

No.11026/2/2002/D (Lands)
Government of India
Ministry of Defence
New Delhi
Dated 21st Aug 2003

To

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

SuB:- Ex-gratia payments 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 refer to Ministry of Defence letter No, 11026/1/2002/ D (Lands) dated 18 Aug 02, on the above subject, containing the decision of the Ministry to pay ex-gratia compensation to the people/farmers for the damages occurred to their crops during the preparatory stage of defensive preparations/movement of Armed Forces in the Border areas of the States of J&K, Punjab, Rajasthan and Gujarat. It also provides that 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 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 regularized by way for requisition/hiring and rental compensation would be admissible for the same.

2. However, the State Govt. of Punjab and Rajasthan have requested that for Kharif crop 02 and subsequent crops also (where applicable), the crop compensation may be paid for occupation of lands in connection with defensive preparations in the border areas. The request has been considered in the Ministry. The large scale movement of troops for Operation "PARAKRAM" and occupation of lands by those troops have no parallel and hence this case cannot be equated with lands occupied in the normal course of positioning of troops in any area. In the present case, vast tracks of land were occupied simultaneously. There were standing crops on these lands, which were damaged. Most of the lands occupied were cultivable. The same land remains/remained under continued occupation and the farmers suffered/are suffering as they are being deprived of the opportunity to grow crops.

3. Therefore, in partial modification of Ministry of Defence letter No. 11026/1/2002/D (Lands) dated 18 Mar 02 it has been decided to pay crop compensation for occupation of lands during the preparatory stage of defensive preparations/movement of Armed Forces in the border area of States of J&K, Punjab, Rajasthan and Gujarat for kharif Crop 02 and subsequent crops, where applicable at the rate of 50% of the gross estimated produce of the crop. The rates of different crops will be assessed by the Board of Officers as per instructions contained in Ministry of Defence letter No. 11026//2002/ D (Lands) dated 18 Mar 02. The crop compensation will be admissible for the lands, which were cultivable, and the crops have been sown but could not sown due to occupation by Armed Forces. The lands which were not cultivable rental compensation would be admissible for such lands as per instruction contained in Ministry of Defence letter No. 11026/1/2002/D (Lands) dated 18 Mar 02. the other procedure for payment of compensation would be as indicated in Ministry of Defence letter dated 18 Aug 02.

4. The payment of this crop compensation for occupation of land for Kharif crop 2002 and subsequent crops is a special dispensation only for lands occupied under Operation "Parakram".
5. The cultivators who are in authorized as well as unauthorized occupation of State Govt. land, will not be eligible for any crop compensation for kharif Crop 02 and subsequent crops, as they are not owners of the land and they did not sow the crop.
6. The expenditure involved will be debitable to Major Head 2076, Minor Para III, Sub Head D(b), General Charges (Code Head 486/01)
7. This issues with the concurrence of Ministry of Defence (Finance Division) vide their u.o. No. 1097/Fin (QB)/03 dated 18 Aug 2003.

Your faithfully

(ANJAN KUAMAR)
DEPUTY SECRETARY TO THE GOVT. OF INDIA.