

Annexure 2

No. 11013/1/76/D (Lands)
Government of India
Ministry of Defence
New Delhi, the 24th Jan., 1977

To

The Director,
Military Lands & Cantonments,
New Delhi.

Sub : Lease of Surplus Military Lands for Agricultural purposes.

Sir,

In supersession of all previous orders on the above subject following orders will govern leasing of temporarily surplus Defence lands for agricultural purposes.

2. Existing agricultural leases in respect of temporarily surplus defence land on expiry of the existing term, will not be renewed in cases where the leases are non-Ex-servicemen. Such lands will be taken over on the expiry of the leases subject to exceptions mentioned in para 6 below, and will be leased to Ex-Servicemen.

3. Temporarily surplus defence lands, taken over from non-Ex-Servicemen and Defence Lands which are hereafter declared temporarily surplus will be leased to Ex-servicemen only. The lease period will be five years at a time, even in cases where the Local Military authorities may have declared the land temporarily surplus for a shorter period. Rent to be charged will be fixed on the basis of the rent charged according to tenancy law of the respective States where the land are located subject to a maximum of 1/3rd of the estimated value of the gross produce. Rent on this basis will be charged in the case of all fresh leases granted/to be granted after 8th March, 1976 and in the case of expired and existing leases, at the time of next renewal. The Military Estates Officer should collect the necessary data for calculating the gross produce from the local revenue authorities and also ascertain the rates of rents prescribed by the State Governments. If the land thus leased out is required during the period of lease for a Defence purposes, the lease could be terminated by giving notice to the lessee under the terms of lease. The lease whether by way of renewal or grant of fresh one, will be subject to the following conditions :—

(i) The land leased together with the land already owned or held on lease from any source by the Ex-Servicemen should not exceed 5 acres of wet or 10 acres of dry land;

(NOTE :—Categorisation of land into wet/dry and parcelling will be done by the MEOs. Lands having irrigation facilities whether provided by the lessees or existing at the time of granting the lease, would be considered to be wet land).

(ii) Ex-Servicemen who are gainfully employed or are getting an income of not less than Rs. 1000 per month from all sources including pension or own 5 acres or more of irrigated land or 10 acres or more of non-irrigated land are ineligible for lease of defence land.

(iii) When land is leased to a Co-operative Society of Ex-Servicemen, it should be ensured that none of the members of the Co-operative Society is ineligible for the lease of land according to the stipulation in (ii) above :

(iv) The total land leased to a Co-operative Society of Ex-Servicemen should not exceed the sum total of the eligibility for land according to (i) above of individual Ex-Servicemen comprising the Society.

- (v) Available land should be distributed among all the eligible Ex-Servicemen equitably subject to a minimum of one acre of irrigated or 2 acres of dry land per Ex-Servicemen. Where the number of applicants is so large that no body can get one acre if the land is equitably distributed among all the applicants, they should be asked to form a Co-operative Society and the land should be leased to the Co-operative Society. Where this is impracticable and a Society cannot be so formed the land should be given to the poorest at the rate of one acre per individual of irrigated land or 2 acres of dry land. When the number of Ex-Servicemen landless applicants is so large that all cannot be given even 1 acre of wet land/2 acres of dry land and where allotment cannot be made on the basis of income i.e. the benefit going to the poorest among the applicants, lots will be drawn.

4. In the event of Ex-Servicemen or their Co-operatives not forthcoming to take lease of temporarily surplus Defence lands such lands may be leased to landless poor persons. A person shall be considered as a landless poor person when his total land holding (owned plus held on lease from any source) is less than 5 acres wet or 10 acres dry and whose monthly income from all sources is less than Rs. 500 as later amended. The area of land to be leased to such persons should not exceed five acres of wet land or 10 acres of dry land including the land already owned or held on lease from any source.

5. Ex-Servicemen may apply only through the local DSSA Board and landless persons through the Collectors/Tehsildars. Applications received directly from Ex-Servicemen will not be entertained. The Military Estates Officer will draw and maintain a list of priority holders of the following two categories only :—

- (i) Eligible Ex-Servicemen/their co-operative Society.
- (ii) Eligible landless persons.

6. All applicants must file alongwith their application affidavits in support of their eligibility. Affidavits are to be sworn/approved before a Magistrate of first class, Notary Public or Oath Commissioner on non-judicial stamp-paper of the requisite value (to be ascertained from the Sub-Register's Office of the Distt.) or on watermark paper which should be duly affixed by Court Fee of requisite value. Letters of allotment must specify that :—

In the case of lands in Urban areas where the question is in demand as building sites, the Military Estates Officer concerned will get the land divided into suitable plots with the approval of the Deputy Director, DL & C Command where after individual plots will be disposed of separately. Further, where the whole or part of the land is encroached upon or where there is a dispute about the ownership, the whole or portion as the case may be, shall not put for auction till the encroachment is removed or the dispute is settled. That portion of the land which is free from any such complications will, however, be put up for auction without linking it up with the rest. In the case of Camping Grounds/Military lands permanently encroached upon wholly or partly by State Governments, municipalities and other public bodies the offer of sale to priority holders in general may be dispensed with and negotiation conducted directly with the State Government, Municipality of the public body concerned in respect of only portions permanently encroached upon. Final decision in respect of each such case will, however, be taken by Government.

7. Disposal shall be so organised as not to contravene the provisions of laws in force pertaining to land ceilings, economic holdings or any other matter.

8. All requests for transfer of property received from priority holders will be considered by the Govt. of India.

9. The conveyance deed in respect of land transferred to State Govt. and sold to private individuals and local bodies will be executed by DML & C command in the forms annexed.

10. This issues with the concurrence of the Ministry of Finance (Defence) vide their u.o. No. 1250/W/VI of 1976.

11. Hindi version will follow.