

BY FAX/SPEED POST

No/14/Misc/Policy/ACQ-II/DE/Vol-I

Govt of India, Min of Defence

Dte General of Defence Estates

RakshaSampadaBhawan

Ulaanbaatar Road, Delhi Cantt-10

Dated: 07 February, 2018

To

The Principal Director, DE
Ministry of Defence
Central/Northern/Southern/Eastern/Western/South Western Command
Lucknow/Jammu/Pune/Kolkata/Chandigarh/Jaipur

Sub : Examination of Proposals for obtaining IPA.

The Government has effected changes in processing of acquisition proposals.

2. It has been decided by the Hon'ble RM that henceforth comments of DGDE would be obtained regarding justification of land requirement before processing the case for obtaining IPA from Defence Secretary. Accordingly, proposals seeking IPA will be forwarded shortly by DGDE for comments of DEOs and Directorates. In order to facilitate examination of proposals received for seeking IPA, the following points may be taken into consideration by the DEOs and Directorates. The below mentioned points are not exhaustive and additional parameters/aspects, if deemed fit, may be considered by the DEOs and the Directorates for better examination.

- (a) It needs to be impressed upon the LMAs that in the first instance it must be examined whether the proposed requirement can be met out of the existing available land in the station before projecting proposal for acquisition of additional areas and it also must be ensured that land already available with them is fully utilized. In this regard, attention is drawn to Govt. of India, Ministry of Defence letter No. 14018//1/84/D (Lands) dated 10.09.1984 and the existing instructions issued vide MOD letter No. 11011/1/92/D (Lands) dated 04.02.1992 as confirmed vide letter No. 11011/1/2010/D (Lands) dated 08.03.2010 which states as under:-
- (i) As far as possible additional land required should be met out of the existing available/surplus Defence land holdings in various stations, including that in the custody of the sister Services/Departments at the required location, and even though suitable relocation of the proposed units/projects. In case the locational factors are inflexible, and the land costs are high the land requirements should be assessed on the most stringent basis notwithstanding the fact that a larger holding may be justified with reference to the prescribed scales.
 - (ii) Proposals for acquisition of land should be moved only after the necessity of the total project has received Government approval.
 - (iii) No Board of Officers will be convened before obtaining the acceptance of necessity.
- (b) DEOs should ensure that the extent of land already proposed for acquisition by the respective station should be taken into consideration while projecting the requirement to avoid

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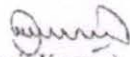
acquisition of surplus land. DEOs may also verify whether there is any variation in respect of the data given in different proposals pertaining to the same station.

- (c) DEO should check whether any unutilized defence land is available in the vicinity of the land proposed to be acquired and if so, he should bring it to the notice of the LMA for their consideration regarding suitability of the subject land for their proposed project.
- (d) On receipt of proposal seeking IPA, DEO should examine the land requirement projected as per the land norms prescribed vide MoD letter No. 12026//41/84/D (Lands) dated 19.02.1991 as amended vide letter of even number dated 08.12.1995. The land norms as prescribed by the MoD should be strictly adhered to and deficiency of land should be worked out accordingly. Calculation sheet working out the land deficiency should be enclosed while forwarding comments.
- (e) As per the above referred MoD policy extra requirements on account of Kendriya Vidyalaya, sewage disposal or unbuildability factor, in case such requirement is justified is only 2.5% of total space. Thus at present there is no provision of catering for additional area beyond 2.5% on account of unbuildability factor etc. Therefore, the DEO should offer their comments strictly in accordance with land norms prescribed by MOD and should not cater for any additional area beyond the limit prescribed in the existing Govt. policy.
- (f) In case of proposals for acquisition based on KLP requirement of a particular station the area of jurisdiction of the concerned station should be first ascertained by the DEO to avoid any overlap in the proposals forwarded by different stations.
- (g) DEOs have to obtain the details of land holdings under the jurisdiction of particular station from the LMA and seek confirmation that the strength of troops and civilians is correctly reflected in the calculation sheets forwarded by LMA. To cross check figures of civilian population data, census data, if available, may be referred to.
- (h) The stations where land has been acquired prior to 1972 are to be treated as old stations where 1947 land norms with the requisite cuts should be applied. In case of new stations where no land was acquired prior to 1972, the land norms prescribed vide GoI MoD letter No. 12026/41/84/D (Lands) dated 19.02.1991 as amended vide letters of even number dated 08.12.1995 and No. 12026/41/84/206/US/D (Lands) dated 08.02.1996 for the new station are to be applied. Since the land calculation sheet contains data pertaining to land acquired prior to 1972 and after 1972, the DEO should verify the same from his records and forward copies of the MLR extracts in respect of all land taken into account in the calculation sheet. DEO should confirm that the data is correct and no acquired land has been left out.
- (i) In respect of any special requirement the same is required to be justified by the LMA through their channel. DEO is not required to furnish his comments thereon.
- (j) DEOs should see that the extent of land proposed for acquisition is the absolute bare minimum extent needed for the project. In this regard attention is drawn to the provisions of Section 8 of RFCTLARR Act, 2013 which states that the appropriate Govt. shall ensure that:-
 - (I) Only the minimum area of the land required for the project is proposed to be acquired.
 - (II) There is no unutilized land which has been previously acquired in the area.
 - (III) The land, if any, acquired earlier and remained unutilized is used for such public purpose and make recommendations in respect thereof.

In this regard, attention is also drawn to the provisions of Section 40 regarding special power in case of urgency to acquire land in certain cases which also states that the power of the appropriate Govt. to acquire land under urgency clause shall be restricted to the minimum area required for defence of India or national security or for any emergencies arising out of natural calamities or any other emergencies with the approval of Parliament.

- (k) DEOs may examine in consultation with the LMA whether the requirement of additional land can be met out by taking over the proposed land on lease instead of acquisition as provided under Section 104 of RFCTLARR Act, 2013 which states that notwithstanding anything contained in this Act, the appropriate Govt. shall, wherever possible, be free to exercise the option of taking the land on lease, instead of acquisition, for any public purpose referred to in sub-section (1) of section 2.
- (l) In case acquisition of additional land is inescapable, effort should be made to meet the additional requirement of land by transfer of State Govt. Land if suitable for the purpose. Before processing the case for acquisition of private land it must be first ensured that State Govt. land suitable for the proposed project is not available in the adjoining area as acquisition of private land involves payment of solatium and may attract provision of SIA and R&R package.
- (m) At the AIP stage DEO is required to indicate the tentative cost involved in the proposed acquisition as per Guideline value/sale data/notified rates.
- (n) DEO should ascertain from LMA whether the proposed acquisition is to be done under urgency clause or not. It should be clearly indicated whether SIA and R&R package/displacement of people are involved in the proposed acquisition.
- (o) DEOs should see that acquisition of land in scheduled area is avoided and should be recommended only when such acquisition is unavoidable in view of the special provision for Scheduled Case and Scheduled Tribes as provided under section 41 of RFCTLARR Act, 2013.

3. All the proposals for comments of DEO/Directorate should be examined in terms of the points mentioned above. To facilitate the same a check list has been prepared and enclosed herewith which should be duly filled by the DEOs while submitting comments in respect of each proposal. Since the progress on acquisition cases is closely monitored at MoD level on regular basis it must be ensured that comments of the DEOs and Directorates on the proposals received should be forwarded to DGDE within 03 (three) weeks.


(Amif Kumar)
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for Director General
Defence Estates

Copy to:

1. Director, NIDEM
2. All DEOs/ADEOs
3. DMS
4. AU&RC