

No.A/83610/Q3 (H)/332-S/D (Q &C)
Government of India,
Ministry of Defence,
New Delhi, 22nd Dec 1969
1st PAUGA, 1891(SAKA)

TO

The Chief of the Army Staff,
The Chief of the Naval Staff,
The Chief of the Air Staff,
The Director, Military Lands and Cantonments.

SuB : PROCEDURE FOR REQUISITIONING AND HIRING OF IMMOVABLE PROPERTIES.

Sir,

I am directed to convey the sanction of the President to the following procedure being adopted for hiring and requisitioning of immovable properties for the Defence Services.

GENERAL POLICY

2. As an over-riding principle, no immovable property should be hired or requisitioned unless its possession is considered of vital importance to meet Defence Requirements.

HIRING

3. As far as possible, all lands and buildings, which it is found necessary to obtain/ the Defence purposes, will be hired by private negotiations with the owners, Before any land or buildings is taken on hire for military purposes, the necessity for such action must be accepted by the competent administrative Authority as defined in para 5 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 5 below may sanction requisitioning of properties required only in connection with the operations or other similar emergent needs which cannot be postponed and for such an extent as to defect the object in view. In the remaining, cases where requisitioning of immovable property is desired to be resorted to, prior approval of the Government should be obtained.

5. Competent Administrative Authorities and limits of powers 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 Corps, Divisions
Area, Indep Sub Area or Indep
Bde Gp/equivalent Naval/Air Force
Commander Rs. 25,000/- per property
- (c) Commander of 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 rental / recurring Compensation.
- (b) in the case of requiring |

6. Proposals for hiring or requisitioning of immovable property which do not fall within the powers of the competent authorities mentioned in para 5 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.

7. All proposals requiring the sanction of the Government of India will contain a definite recommendation in regard to the particular method of taking possession which it is proposed to adopt i.e. following information/documents:-

- (i) size, description and location of the 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.

8. Hiring of houses for service officers and accommodation for messes will be governed by the rules contained in 'Quarters and Rents'.

9. Copies of letters conveying administrative approval for hiring under these orders as well as under Quarters and Rents and for requisitioning will be forwarded to the officer concerned of the ML&C Service and to the Controller of Defence Accounts. Military Lands and Cantonments Service will be responsible for all executive action connected with the actual hiring and requisitioning of immovable property. They will ensure that the Rent at which the property is hired is reasonable.

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

	Annual rentals or recurring payments or compensation on entry or surrender per property.
Deputy Directors, Military Lands And Cantonments in Commands	Rs. 50,000.00
Assistant Directors, Military Lands and Cantonments in Commands Corps, Division/Area	Rs. 25,000.00
Military Estates Officers	Rs. 5,000.00

Rental and compensation which exceeds the financial powers given above will be referred to the next higher authority shown compensation exceeds Rs. 50,000.00 will require the approval of the Ministry of Defence.

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

11. The competent authority mentioned in para 5 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 30th June 1969, for further periods not exceeding beyond 31st Dec 1970.

12. 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, with in the Municipal and Corporation limits of NEW DELHI. Hiring/requisition 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 Health and Family planning and works. Housing and Urban Development.

13. Accommodation hired or requisitioned under this procedure will conform, as far as possible, to prescribed scales. Wherever different scales of accommodation are specified in different order/instruction, the lowest scales shall be adopted.

14. 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 two months 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 requisition was resorted to. A Copy of the Administrative Approval will also be attached to the report.

15. Save as provided in paras 4 and 14 above these orders do not, in anyway, abrogate or limit the orders issued under the Ministry of Defence letter No. 05633/Q3W-iii/204/Q/D.8/48 dated 23rd Jan 1948 which remain in tact.

16. Necessary administrative instructions will be issued by you.

17. The Provisions of this letter take effect from 1st July 1969, and are in suppression of this Ministry letters mentioned below:-

- (a) No. 44276/Q3 (H)/5420/D.Q dated 6th May 1952.
- (b) No. A/25577/Q3 (H)/791-s/D (QTG) dated 13th DEC 1962.
- (c) No.10/4/Reqn/ML&C/917-s/D (C&L) dated 13th Dec 1962.

18. This issues with the concurrence of Ministry of Finance (Def) vide their u.o No. 505/SN/VI of 1969.

Your faithfully

(S.P. MADAN
Under Secretary to the Government of India.

Copy to.

The Controller General of Defence Accounts, New Delhi
The Director of Audit, Defence Service, New Delhi
The Controllers of Defence Accounts, all Commands.
The Joint Controller of Defence Accounts, (Patna, Bombay)
The Controller of Defence Accounts (Air Force) DEHRADUN
All Deputy/Assistant Directors of Audit, Defence Service.
QMG's Br/Q3 (H) 50 Copies-
The Ministry of Defence (ML&C Dte) 50 Copies
Air HQrs
Naval HQrs.

