

No.11011/2/77/D(Lands)

Government of India

Ministry of Defence

New Delhi, the 12th October, 1977

To

The Chief of the Army Staff,
The Chief of the Naval staff,
The Chief of the Air Staff,

The Dir, Military Lands & Cantonments.

Sub: - Procedure for requisitioning and hiring of immovable properties

Sir,

In supersession of all orders laying down the procedure for requisitioning and hiring of immovable properties issued in the past, cases will be regulated in accordance with the following instructions:-

GENERAL POLICY

2. (a) As an overriding principle no immovable properties be hired or requisitioned unless its possession is considered of vital importance to meet Defence requirement.

(b) While ML&C Service will be responsible for hiring of the properties, payments of rental and other compensation etc, requisitioning will be effected by the Collector and other local revenue authorities to whom the powers of "competent authority" have been delegated under the Requisitioning and Acquisition of Immovable Property Act 1952 and the rules made there under.

HIRING

3. As far as possible, all lands and buildings, which is found necessary to obtain for the Defence purposes, will be hired by private negotiations with the owners. Before any land or building is taken on hire for military purposes the necessity for such action must be accepted by the competent administrative authority as defined in paragraph below.

REQUISITIONING

4. The RAIP Act, 1952, empowers immovable property to be requisitioned for any public purpose in the circumstances mentioned in the Act. The administrative authority as mentioned in para 6 below may sanction requisitioning of properties required only in connection with the operations or other similar emergent needs which cannot be postponed and for which obtaining of Government sanction may delay matters to such an extent as to defeat the object in view. In the remaining cases where requisition of immovable property is desired to be resorted to, prior approval of the Government should be obtained.

5. When the Administrative approval for the requisitioning of immovable property is accorded by the competent authority without the prior approval of the Government as per para 4 above, the case shall be reported to the Government within a period of fifteen days of the date on which administrative approval to the requisitioning has been accorded. The report will, inter alia, indicate the extent of the area sanctioned for requisitioning and the reasons why requisitioning was resorted to. A copy of the Administrative Approval will also be attached to the report.

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6. Competent Administrative authorities and limits of power for sanctioning hiring and requisitioning of immovable properties for any Defence purpose are as follows:-

- | | | |
|-----|--|---------------------------|
| (a) | General officer Commanding-in-Chief/
Equivalent Naval Commander/AOC-in-C | Rs. 50,000/- per property |
| (b) | Commander of a Corps, Divisions/
Area, Indep Sub area of Indep Bde
Gp/equivalent Naval/Air Force
Commander. | Rs. 25,000/- per property |
| (c) | Commander of a Bde, Bde Area
or Sub Area/equivalent Naval/Air
Force Commander. | Rs. 5,000/- per property |

NOTE: These powers will be calculated as follows:-

- | | | |
|-----|--|--|
| (a) | In the case of hiring | } Initial amount of non-recurring compensation,
if any, plus one year's rental/recurring
compensation. |
| (b) | In case of requisitioning | |
| (c) | The term "per property" means immovable property, i.e., lands/buildings hired or requisitioned at a point of time for the same irrespective of the fact whether the property/properties is/are owned by one or more persons. | |

7. Proposals for hiring or requisitioning of immovable property which do not fall within the powers of the competent authorities mentioned in para 6 above or where the property is required for purposes other than those authorized in Barrack synopsis, Quarters and Rents, MES Regulations or other Government Orders issued from time to time, will require the sanction of the Government of India.

8. All proposals requiring the sanction of the Govt. of India will contain a definite recommendation in regard to the particular method of taking possession which it is proposed to adopt, i.e., by hiring or requisitioning, and shall be accompanied by the following information/documents:-

- (i) Size, description and location of property required.
- (ii) Particular purpose for which the property is required.
- (iii) Urgency, i.e., the date by which the possession is required.
- (iv) Minimum period for which required.
- (v) Amount of initial non-recurring compensation, if any, and annual rent/compensation.
- (vi) Whether there is any political, religious, or other objection.
- (vii) Site plan of the land.
- (viii) Elevation plan of the building.

9. Accommodation required for Service Officers, separated families, messes and office accommodation will be hired under the provisions of Quartering Regulations. The authority competent under the Quartering Regulations will issue the financial sanction. The procedure laid down in para 1(a) of Govt. letter No.C/00327/Q3 (B-I)/571/2/D (Q&C), dated 5 Feb 76 as amended from time to time for hiring of accommodation would be followed. The role of ML&C Service Officers (Military Estates Officer) is limited to executive duties connected with the hiring of accommodation.

10. As regards hiring of lands, ML&C Service will also ensure that the rent at which the lands are hired is reasonable.

11. Copies of letter conveying administrative approval for hiring under these orders as well as under Quartering Regulations and for requisitioning will be forwarded to the officer concerned of the ML&C Service and to the Controller of Defence Accounts.

12. In terms of Rule 9 of the RAIP Rules, 1953, the following officers of the ML&C Service are authorized to approve the compensation fixed by the Collector/Land Acquisition Officer, to the extent indicated below:-

	Designation	Annual rentals or recurring Payments or compensation on entry or surrender per property.
(a)	Deputy Directors, Military Lands and Cantonments in Commands.	Rs. 50,000.00/-
(b)	Assistant Directors Military Lands and Cantonments in Commands Corps, Division/ Area	Rs. 25,000.00/-
(c)	Military Estates Officers	Rs. 5,000.00/-

Note: The term "per property" means immovable property, i.e., lands/buildings hired or requisitioned at a point of time for the same purpose irrespective of the fact whether the property/properties is/are owned by one or more persons.

13. Rental and compensation which exceeds the financial powers given above will be referred to the next higher authority shown in para 12. Cases in which the annual liability or compensation exceeds Rs. 50,000/- will require the approval of the Ministry of Defence.

14. The above limits of powers and the authority by whom they are exercisable will also hold good in the matter of approval of rentals/compensation payable on surrender, if any, in respect of the hired properties.

15. The competent authority mentioned in para 6 above is also empowered to sanction continued hiring of immovable properties held for ten years or more and hiring sanction of which expired on or before 27 Sep 1977 for further period not exceeding beyond 31 Dec 1990 or till its de-hiring whichever is earlier.

16. In case the initial recurring or terminal compensation is fixed by arbitration and the amount awarded exceeds the administrative approval no revised sanction will be necessary and the compensation will be according to the award.

17. The procedure indicated above will not apply to the hiring or requisitioning of Jute mills or factories or of immovable properties other than residential accommodation for service officers within the Municipal and Corporational limits of New Delhi/Delhi. Hiring/Requisitioning of immovable properties intended for use as office accommodation by the Ministry of Defence, DHQ and their attached units will continue to be the responsibility of the Ministry of Works and Housing.

18. Accommodation hired or requisitioned under this procedure will conform, as far as possible, to prescribed scales. Whenever different scales of accommodation are specified in different orders/ instructions the lowest scales shall be adopted.

19. Save as provided in paras 4 and 5 above, these orders do not in anyway, abrogate or limits the orders relating to procedure for operational works issued under the Ministry of Defence letter No. 05633/Q3W(iii)/204/Q/D.8/48 dated 23rd Jan 1948, as amended from time to time.

20. Necessary administrative instructions will be issued by you.

21. Officers of Military Lands and Cantonments service who have to effect payments of rentals and compensation in discharge or their executive functions will obtain from the controller of Defence Accounts concerned, an assignment of a suitable amount to be fixed in consultation with Controller of Defence Accounts concerned from which all payments within the financial powers delegated to them will be made.

22. All records relating to immovable properties hired or requisitioned will be maintained by Military Lands and Cantonments Service, However, particulars of any works done at Govt. expense. e.g. additions or alterations to buildings, erection of new buildings, etc. will be recorded by the MES and information in respect thereof will be furnished to the Military Lands and Cantonments Service.

23. This issues with the concurrence of Ministry of Finance (Def) vide their U.O. No. 1981/W/VI/of 1977.

Your faithfully,

Sd/-

(M.S. SOKHANDA)

Under Secretary to the Govt. of India

Copy of the above forwarded to:-

The Controller General of Defence Accounts, New Delhi.

The Director of Audit, Defence Services, New Delhi.

The Controllers of Defence Accounts, All Commands.

The Controller of Defence Accounts (Air Force), Dehra Dun.

The Controllers of Defence Accounts (Navy), Bombay.

The Senior Deputy/Deputy Directors of Audit, Defence Services, All Commands.

QMG's Br/Q3L(Policy)... (50 copies).

The Ministry of Defence (ML&C Dte)... (50 copies)

Air Headquarters (Dte of Air Force Works)... (15 copies)

Naval Headquarters (Dte of Naval Works)... (15 copies)

The Director General (Works), E-in-C's Branch... (10 copies)

The Deputy Financial Advisor (Works)... (5 copies)

The Deputy Financial Advisor (Budget)... (5 copies)

The Deputy Financial Advisor (Navy)... (5 copies)

The Deputy Financial Advisor (AF)... (5 copies)

Copy signed in ink to be sent to:-

The Controller of Defence Account, Eastern/Northern/Southern/Central Commands.

The Controller of Defence Accounts (Navy), Bombay.

The Controller of Defence Accounts (AF), Dehra Dun.

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