

No. 1(25)/Spl. Cell/CSC/71-SS.II.
Government of India
Ministry of Supply and Rehabilitation
(Department of Rehabilitation)
..*.*

Jaisalmer House, Mansingh Road,
New Delhi, the 25th Nov., 1980.

To

The Secretary to the
Government of Madhya Pradesh,
Rehabilitation Department,
B H O P A L.

Subject:- Administration and management of the
remaining acquired evacuee properties/
agricultural lands and realisation of
rental demands etc.
..*.*

Sir,

I am directed to state that the question regarding administration and management of evacuee agricultural lands/properties acquired under Section 12 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954, and still remaining undisposed of with the Settlement Organisation as also the realisation of arrears of rent, leases etc., in respect thereof vis-a-vis the expenditure which is being incurred by the Settlement Organisation has been engaging the attention of the Government of India for some time past. It has been observed that only a limited number of acquired evacuee agricultural lands/properties remain to be disposed of and the expenditure which is being incurred for the purpose is out of proportion to the volume of work and the receipts from their disposal. Further arrears on account of rent or leases in respect of such agricultural lands/properties have become over due for recovery and their realisation is presenting great difficulty besides entailing substantial expenditure without any comparable results.

2. Discussions were held at Bhopal between the representatives of the Government of India and State Government at Bhopal on 4th and 6th October, 1978, it was decided to conclude administrative and financial arrangements with the Government of Madhya Pradesh for the disposal of the residuary assets in

a more satisfactory manner consistent with the purpose of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, and the rules framed thereunder. In pursuance of the acceptance of the State Government conveyed vide their D.O. letter No. 2921/XXVIII/80, dated the 10th November, 1980, I am, now directed to convey the sanction of the President to the following administrative and financial arrangements being made with the Government of Madhya Pradesh for the management and disposal of remaining acquired evacuee agricultural land/properties and realisation of arrears of rental demand in accordance with the provisions of the said Act and the Rules framed thereunder. Under this arrangement, the properties shall continue to vest in the Compensation Pool as heretofore and shall be disposed of in accordance with the provisions of the Act and Rules aforesaid.

(i) Recovery of arrears of rent of urban and rural acquired and unacquired properties.

According to available information, a sum of Rs. 2,23,691/- is reported to be outstanding on this account and shall be transferred to the State Government. The latter shall pay to the Government of India a sum of Rs. 22,369/- representing 10% of the arrears. The remaining amount would be retained by the State Government. In cases where the arrears cannot be recovered these will be written off by the officers of the State Government in accordance with the prescribed procedure. Necessary powers for writing off the arrears would be delegated by the Government of India to the officers of the State Government.

(ii) Recovery of value of land allotted to non-claimants on instalment basis in Raisen District.

According to available information, a sum of Rs. 43,812/- is recoverable on account of value of land allotted to non-claimants on instalment basis in Raisen District. This item of work shall stand transferred to the State Government who will pay to the Government of India 25% of the recoverable amount viz. Rs. 10,953/-.

(iii) Evacuee Agricultural Land.

Evacuee agricultural land measuring 792 acres with a reserve price of Rs. 1,98,000/- is available for disposal. The State Government shall manage and dispose of the same under the provisions

of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, and the Rules framed thereunder. The State Government shall pay to the Government of India, a sum of Rs. 29,700/- representing 15% of the reserve price of the land.

(iv) Evacuee Properties.

According to available information 50 evacuee properties with a reserve price of Rs. 3,20,000/- are reported to be available for disposal. These properties shall hereafter be managed and disposed of by the State Government under provisions of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 and the Rules framed thereunder. The State Government shall pay to the Government of India a sum of Rs. 48,000/- representing 15% of the reserve price of these properties.

(v) Recovery of cost of the acquired evacuee agricultural land in occupation of local persons.

According to available information about 2093 acres of evacuee agricultural land with a reserve price of Rs. 6,62,924/- is reported to be in occupation of the local persons. The State Government shall take over the work of recovery of the cost of this land. That Government shall pay to the Government of India a sum of Rs. 1,65,730/- representing 25% of the reserve price of the land.

(vi) Government Built Properties constructed out of 81-Capital Outlay.

The management and disposal of the remaining 70 undisposed of Government Built Properties constructed out of funds provided under 81-Capital Outlay shall be taken over by the State Government. The State Government shall pay to Government of India a sum equal to 25% of the recoverable amount. Full details of these properties as well as recoverable amount in each case will be made available to the State Government by the Government of India.

(vii) Recovery of compensation of evacuee Zamindari and Jagirdari land from the State Government.

According to available information, a sum of Rs. 42,857.51 is payable by the State Government on account of compensation for evacuee zamindari and Jagirdari land. The State Government shall pay this amount to the Government of India.

- (viii) Amount of land revenue in respect of acquired evacuee agricultural land refundable to the Government of India by the State Government.

According to available information, a sum of Rs. 1,57,942.28, is payable by the State Government to the Government of India on account of land revenue in respect of acquired evacuee agricultural land which was recovered through the Revenue Authorities. The State Government shall recover this amount and pay to the Government of India 60% of the same viz Rs. 94,762. The remaining 40% of this amount shall be retained by the State Government on account of their collection charges.

3. Properties constructed out of loan advanced by the Government of India to the State Government of Madhya Pradesh for displaced persons from West Pakistan.
- (a) Properties constructed out of the loans which have already been transferred to the displaced persons or are in the process of being transferred to the displaced persons or otherwise have been disposed of in accordance with the provisions of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, shall be State Government's contribution to the 'Compensation Pool' and the State Government shall issue necessary notification under Rule 17-AA of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955. Credit for the amount realised by transfer/disposal of these properties has been passed on to the State Government and a corresponding amount has been credited in repayment of the outstanding loan advanced to the State Government. The State Government shall repay the balance amount of the loan.
- (b) In respect of the dues/price of the undisposed of properties notified as the State Government's contribution to the Compensation Pool adjusted by the Government of India in settlement of the claims of the displaced persons from West Pakistan, the Government of India shall pay to the Government of Madhya Pradesh, the amount so adjusted.
- (c) The management and disposal of the remaining undisposed of properties or partly disposed of properties which are in the process of being transferred to the displaced persons,

shall be done by the State Government and the Government of India shall not claim any payment in respect of such properties.

- (d) The State Government shall not make any claim for payment towards the cost and maintenance of any properties constructed by them out of loans.
- (e) The Government of India will delegate such powers as necessary to the officers of the Government of Madhya Pradesh for the management of the properties notified as State Government's contribution to the compensation pool, under the Displaced Persons (Compensation and Rehabilitation) Act, 1954 and the Rules framed thereunder.
- (f) Properties not notified as State Government's contribution to the Compensation Pool shall be managed and disposed of by the State Government in accordance with the Laws and Rules applicable to other State Government properties.

4. The area of evacuee agricultural land and the number of evacuee properties, Government built properties indicated in sub-para (iii), (iv) and (vi) of para 2 of this letter are approximate. The Government of Madhya Pradesh will take immediate steps to ascertain the area of land, number and reserve price etc. through their District Collectors whose survey reports shall be treated as final. The amounts payable by the State Government to the Government of India under these arrangements would accordingly be finally worked out after identification/verification of disposable properties by the District Collectors.

5. DISPOSAL OF JUDICIAL CASES RELATING TO EVACUEE PROPERTIES/GOVERNMENT BUILT PROPERTIES IN THE STATE OF MADHYA PRADESH.

A number of cases relating to evacuee properties and Government Built Properties are pending with certain Departmental Tribunals constituted by the Department of Rehabilitation under the Administration of Evacuee Property Act, 1950, Evacuee Interest (Separation) Act, 1951 and the Displaced Persons (Compensation and Rehabilitation) Act, 1954. The powers exercised by these Tribunals shall be delegated by the Government of India to the Officers of the State Government nominated by the State Government. The cases pending on the Boards of the Tribunals constituted by this Department and fresh cases if any instituted under the aforesaid Acts shall be dealt with by the Departmental Tribunals constituted by the Government of Madhya Pradesh.

6. TRANSFER OF THE JUDICIAL WORK CONNECTED WITH THE
CASES PENDING IN CIVIL COURTS/HIGH COURTS.

The State Government shall take over from the Government of India the work relating to cases pertaining to the properties included in the Compensation Pool in the State of Madhya Pradesh in respect of litigation matters pending in the High Court and Civil Courts in Madhya Pradesh. The State Government shall not claim any re-imbusement of expenditure on account of the establishment charges and counsel fees on account of this work. However, if as a result of some action of the officers of the Settlement Organisation or Union of India prior to the coming into force of these arrangements, decrees are awarded by the courts against the Chief Settlement Commissioner or the Union of India, the actual expenditure on account of such decrees shall be re-imbursed by the Government of India to the State Govt.

7. RESIDUARY WORK IN THE SETTLEMENT WING.

Residuary work relating to the properties etc. already disposed of will also be taken over by the State Government and dealt with by them hereafter.

8. The arrangements detailed above shall not in any way affect the payment of compensation to unsatisfied claimants, if any, in accordance with the provisions of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 and the Rules framed thereunder. Their claims shall as usual be dealt with by the officers of the Central Government.

9. In respect of all unsatisfied claims of compensation of displaced persons from the former West Pakistan that are adjusted by the transfer of lands/properties under their occupation to which they might be entitled in accordance with the provisions of the Displaced Persons (Compensation and Rehabilitation) Act and the Rules, the Government of India shall pay the amount so adjusted to the State Government.

10. The aforesaid arrangements shall take effect from 1.12.1980. The entire amount payable by the State Government under the aforesaid arrangements in respect of the above mentioned in sub-para (i) to (vi) of paragraph 2 of this letter shall be paid by the State Government to the Government of India in six half yearly instalments (first instalment shall fall due on 1.6.1981 viz. after six months from the 31st December, 1980) on 1.6.1981, 1.12.1981, 1.6.1982, 1.12.1982 and 1.6.1983. No interest shall be charged on sums outstanding out of the amount due from the State Government but instalments of which have fallen due. However, if an instalment is not paid in full on the due date as mentioned above, the same or part thereof which is outstanding shall be payable with interest

for the period from the due date up to the date of payment the rate of interest being that as fixed by the Government of India from time to time.

11. The actual amount payable by the State Government to the Government of India under this arrangement shall finally be worked out by the Deputy Chief Settlement Commissioner(2), Department of Rehabilitation, New Delhi, would also be responsible for transferring all the relevant records to the State Government within two months of the issue of these orders.

12. RECORDS.

Necessary arrangements for transferring the records pertaining to judicial cases and other items of work referred to in the foregoing paragraphs have already been/will be made by this Department. The expenditure on their transportation from New Delhi to the place of their destination would be met by this Department.

13. The payment to be made by the State Govt. under these arrangements shall be credited to account of Government of India under the following Head of Account:-

"088-Social Security and Welfare- Relief and Rehabilitation of displaced persons- Displaced persons from former West Pakistan. Receipts forming part of compensation pool- Receipts on account of acquired evacuee properties adjustable by the Dy. Controller of Accounts(Rehabilitation), New Delhi through the Suspense Head"

"858-Suspense Account-Pay & Accounts Officer- Suspense-Dy. Controller of Accounts (Rehabilitation), New Delhi.

14. This letter issues with the concurrence of the Finance Branch vide U.O.No. 3979/Fin/80, dated 24.11.80 and supersedes the sanction letter issued by the Government of India in the erstwhile Ministry of Labour & Rehabilitation(Department of Rehabilitation), Office of the Chief Settlement Commissioner letter No. 1(25)/Spl.Cell/CSC/71-SS.II., dated 6.12.1971.

Hindi version will follow.

Yours faithfully,

(N. M. WADHWANI)

UNDER SECRETARY TO THE GOVERNMENT OF INDIA.

Copy to:-

1. Finance Branch- 2 copies.
2. Dy. Chief Settlement Commissioner(J), Settlement Wing, New Delhi- 5 copies.
3. The Dy. Controller of Accounts(Rehabilitation), New Delhi- 2 copies
4. The Accountant General, Madhya Pradesh, Gwalior 2 copies.
5. The Director of Audit, Commerce, Works and Misc., New Delhi- 2 copies.
6. B&A Section/SS.I.

Copy also to:-

1. PS to M(R)/Secretary/JS(M)/CSG.
2. Dy. CSC(G)/SC(J)/SC(G)/ASC(L)/SO(P)/AO(P)
3. All Officers/Sections in the Settlement Wing.


UNDER SECRETARY.