

The administration of defence lands law land property essay

Law



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1. At the outset it is to be understood that all lands inside cantonments and military stations can be treated as urban lands, as opposed to rural and revenue earning lands. Therefore, the records maintained by Revenue Officers of the State Government viz Patwari, Qanungo, Tehsildar etc (and their equivalents in some other states such as Patels and Lambardars), will only show the revenue survey records such as the Records of Rights, Jamabandi, Khasra and Khatauni details as 'Defence Land' with the landlord as Government of India . This is because after the Government of India Act, 1935, the Federal Government retained some lands vide an Extraordinary Gazette Notification No 235 dated 01 Apr 1937 published under Section 172, Sub Section 1 (a)(Retain & Notify Defence Lands). This provision of Section 172 of the Government of India Act 1935 has been protected by Section 18 of the Indian Independence Act, 1947 and also Act 295(I) of the Constitution of India, even though land is a State subject under List II (State List) of the Seventh Schedule Under Act 246 (Subject-matter of laws made by Parliament and by the Legislatures of States) of the Constitution of India.

Maps and Surveys

2. Every piece of land is supposed to have been surveyed by the Survey of India (GSI). The catch is that a map does not exist for every piece or parcel of land at the scale desired. For purposes of estate management, DEO has a cadastral map on imperial scale of 16" to one mile. Some Cantonments which have historical and pilgrimage value, generally have a guide map made on a scale of 1: 15, 000 or 1: 25, 000. Ideally, for town planning purposes, a lower scale of 1: 2, 000 or 1: 5, 000 is the best suited, but such maps do not exist. The entire land inside cantonments is marked on the

General Land Register (GLR) plan held by the DEO. Station HQs must keep a copy of this GLR plan for administrative purposes to know what the extent and boundaries of the station are. It is worth checking when the cantonment or military station was last surveyed, which is generally an exercise undertaken every 30 years corresponding to the settlement period for revenue purposes, established by the Mughal land revenue administration system, refined by British revenue officials such as John Shore, and if a current map or survey record does not exist, to take up case with the ADG Mil Survey, through HQ Command for re-survey. In case a surveyed map exists, invariably the cantonment boundaries will be shown by a dotted line and the pillars numbered sequentially. In such cases, the GSI survey data indicating bearing and distances from pillar to pillar may be obtained and this would be the most authentic record for boundaries of the station.

Important Documents held by DEOs

3. It is the duty of the DEO, as custodian of all documents and records pertaining to defence lands and estates, to keep the following important documents which may be required by military officers at some point in time, for the efficient and effective management of A-1 defence lands. 4. General Land Register (GLR). The complete record of rights, akin to Jamabandi record of the revenue officials held at Tehsil levels, for defence land is maintained in the GLR. This document is prepared under Rule 3 of CLAR 1937 and its maintenance procedure is given in Rule 10. This is generally prepared only for lands inside cantonments and the format is as per Schedule I referred to in Rule 3.[1]In brief, it contains essential details of the site, viz survey number, area, description and classification (A-1, A-2, B-1 etc), by whom

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managed, landlord (which in the case of A-1 land is Government of India) Holder of Occupancy Rights (HOR) (which for A-1 land is QMG) nature of holder's rights (in case of A-1 lands these are proprietary) rent payable per annum, expiry date of lease if leased, and a remarks column. In non A-1 land cases, the holder of occupancy rights could be a lessee, an old grant rights holder; land vested in cantonment board or even encroached. It is important to know that in case of leased lands, the date of expiry of lease, rents payable per annum, subtitle holders and their rights, and mutations carried out are always shown, therefore, it is for the LMA to ensure that only recorded HORs stay on defence lands. GLR is made under CLAR which is a set of rules framed under Section 280 of Cantonments Act, 1924.[2](Section 346 of Cantonments Act, 2006), for military stations other than cantonments, GLR will not be made. In their case and for other lands outside cantonments, there is another document called the Military Land Register (MLR). The CEO maintains GLR for all lands inside the notified civil areas of the cantonments as also for the bazaar areas. For other than civil and bazaar areas, that is the military areas of cantonments, this is maintained by the DEO. 5. Military Land Register (MLR). This is a register of all lands held by the Government of India, Ministry of Defence, either inside cantonments or outside cantonments. The master MLR is held by DGDE and each DEO is supposed to have the extract for lands under his jurisdiction. The format is given as Schedule I under Rule 13, Sub rule (1) of the ACR, 1944. In brief, this register contains essential information on all lands held by Government of India on permanent basis and gives the situation of the holding (village, tehsil, district, state etc), purpose for which it is used, area details and dates and

other particulars of acquisition, including costs and general remarks on current market value etc. 6. Military Tenancy Register (MTR). While MLR records all land permanently transferred to Government of India, the military tenancy register records all private or State Government lands or other lands held in some lease or tenancy arrangement with the Ministry of Defence. It is important for us to know details in MTR, especially if some land outside cantonments has been on continued hiring by Army authorities for administrative or other purposes, till these are finally acquired.

Variations in the Records of Actual Land Holding

7. Responsibility of Maintaining Records of Defence Land. As per ACR 1944, "The Military Estate Officer will be responsible for preparation of an inventory of all military land in his circle in form of the Registers referred to above. Thereafter it will be his duty to keep his registers and those maintained by Defence Department up to date, to preserve the records of all acquisitions and relinquishments in the manner prescribed by Rule 10 and 17 Part III and to advise the local military authorities on any technical questions that may arise in respect of the management of their lands..."[1]8. Maintenance of records by Defence Estate Department has left much to be desired as was observed in Performance Audit Report on Defence Estate Management by CAG, " Land records maintained by the DEOs are the basic documents for land management. Audit scrutiny indicated large scale discrepancies in the figures of A1 land as mentioned in land calculation sheets prepared by LMAs for the purpose of local management of land and that in the records of the DEOs who are responsible for keeping land records of A1

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land in General Land Register and Military Land Register.

No effort was evident to reconcile the discrepancies."^[1] Audit further observed that in 25 stations in four Army Commands, information collected directly by Audit or from the correspondence between the LMAs and DEOs indicated that the land area in the records of LMAs in respect of nine stations was higher by 12, 769. 86 acres compared to DEO's records and in the remaining stations less by 9, 427. 77 acres.^[2]⁹.

Thus, the accuracy of land in possession of the Defence could not be vouchsafed in Audit.

Such discrepancies would be more serious in case of other lands. At least in case of A1 land, it is managed by the LMAs and in most of the cases, such lands are quite well marked. In case of other lands, lack of accurate and reconciled basic records in DEOs' offices would be fraught with the risk of encroachment and land grab by vested interests.^[3]

Mutation of Defence Land

10.

Para 10 of Military Lands Manual stipulates that the DEO concerned shall register in

General Land Register mutations of all lands which rest with him. The Ministry in November 1986 issued directions to Defence Estates Organisation to ensure that acquired land had not

only been taken over and properly entered in the GLRs by the DEOs concerned but also that the

necessary mutations were carried out in the revenue records of State Govern

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ments. It was further directed that after every five years a review should be made to ensure that revenue records of the State Governments reflected the correct position of Defence land ownership. Mutation details as maintained by the 20 selected DEOs were collected and analyzed by Audit and it was observed that the state of mutation of Defence land was very dismal. Large area of acquired land was awaiting mutation for periods ranging from 1 year to over 60 years. DEOs had failed in their mandate to carry out mutation in favour of the Ministry for the land with Defence as also after fresh acquisition of land. Analysis indicated that out of 5.90 acres of land held on records of 11 DEOs in 06 Commands, 0.79 lakh acres (13.39 percent) were not mutated in favour of Ministry of Defence.[1]11. After citing 10 such cases of non compliance of mutation, Audit noted that no centralized record was kept with the DGDE on the status of mutation and that lack of mutation of such huge amount of land involves the risk of land grab and consequent failure of the Ministry of Defence to establish its ownership. [2]

CHAPTER VI

AUTOMATION AND MAINTANCE OF LAND RECORDS

1. Department of Defence Estates Service maintains two types of important registers. One of the register is for lands within Cantonments and the other register is for lands outside Cantonments. The register for land outside Cantonment is called General Lands Register (GLR) and the one for inside

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the Cantonment is called Military Lands Register (MLR). Both the registers, record survey number wise the ownership of land, its area, who occupies it, any transfer/sale transaction and other summary details. Both these records are maintained in every DEO Circle. GLR is maintained in every Cantonment Board office.[1]2. Raksha Bhoomi, a software, has been developed to store and maintain electronically the information contained in both these registers in all the DEOs and CEOs offices. The software after its inauguration in the year 2007 has undergone numerous technical changes. The software has now been installed in all 62 CEOs and all 37 DEOs Offices.[2]3. However, performance audit report of Defence Estate Service suggest that records of defence land are still far from being automated and are being maintained in a very primitive manner. Snapshot of relevant report is appended below. Figure CAG Performance Audit Report on DGDE on State of Automation of Land Records[1]4. Performance audit of Defence Estate Management revealed that in 25 Stations in four Army Commands, information collected directly by Auditor or from the correspondence between the LMAs and DEOs indicated that the land area in the records of LMA in respect of nine stations was higher by 12,769.86 acres compared to DEO's records and in the remaining stations less by 9,427.77 acres. Total land holding of the 3 DEOs (Bikaner, Udhampur and Ahmedabad) was 3.95 lakh acres out of which 3.55 lakh acres had not been found entered in their records. DEO Bikaner replied in October 2009 that it was due to non availability of connected papers since 1984[1]and led to the observation by

CAG that the accuracy of land in possession of the Defence could not be vouchsafed.[2]5. It is relevant to note that a large number of municipalities of our towns and districts have either evolved or are in the process of evolving and executing comprehensive plans for automation of the land records and business processes relating to addition/deletion in the same, with reflection of details of the owners / occupiers / lessees etc. When small municipalities in the country can envisage and execute this kind of plan to make full use of latest technology, there is no reason as to why the DGDE, an all India organisation, can not evolve and implement a comprehensive plan of action for automation of land accounting. The defence land system in the DGDE organisation in over all continues to operate in an opaque and sub-optimal manner.

CHAPTER VII

ACQUISITION OF LAND FOR DEFENCE PURPOSES AND LACUNAE IN THE PROCESS

1. Acquisition of land is one of the major responsibilities of DGDE. Ministry of Defence is perhaps the only Ministry to have a full-fledged Department of Land Estates i. e. DGDE to manage all types of land affairs. Poor functioning of the agency in the matter of land acquisition and subsequent court cases and almost complete lack of accountability, apart from causing avoidable outflow of scarce finances, from scarce defence budget, also results in a number of audit objections by the statutory audit in the form of LTARs, Draft Paras, Audit Paras and PAC Paras, which consumes valuable time of Ministry of Defence functionaries. 2. Problems arise out of use of applicable Act for the acquisition of land and then payment of compensation. To meet the

permanent requirement of land for Defence requirement the Central Government takes recourse to Defence of India Act, 1939 or RAIP Act, 1952 or Land Acquisition Act, 1894. In most of these cases compensation paid is not acceptable to the land owners and the matter is taken to the courts by the land owners. This results in loss of time because of the pace of progress of cases and also loss of revenue.

Existing System of Land Acquisition for Defence

3. Powers for purchase of defence land. Requirement of land for various Defence Activities and projects is formulated by local military authorities and formations. Necessity is accepted by Ministry of Defence based on recommendations of Service HQ concerned and DGDE. Land is treated as a capital item and all powers for its purchase are vested in Ministry of Defence.

4. As per the provisions of LAA 1894, office of the District Magistrate/Collector is used for acquisition of the land. In brief, after publication of the preliminary notification under Section 4 of the LAA and after hearing of objections, a declaration is required to be made under Section 6 of the act.

[1]The Collector then publishes order for acquisition by the appropriate Government or the officer authorised in that behalf by the Govt. After completing the process and having conducted the enquiry in terms of Section 11 of the Act, the Collector makes an award indicating the actual area of the land, the compensation which in his opinion should be paid for the land and the apportionment of the the same among the persons known or believed to be interested in the land. In making the award, the Collector is guided by Section 23 and 24 dealing with issues to be considered in determining the compensation and issues to be excluded in determining the

compensation as required by Section 15 of the Act. In accordance with Section 12 of the Act, the award becomes final between the Collector and the persons affected. The Collector is to then communicate his award to persons interested. In the scheme of the Act, the compensation is awarded at four different stages:-(a) The first stage is when the award is passed. At this stage the award takes in account all the amounts stipulated by Section 23 of the Act. The whole of that amount is disbursed or deposited in accounts of awardees in terms of Section 31 of the Act. (b) The second stage is in accordance with Section 18 of the Act, when the reference Court awards enhanced compensation. [1] The Collector is required to deposit enhanced amounts as per the deemed decree. This amount is in addition to the earlier deposit made. If the amount deposited, falls short of the enhancement decreed, there can arise the question of lawful award at this stage, in relation to the amount enhanced on the reference. (c) The third stage is, when in appeal, the High Courts enhance the compensation fixed earlier. That enhanced compensation would also include interest on the increased portion of the compensation, with application of Section 28 of the Act. The new amount thus calculated will have to be deposited in addition to the award made by the reference Court. (d) The fourth stage occurs when the Supreme Court may enhance the compensation and at that stage too, the same rules would apply. 5. It is observed that degree and quality of co-ordination between DM's and DEO's offices and law courts is highly inadequate. Magnitude of the problem can be assessed from the fact that at present thousands of cases relating to land acquisition are pending in various courts all over the country. No comprehensive and electronic data

base of these court cases related to defence land is available on DGDE website or in public domain. CAG in its compliance audit CA No 4 of 2008 has found instances of:-(a)

Irregular appropriation of Defence funds intended for payment of compensation to farmers due to failure of a DEO to monitor the disbursement of compensation to the farmers resulted in mis-

utilisation of Defence funds by the State Government.[1](b) Avoidable payment of interest due to delay in issue of sanction delay in payment

of compensation for the land acquired in Goa owing to delay in issue of sanction by the Ministry resulted in payment of interest of Rs 67. 87 lakh on a balance amount of compensation of Rs 56. 56 lakh.[2]6. Problem in

acquisition starts from the stage one wherein compensation decided by the District Collector is based on Govt. Rates and not acceptable to the land owners in most of the cases. Matter is then taken to the courts, starting from the trial court to Supreme Court. Audit review of land acquisition observed that even, " in cases of land acquisition under urgency clause the process of acquisition was still incomplete even after periods ranging from 9 to 20 years adversely affecting the respective projects".

[3]Implementation of the final decree in the past have been delayed inordinately even for decades leading to non-finalisation of acquisition and upwards revision of cost. For delays in implementation of court decrees by DEO, following may be the reasons:-(a) Complicated calculations, involving appraisal of cost of litigation, interest liability, increase in amount of original capital value, call for financial vetting but requisite details are generally not available in DEO's office.(b) Judgements not made available by DM's office.

(c) Calculations not done properly and timely by DM.(d) Claims not filed by beneficiaries before DM / Courts of Law for execution of court judgement. 7. CAG has suggested that the land required for short term basis should be requisitioned

in the first instance and acquired later, if warranted, under the Requisitioning and Acquisition of Immovable Property (RAIP) Act.[1]LAA, 1894, though useful in case of land required for operational requirement, is not conducive to the acquisition of land in present scenario where unless the market price of the land is paid acquisitions are likely to be continued to be challenged in courts of law. Some other Acts of land acquisition such as NHAI Act, 1956 and Railway (Amendment) Act, 2008 have proved to be more expeditious and less prone to legal challenges because of contemporary provisions included in these Acts. These Acts also does not require a intermediate agency like Defence Estate Department and dealing of user directly with the land owner makes the whole process faster.

CHAPTER VIII

COMPARATIVE ANALYSIS OF LEGAL FRAMEWORK / PROCEDURES

FOLLOWED BY MOD, NHAI, RAILWAYS FOR LAND ACQUISITION

1. With a view to find out the procedures followed for land acquisition in other Government agencies, study of the provisions of NH Act, 1956, and Railways (Amendment) Act, 2008 has been carried out. A comprehensive and comparative analysis of these three acts i. e. LAA, 1894, NHAI Act, 1956 and Railway (Amendment) Act, 2008, broadly indicates that whereas in all

these cases district officials of State Government act as the competent authority, the time taken in case of NHAI for completing the land acquisition is only 15 months as against time of 36 to 48 months taken in Defence Land acquisition through application of Land Acquisition Act, 1894. A comparative analysis organized in tabular form given below also shows that NH Act, 1956, allows resolution of disputes only through arbitration and references to Court of Law are not allowed. Further the competent authority is not constrained by the criteria of three years sale deed value to arrive at market rates. As such, in cases of NHAI, the compensation awarded by competent authority are closer to prevailing market rates and consequently there are very few disputes. 2. NHAI does not have any exclusive intermediation outfit, like DGDE in Defence for coordinating with State agencies for land acquisition. The user agencies in NHAI i. e. Project Director, deal directly with competent authority and get their land acquisition cases finalized in a strict time bound manner. As against this, in Defence system each land acquisition case consumes longer than estimated time and results in dispute and its subsequent resolution through Court of Law. Much of this dispute is largely due to relaxed application of provisions of LAA 1894 and involvement of DGDE as an additional layer in the land acquisition process. Removal of DGDE from the land acquisition process will speed up the process of land acquisition and would also reduce the extent of conflict and time taken in resolving these matters. In addition to this Ministry of Defence may initiate an official bill, having provisions similar to those of NH Act, 1956, for expediting the process of land acquisition. Whereas an official bill on public land acquisition is already pending in the Parliament, projection of a

separate official bill for covering exclusive requirement of Defence system, which is required to act immediately in all internal and external emergencies, would be helpful for Defence Services.

Comparative Study on the Rules / Procedures following by Defence Sector, NHAI and Railways on Land Acquisition Ser No

DEFENCE

Land Acquisition Act 1894

N H A I

N. H. Act 1956

RAILWAYS

Railways Amendment Act

2008

1.

Preliminary Notification

Notification of intention to acquire land is published in the Gazette and in two daily news papers circulated in that locality where it is proposed to acquire, in vernacular language. This is done by Dist Magistrate. Notification of intention to acquire land is published in the Gazette and in two daily news papers circulated in that locality where it is proposed to acquire, in vernacular language. This is done by the competent authority appointed by the central Govt. Notification of intention of Central Government to acquire land in the Gazette and in two daily news papers circulated in the locality

here it is proposed to acquire, in vernacular language. This is done by the Competent Authority appointed by the Central Government. 2.

Hearing of Objections, if any

Interested parties are required to submit their objection, if any, within 30 days of notification, in writing, to Collector. No specific time prescribed for hearing of objection. Interested parties are required to submit their objection, if any, within 21 days of notification, in writing, to Competent authority which will be disposed off within one month. Interested parties are required to submit their objection, if any, within 1 month of notification, in writing to competent authority or authorised officer. No time period for disposal of these objections is provided in the act. 3.

Declaration

Declaration is required to be published in Gazette and in two daily news papers circulated locally in the area where acquisition of land is proposed, within 1 yr. Declaration is required to be published in Gazette and in two daily news papers circulated locally in the area where acquisition of land is proposed, within 6 months from the date of notification. Declaration is required to be published in Gazette and in two daily news papers circulated locally in the area where acquisition of land is proposed, within 1 year from the date of notification. 4.

Declaration of Award

Award declared within a period of 2 Years from the date of declaration. Award declared within a period of 6 months from the date of declaration (3 months for determination and compensation and 3 months for payment to land

owners. Within 1 year from the date of declaration. Extension of 6 months provided for valid reasons. 5% interest payable for extension period. 5.

Taking Over of Possession

After declaration of award land initially taken over by the District Magistrate and in turn DM hands over this to DEO Within 60 days from the date of issue of notice to vacate. Within 2 months of declaration of award / payment by the Competent authority appointed by Central Government. 6.

Payment of Compensation to Affected Persons

Eligibilities

(i) Market value (ii) Solatium - 30% (iii) Addl value @ 12% (iv) Interest. @ 9% for the first year and @ 15% for subsequent years from the date of taking over of possession. Central Government deposits the amount in the Public Fund account of DM on demand after declaration of award u/s 11 the DM disposes the amount to beneficiaries.

Eligibilities

(i) Market value (ii) Interest. @ 9% from the date of taking over of possession. Deposit by the Central Government in such manner as decided by the said Govt. The Competent authority make the payment to the person or persons entitled thereto.

Eligibilities

(i) Market value, (ii) Addl value of 60% of MV (iii) 9% interest from the date of taking over of possession. Deposit by the Central Govt. in such a manner as

decided by the said Govt. The Competent authority make the payment to the person entitled thereto. 7.

In Case of Dispute

All disputes are referred to court of law and no provision for resolution of disputes through Arbitration and other alternative resolution methods. Matter referred to Arbitrator to be appointed by Central Govt. in case of dispute over valuation, No reference to court of law for dispute resolution. In the case of dispute on apportionment of the amount only the matter can be referred to Civil courts. Matter referred to Arbitrator to be appointed by Central Government in case of disputes over valuation. No reference to courts of law for dispute resolution. In the case of disputes on apportionment of the amount only the matter can be referred to Civil courts. 8. Minimum Time Taken in Completing the Process 30 - 36 months 15 months 24 - 26 months

CHAPTER IX

RECOMMENDATIONS

1. Based on the discussion contained in preceding chapters on existing system and its deficiencies, following recommendations are made.

Organisation Restructuring.

2. As bulk of the defence land either in use or otherwise is already in possession of defence services, the DGDE remains entrusted merely with the paper accounting and audit of purposes for which the land is being used by services. Actual management of defence land is done by defence services who are in occupation of these lands and DGDE organisation merely maintains accounts of this vital physical land resource through MLR, GLR etc.

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Keeping in view the very limited utility of the DGDE organisation, there exists a strong case to order a comprehensive study for profound restructuring of this organisation and it may be disbanded in phased manner if so required. Since all the Services have their Land Directorate, the study should examine the feasibility of empowering these directorates suitably to manage land under immediate use effectively. 3. Since managing the land is a specialised subject, officers in their mid career may be selected, trained and given longer tenure to provide continuity. Officers who may have been overlooked for promotions or who may not be suitable for employment in field areas because of medical reasons may find this stream of employment satisfying and it would not impact the availability of officers for field areas or in rank of Majors and below. 4. On lines of recommendations given by Standing Committee on Defence of Fifteenth Lok Sabha (2010-11)[1] in their Action Taken Report a joint directorate under HQ CIDSS may be created to look after the requirement of Services as whole and to coordinate the activities of individual service Land Directorates.

Maintenance of Records.

5. Though DGDE has claimed that all the land records have been compiled in digital form[2], its veracity is doubtful. Need was adequately highlighted by CAG performance Audit[3], snapshot of which is appended below. 6. DGDE should convert all their records of defence land into a comprehensive and electronic data base forthwith which shall be verified with land holding on ground and with revenue records of respective state Govt. It should also demarcate the defence land boundaries using latest techniques in conjunction with state revenue departments to obviate land disputes.

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Land Acquisition and Mutation.

7. Generation of avoidable conflicts between State and citizens must be avoided to help create a feeling of good will of citizens and civil society organisations towards Government and its functionaries. For this purpose, a very careful and comprehensive assessment of market value of land needs to be carried out, if necessary in consultation with ' professional valuers' who are experts in this field. Determination of fair value and its acceptance by both parties would lead to conflict free and faster acquisition process and it would save huge cost and time of Government functionaries in defending or contesting several court cases across the country. Sometimes the cost incurred by Government on litigation and the interest paid on enhanced amount may be much more than the ' additional amount' sought by land owners over the Government's initially fixed value. It would be necessary to make use of alternative methods of dispute resolution, outside the framework of courts of law to ensure faster decisions and to reduce avoidable load on already over burdened courts of law and Services hierarchy. 8. Acquisition should not be the only option. Land use should be obtained by the most cost effective method. A suggested guideline is as given under:-(a)If the requirement is for short and medium term, option of acquiring leasehold right or acquiring management control through requisition under RAIP act be considered instead of acquiring ownership under LAA 1894. If land owners are agreeable to provide their land and assets thereon on leasehold basis to defence services, through direct negotiation between Services/ Ministry of Defence and them and if they are agreeable to a reasonable rate as determined with reference to some

rational criteria this option of taking over management control may be chosen as preferred option.(b)If land owners are either not willing to lease out their estate or are not agreeable to reasonable rates offered by Ministry of Defence, another option of requisition under application of RAIP 1952, may be invoked.(c)In situations, where the options of leasehold rights, requisition are not some how workable, acquisition proceedings under LAA may be initiated even for meeting short and medium term requirements.(d)If the land owners are agreeable to sell their land within the range of 'reasonable rates', the method of direct negotiation and purchase through sale agreement and mutation thereafter in district records, may be followed. Modalities for this mode of purchase i. e. Board of Officers, reasonable cost, time-frame etc. can be finalised separately. Private sector companies in country are already following this model successfully and state need not deprive itself of using this option as this leads to immediate and conflict-free acquisition of land without any litigation.(e)If land owners are not willing either to sell their lands or to the offer of amount made by the Government, the Services then may resort to application of LAA 1894 for compulsory acquisition of land, as last resort. While deciding to apply LAA 1894, Service HQs may directly approach State Government functionaries for land acquisition, without intermediation of DGDE. Ministry of Defence may requested to authorise Service HQs for direct acquisition without involving DGDE in land acquisition process. 9. Keeping in view the urgency involved in execution of defence projects, provisions similar to those incorporated in NHAI Act, 1956, which are being used by NHAI for land acquisition, may be incorporated in an Official Bill for consideration and approval by Parliament.

Creation of a separate act on these line for defence services, would bring down the over all acquisition time by almost 70% and is expected to eliminate conflicts and consequential court cases. 10. Service HQs may be empowered to deal directly with State Government concerned without intermediation of DGDE for acquisition of land, to expedite the land acquisition process. Elimination of the additional layer of DGDE from defence land acquisition process shall make the acquisition process faster and is likely to bring down time and cost over-runs both for land and infrastructure on this.