

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

**UNSTARRED QUESTION NO.610**

TO BE ANSWERED ON THE 26<sup>TH</sup> FEBRUARY, 2016

**CONSTRUCTION ADJACENT TO DEFENCE ESTABLISHMENTS**

610. SHRI P.P. CHAUDHARY:  
SHRI DILIPKUMAR MANSUKHLAL GANDHI:  
SHRI CHANDRA PRAKASH JOSHI:  
SHRI ASADUDDIN OWAISI:  
SHRI S. RAJENDRAN:  
SHRI NARANBHAI KACHHADIYA:

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

- (a) whether the Defence Act, 1903 prohibits construction within the vicinity of 100 to 900 meters of any defence establishment;
- (b) if so, the details thereof including any assessment made and action taken by the Government in this regard;
- (c) whether the Government proposes to make it mandatory to take No Objection Certificate (NOC) from the concerned defence authorities for construction of buildings in the vicinity of a defence establishment; and
- (d) if so, the details thereof including the competent authority for the purpose along with the number of applications received and NOCs issued during each of the last three years, State-wise?

**A N S W E R**

MINISTER OF DEFENCE

(SHRI MANOHAR PARRIKAR)

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**(a) & (b): Section 3 of the Works of Defence Act, 1903 provides for imposing restrictions upon the use and enjoyment of land in the vicinity of any work of defence. As per Section 7 of the Act, extent of such restrictions may be upto 2000 yards from the crest of the outer parapet of the work.**

**(c) Ministry of Defence has issued guidelines dated 18.05.2011, 18.03.2015 and 17.11.2015 for requirement of NOC for building constructions to regulate constructions around Defence Establishment in view of the safety and security of the Defence establishment.**

**(d) Copies of guidelines dated 18.05.2011, 18.03.2015 and 17.11.2015 are enclosed. No record is maintained centrally.**

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**GUIDELINES REFERRED IN THE REPLY GIVEN IN PART (d) OF LOK SABHA  
UNSTARRED QUESTION NO. 610 FOR ANSWER ON 26.02.2016**

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

New Delhi, the 18<sup>th</sup> May, 2011

To

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

Subject: Guidelines for issue of ~~A~~No Objection Certificate (NOC)q for building constructions.

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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.

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- (b) Where the local municipal laws do not so require, yet the Station Commander feels that any construction coming up within 100 meter (For multi storey 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)]

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 ~~A~~No Objection Certificate (NOC) for building constructionsq

I am directed to refer to circular of even number dated 18.05.2011 vide which guidelines for issue of ~~A~~No Objection Certificate (NOC) for building constructionsq 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 constriction 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.

No.F.11026/2/2011/D(Lands)

Government of India

Ministry of Defence

New Delhi, dated 17<sup>th</sup> 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

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