Responsibilities**

- Regional Director as Estate Officer: - as per Gazette notification dated 01/03/2019 circulated *vide* F.No. ESIC/D-11/19/Policy/2011-Estate dated 08/04/2019.
- Team at Regional level to oversee the status and removal of encroachment
 - i. Respective Regional Director (Estate Officer)
 - ii. Deputy Director / Assistant Director (Fin.) of the Regional Office
 - iii. Senior most Engineer posted in the region to:
 - § Oversee the implementation of the SOP.
 - § Conduct inspections and assessments of properties.
 - § Coordinate with the Legal and Enforcement teams.
 - § Assess the status of land/property under encroachment/any new case reported to the Estate office on monthly basis and to send consolidated report including all the properties under their jurisdiction to the Hqrs office with the Action Taken Report.

6. **Procedure**

A. Identification and Reporting

I. Inspection Schedule:

- Monthly inspection to be conducted of ESIC properties for potential encroachments by the designated office in respect of each property. Monthly Report on status of encroachment to be sent to the Estate Officer
- For ESIC Hospitals:- Dy. Director/Assistant Director/Engineer (to be designated by MS of the Hospital).
- For ESIS Hospital, ESIS Dispensary/DCBO/ Vacant land/ Land under construction/any other offices or land:- Officers not below the rank of SSO/ Branch Manager of nearby ESIC offices

designated by Regional Director.

- Regional Offices/SRO Buildings:- Dy. Director/ Assistant Director/Engineer posted at RO/SRO (to be designated by the Regional Director/ SRO (In charges).
- For Hospital/Dispensaries under D(M)D/DMN:- Dy. Directors/Assistant Directors/Engineers posted in D(M)D/DMN offices to be designated by D(M)D/DMN.
- Immediate inspections should be conducted if encroachment is reported or suspected.

II. Reporting Encroachments:

- Designated officers to identify potential encroachments and report them to their controlling officer. The matter to be escalated to the Estate Officer immediately after receipt of the report with details such as location, nature of encroachment, and any initial evidence under intimation to the Hqrs Office.

B. Verification and Assessment

I. Verification Process:

- The Estate Officer to verify the reported encroachment through on-site inspections, immediately by a team.
- Collect evidence, including photographs, measurements, and witness statements.

II. Assessment Report:

- The Estate Officer to prepare an assessment report outlining the encroachment details, its impact, and take immediate actions, if required and send a copy to the Hqrs Office.

C. Action Plan and Communication

1. Police action (By the occupier of the building/land)

- In case, if any information is brought to the notice of Regional Director/Medical Superintendent/ SRO (In-charge)/DMD/DMN regarding encroachment, immediately within 03 days of receipt of information, an FIR should be registered with the local Police Station.
- Simultaneously, the information regarding encroachment should be brought immediately to the notice of the Zonal Insurance Commissioner/Medical Commissioner and PMD Branch Hqrs Office.

- A copy of FIR with the request to get the encroachment cleared within 07 days may be forwarded to the concerned Local Bodies/Municipal Corporation/Other Authorities responsible to clear the encroachment and matter may be pursued with them for removal of the same. If required assistance of legal counsel at the field level may be taken.

2. Legal Action: (By the Estate Officer)

- The team constituted at Regional Level should review the assessment report and action taken at the field level and take further necessary legal advice.
- Determine if legal action is necessary based on the severity of the encroachment, on the basis of 'The Public Premises (Eviction of Unauthorized Occupants) Acts-1971' as amended and any other law and by-laws or statutory provisions.

3. Notice to Encroacher:

- Send a formal notice to the encroacher outlining the details of the encroachment and requesting immediate cessation.
- Provide a deadline for compliance and inform them of potential legal consequences.

D. Enforcement and Resolution

I. Follow-Up:

- Monitor the encroachment site to ensure compliance with the notice.
- Documentation of any further actions taken or continued violations.

II. Legal Action:

- If the encroacher does not comply, initiate legal proceedings.
- Coordinate with law enforcement agency, if necessary, to enforce eviction or removal.

III. Site Clearance:

- Once legal proceedings are complete, coordinate the removal of any structures or items related to the encroachment.
- Restore the property to its original condition as per the assessment report.

IV. In case any legal action is delegated to some other officers of ESIC by the concerned Estate officer (Regional Director) in accordance

with 'The Public Premises (Eviction of Unauthorized Occupants) Acts-1971' as amended, the concerned Officer (Office) may take the help of a Legal Counsel if required by taking a legal opinion.

7. Documentation and Reporting

I. Maintenance of Records:

- Keep detailed records of all encroachment-related activities, including inspection reports, communication with encroachers, legal documents, and site clearance actions.

II. Regular Reporting:

- Submit monthly reports to ESIC HQ on the status of encroachment cases and resolutions.

8. Review and Improvement

I. Review SOP:

- Regularly review and update the SOP to incorporate changes in legal requirements, best practices, and feedback from stakeholders.

II. Continuous Improvement:

- Conduct periodic reviews of encroachment management practices and implement improvements based on lessons learned and emerging trends.

Guidelines for protection of encroachment on ESIC properties. (Monitoring & Reporting)

The Regional Director (RD) has been designated as the Estate Officer responsible for maintaining and protecting properties under the Corporation's jurisdiction.

Consequently, Regional Directors, Medical Superintendents, and concerned officers may adhere to the following guidelines/operating procedures when addressing instances of squatting or encroachment on ESIC properties.

- I. **Monthly Inspections and Reporting:** Designated officers to conduct monthly site visits to the ESIC properties and submit reports to the Estate Officer through their controlling office and Estate Officer to submit monthly action taken report to Headquarters as well as Zonal ICs/MCs, highlighting any encroachments or issues and action taken on it along with timeline. Photographs to be taken at the time of inspection and a comparison to be made with previous inspection to verify if any encroachment has been done. The photographs with proper date to be maintained for any future eventuality. Wherever, the Regional Director deems appropriate videography of the site made be done and preserved.
- II. **Encroachment Action:** Estate Officer (Regional Director) will take immediate action against encroachments. The Dean/Medical Superintendent/Regional

Director/SRO (In-charges) to file a FIR with the local Police Station after following the due process.

- III. **Boundary Wall Construction:** It should be ensured that all the vacant lands owned by the ESIC are protected by proper boundary wall and signage as per the provisions that exist in the DoP. Repair of existing boundary walls to be taken on priority basis, if required. Periodical report with respect to status of boundary wall to be sent to the Headquarters.
- IV. **Land Document Management:** Regional Director being the Estate Officer to maintain land documents (in both hard and soft copies), ensuring easy access. If records are not available due to any reasons, the same must be obtained by a consistent drive undertaken by the Estate Officers. Digitalization of the property records shall be more useful for easy access to get the details of the properties, their property tax and other statutory fee clearance details.
- V. Regional Director/Medical Superintendent should ensure the availability of title documents of land and building in all respect while submitting quarterly reports to the Hqrs Office along with latest photographs and videography, if any.
- VI. Proper watch & ward of all the ESIC Properties to monitor the activities. The best solution is not to allow encroachment or remove it at the budding stage by severe resistance and expelling the encroachers.
- VII. 'No Encroachment Certificate' to be given by all Estate Officers on a Quarterly basis indicating the name and complete address of the property. Responsibility to be fixed if encroachment is allowed/ not resisted by the Estate Officers.
- VIII. Ensure the proper use of the ESIC properties.
- IX. At the time of land acquisition, it is necessary to make sure that the land is dispute-free. Property records must be prepared at the time of acquisition of land. Boundary wall, gate construction, and erection of ESIC ownership board at the site must be made at the earliest possible time.
- X. Initiate the eviction action against the encroacher by adopting the provisions of the Public Premises (Eviction of Unauthorized Occupants) Act-1971. As a last course of action, if required eviction may be done with the help of the Hon'ble Court.