

No.13020/11/D(Lands)/97  
Government of India,  
Ministry of Defence,

NEW DELHI, the 22nd Aug 2001.

To

The Chief of the Army Staff,  
NEW DELHI.

Sub: Requisition of land along the Line of Control under the occupation of Army in J&K.

Sir,

I am directed to say that the issue of regularisation of private lands under occupation of Army along the Line of Control(LOC) in J&K had been engaging the attention of the Government for some time past. The issue has been considered by the Government and I am directed to convey the sanction of the President to the laying down of procedure for requisitioning of private lands under occupation of Army along the Line of Control in J&K, consequent to the orders of the Hon'ble Supreme Court in the UOI & Ors. Vs. Smt. Billo Devi & Ors - SLP (Civil) No.478/2000.

2. The land along the Line of Control in J&K will be broadly kept in two categories viz (1) On the Line of Control and (2) Off the Line of Control i.e. the land a bit deep/away from the Line of Control, which has been occupied by the Army for creation of infrastructure etc. for logistic support. The land in both the cases will be divided in the following three categories:-

- a) The private land occupied by the Army on the Line of Control as well as off the Line of Control for creation of Defence assets, and for logistic support, for permanent operational purposes as well as the area covered under the minefields etc.
- b) The private land not under the physical occupation of the Army, but where the land owners are not allowed to cultivate/use their land for security reasons.
- c) The Private land which is neither under the physical occupation of the Army nor the land owners are being

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prevented to cultivate/use their land for security reasons by the Armed Forces, but the land owners are unable to make use of their land because of fear of firing/shelling.

3. The categories of private land mentioned in para 2(a) & (b) above, will be requisitioned under the J&K RAIP Act, 1968 and rental compensation will be paid to the private land owners in terms of rates in vogue.

4. The third category of private land mentioned in para 2(c) above, does not need to be requisitioned by Ministry of Defence, nor any rental compensation need be paid to the land owners, as Army Authorities are neither utilising this land, nor preventing/disallowing the private land owners to use this land. However, the State Govt. of J&K may like to notify these areas and declare them insecure for cultivation under the Jammu & Kashmir Agrarian Reforms Act, 1976, and pay the rental compensation, as admissible under the State laws.

5. As a first step to consider the requisition of the private lands mentioned in para 2(a) and (b) above, a joint survey of these areas will be carried out by the Army Authorities (Local Army Authorities) in consultation with the Local Revenue Authorities of the State Govt. of J&K and the representative of Defence Estate Directorate for ascertaining the actual area under occupation, the Khasra No. of the land, the village in which the land is located and the names of landowners with the date of occupation of land by Army. In the first phase, the survey of the private lands of the two categories mentioned in para 2(a) and (b) above, will be carried out of those lands which are off the Line of Control. In the second phase, the survey will be conducted of those lands which are on the Line of Control. HQrs. Northern Command will constitute a Board of Officers for this purpose, consisting the representatives of Army, Defence Estate Directorate and the Local Revenue Authorities of the State Govt, as indicated above.

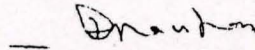
6. The private land requisitioned by the Ministry of Defence on the Line of Control as well as off the Line of Control may be allowed to be utilised by the land owners wherever consistent with the security requirements and the rental compensation will be fixed/reduced proportionately in mutual



consultation among the representatives of Army, DGDE, State Revenue Department and the land owners.

7. This issues with the concurrence of Ministry of Defence (Finance Division) vide their u.o. No.1375/Fin/W-1 dated 20.8.2001.

Yours faithfully,



( LALIT CHAUHAN )

UNDER SECRETARY TO THE GOVT. OF INDIA

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- 8) CDA, Northern Command, Jammu (with ink signed copy)
- 9) DFA(B)
- 10) The Chief Secretary, Govt. of J&K, Srinagar.
- 11) The Deputy Secretary, Cabinet Sectt, Rashtrapati Bhawan, New Delhi
- 12) Ministry of Home Affairs, Deptt. of J&K Affairs, North Block, New Delhi.
- 13) Ministry of Finance, Deptt. of Expenditure (E.II(A) Branch), North Block, New Delhi.