

Chapter II: Land Norms, Records and Ownership

2.1 Introduction

Land being one of the most important and increasingly scarce assets, efficient land management by any Government agency would require (a) accurate estimation of requirement of land (b) maintenance of proper documents relating to the land in possession and (c) completion of legal formalities regarding possession of the land. In the context of Defence estates, this would require estimation of requirement according to laid down norms, maintenance of proper records by the authorities responsible and timely mutation of such land in favour of the Defence authorities concerned. The requirement of land at a station is reflected in the Key Location Plan (KLP), which is a list of all formations /units/ establishment on approved War Establishment, Peace Establishment or any other Government sanctioned establishment to be permanently located at that station.

2.2 Lacunae in application of land norms

The norms of requirement of land for different Defence establishments were laid down in Handbook of Cantonment Planning 1947. The Ministry of Defence in 1972 imposed a 33 *per cent* cut in these norms as an *ad hoc* and interim measure for all new stations. Subsequently in 1991 it laid down the new norms for KLPs which amounted to 41.8 *per cent* cut on the land requirement norms of 1947. These calculations were however to exclude the land acquired and constructed upon prior to 1972. The new norms were applicable in case of assessment of land requirement for a new station as also in assessing land requirements of existing stations whenever additional land was required.

The Ministry's order of 1991 incorporating the reduction in the land requirement norms addressed only the new stations. It did not address the land requirements of the existing stations. Many of the military stations were in existence since the pre independence days, when land was available in plenty. During the last few decades, with phenomenal urban growth and pressure of population, management of such vast areas of land has become extremely complex. Encroachment and land grab have become quite common as pointed out in subsequent Chapters in this report.

By applying the Ministry's norms for new stations to the 39 existing stations, Audit independently worked out excess land holding measuring 81,814.82 acres as shown in **Table 1**. The difference is the variation between the land requirement worked out by Local Military Authorities (LMAs) indicated in their Land Calculation Sheet and the figures of land requirement as worked out by Audit as per norms of February 1991. The calculations of the Audit were based on staff strength of the 39 stations.

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Table 1
Details of excess land holding as worked out by Audit

Sl. No.	Station	Total land requirement of the Station as per 1991 norms (in acres)	Total holding of land at the station as per DEOs record (in acres)	Excess with reference to the 1991 norms	Command
1	Ambala	5788.80	7864.90	2076.10	Western Command
2	New Amritsar Military Station (NAMS)	2693.51	4533.39	1839.88	
3	Kasauli	194.90	559.56	364.66	
4	Dagshai	539.87	783.39	243.52	
5	Subathu	605.50	720.90	115.40	
6	Tibri(Gurdaspur)	2655.74	2812.46	156.72	
7	Bhadraya	469.51	931.04	461.53	
8	Pathankot	1265.83	2028.29	762.46	
9	Sujanpur	1362.88	1762.73	399.85	
10	Dalhousie	777.73	948.50	170.77	
11	Bukloh	307.19	539.41	232.22	
12	Alwar	2814.50	2833.72	19.22	
13	Bhatinda	9676.76	13603.13	3926.37	
14	Bikaner	4424.97	5213.07	788.10	
15	Hisar	5217.41	7641.80	2424.39	
16	Kota	2367.12	4988.41	2621.29	
17	Suratgarh	3266.64	8397.74	5131.10	Southern Command
18	Chennai	1606.15	1830.92	224.77	
19	Avadi	537.50	715.92	178.42	
20	Trichy	581.54	657.71	76.17	
21	Bangalore	4060.07	5332.53	1272.46	
22	Belgaum	1781.32	3180.52	1399.20	
23	Kirkee	5955.32	10512.66	4557.34	
24	Pune	2923.23	3446.96	523.73	
25	Aurangabad	1291.01	2271.69	980.68	
26	Ahmednagar	4422.75	36607.08	32184.33	
27	Dehu Road	1696.24	6353.63	4657.39	
28	Allahabad	3210.51	4227.40	1016.89	
29	Bareilly	3346.19	3928.22	582.03	
30	Faizabad	1852.11	4624.72	2772.61	
31	Kanpur	2545.74	3495.73	949.99	
32	Lansdown/Kotdwar	1049.73	1320.47	270.74	
33	Lucknow	4843.32	5886.68	1043.36	
34	Mhow	2327.92	3701.63	1373.71	
35	Nainital/Kailakhan	57.81	595.15	537.34	
36	Chambetia/Panchmarhi	495.32	2085.83	1590.51	
37	Girgarikhal	1045.21	3995.17	2949.96	
38	Shahjahanpur	1455.74	2211.49	755.75	
39	Varanasi	695.14	879.00	183.86	
Total		92208.73	174023.55	81814.82	

As would be seen from Table 1, in many urban agglomerations, significant amount of land would be rendered surplus if the Ministry's own norms are

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applied to these stations. These would also make significant amount of land available for housing and other development.

Some of the land calculation sheets made available to Audit by the LMAs/DEOs based on which the above calculations were made by Audit contained errors which depicted higher requirement of land and thus, would release more land. In five stations (Alwar, Bhatinda, Bharatpur, Bikaner and Hisar) the land calculation sheets included civilians despite clear instructions of the Ministry to the effect that military population alone was to be taken into account for working out land requirements. In Jalandhar station, land requirement for Supply Depot, FOL Depot, Engineer Park, etc. had been included in the KLP. However, the same had been catered for under special requirements at Suratgarh, thus increasing the land requirement of the station.

The norms arrived by the Ministry suffered from other deficiencies as well. No attention was paid to the varying geographical terrain, i.e. plains, hill stations, etc. as prevalent in India. There was no provision in these norms for assessing land requirement for certain types of units/formations such as category 'A' Training Establishments, Store holding units etc. Similarly prescribing uniform scale of 258.10 acres (10,44,491.98 sq. metre) per 1000 population for each KLP unit to cater for office, residential, storage, training requirement etc. and the related infrastructure facilities i.e. 1,044.49 sq metre per head was *ad hoc* and not based on any scientific study of actual requirements. Similarly, the changing scenario of expanding vertically rather than horizontally wherever possible, keeping in view scarcity of land was not factored into the norms.

Army HQ, *suo moto*, proposed revised norms in 1992 relating to Classification and Grenade Ranges. Audit noticed that in 14 stations³ LMA had assessed land requirement of 18,230 acres for ranges by following proposed norms of 1992 while according to the Ministry's norms of 1991 the authorization should have been 11,200 acres. Thus an excess land requirement of 7,030 acres was proposed.

HQ Western Command admitted in December 2009 that at certain stations entire land acquired prior to 1972 was inadvertently excluded from the prescribed cut resulting in excess assessment of requirement of land and assured Audit that surplus land would be utilized subsequently. Army HQ also admitted in September 2009 that only Military strength was to be taken into account. As regards land for ranges, Army HQ stated that enhanced norms had been approved by the QMG who was the competent authority in this regard. Army HQ did not explain how the land norms approved by the Ministry had been enhanced by a subordinate authority without the approval of the Ministry.

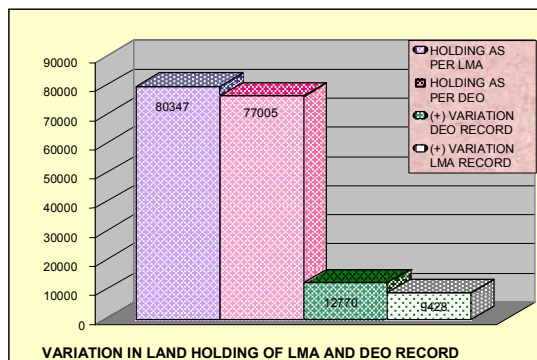
The DGDE who is primarily responsible for the maintenance of land records did not give any reply regarding inclusion of civilians for assessment of land requirements. In August 2010, Audit was asked to obtain the requisite information from the Services HQ. The Ministry also has not furnished any reply as of January 2011.

³Ambala, Ferozepur, Jalandhar, Mamun, New Amritsar Military Station (NAMS), Patiala, Jabalpur, Meerut, Bangalore, Bathinda, Bikaner, Hisar, Suratgarh & Jaipur.

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2.3 Variations in records of actual land holdings

Land records maintained by the DEOs are the basic documents for land management. Audit scrutiny indicated large scale discrepancies in the figures of A-1 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 A-1 land in General Land Register and Military Land Register⁴. No effort was evident to reconcile the discrepancies.



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, as shown in Table 2.

Table 2
Variations in records of LMAs and DEOs

Sl. No.	Station	Holding of all types land (in acres)		Excess	Less
		As per LMA	As per DEO		
Western Command					
1.	Jalandhar	7066.65	5992.07	1074.58	
2.	Ferozepur	8108.35	6513.92	1594.43	
3.	Amritsar	1205.74	1606.77		401.03
4.	NAMS	4487.87	4533.39		45.52
5.	Gurdaspur	2870.22	2812.49	57.73	
6.	Beas	1009.19	1037.04		27.85
7.	Ludhiana	1180.57	1388.76		208.19
8.	Kapurthala	974.86	745.93	228.93	
9.	Faridkot	2686.04	2695.11		9.07
South-Western Command					
10.	Sri Ganganagar	1845.44	1910.72		65.28
11.	Suratgarh	7216.96	8397.74		1180.78
Northern Command					
12.	Jammu	5481.59	3409.78	2071.81	
13.	Rajouri	4933.96	2472.85	2461.11	
14.	Poonch	1516.42	4027.70		2511.28
15.	Udhampur	2817.33	4802.86		1985.53
16.	Pathankot	1415.87	2028.29		612.42
17.	Sujanpur	649.03	1762.73		1113.70
18.	Dalhousie	176.47	948.50		772.03
19.	Bakloh	249.35	539.41		290.06

⁴ The DEOs maintain General Land Register for all lands of various classifications inside Cantonments and Military Land Register for lands outside Cantonments.

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Central Command					
20.	Bareilly	3257.74	3261.04		3.30
21.	Bhopal	3832.79	3867.22		34.43
22.	Jabalpur	6679.16	3333.10	3346.06	
23.	Mathura	2962.72	1335.34	1627.38	
24.	Meerut	6811.14	6978.44		167.30
25.	Ranikhet	911.68	603.85	307.83	
Total		80347.14	77005.05	12769.86	9427.77

- In three Naval Areas, i.e. Mumbai, Goa and Kochi, land was greater by 311.58 acres in the records at two Stations (Mumbai 35.64 acres + Kochi 275.94 acres) and less by 160.11 acres at Goa in comparison to DEO's records.
- Total land holding of 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.

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

The DDE Western Command replied in July 2009 that DEOs had been asked to reconcile their figures of land holdings with the station authorities. DGDE stated in October 2009 that DEOs were the statutory authority for maintaining records of all Defence land. The LMAs were required to verify their data with those held by DEOs to confirm its correctness. Army HQ stated in August 2009 that the difference in the figures of LMAs and DEOs was because DEOs were also taking into account land other than A1 while LMAs were restricting themselves only to A1 land. They further stated (September 2009) that the records of LMAs required reconciliation with that of DEOs and action would be taken accordingly. Reply of Army HQ was not relevant as the audit observation on the difference was related to A-1 land figures only in the records of DEOs and the LMAs and where wide variations were found.

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 risks of encroachment and land grab by vested interests.

DGDE in his reply stated that the statutory authority to maintain records of defence land is the Defence Estates Officer. The actual possession of the land is with LMAs. In case of any inconsistency between the defence land records held by the DEO and the land under the actual physical possession of the LMA, the records held by the DEO is to be presumed to be authentic.

DGDE further stated that an exercise has been undertaken in the Southern Command to reconcile the defence land records held by the DEO and the LMA. The work was almost complete. In due course of time, the process of reconciliation of land records will be undertaken in respect of other commands also.

Besides highlighting the problems inherent in multiple agencies managing defence land, DGDE's reply did not shed light on the actual situation obtaining at the ground

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level. To suggest that DEO's records should be treated as authentic does not provide any assurance that these records are correct and updated. Such an assurance comes only from periodic reconciliation and physical survey of land in possession.

2.4 Computerization of Defence land records

To obtain instant data on land, the project 'Raksha Bhoomi' for computerization of Defence land records (for developing software, training, data entry, verification and installing the hardware) with the help of National Informatics Centre (NIC) was sanctioned in February 2007 at a total cost of ₹ 2.52 crore, to be completed within a period of 15 months by May 2008.

As of August 2010, the computerization was, however, still in various stages of implementation. As per the records available in the PDDE offices and DEO offices test checked in audit, out of 33 DEOs, data entry pertaining to land records was incomplete in 13 DEOs. Though data entry had been completed in 20 DEOs, data validation work had been completed in nine DEOs only as of August 2010 (*Annexure-III*).

The DGDE and DEOs attributed the following reasons for the delay:

- Some newly purchased hardware was not compatible with the operating system. Hence the Software had to be improved so as to be compatible with the operating system;
- Lack of uniformity in maintenance of land records by different DEOs because GLRs have different type of entries in different states;
- Shortage of technical staff - DEO Kolkata, Meerut, Bangalore and Jaipur;
- No technical staff was engaged for the project; and
- Involvement of staff in disposal of other priority work - DEO Meerut.

It was observed that DGDE had incurred an expenditure of ₹ 22.45 lakh till July 2010 for computerization of land records, as against sanctioned amount of ₹ 2.52 crore. The details of expenditure incurred by the field offices were not made available to Audit.

The project was running far behind the schedule and the progress was far from satisfactory. There was lack of systematic and planned pursuit of the project.

In the exit conference held on 4 March 2011, Ministry stated that the project is expected to be completed by 31 March 2011.

2.5 Mutation of Defence land

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 Governments. It was further directed that after every five years a

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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. A 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 land with the Defence as also after fresh acquisition of land.** Analysis indicated that:

- Out of 5.90 lakh acres of land held on records of 11 DEOs⁵ in 06 Commands, 0.79 lakh acres (13.39 *per cent*) were not mutated in favour of the Ministry;
- In three Naval Areas under three DEOs (Mumbai, Goa and Kochi), out of 3,922.09 acres of land, 785.52 acres was awaiting mutation;
- At two Air Force stations (Bangalore and Hakimpet) out of 2,150 acres of land holding, 167.55 acres had not been mutated in favour of the Ministry;
- DEO Ambala Cantonment who held 14,453.99 acres of land was not aware of the status of its mutation;
- In five DEOs (Lucknow, Bareilly, Meerut, Jabalpur and Ambala) in Central & Western commands, there was loss of 796.85 acres of land due to occupation / encroachment by State Governments, Private parties, Forest Department, Irrigation Department, Nagar Palika as the land was not mutated in the name of the Ministry in the State revenue records;
- Under DEO Pune, two acres of A-1 land at Kirkee, acquired in April 1973 but not mutated in favour of the Ministry, was encroached upon by slum dwellers. State Government under their notification of May 1984 declared this area as a slum. DEO Pune took up the case for mutation of the land only in June 2005. Present status of the case was not made available to Audit;
- 114.15 acres of A-1 land at Secunderabad was in possession and control of Army since 1927. The same, however, was not mutated in favour of the Ministry. Private individuals encroached upon 31 acres and 14 gunthas of land and with the help of State Revenue authorities got the mutation done in their favour in 2005. DEO Secunderabad took action for mutation of balance land in favour of the Ministry only in June 2009;
- Malerkotla camping ground, an ex-State Forces property, measuring 125.13 acres under DEO Chandigarh was transferred to the Ministry in August 1960. The State Government of Punjab in February 2007 started construction of a Judicial Complex on approximately 53.13 acres of this land. Out of 53.13 acres, 40.63 acres had been mutated in favour of State Authorities. Demarcation of balance 12.5 acres could also not be finalized because of lack of co-operation from Revenue authorities. Presently the matter was *sub judice*. Though the matter was raised by DEO / LMA, yet due to non mutation of land in the name of the Ministry, the land was taken over by State Government.

⁵ EC – Kolkata, Jorhat, WC – Jammu, Jalandhar, SWC – Bikaner, Jaipur, CC – Bareilly, Lucknow, Jabalpur, NC – Udhampur, SC – Chennai.

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- Approximately 3,98,000 acres of land of thirty five villages in district Jaisalmer under DEO Jodhpur was acquired in the year 1966 in Southern Command. Out of this, mutation of land of twelve villages had not been carried out in favour of the Ministry as of December 2009.

It was also noted that no centralized record was kept with the DGDE on the status of mutation. On the observation relating to mutation of land, the DGDE informed Audit in July 2010 that the requisite information was being ascertained and would be furnished on receipt.

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.

DGDE in his reply stated that the concerned DEO and the Senior Officers of the Directorate are seized with this issue and are making consistent efforts in this regard.

Recommendation 1

There exists a case for an intensive *de-novo* review of the requirements of land in both existing and new stations and disposal of surplus lands in the best public interest. The Ministry and Services HQ should take into account the problems of management of vast tracts of uninhabited land in their custody and reconsider continuous holding of excess land.

Recommendation 2

Accurate land records being of utmost importance for efficient and effective land management, the Ministry should immediately set up a taskforce comprising the Services and DGDE to update and reconcile land records in respect of all types of land. Responsibilities for maintenance of land records should be clearly laid down and the work of updating and subsequent maintenance of records should be monitored at the highest level in the Ministry.

Recommendation 3

The project of computerization of land records should be completed as soon as possible. Adequate attention should be paid to ensure that the data fed into the system is updated and accurate. Reasons for delay in computerization of land records in the Defence Estates Organisation should be identified and responsibilities fixed.

Recommendation 4

The Ministry of Defence should set up a taskforce to undertake special drive to get all the land mutated in its name as early as possible.