

16. Payment of compensation to State Government for damages caused to their properties on account of occupation by the army during INDO-PAK Conflict, 1971-

Please refer to your DO No. F.7-5 (Part)/For-72, dated 7th June 1974, to Shri Jagjivan Ram regarding compensation for damage caused to State forests and forest plantations due to occupation by the Indian army during the Indo-Pak war in 1971.

(2) I have had the matter examined and find that the damages were caused as the area had to be occupied by troops due to operational necessity for the defence of the country. According to legal opinion no compensation is payable by the Central Government in cases of such damage. Central Government have however, paid compensation in some cases for damage caused to private property due to military operations but all such compensation has been only to private parties on an ex-gratia basis. No such compensation is payable or has ever been paid to State Govt. Govt. Departments or even autonomous bodies for damage caused to their immovable or moveable properties. Total resistance has to be mobilised in the event of war and the load is shared by the entire Govt. set up, Central or State, to achieve success; it should be appreciated that losses would necessarily have to be borne by all Govt. sectors. I hope you will kindly appreciate why we are unable to accede to your request.

[Letter No. 124/DM/75 dated 17 Jan 75 from the Defence Minister to the Chief Minister of Tripura]