

**GOVERNMENT OF INDIA
MINISTRY OF DEFENCE
DEPARTMENT OF DEFENCE
LOK SABHA**

**UNSTARRED QUESTION NO.2239
TO BE ANSWERED ON THE 11TH DECEMBER, 2015**

VACANT DEFENCE LAND IN MAHARASHTRA

2239. SHRI GOPAL SHETTY:

Will the Minister of DEFENCE j{k k ea=h
be pleased to state:

- (a) whether a large part of defence land is lying vacant in Maharashtra;
- (b) whether any circular has been issued to ban construction activities in and around defence land;
- (c) if so, the details thereof and the reasons therefor;
- (d) whether the Government has received any memorandum / request against this circular; and
- (e) if so, the details thereof and the corrective measures by the Government in this regard?

A N S W E R

MINISTER OF STATE
IN THE MINISTRY OF DEFENCE

(RAO INDERJIT SINGH)

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(a) Defence lands are earmarked for military purposes only. Defence lands which seem to be vacant, are open spaces required for conduct of training, sports, parades, exercises, manoeuvres etc. In addition land on which planned infrastructure projects are to come up, would also appear to be vacant. Hence, there are no vacant Defence lands.

(b) to (e): Guidelines for issue of NOC for building constructions was issued, vide Circular dated 18.05.2011 (Annexure-I), to regulate constructions around Defence Establishment. Based on VIP references and representations, the guidelines dated 18.05.2011 was reviewed and amended vide Circular dated 18.03.2015 (Annexure-II) by adding a proviso under para 1(b).

Further, based on the request of Chief Minister of Maharashtra and large number of public representatives and other affected citizens, the guideline dated 18.05.2011 has been reviewed again and amended vide circular dated 17.11.2015 (Annexure-III) by adding a second proviso under para 1(b) of circular dated 18.05.2011.

**ANNEXURE-I REFERRED IN THE REPLY GIVEN IN PARTS (b) TO (e) OF
LOK SABHA UNSTARRED QUESTION NO. 2239 FOR ANSWER ON
11.12.2015**

No.F.11026/2/2011/D(Lands)
Government of India
Ministry of Defence

New Delhi, dated 17th November, 2015

To

The Chief of Army Staff
The Chief of Air Staff
The Chief of Naval Staff

Subject: Guidelines for issue of 'No Objection Certificate (NOC) for building constructions'-regarding.

I am directed to refer to circular of even number dated 18.05.2011 vide which guidelines for issue of 'No Objection Certificate (NOC) for building constructions' were issued. Consequent to representations/references received with regard to restrictions placed by these guidelines on building construction in the vicinity of Defence Establishment where high rise buildings/structures already exist within 500 metres of the periphery, it has been decided to issue following amendments to guidelines by adding a second proviso under para 1(b) of Circular of even number dated 18.05.2011 as follows:

"Wherever buildings/structures of four storeys or more already exist within 500 metres of the periphery of any Defence establishment and the construction proposed is in line with or behind i.e., in the shadow or shield of such building/structure, the State Government/Municipal Corporation may, after obtaining comments from the LMA and giving due consideration to the same, decide whether to approve such proposals or not. LMA shall give his comments within a period of 30 days from the date of receipt of a reference from the State government/Municipal Corporation. This order will be implemented prospectively."

2. In respect of proposals for construction between the boundary of the Defence establishments and the existing structure as indicated above and within 500 metres of the Defence establishments, the guidelines contained in Circular dated 18.05.2011 with regard to NOC from the LMA shall continue to apply. Other provisions of the circular dated 18.05.2011 and 18.03.2015 will also remain unchanged.

(Surya Prakash)
Director(L&C)

Copy to:

1. DG, DGDE, New Delhi
2. CC(R&D), DRDO, New Delhi
3. Coast Guard HQ,
4. Ordnance Factory Board (through D(Fy-II))
5. CGDA
6. DGQA

**ANNEXURE-II REFERRED IN THE REPLY GIVEN IN PARTS (b) TO (e) OF
LOK SABHA UNSTARRED QUESTION NO. 2239 FOR ANSWER ON
11.12.2015**

No. 11026/2/2011/D(Lands)
Government of India
Ministry of Defence

New Delhi, dated 18 March, 2015

To

The Chief of Army Staff
The Chief of Air Staff
The Chief of Naval Staff

Subject: Guidelines for issue of 'No Objection Certificate (NOC) for building constructions'.

I am directed to refer to circular of even number dated 18.05.2011 vide which guidelines for issue of 'No Objection Certificate (NOC) for building constructions' were issued. Following the issue of the guidelines representations and references have been received with regard to restrictions placed by these guidelines on building construction in the vicinity of Defence Establishments. It was therefore decided to undertake a comprehensive review of the guidelines so as to address issues that had arisen from the implementation of the guidelines.

2. The recommendations arising from the review undertaken have been duly considered by the Ministry and it has been decided to modify the aforementioned Circular dated 18.05.2011 by adding a proviso under para 1(b) to the effect that NOC from LMA / Defence Establishment would not be required in respect of a construction for which permission had been issued by the competent local municipal authority prior to 18.05.2011 (date of circular). However, this proviso shall not apply to any amendment to the said construction permission with regard to height, if such amendment has been allowed after 18.05.2011.

3. The other provisions of the circular dated 18.05.2011 will remain unchanged.

(Surya Prakash)
Director (L&C)

Copy to:

- (i) DG, DGDE, New Delhi
- (ii) CC(R&D), DRDO, New Delhi
- (iii) Coast Guard HQ,
- (iv) Ordnance Factory Board (Through D(Fy-II))
- (v) CGDA
- (vi) DGQA

**ANNEXURE-III REFERRED IN THE REPLY GIVEN IN PARTS (b) TO (e) OF
LOK SABHA UNSTARRED QUESTION NO. 2239 FOR ANSWER ON
11.12.2015**

No. 11026/2/2011/D(Lands)
Government of India
Ministry of Defence

New Delhi, the 18th May, 2011

To

Chief of Army Staff
Chief of Air Staff
Chief of Naval Staff
New Delhi.

Subject: Guidelines for issue of 'No Objection Certificate (NOC)' for building constructions.

Of late, issue of NOC for construction on lands adjacent to Defence Establishments has generated avoidable controversies particularly in two recent cases viz., Sukna and Adarsh. Various issues involved in these two cases were reviewed and the matter has been considered in detail in the Govt. in consultation with the Services. It is felt that Works of Defence Act, 1903 which imposes restrictions upon use and enjoyment of land in vicinity of Defence Establishments needs to be comprehensively amended so as to take care of security concerns of defence forces. While the process of amendment has been put in motion and may take some time, it was felt necessary to issue instructions in the interim to regulate grant of NOC. The objective of these instructions is to strike a balance between the security concerns of the forces and the right of public to undertake the construction activities on their land. Following guidelines are therefore laid down:

- (a) In places where local municipal laws require consultation with the Station Commander before a building plan is approved, the Station Commander may convey its views after seeking approval from next higher authority not below the rank of Brigadier or equivalent within four months of receipt of such requests or within the specified period, if any, required by law. Objection/views/NOC will be conveyed only to State Government agencies or to Municipal authorities, and under no circumstances shall be conveyed to builders / private parties.
- (b) Where the local municipal laws do not so require, yet the Station Commander feels that any construction coming up within 100 meter (For multistorey building of more than four storeys the distance shall be 500 meters) radius of defence establishment can be a security hazard, it should

refer the matter immediately to its next higher authority in the chain of its command. In case the next higher authority is also so convinced, then the Station Commander may convey its objection / views to the local municipality or State Government agencies. In case the municipal authority / State Government do not take cognizance of the said objection, then the matter may be taken up with higher authorities, if need be through AHQ / MoD.

(c) Objection / views / NOC shall not be given by any authority other than Station Commander to the local municipality or State Government agencies and shall not be given directly to private parties / builders under any circumstances.

(d) NOC once issued will not be withdrawn without the approval of the Service Hqrs.

2. These instructions will not apply where constructions are regulated by the provisions of the existing acts / notification viz., Cantonments Act, 2006, Air Craft Act, MoCA, 1934, Gazette Notification SO 84(E) dated 14.01.2011 (as revised from time to time), Works of Defence Act, 1903, etc. In such cases provisions of the concerned Act / Notification will continue to prevail.

(Dr. A.K. Singh)
Director (L&C)

Copy to:
DGDE; DRDO; Coast Guard HQ;
CGDA; DGQA; OFB [through D(Fy-II)]
