

No. 14018/1/84/D (Lands)

Government of India

Ministry of Defence

New Delhi, dated the 10th Sept., 1984.

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To

The Chief of the Army Staff,
The Chief of the Naval Staff,
The Chief of the Air Staff,

The Director General,
Defence lands & Cantonments,
R.K. Puram,
New Delhi.

Sub : Acquisition of fresh lands for defence purpose.

Sir,

In the case of acquisition of lands for firing projects for Air Force in Ferozepore and Ludhiana Districts of Punjab the public Accounts Committee has observed as under :—

“In the opinion of the Committee with the modernisation of our Defence Forces, the requirement of land for defence purposes—both for training as well as for cantonments etc. particularly in the border areas is bound to increase. However, there is growing reluctance on the part of affected people as well as concerned State Governments who have to respect local feelings to such acquisition, particularly if the concerned land is fertile or is located in populated areas. The Committee have felt that it is high time that the problem was examined in depth at the high level to lay down suitable guidelines so as to reconcile the defence needs with the interests of the local population in order to obviate delays and complications as have occurred in the present case.”

2. The question of acquisition of fresh lands for Defence purposes has been reviewed in the Ministry and the following guidelines are issued :—

(i) *Acquisition of fresh land for Defence purposes.*

As is well known, the availability of land, particularly of good agricultural land, is limited. There can be no doubt that acquisition causes hardship to land owners especially those with small holdings and the hardship is not always mitigated by payments of compensation to the owners. That apart the land acquired in excess of requirement, represents an avoidable waste of the States' resources. In order, therefore, to ensure that acquisition of fresh lands for Defence purposes is restricted to the minimum required, local Military authorities should be directed to keep in mind the following factors before proposals for fresh acquisition of land are taken up with respective Service Headquarters :—

- (a) Carefully explore the possibility of utilising the existing defence owned land before projecting proposal for acquisition of additional areas;
- (b) Ensure that land already available with them is fully utilised;

(c) Where lands held by a particular Service are not surplus to that Service according to the Scales prescribed, but are not to be utilised within the next 10 years that area should be made available to any other Service which is in a position to utilise the said land in the near future. Each such case will be examined on merits keeping in view the reasons for non-utilisation of land furnished by the service holding the land.

(d) Where private land has to be taken over, to ensure that the least fertile land suitable to the Defence requirement is taken over.

(II) On receipt of the proposals for fresh acquisition of land from the local Military authorities, the Service Headquarters should carry out a review of the sanctions already issued and utilisation of land already undertaken at the particular Station. Results of the review made by the Service Hqrs. should be indicated as and when any proposal for acquisition of fresh lands is taken up with the Ministry of Defence.

(III) Instructions had been issued by the DG DL&C in the past outlining the various steps to be taken by the DL&C and the Service Officers to avoid delays in completing acquisition proceedings after administrative sanction had been issued by the Defence Ministry. These are again reiterated in the Annexure-A. These may again be brought to the notice of the local authorities for strict compliance.

Yours faithfully,

Sd/-

(A.K. GOYAL)

Under Secretary to the Government of India

ANNEXURE 'A'

Steps to be taken by DG DL&C/Service Headquarters to avoid delays in completing acquisition proceedings after administrative sanction has been issued

(i) Acquisition sanction should include a plan indicating the exact area desired to be acquired. This plan is not necessary where the entire piece of land requisitioned or hired is sanctioned for acquisition, because in such cases DEO has records indicating what land has been taken possession of since he has previously taken over the possession. Where, however, the land is not already in our possession and also in cases where only a part of the requisitioned/hired land is sought to be acquired, it is necessary that acquisition sanction should include a map indicating the exact areas which is sought to be acquired. This map should be attached to the copy of the acquisition sanction forwarded to the DL&C Dte. Where acquisition sanction without the requisite map is forwarded to the DL&C Dte. should return the sanction to the section concerned and ask them to send an acquisition sanction complete in all respects.

(ii) In certain cases delay is due to the time taken by the local Military/MES authorities furnishing the plan of the area to be acquired. To avoid delay due to this reason instructions have been issued that plans of the area proposed to be acquired should be made available with the Administrative sanction in case the same is not already held on hire/acquisition or only part of the hired requisitioned land is sanctioned for acquisition.

(iii) After acquisition sanction is accorded by Government sometimes local Service authorities asked the DEO to vary the areas or to hold up the acquisitions. If any such request is received by the DEO he should ask the Service authorities concerned to obtain orders of the Government staying acquisition proceedings. An order of the Government cannot be stayed or changed by a lower authority and proceedings should not be held up by the DEO on this ground.

(iv) To avoid reference to Government for amendment of the administrative sanction for variation in the cost of acquisition area acquired orders already exist that in case of acquisition of land revised administrative sanction would not be necessary if the actual area does not exceed that specified in the administrative sanction by more than 5 per cent subject to a maximum of 5 acres and further subject to the condition that the overall cost of acquisition does not exceed the amount provided in the administrative sanction by more than 10 per cent. Where this relaxation is not adequate and revised administrative approval of enhanced acquisition cost has to be issued by the Government cases should be projected by DG DL&C on priority basis.

(v) To foster all the pleas of the State Government that adequate staff has to be sanctioned in time for processing the acquisition proceedings, the following powers have already been delegated to ensure speedy sanction of staff —

(a) Directors, Defence Lands and Cantonments are authorised to accord sanction of non-gazetted staff and Tehsildars or similar Revenue Officers required by this State Governments in connection with the acquisition of land or Defence purposes on behalf of the Government of India.

(b) Proposals for employment of Land Acquisition Officers or other gazetted personnel except Tehsildars will be disposed of by the Ministry of Defence without reference to Ministry of Finance (Defence).

(vi) In certain cases the demands placed by the DEO on the Collector/LAO do not conform strictly to the requirement as laid down in the standing order and other instructions issued by the State government in the matter of land acquisition. All concerned should make themselves fully familiar with the relevant instructions/standing orders with a view to ensure that demands are placed strictly in conformity with the instructions/orders accompanied by the requisite documents.

(vii) In the case of acquisition under L.A. Act it is important to ensure that notice under section 4 of the L.A. Act is published at the earliest and followed up as soon as possible by notification under section 6 *ibid.* Once Khasra plan and details of Khasra numbers are furnished by the DEO to the civil authorities there should be no reason whatever for the delay in the publication of notice under section 4.

(viii) In the case of acquisition under RAIP Act, 1952 expeditious action in the publication of form 'J' notification is important as this is the date pertinent for purpose of determining compensation. However, as form 'J' notice cannot be published before a notice is served a close liaison must be maintained between the DEO and the Civil authorities in order to expedite issue of notice in form 'J' to the individual/parties interested so that there is no undue delay in following this up with the form 'J' notice.

(ix) In certain cases delay takes place in assessing compensation after the publication of form 'J' notification. Collection of data and the assessment of compensation should be taken in hand simultaneously as form 'J' notice is issued so that the determination of compensation is not delayed. The DEO should take active part in assisting the Land Acquisition Officer in arriving at a fair market value. He should produce evidence in regard to the market value of the land before the LAO. This applies to acquisition under both the Acts—RAIP and L.A. Acts.

(x) It was generally recognised that the speed in the acquisition of cases would depend to a considerable extent on the ability with which the DEO is able to press on the Land Acquisition Collector and the State Government. The stress should be rather on persuading the Land Acquisition Collector to the point of view of the DEO than projecting the difference to a higher level. It is the function of the DEO including the Special DEO sanctioned for the land acquisition work to seek assistance at all the levels in getting through expeditiously the land acquisition work and this assistance may be sought not only from the higher authorities of the DL&C Dte. but also from the State Government officials and from the Local Army authorities. Where things are unduly delayed inspite of best efforts at the local level or are heading towards a dead-lock, it is the duty of the DL&C Dte. immediately to inform the Government so that the matter could be taken up with the State Government authorities either by personal contact or by correspondence.

(xi) If any reference has to be made to State Government at Ministry's level, Service HQrs. should try to examine all cases in that State so that it does not become necessary for Defence Ministry to intervene a number of times with the State government. If a total assessment in regard to a State as a whole is made it will help matter as it will be possible to take an overall view of things and deal with it at administrative and political levels more effectively.

(xii) Progress made in the acquisition of various cases would be reviewed in the Ministry after every three months. If it was found that sufficient efforts had not been made, suitable action will be taken against the concerned officers.