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**STANDING COMMITTEE  
ON DEFENCE  
(2007-08)**

**FOURTEENTH LOK SABHA**

**MINISTRY OF DEFENCE**

*[Action Taken by the Government on the Recommendations contained in  
the 13th Report of the Committee (Fourteenth Lok Sabha) on  
A Critical Review of Rehabilitation of Displaced Persons]*

**TWENTY-FOURTH REPORT**



**LOK SABHA SECRETARIAT  
NEW DELHI**

*March, 2008/Phalguna, 1929 (Saka)*

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(2007-08)

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A Critical Review of Rehabilitation of Displaced Persons]*

*Presented to Lok Sabha on 19.3.2008  
Laid in Rajya Sabha on 19.3.2008*



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*March, 2008/Phalguna 1929 (Saka)*

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COMPOSITION OF THE STANDING COMMITTEE  
ON DEFENCE (2007-08)

Shri Balasaheb Vikhe Patil — *Chairman*

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(iii)

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SECRETARIAT

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| 6. Smt. Indu Kaushal       | — <i>Executive Assistant</i>  |

## PREFACE

I, the Chairman, Standing Committee on Defence (2007-08) having been authorized by the Committee to submit the Report on their behalf, present this Twenty-Fourth Report on 'Action Taken by the Government on the recommendations of the Committee contained in their Thirteenth Report (Fourteenth Lok Sabha) on 'A Critical Review of Rehabilitation of Displaced Persons.'

2. The Thirteenth Report was presented to/laid in Lok Sabha and Rajya Sabha on 3 August, 2006. The Government furnished replies indicating action taken on the recommendations of the Committee contained in the Report. The Committee took oral evidence of the representatives of Ministry of Defence and Ministry of Rural Development on 3 August, 2007 and 3 March, 2008 to have clarifications on certain issues arising out of the action taken replies and to know the salient features of the NPRR 2007. The draft Action Taken Report was considered and adopted by the Committee at their sitting held on 6 September, 2007.

3. An analysis of action taken by the Government on recommendations contained in the Thirteenth Report of the Standing Committee on Defence (Fourteenth Lok Sabha) is given in Appendix-II.

4. For facility of reference and convenience, the observations/recommendations of the Committee have been printed in thick type in the body of the Report.

N EW D ELHI;  
12 March, 2008  
22 Phalgun, 1929 (Saka)

BALASAHEB VIKHE PATIL,  
*Chairman,*  
*Standing Committee on Defence.*

## CHAPTER I

### REPORT

The Report of the Standing Committee on Defence deals with action taken by the Government on the recommendations/observations contained in their Thirteenth Report (Fourteenth Lok Sabha) on 'A Critical Review of Rehabilitation of Displaced Persons' which was presented and laid in both the Houses of Parliament on 03.08.2006.

2. In the Thirteenth Report (Fourteenth Lok Sabha), the Committee had made 57 observations/recommendations on the following aspects :

Sl.No.	Para No.	Subject
1	2	3
1.	1.7 to 1.15	Introduction
2.	2.11 and 2.12	Procedure for maintaining transparency while acquiring land
3.	2.14	Section 8 (Land to be marked out, measured and planned) of the Land Acquisition Act, 1894
4.	2.18	Section 17 (Special power in case of urgency) of the Land Acquisition Act
5.	2.24	Payment of compensation and determination of market value
6.	2.34 & 2.35	Releasing of surplus defence land for carrying out developmental activities
7.	2.36 to 2.38	Technology
8.	2.53 & 2.54	Court cases
9.	2.59 & 2.60	National Policy on Resettlement and Rehabilitation (NPRR)
10.	2.63	Provisions to deal with cases prior to 2004



1	2	3
11.	2.66	Better Packages
12.	2.73	Applicability criteria
13.	2.84 to 2.86	Rehabilitation and Resettlement Benefits for Project Affected Families
14.	2.91 & 2.92	Training/Education
15.	2.104 & 2.105	Sharing of responsibility alongwith the State Government
16.	2.106 & 2.107	Grievance Redressal Cell
17.	3.8 & 3.9	Naval Alternate OP Base, District Vizag, Andhra Pradesh
18.	3.14 & 3.15	Propellant Factory, Nalanda, Bihar
19.	3.19 & 3.20	Army Project at District Avery, Himachal Pradesh
20.	3.34 & 3.35	Project Seabird, District Karwar, Karnataka
21.	3.38	National Defence Academy, Khadakwasala, Distt. Pune, Maharashtra
22.	3.42	Talegaon Dabhade, District Pune, Maharashtra
23.	3.51 & 3.52	Acquisition during Second World War
24.	3.61 to 3.64	Ordinance Factory, Project Badmal, Bolangir, Orissa
25.	3.69	Mahajan Field Firing Range, District Bikaner, Rajasthan
26.	3.75 & 3.76	Naval Air Station, District Arakonam, Tamil Nadu
27.	3.85 & 3.86	Air Force Station, District Tanjore (Thanjavur) Tamil Nadu
28.	3.90	Delhi

3. Action Taken Replies have been received from the Government in respect of all the recommendations/observations contained in the

Report. The Committee have examined the Action Taken Replies received from the Ministry and the same have been categorized as follows:

- (i) Recommendations/observations which have been accepted by the Government:  
Para Nos: 1.12, 1.14, 2.14, 2.18, 2.38, 2.53, 2.54, 3.8, 3.9, 3.19, 3.20, 3.34, 3.35, 3.52 and 3.69
- (ii) Recommendations/observations which the Committee do not desire to pursue in view of the Government's replies:  
Para No.: 3.90
- (iii) Recommendations/observations in respect of which replies of the Government have not been accepted by the Committee:  
Para Nos. 1.7, 1.8, 1.10, 1.11, 1.13, 2.11, 2.24, 2.34 to 2.37, 2.59, 2.60, 2.63, 2.66, 2.73, 2.84, 2.85, 2.86, 2.91, 2.92, 2.104 to 2.107, 3.14, 3.15, 3.51, 3.61 to 3.64, 3.75, 3.76, 3.85 and 3.86
- (iv) Recommendations/observations in respect of which final replies of the Government are still awaited.  
Para Nos. 1.9, 1.15, 2.12, 3.38 and 3.42

**4. The Committee trust that utmost importance will be given to the implementation of the recommendations accepted by the Government. In cases, where it is not possible for any reason to implement the recommendations in letter and spirit, the matter should be reported to the Committee with reasons for non-implementation. The Committee desire that action taken notes on the recommendations/observations contained in Chapter-I and final replies to the recommendations contained in Chapter-V of the Report be furnished to the Committee within six months of the presentation of the Report.**

5. The Committee will now deal with the action taken by the Government on some of their recommendations contained in Chapter-I of this report. Chapter-I deals with the recommendations of the Committee on which replies furnished by the Ministry are not satisfactory and are not accepted by the Committee or replies to the recommendations of the Committee have been accepted, but still in some areas of implementation, the Committee want to further comment or seek more detailed information. Accordingly in Chapter-I of the Action Taken Report, further comments, recommendations on some of

the replies have been given/made by the Committee for further reply/ seeking action taken statement from the Ministry. The Ministry shall as early as possible, after the presentation of this report, furnish statements of action taken or proposed to be taken by them on the recommendations contained in the Chapter-I and the final replies to the recommendations contained in Chapter-V of this report.

### **Need to have a comprehensive rehabilitation policy**

**Recommendation Para Nos. 1.7, 1.8, 1.10, 1.13, 2.12, 2.59, 2.60, 2.63, 2.66, 2.73, 2.84, 2.85, 2.86, 2.91, 2.92, 2.104, 2.105, 2.106 and 2.107**

#### **Recommendation (Para Nos. 1.7 & 1.13)**

6. The Committee had noted that Ministry of Defence had been acquiring vast tracts of land before Independence and till date for operational use of defence forces and other defence purposes. The land was being acquired under age old Land Acquisition Act (LAA), 1894 and Defence of India Act., 1939 framed during the British time and were colonial in nature. Though these Acts had been amended from time to time, they were totally inadequate to meet the present day needs and aspirations of the people. This was amply brought out during oral evidences, tendered before the Committee by representatives of Ministry of Law, Rural Development and State Government officials. The Committee were constrained to note that there was no policy for rehabilitation of Displaced persons as such and only in 2004, guidelines had been issued in the form of National Policy on Resettlement and Rehabilitation (NPRR), 2003. In the absence of a policy for rehabilitation, the displaced persons were being given meagre compensation for the land acquired for defence projects and no effort was being made to resettle and rehabilitate them properly. In view of foregoing, the Committee strongly felt that there was an urgent need to have a comprehensive and more democratic legislation to deal with the matter relating to Land Acquisition, Compensation, Resettlement and Rehabilitation. The Ministry of Defence being the largest user of land should take appropriate initiatives with the concerned Ministries in this regard. The Committee further desired that the Ministry of Defence should have their own practical and better package for resettlement and rehabilitation till the commencement of this comprehensive legislation.

7. The Committee had noted that the Ministry of Defence had adopted NPRR 2003 formulated by Ministry of Rural Development which had not been given legislative shape by the Government and hence was not enforceable in the court of law. Moreover, it was only

applicable to the projects having more than 500 families in the plain areas and more than 250 families in hilly areas and therefore most of the projects of Ministry of Defence did not come under its purview. The Committee wished to recommend that the Ministry of Defence must evolve their own rehabilitation policy which was more liberal and was applicable to all the projects irrespective of the number of displaced families as a kind of social responsibility of the Government.

8. The Ministry of Defence in their action taken reply have stated:

“In so far as having better packages for resettlement and rehabilitation as recommended by the Committee, it is mentioned that National Policy on Resettlement and Rehabilitation for Project Affected Families (NPRR) – 2003, is already under consideration in the Ministry of Rural Development for revision. We may await its finalisation. In so far as the need to have comprehensive and more democratic legislation to deal with the matters relating to Land Acquisition cases, it is mentioned that Ministry of Rural Development, the nodal agency for Land Acquisition Act, has already formulated draft Land Acquisition (Amendment) Bill 2004. The draft LA (Amendment) Bill 2004 has been circulated by Ministry of Rural Development to all State Governments and UT Governments for their comments.”

#### **Recommendation (Para No. 1.8)**

9. The Committee had noted that large number of people sacrificed their ancestral land, traditional occupations and livelihoods due to acquisition of land for various Defence purposes. Therefore, it becomes the responsibility of the Ministry of Defence to ensure that the affected people get fair amount of compensation and timely rehabilitation in order to create a sense of pride and patriotic feeling in their mind that they had sacrificed their invaluable property for the cause of the nation.

10. The Ministry of Defence in their action taken reply have stated:

“It may be mentioned that within the existing framework of Land Acquisition Act, there is no role of acquiring Department regarding determination of fair amount of compensation. It is determined as per provisions prescribed in Land Acquisition Act, by the Collector/ Courts. Section 23 of the Act relates to determination of compensation. It reads as follows:—

23 (1) In determining the amount of compensation to be awarded for land acquired under this Act, the Court shall take into consideration:—

First, the market value of the land at the date of the publication of the notification under section 4, sub section (1);

Secondly, the damage sustained by the person interested, by reason of the taking of any standing crops or trees when may be on the land at the time of the Collector's taking possession thereof;

the time of the Collector's taking possession of the land, by reason of severing such land from his other land;

Fourthly, the damage ( if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of the acquisition injuriously affecting his other property, movable or immovable, in any other manner, or his earnings;

Fifthly, if, in consequence of the acquisition of the land by the Collector the reasonable expenses (if any) incidental to such change; and

Sixthly, the damage (if any) bona fide resulting from diminution of the profits of the land between the time of the publication of the declaration under section 6 and the time of the Collector's taking possession of the land.

“(1-A) In addition to the market value of the land, as above provided, the Court shall in every case award an amount calculated at the rate of twelve per centum per annum on such market value for the period commencing on and from the date of the publication of the notification under section 4, sub section(1), in respect of such land to the date of the award of the Collector or the date of taking possession of the land, whichever is earlier.

Explanation – In computing the period referred to in this sub section, any period or periods during which the proceedings for the acquisition of the land were held up on account of any stay or injunction by the order of any Court shall be excluded.

(2) In addition to the market value of the land as above provided, the court shall in every case award a sum of (thirty per centum) on such market value, in consideration of compulsory nature of the acquisition.”

2. It may further be mentioned that the Ministry of Rural Development has proposed draft amendments to Land Acquisition Act, 1894. The draft Land Acquisition (Amendment) Bill, 2004 has been

circulated by the Ministry of Rural Development to all State Governments and UT Governments for their comments.

**Recommendation (Para No. 1.10)**

11. On examining various representations and oral evidences of the displaced families who had lost their lands due to defence acquisition over the years, the Committee had noted that most of them had not been properly resettled and rehabilitated and were still suffering. The Committee desired that Government should consider their cases sympathetically and extend all possible assistance wherever feasible.

12. The Ministry of Defence in their action taken reply have stated:

“Ministry of Defence has adopted National Policy on Resettlement and Rehabilitation for Project Affected Families (NPRR) – 2003, since 2004. This policy is being applied for all projects being considered since then. Hence, for projects executed earlier to 2004 it is not possible to apply this policy. However, it may be mentioned that in certain projects even in the past, on the requests of respective State Governments, rehabilitation grants were sympathetically considered.”

**Recommendation (Para No. 2.12)**

13. The Committee were distressed to note that, till now, the Government acquired the land and displaced the people in the first instance and allocate land to rehabilitate and resettle them at a later stage. As a result, the people, who had sacrificed their land for the cause of the nation, had to undergo manifold sufferings for years together. Therefore, the Committee desired that the acquiring authority/ Ministry of Defence should take necessary initiatives to undertake an advance planning for suitable rehabilitation and resettlement of the displaced persons and convey the same to the affected people so as to maintain transparency and gain their confidence.

14. The Ministry of Defence in their action taken reply have stated:

“Ministry of Defence has adopted National Policy on Resettlement and Rehabilitation for Project Affected Families (NPRR) – 2003, formulated by Ministry of Rural Development, as policy document for resettlement and rehabilitation. However, revision of the NPRR-2003 and formulation of the National Rehabilitation Policy-2006, is under consideration of Ministry of Rural Development.

The proposed “National Rehabilitation Policy–2006” may address the issues relating to planning the size and nature of Rehabilitation packages. We may await its formulation.”

**Recommendation (Para Nos. 2.59, 2.60, 2.66, 2.73, 2.84, 2.85, 2.91, 2.92, 2.104, 2.105, 2.106 and 2.107)**

15. The Committee had observed that prior to 2003, there was no policy for granting rehabilitation assistance to the persons, displaced by the acquisition of land. In 2003, National Policy on Resettlement & Rehabilitation (NPRR) for Project Affected Families was formulated by the Ministry of Rural Development. This had been notified in Government of India Gazette on 17.2.2004. The Committee, while examining the subject, had also examined the provisions of National Policy on Resettlement and Rehabilitation (NPRR), 2003. The Committee were given to understand that this policy provides only guidelines for the Ministries which were not enforceable in the Court of Law, unless the same was passed by the Parliament in the form of an Act.

16. The Committee were constrained to note that even after 59 years of independence, there was no law or rule governing resettlement and rehabilitation and the Government of India was following the age old colonial laws for this purpose. Therefore, the Committee had strongly recommended that the Government must give a serious thought to bring a Bill for giving a legislative shape to the Rehabilitation/Resettlement Policy at the earliest.

17. The Committee were given to understand that many Public Sector Undertakings, Departments, Ministries and State Governments were offering better rehabilitation package. Even the Ministry of Rural Development had communicated to all the Central Government Ministries and Departments that National Policy on Resettlement and Rehabilitation (NPRR) only specifies the minimum benchmark and they could offer higher package. However, the Committee were constrained to note that the Ministry of Defence were satisfied with the policy and had adopted it as its rehabilitation policy and there was no proposal to frame a separate, more liberal policy. The Committee deplored the callous attitude of Ministry of Defence and strongly recommended that the Ministry of Defence should adopt a practical and liberal approach and frame their own policy having better packages for the betterment of affected families which might be treated as a model packages for other Departments/Ministries to follow.

18. The Committee had noted that the provisions of NPRR-2003 were applicable in the case of displacement of 500 families or more in



plain area and 250 families or more in hilly areas. The Committee had, however, noted that most of the Defence Projects did not come under the purview of NPRR, since they did not meet the criteria mentioned in it. The Committee felt that the criteria given in NPRR were vague and not practical. Therefore, the Committee wished to recommend that the Ministry of Defence must evolve its own rehabilitation policy which would be applicable to all the projects, irrespective of the number of displaced families, as a kind of social responsibility of the Government.

19. The Committee had observed that compulsory acquisition of private lands displaces persons from their ancestral land and property forcing them to give up their home, assets and means of livelihood. Therefore, displacement uproots people not just from their homes but also from their traditional occupations and livelihood they were familiar with. The system of extending cash compensation under the Land Acquisition Act (LAA) and such other Acts in most cases did not enable the affected families to obtain cultivable agricultural land, home, means of livelihood and other resources. To address these problems, the NPRR 2003 was notified by Government of India and came into force w.e.f. 2004. The Committee had examined the provisions of rehabilitation and resettlement benefits and were of the view that the objectives of NPRR were not properly reflected in the provisions. The Committee had, therefore, wished to recommend that resettlement/rehabilitation should be location-specific, situation-specific and community-specific. In coastal village, fishermen should be resettled in another coastal area only because they were accustomed to continue with their traditional occupation and to earn perpetual income therefrom. A village having tribal population should be resettled in a homogenous area having their own people, so that they did not feel out of place.

20. The Committee had further recommended that the rehabilitation site must have skill based training, education and different types of occupational provisions, suitable to the local community. Besides, the rehabilitation package should provide village roads, drinking water, primary medical facilities.

21. The Committee were distressed to note that development and implementation of rehabilitation package, including providing training, education, employment, housing, health and sanitation was the sole responsibility of the State Government. The Ministry of Defence just provides the money to the State Governments as per their demand for implementation of the rehabilitation package. The Ministry of Defence



did not have any mechanism/trained manpower to supervise the actual implementation. The Committee had strongly felt that in case of compulsory displacement, the oustees not only lose their land and ancestral properties but also their vocation and means of livelihood for the cause of development of the whole nation. Therefore, our country, being a welfare State, must strive to provide training, education, employment, facilities for potable water, health services and sanitation to help the families of the oustees to re-establish economic sustenance and the basic livelihood. The Committee had further desired that to enable the oustees to carry out their traditional job in a more scientific way and to pursue new vocational courses, the Government should establish ITI and other vocational institutions in the rehabilitation sites. Besides, the Government should provide simultaneous training facilities to the youth of displaced families as per the job requirements of the defence projects so as to enable them to avail employment opportunity in the said project. The Government should consider to provide some gainful employment to the oustees.

22. The Committee had strongly felt that the Ministry of Defence should share the responsibility with the State Government by appointing an Estate Officer to coordinate and monitor the rehabilitation projects, being executed by the State Government, for effective implementation of rehabilitation package.

23. The Committee had observed that prior to 2004, the Ministry of Defence was paying rehabilitation grants to the concerned State Governments as per their demands. Planning, acquisition and monitoring of the rehabilitation projects was the sole responsibility of the respective State Governments. The Ministry of Defence was not associated with the monitoring mechanism alongwith the State Government. However, the Defence Estate Officer used to maintain a constant liaison with the Collectors at the field level to see the progress of land acquisition. The Committee further observed that in many cases, the affected persons had not been resettled and rehabilitated due to various reasons. As a result, cases were still going on in various courts for years together.

24. The Committee were distressed to note that the Ministry of Defence was only concerned to maintain constant liaison with the State Government authorities to see the progress of land acquisition and not with the progress of rehabilitation and resettlement. The Ministry of Defence left this crucial task at the mercy of the State Government. The Committee had strongly felt that the acquiring agency should not shift the total responsibility to the State Governments. Therefore, the

Committee had strongly recommended that the Ministry of Defence must ask the State Government to furnish regular feedback in time and examine all the pending cases where people had not been given their dues or where they had not been resettled or rehabilitated and the accountability must be fixed. The Ministry should also involve themselves with the State Government and solve the old cases as part of their social obligation. In addition, the Committee had desired that a Floor Level Committee comprising a representative of Ministry of Defence, District Administration (Collector) and affected persons might be constituted to oversee the effective implementation of rehabilitation and resettlement, starting from Gazette notification to actual rehabilitation and it should be given a legal status. The Committee had further desired that in the comprehensive legislation on land acquisition, resettlement and rehabilitation as proposed by the Committee in their earlier paragraph, it should be taken care of. The Ministry of Defence should delegate powers for monitoring the rehabilitation and ensure accountability.

25. The Committee had observed that, at the higher level, as per Para 7.2.1 of the National Policy on Resettlement and Rehabilitation, the State Government should constitute a Grievance Redressal Cell under the Chairmanship of the Revenue Commissioner for Resettlement and Rehabilitation for redressal of Grievances of the project affected families. The aggrieved families might move a petition to this Cell for redressal of their grievances. The form and manner in which and the time within which the complaints might be made to the Grievance Redressal Cell and disposed of, should be prescribed by the State Government.

The Committee were distressed to note that the policy was silent in regard to form and manner in which the complaints might be made to the Grievance Redressal Cell and the time within which it would be disposed of. Everything had been left to the whims and caprices of the State Government. Therefore, the Committee had desired that the provision of the policy might be thoroughly reviewed and everything should be specified in the policy itself in order to avoid ambiguity and misinterpretation and the Grievance Redressal Cell should include District Collector, representative of Ministry of Defence and a representative of the affected families.

26. The Committee had observed that, in the three-layer structure of monitoring mechanism, the Ministry of Defence participates only at the National Level. At the lower and the middle levels, the Ministry of Defence did not have any role to play. The Committee were of the

strong view that, in order to ensure a meaningful rehabilitation, a representative of Defence Estate Organisation should be made a Member at all the levels of the monitoring mechanism.

27. The Ministry of Defence in their action taken reply have stated:

“These recommendations relate to amending policy frame work given in NPRR-2003. It is mentioned that there is a proposal under consideration with the Ministry of Rural Development for formulation of NPRR-2006 by revising the NPRR-2003. We may await its formulation.”

28. During the Oral evidence, the representatives of Ministry of Rural Development apprised the Committee, about the salient features of the revised NPRR-2007 which was under consideration of Group of Ministers (GoM), as under:

“On the salient features which is available in the Draft Policy which is already circulated and was in public domain since September, 2006 is being given a final shape by the Group of Ministers, but the broad contours of the Policy remains the same with some minor calibrations.

First of all, the scope of the Policy has been enhanced to include all people who are affected by involuntary displacement. Therefore, it is not merely the people who are losing the land *per se*, but even people whose livelihood is being affected or in any way they are getting adversely affected. So all those people are sought to be covered under that. I have seen that the Committee in its recommendations has given a great emphasis on customizing the rehabilitation plan, if they are tribals or if there is a particular area. It has mentioned about the fisheries and all that. So in our policy we are considering it and then naturally it will be reflected in the law. After the initial assessment of the rehabilitation requirements, that is the number of persons who will be affected by this land acquisition, the Draft Rehabilitation Policy will be developed which will take into account these specific requirements. But, of course, in the Policy itself in categorical terms, there are special provisions for the tribal people for whom we are suggesting that there should be a special consideration for that. We are also suggesting the preparation of a Social Impact Assessment which will be mandatory in case of projects involving a certain threshold level of population which is about 400 families’ *en masse* in plain area and 200 *en masse* in tribal and hilly areas. So in preparing the

Social Impact Assessment, once that is available, the draft Rehabilitation Plan will then be customized. So the concern of this Committee we are trying to factor through this approach. The benefits which were enjoyed by tribals in the area where they inhabited also should not be in diminished in any way if they are shifted to another area. That is also another area of concern which we have taken into consideration. For the Social Impact Assessment, the public hearing will also be made mandatory and consultations with the Gram Sabhas will be taken into account. The housing benefit is something which the Committee has recommended and given its very strong endorsement. We are providing this benefit to the project affected people in the Draft Policy. We are also considering about preference in jobs. The Committee has made a strong recommendation that skill development should precede that so that they are enabled to participate in the job recruitment which will take place in the project. That also we are taking care of and we are making a strong provision for that. On the actual compensation, very liberal package are being recommended."

He further stated as under:

"The interesting point which the Committee has raised is whether there is a limit which has been placed by the Department that is in the Rehabilitation Policy, on the Ministries/Departments which are acquiring bodies. What we can suggest and what are the GoM will eventually approve, the current thinking is that this will become a threshold level. That is the basic minimum which everybody has to do. But the acquiring bodies which could be the State Governments or the Central Government Ministers or public sector undertakings would be free to raise the bar and give something beyond that. In fact, you will be happy to know that in the Orissa Policy which I was involved in developing that policy along with my Additional Secretary who was also in Orissa, in that we have made not only the provision for this liberal management but we have also said that project-specific additionalities can also be given. Whatever is prescribed in that policy itself is the minimum, but for a particular project, it can be customized and made a little more liberal. That is the philosophy by which we are guided in developing this new policy. The various privileges which people enjoyed like fishing rights, then access to forest areas and all those things, we are trying to protect. If a group of people who are getting shifted from a particular place typically in the reservoir areas where an irrigation project comes, the fishing rights will be given on high priority. In fact, more or

less on an exclusive basis to those people who are getting affected, through some mechanism whether they will form a cooperative or an association or whatever it is so that fishing right will be given to them.”

He further stated as under:

“There is also a concern which the Committee has expressed is about the Disputes Settlement Mechanism. Our current thinking is that we will put it on fast track and put strict time limits for settlement of disputes so that these do not linger for long period because our experience in this connection is that there are litigations which go on for many years.”

29. When asked by the Committee about the latest position of Rehabilitation Policy-2007, the Secretary, Ministry of Rural Development *inter alia* during evidence on 3.3.08 stated as under:—

“It is in the Bills form. It was presented to Parliament. The Parliament has referred it to the Standing Committee on Rural Development.”

“They have been calling the various Ministers for evidence to give their views. We hope that in this Session the Committee will be able to give its Report. It can come before Parliament. The policy is in force.”

30. On the total acquisition of land, displacement of families and improvement which could be made in the present NPRR, the representative of the Ministry of Defence stated as under:—

“...About 27,000 acres have been acquired on ongoing projects and the displacement is about 6500 families. Generally, when providing for resettlement and rehabilitation, the policies of the State Government are followed. The Central Government’s policy is actually a fairly recent development and it has not yet been given a final shape. In any case, the Central Policy also stipulates that it is not binding. In the sense that in case the State policy goes beyond the Central policy then the best available package should be given. My own feeling is that the Defence Ministry should basically adopt this approach that if in particular State the package is better, then the State R&R package should be given. For example, we know that in some States because of large projects—States like Madhya Pradesh and Gujarat for example—the R&R packages are infact extremely generous. They go beyond the Central guidelines.

So, I think that so far this is the approach also that has been adopted that the resettlement has been in accordance with the package that has been posed to the Ministry of Defence by the State Government concerned and it has been done in accordance with that. But I would say that my own observation has been that in recent years there is a far greater awareness of R&R among the States. Most States have enacted their own R&R packages basically as a response in many cases to court directives, also as a response to the World Bank aided projects where R&R has been made a precondition of lending."

**Recommendation (Para Nos. 2.63 and 2.86)**

31. The Committee had observed that there was no policy to deal with rehabilitation and resettlement prior to 2004. Acquisition of land and rehabilitation was the responsibility of the State Governments. The Ministry of Defence was paying to the State Governments as per their demand. The Ministry of Defence had adopted these guidelines to deal with the cases from 2004 onwards and not to deal with earlier cases. The Committee were pained to note that there were old cases pending in the courts and in many cases people had not received their dues and their suffering was prolonging. Keeping in mind the large scale suffering of people and to provide justice to the common man, who had sacrificed his ancestral property for the safety and betterment of the nation, the Committee desired the Ministry to re-think over this issue and take necessary approval of the competent authority to provide a practical and liberal rehabilitation package to the cases prior to 2004. The Committee had further desired that the Ministry should have a constant liaisoning with the State Governments to monitor the progress of rehabilitation and actual utilization of monitory allocation provided by them for the said purpose.

32. When asked by the Committee about the definition of public purpose under which land is the acquired by the Ministry of Defence, the representative of the Ministry stated as under:

"The main definition of public purpose has only these two areas. That is one escape clause that I would come to. It is the strategic purposes relating to naval, military, air force, any other work vital to a State, and public infrastructure, which would have to be notified by the Central Government. It is not that the State Government would say that this project is a public infrastructure and they can go ahead with Section 4 (i) notification etc."

“Now, they would have to come to the Central Government to establish their case that this project does meet public infrastructure or does meet the public interest criteria. Only then, they would be able to take it, and it would be only for these two purposes.”

33. The Committee had further recommended that there had to be some sort of coordination mechanism to monitor progress in regard to actual disbursement of money made available to the State Government by the Ministry of Defence.

34. The Ministry of Defence in their action taken reply have stated:

“For land acquisition projects prior to 2004, the NPRR-2004 is not proposed to be applied. However, in some projects rehabilitation grants have already been provided.

As regards recommendations of the Committee to have constant liaisoning with State Governments to monitor the progress of rehabilitation and actual utilization of the money provided to them, it is mentioned that certain provisions are being made to take care of this in the proposed NPRR-2006.”

35. During Oral evidence, the representatives of the Ministry of Rural Development apprised the Committee about the importance of Committee’s recommendation about representation of Defence Estate in the local level Committee and also added as under:

“I would like to mention is that you have made a very important suggestion that the representatives of the Defence Estate should be part of the local level Committee which should look into it. But, I think, the Defence Estate does not have too much interface on a day to day basis with the local people. During acquisition, they may come. Once the project is set up, they do not really have much interface. I would say that their relationship is like the umbilical cord which is cut after the child is born. So, in the State, if there is any other Defence Establishment or some officer who is locally available, who can interact with the local administration, it may be a better idea. In the initial stages, let the Defence Estate people be involved in it. But there is a Division Army or Air Force Formation in the State which is permanent. At the State level, there should be a Committee where senior officers of the Revenue Department or nominee of the State Government should be there. At the district level, there should be a middle-level officer of the Army and the Collector. They should then look after these because they can have harmonious interaction.



We are in agreement to that. We want this minor change because the Estate people do not have a presence in every State. The Army Formations are in touch with the State Government either for Disaster Management or for support on a day-to-day basis. They should take care of it. I think that may be a better idea."

36. The Committee note from the reply that the Ministry of Defence are not serious to the concern expressed by the Committee in their report. The Ministry have simply advanced their replies to the Committee without doing the comprehensive home work of the issues involved therein. The Committee are of the view that the project affected displaced families, who have sacrificed their home, ancestral land, age old occupation and livelihood for the cause of the nation, must be given their legitimate right of resettlement and rehabilitation in a dignified way. The Committee are not satisfied with the reply of the Ministry to change-over their responsibility to the Ministry of Rural Development in the matter of policy formulation and preparation of better and attractive package for rehabilitation instead of having their own practical and better package for resettlement and rehabilitation of displaced families. The Committee are further concerned to note that the Ministry of Defence are still waiting for the revision of NPRR-2003 and Land Acquisition Act. The Committee feel that revision of NPRR-2003 and getting the proposed draft Land Acquisition Bill amended is a time consuming process and more over the Government has not indicated any time schedule for the purpose. The Committee, therefore, have come to conclusion that the Ministry of Defence are inclined to bank upon the age old colonial acts/policies for resettlement and are not receptive to bring any positive and flexible changes/improvements in the existing system, under which the poor people may not undergo any more suffering for no fault of their own. Further the existing rehabilitation policy is in the form of guidelines only and does not have any legal sanctity.

37. The Committee, therefore, had strongly recommended that the Ministry of Defence being the largest land acquiring authority for operational use of Defence forces and other Defence purposes, should have their own liberal rehabilitation policy to deal with new as well as old cases for which the present NPRR-2003 may not impose any ban/restrictions.

38. The Committee are, however, surprised to learn that despite their recommendation that Ministry of Defence should have their own practical and better package for resettlement and rehabilitation,



the Ministry are solely dependent on National Policy on Resettlement and Rehabilitation for Project Affected Families (NPRR), 2003 for the displaced families affected by the Defence projects. The Committee note that NPRR-2003 is only applicable to the projects having more than 500 families in plain areas and more than 250 families in hilly areas, as most of the projects of Ministry of Defence are outside the populous areas therefore they do not come under the purview of NPRR-2003. The Committee are, however, constrained to observe that the Ministry have not touched upon any aspect of it in their action taken reply as to what steps they are taking to facilitate the project affected persons whose number of families are less than 500 and 250 in plain and hilly areas respectively. The Ministry of Defence must realize as candidly accepted by the Ministry of Rural Development that NPRR-2003 provides the minimum bench mark and any Department/Ministry is free to adopt a comprehensive and liberal rehabilitation package. In this connection, the Committee fail to understand as to why the Ministry of Defence cannot provide a better package for the displaced families like other Departments/Ministries of the Government of India. Therefore, the Committee reiterate their earlier recommendation that the Ministry should have a comprehensive and more democratic legislation to deal with the matter relating to Land Acquisition, Compensation, Resettlement and Rehabilitation urgently and the Committee may be apprised of the action taken in this regard.

39. The Committee, however, are happy to note that the Ministry of Rural Development have gone through considerably the report of the Committee containing recommendations on 'Review of Rehabilitation of Displaced Persons' and assured the Committee that issues *viz.* enhancement of the scope of the Policy, customizing the rehabilitation Plan for tribals, social impact assessment, case of projects involving a certain threshold level of population, out of court settlement, consultation with Gram Sabha, skill development for Job, involvement of Defence Estate people with local administration and to provide very liberal package to the affected families have been adequately addressed in the NPRR-2007. NPRR-2007 are now in process of enactment as it has been referred to Committee on Rural Development in the form of Rehabilitation and re-settlement Bill, 2007. The Committee hope that soon NPRR-2007 will come in force in the form of an Act.

#### Recommendation (Para No. 1.11)

40. The Committee had noted that the Ministry of Defence was extending funds to the State Government for rehabilitation packages

as per their demands. The Committee desired that the Ministry must take regular feed back from the State Government on the implementation of rehabilitation programme and in case of non-implementation and delay, the accountability might be fixed. The Committee also desired the Ministry to ensure that the funds given to States for the rehabilitation programme were not misused or diverted for other projects. The Committee had also observed that in some cases in the absence of any demand of the State Government, the displaced persons had not been given any rehabilitation package. Therefore, the Committee had strongly recommended that the Government should address this issue in the right perspective to ensure that the displaced persons were rightfully rehabilitated.

41. The Ministry of Defence in their action taken reply have stated:

“Ministry of Defence has written to all State Governments and Union Territories Administration to issue necessary directions to all District Collectors that proper feedback regarding rehabilitation programme of displaced persons, whenever the land is acquired for Ministry of Defence and where rehabilitation grants are given by Ministry of Defence, should be given to the concerned Defence Estates Officers. Further, it is also mentioned that National Policy on Resettlement and Rehabilitation for Project Affected Families (NPRR)-2003, is under revision with the Ministry of Rural Development. We may await its finalisation.”

**42. From the reply of the Ministry, the Committee observe that Ministry are not serious to implement the important recommendations of the Committee. As regard the recommendation of the Committee, on taking regular feed back from the State Governments on the implementation of the Rehabilitation Programme and in case of non-implementation and delay, the accountability to be fixed. The Committee are unhappy to note that the Ministry of Defence have become content by mere convening/passing the recommendations of the Committee to the State Governments and Union Territories Administration to issue necessary directions to all District Collectors. Thereafter, the Ministry are not bothered to know what feed back on the issue have been received from the State Governments/District Collectors and what course of action has been taken or proposed to be taken for better resettlement and rehabilitation of the suffered families in order to enable them to live dignified life. The Committee take this fact with due seriousness and further strongly reiterate their recommendation that Government should address this issue with due seriousness in the right perspective to ensure that the displaced persons are rightfully rehabilitated in true sense.**

43. The Committee are of the opinion that the acquiring authority must take responsibility to Resettlement and Rehabilitation of the affected persons and give feed back to the Committee of the progress made by the Government in this regard as was done by the Ministry of Defence in the case of Project Sea Bird of Navy. The Ministry of Defence should take lead to monitor and implement the Rehabilitation Package. The Committee would like to know the compliance made by the Ministry in this regard.

#### **Court Cases**

#### **Recommendation (Para Nos. 1.14 and 2.53)**

#### **Recommendation (Para No. 1.14)**

44. The Committee had also noted that a large number of cases regarding payment of compensation were pending in various courts. Therefore, the Committee desired that the Ministry of Defence should try to settle these cases out of court through negotiations and reconciliations.

45. The Ministry of Defence in their action taken reply have stated:

“The matter regarding settlement of cases through Lok Adalat can be considered on case-by-case basis wherever feasible.”

46. On the issue of out of court settlement during oral evidence of the representatives of Ministry of Defence stated as under:

“Actually, the agenda for Lok Adalats is normally set by the High Court of the State concerned. They decide the case. Normally, there is one judge who is assigned to the Lok Adalats and he decides the kind of cases that they will take up. They do it district-wise normally depending upon the problem in that district. We have no objection if disputes are settled through Lok Adalats provided the High Court agrees to it. So far, I am told that 42 cases have been settled out of court regarding acquisition by the Ministry of Defence. If the number increases, it will be good. As far as possible, we would like that there should be no disputes and in fact, when compensation packages are generous, there are no disputes usually.”

47. On the same issue during oral evidence of the representatives of the Ministry of Rural Development stated as under:

“One is out of court settlement. Frankly, this issue has not come up. We will carry this concern to the GoM and try to see that this issue is addressed, but we are addressing it in a different manner.

Even today, under the Act, there is a provision for Consent Award. But we are trying to address it in a more fundamental way, which is also another concern of the Committee, that is, to minimize the time for litigation and provide the third approach, which we are trying to make to minimize disputes. We are also trying to have a mechanism by which the determination of price is there as the hon. Member from Kashmir mentioned. So, we are trying to make it as closer to the realistic prices as possible. We are suggesting many methods and that is how we are going to address these issues."

### **Recommendation (Para No. 2.53)**

48. The Committee had noted with concern that about 15650 cases were pending in lower courts, High Court and Supreme Court regarding compensation paid to the persons whose land was acquired by the Government for Defence purposes. The Committee are surprised to note that in most of the old cases where acquisition had been completed and even after the people accepted the compensation and land had been taken over, still litigation was going on. The Committee were concerned to note that significant number of cases relating to compensation had been pending in the Courts for a long time, due to dispute in ownership or appeal preferred by the State Government against the enhanced compensation awarded by the lower court. The Committee understood that in rural areas many persons live in a joint family and occupies a piece of ancestral land without having a legal document in their favour. Such a property was invariably declared by the acquiring authority as a disputed property and compensation was either not paid or withheld. Therefore, the Committee were of the view that for identification of owner of such property, Government should apply the law of limitation and take note of genuine possession of land, views of the local panchayat and Gazetted Officer of that local area. The Committee had also felt that Law Officer of the Central Government might be posted as designated office of the Defence Estate to give timely advise regarding processing of litigations arising out of land acquisition. The Ministry of Law had to play pro-active role in this regard. Looking to the past experience, it might be seen that most of the cases were relating to award of land compensation had been decided in favour of the displaced persons. The Committee had, therefore, strongly recommended that Government should follow a flexible and logical policy in such matters to pay the compensation, and the State Government instead of filing appeal against the enhanced award of reference court, should come forward for reconciliation/ negotiation to settle the dispute finally outside the Court.

49. The Ministry of Defence in their action taken reply have stated:

“The Ministry of Law and Justice has already been requested to post a Law Officer in the Office of DGDE to give advice for processing of litigation arising out of land acquisition.

As regards settling the matter through reconciliation and negotiation, it is mentioned that Government may resort to settling the cases through Lok Adalats on case by case basis, wherever feasible.”

50. On being asked whether the District Collector is strictly following the Supreme Court Judgements and Central Government Guidelines while determining the market value of land and standing crops. The Ministry of Rural Development in their written replies stated as under:

“Since land is a State subject under the Constitution of India, it is for the State Governments to ensure that the District Collectors are following the judgements of the Hon’ble Supreme Court.”

51. On a specific query about the leading cases of the Supreme Court in determination of market value. The Ministry of Rural Development in their written replies stated as under:

“A request has been made to the Ministry of Law and Justice for providing a brief on the leading cases of the Supreme Court in determination of market value of land under acquisition”.

“We have just sent a reference to the Law Ministry to find out whether this can be applied with retrospective effect or not. Once that gets clarified and if we can notify our Authority, it can be done with retrospective effect, then, all the matters could be referred to that Authority”.

**52. The Committee note that the Ministry have admitted that the matter regarding settlement of cases through Lok Adalats can be considered on case to case basis wherever feasible. The Committee, however, are not satisfied with the reply advanced by the Ministry as they have not given considered thought of the Committee’s recommendations on solving the matter of disputed property by way of identification of such property through genuine possession of land, application of law of limitation, views of gazetted officer/local Panchayat of that area etc. This also shows that the Ministry are not serious at all to implement the considered and well thought**

recommendations of the Committee. The Committee, therefore, strongly recommend that the Ministry of Defence must gear up their sluggish machinery in order to yield desired results. The Committee are of the view that for successful planning, implementation of scheme must be done in a time-bound manner otherwise it will defeat the very purpose of the scheme. Therefore, the Committee desire that the Ministry must take concerted efforts to settle the pending cases out of the court through negotiations and reconciliation in a true spirit at the earliest.

53. The Committee feel that the litigation in courts take years to come to any conclusion, thereby wasting precious time, energy and money for both the parties, which otherwise would have been spent for constructive and meaningful purpose. Therefore, the Committee are of the view that the Ministry of Defence should take initiative to impress the Ministry of Rural Development to include the provision of Out of Court Settlements in the proposed rehabilitation and re-settlement Bill, 2007 so that affected persons could get their legitimate dues without delay.

54. The Committee agree with the reply of the Ministry of Rural Development that the land is a State subject under the Constitution of India and it is for the State Governments to ensure that the District Collectors do follow the judgements of the Hon'ble Supreme Court. On the other hand, the Committee are of the view that Ministry should not feel content with the fact that since land is a subject matter of the State Governments they have been absolved from all the liabilities. The Committee, however, are of the view that a better coordination, monitoring and follow up of the rehabilitation related issues directly with the District Collectors will not only mitigate the problems of affected persons but also make the people more government friendly and less litigating in nature. The Committee are of the view that if liberal and timely rehabilitation packages are offered, people will happily part with their land, houses and belongings in the interest of the nation.

**Serving of individual notification pertaining to intention of the Government to acquire land**

#### **Recommendation (Para No. 2.11)**

55. The Committee had noted that as per clause 4 of Land Acquisition Act (LAA), 1894, the Government communicate to the landowner its intention to acquire land by publishing Gazette notification in two Daily Newspapers circulated in that locality, of

which at least one was in regional language. Also, public notice of this notification was pasted at convenient places in the locality where land was being acquired. The Committee felt that this was not sufficient and desired that individual notifications should be served to the affected persons. The Committee were further of the view that this procedure might be convenient and helpful in places having literate inhabitants. However, in hilly and remote areas with low literacy people might not be aware of the notification and the procedures and formalities that were required to be completed for filing objections. Therefore, the Committee strongly felt that the Government must evolve a people friendly approach and desire that a representative of the acquiring authority, in this case *i.e.* DGDE, alongwith the District Administration should serve individual notifications and go to the affected people or local panchayat and brief them regarding the intention of the Government and assist them in completing formalities/ filing their objections, if any, in writing. Further there should be some follow-up action in this regard. The Committee further desire that while comprehensive review of the Land Acquisition Act was done by the Government that aspects should be kept in mind.

56. The Ministry of Defence in their action taken reply have stated:

“The Ministry of Rural Development has been requested to take further necessary action on this recommendation of the Committee and intimate action taken thereon to Ministry of Defence.”

**57. The Committee do not agree with the reply of the Ministry that the matter pertaining to serving of individual notifications to the affected persons by the Directorate of General Defence Estate (DGDE) along with district administration, has been referred to the Ministry of Rural Development to take necessary action. The Committee strongly feel that the Ministry of Defence, instead of shifting their responsibility should assume accountability and adopt a people’s friendly approach and the senior most officials of DGDE should insist upon for serving individual notifications to the affected persons in order to extend help to the people in hilly and remote areas with low literacy rate. The Committee, therefore, reiterate their earlier recommendation in this regard.**

#### **Determination of Market Value**

##### **Recommendation (Para No. 2.24)**

58. The Committee had noted that the compensation for land was determined by the Collector in accordance with the provisions of



Section 23 of the Land Acquisition Act. The Committee further observed that the district Collector while determining market value, goes mostly by the local information and registered sale data. But it was worth-mentioning here that when the registration takes place, people normally register at a lower rate to avoid stamp duty. Therefore, simply taking into consideration the registered sale data while calculating the market value was not fair and correct since it results into paying lesser compensation to the affected persons than the actual market rate. This had resulted in large number of affected persons filing cases in various courts. The Committee further understood that in many cases, the Court had awarded higher compensation than the award declared by the District Collectors which the Government had to pay at a later stage. To avoid all these litigations and give fair prices to the displaced persons, the Committee desired that the recent guidelines issued by the Government of India in regard to the computation of land value be taken as a base improvement whereby prices were decided by State Revenue Department for different zones and categories like irrigated, unirrigated, urban, semi-urban, rural etc. The Government should also take into account the Consumer Price Index for a particular period for computing land value. This would facilitate the correct evaluation of acquired property of the people. The Committee further wished to recommend that the Ministry of Defence should insist the State Government to take the assistance of land valuers/assessors and follow the above-mentioned guidelines and had a constant liaisoning with the State Government and monitor the progress of payment of compensation to the affected persons and see that the Collector was paying the market price by keeping in mind the above mentioned factors. The Committee further desired that earnest efforts should be made to settle the matter through negotiation/reconciliation. In case of any dispute, the matter might be referred to Lok Adalat and if it was beyond possible, the cases may be sent to arbitration where service of the experts might be utilized. The Committee further desired that while calculating the value of land and other property, the acquiring authority must take a humanitarian approach and pay the compensation accordingly.

59. The Ministry of Defence in their action taken reply have stated:

“The Committee has desired that with regard to the computation of land value, price of land decided by the State Revenue Department for different zones and category like irrigated and



unirrigated, urban, semi-urban, rural etc. be taken as basis and Govt. should also consider Consumer Price Index for correctly valuing the acquired property. In this regard it is submitted that there are a number of Supreme Court judgements on the issue as to how the market value of land is to be declared. In the Land Acquisition Act, the award of compensation is formulated by the Collector. He seeks the approval of the State Government and then declares the award. In many States there is also a Committee at the District level to help the Collector in valuing the prices of the land. For example, in Punjab there is a District Price Fixation Committee. In this Committee, members of public such as acting Chairman of Block Samiti, Rep. of MLA and Sarpanchs are also included.

In so far as the reference to Lok Adalat is concerned, that needs to be decided on case-by-case basis depending on feasibility of adopting such a course of action .”

**60. The Committee have been informed that there are a number of Supreme Court judgements and Central Government guidelines on the issues related to determination of market value. In the Land Acquisition Act, the award of compensation is formulated by the Collector who finally gets the approval of the State Government. The Committee observe that inspite of all the measures, a large number of affected persons are filing cases in various courts and the cases are pending in a large number. The Committee strongly feel that the District Collector is not giving due attention to the Supreme Court judgements and guidelines issued by the Central Government regarding determination of market value. Therefore, while reiterating their earlier recommendations, the Committee wish to recommend that the Government should strictly follow the Supreme Court judgments. The prices should be decided by the State authorities for different zones and categories and the Compensation should be given in a time-bound manner.**

**61. The Committee further stress that earnest efforts should be made to settle the matters through negotiation/reconciliation and the Ministry must adopt a humanitarian approach and pay compensation accordingly.**

**62. Land acquiring authority, land owner and State authority should sit together and decide the market value for the proposed Rehabilitation Packages.**

### **Need to review the actual utilisation of defence land**

#### **Recommendation (Para Nos. 2.34, 2.36 and 2.37)**

#### **Recommendation (Para Nos. 2.34 & 2.36)**

63. The Committee had observed that acquisition of land for defence related activities was being done keeping in view the present and future requirements. Requirement of land was established by a Board of Officers as per given scale of land authorization and acquisition was done based on laid down rules and procedures. The Committee were, however, given to understand that in some projects, like National Defence Academy (NDA) 8,000 acres of land was acquired, out of which not more than 25 per cent, is utilized and rest had remained unutilized even after 60 years. During the study visits of the Committee to various projects, the Committee had observed that there were large areas of defence land, lying unutilized and they had not been given back to the ex-landowners. In this connection, the Committee were informed that the users had to leave certain portion of land as buffer zone and there were certain areas needed for future expansion. Plan for using the land is there but due to constraints of funds and other reasons the users were not in a position to utilize the whole land. As a result, this gave a totally misleading impression that the Defence Authority was acquiring land mindlessly.

Since land was a scarce commodity the Committee desired that the Ministry of Defence should set up a high level group to review the total land acquired, actual utilization thereof and the requirement of land in future for all Defence projects. During the review, the Government should also see the possibilities to re-allocate the surplus land, if any, to the affected people for the use of agricultural purposes, on lease/contract basis. This would not only avoid resentment among the people but also facilitate meaningful utilization of surplus land.

64. The Committee had observed that technological development was taking place very rapidly in India and world wide. It had wide effect on different segments and way of working and requirements of the Government. The Committee were of the view that keeping in view the rapid development of technology Ministry of Defence must review its decision on requirement of vast acquisition of land for Defence purposes and its likely use.

65. The Ministry in their action taken reply have stated:

“The above recommendations of the Standing Committee have been considered in the Ministry of Defence and it has been decided

with the approval of Raksha Mantri to constitute Committees at each Command level in the Ministry of Defence to review the land acquired by Ministry of Defence and its utilization and actual requirement. Necessary orders in this regard have been issued."

**Recommendation (Para No. 2.37)**

66. The Committee had observed that in many projects, the Ministry of Defence was having surplus land. For carrying out developmental activities, like widening of road of National Highways, State Highways or the village approach road, when the concerned authorities approach the Ministry of Defence, the request was examined at the ground level and was turned down without sending it to the highest authority. Therefore, the Committee had strongly felt that there must be a mechanism in the Ministry of Defence at the highest level to examine these issues and facilitate the developmental activities without affecting the security of the nation.

67. The Ministry in their action taken reply have stated:

"The land policy of Ministry of Defence envisages that no defence land is to be declared surplus. If any land is to be given up, it should be on exchange of land of equal value basis. However, the demands of the State Governments/Central Government/Undertakings etc. can be considered on the basis of merits of each case. Generally, the requests received from such organizations for defence land are considered in consultation with Army Authorities and the Director-General of Defence Estates and decisions taken at appropriate levels in the Ministry."

**68. The Committee observe that the replies of the Ministry to the recommendations/observations at para Nos. 2.34 and 2.36 and para No. 2.37 are contradictory to each other. On the one hand, the Ministry have a rigid land policy which envisages that no defence land is to be declared surplus. On the other hand, according to the Ministry, it has been decided with the approval of Raksha Mantri to constitute a Committee at each command level to review the land acquired by the Ministry, its utilisation and future requirement. The Committee are very unhappy to note that no details have been furnished as to when these orders were passed and at what level and whether the same was reviewed in the light of latest recommendations of the Committee. The Committee desire that this information should be furnished to the Committee at the earliest. This should be quoted as a precedent in all such cases for future.**

Considering the fact that unified command is being set up, the Committee strongly feel that utilization of land, should be examined with reference to the common requirement/use of three Services.

69. The Committee, therefore, strongly recommend that this is high time for the Ministry of Defence to change their attitude and to have an objective analysis of the actual requirement of the defence land for future requirement and chalk out the possibilities to reallocate the surplus land if any, to the affected people for the use of agricultural purposes on lease or contract basis. This will help in curbing resentment among the people and facilitate meaningful utilisation of the scarce commodity *i.e.* land. The Committee are learnt that there is lack of coordination between the forces in acquiring the land for the purpose of testing a long range weapon, with the result, they acquire land separately for testing the same type of weapon at different places. Which as a matter of fact uproot large number of persons/families, devoiding them from their traditional livelihood, destroying sometimes very fertile land and wasting huge amount of money in developing the land for testing the weapon system. The Committee, therefore, recommend that while acquiring the land for testing a weapon system for use of three forces, the Ministry should make adequate assessment and synergise their resources in such a manner so that same range could be used by three forces. In this way a large area of this Scarce commodity *i.e.* land could be saved and used for other meaningful purpose. The Committee also recommend that for acquisition of new land, Government must take prior approval of the Raksha Mantri.

#### **Separate Bill on Management of Defence Land**

##### **Recommendation (Para No. 2.35)**

70. In this connection, the Committee had wished to reiterate their earlier recommendation given in their 5th report on Cantonments Bill, 2003, *i.e.* to bring a separate law on Defence land at the earliest for their better management.

71. The Ministry of Defence in their action taken reply have stated:

“A separate draft Bill on ‘Defence Estates’ is under finalisation.”

72. The Committee in their 5th Report on the Cantonments Bill 2003 presented to Parliament on 10.05.2005 had recommended for a separate law on defence land at the earliest for their better management. The Committee are pained to note that even after lapse

of two years after the presentation of the said report, a separate draft bill on Defence Management is still under finalisation. Therefore, the Committee reiterate their earlier recommendation and desire the Ministry must lay down time frame to finalise the said Bill and get the same enacted at the earliest. In case of failure to do so in a time-bound manner, Ministry of Defence should be held responsible.

**Rehabilitation Package to the Naval Alternate OP Base Project,  
District Vizag, Andhra Pradesh**

**Recommendation (Para Nos. 3.8 and 3.9)**

73. The Committee were happy to note that Ministry of Defence had offered lucrative rehabilitation package of Rs. 10 crore to the affected families whose land had been acquired by Navy at District Vizag for creating alternative and additional facilities in Visakhapatnam. This was the only project where RR Package had been sanctioned but did not come in the ambit of NPRR. The implementation and monitoring was being done by the State Government.

74. The Committee had strongly recommended that Ministry of Defence in active coordination with the State Government should ensure that benefits of rehabilitation package offered by the Ministry of Defence reach the targeted families in a time bound manner. The Committee also desired that Panchayat Samitis and Local Panchayat might also be involved for proper and efficacious monitoring of the progress of rehabilitation work being performed by the executing authority. The Committee would like to be apprised of the progress made by the Government from time to time in this regard.

75. The Ministry of Defence in their action taken reply have stated:

“Para 7.1.2 of the NPRR -2003 provides for the following committee:—

The Resettlement and Rehabilitation Committee constituted shall *inter-alia* include as one of its members:

- (i) a representative of women residing in the affected zone;
- (ii) a representative each of the Scheduled Castes and Scheduled Tribes residing in the affected zone;
- (iii) a representative of a voluntary organization;

- (iv) a representative of the lead Bank;
- (v) Chairman or his nominee of the PRIs located in the affected zone.
- (vi) MPs/MLAs of the area included in the affected zone.

It can, therefore, be seen that recommendations of the Parliamentary Standing Committee have already been given effect to."

**76. The Committee note that the resettlement and rehabilitation Committee has been constituted as per the provisions of NPRR - 2003. However, the Committee note that the Ministry of Defence have not replied on the issue of compliance with the recommendations of the Committee to ensure that the benefits of rehabilitation package reach the targeted families in a time-bound manner. Therefore, the Committee desire that they may be apprised of the progress made by the Government in this regard.**

**Rehabilitation package to the project affected families at Rajgir, Nalanda, Bihar**

#### **Recommendation (Para Nos. 3.14 & 3.15)**

77. The Committee had noted that Government of India acquired that total land measuring 2534 acres in 7 villages in Rajgir, Bihar for propellant factory project for production of bio-modular charge system. After possession of land, compensation/rehabilitation package was offered to the affected families. Under this package DRDO had constructed 1110 houses for the project affected families. The Committee were however concerned to note that sanitation, external electrification etc. were yet to be done by the Government of Bihar. The Committee further noted with concern that construction work of rehabilitation which was the joint responsibility of Ordnance Factory Board and Government of Bihar and was expected to be completed by December 2005, had not been completed so far. Construction of Health Centre, temples, community centres, park, school was yet to commence. Further, electricity work and sinking of 36 number of tube wells had not been completed.

78. The Committee had, therefore, strongly recommended that rehabilitation package offered to the affected families must be suitable to them and it should be completed in a time bound manner, without further delay, so that affected families might not be deprived of their legitimate right to live in a dignified manner. The Committee hoped that there would not be any time and cost overrun in implementation

of rehabilitation package. The Committee would like to be apprised of the progress made by the Government in this regard.

79. The Ministry of Defence in their action taken reply have stated:

“Govt. of Bihar was to arrange for rehabilitation package for the Land Displaced Persons (LDPs) of the village Rajgir. An amount of Rs. 9.46 crore based on the estimate made by PWD, Govt. of Bihar was placed at the disposal of the State Govt. on 22.11.2002. Later on Govt. of Bihar expressed its inability to undertake the said work. Thus the work of construction of dwelling units together with other infrastructure (land grading, road construction and provision of drinking water) was entrusted to DRDO in Nov. 2003. However, provision of sanitation and electricity for dwelling units was kept outside the scope of work of DRDO and was to be the responsibility of Govt. of Bihar. Accordingly, DRDO completed the construction of 1190 Nos. of dwelling units together with other infrastructures like roads and arrangements for drinking water. A total of 75 Nos. of Hand Pumps have been sunk at the rehabilitation site. Bihar Govt. *vide* letter dated 7.8.2006 has instructed DM, Nalanda to arrange sanitation/electrification work.

2. State Government has so far issued allotment letters to 1031 LDPs, out of which 900 LDPs have already shifted to the dwelling units allotted to them. State Govt. yet to allot 159 dwelling units to the balance LDPs. A few works like construction of Health Centre, temple shifting, community centre, school are yet to be completed. However, a school is housed in a block of dwelling units. For the above mentioned pending work, DRDO has submitted a revised estimate. The estimate needed to be revised because of change in design parameters for dwelling units, roads etc. as well as due to inflation effect from 2002 to 2006.”

**80. The Committee are constrained to note that the construction work of rehabilitation of seven villages in Rajgir, Nalanda (Bihar) which was expected to be completed by December 2005, has not been completed so far. The Committee fail to understand as to why the Ministry of Defence have again entrusted the task to provide sanitation and external electrification to the State Government of Bihar, when the State Government had already expressed its inability to undertake the said work. The Committee completely disapprove the shedding of responsibilities on the part of the Ministry of Defence to the State Government as a result affected families are deprived of the basic amenities i.e. sanitation and electrification and**



**the people who have sacrificed everything for the cause of the nation are forced to live in a deplorable condition.**

**Therefore, the Committee recommend that the Ministry of Defence being the consumer of land, should take moral responsibility and monitor the implementation of rehabilitation of the project and ensure that it should be completed in a time-bound manner.**

**Rehabilitation package to the project affected families at District Averi, Himachal Pradesh**

**Recommendation (Para Nos. 3.19 & 3.20)**

81. The Committee had noted that the Ministry of Defence acquired the land in Himachal Pradesh for establishing Army Project at District Averi. The Government of India sanctioned the Project on 2 July 1991. The Committee were concerned to note that out of 149 oustees, 68 were rehabilitated, 34 were not entitled as they had got compensation more than Rs. 5 lacs each and 47 were not given benefits of rehabilitation as they did not apply within time given to them and as a result no plots were allotted to them. Further, the Committee were concerned to note that landless agricultural labourers, forest dwellers, artisans were not provided with any benefits of Rehabilitation package.

82. The Committee did not approve the manner, in which the Ministry of Defence was handling the rehabilitation of the displaced families and strongly recommended that Ministry of Defence should take up the matter at highest level with the Government of Himachal Pradesh for extending all rehabilitation benefits to even those 47 persons who did not apply for rehabilitation benefits within time and also to landless agricultural labourers, artisans, forest dwellers, etc. within six months of the presentation of this Report. The Committee desired that deprived/affected families should be provided compensation with interest for callous and inhuman approach of Government towards their rehabilitation. The Committee would like to be apprised of the progress made by the Government in this regard.

83. The Ministry of Defence in their action taken reply have stated:

“In this connection it is mentioned that Principal Director, Defence Estates, Western Command, Chandigarh has already taken up the matter with the Chief Secretary, Govt. of Himachal Pradesh, Shimla suggesting to take suitable action for extending Rehabilitation benefits to 47 oustees who did not apply within the prescribed time limits. He has been directed to continue to pursue it with Himachal Pradesh Govt.”



84. The Committee note that the Principal Director, Defence Estate, Western Command has taken up the matter 'for extending rehabilitation benefits to those forty seven persons who did not apply for rehabilitation benefits within time', with the Chief Secretary, Government of Himachal Pradesh to take suitable action within the prescribed time limit and he has been directed to continue to pursue this matter. The Committee desire that the Ministry should ensure that the deprived/affected families must be provided the rehabilitation benefits with admissible retrospective effect. The Committee may be apprised of the progress made by the Government in this regard.

**Rehabilitation package to the project affected families of four villages of District Nasik, Maharashtra**

**Recommendation (Para No. 3.51)**

85. The Committee had noted that Government requisitioned land of the four villages i.e. Ambad Budruk, Dadhegaon, Nandur Bahulla, Aswali Bahula, Taluk and District Nasik in 1943 and these were subsequently acquired during 1950-52 for Artillery Ranges Deolali. The Committee further noted that people had been given the cost of the land only and they had not been provided rehabilitation package, basic amenities, on account of difficulty to identify them. The Committee desired that Government should conduct a survey to identify the displaced families and extend all possible benefits of rehabilitation in terms of allotment of plot in new villages, civic amenities, training for self-employment as a group in the form of special rehabilitation package.

86. The Ministry of Defence in their action taken reply have stated:

"It is not felt practical to conduct survey after 54 years in respect of land owners whose lands were acquired in four villages, of Nandur Bahula, Aaswali Bahula, Ambad Budruk and Dadhegaon in District Nasik in 1950-52. The land owners have settled somewhere else and it would be difficult to trace them out. Further, any effort to re-settle them again would dislocate them from their existing places".

87. The Committee are not satisfied with the reply of the Ministry on sensitive issue of rehabilitation and resettlement. The Committee feel that the Ministry are not serious enough towards the conditions of displaced persons of the four villages of district Nasik, Maharashtra, who were displaced in the year 1950-52 due to

**acquisition of land for Artillery Ranges Deolali. The Committee are of the view that in order to overcome the difficulties in identifying the affected persons after so many years, the Ministry should use advanced Information Technology to locate them and monetary benefits as per prevailing market rates of the land should be provided.**

**Rehabilitation package to the project affected families of District Bolangir, Orissa**

**Recommendation (Para Nos. 3.61, 3.62, 3.63 and 3.64)**

**Recommendation (Para No. 3.61)**

88. The Committee had noted that rehabilitation package proposed to the affected families in Bolangir Project at Orissa, though good on paper, had not been implemented in letter and spirit. The Committee were pained to note that even after lapse of more than 20 years of the sanction of the project, rehabilitation of the affected, illiterate and poor families had not been done by the Ministry of Defence and State Government and they were living in a miserable condition. The affected poor families were not informed of the quantum of compensation paid to them and had been deprived of the basic facilities namely education, health, drinking water, jobs etc. More surprising fact was that State Government did not have any Resettlement and Rehabilitation Policy for the affected families, whose land had been acquired.

89. The Ministry of Defence in their action taken reply have stated:

“A package was finalized to rehabilitate 1030 nos. of families displaced from their land for setting up Ordnance Factory, Badmal. The package included the following:-

- (i) Provision of free land for residential accommodation with house building assistance @ Rs.4000/- per family for construction of house.
- (ii) Construction of 10 colonies with 3 Tube Wells, 1 Primary School, 1 Community Centre, 1 Tank and village road per colony.
- (iii) Construction of 1 High School, 1 ME School and 1 Health sub-centre including staff quarters for covering all the 10 colonies.

2. The Govt. of Orissa, which was responsible for peripheral development and rehabilitation of land displaced persons, has confirmed completion of rehabilitation package in full.”

**Recommendation (Para No. 3.62)**

90. As regards, the employment guarantee to the land displaced persons, the Committee were further pained to note that out of 1030 land displaced persons, 36 have still not been provided jobs so far despite the then Prime Minister, Smt. Indira Gandhi's assurance on 29 October, 1984 in this regard.

91. The Ministry in their action taken replies have stated:

"It is submitted that employment has been provided to 995 Nos. of personnel, one each from 995 land displaced families out of 1030. The status on the balance 35 Nos. of cases is as under.

Cases with no documentary evidence.	- 22 cases
Adoption cases.	- 07 cases
Cases referred to OFB for Gp."C" post.	- 01 case
Cases having no claimant.	- 04 cases
Court case.	- 01 case

However efforts are being made to closely interact with District Administration for providing employment to balance 35 families also".

**Recommendation (Para No. 3.63)**

92. As regards, the monitoring of rehabilitation progress, the Committee hold the view that the State Government of Orissa as well as the Ordnance Factory Management were responsible for not sorting out the grievances of the land displaced families. Even the General Manager, Ordnance Factory had never attended any sitting of the Monitoring Committee.

93. The Ministry of Defence in their action taken reply have stated:

"Regarding lack of support from Ordnance Factory Bolangir and it being responsible for not sorting out the grievances of land displaced families, it is stated that as and when the Monitoring Committee Meeting has been called by the District Administration, the same has been attended by the Senior Officers of the Factory. The Co-ordination and Monitoring Meeting is held under the Chairmanship of District Magistrate and the sole responsibility of calling and holding such Meeting is that of DM".

### **Recommendation (Para No. 3.64)**

94. The Committee had, therefore, concluded that in Bolangir Rehabilitation Project, neither the Centre nor State Government was serious to rehabilitate the affected families, with the result that the poor persons were being deprived of their rights and forced to live in deplorable condition without the basic facilities like education, health, drinking water and employment. The Committee had, therefore, strongly recommended that Government must set up a high level Committee to look into all the Resettlement and Rehabilitation works being executed in the Bolangir District for the project affected families. The Committee also desired that Ministry must ensure that sitting of the Monitoring Committee be held regularly as per the schedule and its officers should attend it scrupulously irrespective of their ranks and their designations and the matter of not attending the Monitoring Committee Meeting by the General Manager, Ordnance Factory be taken up at the highest level in order to give relief and extend possible rehabilitation facilities to the poor land displaced families. The Committee earnestly desired that Ministry of Defence, Command Officers of Army and the State Government officials must cooperate with the land displaced families and treat them sympathetically.

95. The Ministry of Defence in their action taken reply have stated:

“As stated in reply to para 3.61, District Administration, Bolangir has confirmed completion of the entire rehabilitation project to provide the basic necessary infrastructure to land displaced families. Thus, there seems to be no need for setting up of any Committee in this regard”.

96. The Committee do not approve the evasive replies of the Government that there seems to be no need for setting up of any committee to look into all the Resettlement and Rehabilitation work being executed in the Bolangir District for the project affected families as the District Administration, Bolangir has confirmed the completion of the entire rehabilitation project. The Committee are surprised to note that for residential accommodation with house building advance of only Rs. 4000/- per family for construction of house has been included in the rehabilitation package. The Committee fail to understand how with this meagre amount of Rs. 4000/-, construction of the house can be completed? The more astonished fact is that the District Administration, Bolangir has confirmed completion of the entire rehabilitation project. The Committee learned that the displaced families, who appeared before

the Committee are still suffering without having basic facilities like education, health, drinking water and employment. This is a reason of resentment among the people. Therefore, the Committee while reiterating their earlier recommendations wish to stress upon that the Ministry of Defence and State Government should jointly look into the matter at the earliest and extend rehabilitation grants to the displaced persons.

#### **Land Acquisition in Tamil Nadu by Naval Authority**

##### **Recommendations (Para Nos. 3.75, 3.76, 3.85 and 3.86)**

97. The Committee had noted that there were a number of land acquisition cases pending for enhanced compensation and non-payment in various courts of Tamil Nadu for more than 20 years. The Committee had further noted that State Government had not initiated efforts for reconciliation with the affected families.

98. The Committee in order to reduce growing litigation on acquisition of land and non-payment of enhanced compensation recommend that Naval Authorities and District Collectors should make sincere efforts for reconciliation to settle the matter out of court. For this purpose, all concerned authorities should sit together and work out better packages for the affected families within six months in view of the sufferings of the affected families. The Committee had stressed that Government should follow a humanitarian approach towards the affected families as they had lost their land and livelihood.

99. The Committee were pained to note that displaced families relating to the Air Force Station, Tanjore were not given rehabilitation, as the Government of Tamil Nadu did not demand any Rehabilitation Package from the Ministry. Further, the State Government preferred appeal against the enhanced compensation award declared by the lower court in favour of the displaced families. The Committee took a strong objection to the way of working and approach of the Ministry of Defence and State Government in handling the case of paying compensation and extending Rehabilitation Package to the displaced families. The Committee were not inclined to accept the reasons forwarded by the Ministry that rehabilitation package was not offered to the displaced families as the State Government did not demand it. It showed that the Ministry of Defence, somehow, want to escape from their responsibility to rehabilitate the displaced families. The Committee had strongly recommended that the Ministry of Defence and State Government should change their mind set and compensate

all the aggrieved families because it was the social and legal responsibility of the Government in a democratic country like India.

100. The Committee, keeping in view the deplorable situation of the displaced families at Tanjore, strongly recommended that the Ministry of Defence should immediately offer a better rehabilitation package to the affected families, whose land had been acquired by the Government without rehabilitation package. The Committee also recommended that the Ministry of Defence and representatives of the State Government, instead of preferring appeal against the enhanced award declared by the Court, should come forward for negotiation/reconciliation with the displaced families with a good offer of compensation. The Committee stressed that the Government should follow a humanitarian approach towards the affected families, as they had lost their land and livelihood for the noble cause of the nation.

101. The Ministry of Defence in their action taken reply have stated:

“The Committee has suggested that all concerned authorities should sit together and work out better package for the affected families in the matter of land acquired in Tamil Nadu for the Indian Navy and Indian Air Force. The Committee has not appreciated the response of the Ministry of Defence that no demand for Rehabilitation package was made by the State Govt.

2. It may be stated here that acquisition of land for public purposes is made under Land Acquisition Act, 1894. The State Govt. performs the functions of the appropriate Govt. and Distt. Collector or any other authority authorised by State Govt. as competent authority on authorisation of the Central Govt. under the provisions of Article 258 of the Constitution. All executive actions in respect of acquisition are, therefore, taken by the State Govt. and Acquiring Deptt. does not have effective role in the matter except that compensation awarded as per the provisions of the LA Act has to be paid. The Compensation is assessed by the Land Acquisition Collector or on reference/appeal by the Appellate Courts.

3. Considering the hardship involved in displacement of land owners, the Govt. has introduced certain features by virtue of 1984 amendment in that additional compensation @ 12% p.a. from the date of section 4(1) notification till the date of award/possession, solatium @ 30% and interest @ 9% for the first year and @ 15% for the subsequent years from the date of possession till actual

payment as per the award/decreed. There is no specific provision in the LA Act, for Rehabilitation Package though solatium is paid to dilute the impact of the hardship caused due to acquisition.

4. While the Committee's suggestions to extend better rehabilitation package is well intentioned as dispossession of farmers from their land and dwelling causes immense hardship, the Govt. has expressed its intent to alleviate the hardship by framing NPRR-2003 (Now revised NPR-2006 is under active consideration). Giving retrospective effect to the Rehabilitation package may create immense administrative and financial problems to the Govt. considering the large number of acquisition cases finalised in the country for defence purposes. State Govts. may, however, in their discretion extend all possible assistance in deserving cases.

5. In view of the above it is mentioned that in the past acquisition cases it is not possible to apply any general policy of rehabilitation. However, for projects for acquisition sanctioned after January 2004, NPRR-2003 is being applied".

As regard responsibility for delay execution of Rehabilitation and resettlement Policy and number of cases which are pending in Lok Adalat, representative of the Ministry of Defence stated:—

"DGD and MOD's C&W Division are both responsible. They are both monitoring this issue. We have separately got Lok Adalat figures. In the Lok Adalats, there are cases which are settled. Sir, 42 cases so far have been settled. It is a small figure compared to the total number, that is what it is right now. It is monitored both at the DGD level and at the Cantonments and Works Division of the Ministry."

**102. The Committee note with concern that the Ministry are not inclined to provide a better package to the project affected people on the plea that giving retrospective effect to NPRR-2003 may create immense administrative and financial problem to the Government. All executive action in respect of acquisition are taken by the State Government and the acquiring Department does not have effective role in the matter except to pay compensation as per the demand of the State Government. The Committee desire that the Ministry of Defence should take up the matter at highest level with the State Government of Tamil Nadu to impress upon to adopt a liberal rehabilitation package in order to extend benefits to the project**

affected families. They strongly recommend that the Ministry of Defence and State Government should follow flexible approach and compensate and provide job to all the project affected aggrieved families of Tanjore, Tamil Nadu by adopting a liberal rehabilitation package, because it is the social and legal responsibility of a democratic country like India to improve the deplorable situation of the displaced families.

103. The Committee desire that Ministry of Defence should impart training and other facilities to the youth at the cost to be borne by the Ministry itself. The Committee further desire that every youth above the age of 18 years should be imparted skilled job training as per his qualifications and capability.



## **CHAPTER II**

### **RECOMMENDATIONS/OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT**

#### **Recommendation (Para No. 1.12)**

The Committee take a serious note that the Project Authorities *i.e.* the Ministry of Defence/ Army Authorities do not attend the Monitoring Committees headed by the District Collector to discuss the progress of rehabilitation and sort out the grievances of the displaced families due to the problem of protocol. Therefore, the Committee strongly desire that the Ministry of Defence must ensure that the above authorities attend the monitoring meetings, irrespective of their rank or designation to facilitate the Collector/District Magistrate to take a judicious decision for the betterment of the affected persons.

#### **Reply of the Government**

Necessary directions have been issued to all Principal Directors/ Directors, Defence Estates of the Commands, *inter-alia* to direct DEOs to maintain close liaison with the Collector and attend all the Monitoring meetings convened by District Collector to sort out the grievances of displaced families, wherever in an acquisition project rehabilitation grant has been given to District Collector.

#### **Recommendation (Para No. 1.14)**

The Committee also note that a large number of cases regarding payment of compensation are pending in various courts. Therefore, the Committee desire that the Ministry of Defence should try to settle these cases out of court through negotiations and reconciliations.

#### **Reply of the Government**

The matter regarding settlement of cases through Lok Adalat can be considered on case by case basis wherever feasible.

#### **Comments of the Committee**

(Please *see* Para Nos. 52 to 54 of Chapter-I)

### **Recommendation (Para No. 2.14)**

From the above Section, the Committee note that there is no provision for joint measurement of land by District Collector and Project Authorities and representatives of affected families. During their study visits to some States, the Committee observed that the system of joint measurement varies from State to State. In Bikaner (Rajasthan) there was no system of joint measurement, while in Pune, the Maharashtra Government follows the system of joint measurement and pay the measurement charges. The Committee feel that without joint measurement the land of the affected people cannot be correctly measured.

The District Collector, while measuring the land, generally measures the undisputed land and leaves aside the title disputed land, as a result of which the disputes and court cases are increasing and the large amount of compensation money given to the State Government is lying unspent with the District Collector.

Therefore, the Committee strongly recommend that the provisions of joint measurement should be clearly specified under section 8 of land Acquisition Act. In the joint measurement, besides the District Collector, a representative of Ministry of Defence/Defence Estates Officer and affected persons should be made the participants. The Committee feel that this will not only pave the way for to correct measurement of land, but also ease the likely disputes and lessen the burden of the courts. Above all, this will facilitate in paying actual compensation to the affected persons in time. The Committee desire that the Ministry of Defence should consider this seriously and take up the matter with the State Governments.

### **Reply of the Government**

Instructions have been issued to the Principal Directors/Directors, Defence Estates of the Commands that DEOs must associate themselves in the joint measurement to be conducted under section 8 of the Land Acquisition Act. The cost of such joint measurement will be debited to the project cost. Ministry of Rural Development has also been requested to take necessary action on the above recommendation of the Committee for amendment of Section 8 of the Act.

### **Recommendation (Para No. 2.18)**

The Committee note that land was acquired by the Ministry of Defence in Gurdaspur District of Punjab under urgency clause and

compensation for the same was paid to the displaced families. The Ministry of Defence later found that the above land was not required and decided to withdraw the acquisition. This shows failure of the Ministry of Defence to anticipate and plan as per the requirement of the project envisaged. The Committee strongly recommend that Ministry of Defence should apply urgency clause only in rare cases and before that it should plan its schemes prudently.

The Committee are given to understand that the Ministry/Defence Services is now following harsh methods for recovery of amount paid to the land owners. While taking strong objection to it, the Committee wish to point out that it has been a loss for the farmers and displaced families as due to acquisition, they could not cultivate their land and surrendered it for the cause of the nation.

The Committee, therefore, recommend that the Ministry of Defence to make recoveries in easy instalments after taking into account the losses suffered by farmers who could not cultivate their land due to hasty acquisition by Ministry of Defence."

#### **Reply of the Government**

In regard to the recovery of money, several persons had filed a CWP in Hon'ble High Court of Punjab & Haryana. The Hon'ble High Court *vide* its judgement dated 19.12.2003 had given the following reliefs:—

So far as the interest amount is concerned, we feel that the petitioners should pay the same within a period of two years in instalments spread over a period of three months each. Let the remaining amount payable by petitioners be calculated by the respondent-State and the petitioners be informed about the same within a week. It is thereafter that out of total amount payable by the petitioners, the same shall be paid within a period of two years in three monthly equated instalments. In case of default in two consecutive instalments, the State Government would have the right to recover the entire amount in any manner it deems appropriate inclusive of arrears of land revenue. The first instalment would be payable on 1.4.2004.

It is also mentioned that the farmers/residents of village Karoli from whom recovery is to be affected, have not been displaced at all and they were cultivating the land where they were. Therefore, it can be seen that relief for recovery of money has already been provided to the farmers.

### **Recommendation (Para No. 2.38)**

The Committee observe that the Ministry of Defence acquire land for temporary use of Defence Forces such as training, mobilization of forces and day to day operational purpose. As a result the land owners have to loose their standing crops and other properties. Therefore, the Committee desire that the Ministry of Defence should ensure that the affected people must get due compensation for their standing crops and other properties.

### **Reply of the Government**

As to compensating land owners for standing crops and other property, it is mentioned that detailed instructions in this regard have already been issued *vide* Ministry of Defence letter No. 11026/1/2002/D(Lands) dated 18.3.2002. A copy of this letter is enclosed as *Annexure*.

### **Recommendation (Para No. 2.53)**

The Committee note with concern that about 15650 cases are pending in lower courts, High Court and Supreme Court regarding compensation paid to the persons whose land was acquired by the Government for Defence purposes. The Committee are surprised to note that in most of the old cases where acquisition has been completed and even after the people accepted the compensation and land has been taken over, still litigation is going on. The Committee are concerned to note that significant number of cases relating to compensation have been pending in the Courts for a long time, due to dispute in ownership or appeal preferred by the State Government against the enhanced compensation awarded by the lower court. The Committee understand that in rural areas many persons live in a joint family and occupy a piece of ancestral land without having a legal document in their favour. Such a property is invariably declared by the acquiring authority as a disputed property and compensation is either not paid or withheld. Therefore, the Committee are of the view that for identification of owner of such property, Government should apply the law of limitation and take note of genuine possession of land, views of the local panchayat and Gazetted Officer of that local area. The Committee also feel that Law Officer of the Central Government may be posted as designated office of the Defence Estate to give timely advise regarding processing of litigations arising out of land acquisition. The Ministry of Law has to play pro-active role in this regard. Looking to the past experience, it may be seen that most

of the cases are relating to award of land compensation have been decided in favour of the displaced persons. The Committee, therefore, strongly recommend that Government should follow a flexible and logical policy in such matters to pay the compensation, and the State Government instead of filing appeal against the enhanced award of reference court, should come forward for reconciliation/negotiation to settle the dispute finally outside the Court.

### **Reply of the Government**

Ministry of Law and Justice has already been requested to post a Law Officer in the Office of DGDE to give advice for processing of litigation arising out of land acquisition.

2. As regards settling the matter through reconciliation and negotiation, it is mentioned that Government may resort to settling the cases through Lok Adalats on case by case basis, wherever feasible.

### **Comments of the Committee**

(Please see Para Nos. 52 to 54 of Chapter-I)

### **Recommendation (Para No. 2.54)**

The Committee are deeply concerned over the delay in awarding enhanced land compensation to the owners whose land has been acquired by the Government. The Committee would like to quote a case Law of Union of India Vs. Munshi Ram (Dead) by LRS & Others, where writ petition filed by the Union of India challenging redetermination order alleging that redetermination of compensation payable must be on the basis of the decree as modified and not on the basis of the decree as originally passed by the reference court. The Court *inter alia* held that we hold that under Section 28A of the Land Acquisition Act, the compensation payable to the applicants is the same which is finally payable to those claimants who sought reference under Section 18 of the Act. In case of reduction of compensation by superior courts, the applicants under Section 28A may be directed to refund the excess amount received by them in the light of reduced compensation finally awarded.

In the facts and circumstances of the case, these appeals are allowed and a direction is made to the Collector under the Act to redetermine the compensation payable to the respondents in accordance with the compensation awarded by the judgement and decree of this court dated 29th April, 1997 and pay the same to the claimants within a period of three months from today.

The Committee in view of the above decision of the Court desire the Ministry of Defence to take up the matter with the State Government in order to implement decree of the Hon'ble Court to confer the benefits of enhanced compensation even to those who did not seek a reference under Section 18 of the Land Acquisition Act, 1894. The Committee also desire that above ruling should be made applicable for all the land acquisition cases pertaining to the Ministry of Defence.

### **Reply of the Government**

There has not been any delay in payment of compensation to the displaced persons in the subject case. In the subject land acquisition case, involving land measuring 3569 Kanals 16 Marlas of land at village Malyar, Tehsil and Distt. Hissar, the land was acquired under urgency clause of the LA Act, 1894. Land was taken over in 1985 after making 80% on account of compensation in 1985 and the remaining amount, as per the award of the Collector, was paid to the ex-land owners in 1986.

2. Regarding implementation of the Hon'ble Supreme Court order, a copy of the order has already been circulated to all the Principal Directors for implementation.

### **Recommendation (Para Nos. 3.8 and 3.9)**

The Committee are happy to note that Ministry of Defence has offered lucrative rehabilitation package of Rs. 10 crore to the affected families whose land has been acquired by Navy at district Vizag for creating alternative and additional facilities in Visakhapatnam. This is the only project where RR Package has been sanctioned but does not come in the ambit of NPRR. The implementation and monitoring is being done by the State Government.

The Committee strongly recommend that Ministry of Defence in active coordination with the State Government should ensure that benefits of rehabilitation package offered by the Ministry of Defence reach the targeted families in a time bound manner. The Committee also desire that Panchayat Samitis and Local Panchayat may also be involved for proper and efficacious monitoring of the progress of rehabilitation work being performed by the executing authority. The Committee would like to be apprised of the progress made by the Government from time to time in this regard.

### **Reply of the Government**

Para 7.1.2 of the NPRR–2003 provides for the following Committee:—

The Resettlement and Rehabilitation Committee constituted shall *inter alia* include as one of its members:

- (i) a representative of women residing in the affected zone;
- (ii) a representative each of the Scheduled Castes and Scheduled Tribes residing in the affected zone;
- (iii) a representative of a voluntary organization;
- (iv) a representative of the lead Bank;
- (v) Chairman or his nominee of the PRIs located in the affected zone;
- (vi) MPs/MLAs of the area included in the affected zone.

It can, therefore, be seen that recommendations of the Parliamentary Standing Committee have already been given effect to.

### **Comments of the Committee**

(Please see Para 76 of Chapter-I)

#### **Recommendation (Para Nos. 3.19 and 3.20)**

The Committee note that the Ministry of Defence acquired the land in Himachal Pradesh for establishing Army Project at District Aeri. The Government of India sanctioned the Project on 2 July, 1991. The Committee are concerned to note that out of 149 oustees 68 were rehabilitated, 34 were not entitled as they had got compensation more than Rs. 5 lakhs each and 47 were not given benefits of rehabilitation as they did not apply within time given to them and as a result no plots were allotted to them. Further, the Committee are concerned to note that landless agricultural labourers, forest dwellers, artisans were not provided with any benefits of Rehabilitation package.

The Committee do not approve the manner, in which the Ministry of Defence is handling the rehabilitation of the displaced families and strongly recommend that Ministry of Defence should take up the matter at highest level with the Government of Himachal Pradesh for extending all rehabilitation benefits to even those 47 persons who did not apply for rehabilitation benefits within time and also to landless

agricultural labourers, artisans, forest dwellers, etc. within six months of the presentation of this Report. The Committee desire that deprived/affected families should be provided compensation with interest for callous and inhuman approach of Government towards their rehabilitation. The Committee would like to be apprised of the progress made by the Government in this regard.

#### **Reply of the Government**

In this connection it is mentioned that Principal Director, Defence Estates, Western Command, Chandigarh has already taken up the matter with the Chief Secretary, Govt. of Himachal Pradesh, Shimla suggesting to take suitable action for extending Rehabilitation benefits to 47 oustees who did not apply within the prescribed time limits. He has been directed to continue to pursue it with Himachal Pradesh Govt.

#### **Comments of the Committee**

(Please see Para 84 of Chapter-I)

#### **Recommendation (Para Nos. 3.34 and 3.35)**

The Committee note that in spite of the fact that Government of Karnataka has not formulated general policy of Rehabilitation and Resettlement, the Ministry of Defence has offered appreciable rehabilitation package for the Project Seabird to the affected families as per the Memorandum of understanding signed between the Ministry of Defence and State Government of Karnataka.

The Committee during the visit to the Karwar Project, however, found that certain basic facilities like drinking water, proper education and employment are still to be extended to the affected families. The affected families were not satisfied with the amount given by the Government for construction of houses. Further, demands about age relaxation in employment, training to young boys have not been acceded to and fishing facilities are yet to be provided by the Ministry of Defence. The Committee, therefore, recommend that grievances of the affected families may be addressed by the Ministry of Defence sympathetically to rehabilitate them properly.

#### **Reply of the Government**

DC Karwar had been conducting regular meetings with not only the Project Affected Families (PAFs) and their representatives but also with the Station Commander/NOIC(KT) and DEO, Bangalore. One sociologist was specially appointed by Principal Revenue Secretary, Govt. of Karnataka (GoK) on special duties to DC, Karwar, for providing timely feedbacks and assisting him in the rehabilitation



programme. State Level Coordination Committee (SLCC) chaired by Principal Revenue Secretary, GoK having wide cross-section of representation is being held regularly and at least once in a year. All Major decisions and monitoring of rehabilitation programmes are undertaken during the SLCC.

Issues pointed by the Committee during their visit to Karwar.

1. Drinking Water.—Primarily, the water problem exists only in TODUR Rehabilitation Colony during the summers. To resolve this problem, DC Karwar has been given go ahead sanction to resolve it through Chendiya if feasible, work out with Tamil Nadu Water and Drainage Authorities in Chennai and obtain a techno-economic feasibility through desalination of sea water of drinking. As permanent measure,

2. Karnataka Water and Drainage Board (KUWS&DB) tasked to lay a separate pipeline to augment water supply for entire Karwar. KUWS&DB commenced the work and requisite loans for the Project have also been obtained.

3. Proper Education and Employment—A number of initiatives have been undertaken by MOD to assist the PAFs in availing the job opportunities at Navy, Project Seabird and with local trade. Tangible among them is the ITI stipend to male members of PAFs for which Rs. 2 crores was set aside and paid directly to the Institutes as their cost of training. PAFs are being also given preference in the recruitment for the Navy, subject to other things being equal. Brief on job opportunities provided is as under:—

(a) Enrolment in the Navy—Separate recruitment is being carried out for regular sailors entry in domestic branches(Cooks, Steward and Topass) for the Project Affected Families since 1988. On an average, about eleven sailors are being recruited annually at the local recruitment office. About 187 sailors have been recruited in the Navy till 2005.

(b) Year-wise Enrolment of Children of PAFs in it is as under:—

Sl.No.	Training Year	Nos. of Students
(a)	1998-1999	237
(b)	1999-2000	237
(c)	2000-2001	178
(d)	2001-2002	175
(e)	2002-2003	65
(f)	2003-2004	55
(g)	2004-2005	108
Total		1055

(c) Civilian Complement at Naval Base, Karwar.

- (i) 16 in number Class IV employees (Driver, Peon, Chowkidar, LDC, Safaiwala) were recruited.
- (ii) 232 Group 'C' and 'D' civilians personnel have been recruited in 2005. From the data available, about 42% candidates have been selected from the Project Affected Families, 34% from the city of Karwar, whilst 13% have been selected from other places within Karnataka. Only 11% are from States other than the State of Karnataka.
- (iii) Similarly, the PAFs are likely to get employment in the vacancies likely to be filled for Naval Stores Depot, Naval Armament Depot and Naval Ship Repair Yard in the future. Going by the present percentage of employment, at least 800 more PAFs are likely to get employment.

(d) Business – About 16 PAF's personnel are involved at various stages of material supply and labour sub-contractors.

(e) Setting up of Milk Dairy – The project report has been prepared by BAIF and the same has been approved. The beneficiaries have been selected and the training is expected to be completed by Oct. 2006. The first batch of animals is expected to arrive early Nov. 2006.

4. Inadequate Amount for Construction of Houses – It has also been ascertained from the Revenue Deptt. of GoK and their legal offices that financial condition of the PAF's at present is sound and they have actually benefited by the rehabilitation package. PAFs today have pucca/double storied houses in place of tiny cottages they had before the acquisition of land. Development of Additional Infrastructure facilities in Rehabilitation Colonies was considered after the visit of Defence Standing Committee at Karwar. The families settled in four rehabilitation centers Hattikeri, Belekeri, Harwarda and Todur had demanded individual toilets. The total number comes to around 750 at a cost outlay of Rs. 3.30 crores and has been granted. The work has started and is expected to be completed by March 2007.

5. Age Relaxation in Employment – The age relaxation of individuals in Central Govt. is governed by National Policy and Rules which are neither in the purview of Ministry of Defence/Project Seabird nor recommended in the overall interests of the nation.

6. Training to Young Boys – State Govt. has extended the ITI scheme for further duration of three years so as to give maximum benefit of

training to the present generation of PAF's. Original ITI scheme was till 2004-2005.

7. Fishing Facilities— The work for construction of Fishing Harbour is in progress under the direct supervision of DC Karwar. 550 m of jetty has been completed and out of 108 piles, 59 piles have been completed. Building works have also started. The survey works to increase the depth of the channel by 1m, have been completed. There is also a proposal to provide subsidy for purchase of 20 multi-day Fishing vessels. The proposal has been submitted to Director, Fisheries Department and he has been requested to take up the matter with NCDC.

#### **Recommendation (Para No. 3.52)**

The Committee appreciate the efforts of the Collector of the Government of Maharashtra for setting up fast Track Court at the divisional level and three Grievance Redressal Mechanism for affected families at Aurangabad, Pune and Nagpur. The Committee hope that this will facilitate in reducing pending cases over the years and ensure timely benefits to the affected families. The Committee desire that State Government instead of filing appeal against the decision of Fast Track Court should prefer to have reconciliation with the affected families in order to avoid long delay in litigation and to give better rehabilitation package to them. The Committee desire that all basic amenities be provided to the project affected families in a time bound manner and accountability for delay in execution of Rehabilitation Project be fixed.

#### **Reply of the Government**

Ministry of Defence has requested Ministry of Law and Justice to request High Courts of different States to set up Special Judicial Benches in the States to decide upon the matters coming under the purview of the Land Acquisition Act. For monitoring timely implementation of rehabilitation programmes, Ministry of Defence has written to all State Governments and Union Territories Administration to issue necessary directions to all District Collectors that proper feedback on rehabilitation programmes should be given to the concerned Defence Estates Officers.

2. As regards settling matters through reconciliation, it is mentioned that Government may resort to settling the cases through Lok Adalats on case to case basis, wherever feasible.

### **Recommendation (Para No. 3.69)**

The Committee are constrained to note that a meagre amount of Rs. 2750 per family was given to displaced persons in Mahajan Field Firing Range Project, Rajasthan in consultation with the State Government. The Committee fail to understand how with such a meagre amount the rehabilitation of displaced families will be done. The Committee, keeping in view the better rehabilitation packages provided by the Ministry of Defence under Project Seabird, strongly desire that in Mahajan Field Firing Range, Rajasthan, also, the Ministry of Defence should offer a good rehabilitation package, containing basic facilities, namely, housing, education, health and employment to the affected families to enable them to live life in a dignified manner. The Committee are of the view that Ministry of Defence and the Government of Rajasthan should make joint efforts in order to ensure better and timely completion of rehabilitation of the displaced persons/families. The Committee would like to be apprised of the progress made by the Ministry in this regard.

### **Reply of the Government**

Wherever displaced persons have settled, basic facilities are available and those displaced persons who were given agricultural land on reserve price are ploughing their land. The Collector has not received any complaint from any displaced person that basic facilities are not available.

2. Ministry of Defence is of the view that there is no need to grant special rehabilitation package due to the following facts:—

- (i) The persons of 33 villages whose land was acquired have not complained regarding the non availability of basic facilities.
- (ii) The State Govt. has provided them agricultural land at reserved price and developed three model villages for the displaced persons *i.e.* Ram Nagar, Krishan Nagar and Kumbhana Baas and School, Hospital and water, Electricity facilities have been provided in the newly developed *abadi* area for these displaced persons.
- (iii) There are a number of cases in the country where lands have been acquired in the past for defence purposes but rehabilitation package has not been given. The MFFR acquisition case is about 20 years old. In case rehabilitation package is now given to the displaced persons, a survey is to be conducted in all acquisition cases and this will involve a lot of time and financial resources.

### **CHAPTER III**

#### **RECOMMENDATIONS/OBSERVATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF GOVERNMENT REPLIES**

##### **Recommendation (Para No. 3.90)**

The Committee observe that dispute between the Ramjas Foundation and the Army is on the issue of genuineness of agreement signed in 1942-43 under the provisions of Defence of India Act. The Committee, therefore, desire that Ministry of Defence may examine the matter on merit and decide accordingly. The Committee would like to be apprised of the action taken in this regard.

##### **Reply of the Government**

Two Memoranda were also received from the Lok Sabha Secretariat pertaining to Anand Parbat Residents Association. The representationists have mentioned that "land measuring 713.8 Bighas belonging to Ramjas Foundation/Ramjas College Society at village Sadhora Khurd (Anand Parvat) was acquired and possession of said land including structures thereon was taken over by DDA in the year 1998. Some of those structures exist on Khasra No. 1049/356 owned by Ramjas Foundation, but now abruptly the Army has started raising claim that some part of this Khasra falls in their jurisdiction and have declared the residents who are residing there for the last 40 years as unauthorized occupant."

2. In support of the fact that Khasra No. 1049/356 belongs to them, the representationists have annexed a copy of the agreement made in writing between Ramjas College Society and Governor General in Council. As per this copy of agreement, requisition and acquisition notices of 15.5.1945 in respect of Ramjas College Society issued under the Defence of India Act would be treated as cancelled with effect from 30.11.1946.

3. The representationists, in effect, state that Khasra No. 1049/356 belongs to DDA and, therefore, any action of eviction initiated by the Army (Ministry of Defence) under PPE Act, 1971 is illegal.

4. The Facts are as follows:

A total of 29 PPE Act notices have been issued by the Army Authorities in the year 2005. These notices pertain to following properties:

Khasra No.	Barrack No.	No. of families
1050/356	1	1
1050/356	2	3
1050/356	3	3
1050/356	3K	1
1050/356	4	5
1050/356	5	3
1050/356	14	1
1051/356	7	6
1051/356	8	6
		29

Therefore, as per this table, no eviction notices have been issued to a person who is on Khasra No. 1049/356. The dispute therefore, now relates to whether these Barracks exist on Khasra No. 1049/356 or Khasra No. 1051/356, 1050/356.

5. To resolve the dispute, a joint survey was conducted between DDA, State Revenue Authorities, Army & DEO. The survey report clearly states that barracks No. 1 to 5, 7, 8 and 14 are on survey No. 1050/456 and 1051/356. The survey was conducted under the directions of Divisional Commissioner Delhi. The survey report was formally signed by all the four parties on 28.1.2005.

6. Subsequently, the Dy. Director in the DDA, *vide* his letter dated 22.11.2005 after 10 months gap, has gone back on the demarcation and has mentioned that the demarcation carried out on 28.1.2005 is incorrect and has requested for fresh demarcation using the modern technology now being used by Metro Rail Transport Services. This letter was addressed to SDM, New Delhi. The SDM, New Delhi on 27.12.2005 was conveyed the decision of competent authority rejecting the request for fresh demarcation.

7. The Station HQ, Delhi has further informed that 15 of the unauthorized occupants have filed a civil suit in the District Court disputing the issue of notices and the court has restrained the Defendants from dispossessing the plaintiffs from the suit premises. The matter is now before the court as intimated by the Local Military Authorities.

8. As regards honouring the agreement dated 26.11.1946 between Govt. of India and Ramjas Foundation, the following is stated: —

- (i) The copy of the agreement is not available on our records. However, a request has been made by the DEO to the representationist to show us the original agreement. We have not recieved any response.
- (ii) Records have been obtained from the Revenues Authorities and it has been confirmed that Khasra No. 1049/356 and few others as per Jamabandi of 1982-83 belonged to Board of Trust of Ramjas College Society. However, Barracks (including barrack No. 5) in respect of which PPE, Act notices have been issued are not on 1049/356 but on 1050/356 and 1051/356.

## CHAPTER IV

### RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH REPLIES OF GOVERNMENT HAVE NOT BEEN ACCEPTED BY THE COMMITTEE

#### **Recommendation (Para No. 1.7 and 1.13)**

The Committee note that Ministry of Defence has been acquiring vast tracts of land before Independence and till date for operational use of defence forces and other defence purposes. The land is being acquired under age old Land Acquisition Act (LAA), 1894 and Defence of India Act, 1939 framed during the British time and are colonial in nature. Though these Acts have been amended from time to time, they are totally inadequate to meet the present day needs and aspirations of the people. This was amply brought out during oral evidences, tendered before the Committee by representatives of Ministry of Law, Rural Development and State Government officials. The Committee are constrained to note that there was no policy for rehabilitation of Displaced persons as such and only in 2004, guidelines have been issued in the form of National Policy on Resettlement and Rehabilitation (NPRR), 2003. In the absence of a policy for rehabilitation, the displaced persons were being given meagre compensation for the land acquired for defence projects and no effort was being made to resettle and rehabilitate them properly. In view of foregoing, the Committee strongly feel that there is an urgent need to have a comprehensive and more democratic legislation to deal with the matter relating to Land Acquisition, Compensation, Resettlement and Rehabilitation. The Ministry of Defence being the largest user of land should take appropriate initiatives with the concerned Ministries in this regard. The Committee further desire that the Ministry of Defence should have their own practical and better package for resettlement and rehabilitation till the commencement of this comprehensive legislation.

The Committee note that the Ministry of Defence has adopted NPRR 2003 formulated by Ministry of Rural Development which has not been given legislative shape by the Government and hence is not enforceable in the court of law. Moreover, it is only applicable to the projects having more than 500 families in the plain areas and more than 250 families in hilly areas and therefore most of the projects of Ministry of Defence do not come under its purview. The Committee



wish to recommend that the Ministry of Defence must evolve its own rehabilitation policy which is more liberal and is applicable to all the projects irrespective of the number of displaced families as a kind of social responsibility of the Government.

### **Reply of the Government**

In so far as having better packages for resettlement and rehabilitation as recommended by the Committee, it is mentioned that National Policy on Resettlement and Rehabilitation for Project Affected Families (NPRR) – 2003, is already under consideration in the Ministry of Rural Development for revision. We may await its finalisation. In so far as the need to have comprehensive and more democratic legislation to deal with the matters relating to Land Acquisition cases, it is mentioned that Ministry of Rural Development, the nodal agency for Land Acquisition Act, has already formulated draft Land Acquisition (Amendment) Bill, 2004. The Draft LA (Amendment) Bill, 2004 has been circulated by Ministry of Rural Development to all State Governments and UT Governments for their comments.

### **Recommendation (Para No. 1.8)**

The Committee note that large number of people sacrifice their ancestral land, traditional occupations and livelihoods due to acquisition of land for various Defence purposes. Therefore, it becomes the responsibility of the Ministry of Defence to ensure that the affected people get fair amount of compensation and timely rehabilitation in order to create a sense of pride and patriotic feeling in their mind that they have sacrificed their invaluable property for the cause of the nation.

### **Reply of the Government**

It may be mentioned that within the existing framework of Land Acquisition Act, there is no role of acquiring Department regarding determination of fair amount of compensation. It is determined as per provisions prescribed in Land Acquisition Act, by the Collector/Courts. Section 23 of the Act relates to determination of compensation. It reads as follows: –

“23 (1) In determining the amount of compensation to be awarded for land acquired under this Act, the Court shall take into consideration: –

First, the market value of the land at the date of the publication of the notification under section 4, sub section (1);

Secondly, the damage sustained by the person interested, by reason of the taking of any standing crops or trees when may be on the land at the time of the Collector's taking possession thereof;

Thirdly, the damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of severing such land from his other land;

Fourthly, the damage ( if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of the acquisition injuriously affecting his other property, movable or immovable, in any other manner, or his earnings;

Fifthly, if, in consequence of the acquisition of the land by the Collector the reasonable expenses (if any) incidental to such change; and

Sixthly, the damage (if any) *bona fide* resulting from diminution of the profits of the land between the time of the publication of the declaration under section 6 and the time of the Collector's taking possession of the land.

“(1-A) In addition to the market value of the land, as above provided, the Court shall in every case award an amount calculated at the rate of twelve per centum per annum on such market value for the period commencing on and from the date of the publication of the notification under section 4, sub section(1), in respect of such land to the date of the award of the Collector or the date of taking possession of the land, whichever is earlier.

Explanation—In computing the period referred to in this sub section, any period or periods during which the proceedings for the acquisition of the land were held up on account of any stay or injunction by the order of any Court shall be excluded.

(2) In addition to the market value of the land as above provided, the court shall in every case award a sum of (thirty per centum) on such market value, in consideration of compulsory nature of the acquisition.”

2. It may further be mentioned that Ministry of Rural Development has proposed draft amendments to Land Acquisition Act, 1894. The Draft Land Acquisition (Amendment) Bill, 2004 has been circulated by the Ministry of Rural Development to all State Governments and UT Governments for their comments.

### **Recommendation (Para No. 1.10)**

On examining various representations and oral evidences of the displaced families who have lost their lands due to defence acquisition over the years, the Committee note that most of them have not been properly resettled and rehabilitated and are still suffering. The Committee desire that Government should consider their cases sympathetically and extend all possible assistance wherever feasible.

### **Reply of the Government**

Ministry of Defence has adopted National Policy on Resettlement and Rehabilitation for Project Affected Families (NPRR) – 2003, since 2004. This policy is being applied for all projects being considered since then. Hence, for projects executed earlier to 2004 it is not possible to apply this policy. However, it may be mentioned that in certain projects even in the past, on the requests of respective State Governments, rehabilitation grants were sympathetically considered.

### **Comments of the Committee**

(Please see Para Nos. 36 to 39 of Chapter-I)

### **Recommendation (Para No. 1.11)**

The Committee note that the Ministry of Defence is extending funds to the State Government for rehabilitation packages as per their demands. The Committee desire that the Ministry must take regular feed back from State Government on the implementation of rehabilitation programme and in case of non-implementation and delay, the accountability may be fixed. The Committee also desire the Ministry to ensure that the funds given to States for the rehabilitation programme are not misused or diverted for other projects. The Committee have also observed that in some cases in the absence of any demand of the State Government, the displaced persons have not been given any rehabilitation package. Therefore, the Committee strongly recommend that the Government should address this issue in the right perspective to ensure that the displaced persons are rightfully rehabilitated.

### **Reply of the Government**

Ministry of Defence has written to all State Governments and Union Territories Administration to issue necessary directions to all District Collectors that proper feedback regarding rehabilitation

programme of displaced persons, whenever the land is acquired for Ministry of Defence and where rehabilitation grants are given by Ministry of Defence, should be given to the concerned Defence Estates Officers. Further, it is also mentioned that National Policy on Resettlement and Rehabilitation for Project Affected Families (NPRR)-2003, is under revision with Ministry of Rural Development. We may await its finalisation.

#### **Comments of the Committee**

(Please see Para Nos. 42 & 43 of Chapter-I)

#### **Recommendation (Para No. 2.11)**

The Committee note that as per clause 4 of Land Acquisition Act (LAA), 1894, the Government communicate to the land owner its intention to acquire land by publishing Gazette notification in two Daily Newspapers circulated in that locality, of which at least one is in regional language. Also, public notice of this notification is pasted at convenient places in the locality where land is being acquired. The Committee feel that this is not sufficient and desire that individual notifications should be served to the affected persons. The Committee are further of the view that this procedure may be convenient and helpful in places having literate inhabitants. However, in hilly and remote areas with low literacy people may not be aware of the notification and the procedures and formalities that are required to be completed for filing objections. Therefore, the Committee strongly feel that the Government must evolve a people friendly approach and desire that a representative of the acquiring authority, in this case *i.e.* DGDE, alongwith the District Administration should serve individual notifications and go to the affected people or local panchayat and brief them regarding the intention of the Government and assist them in completing formalities/filing their objections, if any, in writing. Further there should be some follow-up action in this regard. The Committee further desire that while comprehensive review of the Land Acquisition Act is done by the Government that aspects should be kept in mind.

#### **Reply of the Government**

The Ministry of Rural Development has been requested to take further necessary action on this recommendation of the Committee and intimate action taken thereon to the Ministry of Defence.

#### **Comments of the Committee**

(Please see Para No. 57 of Chapter-I)

### **Recommendation (Para No. 2.34 and 2.36)**

The Committee observe that acquisition of land for defence related activities is being done keeping in view the present and future requirements. Requirement of land is established by a Board of Officers as per given scale of land authorization and acquisition is done based on laid down rules and procedures. The Committee are, however, given to understand that in some projects, like National Defence Academy (NDA) 8,000 acres of land was acquired, out of which not more than 25 per cent, is utilized and rest has remained unutilized even after 60 years. During the study visits of the Committee to various projects, the Committee had observed that there are large areas of defence land, lying unutilized and they have not been given back to the ex-landowners. In this connection, the Committee are informed that the users have to leave certain portion of land as buffer zone and there are certain areas needed for future expansion. Plan for using the land is there but due to constraints of funds and other reasons the users are not in a position to utilize the whole land. As a result, this gives a totally misleading impression that the Defence authority is acquiring land mindlessly.

Since land is a scarce commodity the Committee desire that the Ministry of Defence should set up a high level group to review the total land acquired, actual utilization thereof and the requirement of land in future for all Defence projects. During the review, the Government should also see the possibilities to re-allocate the surplus land, if any, to the affected people for the use of agricultural purposes, on lease/contract basis. This will not only avoid resentment among the people but also facilitate meaningful utilization of surplus land.

The Committee observe that Technological development is taking place very rapidly in India and world wide. It has wide effect on different segments and way of working and requirements of the Government. The Committee are of the view that keeping in view the rapid development of technology Ministry of Defence must review its decision on requirement of vast acquisition of land for Defence purposes and its likely use.

### **Reply of the Government**

The above recommendations of the Standing Committee have been considered in the Ministry of Defence and it has been decided with the approval of Raksha Mantri to constitute Committees at each Command level in the Ministry of Defence to review the land acquired by Ministry of Defence and its utilization and actual requirement. Necessary orders in this regard have been issued.

### **Comments of the Committee**

(Please see Para Nos. 68 & 69 of Chapter-I)

### **Recommendation (Para No. 2.35)**

In this connection, the Committee wish to reiterate their earlier recommendation given in their 5th report on Cantonment Bill, 2003, *i.e.* to bring a separate law on Defence land at the earliest for their better management.

### **Reply of the Government**

A separate draft Bill on 'Defence Estates' is under finalisation.

### **Comments of the Committee**

(Please see Para No. 72 of Chapter-I)

### **Recommendation (Para No. 2.37)**

The Committee observe that in many projects, the Ministry of Defence is having surplus land. For carrying out developmental activities, like widening of road of National Highways, State Highways or the village approach road, when the concerned authorities approach the Ministry of Defence, the request is examined at the ground level and is turned down without sending it to the highest authority. Therefore, the Committee strongly feel that there must be a mechanism in the Ministry of Defence at the highest level to examine these issues and facilitate the developmental activities without affecting the security of the nation.

### **Reply of the Government**

The land policy of Ministry of Defence envisages that no defence land is to be declared surplus. If any land is to be given up, it should be on exchange of land of equal value basis. However, the demands of the State Governments/Central Government/Undertakings etc. can be considered on the basis of merits of each case. Generally, the requests received from such organizations for defence land are considered in consultation with Army Authorities and the Director General of Defence Estates and decisions taken at appropriate levels in the Ministry.

### **Comments of the Committee**

(Please see Para Nos. 68 & 69 of Chapter-I)

**Recommendations (Para Nos. 2.59, 2.60, 2.66, 2.73, 2.84, 2.85, 2.91, 2.92, 2.104, 2.105, 2.106 and 2.107)**

The Committee observe that prior to 2003, there was no policy for granting rehabilitation assistance to the persons, displaced by the acquisition of land. In 2003, National Policy on Resettlement & Rehabilitation (NPRR) for Project Affected Families was formulated by the Ministry of Rural Development. This has been notified in Government of India Gazette on 17.2.2004. The Committee, while examining the subject, have also examined the provisions of National Policy on Resettlement and Rehabilitation (NPRR), 2003. The Committee are given to understand that this policy provides only guidelines for the Ministries which are not enforceable in the Court of Law, unless the same is passed by the Parliament in the form of an Act.

The Committee are constrained to note that even after 59 years of independence, there is no law or rule governing resettlement and rehabilitation and the Government of India is following the age old colonial laws for this purpose. Therefore, the Committee strongly recommend that the Government must give a serious thought to bring a Bill for giving a legislative shape to the Rehabilitation/Resettlement Policy at the earliest.

The Committee are given to understand that many Public Sector Undertakings, Departments, Ministries and State Governments are offering better rehabilitation package. Even the Ministry of Rural Development has communicated to all the Central Government Ministries and Departments that National Policy on Resettlement and Rehabilitation (NPRR) only specifies the minimum benchmark and they can offer higher package. However, the Committee are constrained to note that the Ministry of Defence are satisfied with the policy and has adopted it as its rehabilitation policy and there is no proposal to frame a separate, more liberal policy. The Committee deplore the callous attitude of Ministry of Defence and strongly recommend that the Ministry of Defence should adopt a practical and liberal approach and frame its own policy having better packages for the betterment of affected families which may be treated as a model packages for other Departments/Ministries to follow.

The Committee note that the provisions of NPRR-2003 are applicable in the case of displacement of 500 families or more in plain areas and 250 families or more in hilly areas. The Committee, however, note that most of the Defence Projects do not come under the purview of NPRR, since they do not meet the criteria mentioned in it. The



Committee feel that the criteria given in NPRR are vague and not practical. Therefore, the Committee wish to recommend that the Ministry of Defence must evolve its own rehabilitation policy which will be applicable to all the projects, irrespective of the number of displaced families, as a kind of social responsibility of the Government.

The Committee observe that compulsory acquisition of private lands displaces persons from their ancestral land and property forcing them to give up their home, assets and means of livelihood. Therefore, displacement uproots people not just from their homes but also from their traditional occupations and livelihood they are familiar with. The system of extending cash compensation under the Land Acquisition Act (LAA) and such other Acts in most cases does not enable the affected families to obtain cultivable agricultural land, home, means of livelihood and other resources. To address these problems, the NPRR 2003 was notified by Government of India and came into force *w.e.f.* 2004. The Committee have examined the provisions of rehabilitation and resettlement benefits and are of the view that the objectives of NPRR are not properly reflected in the provisions. The Committee, therefore, wish to recommend that resettlement/rehabilitation should be location-specific, situation-specific and community-specific. In coastal village, fishermen should be resettled in another coastal area only because they are accustomed to continue with their traditional occupation and to earn perpetual income therefrom. A village having tribal population should be resettled in a homogenous area having their own people, so that they do not feel out of place.

The Committee further recommend that the rehabilitation site must have skill based training, education and different types of occupational provisions, suitable to the local community. Besides, the rehabilitation package should provide village roads, drinking water, primary medical facilities.

The Committee are distressed to note that development and implementation of rehabilitation package, including providing training, education, employment, housing, health and sanitation is the sole responsibility of the State Government. The Ministry of Defence just provides the money to the State Governments as per their demand for implementation of the rehabilitation package. The Ministry of Defence does not have any mechanism/trained manpower to supervise the actual implementation. The Committee strongly feel that in case of compulsory displacement, the oustees not only lose their land and ancestral properties but also their vocation and means of livelihood for the cause of development of the whole nation. Therefore, our



country, being a welfare State, must strive to provide training, education, employment, facilities for potable water, health services and sanitation to help the families of the oustees to re-establish economic sustenance and the basic livelihood. The Committee further desire that to enable the oustees to carry out their traditional job in a more scientific way and to pursue new vocational courses, the Government should establish ITI and other vocational institutions in the rehabilitation sites. Besides, the Government should provide simultaneous training facilities to the youth of displaced families as per the job requirements of the defence projects so as to enable them to avail employment opportunity in the said project. The Government should consider to provide some gainful employment to the oustees.

The Committee strongly feel that the Ministry of Defence should share the responsibility with the State Government by appointing an Estate Officer to coordinate and monitor the rehabilitation projects, being executed by the State Government, for effective implementation of rehabilitation package.

The Committee observe that prior to 2004, the Ministry of Defence was paying rehabilitation grants to the concerned State Governments as per their demands. Planning, acquisition and monitoring of the rehabilitation projects was the sole responsibility of the respective State Government. The Ministry of Defence was not associated with the monitoring mechanism alongwith the State Government. However, the Defence Estate Officer used to maintain a constant liaison with the Collectors at the field level to see the progress of land acquisition. The Committee further observe that in many cases, the affected persons have not been resettled and rehabilitated due to various reasons. As a result, cases are still going on in various courts for years together.

The Committee are distressed to note that the Ministry of Defence was only concerned to maintain constant liaison with the State Government authorities to see the progress of land acquisition and not with the progress of rehabilitation and resettlement. The Ministry of Defence left this crucial task at the mercy of the State Government. The Committee strongly feel that the acquiring agency should not shift the total responsibility to the State Governments. Therefore, the Committee strongly recommend that the Ministry of Defence must ask the State Government to furnish regular feedback in time and examine all the pending cases where people have not been given their dues or where they have not been resettled or rehabilitated and the accountability must be fixed. The Ministry should also involve themselves with the State Government and solve the old cases as part

of their social obligation. In addition, the Committee desire that a Floor Level Committee comprising a representative of Ministry of Defence, District Administration (Collector) and affected persons may be constituted to oversee the effective implementation of rehabilitation and resettlement, starting from Gazette notification to actual rehabilitation and it should be given a legal status. The Committee further desire that in the comprehensive legislation on land acquisition, resettlement and rehabilitation as proposed by the Committee in their earlier paragraph, it should be taken care of. The Ministry of Defence should delegate powers for monitoring the rehabilitation and ensure accountability.

The Committee observe that, at the higher level, as per Para 7.2.1 of the National Policy on Resettlement and Rehabilitation, the State Government shall constitute a Grievance Redressal Cell under the Chairmanship of the Revenue Commissioner for Resettlement and Rehabilitation for redressal of Grievances of the project affected families. The aggrieved families may move a petition to this Cell for redressal of their grievances. The form and manner in which and the time within which the complaints may be made to the Grievance Redressal Cell and disposed of, shall be prescribed by the State Government.

The Committee are distressed to note that the policy is silent in regard to form and manner in which the complaints may be made to the Grievance Redressal Cell and the time within which it will be disposed of. Everything has been left to the whims and caprices of the State Government. Therefore, the Committee desire that the provision of the policy may be thoroughly reviewed and everything should be specified in the policy itself in order to avoid ambiguity and misinterpretation and the Grievance Redressal Cell should include District Collector, representative of Ministry of Defence and a representative of the affected families.

The Committee observe that, in the three-layer structure of monitoring mechanism, the Ministry of Defence participates only at the National Level. At the lower and the middle levels, the Ministry of Defence does not have any role to play. The Committee are of the strong view that, in order to ensure a meaningful rehabilitation, a representative of Defence Estate Organisation should be made a Member at all the levels of the monitoring mechanism.

### **Reply of the Government**

These recommendations relate to amending policy frame work given in NPRR-2003. It is mentioned that there is a proposal under

consideration with Ministry of Rural Development for formulation of NPR-2006 by revising the NPRR-2003. We may await its formulation.

#### **Comments of the Committee**

(Please *see* Para Nos. 36 to 39 of Chapter-I)

#### **Recommendation (Para No. 2.63 & 2.86)**

The Committee observe that there was no policy to deal with rehabilitation and resettlement prior to 2004. Acquisition of land and rehabilitation was the responsibility of the State Governments. The Ministry of Defence was paying to the State Governments as per their demand. The Ministry of Defence has adopted these guidelines to deal with the cases from 2004 onwards and not to deal with earlier cases. The Committee are pained to note that there are old cases pending in the courts and in many cases people have not received their dues and their suffering is prolonging. Keeping in mind the large scale suffering of people and to provide justice to the common man, who has sacrificed his ancestral property for the safety and betterment of the nation, the Committee desire the Ministry to re-think over this issue and take necessary approval of the competent authority to provide a practical and liberal rehabilitation package to the cases prior to 2004. The Committee further desire that the Ministry should have a constant liaisoning with the State Governments to monitor the progress of rehabilitation and actual utilization of monitory allocation provided by them for the said purpose.

#### **Reply of the Government**

For land acquisition projects prior to 2004, the NPRR-2004 is not proposed to be applied. However, in some projects rehabilitation grants have already been provided.

As regards recommendations of the Committee to have constant liaisoning with State Governments to monitor the progress of rehabilitation and actual utilization of the money provided to them, it is mentioned that certain provisions are being made to take care of this in the proposed NPRR-2006.

#### **Comments of the Committee**

(Please *see* Para Nos. 36 to 39 of Chapter-I)

### **Recommendation (Para No. 3.14 & 3.15)**

The Committee note that Government of India acquired that total land measuring 2534 acres in 7 villages in Rajgir, Bihar for propellant factory project for production of bio-modular charge system. After possession of land, compensation/rehabilitation package was offered to the affected families. Under this package DRDO has constructed 1110 houses for the project affected families. The Committee are however concerned to note that sanitation, external electrification etc. are yet to be done by the Government of Bihar. The Committee further note with concern that construction work of rehabilitation which was the joint responsibility of Ordnance Factory Board and Government of Bihar and was expected to be completed by December 2005, has not been completed so far. Construction of Health Centre, temples, community centres, park, school is yet to commence. Further, electricity work and sinking of 36 number of tube wells have not been completed.

The Committee, therefore, strongly recommend that rehabilitation package offered to the affected families must be suitable to them and it should be completed in a time bound manner, without further delay, so that affected families may not be deprived of their legitimate right to live in a dignified manner. The committee hope that there will not be any time and cost overrun in implementation of rehabilitation package. The Committee would like to be apprised of the progress made by the Government in this regard.

### **Reply of the Government**

Govt. of Bihar was to arrange for rehabilitation package for the Land Displaced Persons (LDPs) of the village Rajgir. An amount of Rs.9.46 crore based on the estimate made by PWD, Govt. of Bihar was placed at the disposal of the State Govt. on 22.11.2002. Later on Govt. of Bihar expressed its inability to undertake the said work. Thus the work of construction of dwelling units together with other infrastructure (land grading, road construction and provision of drinking water) was entrusted to DRDO in Nov. 2003. However, provision of sanitation and electricity for dwelling units was kept outside the scope of work of DRDO and was to be the responsibility of Govt. of Bihar. Accordingly, DRDO completed the construction of 1190 Nos. of dwelling units together with other infrastructures like roads and arrangements for drinking water. A total of 75 Nos. of Hand Pumps have been sunk at the rehabilitation site. Bihar Govt. *vide* letter dated 7.8.2006 has instructed DM, Nalanda to arrange sanitation/electrification work.

State Govt. has so far issued allotment letter to 1031 LDPs, out of which 900 LDPs have already shifted to the dwelling units allotted to them. State Govt. yet to allot 159 dwelling units to the balance LDPs. A few works like construction of Health Centre, temple shifting, community centre, school are yet to be completed. However, a school is housed in a block of dwelling units. For the above mentioned pending work, DRDO has submitted a revised estimate. The estimate needed to be revised because of change in design parameters for dwelling units, roads etc. as well as due to inflation effect from 2002 to 2006.

### **Comments of the Committee**

(Please see Para No. 72 of Chapter-I)

### **Recommendation (Para No. 3.51)**

The Committee note that Government requisitioned land of the four villages *i.e.* Ambad Budruk, Dadhegaon, Nandur Bahulla, Aswali Bahula, Taluk and District Nasik in 1943 and these were subsequently acquired during 1950-52 for Artillery Ranges Deolali. The Committee further note that people have been given the cost of the land only and they have not been provided rehabilitation package, basic amenities, on account of difficulty to identify them. The Committee desire that Government should conduct a survey to identify the displaced families and extend all possible benefits of rehabilitation in terms of allotment of plot in new villages, civic amenities, training for self-employment as a group in the form of special rehabilitation package.

### **Reply of the Government**

It is not felt practical to conduct survey after 54 years in respect of land owners whose lands were acquired in four villages, of Nandur Bahula, Aaswali Bahula., Ambad Budruk and Dadhegaon in District Nasik in 1950-52. The land owners have settled somewhere else and it would be difficult to trace them out. Further, any effort to re-settle them again would dislocate them from their existing places.

### **Comments of the Committee**

(Please see Para No. 87 of Chapter-I)

### **Recommendation (Para No. 3.61)**

The Committee note that rehabilitation package proposed to the affected families in Bolangir Project at Orissa, though good on paper,

has not been implemented in letter and spirit. The Committee are pained to note that even after lapse of more than 20 years of the sanction of the project, rehabilitation of the affected, illiterate and poor families has not been done by the ministry of Defence and State Government and they are living in a miserable condition. The affected poor families were not informed of the quantum of compensation paid to them and have been deprived of the basic facilities namely education, health, drinking water, jobs etc. More surprising fact is that State Government does not have any Resettlement and Rehabilitation Policy for the affected families, whose land has been acquired.

### **Reply of the Government**

A package was finalized to rehabilitate 1030 nos. of families displaced from their land for setting up Ordnance Factory, Badmal. The package included the followings: —

- (i) Provision of free land for residential accommodation with house building assistance @ Rs.4000/- per family for construction of house.
- (ii) Construction of 10 colonies with 3 Tube Wells, 1 Primary School, 1 Community Centre, 1 Tank and village road per colony.
- (iii) Construction of 1 High School, 1 ME School and 1 Health sub-centre including staff quarters for covering all the 10 colonies.

2. The Govt. of Orissa, which was responsible for peripheral development and rehabilitation of land displaced persons, has confirmed completion of rehabilitation package in full.

### **Comments of the Committee**

(Please see Para No. 96 of Chapter-I)

### **Recommendation (Para No. 3.62)**

As regards, the employment guarantee to the land displaced persons, the Committee are further pained to note that out of 1030 land displaced persons, 36 have still not been provided jobs so far despite the then Prime Minister, Smt. Indira Gandhi's assurance on 29 October, 1984 in this regard.

### **Reply of the Government**

It is submitted that employment has been provided to 995 Nos. of personnel, one each from 995 land displaced families out of 1030. The status on the balance 35 Nos. of cases is as under:

Cases with no documentary evidence	— 22 cases
Adoption cases	— 07 cases
Cases referred to OFB for Gp."C" post	— 01 case
Cases having no claimant	— 04 cases
Court case	— 01 case

However efforts are being made to closely interact with District Administration for providing employment to balance 35 families also.

### **Comments of the Committee**

(Please *see* Para No. 96 of Chapter-I)

### **Recommendation (Para No. 3.63)**

As regards, the monitoring of rehabilitation progress, the Committee hold the view that the State Government of Orissa as well as the Ordnance Factory Management are responsible for not sorting out the grievances of the land displaced families. Even the General Manager, Ordnance Factory has never attended any sitting of the Monitoring Committee.

### **Reply of the Government**

Regarding lack of support from Ordnance Factory, Bolangir and it being responsible for not sorting out the grievances of land displaced families, it is stated that as and when the Monitoring Committee Meeting has been called by the District Administration, the same has been attended by the Senior Officers of the Factory. The Co-ordination and Monitoring Meeting is held under the Chairmanship of District Magistrate and the sole responsibility of calling and holding such Meeting is that of DM.

### **Comments of the Committee**

(Please *see* Para No. 96 of Chapter-I)



### **Recommendation (Para No. 3.64)**

The Committee, therefore, conclude that in Bolangir Rehabilitation Project, neither the Center nor State Government is serious to rehabilitate the affected families, with the result that the poor persons are being deprived of their rights and forced to live in deplorable condition without the basic facilities like education, health, drinking water, and employment. The Committee, therefore, strongly recommend that Government must set up a high level Committee to look into all the Resettlement and Rehabilitation works being executed in the Bolangir District for the project affected families. The Committee also desire that Ministry must ensure that sitting of the Monitoring Committee be held regularly as per the schedule and its officers should attend it scrupulously irrespective of their ranks and their designations and the matter of not attending the Monitoring Committee Meeting by the General Manager, Ordnance Factory be taken up at the highest level in order to give relief and extend possible rehabilitation facilities to the poor land displaced families. The Committee earnestly desire that Ministry of Defence, Command Officers of Army and the State Government officials must cooperate with the land displaced families and treat them sympathetically.

### **Reply of the Government**

As stated in reply to para 3.61, District Administration, Bolangir has confirmed completion of the entire rehabilitation project to provide the basic necessary infrastructure to land displaced families. Thus, there seems to be no need for setting up of any Committee in this regard.

### **Comments of the Committee**

(Please *see* Para No. 96 of Chapter-I)

### **Recommendation (Para Nos. 3.75, 3.76, 3.85 and 3.86)**

The Committee note that there are a number of land acquisition cases pending for enhanced compensation and non-payment in various courts of Tamil Nadu for more than 20 years. The Committee further note that State Government has not initiated efforts for reconciliation with the affected families.

The Committee in order to reduce growing litigation on acquisition of land and non-payment of enhanced compensation recommend that Naval Authorities, and District Collectors should make sincere efforts for reconciliation to settle the matter out of court. For this purpose, all



concerned authorities should sit together and work out better packages for the affected families within six months in view of the sufferings of the affected families. The Committee stress that Government should follow a humanitarian approach towards the affected families as they have lost their land and livelihood.

The Committee are pained to note that displaced families relating to the Air force Station, Tanjore were not given rehabilitation, as the Government of Tamil Nadu did not demand any Rehabilitation Package from the Ministry. Further, the State Government preferred appeal against the enhanced compensation award declared by the lower court in favour of the displaced families. The Committee take a strong objection to the way of working and approach of the Ministry of Defence and State Government in handling the case of paying compensation and extending Rehabilitation Package to the displaced families. The Committee are not inclined to accept the reasons forwarded by the Ministry that rehabilitation package was not offered to the displaced families as the State Government did not demand it. It shows that the Ministry of Defence, somehow, wants to escape from its responsibility to rehabilitate the displaced families. The Committee strongly recommend that the Ministry of Defence and State Government should change their mind set and compensate all the aggrieved families because it is the social and legal responsibility of the Government in a democratic country like India.

The Committee, keeping in view the deplorable situation of the displaced families at Tanjore, strongly recommend that the Ministry of Defence should immediately offer a better rehabilitation package to the affected families, whose land has been acquired by the Government without rehabilitation package. The Committee also recommend that the Ministry of Defence and representatives of the State Government, instead of preferring appeal against the enhanced award declared by the Court, should come forward for negotiation/reconciliation with the displaced families with a good offer of compensation. The Committee stress that the Government should follow a humanitarian approach towards the affected families, as they have lost their land and livelihood for the noble cause of the nation.

### **Reply of the Government**

The Committee has suggested that all concerned authorities should sit together and work out better package for the affected families in the matter of land acquired in Tamil Nadu for the Indian Navy and Indian Air Force. The Committee has not appreciated the response of

the Ministry of Defence that no demand for Rehabilitation package was made by the State Government.

2. It may be stated here that acquisition of land for public purposes is made under Land Acquisition Act, 1894. The State Govt. performs the functions of the appropriate Govt. and Distt. Collector or any other authority authorised by State Govt. as competent authority on authorisation of the Central Govt. under the provisions of Article 258 of the Constitution. All executive actions in respect of acquisition are, therefore, taken by the State Govt. and Acquiring Deptt. does not have effective role in the matter except that compensation awarded as per the provisions of the LA Act has to be paid. The Compensation is assessed by the Land Acquisition Collector or on reference/appeal by the Appellate Courts.

3. Considering the hardship involved in displacement of land owners, the Govt. has introduced certain features by virtue of 1984 amendment in that additional compensation @ 12% p.a. from the date of section 4(1) notification till the date of award/possession, solatium @ 30% and interest @ 9% for the first year and @ 15% for the subsequent years from the date of possession till actual payment as per the award/decreed. There is no specific provision in the LA Act, for Rehabilitation Package though solatium is paid to dilute the impact of the hardship caused due to acquisition.

4. While the Committee's suggestions to extend better rehabilitation package is well intentioned as dispossession of farmers from their land and dwelling causes immense hardship, the Govt. has expressed its intent to alleviate the hardship by framing NPRR-2003 (Now revised NPR-2006 is under active consideration). Giving retrospective effect to the Rehabilitation Package may create immense administrative and financial problems to the Govt. considering the large number of acquisition cases finalised in the country for defence purposes. State Govts. may, however, in their discretion extend all possible assistance in deserving cases.

5. In view of the above it is mentioned that in the past acquisition cases it is not possible to apply any general policy of rehabilitation. However, for projects for acquisition sanctioned after January 2004, NPRR-2003 is being applied.

#### **Comments of the Committee**

(Please see Para No. 102 & 103 of Chapter-I)

## **CHAPTER V**

### **RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH FINAL REPLIES OF GOVERNMENT ARE STILL AWAITED**

#### **Recommendation (Para No. 1.9)**

The Committee observe that Ministry of Rural Development is the nodal Ministry on the subject of Land Acquisition Act and Resettlement and Rehabilitation Policy. The Committee understand that Ministry of Rural Development is mainly responsible for rural development; therefore, it would not be appropriate to give this task to it. The Committee strongly feel that the Ministry of Home Affairs should be made as a nodal Ministry for formation of laws/policies in regard to acquisition of land, compensation, resettlement and rehabilitation for better implementation and coordination.

#### **Reply of the Government**

Ministry of Defence has requested Ministry of Rural Development and Ministry of Home Affairs to give their comments on this recommendation of the Committee.

#### **Recommendation (Para No. 1.15)**

The Committee also desire that for speedy disposal of significant number of pending cases for paying compensation and resettlement and rehabilitation, Government must request the High Courts to set up special judicial benches in each State.

#### **Reply of the Government**

The Ministry of Law and Justice has been requested to request High Courts of different States to set up Special Judicial Benches in the States to decide upon the matters coming under the purview of the Land Acquisition Act.

#### **Recommendation (Para No. 2.12)**

The Committee are distressed to note that, till now, the Government acquire the land and displace the people in the first instance and allocate land to rehabilitate and resettle them at a later stage. As a result, the people, who have sacrificed their land for the

cause of the nation, have to undergo manifold sufferings for years together. Therefore, the Committee desire that the acquiring authority/ Ministry of Defence should take necessary initiatives to undertake an advance planning for suitable rehabilitation and resettlement of the displaced persons and convey the same to the affected people so as to maintain transparency and gain their confidence.

#### **Reply of the Government**

Ministry of Defence has adopted National Policy on Resettlement and Rehabilitation for Project Affected Families (NPRR)-2003, formulated by Ministry of Rural Development, as policy document for resettlement and rehabilitation. However, revision of the NPRR-2003 and formulation of the National Rehabilitation Policy-2006, is under consideration of Ministry of Rural Development. The proposed "National Rehabilitation Policy-2006" may address the issues relating to planning the size and nature of Rehabilitation packages. We may await its formulation.

#### **Comments of the Committee**

(Please see Para Nos. 36 to 39 of Chapter-I)

#### **Recommendation (Para No. 3.38)**

The Committee during the evidence were given to understand that Ministry of Defence has acquired land more than the actual requirement for the project executed by it and no decision has been taken so far to return the unutilised/excess land to the farmers for their use. Looking into the past experience that acquired defence land remained unutilised for decades together, the Committee desire that Government should set up a Committee to review the total land acquired by Ministry of Defence, utilisation and actual requirement thereof and possibility of productive use of unutilized land by the local persons/ farmers. The Committee may be apprised about the progress made by the Government in this regard.

#### **Reply of the Government**

Ministry of Defence have already issued orders for constitution of Committee at each Command level in Ministry of Defence to review the land acquired by Ministry of Defence and its utilization and actual requirement.

**Recommendation (Para No. 3.42)**

The Committee note that at Talegaon Dabhade in the State of Maharashtra, 190 hectares of land was notified for acquisition for defence Project in 2002. The Committee are happy to note that in spite of initial resistance by the local people, Ministry of Defence through reconciliation/consent, paid them acquisition price, and now rehabilitation package has been proposed. The Committee are of the firm view while rehabilitation packages are offered to the affected families, Government must also apply provisions of Maharashtra Project Affected Persons Rehabilitation Act, so that in addition to National Policy on Resettlement and Rehabilitation 2003, other benefits may also be extended to them. The Committee further desire that Ministry of Defence may approve this proposal as early as possible. The Committee hope that after approval of the proposal, Government will execute the Project in a time bound manner. The Committee also desire that Ministry of Defence and Government of Maharashtra must follow flexible and humanitarian approach in handling cases of rehabilitation.

**Reply of the Government**

Recommendations of Govt. of Maharashtra on the proposal submitted by the Collector, Pune, are still awaited. On receipt of the above, the same will be considered by the Ministry of Defence.

N EW D ELHI;  
 12 March, 2008  
 22 Phalguna, 1929 (Saka)

BALASAHEB VIKHE PATIL,  
 Chairman,  
 Standing Committee on Defence.

ANNEXURE

*(Please see Recommendation Para 2.38 Chapter-II)*

No. 11026/1/2002/D (Lands)  
**Government of India**  
**Ministry of Defence**

New Delhi, the 18th March 2002

To

The Chief Secretaries to the  
Governments of J&K, Punjab,  
Rajasthan and Gujarat

**Subject: Ex-gratia payment of compensation to the people/farmers for the damages occurred to their crops etc. during the preparatory stage of Defence preparations in the border areas.**

Sir,

I am directed to say that some State Governments have approached Ministry of Defence for payment of ex-gratia compensation to the farmers/people for the damages occurred to their crops during the preparatory stage of Defence preparations/movement of Armed Forces in the border areas. The issue has been examined and it has been seen that in the past also the Central Govt. have granted ex-gratia compensation to the people to cover the damages occurred to the crops by defence preparations by the Armed Forces during preparatory stage, in the border areas.

2. Keeping in view the present situation in the border, the issue has been considered in the Ministry and it has been decided to pay ex-gratia compensation to the people/farmers for the damages occurred to their crops etc. during the preparatory stage of defensive preparations/movement of Armed Forces in Border areas of the States of J&K, Punjab, Rajasthan and Gujarat. The compensation under the scheme will cover damages of the following types:

- (a) Damages to standing crops.
- (b) Damages to standing fruit trees, orchards etc.
- (c) Damages to crops, fruit trees, orchards etc. around airfields and other vital installations damaged or destroyed by Defence preparations; and

- (d) Damages to fences, sheds, structures connected with agricultrue and other agricultural properties.
- (e) Where cultivators are prevented from sowing new crops and where the land has been taken over and occupied by Army authorities or where such lands are mined and also where the land is not under the physical occupation of the Army but where the land owners are not allowed to cultivate their lands for security reasons for a period beyond 30 days, the occupation of land would be regularised as per para 8 below.

3. The compensation payable should be assessed by the local revenue authorities in association with the representatives of Directorate General of Defence Estates Organisation and Local Military Authorities. The Board of Officers for the purpose would be convened by the local Military Authorities. The compensation so assessed would be approved/accepted by the GOC-in-C/Corps Commander. The compensation payable, as assessed, will be projected by the DEO to the concerned authorities for necessary sanctions.

4. In the event of inaccessibility of operational area to the Board of Officers due to security reasons, particularly to the reps of the Revenue Authorities and the DEO, a certificate as per format given below would be necessary as part of the Board proceedings to enable sanction and release of ex-gratia payment.

#### **Certificate by Brigade Commander**

It is certified that the land identified as ..... was occupied by troops from ..... to ..... and no civilian was allowed to enter this area because of security reasons.

5. The Officers of Directorate General of Defence Estates Organisation would be competent to convey the approval for payment of compensation so assessed by the local revenue authorities and accepted by the GOC-in C/Corps Commander as per details given below:

Sl.No.	Name of Officer	Monitary limit
1.	Principal Directors/Directors, Defence Estates of Commands	Rs. 5 lakhs per case
2.	Joint Directors, Defence Estates of the Commands	Rs. 2.5 lakhs per case
3.	DEOs	Rs. 50,000 per case

6. The amount so sanctioned in each case will be deposited by the concerned DEO with the Deputy Commissioner concerned. The DC will make the payment of compensation to concerned individual(s) in the presence of Local Military Officials so nominated by GOC-in-C/Corps Commander, after verification of all facts about the individual concerned. The DC will furnish payees receipts in duplicate immediately to DEO. Each payment to the DC would be audited with reference to the land details and rates of crop compensation as given by the Revenue Authorities, by the unit accountants attached to the DEOs office. Any ex-gratia amount towards the damages to the crops, received by the farmers from any other Govt. agency/department would be deducted by the revenue authorities before making the payment as sanctioned by the competent authorities in the Ministry of Defence.

7. However, the cases where the damages so assessed by the local revenue authorities are not accepted by the Competent Military Authorities, will be referred to Ministry of Defence for decision. The cases involving payment exceeding the limits as indicated in para 5 above will also be referred to Ministry of Defence for consideration/ approval.

8. In cases where the occupation of land is longer than 30 days, the owners of lands would be entitled to rental compensation as regulated in terms of Ministry of Defence letter No. 11011/2/77/ D(Lands) dated 12.10.1977 and amendments made thereto.

9. The expenditure involved will be debitable to Major Head 2076, Minor Head 111, Sub-Head D (b), General Charges (Code Head 486/01).

10. This issues with the concurrence of Ministry of Defence (Finance Division) *vide* their U.O. No. 613/Fin./QB/02 dated 18.3.2002.

Yours faithfully,

Sd/-  
(A.K. Pathak)  
Director (Works)

Copy to:

1. The Chief of Army Staff, New Delhi.
2. The Director General Defence Estates, New Delhi – 5 copies.
3. QMG's Branch/Q3L (Policy) – 5 copies.
4. The Comptroller and Auditor General of India, New Delhi.
5. DFA (GS)
6. Ministry of Defence (Finance Division/W.I.).
7. DFA (Budget).
8. DGADS, New Delhi.
9. The Chief Controller of Defence Accounts, Northern, Southern and Western Commands.
10. Finance Division/QB.



## APPENDIX I

### MINUTES OF FORTY-FIRST SITTING OF THE STANDING COMMITTEE ON DEFENCE (2006-2007)

The Committee sat on Friday, the 27th July, 2007 from 1100 to 1200 hrs. in Committee Room 'D', Parliament House Annexe, New Delhi.

#### PRESENT

Shri Balasaheb Vikhe Patil — *Chairman*

#### MEMBERS

##### *Lok Sabha*

2. Shri Milind Deora
3. Shri Santosh Kumar Gangwar
4. Shri Jigajinagi Ramesh Chandappa
5. Shri Suresh Kalmadi
6. Dr. K.S. Manoj
7. Ms. Ingrid Mcleod
8. Shri Asaduddin Owaisi
9. Shri Shriniwas Patil
10. Shri Raju Rana
11. Dr. H.T. Sangliana
12. Shri Arjun Charan Sethi
13. Shri Manavendra Singh
14. Shri Rajesh Verma

##### *Rajya Sabha*

15. Dr. Farooq Abdullah
16. Shri Jai Prakash Aggarwal
17. Smt. N.P. Durga
18. Shri S.P.M. Syed Khan
19. Shri K.B. Shanappa
20. Shri Arun Shourie

## SECRETARIAT

- |                            |   |                            |
|----------------------------|---|----------------------------|
| 1. Shri P.K. Bhandari      | — | <i>Joint Secretary</i>     |
| 2. Shri Gopal Singh        | — | <i>Director</i>            |
| 3. Shri D.R. Shekhar       | — | <i>Deputy Secretary-II</i> |
| 4. Smt. Jyocharamayi Sinha | — | <i>Under Secretary</i>     |

2. At the outset, Hon'ble Chairman welcomed the Members to the sitting of the Committee. The Committee, then took up for consideration/adoption of the draft Report on Action Taken by the Government on the recommendations/observations of the Committee contained in their Thirteenth Report (14th Lok Sabha) on 'A Critical Review of Rehabilitation of Displaced Persons'.

3. The Members of the Committee felt that the Action Taken replies submitted by the Ministry in response to the recommendations contained in the Thirteenth report on the subject 'A Critical Review of Rehabilitation of Displaced Persons' were not satisfactory, and needed more clarifications on the replies. The Committee expressed their unhappiness over Action Taken reply submitted by the Ministry of Defence. The Committee, therefore, decided that the representatives of the Ministry of Defence as well as the Ministry of Rural Development might be called before the Committee to have clarifications on certain points arising out of the said replies and the draft Action Taken report be further modified accordingly.

*The Committee then adjourned.*

MINUTES OF FORTY-SECOND SITTING OF THE STANDING  
COMMITTEE ON DEFENCE (2006-2007)

The Committee sat on Friday, the 3rd August, 2007 from 1100 to  
1250 hrs. in Room No. G-074, Parliament Library Building, New Delhi.

PRESENT

Shri Balasaheb Vikhe Patil — *Chairman*

MEMBERS

*Lok Sabha*

2. Shri Milind Deora
3. Shri Santosh Gangwar
4. Shri Jigajinagi Ramesh Chandappa
5. Shri Suresh Kalmadi
6. Dr. K.S. Manoj
7. Shri Asaduddin Owaisi
8. Shri Shriniwas Patil
9. Dr. H.T. Sangliana
10. Shri Manavendra Singh
11. Shri Balashowry Vallabhaneni

*Rajya Sabha*

12. Dr. Farooq Abdullah
13. Shri Jai Prakash Aggarwal
14. Shri S.P.M. Syed Khan
15. Shri K.B. Shanappa
16. Smt. Viplove Thakur

SECRETARIAT

- |                            |   |                            |
|----------------------------|---|----------------------------|
| 1. Shri P. K. Bhandari     | — | <i>Joint Secretary</i>     |
| 2. Shri Gopal Singh        | — | <i>Director</i>            |
| 3. Shri D.R. Shekhar       | — | <i>Deputy Secretary-II</i> |
| 4. Smt. Jyocharamayi Sinha | — | <i>Under Secretary</i>     |

**Representatives of Ministry of Defence**

- |                              |   |                                 |
|------------------------------|---|---------------------------------|
| 1. Shri Vijay Singh          | — | Defence Secretary               |
| 2. Shri K.P. Singh           | — | Secretary (DP)                  |
| 3. Shri M. Natarajan         | — | SA to RM, Secretary Defence R&D |
| 4. Ms. Neelam Nath           | — | Addl. Secretary (N)             |
| 5. Shri C.R. Mohapatra       | — | DGDE                            |
| 6. Shri G. Elangovan         | — | CCRD&D (R&M)                    |
| 7. Shri Sudipta Ghosh        | — | DGOF & Chairman/OFB             |
| 8. Shri Anand Mishra         | — | JS (C&W)                        |
| 9. Shri V. Somasundaran      | — | JS (OF)                         |
| 10. Radm. A.R. Radhakrishnan | — | DG Project Seabird              |
| 11. Shri Ashok Harnal        | — | Addl. Director General, DGDE    |
| 12. Shri K.N. Rai            | — | Chief Executive (CW&E)          |
| 13. Brig. Rajeev Datt        | — | DDGPPE                          |
| 14. Air Cmdr. D.S. Bisht     | — | PD, AFW                         |
| 15. Captain Rakesh Raman     | — | GM (F&K)                        |
| 16. Cdr. S. Karsolia         | — | PDSSD (AOD)                     |

2. At the outset, Hon'ble Chairman welcomed the representatives of the Ministry of Defence to the sitting of the Committee and sought clarifications on certain points arising out of the Action Taken Replies submitted by the Ministry on recommendations/observations of Committee contained in the 13th Report of the Committee on 'A Critical Review of Rehabilitation of Displaced Persons' and drew their attention to Direction 58 of Directions by the Speaker, Lok Sabha regarding maintaining confidentiality of the deliberations of the sitting of the Committee.

3. The Committee then sought clarifications on the issues *inter-alia*, the difficulties being faced by the Ministry for providing better rehabilitation package, the status of the cases pending in the courts relating to resettlement and rehabilitation, the reason for non-implementation of the NPRR-2003 to the projects executed earlier to 2004, efforts made by the Ministry to share responsibility with State Governments to coordinate and monitor the progress of rehabilitation,

justification for acquiring vast track of land for defence purposes, study undertaken by the Ministry for the use of already acquired land and compensation to be paid to the affected families whose cattle died during exercise/operation undertaken by the forces.

4. The Committee also desired that status report on Resettlement & Rehabilitation problems related to Ministry of Defence projects Sea-Bird in Karnataka should be provided to the Committee within a week. The Committee further desired that they should be apprised of the mechanism for acquiring land for defence purposes. The Committee was also impressed by the Ministry on essential representation/ involvement of concerned command during the implementation of Resettlement and Rehabilitation scheme.

5. The representatives of the Ministry of Defence clarified the queries raised by the Members one by one.

*The witnesses then withdrew.*

6. The verbatim record of the proceedings was kept.

*The Committee then adjourned to meet again at 1400 hrs.  
on the same day.*

MINUTES OF FORTY-THIRD SITTING OF THE STANDING  
COMMITTEE ON DEFENCE (2006-2007)

The Committee sat on Friday, the 3rd August 2007 from 1400 to  
1505 hrs. in Room No. G-074, Parliament Library Building, New Delhi.

PRESENT

Shri Balasaheb Vikhe Patil — *Chairman*

MEMBERS

*Lok Sabha*

2. Shri Milind Deora
3. Shri Santosh Gangwar
4. Shri Jigajinagi Ramesh Chandappa
5. Dr. K.S. Manoj
6. Shri Asaduddin Owaisi
7. Shri Shriniwas Patil
8. Dr. H.T. Sangliana
9. Shri Manavendra Singh
10. Shri Balashowry Vallabhaneni

*Rajya Sabha*

11. Dr. Farooq Abdullah
12. Shri Jai Prakash Aggarwal
13. Shri S.P.M. Syed Khan
14. Shri K.B. Shanappa
15. Smt. Viplove Thakur

SECRETARIAT

1. Shri P.K. Bhandari — *Joint Secretary*
2. Shri Gopal Singh — *Director*
3. Shri D.R. Shekhar — *Deputy Secretary-II*
4. Smt. Jyocharamayi Sinha — *Under Secretary*

### **Representatives of the Ministry of Rural Development**

- |                            |   |                           |
|----------------------------|---|---------------------------|
| 1. Dr. Subas Pani          | — | Secretary (RD)            |
| 2. Shri Bhaskar Chatterjee | — | Additional Secretary (LR) |
| 3. Shri A.K. Singh         | — | Director (LR)             |

2. At the outset, Hon'ble Chairman welcomed the representatives of the Ministry of Rural Development to the sitting of the Committee to tender Oral evidence on the subject 'A Critical Review of Rehabilitation of Displaced Persons' and drew their attention to Direction 58 of Directions by the Speaker, Lok Sabha regarding maintaining confidentiality of the deliberations of the sitting of the Committee.

3. The Committee then requested the representatives to brief the Committee on certain issues viz., the present status of revised National Policy on Resettlement and Rehabilitation (NPRR), and draft Bill on Land Acquisition, important changes and improvement made therein, the time frame fixed for their enforcement, response received from the States/U.Ts thereon, and efforts made by the Ministry to give legislative shape to the rehabilitation policy etc.

4. The representatives of the Ministry of Rural Development apprised the Committee that they were in broad agreement with almost all the recommendations of the Committee given in their 13th Report and these were factored to incorporate in the proposed NPRR-2007.

5. He further briefed the Committee that the scope of the policy was enhanced to include all people who were affected by involuntary displacement. This policy also has special provisions for tribal people like access to forest areas etc., preparation of social impact assessment in which the public hearing would be made mandatory, consultations with Gram Sabha, housing benefits to the affected families, etc. On the out of court settlement issue, he informed the Committee that though it was not included in the draft resettlement and rehabilitation policy but the issue would be placed before the Group of Ministers.

6. The Secretary, Ministry of Rural Development then briefed the Committee that the Rehabilitation Policy, 2007, a Bill to give a legislative shape to the policy and the Land Acquisition (Amendment) Bill are under consideration of the GoM and the concern expressed by the Committee would be brought forward for their consideration.

7. The representatives of the Ministry then clarified all the points raised by the Members one-by-one.

*The witnesses then withdrew.*

8. The verbatim record of the proceedings was kept.

*The Committee then adjourned.*



MINUTES OF THE SECOND SITTING OF THE STANDING  
COMMITTEE ON DEFENCE (2007-2008)

The Committee sat on Thursday, the 6th September 2007 from  
1600 to 1650 hrs. in Committee Room 'E', Parliament House Annexe,  
New Delhi.

PRESENT

Shri Balasaheb Vikhe Patil — *Chairman*

MEMBERS

*Lok Sabha*

2. Shri Vijay Bahuguna
3. Shri Milind Deora
4. Shri Santosh Gangwar
5. Shri Jigajinagi Ramesh Chandappa
6. Dr. K.S. Manoj
7. Dr. H.T. Sangliana
8. Shri Manavendra Singh

*Rajya Sabha*

9. Shri Abu Asim Azmi
10. Smt. Shobhana Bhartia
11. Smt. N.P. Durga
12. Shri K.B. Shanappa
13. Smt. Viplove Thakur

SECRETARIAT

1. Shri P.K. Bhandari — *Joint Secretary*
2. Shri Gopal Singh — *Director*
3. Shri D.R. Shekhar — *Deputy Secretary-II*

2. At the outset, Hon'ble Chairman welcomed the Members to the sitting of the Committee. The Committee, thereafter, considered the draft report on the 'Action Taken by the Government on the recommendations/observations contained in the Thirteenth Report of the Committee on 'A Critical Review of Rehabilitation of Displaced Persons' and adopted the same with some additions/modifications as suggested by the Members.

3. The Committee then authorised the Hon'ble Chairman to finalise the report and present the same to the Parliament.

*The Committee then adjourned.*

MINUTES OF THE NINETEENTH SITTING OF THE STANDING  
COMMITTEE ON DEFENCE (2007-2008)

The Committee sat on Monday, the 3rd March, 2008 from 1600 to 1715 hrs. in Committee Room 'C', Parliament House Annexe, New Delhi.

PRESENT

Shri Balasaheb Vikhe Patil — *Chairman*

MEMBERS

*Lok Sabha*

2. Shri Vijay Bahuguna
3. Shri S. Bangarappa
4. Shri Santosh Gangwar
5. Shri Jigajinagi Ramesh Chandappa
6. Shri C. Kuppusami
7. Dr. K.S. Manoj
8. Shri Manavendra Singh

*Rajya Sabha*

9. Shri K.B. Shanappa

SECRETARIAT

1. Shri S.K. Sharma — *Additional Secretary*
2. Shri A. Louis Martin — *Joint Secretary*
3. Shri Gopal Singh — *Director*
4. Shri D.R. Shekhar — *Deputy Secretary-II*
5. Smt. Jyocharamayi Sinha — *Under Secretary*

**Representatives of the Ministry of Defence**

1. Shri P.K. Rastogi — *Special Secretary*
2. Smt. Neelam Nath — *Additional Secretary*
3. Shri G. Elangovan — *CCR&D (R&M)*
4. Shri Anand Mishra — *Joint Secretary*

5. Shri Balsharan Singh	— DGDE
6. Shri Ashok Harnal	— Additional DGDE
7. Shri K.N. Rai	— Advisor (SP)
8. Dr. J.P. Singh	— Additional Director
9. V. Adml. D.K. Dewan	— COP
10. V. Adml. S.K. Sinha	— CPS
11. Air Mshl. V.K. Verma	— DG (I&S)
12. Air Mshl. J.N. Burma	— AOA
13. Maj. Gen. A.K. Rao	— DG (MP&PS)
14. Maj. Gen. B.V. Nair	— ADG (C&W)
15. R. Adml. A.R. Radhakrishnan	— DG (Seabird)
16. Cmde. K. Surjit Singh	— PDESA
17. Capt. Rakesh Raman	— GM (F&K)

**Representatives of the Ministry of Rural Development  
(Department of Land Resources)**

1. Smt. Rita Sinha	— Secretary
2. Dr. A.K. Singh	— Director

2. At the outset, the Chairman welcomed the representatives of the Ministry of Defence and Ministry of Rural Development to give oral evidence on the Rehabilitation Policy and drew their attention to the Direction 58 of the Directions by the Speaker, Lok Sabha regarding maintaining confidentiality of the deliberations of the sitting.

3. The representatives of the Ministry of Rural Development through a power point presentation briefed the Committee about the present status, scope and salient features of the National Rehabilitation Policy, 2007 and other associated legislative measures. The Secretary, Rural Development, highlighted the new aspects covered in the proposed Bill also on Rehabilitation Policy, recently introduced in the House to give legal effect to the National Rehabilitation Policy (NRP), 2007.

4. The Committee then raised several issues *viz.* difficulties being faced by the Ministry of Defence while providing better rehabilitation and resettlement packages to the displaced persons at par with those provided by the Public Sector Undertakings/Departments/Ministries and State Governments, action taken by the Ministry of Defence in solving the 40 years old rehabilitation problem at National Defence

Academy (NDA), Khadkvasla, possibilities for retrospective application of the NPRR, 2007 for resolving old cases, number of cases pending in Supreme Court, High Courts and other Courts, number of cases the Ministry of Defence are fighting at various stages and measures taken by the Ministry of Defence to solve the cases through negotiations and reconciliation, provision in NPRR, 2007 in regard to payment of compensation for acquired grazing land, clarifications on definition of 'Public Purpose' and monitoring of progress of rehabilitation/resettlement by the Ministry of Defence etc.

5. The representatives of the Ministry of Defence and Ministry of Rural Development clarified the points raised by the Members.

6. The verbatim proceedings of the sitting have been kept.

7. The Committee authorised the Chairman to finalise the draft report already adopted by the Committee in the light of further discussion and consequential changes for its presentation to the Parliament.

*The Committee then adjourned.*

## APPENDIX II

### ANALYSIS OF THE ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS CONTAINED IN THE 13th REPORT OF THE STANDING COMMITTEE ON DEFENCE (FOURTEENTH LOK SABHA) ON 'A CRITICAL REVIEW OF REHABILITATION OF DISPLACED PERSONS'

		Percentage of Total	
(i)	Total number of recommendations	57	
(ii)	Recommendations/Observations which have been accepted by the Government: (Para Nos. 1.12, 1.14, 2.14, 2.18, 2.38, 2.53, 2.54, 3.8, 3.9, 3.19, 3.20, 3.34, 3.35, 3.52 and 3.69)	15	26%
(iii)	Recommendations/Observations which the Committee do not desire to pursue in view of Government replies: (Para No. 3.90)	1	2%
(iv)	Recommendations/Observations in respect of which replies of the Government have not been accepted by the Committee: (Para Nos. 1.7, 1.8, 1.10, 1.11, 1.13, 2.11, 2.24, 2.34 to 2.37, 2.59, 2.60, 2.63, 2.66, 2.73, 2.84, 2.85, 2.86, 2.91, 2.92, 2.104 to 2.107, 3.14, 3.15, 3.51, 3.61 to 3.64, , 3.75, 3.76, 3.85 and 3.86)	36	63%
(v)	Recommendations/Observations in respect of which final replies of Government are still awaited: (Para Nos. 1.9, 1.15, 2.12, 3.38 and 3.42)	5	9%