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**STANDING COMMITTEE  
ON DEFENCE  
(2005-06)**

**FOURTEENTH LOK SABHA**

**MINISTRY OF DEFENCE**

**A CRITICAL REVIEW OF REHABILITATION  
OF DISPLACED PERSONS**

**THIRTEENTH REPORT**



**LOK SABHA SECRETARIAT  
NEW DELHI**

*August, 2006/Sravana, 1928 (Saka)*

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*Presented to Lok Sabha on 3.8.2006*  
*Laid in Rajya Sabha on 3.8.2006*



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NEW DELHI

*August, 2006/Sravana, 1928 (Saka)*

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\* Nominated *w.e.f.* 9.12.2005.

\*\* Ceased to be a Member of the Committee *w.e.f.* 22.12.2005.

(iv)

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\* Ceased to be a Member of the Committee *w.e.f.* 18.8.2005.

\*\* Ceased to be a Member of the Committee *w.e.f.* 29.1.2006.

\*\*\* Ceased to be a Member of the Committee *w.e.f.* 8.3.2006.

@ Nominated *w.e.f.* 8.3.2006.

@@ Ceased to be a Member of the Committee *w.e.f.* 2.4.2006.

† Demised on 3.5.2006, consequently his seat remained vacant *w.e.f.* 3.5.2006.

†† Nominated *w.e.f.* 2.6.2006.

§ Nominated *w.e.f.* 7.7.2006.

## PREFACE

I, the Chairman, Standing Committee on Defence (2005-06) having been authorized by the Committee to submit the Report on their behalf, present this Thirteenth Report on the subject 'A Critical Review of Rehabilitation of Displaced Persons'.

2. The subject was selected for examination by the Standing Committee on Defence (2004-05). As the examination of the subject remained inconclusive, it was re-selected by the Standing Committee on Defence (2005-06) for examination during the year 2005-06.

3. The Committee during their examination of the subject, took evidence of the representatives of the Ministry of Defence, Ministry of Rural Development and Ministry of Law and Justice, State Government officials of Karnataka, Tamil Nadu, Orissa and Maharashtra on 14 July, 22 August, 21 September, 19 October, 2005, 23 February, 1 March and 30 May, 2006. The Committee also undertook study visits to various Defence Establishments including those in Karwar, Pune and Ahmednagar and had interaction with representatives of Directorate General Defence Estates, District Collectors and Command Officers in order to understand the ground reality of the subject-matter.

4. The Committee published a Press Communique in various leading national and regional newspapers to elicit public opinion on the subject. In response to that the Committee received 100 memoranda/representations from various organisations/associations/individuals on the subject. The Committee also invited some of the non-official experts and individuals of the project affected families who had sent their views to appear before the Committee for oral evidence. Names of the non-official experts/individuals who appeared before the Committee on 12 and 24 January, 16 and 23 February, 2006 for evidence are given in Annexure.

5. Based on the background note, written replies to the list of points furnished by the Ministry of Defence on the subject, briefing/oral evidence tendered by the representatives of various Ministries, State Government officials/non-official experts and the written memoranda received from the general public, the draft Report was prepared.

6. The draft report was considered and adopted by the Standing Committee on Defence at their sitting held on 31 July, 2006.

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7. The Committee wish to express their thanks to the representatives of the Ministry of Defence, Ministry of Rural Development, Ministry of Law and Justice, State Government officials and non-official witnesses for appearing before the Committee for evidence and for furnishing the valuable material and information in a short span of time which the Committee desired in connection with the examination of this subject.

8. For facility of reference and convenience, the observations/ recommendations of the Committee have been printed in bold type in the body of the report.

NEW DELHI;  
2 August, 2006  

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11 Sravana, 1928 (Saka)

BALASAHEB VIKHE PATIL,  
Chairman,  
Standing Committee on Defence.



## CHAPTER I

### INTRODUCTION

Government acquire private lands for undertaking welfare measures. The Ministry of Defence also acquire lands for operational use of Defence Forces and other Defence purposes. This compulsory acquisition of private lands, displaces people, from their ancestral land 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 livelihoods that they are familiar with. Hence, displacement result into traumatic, psychological, socio-cultural and economic insecurity.

1.2 In most cases, the displaced have not been compensated and resettled. The few who have been resettled have been sent to areas that are not suited for agriculture or do not support the kind of occupations that the outstees are used to. Besides, many rehabilitation places lack basic amenities like health, education, sanitation etc.

1.3 There was no policy for giving rehabilitation assistance, as a welfare measure, to the persons displaced by acquisition of their lands for defence purposes. The existing legislations regarding acquisition of land *i.e.* the Land Acquisition Act, 1894 (LAA), the Requisitioning and Acquisition of Immovable Property Act, 1952 and similar Acts in Jammu & Kashmir do not prescribe any policy for the rehabilitation of the displaced persons due to acquisition of land. The Ministry of Rural Development, which is the nodal Ministry on the subject, had not promulgated any Rehabilitation and Resettlement Policy prior to February, 2004. However, the Ministry of Defence has given assistance for the rehabilitation of the affected families due to acquisition of land to the concerned State Governments on demand for such assistance. The rehabilitation projects were planned and executed by the respective State Governments.

1.4 The system of extending cash compensation under the LAA and such other Acts in most cases do not enable the affected families to obtain cultivable agricultural land homestead and other resources which they have to surrender to the State. The difficulties are more acute for persons who are critically dependent on the acquired assets for their subsistence/livelihoods, such as landless agricultural workers, forest dwellers, tenants and artisans, as their distress and destitution is more severe, and yet they are not eligible for cash compensation.

1.5 Further, due to disputes on ownerships of land in the absence of valid papers of their lands, the affected persons do not get due compensation. Further, the State Government in most of the cases do not adhere to prescribed time limit for awarding compensation and do not pay compensation as per the actual market value as a result people go to courts for justice and subsequently final settlements get delayed and large number of cases are still pending in various courts and people are still facing manifold problems.

1.6 To address these problems, the National Policy on Resettlement and Rehabilitation (NPRR) for Project Affected Families—2003 was notified in the Gazette of India in February, 2004 by the Ministry of Rural Development in the form of guidelines. The Ministry of Defence has adopted these guidelines as a policy in regard to the acquisition of land for Defence purpose. This policy does not apply to the cases prior to 2004. For handling new cases, it is mandatory to follow the NPRR. This Policy states that this is the minimum that every organisation has to provide to the outstees. However, the Ministry of Defence or any other agency may offer a higher level of compensation to deal with the old as well as new cases.

1.7 The Committee note that the 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.

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 valuable property for the cause of the nation.

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.

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.

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.

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.

1.13 The Committee note that the Ministry of Defence has adopted NPRR 2003 formulated by the 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 the 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.

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.

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

## CHAPTER II

### REHABILITATION POLICY IN RETROSPECT

#### **Rehabilitation Policy followed till 1947**

2.1 Prior to 1947 land for defence purposes was being acquired under the provisions of the Land Acquisition Act (LAA), 1894 and in some cases under the Defence of India Act, 1939. Under the LAA apart from the compensation based on market value of land, damages to crops etc, solatium @ 15% of market value was being paid because of the compulsory nature of land acquisition. In addition interest @ 6% per annum on the market value was being paid in case payment of compensation was delayed. Under the Defence of India Act, 1939, while market value was assessed as provided under the LAA, 1894, there was no provision to pay solatium.

2.2 Apart from this there was no specific policy in respect of rehabilitation of displaced persons due to acquisition of land for defence purposes.

#### **Rehabilitation Policy after Independence**

##### **The Land Acquisition Act 1894**

2.3 Private lands are acquired for use of Defence Forces. Lands and assets are acquired principally under the Land Acquisition Act, 1894. Some important stages of acquisition of land in the Land Acquisition Act, 1894 are as under:

##### **1. Publication of the preliminary notification: Section 4**

Wherever it appears to the appropriate Government that the land in any locality is likely to be needed for public purpose, a notification to that effect will be published in the Official Gazette, wherein the extent of land so required with the revenue khasra numbers is given.

##### **2. Hearing of Objections to land acquisition: Section 5-A**

In case of any objection to the acquisition of land by any interested person he can file his objections in writing within 30 days from the date of publication of notification, and the same will be heard by the Collector.

**3. Declaration that land is required for public purpose: Section 6**

After considering the report of the Collector under Section 5-A, the appropriate Government gets the declaration to this effect published in the Official Gazette.

**4. Notice to persons interested: Section 9**

Collector publishes Public Notice calling for claims for compensation from the persons interested including the owners and occupiers of the land.

**5. Enquiry and award by the Collector: Section 11**

The Collector declares his award within a period of two years from the date of declaration under Section 6 after enquiring into the objections filed by the persons interested under Section 9.

**6. Power to take possession: Section 16**

The Collector after declaration of the award takes over the possession of land.

**7. Special powers in case of urgency: Section 17**

In case of urgency, the collector can take over possession of land after 15 days from the date of publication of notice under section 9 after tendering payment of 80% of the estimated compensation even before declaration of award.

**8. Matter to be considered in determining compensation: Section 23**

In determining the amount of compensation to be awarded for land acquired under this Act the Court shall take into consideration the detailed provision under this Section.

2.4 The Land Acquisition Act, 1894 was amended in 1984. There were further improvements in respect of compensation payable. When acquisition is done under the Land Acquisition Act, besides the market value of land additional benefit in the nature of 30 per cent solatium on market value and additional compensation @ 12% per annum was further payable from the date of Sec 4 (1) notification till the date of award or till the date of possession, whichever was earlier. Interest on delayed payments are also being paid. For the first year it was payable @ 9% and for subsequent years it was @ 15%.

2.5 Land was also being acquired under the provisions of the Defence of India Acts, 1962 and 1971 and under the Requisitioning and Acquisition of Immovable Property Act, 1952. Under these Acts there was no provision to pay solatium. In J&K, land is acquired both under J&K Land Acquisition Act, 1934 and Under J&K Requisitioning and Acquisition of Immovable Property Act, 1968 (J&K RAIP Act) under J&K Land Acquisition Act solatium is 15 per cent and no additional compensation is payable.

2.6 The market value of land under these Acts also includes incidental charges payable for damages to standing crops or trees or damages sustained due to severing from the main chunk of land, or because of cost incurred for shifting his residence or place of business.

2.7 However, the Ministry of Defence has given assistance for the rehabilitation of the affected families to the concerned State Governments on demand for such assistance. The rehabilitation projects were planned and executed by the respective State Governments.

#### **Procedure for maintaining Transparency while acquiring Land**

2.8 On being asked about the methods being followed by the Ministry of Defence to take into confidence the local people for measurement of land and to maintain transparency regarding the intention of the Government to acquire land for defence purpose, the Ministry of Defence in their written replies stated:

“Land is acquired under the Land Acquisition Act, 1894. The Land Acquisition Act, 1894 prescribes a detailed procedure to take into confidence the local people for measurement of land and to maintain transparency regarding the intention of the Government to acquire land for defence purposes. This can be seen from the following table:

Section	Purpose/Procedure
1	2
4(1)	Govt. intention to acquire land is notified. Notification is published in official Gazette and in two daily Newspapers circulated in that locality of which at least one is in regional language. Also public notice of this notification is given at convenient places in the locality where land is being acquired.

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1	2
4(2)	Publication of notice under section 4 (1) authorizes Collector to survey the land.
5-A	Upon publication of notice under section 4 (1), objections may be filed within 30 days regarding acquisition of land. The objections are considered by the Collector and forwarded to the State Government with his recommendations. The decision of the State Government is final.
6	After receiving the decision of the State Government, a declaration is published in Official Gazette regarding the land to be acquired. The declaration is also published in two daily Newspapers circulating in that locality of which one is in regional language. Collector also gives public notice of this declaration in locality where land is being acquired.
8	Collector causes the land marked out measured and a plan is to be made out.
9	Notice is given to all person interested in the land to appear personally or by agent before the Collector regarding their respective interest in the land and amount of compensation. The time given to appear is not earlier than 15 days from the date of publication of declaration.
11	Collector enquires into the objections filed u/s 9 and as to the measurements under Section 8 and into the value of land. He then makes an award regarding true area of land being acquired, the compensation to be allowed and apportionment of compensation.
12	As a problem of protocol, such award shall be filed in the Collector's Office and shall be final and conclusive evidence.
23	Matter to be considered in determining compensation
28	Collector may be directed to pay interest on excess compensation.
28A	Predetermination of the amount of compensation on the basis of award of the Court.

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2.9 As per section 4&5-A of the Land Acquisition Act, 1894, the Government publish notification in the official Gazette pertaining to the intention of the Government to acquire land in any locality and the land owner can file his objections in writing within thirty days from the date of publication of notification. It is observed that in most of the time the land owner cannot file his objection in writing because of in access to Gazette Notification. By the time he comes across the notification, the thirty days time limit would be over and he cannot files his objection. When asked about the steps being taken by the Ministry to rectify these problems, the Ministry of Defence in their written reply stated:

“Notification under Section 4 is published in official Gazette and in two Daily Newspapers circulated in that locality of which at least one is in regional language. Also, public notice of this notification is given at convenient places in the locality where land is being acquired. Thus the land owner is notified of the intention of the Government to acquire land not only through official gazette but also through newspapers and public notice in the locality.”

2.10 During oral evidence session with the representatives of the Ministry of Defence, it was stated that the people in rural and hilly areas, may not be conversant with the procedures and formalities what they are required to do when the land is taken over for defence purposes. In this regard, when asked about the assistance, being provided by the Government to these communities, the Defence Secretary stated:

“I think whatever the points that have been raised will be taken into consideration”.

**2.11 The Committee note that as per Clause 4 of the Land Acquisition Act (LAA), 1984, 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 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 this aspects should be kept in mind.

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.

#### Section 8—Land to be marked out, measured and planned

2.13 Section 8 of the Land Acquisition Act, 1894 empowers the Collector to measure and plan the land in case, it is not been done under Section 4.

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 provision of joint measurement should be clearly specified under section 8 of the Land Acquisition Act. In the joint measurement, besides the District Collector, a representative of the Ministry of Defence/Defence Estate 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.

#### Special power in case of urgency

2.15 As per Section 17 of the Land Acquisition Act in case of urgency, the Collector can take over possession of land after 15 days from the date of publication of notice under section 9, after payment of 80% of the estimated compensation even before declaration of award.

2.16 The Defence establishments at times acquire land for temporary activities particularly for undertaking tests, trials, training purposes. When asked about the policy of the Government for paying compensation to the affected persons including compensation for the standing crop and whether such affected persons are intimated sufficiently in advance by way of notification or otherwise about such acquisition, the Ministry of Defence in their written replies stated.

“Land is hired and rental charges are paid whenever it is needed by troops temporarily. Compensation for damages for crop is also paid. As to whether those lands are occupied by troops are intimated sufficiently in advance or not depends upon the urgency of operational requirements.”

2.17 The Committee were informed through a representation that

“In the year 1991, Director General, Defence Estates (DGDE) on behalf of the army authorities decided to acquire land measuring 2954.47 acres falling in different villages and in village Karoli, Tehsil Pathankot, Gurdaspur involving the Urgency Clause of the Land Acquisition Act at an estimated cost of Rs. 9,23,53,600/-and accordingly necessary notifications for acquisition of land were issued and a sum of Rs. 7,38,82,880/-(80% of the sanctioned amount) was deposited by the concerned army authorities for making payments to the farmers of village Karoli and adjoining areas. Later army authorities again notified that land in village

Karoli and adjoining areas was not required by the time, it was decided to reverse the earlier decision to withdraw from acquisition of land a sum of Rs. 2,37,06,860/-had already been disbursed to the landowners. The defence authorities are now resorting to very harsh recovery measures from the landowners”.

**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 the 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 installments after taking into account the losses suffered by farmers who could not cultivate their land due to hasty acquisition by the Ministry of Defence.

#### **Payment of Compensation and determination of Market value**

2.19 Pertaining to paying compensation, the Ministry of Defence in their written replies further stated:

“Compensation amount that becomes payable u/s 23 of the LA, Act consequent to the award of the Collector is deposited with the Collector. Under Article 258 of the constitution of India the functions of Land Acquisition Act, 1894, in regard to the appropriate government have been entrusted to State Governments. The amount of compensation payable is assessed by the Collector by taking into account various factors as laid down in the Act.”

2.20 the provisions for compensation under the various Defence of India Acts are as follows:

- (a) **Defence of India Act 1939:** prescribes that the provisions for compensation as contained in section 23 (1) of the Land Acquisition Act would be taken into consideration while fixing market price of land.

- (b) **Defence of India Acts 1962 and 1971:** lay down that the compensation of any property would be the price which the requisitioned property would have fetched in open market if it had remained in the same condition as it was at the time of requisitioning and being sold on the date of acquisition.

There is no specific provision for payment of additional grant for resettlement of displaced persons under these Acts.

2.21 During oral evidence, the representatives of the Ministry of Defence further stated:

“The Land Acquisition Act says that whatever is the market price, when the Section (4) notification was made, should be taken into account. There are other things like solatium at 30 per cent, then 12 per cent additional account as compensation. All these things are prescribed under the Act so he will go by that. He goes mostly by the local information, registered sale data but as you would be knowing that, when the registration takes place, normally people also register at a lower rate just to avoid stamp duty. When somebody makes an assessment, he has to go by the documents available before him”.

2.22 When asked whether the acquiring authority takes into consideration the consumer price index/wholesale price index or cost of living index for a particular period, the Ministry of Defence, in their written replies stated:

“The compensation for land is determined by the Collector in accordance with the provisions of Section 23 of the Land Acquisition Act. The section contains a number of factors that may be taken into account by the Collector for determining the total compensation payable”.

2.23 While answering to a query, whether compensation has been disbursed in all the cases of land acquisition and if not what are the main reasons for that the representatives of the Ministry of Defence, during oral evidence stated:

“As per the information collected, we have given the details regarding some of the major projects. It would be seen that in almost all the projects, the major payments have been released barring a few cases where the payment, has not been made by the Collector because of the dispute in ownership. Otherwise, from

our side, whatever money is required, we have sanctioned and released to the State authorities. Particularly, in the case of acquisitions under the Urgency Clause, where there is an immediate requirement of land, that is acquired under Section 17 of the LAA. Before possession is taken over, the Government pays 80% of the compensation and 20% is given after the formalities are completed. There is no such case where we have taken over land under the Urgency Clause and not made payment.”

2.24 The Committee note that the compensation for land is determined by the Collector in accordance with the provisions of Section 23 of the Land Acquisition Act. The Committee further observe that the District Collector while determining market value, goes mostly by the local information and registered sale data. But it is 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 is not fair and correct since it results into paying lesser compensation to the affected persons than the actual market rate. This has resulted in large number of affected persons filing cases in various courts. The Committee further understand that in many cases, the Courts have awarded higher compensation than the award declared by the District Collectors which the Government has to pay at a later stage. To avoid all these litigations and give fair prices to the displaced persons, the Committee desire that the recent guidelines issued by the Government of India in regard to computation of land value be taken as a base improvement whereby prices are 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 will facilitate the correct evaluation of acquired property of the people. The Committee further wish 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 have a constant liaisoning with the State Government and monitor the progress of payment of compensation to the affected persons and see that the Collector is paying the market price by keeping in mind the above-mentioned factors. The Committee further desire that earnest efforts should be made to settle the matter through negotiation/reconciliation. In case of any dispute, the matter may be referred to Lok Adalat and if it is beyond possible, the cases may be sent to arbitration where service of the experts may be utilized. The Committee further desire that while calculating the value of land and other property, the acquiring authority must take a humanitarian approach and pay the compensation accordingly.

### **The rationality of acquisition of additional land**

2.25 It has been learnt from one of the representations received by the Committee that for defence projects, unnecessarily vast tracts of land are taken from civilians irrespective of actual requirement of the project e.g. for National Defence Academy (NDA), 8,000 acres of land was acquired, out of which not more than 25% is utilized, rest has remained un-utilized even after 60 years. When asked to state the justification for acquiring more land and whether the Ministry is thinking of returning the land to the displaced persons by preserving the ownership rights of defence authorities, the Ministry of Defence in their supplementary replies stated.

“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. Excessive land is not acquired. Since funds for executing various planned projects are not available in bulk, some of the areas which are otherwise zoned for various units/ installations remain vacant, possibly giving an erroneous impression that the land is in excess to the requirement and is remaining unutilised. It is reiterated that no land is acquired more than authorised requirement. There is no proposal for return of land to the displaced persons.

2.26 The process of judging the necessity of acquisition of land for a project including that for ranges, its examination and procedure followed for acquiring land as stated by the Ministry of Defence in their written replies is as follows:

- “(i) **Assessment of Necessity:** The requirement of additional land is vetted by the concerned branch in the Service Hqrs. and thereafter, in principle approval of the Ministry of Defence is obtained.
- (ii) **Board proceedings:** Once Govt. “in principle” approval has been obtained, the Local Defence Authorities prepare a consolidated Board Proceedings. A representative of the Collector is a member of the Board. The Board obtains ‘No Objection’ from the State Govt. for acquisition of land. At this stage State Government may also project any special requirements regarding rehabilitation and resettlement of displaced persons. The Board Proceedings carry detailed technical justification of project, justify land requirements as per laid down scale and cost estimates. In January 2005,



instructions have been issued that the Board shall also find out if, as per the laid down criteria, the NPRR-2003 will also apply to the project, and, if so, it is to estimate the cost of rehabilitation as provided in the NPRR-2003. The Board proceedings are approved by the respective Service Hqrs.

- (iii) **Examination of the proposal:** The detailed proposal is scrutinized at various levels from technical, environmental, financial and administrative points of view. The proposal completeness and land-cost points of view are approved by DGDE and submitted to Ministry of Defence (MoD) for obtaining Govt. sanction.
- (iv) **Administrative Sanction:** This is issued by the Ministry of Defence (MoD) giving details of the acquisition and financial sanction.
- (v) **Proceedings under the Land Acquisition Act:** After issue of Govt. sanction, the Defence Estates Officer places a demand for land acquisition with the Collector. The Collector then proceeds to acquire the land as per provisions of the Land Acquisition Act, 1894. The Defence Estates Officer is actively involved at this stage in the various activities provided under the Act such as carrying out joint survey of land and making an inventory of assets. To safeguard the interests of MoD, he also assesses the value of land and advises the Collector accordingly to help in declaring the award.

Above stages for acquisition of land ensure that land is acquired only when it is necessary for defence purposes.”

2.27 During oral evidence the representatives further stated.

“The third point is about the land that has been acquired, but not being used for the purpose for which it was acquired. The case that you have mentioned is in the questionnaire, pertaining to the National Defence Academy. This is one of the cases which was highlighted there, which was circulated to us. The point is that according to the Army, the user, it is not necessary that the entire land which has been acquired should be built. There are some areas which need to be left as a buffer zone; there are certain areas which are needed for future expansion of the project; there are areas where some planning is there, but the actual construction has not taken place because of the constraints of funds, etc. So, there are various factors which are not enabling the particular



organization to fully utilize the entire acquired land, but over a period of time, as you would have seen in many places, these constructions do take place at different phases. So, because the land is lying vacant at present, it gives a totally misleading impression outside that the defence people are mindlessly acquiring the land and not putting it to use the unnecessarily harassing the people by displacing them. That type of impression goes around because of these factors.

2.28 On being asked, whether acquisition of land should be time based or by phases, the Principal Secretary, Karnataka, during oral evidence stated:

“Acquisition should be done related to when you want the land. For example, Sea Bird is a fantastic project. Land acquisition was completed way back in 1991 and the notification was issued for this project in 1985 to 1986. They were completed later and by about 1988, there were 12 villages and 10,000 acres of land was acquired and 4000 families were displaced in the Sea Bird Project. This action was completed by 1991. For ten years, there was no action because of various administrative reasons. Now we have paid Rs. 25 crores as the value of private land for 2546 acres. They have gone to the court. The court have started deciding on the matter.

2.29 During oral evidence of the State Government officials, it was stated that there should be a clear-cut time for acquisition of land for the project. Suppose, the project is taking 10 years and is to be implemented in three or four phases, the project authority/State Government should acquire land for the first phase first. The second phase should be later and third phase should be much later. When asked to comment on this issue, the Ministry of Defence in their written replies stated:

“The land is acquired by the Ministry of Defence under the Land Acquisition Act, 1894. The land acquisition proceedings once started after issue of notification under Section 4(1), are normally to be completed within a period of 3 years. Acquisition of land if resorted to in phases will result in delay, cost escalation. If the cost of land is not negotiated and paid for within a reasonable time at the first instance there are chances of losing the land at the time of need”.

2.30 During oral evidence, the Ministry of Defence further clarified as under:

“I would like to submit that when we go for land acquisition, the land requirement is done on a futuristic projection. Suppose today

I require a land of about 100 acres, but in future there may be a need for 1000 acres, but I must seize the opportunity today to acquire it because I will pay only for the value of the land which is the current market value. So having acquired only 100 acres and leaving 900 to be acquired in phases, then we have to pay more. That is why, the entire spectrum of activity is considered by a board of officers at the highest level in the Government and a decision is taken on how much land should be acquired and for what purpose, etc.”

2.31 On being asked, whether there is a periodic review made later on regarding the utilisation of acquired land and the future plan, the Defence Secretary, during oral evidence stated:

“There is no problem of reviewing. My only point is that the project is then handed over to the concerned Service. It is for the Service which does this, seeing their future expression and future needs, whether they require the entire land or even more land etc. In many cases, they have asked for adjoining areas because they found that the land which had been acquired is not enough; on the other hand, if there is surplus land, then certainly a review mechanism should be installed. Then, they can review some of the cases, as you said the land is rented out etc. I think, it could be from the buffer zone.”

### **Releasing of surplus Defence land for carrying out developmental activities**

2.32 During oral evidence session of the Ministry of Defence, it was pointed out that in many cases, the Ministry of Defence is having surplus land. For widening of roads of National Highway, State Highways or the village approach Road or for carrying out other developmental activities, when the concerned authorities approach, the Ministry of Defence, in many cases they face disappointment. On being asked how the Ministry of Defence is helping the developmental activities without damaging the security aspects, the representatives of the Ministry of Defence stated:

“We have a fair amount of close interactions at the project level. If there are issues which do not get resolved, they are certainly brought up. We have coordination meetings. We have good land at many places. Sometimes temporarily, flyovers are made and sometimes permanently because widening of roads require that kind of land.”

2.33 During deliberation, it was pointed out that when the request comes at the ground level, in many cases it is being turned down without going to the highest authority. When asked whether there is any mechanism that the proposal may come to the Ministry of Defence for examination, the Ministry of Defence during evidence stated:

“We will establish that mechanism. The request comes at the ground level.”

2.34 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 & 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 unutilised 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 unutilised 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.

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

## TECHNOLOGY

2.36 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 the Ministry of Defence must review its decision on requirement of vast acquisition of land for Defence purposes and its likely use.

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.

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.

### Court Cases

2.39 The details of number of cases pending in various courts regarding compensation paid to the affected people for acquiring their lands are as follows:

“Number of land reference cases:	5952
Number of execution cases:	3400
Number of cases in the High Court:	4272
Number of cases in the Supreme Court:	1844
Number of arbitration cases:	182
Total	15650”

2.40 During oral evidence, the representatives of the Ministry of Defence stated:

“You had also asked for information about various court cases pending in regard to land acquisition. We have compiled information and found that there are about 15,600 cases in different courts like lower courts, the High courts and then in the Supreme Court. There are also execution cases. Under the Land Acquisition Act, there is an in-built provision for the enhancement for compensation. If anybody is aggrieved with the Award amount declared by the Collector, he goes to the reference court and if he is still not satisfied, he goes to the High Court. After that also, the last point is the Supreme Court. So, these are legal processes and they have been going on. In most of these cases, which are very old cases, where acquisition has been completed, people have accepted the compensation and land has been taken over but still the litigation is going on.”

2.41 Once the case enters the court, either lower court or High Court or Supreme Court, the litigations go on and there is no end at all. When asked, how the Ministry is going to solve these problems and give justice to the affected persons, the Ministry during oral evidence stated:

“In all these types of cases, whether it is land acquisition or something else, wherever the Government requires to either appeal or not to appeal, the Ministry consult the Ministry of Law under the Business Allocation Rules of the Government of India. The views of the Ministry of Law are taken. In case the Ministry of Law says that we do not have a case, then we will not proceed.”

#### **Court cases due to dispute of ownership of Land**

2.42 When there is a dispute regarding rightful claimants then such disputes are referred to court by the collector and thus the cases get delayed. In many cases these disputes have continued for more than eight years. When asked about the corrective measures being taken by the Government in this regard, the Ministry in their written reply stated as under:

“Section 30 of the Land Acquisition Act lays down that when any dispute arises as to the appointment of the compensation, the collector may refer such dispute to the court. Since these disputes require adjudication of the Legal rights of the persons, therefore, the courts are the proper forum for resolving such disputes.”

2.43 Expressing apprehension, about the settlement of these disputes in near future, when the Committee wanted to know, whether the project authorities in consultation with the District Administration and the Revenue Administration are going to develop any parameter to solve these problems so that the people get compensated in time, the Defence Secretary, during oral evidence stated:

“I think whatever the points that have been raised by the Hon. Member and the Hon. Chairman will be taken into consideration. We have our own guidelines. Generally, the District Authorities are there with the people. In cases where there is no landlord, the person on the ground may not be considered as land-owner. There is no doubt that there is absentee Landlordism. The real owners are somewhere else and they are doing some other works. The person on the ground does not have the ownership of that Land. We rely very heavily on the District authorities, and we will keep on all these points while framing the guidelines”.

#### **Declaration of Higher compensation by higher courts**

2.44 On the issue of Supreme Court order for paying higher compensation the representatives of Ministry of Defence, during briefing stated:

“What was given in the award by the Collector was raised quite high to a substantial extent by the Supreme Court. I had checked up this thing and I found that the Collector initially had fixed a rate which subsequently increased by the reference court. Then the people went to the High Court. The High Court further enhanced that rate. Then, the State Government filed Special Leave Petition (SLP) in the Supreme Court. The Supreme Court did not accept the SLP so the High Court order remained valid. That is how the increase in compensation has taken place. This is happening in most of the cases may be because the humanitarian aspects are involved and the people are being displaced. It is because the collector assesses his quantum of compensation based on the parameters given in the Land Acquisition Act. The Land Acquisition Act says that whatever is the market price, when the Section (4) notification was made, should be taken into account. There are other things like solatium at 30 per cent, then 12 per cent additional account as compensation. All these things are prescribed under the Act so the District Collector will go by that. He goes mostly by the local information, registered sale data but as you would be knowing that, when the registration takes place,

normally people also register at a lower rate just to avoid stamp duty. When somebody makes an assessment, he has to go by the documents available before him. So, there is every scope for increasing this type of compensation whenever land is acquired. Of course, there is a provision for a consent award, that is, wherever an agreement is possible between the people who are being displaced and the Collector. So, there is no problem. Then, there is no scope for further litigation. That type of thing is very rarely happening. Of Course, in the latest case of acquisition of land for the naval project in Visakhapatnam, the Government of Andhra Pradesh is trying for the consent award. So, hopefully there will be no litigation in that. Once, the award is declared by the Collector, the amount is given by the Ministry of Defence unless there is some inherent deficiency or some lacunae in the assessment process."

2.45 Pertaining to paying of compensation, the Principal Secretary, to Government of Karnataka, suggested that:

"You have asked that about ten years back, we have acquired and you have given one price and the court gives another price. Then price given by the court is ten times more than the price ten years back. If you give ten times more today, we will stick to the old price. It applies to the various scales. The scales that are intimated for various grants and conditions must be time related. They must be corrected for every two or three years. These must be linked to consumer Price index or the wholesale price index or the cost of living index. If we do not have these corrected factors, such scales have no relevance and they fail miserably."

2.46 The Ministry of Defence is paying huge amount to the respective States but the land owners do not get that money in time. After accepting same amount, people go to the court of law and after 10 to 30 years they get huge compensation. In this connection, when asked to state whether there is any provision through which they can negotiate or have joint counselling and submit a reconciliation plan to the court of law, the Ministry of Defence, in their written reply stated:

"As per existing provisions of Land Acquisition Act, after Collector declares and award under Section 11, the land owners if not satisfied may file re-reference before the Collector for referring the matter to the District Court for adjudication. Even after adjudication of the District Court, if the land owners are not satisfied they may approach the High Court or if Union of India is not satisfied with the award of the District Court, it may file an appeal before the High Court and further on to the Supreme Court.



Court cases take a long time to settle. As per the provisions of the Land Acquisition Act, the individual has right to make reference through Collector for adjudication by District Court. After the decision of the Reference Court, depending upon the merits of the cases and legal advice of the competent authority, the option of referring the matter to Lok Adalat may be considered."

2.47 When asked whether the Ministry of Defence has ever specifically asked the State Government to provide consent award for paying compensation to the oustees, the Ministry of Defence in their written reply stated:

"In one project of land acquisition for Naval Alternate Operating base, District Visakhapatnam, on the request of the State Government of Andhra Pradesh, the Ministry of Defence has agreed for a consent award.

Project status is as under:

Section 4(1) notification issued : 14.8.2005 to 2.9.2005

Section 6 notification issued : 20.8.2005 to 9.9.2005

Consent Award declared on 17.1.2006 at the rate of Rs. 3 lakh per acre."

2.48 In replying to a query about the final rehabilitation, the Ministry have implemented, the representatives of the Ministry of Defence, during oral evidence stated:

"The method what was used in the project of Vishakhapatnam, is a very good method. In fact, the State Government make out the package when we give the money to the State Government for the project to be implemented. In that process, if the Land Acquisition Officer, and specially the Collector has greater dialogue with the people whose land is going to be taken, it is much more effective."

2.49 On negotiated settlement, the Principal Secretary to Karnataka Government during oral evidence stated:

"That is the best way, there is no substitute for negotiated settlement. We acquired Seabird through negotiated settlement only. You have not heard any agitation, any protest against such project which has been completed four years back. Narmada is one-third of operation of rehabilitation. All over the world everyone knows. Even today, it is not completed. But we completed acquisition projects, three times bigger than that four years back successfully because of this kind of negotiated settlement."



2.50 He further stated:

“Krishna River Project is three times bigger than the Narmada. We have acquired, so far, 2,80,000 acres of land displacing 80,000 families in the last one decade for which we have followed precisely, what your kind self has just mentioned, at the negotiated prices and not compensation. We have paid Rs. 1,200 crore in the last seven years. This is consent price. Non-consent price is hardly about seven per cent of the total project cost. In this, there is no middleman; there is no court reference. And the whole consent award is done not on a one-to-one basis, but there is a Advisory Committee at the District level, at the Taluka level consisting of the local MLA, MP representative of the affected people, the local civil judge or the district judge, the agricultural office, the collector, the divisional commissioner. This Committee deliberates, and it goes on into several meetings. Then, they finalise and explain to the Government. After the Government accepts that, becomes a norm. At this moment, we are paying, per acre of dry land, Rs. 70,200 per acre of dry land; Rs. 1,17,000 per acre of single wet land; Rs. 1.5 lakh for double wet land. For horticulture land and plantation land, it goes as high as Rs. 5 lakh per acre. These are negotiated settlement; and nobody has gone to the court. The payments are made in the Gram Sabha. The rates are also fixed through this consent process, in the village-after-village after the Committee negotiates it.”

2.51 In many cases, compensation awarded for the land acquired has been very less and no rehabilitation or resettlement was done by the authorities concerned. When asked to State how the grievances of those people who have not adequately been compensated in the past could be redressed, the representatives of the Ministry of Defence, during oral evidence stated:

“The initial compensation as awarded by the Collector is not adequate or found to be insufficient. So, people have gone to various courts and wherever the court has arbitrarily increase the amount, the Government also has gone in appeal and many cases are pending in the various higher courts like High Court and the Supreme Court. Now under the present dispensation, as per the Land Acquisition Act, there is a statutory provision if anybody is evicted and he is not happy with the amount of compensation, he can file a case with the Collector for reference and then the District Court adjudicates.”

2.52 They further stated:

“There is a provision for Lok Adalat. Now Lok Adalats have been tried in Karnataka and it was successful. Bu they must be agreed only when the case can go beyond the District Court. If a case is pending in the High Court and both the parties want to amicably settle, then there has to be an agreement. Then the High Court directs the case to be decided by the Lok Adalat and whatever is the decision of the Lok Adalat, it will go back to the High Court to become a decree which is accepted by both the parties so that beyond that stage there is no further litigation.”

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 occupies 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 officer 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.

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 and 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.

#### **National Policy on Resettlement and Rehabilitation (NPRR)**

2.55 Till recently, there was no policy for granting rehabilitation assistance to the persons displaced by the acquisition of lands. Recently, a National Policy on Resettlement and Rehabilitation (NPRR) for Project Affected Families has been formulated by the Ministry of Rural Development. This has been notified in Government of India Gazette on 17.02.2004. The Ministry of Defence has adopted these guidelines in regard to the acquisition of land for defence purpose. Necessary direction have been issued to all Service Headquarters and Departments under the Ministry of Defence for implementation of this policy.

2.56 When asked whether the Ministry treat NPRR as a guidelines or does it treat as a policy, the Defence Secretary during oral evidence session stated:

“We have actually adopted these guidelines as a policy. Keeping in view its comprehensive nature. This is the minimum which is ensured by these guidelines. If there is anything beyond this which the State Government has in its package, that can be considered depending on the merit of the case.”

2.57 Pertaining to the existing Rehabilitation and Resettlement Policy of the Government of India, the Principal Secretary, Government of Karnataka during oral evidence has stated that:

“It is a Policy and not law. It is only advising and almost somewhat mandatory. The National Policy does not state that the States should not have their Policy but it stated if any State for any project wants to have any policy which is better than that policy, they can have it. There is no bar, what is suggested in the National Policy is the basic, barest minimum conditions.”

2.58 Pertaining to legal basis of NPRR, the representatives of Ministry of Law during oral evidence clarified as under:

“Now the Policy which has been framed is not law unless it is passed by the Parliament in the form of an act or amendment to the Land Acquisition Act. That is one thing. However, the Policy has a legal basis in the absence of legislative enactments by Parliament; and executive Policy also has been interpreted as law because executive powers of the Government are said to be co-extensive with the legislative powers of the Government.”

**2.59 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.**

2.60 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.

#### **Provisions to deal with cases prior to 2004**

2.61 When asked about the Policy available with the Central Government, to deal with the cases prior to 2004, the Secretary, Ministry of Rural Development during deposition before the Committee clarified as under:

“Rehabilitation will go along as per the practices then in force as per the Act. But, there is nothing that prevents an agency which wants to offer a higher level or wants to make this policy applicable. They can do it. Only the Policy is not mandatorily applicable to them. That freedom to do it is still with them. Actually, they can take it up with their own Ministry. They can get approvals for whatever they want to give this package. Nothing prevents them from doing it. There is no bar from our side. We are saying that from this date this will be applicable. The Ministry of Rural Development is only concerned with this mandatory thing after this.”

2.62 During oral evidence of the representatives of the Ministry of Defence, they have further stated:

“In our case, we had earlier informed that in any case the rehabilitation is the responsibility of the State Governments. Prior to this, event if there was no policy as such, but wherever there was a demand from the State Government for specific rehabilitation grant, the Ministry of Defence has given grants in different projects.”

2.63 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.

#### **Better Packages**

2.64 When asked whether any organisation/Ministry can have a better package over the existing Policy, the Secretary, Ministry of Rural Development, during oral evidence has clarified that:

“Any agency is actually entitled to give a better deal. But the Point is this is the minimum benchmark that we are laying down. Many of the Public Sector Undertakings do actually offer better packages. Better packages are being offered by Coal India, Department of Power, National Highway Authority of India and some of the State Governments like Himachal Pradesh, Orissa etc. We have written a letter to all the Central Government Ministries and Departments that they can offer higher package, but we have said that this is the minimum that they should give.”

2.65 When asked whether the Ministry of Defence is considering to have its own Rehabilitation Policy for providing better package in the line of other Ministries/organisations, the Ministry of Defence, in their written replies furnished to the Committee, stated:

“NPRR 2003 has already been adopted by the Ministry of Defence as its rehabilitation policy and there is no proposal to frame a separate policy for the Ministry of Defence alone.”

2.66 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 the 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 package for other Departments/Ministries to follow.

#### Applicability Criteria

2.67 The provisions of NPRR are applicable in the following cases:

- (i) Displacement of 500 families or more enmasse in plain areas; and
- (ii) Displacement of 250 families or more in hilly areas, desert development blocks or areas notified in Schedule V and Schedule VI of Constitution.

2.68 When asked about the view point of Ministry of Defence on the criteria, of NPRR, the representatives of Ministry of Defence during briefing has stated:

“But the fact is that, as of now, whatever proposals have been sanctioned for acquisition, they do not attract the provisions of this national policy because the policy states that the guidelines will be applicable where the acquisition involves 500 families in the plain areas of 250 families in the hilly terrains. Recently we had sanctioned one project for the Navy at Vizag. Though it is not a big project, the families involved are about 400. So, the guidelines are not specifically applicable to that project. Besides that, there is no on-going project which has been sanctioned by the Government for acquisition which is attracted by this NPRR. But we have some projects which had come to us for approval. One of those projects is from the Poona circle, that is, from Ahmednagar.

The proposal is to acquire about 532 acres. We returned that proposal asking Army Headquarters to tell the Board of officers to take into consideration the factors which have been given in the National Policy on Rehabilitation and Resettlement. Unless those aspects are taken care of, no project will be sanctioned. If the project involves displacement of 500 people in the plain area or 250 families in the hilly terrain and if the guidelines have not been followed no proposal will be sanctioned. That has been made



very clear to all the Service Headquarters. This in essence is the policy being followed by us in the Ministry.”

2.69 However, in a subsequent oral evidence session, the representatives of Ministry of Defence stated:

“Wherever the population criterion is not fully met, we have had in the past, given grants, wherever there is a demand. The same attitude will continue in future too.”

2.70 When asked about the applicability of the provisions of NPRR to projects having less than 500 families in plain areas and 250 in hilly areas, the Secretary, Ministry of Rural Development during oral evidence session stated:

“The policy is not applicable for below the 500 at the moment it is not applicable. The special additional provisions are not applicable.”

2.71 The Principal Secretary to Government of Maharashtra during oral evidence has put forth the following view point:

“I would like to state that whether it is 250 or 50 or 100, any person whose remunerative asset like land which he owns lawfully is acquired against his will, he should be rehabilitated as a kind of social responsibility of the Government. The arbitrariness of 55 or 50 etc. should not be there. This was not the intention of the recommendations of the national level workshops several times which went before the Committee of Ministers for enactment which rejected. They were not expected by the Government of India in 2002-03.”

2.72 He further stated that:

“Now there is a Group of Ministers appointed by the hon. Chief Minister which is looking into the R&R issues and they are drafting a new R&R Policy which we call the Draft R&R Policy, 2006. We have already circulated it. It is also available at the website of the State Government. It is further improvement of R&R Policy, 1997, for the mining projects and industries. It has got many special features which are not there in the national policy. The national policy is not applicable if the number of displaced families is less than 500 in the case of non-tribals and less than 250 in the case of tribals. But our policy is applicable even if there are ten people who are displaced.”



2.73 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.

#### **Rehabilitation and Resettlement Benefits for Project Affected Families**

2.74 The detailed R&R benefits for Project Affected Families are mentioned in Chapter VI of NPRR 2003 which are as mentioned below:

“The resettlement and rehabilitation (R&R) benefits shall be extended to all the Project Affected Families (PAFs) whether belonging to below poverty line (BPL) or non-BPL.

Any Project Affected Family (PAF) owning house and whose house has been acquired may be allotted free of cost house site to the extent of actual loss of area of the acquired house but not more than 150 sq.m. of land in rural areas and 75 sq. meter of land in urban areas.

Each PAF of BPL category shall get a one-time financial assistance of Rs. 25000/- for house construction. Non-BPL families shall not be entitled to receive this assistance.

Each PAF owing agricultural land in the affected zone and whose entire land has been acquired may be allotted agricultural and or cultivable waste land to the extent of actual land loss subject to a maximum of one hectare of irrigated land or two hectares of un-irrigated land/cultivable waste land subject to availability of Government land in the districts.

Stamp duty and other fees payable for registration shall be borne by the requiring body.

The Land allocated under para 6.4 shall be free from all encumbrances. The Land allotted may be in the joint names of wife and husband of PAF.

In case of allotment of wasteland/degraded land in lieu of acquired land, each PAF shall be get financial assistance of Rs. 10000/- per

hectare for land development. In case of allotment of agricultural land, a one-time financial assistance of Rs. 5000/- per PAF for agricultural production shall be given.

Each PAF having cattle shall get financial assistance of Rs. 3000/- for construction of cattle shed.

Each PAF shall get financial assistance of Rs. 5000/- as transportation cost of shifting of building materials, belongings and cattle etc. from the affected zone to the resettlement zone.

Each PAF comprising of rural artisan/small trader and self employed persons shall get one-time financial assistance of Rs. 10,000/- for construction of working shed/shop.

Each PAF owning agricultural land in the affected zone and whose entire land has been acquired shall get one-time financial assistance equivalent to 750 days minimum agricultural wages for "loss of livelihood" where neither agricultural land nor regular employment to one member of the PAF has been provided.

Each PAF owning agricultural land in the affected zone and who consequently becomes a small farmer shall get one time financial assistance equivalent to 375 days minimum agricultural wages.

Each PAF belonging to the category of 'agricultural labourer', or 'non-agricultural labourer' shall be provided a one time financial assistance equivalent to 625 days of the minimum agricultural wages.

Each displaced PAF shall get a monthly subsistence allowance equivalent to 20 days of minimum agricultural wages per month for a period of one year upto 250 days of MAW.

In the cases of acquisition of land in emergent situation such as under Section 17 of the Land Acquisition Act 1894 or similar provision of other Act in force, each PAF shall be provided with transit accommodation, pending resettlement and rehabilitation scheme. Such families shall also get R&R benefits as mentioned in above paras under the policy.

Acquisition of Long Stretches of Land: In case of projects relating to Railway Lines, Highways, Transmission Lines and laying

pipelines wherein only a narrow stretch of land extending over several kilometers is being acquired the project affected families will be offered an *ex-gratia* amount of Rs. 10000/-per family, and no other Resettlement & Rehabilitation benefits shall be available to them.

The Project Affected Families shall be provided necessary training facilities for development of entrepreneurship to take up self-employment projects at the resettlement zone as part of R&R benefits.

The Project Affected Families who were in possession of forest land prior to 25th October, 1980 shall get all the benefits of R&R as given in above paras under the Policy.

The PAFs of Scheduled Caste category enjoying reservation benefits in the affected zone shall be entitled to get the reservation benefits at the resettlement zone.”

#### **R&R Benefits for Project Affected Families of Scheduled Tribes**

Each Project Affected Family of ST category shall be given preference in allotment of land.

Each Tribal PAF shall be entitled to get R&R benefits mentioned in above Paras under the Policy.

Each Tribal PAF shall get additional financial assistance equivalent to 500 days minimum agriculture wages for loss of customary rights/usages of forest produce.

Tribal PAFs will be resettled close to their natural habitat in a compact block so that they can retain their ethnic, linguistic and cultural identity.

Tribal PAFs shall get land free of cost for community & religious gathering.

Tribal PAFs resettled out of the district/taluka will get 25% higher R&R benefits in monetary terms.

The Tribal Land Alienated in violation of the laws and regulations in force on the subject would be treated as null and void and the R&R benefits would be available only to the original tribal land owner.

The Tribals families residing in the Project Affected Areas having fishing rights in the river/pond/dam shall be given fishing rights in the reservoir area.

Tribal PAFs enjoying reservations benefits in the affected zone shall be entitled to get the reservation benefits at the resettlement zone.

2.75 On being asked about the most feasible and practical policy prescribed and whether the acquiring authority is supposed to develop the rehabilitation package, the Ministry of Defence in their written replies stated:

“The scheme and plans for resettlement and rehabilitation are to be framed by the Administrator for resettlement and rehabilitation under Chapter V of the NPRR 2003. The Administrator is to prepare the draft scheme of the plan in consultation with representatives of the affected families including women, Chairpersons of elected Panchayati Raj institutions within which project area is situated. This draft scheme/plan is then submitted to the State Government for approval. It is the responsibility of the State Government to obtain the consent of the requiring body before approving the same. The details of R&R benefits are mentioned in Chapter VI NPRR 2003.

2.76 On rehabilitation and resettlement, the Principal Secretary, Karnataka Government during oral evidence stated:

“Rehabilitation and resettlement are distinguished. Generally, in this parlance, resettlement refers to physical shifting of people from Place X to Place Y. But rehabilitation is much longer, far more difficult and a very complicated process. Failure particularly is in respect of rehabilitation not mostly in respect of resettlement. In case of resettlement, it is something like this. There was a village like this. There was a village you have acquired it and the people were shifted from one place to another. If there was good drinking water facilities give that facility in that place, if there was a school, you build a school there.

If there was a cinema theatre, you build that there; if there were temples and roads in that village from where they have been displaced, you build those there. Here you are only creating physical infrastructure. That is very easy but when it comes to giving people their livelihood option, given them employment, training, occupation, that is most difficult. It is because, it depends on the family situation, education of members, the likes and dislikes of members and it is a very difficult proposition.”

2.77 On being asked what should be a feasible and practical policy prescribed or a package for resettlement or rehabilitation like location specific, situation specific and community specific, he further stated:

“Now we are talking about the project Seabird which is a naval project. It is the coastal people who are involved here. If you take away the fishermen from the coast. It is like taking away the fish out of the water. They can not do any other work. They have kept to the coastal line only. So area specific package will have to be developed. There cannot be a single common minimum guidelines and that is where. I criticize that the policy is not practical and not correct, because they have converted every items of facility into monetary term. It is true but the point is that money alone is not important for rehabilitation. It requires much more than that. On the rehabilitation side, training should be there. There are half a dozen things under occupation which one those half a dozen things which should be applied in the given situation, that should be decided according to the local community conditions. But there could be no single general universally applicable principle. If you go to the North-East, those people are one community. If you go to the plain area or the coastal, they are one community the tribal areas are of one community. So these things must be taken into consideration.

2.78 When enquired about the measures being taken by the Ministry of Defence to ensure that the oustees are able to take up their traditional job at the place where they are being rehabilitated, the Ministry of Defence, in their written replies submitted:

“There is no provision in NPRR 2003 to ensure that the oustees are able to take up their traditional job at the place where they are being rehabilitated. However, the scheme/plan for resettlement and rehabilitation of the project affected families is made in consultation with representatives of the project affected families, including women and Chairpersons of elected Panchayati Raj Institutions. This is expected to take care of the needs of the oustees.”

2.79 When asked whether providing land is the best alternative in rehabilitation policy, the Principal Secretary, Karnataka Government during oral evidence stated:

“Land for land as the only prescribed because for resettling some people, you are displacing others. It must be one of the alternatives, but not the only alternative. May be, it is appropriate for tribals,

but not for non-tribal people. Therefore, our considered and serious opinion is that land as a rehabilitation policy may not be the only correct policy of must be a mixture.

2.80 The non-official witness who appeared before the Committee to render oral evidence further suggested:

“Land has to be given. Alternate accommodation and alternate livelihood must be given in the circumstances in which they were surrounded, field survey should be conducted for this purpose. Land must be given to adivasi people in which they are attuned and also the means of livelihood.

2.81 On rehabilitation package, one of the non-official witness appeared before the Committee suggested that:

“Social sector, inflation push economy are the elements to be considered while giving monetary considerations of the evacuees. When we give some monetary benefits as compensation for the land, our aim should be that the money which are given should not be exploited. There should not be any elements of haste to the evacuees. Whatever money we give to them should be properly used by them. In addition to the money consideration, I would like to add on the issue that the evacuees should be given analysed value of the pension per month so that they can live a decent living. The other activities to be given to them should be based on the elements of their sufferings. As such, we should give them the medical facilities, free army schools, and also opportunities for their rehabilitation. In case, their dependent members need to have employment, they should be given some chance just like reserved categories and others, but it should be according to the Army’s rules and regulations. It should be strictly according to their merits.”

2.82 On the issue of providing ceiling under scale of various grants in the NPRR, the Principal Secretary, Karnataka Government, during oral evidence stated:

“Coming back to the ceiling under scale of various grants that we give, in the national policy, it has already laid down 20 days of minimum wages and two years of maintenance grant, one year of equivalent production. These kinds of things will have to be related to time. As regard the price base line, unless you have continuous correction elements built into that, it does not give the desired result.”

2.83 The Ministry of Defence is undertaking a number of acquisitions within five kilometers or ten kilometres in the border area. A number of tanks etc. are passing through the lands of the people. As a result these poor farmers or the landless persons have been suffering. In this regard, when asked about the mechanism being following by the Ministry of Defence to help the sufferers or displaced persons the Ministry of Defence, during oral evidence stated:

“As we have already stated, we have adopted this national policy on resettlement and rehabilitation. Under these guidelines, there is a provision. In that itself there is a component that when we go for acquisition, then the package has to be finalised by mutual consultation. The Collector will consult the people there who are going to be displaced and finalise a package and the final approval is given by the requiring body. So, all these concerns that you are expressing, I think, will be addressed in that.”

2.84 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.

2.85 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.



**2.86 The Committee further recommend that there has 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.**

#### **Training/Education**

2.87 On being asked about the kind of rehabilitation package other than the compensation the Ministry is going to provide to the displaced persons like their services, training, education, employment, housing and drinking water facilities etc., the Defence Secretary during oral evidence stated:

“As we have explained in the case of Visakhapatnam, for the newer projects, the package is being proposed by the State Government. We go by the State Government. We have adopted the guidelines. Apart from that, if there is anything, which the State Government suggests, then we consider it and we give through the State Government. There is no mechanism by which we can supervise this or we can actually instrumentalise. It is the State Government. The subject of land is with the State Government.

So, the State Government makes out a package in concerned projects and according to that package the award is given to the State Government and then they implement that.”

2.88 The Principal Secretary to Karnataka Government during deposition before the Committee stated:

“Sir, you asked me about what should be the training arrangements, educational arrangements, rehabilitation arrangements and all that. I will briefly finish my submissions on them one by one. Training, education, employment, land are some of the things which intend to help the families of the oustees to re-establish economic sustenance and their basic livelihood option so that they may not be put to great hardships. Training is for whom? Not everybody can be trained. People who are approaching their retirement age, or are in their middle ages or those who cannot read and write, such people cannot be trained. The training is basically for the second generation, the young educated boys and girls of the displaced families. Training should be there. It should be one of the items, but not the only option. Same is the case with education. Training and skill development are basically for second generation, for the first generation, this can be an option. It should be there for the second generation as one of the options.”



2.89 When asked regarding policy of the Ministry for providing reservations to the wards of project affected people in professional and other higher educational institutions and also for employment in various defence establishments on lines of those of some of the State Governments, the Ministry of Defence in their written replies stated:

“There is no such policy to provide reservations to the wards of project affected people in professional and other higher educational institutions and also for employment in various defence establishments.”

2.90 In the case of project Sea-Bird, at Karwar, it has been observed that no doubt that the Ministry of Defence and the project Sea-Bird officials as well as the district administration is making some efforts. A lot of efforts has gone into it like setting up of ITI training people; trying to absorb them etc. However, in some other cases, people are not being given employment or being recognized because of want of a certificate regarding their permanent owners of the land or those who were living on the land but they did not have the revenue title. When it was asked, besides imparting training to young people in ITI, whether the Government is considering to provide some gainful employment to the oustees like providing grocery shops, Milk shops, vegetable shops etc., the Defence Secretary, during briefing stated:

“These are all very important factors which will make not only the life of the oustees a little better but also those who stay there because they require certain provision, they require fresh vegetables, schooling and all these kinds of things. The township requires all these things. Dialogue with the local authorities, especially with the Revenue and Development officers a very important factor which would ensure that there is satisfaction amongst the people.”

**2.91 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.

2.92 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.

#### **Monitoring Mechanism**

2.93 The Ministry informed the Committee that before 2004, the Ministry used to pay money to the State Government basically to compensate for the land only. No attention was given to compensate for their means of sustenance, especially in the case of farmers. In this context when asked whether any study has been done so as to provide ideal kind of rehabilitation to people who were displaced prior to 2004 and is there any monitoring Mechanism available with the Ministry of Defence to oversee the payment of compensation to the affected persons by the State Government, the Ministry of Defence, in their written reply stated:

“The Ministry of Defence has not conducted any study to provide ideal kind of rehabilitation to people who have been displaced prior to 2004. With regard to the monitoring mechanism for rehabilitation projects prior to 2004 the monitoring was being done by the respective State Governments. However, in some projects like the Project Sea-Bird and the project at Nalanda, the Ministry of Defence has been associated by the State Governments in monitoring the implementation of rehabilitation scheme.”

2.94 When asked why the Ministry was not associated with the monitoring mechanism alongwith the State Governments in case of other projects, the Ministry in their written replies stated that:

“Since the responsibility of planning, acquisition and monitoring of the earlier rehabilitation projects was that of respective State

Governments therefore, the Ministry of Defence was not associated with the monitoring mechanism alongwith other State Governments.”

2.95 When asked whether the Ministry is aware about the fact that the money paid towards the acquisition of land has not reached the displaced persons and has the Ministry focused its attention on identifying the issues/problems relating to disbursement of compensation to the displaced persons by the State Government for its projects and whether the Ministry has any mechanism to obtain periodic review/feedback from the State Government pertaining to the progress of the work relating to rehabilitation and resettlement, the Ministry of Defence, in its written reply stated:

“In most cases of acquisition of land money paid towards the acquisition of land has reached the displaced persons. In some cases, money could not be paid by the Collector because of title disputes/court cases. The present procedure of disbursement of compensation is as follows:

Normally the compensation amount is paid to the landowners by the Collector immediately after declaration of the award. When acquisition is done under urgency clause, 80% on account payment is made even before declaration of award. When there is a dispute regarding rightful claimants, then such disputes are referred to court by the Collector and thus the payments get delayed. The Defence Estates Officers maintain a constant liaison with the Collectors at the field level to progress the complete work land acquisition”.

2.96 On periodic feed back, they further stated:

“Periodical feed back is being received from State Governments pertaining to work relating to rehabilitation for Project Seabird and Project at Nalanda. For the other projects periodical feedback has not been received. Information relating to these projects has been gather recently”.

2.97 In the National Policy on rehabilitation and resettlement, the monitoring mechanism is prescribed in Chapters VII and VIII. As per provisions in para 7.1.1 of the policy, the State Government shall constitute a Resettlement and Rehabilitation Committee under the chairmanship of Administrator, to monitor and review the progress of

Resettlement and Rehabilitation projects for project affected families. The Committee shall, *inter-alia*, include:—

- (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 organisation.
- (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.

2.98 At a higher level, para 7.2.1 of the policy lays down that State Government shall constitute a Grievance Redressal Cell under the Chairmanship of the Commissioner for Resettlement and Rehabilitation for redressal of Grievances of the project affected families. Any project affected family, if aggrieved for not being offered admissible R&R benefits as provided by the policy, may move a petition for redressal of its grievances to the Grievance Redressal Cell. 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.

2.99 At the apex level, a National Monitoring Committee has been constituted under para 8.1 of the policy. The Chairman of the National Monitoring Committee is the Secretary, Department of Land Resources. The Committee will have the following members or their nominees not below the rank of Joint Secretary:

- (i) Secretary, Planning Commission
- (ii) Secretary, Ministry of Social Justice and Empowerment
- (iii) Secretary, Ministry of Water Resources
- (iv) Secretary, Ministry of Tribal Affairs
- (v) Secretary, Ministry of Railways
- (vi) Secretary, Ministry of Power
- (vii) Secretary, Ministry of Coal.

2.100 Besides the above, the Secretary of the Administrative Ministry for which the land is to be acquired shall be one of the members of the Committee.

2.101 National Monitoring Committee is serviced by a National Monitoring Cell constituted by Department of Land Resources. The cell shall be headed by an officer not below the rank of Joint Secretary.

2.102 When asked whether the Ministry of Defence will associate with the State Government to monitor the progress of the Rehabilitation of the displaced people prior to 2004, the Ministry of Defence in their written replies has stated:

“As NPRR 2003 has been adopted by the Ministry of Defence, this policy also lays down the monitoring mechanism in Chapters VII and VIII. Chapter VII prescribes dispute redressal mechanism by a Committee chaired by Administrator of the project. The Ministry of Defence has no role to play in this. Chapter VII also lays down a grievance redressal cell under the chairmanship of Commissioner for R&R. Chapter VIII constitutes a National Level Monitoring Committee chaired by Secretary, Department of Land Resources, in which the Secretary of acquiring department is invited as one of the members. It is only at the National level that the Ministry of Defence is associated in monitoring.”

2.103 The Ministry of Defence as per this three layered structure would participate in monitoring at national level. When asked whether the Ministry of Defence is considering to have a representative of Defence Estate Office (DEO) in all the three levels, the Ministry of Defence in their written reply has clarify that there is no role for the Defence Estate Officers at any of the three layer monitoring mechanism.

#### **Sharing of responsibility alongwith the State Government**

2.104 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.

2.105 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 the 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.

#### Grievance Redressal Cell

2.106 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 Resressal 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 the Ministry of Defence and a representative of the affected families.

**Involvement of the Ministry of Defence at all the levels of monitoring mechanism.**

2.107 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.

## CHAPTER III

### STATE-WISE STATUS OF LAND ACQUIRED, COMPENSATION PAID TO THE STATE GOVERNMENTS/FAMILIES, FUNDS UTILIZED AND PROGRESS OF REHABILITATION

3.1 The Ministry of Defence acquired land for operational use of Defence Forces and other defence purposes in almost all over India. The compulsory acquisition of private lands for public purposes including infrastructure projects displaces people from their ancestral land forcing them to give up their home, assets and means of livelihood. The land acquisition is done throughout the country under the Land Acquisition Act, 1894 except in the State of Jammu & Kashmir. In Jammu & Kashmir, the land is acquired under the Jammu & Kashmir Land Acquisition Act, 1938.

3.2 On being asked by the Committee, the State-wise detailed information regarding total land acquired, number of villages displaced, number of affected families, rehabilitation amount paid by the Ministry of Defence to the State Governments, rehabilitation package provided to the affected families, the Ministry of Defence in its written replies submitted as under:

#### **Andhra Pradesh**

3.3 In the State of Andhra Pradesh the Ministry of Defence is acquiring the land for future requirements of the Navy for creating alternative and additional facilities at district Vizag. The following are the full details of the Naval Alternate OP Base:

#### **Naval Alternate OP Base, District Vizag**

According to the Ministry of Defence, the Government of India sanctioned this project on 28 March 2005 and total land acquired measuring 4533.58 acres taken from four villages of district Vizag, out of total land, private land is 1594.66 acres. 450 families are affected by this project. The Ministry of Defence sanctioned payment of Rs. 47.04 crore for the acquisition of the land and the rehabilitation grant paid to the affected families Rs. 10.05 crore.

#### **Rehabilitation Package**

3.4 In regard to the rehabilitation package offered to the affected families, the Ministry of Defence, in a written reply, submitted:

- (i) 30 acres will be acquired for resettlement in 4 villages in Rambilli and Rayvaram mandal;



- (ii) 5 acres will be acquired for community purpose: school, temple, hospital etc;
- (iii) Rs. 1 lakh per family for house reconstruction;
- (iv) Rs. 1 crore, reconstruction of schools, temples, cyclone shelters and community halls;
- (v) Rs. 1 crore for electricity, drinking water, culverts & roads;
- (vi) Rs. 1 crore for cattle sheds;
- (vii) Rs. 50 lakhs for milch cattle;
- (viii) Rs. 1 crore for vocational training;
- (ix) Landless labourers and artisans whose houses have been acquired in the village are provided with house sites of 5 cents each irrespective of actual loss of the acquired house and also provided with an amount of Rs. 1,00,000 for the construction of New House in the allotted area; and
- (x) Award will be declared by consent.

3.5 As regards the progress of the project, the Ministry of Defence in its written replies stated:

“An extent of 47.70 cents of land is required for rehabilitation of proposed 450 families of the villages of Velpugondupalom(v) of S. Rayavaram Mandal. So far, an extent of 41.70 acres has been identified at M. Chintuva(V) of Rambilli Mandal for rehabilitation.

The Executive Engineer, Social Welfare, Visakhapatnam has prepared a lay out plan to rehabilitate 379 No. of family heads and 111 No. of major sons of the villages of Velpugondupalom(v) of Ramabilli Mandal and Pisinigottupalom, Devallapalom and Revuvathada(v) of S. Rayavaram Mandal.

Further, an extent of 6.00 acres is additionally required to rehabilitate balance 71 family members for which private land has been identified at nearby layout and to be acquired and the layout to be prepared.

As against the total allotment of Rs. 10.05 crores, initially administrative sanction has been accorded for an amount of Rs. 222.70 lakhs to take up the works in the 1st phase at the proposed rehabilitation site and the execution of works were entrusted to the Executive Engineer, Social Welfare Visakhapatnam. So far, an amount of Rs. 2.75 lakhs has been spent under Defence

Rehabilitation programme and an amount of Rs. 25.00 lakhs worth of works has been executed and the bills to be paid. The other works like buildings, water supply scheme are also under progress.”

3.6 On being asked by the Committee, whether the Ministry of Defence has ever specifically asked the State Government to provide consent award for paying compensation to the oustees, the Ministry of Defence in its written reply stated:

“In project of land acquisition for Naval Alternate Operating Base, District Visakhapatnam, on the request of the State Government of Andhra Pradesh, the Ministry of Defence has agreed for a consent award. Project status is as under:

Section 4(1) notification issued : 14.8.2005 to 2.9.2005

Section 6 declared issued : 20.8.2005 to 9.9.2005

Consent Award declared on 17.1.2006 at the rate of Rs. 3 lakh per acre.”

3.7 When enquired about implementation/monitoring mechanism of rehabilitation package to project affected families, the Ministry of Defence in its written reply stated as under:

“As far as the current acquisition projects are concerned they do not satisfy the criteria mentioned in NPRR 2003 for its applicability. The only project where R&R package has been sanctioned but does not come in ambit of NPRR 2003 is project of Naval Alternate Operating Base for Navy at Visakhapatnam. The implementation and monitoring of the rehabilitation work is being done by the State Government.”

**3.8 The Committee are happy to note that the 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.**

**3.9 The Committee strongly recommend that the 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.**

### **Bihar**

3.10 In the State of Bihar, Green Field Project has been undertaken by Ordnance Factory Board at Rajgir, Nalanda for production of Bi-modular Charge System (BMCS) for 155mm Gun System, Tank Gun Ammunition, Bar Mine and 30mm Ammunition. The following are the full details of Propellant Factory, Nalanda:

#### **Propellant Factory, Nalanda**

The Government of India sanctioned Propellant Factory Project on 26.2.99 and total land acquired measuring 2534.1695 acres and 100 acres from the seven villages of district Rajgir. The total number of affected families was 1191. The possession of these lands was handed over to the Ministry of Defence in February 2001. A compensation of Rs. 1.78 crores for acquisition of 100 acres and Rs. 7.68 crores paid by Collector to DRDO for construction of 1212 houses.

3.11 In regard to the rehabilitation package offered to the affected families, the Ministry of Defence, in a written note, stated as under:

“A sum of Rs. 9,46,00,00 was sanctioned by the Ministry of Defence and paid to the Government of Bihar as rehabilitation package, which included the amount required for acquisition cost of 100 acres of land and for construction of houses under Indira Awas Scheme, roads, tubewells, primary health centers and schools, etc. for the project affected families. However, as there was no progress on rehabilitation, a decision was taken in a meeting between Secretary (DP&S) and Chief Secretary, Govt. of Bihar, on 08.10.2003 in Patna that construction work of rehabilitation package shall be done by Ordnance Factory Board and Government of Bihar shall return the sum of Rs. 7.67 crores to Ordnance Factory Board, after subtracting the cost of land acquired for the rehabilitation of the affected families. The construction of houses would be undertaken by the DRDO. The rehabilitation work is expected to be completed by December 2005”.

#### **Rehabilitation Package**

3.12 In regard to the rehabilitation package offered to the affected families, the Ministry of Defence, in its written reply, stated as under:

1. 1110 houses have been constructed. Sanitation and external electrification is the responsibility of the State Government.

Houses have been constructed by DRDO through Rajiv Gandhi Rural Housing Development Corporation, Karnataka. Each plot: 202.85 sq. meters House has latrine cum bathroom. (Village: Nagdi).

2. Electricity will be provided by State Government about 90% of internet road network in the rehabilitation site has been completed. Sinking of 36 numbers of shallow tubewells out of 75 numbers has been completed.
3. Most of the affected persons are engaged in construction work as labour for Ordnance Factory.

3.13 On the question of periodic feedback from the State Government pertaining to the progress of work relating to rehabilitation, the Ministry of Defence in its written reply stated:

“Periodical feedback is being received from State Governments pertaining to work relating to rehabilitation for Project Seabird and Project at Nalanda. For the other projects periodical feedback has not been received.”

3.14 The Committee note that Government of India acquired the total land measuring 2534 acres in 7 villages in Rajgir, Bihar for propellant factory project for production of bi-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 tubewells have not been completed.

3.15 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.

### Himachal Pradesh

3.16 In the State of Himachal Pradesh, the Ministry of Defence acquired the land for establishing Army Project at District Avery. The following are the full details *viz.* date of sanction of this project, total land acquired, number of affected villages and persons, rehabilitation amount paid to the affected families:

#### Army Project at Avery

The Ministry of Defence in its written reply has stated:

1. Government of India sanction	2.7.1991
2. Total land	262.438 acres
3. Area pvt. land	262.438 acres
4. Villages	1
5. Possession taken	18.12.1998
6. Area acquired for rehabilitation	34.5416 acres

#### Rehabilitation Package

3.17 In regard to the rehabilitation package offered to the affected families, the Ministry of Defence, in a written reply, stated as under:

1. Number of oustees : 149 (68 rehabilitated, 47 did not apply within prescribed time and 34 were not entitled as they had got compensation more than Rs. 5 lacs each). All the eligible oustees have been granted the land as per the provision of the rehabilitation scheme. However, the remaining oustees not covered in the scheme were asked to apply on lease basis but none have applied for the same.
2. An oustee is one who owns a house site or agriculture land or both.
3. An oustee who is a permanent resident of village given 421.50 sq. metres.
4. An oustee who is not permanent resident of village given 210.75 sq. metres.
5. Landless agricultural labourers, forest dwellers, artisans not provided with any benefits.

3.18 During the oral evidence, the Committee pointed out that in Averi, 47 persons were not given the benefits as they did not apply within time given to them as a result, no plots were allocated to them. In this regard, the Ministry of Defence stated as under:

“Instructions have been issued to the Principal Director, Western Command, Chandigarh, to take up the matter with Government of Himachal Pradesh to consider extending rehabilitation benefits to even these 47 persons who did not apply for rehabilitation benefits within time.”

3.19 The Committee note 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 are concerned to note that out of 149 oustees, 68 were rehabilitated, 34 were not entitled as they had got compensation of 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 are concerned to note that landless agricultural labourers, forest dwellers, artisans were not provided with any benefits of rehabilitation package.

3.20 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.

#### **Karnataka**

3.21 In the State of Karnataka, the Ministry of Defence sanctioned in 1986, a new Naval Base under Project Seabird to meet the deficiency in shore infrastructure anticipated changes in Naval strategy and to remove congestion in existing Naval Bases. The scope of this project comprised of (a) creation of operational Base facilities for vessels and aircrafts; (b) dockyard for repair and refits of ships, submarines and

yard crafts; and (c) building a yard for modernisation/conversion of ships, submarines and other classified vessels. The following are the full details of project i.e. total land acquired, private land, number of affected families, rehabilitation amount etc.

#### **Project Sea-Bird, Karwar**

The Ministry of Defence in its written replies stated that Government of India sanctioned this project on 10 July, 1986 and total lands measuring 10338 acres are acquired from the 13 villages of district Karwar. Out of total land, 2412 acres is private land and 4032 families were affected by this project. The possession of these lands is handed over to the Ministry of Defence in 1988-2001. Rs. 126.96 crores was sanctioned by the Government of India as rehabilitation amount.

3.22 When enquired about the policy of Karnataka Government regarding rehabilitation and resettlement, the Ministry of Defence in its written reply stated:

“There is no general policy for Rehabilitation and Resettlement in Karnataka. However, the Government of Karnataka has issued package programme for rehabilitation and resettlement of Seabird Project for project affected families of Seabird Project.”

#### **Rehabilitation package**

3.23 The Ministry of Defence in its written replies stated that rehabilitation package given to the project affected families as per Memorandum of Understanding between Ministry of Defence, Government of India and State Government of Karnataka are as under:

- (1) Rehabilitation Grant at the rate of Rs. 50,000 given to the project affected families.
- (2) House site i.e. 30' x 40'; 35' x 60'; 50' x 60'; 60' x 90' depending upon the category of the PDF in fully developed Rehabilitation Centres.
- (3) Rehabilitation grant given to children @ Rs. 70,000 each to two adult issues, either male or female, above 18 years of age as on 21.12.1997.
- (4) Rehabilitation grant i.e. Rs. 70,000 above 35 years of age given to unmarried daughter.
- (5) Transport grant i.e. Rs. 5000 given to project affected families at the time of evacuation.

- (6) ITI training to one member from project affected families at the rate of Rs. 1,000 per month for 24 months.
- (7) Subsistence allowance at the rate of Rs. 2800 given to PAFs after evacuation.
- (8) Land for land to agriculturist families from 1 acre to 2.20 acres.
- (9) Seven Rehabilitation Centres have been established for the Project Affected Families. The following infrastructure facilities have been provided in these centres:
  - (i) Formation & Asphaltting of roads.
  - (ii) Drains, Water Supply.
  - (iii) Street Lights & Electrification.
  - (iv) School, Hospital, Post Office, Temple, Shopping Complex, Primary Health Centre, Community Toilets, Bus Shelter, Fish Market, Anaj Mandi, Anganwadi etc.
  - (v) Total expenditure on providing infrastructure facilities in Rehabilitation Centres is Rs. 36.45 crore.

3.24 As regard the details of compensation paid under the Act or Statutory Rules before February 2004, the Ministry of Defence in its written reply stated:

**“Land Acquisition Payment**

Total amount of compensation paid	: Rs. 25.37 crore
Year of award	: 1988
Average Compensation per guntha	: Rs. 510
Total families affected by land acquisition	: 4032

**Rehabilitation Payment**

Rehabilitation Grant @ Rs. 50,000 per PAF	: Rs. 17.93 crore
Rehabilitation Grant for two adult children	: Rs. 31.18 crore
Transportation and subsistence money	: Rs. 1.56 crore
Cash-in-lieu of site	: Rs. 2.62 crore
Legal Heir Grants	: Rs. 1.71 crore
Ex-gratia to settlers	: Rs. 1.74 crore
Total	: Rs. 56.76 crore”



3.25 As regards the setting up of the State Level Coordination Committee to monitor the progress of rehabilitation, the Ministry in its written reply stated:

“A State level Coordination Committee was set up by the Government of Karnataka to monitor the progress of the rehabilitation project. Officers of the Project Seabird and Ministry of Defence were also the members of this Committee.”

3.26 During the study visit of the Committee to Karwar, the Committee heard the grievances of the people like delay in construction in Karwar particularly problems regarding employment for their children, payment of grant of Rs. 70,000 to the children above the age of 18. They informed that the basic amenities have not been provided to them. They also suggested to the Committee that implementation of rehabilitation process may be carried out by the district Commissioner and may not be handed over to the panchayats.

3.27 In a written memorandum submitted to the Committee by displaced families at Karwar stated:

1. Providing employment to each family.
2. Relaxation of age limit for sanction of Rehabilitation Grant of Rs. 70,000.
3. Compensation to Fishermen who have left their boats, net etc., during evacuation.
4. Additional compensation of Rs. 1.25 lakhs.
5. Providing stipend to ITI students.
6. Provide fishing without any restrictions.
7. Pension to aged people (above 60 years).
8. Providing employment by setting up of small scale industries in rehabilitation centres.
9. Sanction of Matsya Ashraya Houses.
10. Settlers to be treated as PAFs.

3.28 When asked by the Committee, the Ministry of Defence furnished the point-wise factual comments as under:

- “1. This issue has not been included in the MoU. The Ministry of Defence and INS Kadamba have agreed that there would be preferential recruitment of the Project Affected Families when the recruitment for INS Kadamba takes place.

2. This was a decision taken in the MoU between the State Government and the Ministry of Defence.
3. No such survey has taken place during that time. It would be impossible to accurately assess the value of such losses at this point of time. Further, the Fisheries Harbour at Amadalli is being constructed for the use of the Fisherman who have been displaced by the Project.
4. This is again over and above the MoU between State Government and the Ministry of Defence.
5. The proposal for continuation of ITI for next 3 years has already been approved by the Seabird State Level Coordination Committee and will be implemented.
6. The ban during the monsoon season is imposed to ensure that there is no indiscriminate fishing during the breeding season. For the fishermen of Uttara Kannada district, the ban was reduced by 15 days in the year 2005 on the request of the fishermen.
7. There is no special pension scheme for age-old people, who have been displaced by the project. The regular age-old pension scheme who have attained the age of 65 years can be availed by the PAF's."

3.29 Regarding the rehabilitation package to the Project Affected Families at Karwar, the representatives of the Ministry of Defence stated:

"Regarding the Karwar project, I would also like to say that this package was arrived at after comprehensive and extensive discussions between the Ministry of Defence and the State of Karnataka. There was a mutual agreement, a sort of Memorandum of Understanding between the Government of India and the Government of Karnataka. So, that was decided and that is how this package, as you said, is actually a real rehabilitation programme which has taken place for which we have funded almost everything."

3.30 The Committee during the course of evidence desired to know the action taken by the Ministry after the study visit of the Committee, the representative of the Ministry of Defence stated as under:

"There was a requirement which the Committee had brought about to give some momentum to the fishing harbour and to give permission for that area to be handed back to the fishermen for

developing their fishing community and to carry on their activities. That has been completed.”

3.31 On a specific query on number of fishing boats provided, the representative of Ministry of Defence stated that they were not provided any fishing boats, as they had their own boats.

3.32 During the oral evidence, when the Committee desired to know the money package being provided by the Ministry, the representative stated as under:

“We were not providing any fishing boats to them. Money package has already been given to the State Government. An amount of Rs. 144 crore was the rehabilitation package.”

3.33 As regards that fishing boat package and sanction of money to the affected families the representative stated as under:

“The dairy development sanction has been given. The fishing harbour was initially for Rs. 4 crore. It was enhanced to Rs. 8 crore. These are the two packages which have been finalised.”

**3.34 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.**

3.35 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.

**Maharashtra**

**National Defence Academy, Khadakwasala, Pune**

3.36 Pursuant to the Government decision of 1945 to set up a Defence academy in Pune, the Government of Bombay informed the War Department of Government of India that land required for the proposed War Academy at Khadakwasala would be acquired by the

Government of Maharashtra and given free of cost to the Government of India. Subsequently, Government of Maharashtra acquired land measuring 6715 acres, 24 gunthas and 8 annas from the villages of Kudje, Ahire, Kpare, Shivane and Kondhave Dhavade as per awards declared on various dates from 22/3/1950 to 9/2/1953. The possession of these lands was handed over to the Ministry of Defence on various dates from 28/11/1949 to 26/03/1953. A compensation of Rs. 27,99,803 was paid by the State Government to the land owners. The National Defence Academy was set up in 1952.

3.37 Though land measuring 12.34 acres of Ahire village was acquired in the said acquisition, its possession was not handed over to the Ministry of Defence as it was inhabited by villages. It was agreed by the Government of Maharashtra that they would shift the villagers from the acquired lands for NDA to an alternative site in due course of time provided the cost of shifting/rehabilitation was borne by the Ministry of Defence. This issue remained under consideration for some time. In 1990, Ministry of Defence sanctioned payment of Rs. 47.49 lakhs to the State Government and also sanctioned transfer of 65 acres of defence land to the State Government. Out of this 65 acres, 20 acres has been transferred to the State Government on payment of Rs. 2.5 lakhs by the State Government.

**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 unutilized/excess land to the farmers for their use. Looking into the past experience that acquired defence land remained unutilized 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.**

#### **Talegaon Dabhade**

3.39 On being asked by the Committee reasons for choosing a commercial area in Talegaon Dabhade, Tal, Mawal, District Pune, for a sensitive missile project instead of under developed area, or an interior area, the Ministry of Defence in its written reply stated:

“Selection of site was based on the recommendations of a board of Officers in consideration of technical/scientific parameters governing the purpose for which site is to be used. Care was taken to see that no-commercial land is acquired in Talegaon Dabhade, Tal, Mawal, District Pune.”

3.40 On being asked by the Committee, whether the Government can go for any package while acquiring the land for defence purposes, during the oral evidence, the representative of Government of Maharashtra stated:

“At Talegoan Dabhade, in 2002 190 hectares of land was notified for acquisition for Defence projects. People were opposing and there were a lot of strikes and protests. It is because previously from the same village 1,000 acres of land was acquired for defence purpose. We had series of meetings with the people, with the people’s representatives that is MLAs. Finally, a package was sorted out with the consent of the people and people who were opposing the project. They had handed over the land with the consent and we have also paid them the acquisition price. In addition to that, certain package has been recommended to the Government of India. While recommending that package, certain aspects were discussed with the people that under the Maharashtra Project Affected Persons Rehabilitation Act if the land is acquired for any irrigation project or for similar other projects, certain land is given to each project affected person. They are also allotted plots and are given some amount of money for construction of houses and for other amenities.”

3.41 As regards the proposal of rehabilitation package, he further stated:

“In one village Talegaon Dabhade in Pune, the rehabilitation package has been proposed. It consists of the cost of land acquisition. It is Rs. 5.5 crore per hectare. The job should be given to one person from each family and the basic amenities in the new village. This is the only proposal and it is yet to be approved by the Army.”

**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, the 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 the 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 the Ministry of Defence and Government of Maharashtra must follow flexible and humanitarian approach in handling cases of rehabilitation.

#### Acquisition during Second World War

3.43 From the State Government of Maharashtra six memoranda were received in respect of four villages involved in the acquisition of land for restoration of acquired land for rehabilitation of the displaced persons.

- (a) In 1943 Government requisitioned land in villages Ambad, Dadhegaon, Nandur Bahulla, Aswali Bahula, Taluk & district Nasik.
- (b) Villagers were forcibly asked to vacate their houses being poor.
- (c) It was acquired in 1952 permanently.
- (d) All such affected people are living in horrible conditions.
- (e) Affected people should be provided pieces of land for residences.
- (f) No rehabilitation compensation has been given.
- (g) Lands are presently of no use to Army Department and should be returned to land owners.
- (h) Lands have been transferred to Military department without authority.

3.44 When asked the details of compensation under the relevant Act or Statutory Rules before February, 2004, the Ministry in its written reply submitted as under:

“A number of villages Nandur Bahula, Aswali-Bahula, Dadhegaon and Ambad Budruk including 13 other villages were requisitioned during the year 1942-43. These were subsequently acquired during 1950-52 for Artillery Ranges Deolali. Acquisition of land for Artillery Ranges at Deolali being very old (1950-52), all records are not available. However, available records reveal that Government of India, Ministry of Defence allotted an amount of Rs. 1,28,56,364 *vide* letter No. 60140/Q3H/1900SD (Q&ENG) dated 15/12/1952.

A statement has been located showing the progress awards payment of final acquisition cost of lands for Artillery ranges Area Deolali for the period from 1/2/1957 to 28/2/1957. There are 17 villages involved in acquisition of land for Artillery Ranges involving a sum of Rs. 1,01,55,871. Total payment made by SLAO as on 4/4/1957 is Rs. 84,13,654.50 and undisbursed amount Rs. 17,42,316.

This statement also indicates sanctioned amount Rs. 4,90,031.10 for (I.A.F.) U.E.D. and 8,750 for extension to runway at Deolali.

It is also added that Government of India Ministry of Defence *vide* letter No. 5204/1/Acq./LH&D dated 3/5/1955 issued sanction for part payment in respect of eight villages (out of seventeen) i.e. Bhagur, Lahavit, Lohoshingve, Dedhegaon, Rahur Bahula, Pimpalgaon Khamb, Gonde and Ambad Budruk.

Village-wise details of payment as per available records are as under:

1. Nandur Bahula Rs. 14,58,799  
(2298 Acres-2 Guntas)
2. Aswali Bahula Rs. 650,460  
(3201 Acres-35 Guntas-12 Anas)
3. Dadhegaon Rs. 2,59,271  
(433 Acres-39 Guntas)  
As per Government sanction dated 3.5.1955
4. Ambad Budruk Rs. 21,52,967  
(4879 Acres-25 Guntas-12 Anas)  
As per Government sanction dated 3.5.1955".

3.45 On being asked how to deal with old cases, identification of displaced persons and possibility to provide basic amenities and rehabilitation benefits in this regard the Secretary, Government of Maharashtra stated as under:

"The experience varies from one district to another and also it has a lot to do with the dimension of the project. In respect of two projects which are coming up now, there we are proposing to implement a rehabilitation package. But in many projects which date back to 1950s or 1960s, no rehabilitation package has been implemented. The people have just been given the cost of the land, but we have not provided them the basic amenities or may



be new villages. We do not have much information on the state of the people who are displaced by the defence projects. On the two projects which are coming up now, we are now going through this process more diligently. We are talking to the people and we are developing the rehabilitation package. I will invite the Collector Pune to give specific information on the projects that are going on in Pune District."

3.46 During the oral evidence, the Committee pointed out that if the Government conduct the survey to identify the displaced families, can the Government give justice to all the displaced families, in this regard, the representative of Government of Maharashtra stated:

"We can definitely provide them many benefits in terms of the plots in the new villages, civil amenities, training for self-employment as a group. However, we would like to strike a note of caution that we may not extend it to the land acquisition."

3.47 The representatives of Government of Maharashtra have informed the Committee that for providing all the basic amenities to the affected families the State Government has decided to set up a State Rehabilitation Authority. The State Government also decided to set up three Grievance Redressal Mechanisms at Aurangabad, Pune and Nagpur for affected families. If the grievances are not redressed by the Collector and the Commissioner, they have a right to appeal. The Grievance Redressal mechanism would look into all such cases and the order passed by the Grievance Redressal Mechanism would be binding upon the Collector and the Commissioner.

3.48 On being asked by the Committee, on negotiation and finalisation of all the court cases which are pending in the Maharashtra, the representative of Government of Maharashtra stated:

"The Fast Track Courts are to be set up at the Divisional level. In every Division, we can think of setting up a Fast Track Court where the land acquisition could be brought up. It has the advantage that we can monitor these cases more effectively and we can have special lawyers for this purpose."

3.49 The representative of Government of Maharashtra also informed the Committee that land acquired for industrial purpose, certain purpose have been made for negotiation of price under the Maharashtra Industrial Act. In this Act, the Collector have empower to negotiate with the farmers and he could fix and enhance compensation with the consent of farmers.



3.50 During the study visit of the Committee to Nasik, the Committee found that civic amenities were not provided to the project affected families. The Committee were of the view that if rehabilitation package was not implemented properly then person/authority should be made accountable for this.

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.

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.

## Orissa

### Ordnance Factory, Project Badmal, Bolangir

3.53 Green Field Project has been undertaken by Ordnance Factory Board at Badmal for filling assembly and packing of high/middle calibre ammunition and mines.

3.54 When enquired about what criteria are adopted by Government to select Green Field Project, the Ministry of Defence in its written reply has stated as under:

“The following major criteria have been examined/adopted for selection of project:

- (a) Safety, security and climatic conditions;

- (b) Adequate availability of land for factory, township, safety buffer zone with scope for future expansion;
- (c) Availability of sufficient water and power sources;
- (d) Availability of communication system i.e. Rail and Road;
- (e) Geographical features, soil and terrain conditions;
- (f) To affect minimum agriculture land and displaced persons; and
- (g) To develop the backward and non-industrial area."

3.55 When the Committee desired to know the details of sanction of project and land acquired for this project, the Ministry of Defence in its written replies stated that Government of India sanctioned this project on 10 December 1984 and 10 October 2002 and total land measuring 3060.84 acres. The possession of the land was handed over to the Ministry of Defence between 9 December 1985 to 2 June 1992.

#### **Rehabilitation package**

3.56 On being asked by the Committee regarding the rehabilitation package offered to the affected families in Bolangir, the Ministry of Defence, in a written reply, stated as under:

"During establishment of Ordnance Factory Badmal project at Orissa, an amount of Rs. 202.10 lakhs was paid to the District Authorities for:

- (i) Rehabilitation of 1030 Land displaced Persons (LDPs)/ families (Rs. 140.80 lakhs)
- (ii) Electrification of LDP colonies (Rs. 25.00 lakhs) and
- (iii) Capsule training to LDPs in ITI, Bolangir (Rs. 36.30 lakhs)

The rehabilitation package for LDPs consists of construction of houses with provision of tube wells, primary school, high school, community centre, health centre etc.

983 LDPs were given employment in the factory. Cases for recruitment of other 47 LDPs are under various stages of scrutiny.

Age relaxation of 10 years was granted apart from granting one time relaxation of education qualification from Class VIII pass to Class V in case of Durwans & Fireman and from Class V to literate in case of Labour Unskilled for providing employment to LDPs."

3.57 The project affected families in response to the query of the Committee on employment given by the Government to the project affected families stated that for Ordnance factory at Badmal, district Bolangir Orissa, total 1030 families surrendered their land. As per terms and conditions, Ordnance factory Board promised to give employment to one person from each family. However, during 21-22 years they have not been given any employment, in this regard, the Ministry of Defence has stated in its written reply:

“In respect of Ordnance Factory Bolangir, out of 1030 land displaced family, 994 persons have been given employment. Employment could not be offered to balance 36 numbers due to lack of documentary evidence.”

3.58 During the oral evidence of the representative of Government of Orissa has stated that in Bolangir, the State Government is not getting the support from the Ordnance Factory authorities for sorting out problems. The General Manager, Ordnance Factory has never attended any sitting of the Monitoring Committee. In this regard, the Ministry of Defence in its written reply has stated:

“Rehabilitation of land displaced persons was monitored by co-ordination and Monitoring Committee in Meetings held at District office Bolangir/Ordnance Factory Bolangir under the Chairmanship of Collector, Bolangir with local MLA and other district officials.”

3.59 Regarding the rehabilitation package, the representative of the Ministry of Defence stated:

“The rehabilitation package normally forms part of the plan project. It is done in consultation with the State Governments. Whatever the State Governments demand, after scrutiny, that particular portion is included in the project report for sanction. Whatever sanction is required, it is given. This is the total status of the resettlement of the displaced persons in the Ordnance Factory of Badmal.”

3.60 When enquired about the Resettlement and Rehabilitation Policy of the Government of Orissa, the representative of Government of Orissa stated as under:

“The Government of India had handed down a model National Policy for Resettlement and Rehabilitation of the displaced persons. It is called Resettlement and Rehabilitation Policy, 2003. It was notified in January, 2004. Much before that we had a number of

policies in our States. Even the R&R Policy of 1997 for the Kalinga Nagar is much superior to the model policy which was given by the Government of India in 2003.

Now there is a Group of Ministers appointed by the Hon'ble Chief Minister which is looking into the R&R issues and they are drafting a new R&R Policy which we call the Draft R&R Policy, 2006. We have already circulated it. It is also available at the website of the State Government. It is further improvement of R&R Policy 1997. For the mining projects and industries. It has got many special features which are there in the national policy. The national policy is not applicable if the number of displaced families is less than 500 in the case of non-tribals and less than 250 in the case of tribals. But our policy is applicable even if there are ten people who are displaced. In the 1997 policy, apart from giving whatever compensation is admissible to the displaced families under the Land Acquisition Act, 1894, a Central Act, we are also giving additionally some other things like home State land. We also give almost the assurance for employment. We also allow the poor landless people who are encroaching Government land even if it is a forest land, some compensation. Similarly, in addition to whatever is admissible under the Land Acquisition Act, we are also giving ex-gratia of Rs. 25,000 per acre. If the cost of land is Rs. 50,000 we also give another Rs. 25,000 as per the Land Acquisition Act, to the displaced family. Again, our definition of family is also larger as compared to other States' and Government of India's definition of family. We have provided that major married son will be a separate family. Similarly, a daughter in the family who is more than 30 year will be treated as a separate family. She will be given a plot of land, house and employment.

If you look at the package which is prepared by the Government of Orissa, it is good. Unfortunately, since it does not have any sanction of law or any force of authority, many industries are not going by the policy of the State Government. Many of such industries are also state Owned Undertakings like Coalfields India Limited, Nalco, NTPC, Rourkela Steel Plant. They do not go by the State Policy regarding R&R. In this regard, we have had a number of discussions, personally spoke to the authorities a number of times. They only promised that the matter would be taken up at the level of the Ministry, at the level of the Government of India and that they would come back."

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.

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.

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.

3.64 The Committee, therefore, conclude that in Bolangir Rehabilitation Project, neither the Centre 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 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 the Ministry of

**Defence, Command Officers of Army and the State Government officials must cooperate with the land displaced families and treat them sympathetically.**

### **Rajasthan**

#### **Mahajan Field Firing Range, Bikaner**

3.65 The Government of India sanctioned this project on 2 November 1982 and total land acquired measuring 3,32,985 acres and out of the total land about 1,25,035.70 acres was private land. The possession of the land handed over to the Ministry of Defence in 1987. The land acquired from the 33 villages of district Bikaner and 3256 families were affected by this project. Rs. 89.54 lakhs were paid to the project affected families as rehabilitation amount and compensation amount @Rs. 2750 paid to per person as per High Court's order.

3.66 On being asked by the Committee, regarding necessity to acquire Mahajan Ranges, when 300 Kms away is a larger range in Pokhran where the testing and exercises are continuing on a larger scale, the representative of the Ministry of Defence stated are as under:

“The Ministry of Defence is dependent on the requirements of the Armed Forces. The requirement of the Armed Forces is there and we cannot meet all the requirements substantially. In fact, a larger number of testing has to be done in different places which we are not able to meet. Therefore, you would know ever for Chandipur on sea, certain testing is being done in the sea. What I humbly submit is that the Armed Forces are not lavish with their requirements. In fact, they need land for these kinds of exercises. They do require a lot of land and a lot of areas.”

#### **Rehabilitation package**

3.67 In regard to the rehabilitation package offered to the affected families, the Ministry of Defence, in a written reply, stated as under:

1. Agriculture land measuring 1,08,316 acres allotted.
2. Three new villages created for resettlement.
  - (i) Ram Nagar
  - (ii) Krishna Nagar
  - (iii) Kumbhan bass
  - (iv) Resettled in 6 other villages

3. Villages have primary and secondary schools, metalled road, water reservoir, health centre, veterinary hospital and community centre. (allotted plots of sizes : 60' x 90' plot)
4. Scheme implemented as follows: Residential plots given between 1986-87, Provision of community oriented benefits on going.

3.68 On being asked by the Committee, whether rehabilitation amount was demanded by Rajasthan Government, the Ministry of Defence in its written reply has stated:

“For Mahajan Field Firing Ranges, private land with an area of 1,25,035.70 acres was acquired and the awarded cost was Rs. 64.11 crore. Rehabilitation amount of Rs. 89.54 lakh was also paid. Before the acquisition of this Field Firing Range, a number of high level meetings took place between the Ministry of Defence and Rajasthan Government. From the perusal of the record of these meetings the following facts emerge:

- (a) The Collector had estimated the market value of land as Rs. 500/bigha, while the Ministry of Defence had estimated the price of land as Rs. 300/bigha. In spite of this variation in the estimates of land prices, the villagers were paid within a price range of Rs. 700/Bigha (minimum) and Rs. 1000/Bigha (maximum).
- (b) The State Government of Rajasthan had also requested Government of India to bear the consequential expenditure involved not only in the acquisition of existing lands and building but also for development of new lands for abadi, agricultural and pasturage purposes, and extending financial assistance to displaced persons to help commence agricultural and animal husbandry operations.
- (c) However, later in a meeting dated 29.1.81, the following decisions were taken:
  - (i) Defence Ministry would not be involved in the mechanics of rehabilitation, and it was suggested to make payment of lump-sum to the State Governments for the purpose. It was agreed that only families whose homesteads would be acquired would be considered for computing this amount.



- (ii) It was decided that Defence Ministry will pay a lump-sum to the State Government towards the cost of rehabilitation. The amount will be calculated @ Rs. 2,500 per displaced family.
- (d) Later on, after a decision of High Court of Rajasthan dated 18.10.05, the Ministry of Defence paid Rs. 2750 per family."

**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 in a dignified manner. The Committee are of the view that the 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.**

#### **Tamil Nadu**

3.70 In the State of Tamil Nadu, the Ministry of Defence acquired the land for the following projects:

#### **Naval Air Station, Arakonam**

3.71 The Ministry of Defence in its written replies stated that Government of India sanctioned this project on 27 June 1986 and again on 26 March 1990 and total land acquired measuring 1242.55 acres were acquired from the seven villages of district Arakonam. Out of total land 911.52 acres is private land. The possession of the land was handed over to the Ministry of Defence in 1987-88. The Ministry of Defence sanctioned payment of Rs. 2.97 crores to the State Government for acquisition of land measure 911.52 acres Rehabilitation amount of Rs. 0.29 crores. Total number of families was 89, out of this, 52 families in private land and 37 families in State Government land.

#### **Rehabilitation package**

3.72 In regard to the rehabilitation package offered to the affected families, the Ministry of Defence, in a written reply, stated as under:

1. A sum of Rs. 29.59 lakhs was demanded by the State Government for rehabilitation of 52 families in private land and 37 families in State Government land.



2. 52 dwelling houses were built at a cost of Rs. 7500 per family in the land allotted by the State Government and named as New Silver Pet Colony. Cost Rs. 3,90,000.
3. 37 families who were in State Government Poramboke land were given a sum of Rs. 500 per family as displacement allowances. Cost Rs. 18,500.
4. Provision of potable water and street light to the newly created Colony. Cost Rs. 50,000.

3.73 During the oral evidence of the Collector, Vellore had informed the Committee that out of 940 cases of land acquisition, in 849 cases original petitions were filed and sub-court had rewarded enhanced compensation in 603 cases. Naval authorities instead of paying them enhanced compensation had preferred appeal against the judgement.

3.74 During the oral evidence, the Committee pointed out that has there been any other consulting procedure or negotiation with the land owners by the Naval authorities, the non-official witness stated:—

“With regard to out of court settlement, I would submit that if the Government comes forward with a generous heart and an open mind, we are prepared to sit and negotiate with them. We can even ask our colleagues to withdraw cases because we are in a pathetic situation. There are people who had small landholding and for the past 15 years, they have not been provided employment. So, they are moving out of station. They go out of station. They go to urban centres and work like migrated labour. We are in a pitiable condition. All these families should be called and naval authorities should be called and the matter should be settled, but nobody is listening.”

**3.75 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.**

**3.76 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.**

**Air Force Station, Tanjore**

3.77 The Ministry of Defence in its written replies stated that private land measuring 628.54 hectares (1553.12 acres) at four villages namely Nanjikottai, Vallundambattu, Pillayapattu and Inayathkampatty located at Taluka and District Tanjore (Thanjavur) was acquired in the year 1994 at sanctioned cost of Rs. 4,80,82,078 for Air Force Station Tanjore. The possession of land was taken over on various dates between 1994 and 2000.

3.78 During the oral evidence before the Committee, the District Collector of Tanjore stated about the land acquisition at District Tanjore as under:

“In Thanjavur, the Air Force station was originally used during the Second World War. Subsequently, in 1989, this was acquired by the Indian Air Force. Initially, it was 181.6 hectares and in the period 1991-1995, we had acquired 628.61 hectares of patta land along with 61 hectares of purambok land and handed over to the Air Force. These were totally agricultural lands and these were only fields. No habitation was affected in the process. In fact, the adjacent habitation was totally avoided. These were handed over to the Navy. At that point of time, except for the compensation for the land acquired, no other type of rehabilitation had taken place”.

3.79 On being asked by the Committee regarding the rehabilitation package to the project affected families, the Ministry of Defence in its written replies stated that in this acquisition scheme no rehabilitation scheme was envisaged, as there was no such demand from the State Government.

3.80 On being asked by the Committee about the commitment made at the time of land acquisition at Tanjore District, the District Collector, Tanjore stated as under:—

“At that time no commitment was made. These were only dry lands and there was no assured source of irrigation. Most of the landowners were small and marginal farmers and they were working as agricultural labourers. They went to the adjacent villages for their work. So, their livelihood was not much affected but they are very much interested in getting the enhanced compensation.”

3.81 During the oral evidence, the District Collector of Tanjore also informed the Committee that Air Force Station, Tanjore is now going for additional acquisition.

3.82 On being asked by the Committee about the developing of rehabilitation package for new acquisition, the District Collector, Tanjore stated as under:—

“This is another 53 hectares of agricultural land and 10 hectares and with the habitation of 120 families. To rehabilitate these 120 families, we have identified land for 3.25 hectares, wherein we will be building houses for them. This village has 120 families with houses.... This package is including all the break ups, the cost of land comes to Rs. 5.8 crore.”

3.83 In a written memorandum submitted to the Committee by the non-official witness has stated that his land was acquired for Air Force Station, Tanjore more than 13 years back. He has not got the enhanced compensation. He further stated that the Tehsildar and DEO Chennai were threatening to prefer appeals and in some cases matter has also been taken to the Supreme Court of India. He also requested to redress his grievances.

3.84 The above memorandum was sent to the Ministry of Defence for their comments. The Ministry of Defence stated:

“The Department filed an appeal against the order of sub-Court regarding enhancement of land value in High Court, Chennai (Madurai Branch) which is yet to be decided.”

**3.85 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 for 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.

3.86 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 negotiations/reconciliation with the displaced families with a food 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.

#### Delhi

3.87 In a written memorandum submitted to the Committee by non-official witness has stated that the Army is taking action under the provision of Public Premises Eviction Act to evict the squatters, who are in occupation of the land for over the last 90 years. The petitioner has alleged illegal and high-handed action by the Army in removing these encroachers. They also stated that the agreement between Defence Authorities and Ramjas Foundation be honoured.

3.88 The above memorandum was sent to the Ministry of Defence for their comments. In this regard the Ministry has commented as under:—

“In this regard, it is submitted that the land at Anand Parbat was initially requisitioned in 1942-43 and subsequently acquired during 1952-53, under the provisions of Defence of India Act. There were some encroachments in the area, which existed since long. During a recent demarcation and survey of the area, jointly with the Civil Revenue Authorities, these encroachments came to the notice of the Army and they have initiated action for eviction of the encroachers”.

3.89 During the oral evidence, the Committee pointed out that a few barracks are not handed over as per the agreement and the action

taken by the Ministry taken in this regard, the representative of Ministry of Defence stated as under:—

“The report, which has come from the Army says that there is not such agreement. We are pursuing it because there may be some agreement with the Ministry of Urban Development.”

3.90 The Ramjas Foundation Society in its subsequent written note submitted as under:—

“The reply submitted by the Ministry of Defence is totally wrong. The entire original Estate of the Society’s buildings thereon together with all assets, were requisition and acquisition by notices of 3rd and 15th May, 1945 under the Defence of India Act for war purposes and it was cancelled with effect from 30th November, 1946. A settlement was held on 26.11.1946 between Government of India and the Ramjas College Society. All the assets, moveable and immovable created by the Government of India during the occupation shall be, of the full ownership of the Ramjas College Society and possession will be handed over the Society on or before 30th November 1946. It is wrong that subsequently during 1952-53 Ramjas Anand Parbat Estate was acquired under the Provisions of Defence of India Act. The Demarcation and Survey of land between Ramjas Foundation Land and Defence Land was done by Revenue Authorities. During 11.2.1986 to 26.2.1986 in the presence of Defence Personnel and Foundation Engineers. That Survey clearly indicated that the Ramjas Foundation in occupation of its own land and there is no encroachments. That Survey was challenged by the Defence Authority and demanded that the demarcation may be carried out by the Survey of India. The Survey of India Authority declined to do the Survey as it was a built up area. The Defence authority referred the matter to Revenue Authority and the S.D.M. gave 8 (Eight) opportunities from 6.12.1991 to 17.2.1992 but the Defence Authority did not co-operate. Ultimately the Surveys done by Kanoogo was declared final. The reply given by Army Authority that Demarcation and Survey of the area was done by Civil Revenue Authority seems to be wrong as Ramjas Foundation was not informed of any demarcation of the area by Revenue Authority being an interested party. The land has been acquired by DDA through paper possession which is challenged and the matter is pending before Lt. Governor, Delhi and the Ministry of Urban Development.”

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 the 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.

NEW DELHI;  
31 July, 2006  

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9 Sravana, 1928 (Saka)

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

*ANNEXURE*

LIST OF INDIVIDUALS/EXPERTS/ASSOCIATIONS WHO  
APPEARED BEFORE THE COMMITTEE

1. Shri Pankaj Kumar, Advocate, New Delhi
2. Shri Basudeb Majumdar, New Delhi
3. Shri H.S. Yadav, New Delhi
4. Shri Satya Prakash, New Delhi
5. Shri Narinder Chadha, New Delhi
6. Shri Vikas Valunekar, Pune
7. Shri Venkatesh Shete, Pune
8. Shri Gajanan Y. Naik, Pune
9. Shri B.K. Gawali, Nasik
10. Shri R.D. Dange, Nasik
11. Shri B.N. Mojad, Nasik
12. Shri Devidas Yashwant Pansambal, Ahmednagar
13. Shri B.M. Masani, Mhow
14. Shri Prabhu Dayal Patel, Sagar
15. Shri Ramesh Patel, Sagar
16. Shri Sandeep More, Pune
17. Shri Sunil Javalkar, Pune
18. Shri Bharat Vanjale, Pune
19. Shri Shyam More, Pune
20. Shri Nivrutti Vanjale, Pune
21. Shri Machhindra Vanjale, Pune
22. Shri Balasaheb Eknath Gamne, Nasik
23. Shri Popat Lohanu Lone, Nasik
24. Shri Punjaji Bhikaji Darade, Nasik
25. Shri Balwant Pandharinath Lone, Nasik

26. Shri Sudam Kisan Gamne, Nasik
27. Shri Damodar Bhaguji Gamne, Nasik
28. Shri Mangalasekar, Arakonam, Tamil Nadu
29. Shri S. Dharanipathy, Tamil Nadu
30. Shri P. Palani, Tamil Nadu
31. Shri R. Rajendran, Tamil Nadu
32. Shri D. Narayanamurthy, Vellore District, Tamil Nadu
33. Shri R. Madavan, Arakonam
34. Shri Dharnidhar Majhi, Bolangir, Orissa
35. Shri T.D. Mahananda, Bolangir, Orissa
36. Shri M.K. Sharma, Bolangir, Orissa
37. Shri O. Srinivas, Bharatiya Mazdoor Sangh, Visakhapatnam



MINUTES OF THE FIRST SITTING OF SUB-COMMITTEE-I OF  
THE STANDING COMMITTEE ON DEFENCE (2004-05)

The Committee sat on Thursday, the 14th July, 2005 at 1500 hrs. to 1610 hrs. in Committee Room 'B', Parliament House Annexe, New Delhi.

PRESENT

Shri Balasaheb Vikhe Patil — *Chairman*  
Shri Churchill Alemao — *Convenor*

MEMBERS

*Lok Sabha*

3. Shri Iliyas Azmi
4. Shri Suresh Chandel
5. Shri Ganesh Prasad Singh
6. Shri Balashowry Vallabhaneni

*Rajya Sabha*

7. Smt. N.P. Durga
8. Shri Janardan Dwivedi

SECRETARIAT

1. Shri P.K. Bhandari — *Director*
2. Smt. Anita Jain — *Deputy Secretary*
3. Shri D.R. Shekhar — *Under Secretary*

**Representatives of the Ministry of Defence**

1. Shri Ajai Vikram Singh, Defence Secretary
2. Shri Shekhar Dutt, Secretary (DP)
3. Ms. Somi Tandon, Secretary (Def. Fin.)
4. Shri Ranjit Issar, Additional Secretary (I)
5. Smt. Rekha Bharvaga, AS (B)
6. Shri S. Banerjee, Addl. Secy. (DP)

7. Dr. A.S Pillai, CCR&D (ACE&NS) & DS
8. Shri C.R. Mohapatra, DGDE
9. Shri Anand Misra, JS (C&W)
10. Shri T. Ramachandru, JS (OF)
11. Shri Alok Perti, JS (S)
12. Shri Sudhir Nath, JS (HAL)
13. Smt. Rita Menon, JS (SY)
14. Shri S.C. Narang, CCR&D (R)
15. Shri P.K. Misra, Chairman, OFB
16. Maj. Gen. Rajnesh Gossain, Chairman & MD, BDL
17. Dr. Ram Snehi, DDG (NC), OFB
18. Rear Adm. K. Mohanrao, DG, Project Seabird
19. Cdr. Rakesh Khanna, GM (F&K), Project Seabird
20. Cdr. B.D. Yadav, Commander, NHQ/DOW
21. Shri Ashok Harnal, Addl. DG, DGDE
22. Shri Sauvik Majumdar, DDG, DGDE
23. Smt. Gita Kashyap Perti, DDG, DGDE
24. Shri K.G. Gupta, DDG (Coord.)
25. Shri Ravi Shankar, ADG, DGDE
26. Brig. L.P. Sahi, DDG LW, QMG Branch
27. Col. Yashwant Singh, Dir/LW (West), QMG Branch
28. Shri R.K. Chauhan, Dir P&C, DRDO
29. Shri K.N. Rai, Dir CW&E, DRDO
30. Gp. Capt. V.K. Karpal, DAFW (P&C), Air Hqrs.
31. Shri Narendra Kumar, Dir (S-III)

2. At the outset, Chairman welcomed the Defence Secretary and his colleagues to the sitting of the Committee and invited their attention to the Directions 55 and 58 of the Directions by the Speaker, Lok Sabha regarding maintaining confidentiality of the deliberations of the sitting.

3. The Defence Secretary then briefed the Committee on the subject 'A Critical Review of Rehabilitation of Displaced Persons'. Thereafter, the presentation was made by the representative of DGDE on the subject.

4. The representative of DGDE informed the Committee on National Policy on Rehabilitation and Resettlement, salient features, objectives and criteria for applicability of the policy.

5. The representative further informed the Committee about the monitoring mechanism on implementation of the policy and criteria for applicability. He also informed the Committee about the rehabilitation package.

6. The Chairman and Members raised certain queries and the same were resolved by the representatives of DGDE and Ministry of Defence.

7. It was then decided by the Sub-Committee that the issue demands thorough examination and it should be examined by the Full Committee.

*Witnesses then withdrew.*

8. A verbatim record of proceedings was kept.

*The Committee then adjourned.*

MINUTES OF THE SECOND SITTING OF THE STANDING  
COMMITTEE ON DEFENCE (2005-06)

The Committee sat on Wednesday, the 22nd August, 2005 at 1815 hrs. to 1940 hrs. in Committee Room No. 62, Parliament House, New Delhi.

PRESENT

Shri Balasaheb Vikhe Patil—*Chairman*

MEMBERS

*Lok Sabha*

2. Shri Churchill Alemao
3. Shri Iliyas Azmi
4. Shri Suresh Chandel
5. Smt. Sangeeta Kumari Singh Deo
6. Shri Milind Deora
7. Shri Suresh Kalmadi
8. Dr. K.S. Manoj
9. Shri Ganesh Prasad Singh
10. Shri Manvendra Singh
11. Ms. Ingrid Mcleod
12. Shri Dharmendra Yadav

*Rajya Sabha*

13. Shri Janardan Dwivedi
14. Shri Anand Sharma

SECRETARIAT

1. Shri P.K. Bhandari — *Director*
2. Shri D.R. Shekhar — *Under Secretary*

LIST OF WITNESSES

1. Shri Shekhar Dutt, Defence Secretary
2. Shri Dhanendra Kumar, Secretary (DP)

3. Smt. Sheela Bhide, FA (Acquisition)
4. Shri Ranjit Issar, Addl. Secy. (I)
5. Shri P.K. Misra, Chairman, OFB
6. Shri Anand Misra, JS (C&W)
7. Rear Adml. K. Mohanrao, DG, Project Seabird
8. Shri C.R. Mohapatra, Director General Defence Estates
9. Shri Ashok Harnal, Addl. DG, DGDE
10. Dr. Ram Snehi, DDG (NC), OFB
11. Air Cmde G.R. Prasad, VSM-PD (AF Works)
12. Brig. L.P. Sahi, DDG LW, QMG Branch
13. Col. K.S. Chauhan, Dir/Plg (Lands)
14. Shri K.N. Rai, Director CW&E, DRDO

2. At the outset, Chairman welcomed the members to the sitting of the Committee and informed the members that representatives of the Ministry of Defence would tender oral evidence on the subject "A Critical Review of Rehabilitation of Displaced Persons."

3. The Committee then welcomed the new Defence Secretary and his colleagues to the sitting of the Committee and invited their attention to the Directions 55 and 58 of the Directions by the Speaker, Lok Sabha regarding maintaining confidentiality of the deliberations of the sitting.

4. The Committee then took oral evidence of the representatives of the Ministry of Defence on the subject "A Critical Review of Rehabilitation of Displaced Persons". Members of the Committee then sought clarification of the working and execution of certain projects like Balasore, Ahmednagar, Rajgir etc. regarding resettlement and rehabilitation package for projects affected families. The Committee after elaborate deliberation on the related issues directed the Ministry to furnish information on each project in execution regarding acquisition of land, compensation assessed, demand of the State Government/landowners, compensation granted/award of Collector, filed reference with Collector, cases pending in District Courts, details of Rehabilitation Package and welfare measures for the project affected families, reasons for delay in paying compensation and problem being faced by the Ministry in execution of the policies, cooperation by the State Governments and their latest position. The Committee also desired that a note on "Green Field Projects" might also be sought from the Ministry. The Ministry assured to furnish written replies thereon. The

Chairman stressed that information pertaining to no. of families displaced, project-wise, compensation paid, rehabilitation package etc. should be supplied at the earliest.

4. The evidence was not concluded.

*Witnesses then withdrew.*

5. A verbatim record of proceedings was kept.

*The Committee then adjourned.*

MINUTES OF THE FOURTH SITTING OF THE STANDING  
COMMITTEE ON DEFENCE (2005-06)

The Committee sat on Wednesday, the 21st September, 2005 from 1500 hrs. to 1600 hrs. in Committee Room No. 139, Parliament House Annexe, New Delhi.

PRESENT

Shri Balasaheb Vikhe Patil—*Chairman*

MEMBERS

*Lok Sabha*

2. Shri Suresh Chandel
3. Shri Suresh Kalmadi
4. Dr. C. Krishnan
5. Shri S.D. Mandlik
6. Shri Raghuraj Singh Shakya
7. Shri Dharmendra Yadav

*Rajya Sabha*

8. Dr. Farooq Abdullah
9. Shri Janardan Dwivedi
10. Shri Pramod Mahajan

SECRETARIAT

1. Shri P.K. Grover — *Joint Secretary*
2. Smt. Anita Jain — *Deputy Secretary*
3. Shri D.R. Shekhar — *Under Secretary*

**Representatives of Ministry of Defence**

1. Shri Shekhar Dutt, Defence Secretary
2. Shri Ranjit Issar, Addl. Secy (I)
3. Smt. Rekha Bhargava, AS (B)
4. Smt. Sheela Bhide, FA (Acquisition)

5. Shri Anup Mukherji, AS (DP)
6. Shri C.R. Mohapatra, DGDE
7. Shri Anand Misra, JS (C&W)
8. Shri T. Ramachandru, JS(OF)
9. Shri P.K. Misra, Chairman, OFB
10. Shri K.N. Rai, Chief Executive, CW&E, DRDO
11. Dr. Ram Snehi, DDG(NC), OFB
12. Cmde. P.C. Agarwal, DG(AOD)
13. Cdr. Rakesh Khanna, GM(F&K), Project Seabird
14. Shri Ashok Harnal, Addl. DG, DGDE
15. Brig. L.P. Sahi, DDG LW, QMG Branch
16. Col. K.S. Chauhan, Dir./Plg (Lands), QMG Br.

2. At the outset, Chairman welcomed the members to the sitting of the Committee and informed the members that representatives of the Ministry of Defence would tender oral evidence on the subject "A Critical Review of Rehabilitation of Displaced Persons".

3. The Chairman then welcomed the Defence Secretary and his colleagues to the sitting of the Committee and drew their attention to the Directions 55 and 58 of the Directions by the Speaker, Lok Sabha regarding maintaining confidentiality of the deliberations of the sitting.

4. The Committee then took oral evidence of the representatives of the Ministry of Defence on the subject "A Critical Review of Rehabilitation of Displaced Persons". Members of the Committee sought clarifications on problems of displaced persons and various sensitive issues relating to their rehabilitation.

5. The representative of the Ministry informed that a National Policy on Resettlement and Rehabilitation for project-affected families was formulated in February 2004 and the notification to that effect was issued by the Ministry of Rural Development. This policy was adopted and circulated to all defence formulations in January 2005. However, the representatives of the Ministry further informed that the proposals which were sanctioned for acquisition did not attract the provisions of the national policy because the policy states that the guidelines would be applicable where the acquisition involves 500 families in plain areas or 250 families on hilly terrains.



6. The Committee also expressed their concern over the undue delay in paying compensation as well as rehabilitating the project-affected families. The Committee raised the matter that compensation for the rehabilitation of the affected persons should be given according to the present market cost of land and building houses and for that purpose, measurement should be done jointly by Central and State Governments in order to avoid discrepancy while making the payment. The Committee also expressed their concern about the people who are living in Border areas are displaced from time to time.

7. The Committee also desired the Ministry of Defence to furnish information pertaining to number of families displaced, compensation paid, rehabilitation package etc. on each project and status of new projects before the Ministry for approval.

8. The Evidence was not concluded.

*Witnesses then withdrew.*

9. A verbatim record of proceedings was kept.

*The Committee then adjourned.*

MINUTES OF THE SIXTH SITTING OF THE STANDING  
COMMITTEE ON DEFENCE (2005-06)

The Committee sat on Wednesday, the 19th October, 2005 from 1500 hrs. to 1645 hrs. in Committee Room 'E', Parliament House Annexe, New Delhi.

PRESENT

Shri Balasaheb Vikhe Patil—*Chairman*

MEMBERS

*Lok Sabha*

2. Shri Illiyas Azmi
3. Shri Suresh Chandel
4. Smt. Sangeeta Kumari Singh Deo
5. Dr. C. Krishnan
6. Dr. K.S. Manoj
7. Shri Raghuraj Singh Shakya
8. Shri Mahadeorao Shiwankar
9. Shri Manvendra Singh
10. Shri Balashowry Vallabhaneni

*Rajya Sabha*

11. Shri R.K. Anand
12. Smt. N.P. Durga
13. Shri Janardan Dwivedi
14. Shri Anand Sharma
15. Shri Lalit Suri

SECRETARIAT

1. Shri S.K. Sharma — *Additional Secretary*
2. Shri R.C. Ahuja — *Joint Secretary*
3. Smt. Anita Jain — *Deputy Secretary*
4. Shri D.R. Shekhar — *Under Secretary*

### Representatives of Ministry of Defence

1. Shri Shekhar Dutt, Defence Secretary
2. Smt. Rekha Bhargava, AS(B)
3. Shri P.K. Misra, Chairman, OFB
4. Shri Anand Misra, JS(C&W)
5. Shri C.R. Mohapatra, DGDE
6. Shri Ashok Harnal, Addl. DG, DGDE
7. Shri T. Ramachandru, JS (OF)
8. Shri K.N. Rai, Chief Executive, CW&E, DRDO
9. Shri Navendra Nath, Asstt. DGDE
10. Brig. L.P. Sahi, DDG LW, QMG Branch
11. Shri R. Gumber, DDG(NC)/OFB
12. Col. K.S. Chauhan, Dir/Plg (Lands), QMG Br.
13. Shri Sharad Ghodke, OSD (P)

2. At the outset, Hon'ble Chairman welcomed the representatives of the Ministry of Defence to the sitting of the Committee and informed the members that the Committee would take oral evidence of the Ministry on the subject 'A Critical Review of Rehabilitation of Displaced Persons.'

3. Before starting discussion on the subject, the Committee placed on record their appreciation for the Armed Forces and the Ministry of Defence for commendable work done in the earthquake affected areas in J&K.

4. The Committee then sought clarifications from the Ministry on various issues like rehabilitation policy of Ministry of Defence *vis-a-vis* other Government Departments, court cases in regard to land acquisition, employment for displaced persons, monitoring mechanism etc. The Committee also raised various points based on their study visit to Defence establishments and rehabilitation sites at Hyderabad, Bangalore, Chennai and Karwar etc.

5. Several issues/queries were raised by Members, which were responded to by the Ministry officials. The Committee desired some more information on the following issues:

- Rehabilitation package extended by the Ministry of Defence and State Govt. in the rehabilitation cases of Mahajan Field

Firing Ranges and about acquisition of land in Himachal Pradesh for Averi Project in Kangra district.

- Efforts made by the Ministry of Defence to solve the pending court cases with regard to compensation paid to the affected people for acquiring their lands. Also details of the cases where appeals were filed by the Government against the affected family or court orders.
- Procedure followed for processing of cases/processing/disbursement of funds by the Government for various purposes like, house, electricity, cattle shade, employment, etc.
- Policy of Government for expansion of already existing defence establishments and acquiring more land for them.

6. The representatives of the Ministry of Defence assured the Committee to furnish information on above issues at an early date.

*Witnesses then withdrew.*

7. The verbatim record was kept.

*The Committee then adjourned.*

MINUTES OF THE SEVENTEENTH SITTING OF THE  
STANDING COMMITTEE ON DEFENCE (2005-06)

The Committee sat on Thursday, the 12th January, 2006 from 1100 hrs. to 1500 hrs. in Committee Room 'D', Parliament House Annexe, New Delhi.

PRESENT

Shri R.K. Anand —*in the Chair*

MEMBERS

*Lok Sabha*

2. Shri A.V. Bellarmin
3. Shri Raghuraj Singh Shakya
4. Shri Ganesh Prasad Singh
5. Shri Balashowry Vallabhaneni
6. Shri Dharmendra Yadav

*Rajya Sabha*

7. Smt. N.P. Durga
8. Shri Janardan Dwivedi
9. Shri Lalit Suri

SECRETARIAT

1. Shri S.K. Sharma — *Additional Secretary*
2. Shri R.C. Ahuja — *Joint Secretary*
3. Smt. Anita Jain — *Deputy Secretary*
4. Shri D.R. Shekhar — *Under Secretary*

LIST OF NON-OFFICIAL WITNESSES

1. Shri Pankaj Kumar, Advocate, New Delhi
2. Shri Basudeb Majumdar, New Delhi
3. Shri H.S. Yadav, New Delhi
4. Shri Vikas Valunekar, Pune

5. Shri Venkatesh Shete, Pune
6. Shri Gajanan Y. Naik, Pune
7. Shri Balasaheb Gawali, Nasik
8. Shri R.D. Dange, Nasik
9. Shri Baburao Mojad, Nasik

2. In the absence of Hon'ble Chairman, Standing Committee on Defence, the Committee chose Shri R.K. Anand, M.P. to act as Chairman for the sitting under Rule 258(3) of the Rules of Procedure and Conduct of Business in Lok Sabha.

3. At the outset, the Hon'ble Chairman welcomed Shri Pankaj Kumar, Advocate and invited his attention to Direction 58 by the Hon'ble Speaker, Lok Sabha regarding maintaining confidentiality of the deliberations of the sitting and requested him to give his views/suggestions on the subject 'A Critical Review of Rehabilitation of Displaced Persons'. The witness suggested the following points for consideration of the Committee:

- (i) To make an inventory of the magnitude of displacement and to conduct random survey of the affected area to examine how they can be provided alternative accommodation and the means of livelihood.
- (ii) In The Land Acquisition Act, 4th and 7th amendments have taken place but still peoples' views are not taken into account. When land is acquired for defence purposes, the views of the affected persons must be taken into account.
- (iii) Tribal people whose land is acquired by the Government are not reasonably rehabilitated.

*Witness then withdrew.*

4. The Chairman then invited Shri Basudeb Majumdar, New Delhi to put forth his views/suggestions on the subject. He suggested the following points for consideration of the Committee:

- (i) Medical facilities and facilities for free education in army school for their children should be given to the displaced persons.
- (ii) Compensation should be paid at the market rate.
- (iii) Evacuees should be given annualised value of the compensation pension so that they may live a decent life.

- (iv) While giving compensation, inflationary trend, factors of life expectancy and prevailing rate of interest should also be considered.

*Witness then withdrew.*

5. The Chairman then invited the representatives of the Anand Parbat Residents Welfare Association to put forth their problems/views/suggestions on the subject. They suggested the following points for consideration of the Committee:

- (i) Unnecessary harassment from the Military side should not take place.
- (ii) The issue of civil/military land in the area should be settled so that 30 families residing in the area are not troubled.

*Witnesses then withdrew.*

6. The Chairman then invited Shri Vikas Valunekar, Shri Gajanan Y. Naik and Shri Venkatesh Shete from Pune to give their views/share problems on the subject. They suggested:

- (i) Land which falls outside the safety zone of the proposed firing zone in their area should be released and the matter whether the land falls under the firing range or not should be examined thoroughly.
- (ii) On papers the possession of the land is with the Defence authority but in practice the possession is with them. The local authorities are not providing electricity, roads and other facilities because the land pertains to defence authority. A Committee or a Commission may be appointed to examine all these matters so that they may coordinate with the State Government and the Central Government.

*Witnesses then withdrew.*

7. The Chairman then invited Shri Balasaheb Gawali, Shri R.D. Dange and Shri Basurao Mojad from Nasik to submit their suggestions/problems. They submitted the following problems:

- (i) All the land of village Ambad Taluka, District Nasik was acquired by the Government in 1943 and then in 1952. At present, there is no evidence with the residents whether they have lived in this village or not. Today, the village Ambad Taluka in District Nasik does not exist because it has been completely eliminated from the map of the district.

- (ii) No facility has been given by the State or Central Government to obtain even the caste certificate.
- (iii) The villagers were backward and illiterate. So they failed to resist and put their demands in proper form. The villagers were forcibly asked to vacate their houses and leave the village without making alternative arrangement of their livelihood and residence.
- (iv) To conduct an official survey of such people and provide them land.

*Witnesses then withdrew.*

8. A verbatim record of the proceedings was kept.

*The Committee then adjourned.*



MINUTES OF THE NINETEENTH SITTING OF THE STANDING  
COMMITTEE ON DEFENCE (2005-06)

The Committee sat on Tuesday, the 24th January, 2006 from 1100 hrs. to 1400 hrs. in Committee Room 'D', Parliament House Annexe, New Delhi.

PRESENT

Shri Balasaheb Vikhe Patil—*Chairman*

MEMBERS

*Lok Sabha*

2. Shri Iliyas Azmi
3. Smt. Sangeeta Kumari Singh Deo
4. Shri Suresh Kalmadi
5. Dr. K.S. Manoj
6. Shri Raghuraj Singh Shakya
7. Shri Mahadeorao Shiwankar

*Rajya Sabha*

8. Dr. Farooq Abdullah
9. Smt. N.P. Durga
10. Shri Janardan Dwivedi
11. Shri Lalit Suri

SECRETARIAT

1. Shri S.K. Sharma — *Additional Secretary*
2. Shri R.C. Ahuja — *Joint Secretary*
3. Smt. Anita Jain — *Deputy Secretary*
4. Shri D.R. Shekhar — *Under Secretary*

**List of Non-Official Witnesses**

1. Shri Devidas Yashwant Pansambal, Ahmednagar
2. Shri B.M. Masani, Mhow

3. Shri Prabhu Dayal Patel, Sagar
4. Shri Ramesh Patel, Sagar
5. Shri Sandeep More, Pune
6. Shri Bharat Vanjale, Pune
7. Shri Shyam More, Pune
8. Shri Nivrutti, Pune
9. Shri Machhindra, Pune
10. Shri Balasaheb Eknath Gamne, Nasik
11. Shri Punjali Bhikaji Darade, Nasik
12. Shri Basant Govind Gamne, Nasik
13. Shri Damodar Bhaguji Gamne, Nasik

2. At the outset, Hon'ble Chairman welcomed the non-official witness Shri Devidas Yashwant Pansambal from Ahmednagar to the sitting of the Committee and invited his attention to Directions 55 and 58 of the Directions by the Hon'ble Speaker, Lok Sabha regarding maintaining confidentiality of the deliberations of the sitting. The Chairman then asked him to present his views/problems/suggestions on the subject 'A Critical Review of Rehabilitation of Displaced Persons'. The witness then expressed the following suggestions/problems being faced by the K.K. Ranges project affected persons of Nagar, Parner, Sanganer, Rahuri villages of Ahmednagar district on account of acquisition of their land of Defence purposes:

- (i) Compensation paid which was less than the prevailing market rate needs to be reconsidered;
- (ii) For securing Government Jobs age limit should be extended up to 40 years;
- (iii) Education facilities and concession in fees to the children of the Project-affected families be provided;
- (iv) Reservation of seats for employment in Government, Semi-Government and Private Sector;
- (v) Government land should be provided for business and trade.

*Witness then withdrew.*

3. The Chairman then invited Shri B.M. Masani, Advocate, Mhow Cantonment, Madhya Pradesh to present his views on the above

subject. The witness proposed the following points for consideration of the Committee:

- (i) Under the Land Acquisition Act, there is no provision for any rehabilitation apart from the monetary compensation. Rehabilitation of the affected people must be done as most of the oustees do not know how to use the compensation amount they try to lead ostentatious life and spend money on wedding, etc.;
- (ii) Compensation in Mhow Bangalow's has ranged from Rs. 100 to Rs. 1,65,000 which is very low;
- (iii) Occupants of the outhouses of bungalows should be paid compensation;
- (iv) The Army has not used the property for the purpose it was acquired. Besides many of the properties have been converted into parks, football fields, etc., which is totally undemocratic.

*Witness then withdrew.*

4. The Chairman then invited Shri Prabhu Dayal Patel and Shri Ramesh Patel of Chhawani Krishak Sangh, Sagar, Madhya Pradesh to put forth their views on the subject. The witnesses suggested the following points:

- (i) Land should be acquired according to land use classification. For construction purposes, agricultural land should not be acquired or made use of.
- (ii) No compensation was paid to the farmers of Sagar District for the land acquired in 1962 which needs to be paid.

The Committee during the discussion observed that witnesses were not able to produce papers/records/documents to substantiate their claims of ownership, compensation, lease ownership etc. The Committee, therefore, decided to call District Collectors of the relevant Districts and to seek opinion of the Ministry of Law in such issues.

*Witnesses then withdrew.*

5. The Chairman then invited Shri Sandeep More, Shri Sunil Javalkar, Shri Bharat Vanjale and Shri Nivrutti Vanjale from Pune and asked them to present their views on the subject. The witnesses then mentioned the following points:

- (i) Basic facilities like electricity, water, etc. not given to the affected persons as per the rehabilitation laws.

- (ii) Residents are not allowed to construct houses at the rehabilitated place according to Pune Municipal Corporation Plan.
- (iii) Monetary support is needed from the Government to construct the houses.
- (iv) The land acquired by NDA at New Kolte is still vacant and it should be returned to the villagers so that they can open a school thereon.

*Witnesses then withdrew.*

6. The Chairman then invited Shri Balasaheb Eknath Gamne, Shri Punjaji Bhikaji Darade, Shri Basant Govind Gamne and Shri Balwant Pandrinath Gamne from Nasik to present their views/suggestions/problems on the above subject. They suggested the following points:

- (i) In 1943, 1200 acre land was acquired by the Military but it was not used for the purpose for which it was acquired. So it should be returned to the villagers.
- (ii) Their village which was eliminated from the map should be rehabilitated again by providing alternate land and rehabilitation of the displaced persons in order to restore their identity. The Committee observed that witnesses did not have sufficient documents to substantiate their claim. The Committee, therefore, asked them to submit their supporting documents/papers to the Committee within 15-20 days for consideration.

*Witnesses then withdrew.*

7. A verbatim record of the proceedings was kept.

*The Committee then adjourned.*

MINUTES OF THE TWENTY-FOURTH SITTING OF THE  
STANDING COMMITTEE ON DEFENCE (2005-06)

The Committee sat on Thursday, the 16 February, 2006 from 1500 hrs. to 1700 hrs. in Committee Room 'D', Parliament House Annexe, New Delhi.

PRESENT

Shri Balasaheb Vikhe Patil—*Chairman*

MEMBERS

*Lok Sabha*

2. Shri Iliyas Azmi
3. Shri A.V. Bellarmin
4. Shri Thupstan Chhewang
5. Dr. K.S. Manoj
6. Shri Mahadeorao Shiwankar
7. Shri Ganesh Prasad Singh
8. Shri Balashowry Vallabhaneni

*Rajya Sabha*

9. Dr. Farooq Abdullah
10. Smt. N.P. Durga

SECRETARIAT

- |                      |   |                         |
|----------------------|---|-------------------------|
| 1. Shri R.C. Ahuja   | — | <i>Joint Secretary</i>  |
| 2. Smt. Anita Jain   | — | <i>Deputy Secretary</i> |
| 3. Shri D.R. Shekhar | — | <i>Under Secretary</i>  |

**List of Non-Official Witnesses**

1. Shri Mangalasekar, Arakonam, Tamil Nadu
2. Shri S. Dharanipathy, Tamil Nadu
3. Shri P. Palani, Tamil Nadu
4. Shri R. Rajendran, Tamil Nadu

5. Shri D. Narayanmurthy, Vellore District, Tamil Nadu
6. Shri R. Madavan, Arakonam
7. Shri Dharnidhar Majhi, Bolangir, Orissa
8. Shri T.D. Mahananda, Bolangir, Orissa
9. Shri M.K. Sharma, Bolangir, Orissa
10. Shri O. Srinivas, Bharatiya Mazdoor Sangh, Vishakhapatnam

2. At the outset, Hon'ble Chairman welcomed the Members to the sitting of the Committee.

3. \*\* \*\* \*\*

4. Then the Chairman welcomed the non-official witnesses of Land Sufferers Welfare Association, Arakonam, Shri R. Madavan and Shri D. Narayanmurthy, Vellore District of Tamil Nadu to the sitting of the Committee and invited their attention to Directions 55 and 58 of the Directions by the Hon'ble Speaker, Lok Sabha regarding maintaining confidentiality of the deliberations of the sitting. The Chairman then asked them to present their views/problems/suggestions on the subject 'A Critical Review of Rehabilitation of Displaced Persons'. The witnesses then made the following submissions/expressed the following problems being faced by them on account of acquisition of their land for defence purposes, for consideration of the Committee:

- (i) To set up naval airbase at Arakonam, seven villages having cultivable land were acquired by the Defence authority in 1987. At the time of acquisition, promise was made by the Tehsildar to provide job to one of the family members with an exemption up to the age of 40, but till now no employment has been provided.
- (ii) Compensation paid was less than the prevailing market rate and it needs to be reconsidered.
- (iii) Even after the Sub Court's favourable decision for raising the compensation by 40%, that too has been delayed for the past 10 to 15 years.
- (iv) The High Court of Madras also desired payment of increased compensation. But the naval authorities filed cases before High Court and Supreme Court. Therefore, the witnesses

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\*\*Related to other matters.

desired the Committee to take up this matter with Naval authorities to withdraw their appeal and pay the much delayed compensation.

- (v) They also informed the Committee that Naval authority did not come for negotiation with the landowners.
- (vi) Even after High Court of Madras order, 350 affected families are waiting for job and justice.

*Witnesses then withdrew.*

5. The Hon'ble Chairman, then welcomed Shri Dharnidhar Majhi, Shri T.D. Mahananda and Shri M.K. Sharma and invited their attention to Directions 55 and 58 of the Directions by the Hon'ble Speaker, Lok Sabha. They put forth the following problems:

- (i) On 29 October, 1984 Smt. Indira Gandhi laid the foundation stone of Ordnance Factory at Badmal, District Bolangir, Orissa and the land was acquired on 2 June 1986. The compensation paid was very less and the promise for providing employment for each displaced families has not been fulfilled. The outsees have not gone to Court for justice.
- (ii) Out of 1030 displaced families only 987 people got employment, and till now, 30 persons have lost their jobs.
- (iii) The living standard of the displaced persons has gone down. The basic facilities like road, drinking water, health centre, etc. have not been provided. Only 20 decimal land have been provided to the affected families whereas they require a minimum of 50 decimal land.

*Witnesses then withdrew.*

6. The Hon'ble Chairman then welcomed Shri O. Srinivas, Bharatiya Majdoor Sangh, Vishakhapatnam and requested him to put forth his problems and give suggestions on the subject and invited his attention to the Directions by the Speaker, Lok Sabha. He made the following points for consideration of the Committee:

- (i) Payment of compensation should be made at the prevailing market price.
- (ii) Provide each beneficiary similar cultivable land which has been taken away at a different place.
- (iii) The displaced persons like fishermen should be rehabilitated in such a manner that they are able to continue traditional vocation.

- (iv) Employment to one member of the affected family.
- (v) Allotment of house site to each beneficiary.

*Witness then withdrew.*

- 7. A verbatim record of the proceedings was kept.

*The Committee then adjourned.*



MINUTES OF THE TWENTY-FIFTH SITTING OF THE STANDING  
COMMITTEE ON DEFENCE (2005-06)

The Committee sat on Thursday, the 23rd February, 2006 from 1500 hrs. to 1815 hrs. in Committee Room 'D', Parliament House Annexe, New Delhi.

PRESENT

Shri Balasaheb Vikhe Patil—*Chairman*

MEMBERS

*Lok Sabha*

2. Shri Iliyas Azmi
3. Smt. Sangeeta Kumari Singh Deo
4. Shri Suresh Kalmadi
5. Dr. K.S. Manoj
6. Shri Ganesh Prasad Singh

*Rajya Sabha*

7. Smt. N.P. Durga

SECRETARIAT

1. Shri R.C. Ahuja — *Joint Secretary*
2. Smt. Anita Jain — *Deputy Secretary*
3. Shri D.R. Shekhar — *Under Secretary*

LIST OF WITNESSES

**Ministry of Rural Development**

1. Dr. Renuka Viswanathan, Secretary
2. Shri L. Rynjah, Additional Secretary
3. Shri Rakesh Behari, Joint Secretary
4. Shri P.K. Sarangi, Director (Land Reforms)

**Ministry of Law & Justice**

5. Shri K.D. Singh, Additional Secretary

**Government of Karnataka**

6. Shri S.M. Jaamdar, Principal Secretary, Revenue Department, Karnataka
7. Shri Ritesh Kumar Singh, Deputy Commissioner, Karnataka

**Government of Tamil Nadu**

8. Thiru P. Shivasankaran, Additional Commissioner (Land), Tamil Nadu
9. Thiru Veerashanmugamoni, District Collector, Thanjavur, Tamil Nadu
10. Thiru S. Gopalakrishnan, District Collector, Vellore, Tamil Nadu

**Government of Orissa**

11. Shri T.K. Mishra, Principal Secretary, Govt. of Orissa, Revenue Department
12. Shri Narayan Chandra Jena, District Collector, Bolangir, Orissa

2. At the outset, the Chairman welcomed the Members of the Committee and informed that representatives of Ministry of Rural Development, Ministry of Law & Justice, Principal Secretaries of Karnataka and Orissa and District Collectors of Karnataka, Tamil Nadu and Orissa would tender oral evidence on the subject 'A Critical Review of Rehabilitation of Displaced Persons'.

3. The Chairman then welcomed the Secretary, Rural Development and her colleagues to the sitting of the Committee and drew their attention to Directions 55 and 58 of the Directions by the Speaker, Lok Sabha regarding maintaining confidentiality of the deliberations of the Committee.

4. The representatives of the Ministry of Rural Development informed that the National Policy on Rehabilitation & Resettlement of Displaced Persons, 2003 (NPRR-2003) was formulated after a lot of deliberations. It lays down the policy and framework which is very specific on a number of issues. But, it still continues to be in the form of guidelines. The secretary (RD) also informed the Committee that amendments to the Land Acquisition Act were being actively considered and consultation process was going on with State Governments. She further clarified that State Governments or the acquiring agencies were free to offer higher monetary package than the minimum benefits mentioned in the Rehabilitation & Resettlement Policy, 2003.

5. The Chairman and Members raised various queries *e.g.* applicability of NPRR to the cases prior to 2004 and to projects affecting less than 500 families in plains and 250 in hilly areas, etc. Queries raised were responded to by the representatives of the Ministry.

*Witnesses then withdrew.*

6. The Chairman then welcomed the representative of the Ministry of Law and Justice and invited his attention to Directions 55 and 58 of the Directions by the Speaker, Lok Sabha regarding maintaining confidentiality of the deliberations of the Committee.

7. On the issue of providing better package than what was there in the guidelines, the representative informed the Committee that the law did not prohibit better package but policy should not be discriminatory and opposed to law of land. On the question of legality of NPRR policy, the representative of the Ministry stated that the policy which had been framed, would not be law unless it is passed by the Parliament in the form of an Act or an amendment is made to the Land Acquisition Act. However, the policy had a legal basis in the absence of legislative enactment by Parliament.

8. The Members raised some queries which were responded to by the representative of the Ministry.

*Witness then withdrew.*

9. The Chairman then welcomed the Principal Secretary, Government of Karnataka and his colleague to the sitting of the Committee and invited their attention to Directions 55 and 58 of the Directions by the Speaker, Lok Sabha regarding maintaining confidentiality of the deliberations of the Committee. The Principal Secretary shared his past experience of the biggest rehabilitation project of Upper Krishna, where the oustees were paid the negotiated price and not compensation. There was no-middleman and no court reference. The consent price was decided by the Advisory Committee at the District Level, consisting of the local MLA, M.P., representatives of the affected people, the local civil judge or the district judge, the agricultural office, the collector, the divisional commissioner.

10. When asked as to whether the Central Government had consulted State Government, before bringing the National Resettlement & Rehabilitation Policy, the Principal Secretary stated that the initial draft was supposed to have the land acquisition policy, plus rehabilitation policy. However, that was not accepted by the GoM. It

was broken down and separated into R&R and Land Acquisition Policy. The Land Acquisition Policy was also proposed to be amended. He further stated that R&R Policy was not a law but advisory in nature. It did not prohibit a State to follow a better policy. He mentioned some shortcomings/inadequacy of the Policy and added that it required several amendments.

11. Answering a query of the Committee on land-for-land compensation, he stated that it would not be a correct method. It must be one of the alternatives, but not the only alternative.

12. Clarifying query of the Committee, the Secretary, further made a distinction between rehabilitation and resettlement and told how they were facing difficulties in rehabilitating the oustees. To overcome the problems, he suggested that, rehabilitation should be area specific and community specific.

13. The representatives then made a power point presentation on the progress of rehabilitation work on Project Sea Bird and clarified certain queries of hon'ble members in this regard.

*Witnesses then withdrew.*

14. The Chairman then welcomed the representatives of the State Government of Tamil Nadu to the sitting of the Committee and invited their attention to Directions 55 and 58 of the Directions by the Speaker, Lok Sabha regarding maintaining confidentiality of the deliberations of the Committee.

15. The Collector, Vellore, pointed out that out of 940 cases of land acquisition, in 849 cases original petitions were filed and sub Court had rewarded enhanced compensation in 603 cases. Navy authority instead of paying them enhanced compensation, had preferred appeal against the judgement.

16. The Commitment suggested that Naval authorities, district collectors and farmers should sit together to work out better packages to the affected families.

17. The Chairman and Members of the Committee raised certain queries which were answered by the representatives of Tamil Nadu Government.

*Witnesses then withdrew.*

18. The Chairman then welcomed the representatives of Government of Orissa to the sitting of the Committee and invited their attention to Directions 55 and 58 of the Directions by the Speaker, Lok Sabha regarding maintaining confidentiality of the deliberations of the Committee.

19. The representatives of Orissa Government briefed the Committee about the Resettlement & Rehabilitation policy packages for NALCO, the Coal unit, Rourkela Steel Plant, Kalinga Nagar, Rengali Dam project, etc. which were much better than the National policy for Resettlement and Rehabilitation.

20. They also informed the Committee that a Group of Ministers appointed by the Hon'ble Chief Minister had drafted a new R&R policy, 2006 for the state of Orissa. The new R&R Policy, 2006 had many special features which were not in the national policy. The NPRR-2003, was not applicable if the number of displaced families was less than 500 in the case of non-tribals and less than 250 in the case of tribals whereas State Government's new policy was applicable even if there were ten people who were displaced.

21. The Committee wanted to know the efforts being made by the State or District authorities and the defence authorities to sit together and develop some packages for rehabilitation, HRD, ITI training etc. for the affected families. The representatives stated that there was a monitoring and Coordination Committee headed by the Collector, but the General Manager of the defence project had never attended its meetings because there was a lack of coordination between the project authorities and others.

22. The Committee raised certain queries which were answered by the representatives of the Orissa Government.

*The witnesses then withdrew.*

23. A verbatim record of the proceedings was kept.

*The Committee then adjourned.*

MINUTES OF THE TWENTY-SEVENTH SITTING OF THE  
STANDING COMMITTEE ON DEFENCE (2005-06)

The Committee sat on Wednesday, the 1st March, 2006 from 1500 hrs. to 1745 hrs. in Committee Room 'D', Parliament House Annexe, New Delhi.

PRESENT

Shri Balasaheb Vikhe Patil—*Chairman*

MEMBERS

*Lok Sabha*

2. Shri A.V. Bellarmin
3. Dr. Ramesh Jigajinagi
4. Dr. C. Krishnan
5. Shri S.D. Mandlik
6. Shri Ganesh Prasad Singh

*Rajya Sabha*

7. Smt. N.P. Durga

SECRETARIAT

1. Smt. Anita Jain — *Deputy Secretary*
2. Shri D.R. Shekhar — *Under Secretary*

LIST OF WITNESSES

1. Shri K.S. Vatsa, Revenue Secretary, (Relief and Rehabilitation), Maharashtra
2. Shri Prabhakar Deshmukh, District Collector, Pune
3. Shri Mahesh Zagade, District Collector, Nasik

2. At the outset, the Chairman welcomed the representatives of Government of Maharashtra to the sitting of the Committee and invited their attention to Directions 55 and 58 of the Directions by the Speaker, Lok Sabha regarding maintaining confidentiality of the deliberations of the Committee. The Chairman then invited the witnesses to present

their view points on the status of land acquired, compensation paid, rehabilitation work being carried out in Nasik, Pune and other parts of Maharashtra.

3. The representatives of Government of Maharashtra put forth the following points for consideration of the Committee:

- (i) In Nasik most of the lands were acquired between 1941 and 1943. Similarly, in Pune a large track of land was acquired for the purpose of establishing the National Defence Academy. Subsequently the firing range was set up in a large area of land.
- (ii) After revision of the State Rehabilitation Policy a number of times, the Rehabilitation Act came into force in 1986 and 1999. Under the New Rehabilitation Act, all lands acquired beyond a certain area, like 50 hectares, would attract the requirements of rehabilitation, so all the new acquisitions would be brought under the purview of the Act.
- (iii) New Rehabilitation Act, 1999 of the State did not provide specific provisions for the rehabilitation of the affected families and guidelines were also not very clear.
- (iv) In Nasik and Pune some outstanding issues were resolved in consultation with the Army authorities *i.e.* compensation for acquiring their land and providing them benefits in terms of civic amenities, jobs plots in new villages and skill development training to the affected families.
- (v) Need to set up Fast Track Courts where land acquisition cases could be brought up and monitor these cases more effectively.
- (vi) Except land cost, no rehabilitation package was given by the Government to the affected families whose land was acquired by the Defence authorities in 1950s or 1960s. Now, the issue of rehabilitation had come up for consideration of the Government.
- (vii) For providing all the basic facilities to the affected families, the State Government had decided to set up a State Rehabilitation Authority.
- (viii) The State Government also decided to set up three Grievance Redressal Mechanisms at Aurangabad, Pune and Nagpur for affected families.

- (ix) For land acquired for industrial purpose, certain provision had been made for negotiation of price under the Maharashtra Industrial Act. In this Act, the Collector had been empowered to negotiate with the farmers and fix enhance compensation with the consent of farmers.

4. The Chairman and Members raised some queries which were responded to by the representatives.

*Witnesses then withdrew.*

5. A verbatim record of the proceeding was kept.

*The Committee then adjourned.*



MINUTES OF THE FORTY-THIRD SITTING OF THE STANDING  
COMMITTEE ON DEFENCE (2005-06)

The Committee sat on Tuesday, the 30th May, 2006 from 1100 hrs. to 1245 hrs. in Committee Room 'B', Parliament House Annexe, New Delhi.

PRESENT

Shri Balasaheb Vikhe Patil—*Chairman*

MEMBERS

*Lok Sabha*

2. Shri Churchill Alemao
3. Shri Iliyas Azmi
4. Smt. Sangeeta Kumari Singh Deo
5. Shri Ramesh Jigajinagi
6. Dr. K.S. Manoj
7. Shri Raghuraj Singh Shakya
8. Shri Mahadeorao Shiwankar
9. Shri Ganesh Prasad Singh
10. Shri Manvendra Singh
11. Shri Balashowry Vallabhaneni

*Rajya Sabha*

12. Shri Jai Prakash Aggarwal

SECRETARIAT

1. Shri R.C. Ahuja — *Joint Secretary*
2. Smt. Anita Jain — *Deputy Secretary*
3. Shri D.R. Shekhar — *Under Secretary*

**List of Representatives from the Ministry of Defence**

1. Shri Shekhar Dutt, Defence Secretary
2. Shri V.K. Misra, FA (DS)

3. Shri A.K. Jain, Addl. Secretary (J)
4. Dr. (Mrs.) Rekha Bhargava, Addl. Secy. (B)
5. Shri P.K. Rastogi, Addl. Secy. (DP)
6. Shri C.R. Mohapatra, DGDE
7. Shri P.K. Misra, Chairman, OFB
8. Shri Anand Misra, JS (C&W)
9. Shri T. Ramachandru, JS (OF)
10. R. Adml. S. Bhasin, DG (Project Seabird)
11. Shri K.N. Rai, Chief Executive, CW&E, DRDO
12. Cdr. Rakesh Khanna, GM (F&K)
13. Shri Ashok Harnal, Addl. DG, DGDE
14. Shri Navendra Nath, DDG, DGDE
15. Brig. Rajeev Datt, DDGPPE, QMC Branch
16. Wg. Cdr. R. Singhal, JDW (Adm.), Air Hqrs.
17. Col. K.S. Chauhan, Dir./Plg. (Lands), QMG Br.

#### **Ministry of Law & Justice**

Dr. S.S. Chahar, Joint Secretary

2. At the outset, Hon'ble Chairman welcomed the representatives of the Ministry of Defence to the sitting of the Committee to render oral evidence on the subject 'A Critical Review of Rehabilitation of Displaced Persons' 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 Committee then took oral evidence of the representatives of the Ministry of Defence on the above subject. Members of the Committee sought clarifications on certain important issues *viz.* possibilities of providing better rehabilitation package to the displaced and affected families by the Ministry of Defence; performance and latest position of Project Seabird; possibility to resolve the land disputes through reconciliation etc., rehabilitation in cases where the number of PAF is less than 500 in plain areas and 250 in hilly areas. The Committee also sought clarification from the Ministry of Defence on complaints regarding non use of the land for the purpose it was acquired and need for review of land acquired by the Ministry of Defence. The Committee also discussed how to redress the grievances of those people who have not adequately been compensated in the past.

4. The representatives then clarified the queries one by one.

5. The Committee also desired that on certain issues when the Ministry had not furnished the written replies including the details sought on number of cases regarding rehabilitation/compensation pending in the various courts, information might be sent to the Committee expeditiously.

*Witnesses then withdrew.*

6. A verbatim record of the proceedings was kept.

*The Committee then adjourned.*

MINUTES OF THE FIFTY-FIRST SITTING OF THE  
STANDING COMMITTEE ON DEFENCE (2005-06)

The Committee sat on Monday, the 31st July, 2006 from 0930 hrs. to 1030 hrs. in Committee Room No. '139', Parliament House Annexe, New Delhi.

PRESENT

Shri Balasaheb Vikhe Patil — *Chairman*

MEMBERS

*Lok Sabha*

2. Shri Churchill Alemao
3. Shri A.V. Bellarmin
4. Shri Suresh Kalmadi
5. Dr. C. Krishnan
6. Dr. K.S. Manoj
7. Shri Raghuraj Singh Shakya
8. Shri Ganesh Prasad Singh
9. Ms. Ingrid Mcleod

*Rajya Sabha*

10. Shri Jai Prakash Aggarwal
11. Smt. N.P. Durga
12. Shri K.B. Shanappa
13. Shri Lalit Suri

SECRETARIAT

1. Shri R.C. Ahuja — *Joint Secretary*
2. Smt. Anita Jain — *Deputy Secretary*
3. Shri D.R. Shekhar — *Under Secretary*

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 subject '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.*