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No. 11015/2/2012/D(Lands)  
Government of India  
Ministry of Defence

New Delhi  
Dated 11<sup>th</sup> March, 2015

To

- i) All Secretaries of the Ministries/Departments
- ii) All Chief Secretaries of the States & UTs

Sub: Procedure for Transfer of Defence land for Public utilities and Public infrastructure projects.

Sir,

The Ministry of Defence has been receiving requests for Defence land from Central Government departments, State Governments and organisations controlled by it as also local bodies, for execution of projects related to creation/up-gradation of public infrastructure/utilities. Keeping in view the operational requirement of our Armed Forces no defence land is normally permitted to be transferred for non-defence use. However, as an exception to this policy, requests for Defence land received from Central Government departments, State Governments and organisations controlled by it as also local bodies, for execution of projects related to creation/up-gradation of public infrastructure/utilities are considered on the merits of each case. Such transfers are normally considered on the basis of exchange of equal value land to be provided by the Indenting Authority. However, where the Indenting Authority is neither a land owning authority nor does it have an arrangement with the State/ UT governments for providing land for the project and is therefore unable to provide equal value land, transfer is considered on payment of current market value. Land is also given on lease/license with premium and rent being fixed on the basis of nature of the project.

2. Some Central Government departments and State Governments have raised the issue of delays in transfer of Defence land/grant of working permission which is adversely affecting their projects. In this connection it has been noted that many of the projects for which Defence land was being sought had been undertaken without prior consultation with the Ministry of Defence. Subsequently, Local Military authorities report security or functional constraints in providing land which takes time to resolve. In addition, it has been noted that requests for Defence land is

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invariably made to the Local Military Authorities /DE Officials without any intimation to MoD. As such the Ministry becomes aware of such requests only after considerable delay has occurred in processing the cases at the local level.

3. The procedure for processing requests for providing defence land for Public utilities and Public infrastructure has therefore been reviewed. All Central Government Departments/State Governments and Organisations under their control as also local bodies will now be required to follow the following procedure for indenting for defence land required for projects related to creation/up-gradation of public infrastructure/utilities such as roads, flyovers and road over bridges; airports, railway lines and metro rail projects; petroleum, gas, water, telecommunications infrastructure except Mobile Towers, electricity and sewerage pipe-lines, etc.

(a) All Indenting Authorities (IAs) seeking transfer of Defence land for public infrastructure/utilities will carry out prior consultation with the Ministry of Defence through their administrative ministries/ respective State Governments. The IAs will submit proposals containing information as mentioned in the format annexed to the Ministry of Defence at the preliminary/planning stage for 'in principle' approval with a copy to concerned Land Managing Authority (viz Army, Navy, Air Force, DGDE etc). Once approved 'in principle' a detailed proposal will have to be sent again for final approval for working permission or transfer of land, as the case may be.

(b) All proposals for transfer of defence land for public infrastructure/utilities whether at the in-principle approval stage or at the final approval stage, will be sent by the indenting Central Ministry /Department / State Government to the concerned Joint Secretary in the Ministry of Defence i.e. the Joint Secretary dealing with the land managing agency concerned. When the project is to be executed by a PSU, Autonomous Body of the Central Government or State Government, local bodies and PPP concessionaire, the proposal will be routed through the concerned administrative Central Ministry/Department or the State Government.

(c) At the 'in principle' approval stage, Ministry of Defence will examine in consultation with the user Service/Department/Organisation and DG DE, if the proposed transfer of land will have any adverse security implication and if the land is required for any sensitive purpose or essential function or it can be spared. In case, the transfer of defence land in question has adverse security implications or the land is being

used/planned to be used for a sensitive purpose or an essential function and the installations located thereon cannot be shifted for security or functional reasons, the Indenting Authority will be advised to change the location/alignment of the public infrastructure/utility for which the land is required. Likewise, the IA will also explore viable alternatives which would obviate the need for defence land. The IA will also specify if it or the concerned Government is willing/able to fully or partly provide equal value land in exchange and if so the possible locations. If after this exercise it is found that land has to be provided, 'in principle' approval will be given by this Ministry so that the Indenting Authority can finalise the project proposal and send a formal request for working permission or transfer of land, as the case may be.

(d) MOD shall accord or deny 'in principle' approval within 03 months of receipt of the preliminary proposal from the Indenting Authority, after the case has been presented by both the Indenting Authority and the user Service/Department/Organization of MOD under whose occupation/management the land is placed. 'In principle' approval shall specify the mode of transfer of defence land.

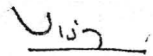
(e) After issue of 'in principle' approval, the indenting agency would send a firm proposal for working permission or transfer of land, as the case may be, within 6 months of the grant of 'in-principle' approval to the indenting Central Ministry /Department / State Government to the concerned Joint Secretary in the Ministry of Defence i.e. the Joint Secretary dealing with the land managing agency concerned with a copy to concerned Land Managing Authority (viz Army, Navy, Air Force, DGDE etc) for further processing the case failing which the approval would be deemed to have been cancelled. MOD shall accord working permission/final approval expeditiously but not later than 08 months of receipt of the formal proposal from the Indenting Authority, after issue of 'in principle' approval.

4. All proposals received prior to the issue of this letter or are in process with MoD or LMA will be processed expeditiously preferably within a period of 8 months in accordance with the existing policy on transfer of defence land if there are no security and functional constraints, without requirement of "in principle" approval.

5. Attention is also invited to the following with respect to the general policy with regard to transfer of Defence land:

- i) Defence land is generally not declared surplus and is normally transferred only for public infrastructure/utility projects on the basis of exchange of equal value land and the merits of each case. However, in the case of linear projects where the Indenting Authority is neither a land owning authority nor does it have an arrangement with the State/ UT governments for providing land for the project and is therefore unable to provide equal value land transfer is considered on payment of current market value of the land and the assets existing thereon.
- ii) Land may be transferred for Public infrastructure/utility projects by the Ministry after satisfying itself that it can be alienated without compromising the essential functions of the user service or by making suitable alternative provisions to enable the user agency to carry on with its essential functions smoothly.
- iii) Land will be considered for transfer only for projects being implemented by Central Government Departments, State Governments and Organisations under their control as also by Local bodies. In the case of PPP projects transfer of Defence land will be considered only where the ownership of the land will remain with the Government.
- iv) The mode and terms of transfer of land for such projects would depend, essentially, upon the nature of the project, purpose being served, rights sought in the land proposed for transfer, time frame of the requirement i.e. permanent, long term or short term.
- v) For all cases in which defence land is proposed to be transferred or alienated formal approval of the Cabinet will be sought.

Yours faithfully,



(Vijay Agrawal)

Director

T.No. 011-23013173

Format of Application for transfer of land

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| 1. | Name of the organization and address  |  |
| 2. | Status of organization<br>(a) Central Government<br>(b) Central Government Undertaking / Enterprise<br>(c) Autonomous body of Central Government<br>(d) State Government<br>(e) State Government Undertaking / Enterprise<br>(f) Autonomous body of State Government<br>(g) Private institution / body<br>(h) Any other to be indicated |  |
| 3. | Extent of land required for transfer<br>(a) Area in acre / hectare<br>(b) Survey number<br>(c) Name of village / taluka / district<br>(d) Sketch / site plan with boundaries  |  |
| 4. | Purpose for which the land is required and its importance from National / Regional perspective.   |  |
| 5. | Details of the public infrastructure/utility project for which land is required.  |  |
| 6. | Timelines for completion of the public infrastructure/utility project and the indicative date for transfer of land to indenting authority.  |  |
| 7. | Efforts made to obtain the land from alternative sources such as State Government / private parties.  |  |
| 8. | Undertaking to provide equal value land suitable to Services by the Indenting Authority or;<br>Undertaking that Indenting Authority is neither a land owning authority nor does it have an arrangement with the State/ UT governments for providing land for the project and is therefore unable to provide equal value land.           |  |

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| 9.  | Undertaking to pay market value fixed by Ministry of Defence and right of MoD to reclaim / resume ownership of the land on payment of suitable compensation. |  |
| 10. | Recommendations of the competent authority of Ministry / Department of Central / State Government  |  |