

New Delhi, the 18th March 2002

To

The Chief Secretaries to the
Governments of J&K, Punjab,
Rajasthan and Gujarat.

Subject: Ex-gratia payment of compensation to the people/farmers for the damages occurred to their crops etc. during the preparatory stage of Defence preparations in the border areas.

Sir,

I am directed to say that some State Governments have approached Ministry of Defence for payment of ex-gratia compensation to the farmers/people for the damages occurred to their crops during the preparatory stage of Defence preparations/movement of Armed Forces in the border areas. The issue has been examined and it has been seen that in the past also the Central Govt have granted ex-gratia compensation to the people to cover the damages occurred to the crops by defence preparations by the Armed Forces during preparatory stage, in the border areas.

2. Keeping in view the present situation in the border, the issue has been considered in the Ministry and it has been decided to pay ex-gratia compensation to the people/farmers for the damages occurred to their crops etc. during the preparatory stage of defensive preparations/movement of Armed Forces in Border areas of the states of J&K, Punjab, Rajasthan and Gujarat. The compensation under the scheme will cover damages of the following types:

- (a) Damages to standing crops.
- (b) Damages to standing fruit trees, orchards etc.
- (c) Damages to crops, fruit trees, orchards etc. around airfields and other vital installations damaged or destroyed by Defence preparations; and
- (d) Damages to fences, sheds, structures connected with agriculture and other agricultural properties.
- (e) Where cultivators are prevented from sowing new crops and where the land has been taken over and occupied by Army authorities or where such lands are mined and also where the land is not under the physical occupation

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of the Army but where the land owners are not allowed to cultivate their lands for security reasons for a period beyond 30 days, the occupation of land would be regularised as per para 8 below.

3. The compensation payable should be assessed by the local revenue authorities in association with the representatives of Directorate General of Defence Estates Organisation and Local Military Authorities. The Board of officers for the purpose would be convened by the local Military Authorities. The compensation so assessed would be approved/accepted by the GOC-in-C/Corps Commander. The compensation payable, as assessed, will be projected by the DEO to the concerned authorities for necessary sanctions.

4. In the event of inaccessibility of operational area to the Board of Officers due to security reasons, particularly to the reps of the Revenue Authorities and the DEO, a certificate as per format given below would be necessary as part of the Board proceedings to enable sanction and release of ex-gratia payment.

Certificate by Brigade Commander

It is certified that the land identified aswas occupied by troops from..... toand no civilian was allowed to enter this area because of security reasons.

5. The officers of Directorate General of Defence Estates Organisation would be competent to convey the approval for payment of compensation so assessed by the local revenue authorities and accepted by the GOC-in-C/Corps Commander as per details given below:

Sl. No.	Name of Officer	Monetary limit
1.	Principal Directors/Directors, Defence Estates of Commands	Rs.5 lakhs per case
2.	Joint Directors, Defence Estates of the Commands	Rs.2.5 lakhs per case
3.	DEOs	Rs.50,000/- per case

6. The amount so sanctioned in each case will be deposited by the concerned DEO with the Deputy Commissioner concerned. The DC will make the payment of compensation to concerned individual(s) in the presence of local Military Officials so nominated by GOC-in-C/Corps Commander, after verification of all facts about the individual concerned. The DC will furnish payees receipts in duplicate immediately to DEO. Each payment to the DC would be audited with reference to the land details and rates of crop compensation as given by the Revenue Authorities, by the unit

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accountants attached to the DEOs office. Any ex-gratia amount towards the damages to the crops, received by the farmers from any other Govt agency/department would be deducted by the revenue authorities before making the payment as sanctioned by the competent authorities in the Ministry of Defence.

7. However, the cases where the damages so assessed by the local revenue authorities are not accepted by the Competent Military Authorities, will be referred to Ministry of Defence for decision. The cases involving payment exceeding the limits as indicated in para 5 above will also be referred to Ministry of Defence for consideration/approval.

8. In cases where the occupation of land is longer than 30 days, the owners of lands- would be entitled to rental compensation as regulated in terms of Ministry of Defence letter No.11011/2I77/D(Lands) dated 12.10.1977 and amendments made thereto.

9. The expenditure involved will be debitible to Major Head 2076, Minor Head 111, Sub-Head D(b), General Charges (Code Head 486/01).

10. This issues with the concurrence of Ministry of Defence(Finance Division) vide their U.O. No 613/Fin/QB/02 dated 18.3.2002.

Yours faithfully,

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Director(Works)

Copy to;

1. The Chief of Army Staff, New Delhi.
2. The Director General Defence Estates, New Delhi - 5 copies.
3. QMG"s Branch /Q3L(Policy) -5 copies.
4. The Comptroller and Auditor General of India, New Delhi.
5. DFA(GS)
6. Ministry of Defence(Finance DivisionW.I).
7. DFA(Budget).
8. DGADS, New Delhi.
9. The Chief Controller of Defence Accounts, Northern, Southern and Western Commands.

to. *Finance Division / QB*