

To

The Director General
Defence Lands and Cantonments
R.K. Puram New Delhi

SuB:- REVISION OF POLICY IN CANTONMENT AREAS.

Sir,

I am directed to refer to the orders contained in this Ministry letter No.11013/7/73/D (Lands) dated 15 Nov 76 as amended vide letter of even number dated 8 Sep 77 and letter No. 11013/7/79/D (Lands) dated 2 July 80 regarding regulation of construction of old grant sites and the land policy in Cantonment areas and to say that the policy has been reviewed and it has been decided that cases will be regulated hereafter in accordance with the provisions contained in the succeeding paragraphs.

2. (A) BUNGLOW AREAS

SITES HELD ON RESUMBLE TENURE NAMELY OLD GRANT AND
LEASES UNDER THE CONTONMENT CODES OF 88 AND 1912.

(i) No leases involving conversion of oldgrant of other resumable tenure into looses hold would be granted. The sites held on resumable tenure would be resumed gradually in the following circumstances.

(a) Where any such site/sites are required for specific Defence/Public purposes, priority being given to bungalows, which are on hire to the Government.

(b) Sites which are vacant.

(c) Sites where the existing structures are in dilapidated condition.

(d) Sites where the occupancy holders have committed breaches of the terms/conditions of the grant. Marginal violation of the old grant leases may, however be regularized by Govt. Provided there is no change in the purpose. Each case will be referred for orders to the Ministry of Defence_____ who will decide the issue in consultation with the Ministry of Finance (Defence) .

(ii) Bungalows held on hire by Govt. where the sites are held by the occupancy holders on resumable tenure will not be hired.

(iii) Renovation and marginal additions and alterations having no independent use and where they are required for personal use may be regularized provided:—

(a) The holders acknowledge Govt. title to the land and the right of resumption.

(b) The renovation and marginal additions and alterations are in accordance with the buildings bye-laws forwarded by the Cantonment Board concerned and

(c) The plinth area of the previously authorized structure existing on site is not exceeded.

Notes:-

(i) Each case is to be referred to Ministry of Defence for orders and will be decided in consultation with Ministry of Finance (Def).

(ii) Past cases pending finalizations will be regularized on this basis.

(iv) Where the resumptee owners do not possess any other residential plot/house in the Cantonment or the adjoining town or city or notified areas, they may be provided on free-hold basis, alternative developed sites equal in area to the site resumed but not exceeding 500 sq yds in each case on payment of 50% of the market value. This would be subject to the condition that in cases of allotment in urban agglomerations coming within the purview of Urban Land (Ceiling & Regulations) Act 76, the resumptee should be eligible to hold 500 sq yds. Of vacant land. For this purpose in each Cantonment a suitable compact area on the periphery of the Cantonment preferably adjoining the civil area will be earmarked if no such site is available in the civil area itself.

Where the structures in the resumed site are occupied by the occupancy holder himself, he may be allowed to remain in occupation of the authorized structures and such other appurtenant land as may be decided by Govt. for a period not exceeding 2 years from the date of allotment of alternative site or the date of construction of house on the alternative site whichever is earlier on payment of rent for buildings/ land from the date the structures vested in Govt. under resumption orders.

Notes:-

(i) In case where under the existing orders an offer for 1000 sq. yds on lease has been made in writing to any resumptee owners and the same has accepted such offer will be allowed to stand provided the same does not go counter to the provisions of Urban Land (Ceiling and Regulations) Act, 76. In case however such resumptee owners voluntarily restrict their requirement of alternative plot to 600 sq yds. There would be no objection to the grant of the restricted area on free-hold basis at 50% market value. The condition relating to Urban Land (Ceiling & Regulation) Act, 76 will also be applicable.

(ii) Before allotment of an alternative plot to an resumptee , it should be ensured that the resumptee, his or her spouse, or their unmarried minor children do not own any house or residential plot in the Cantonment, where the resumed site is situated.

An affidavit to this effect should be obtained from the resumptee before alternative plot is allotted in case the Cantonments concerned is _____ by the Urban Land (Ceiling & Regulations) Act 1976, the resume be owner will have to furnish in his affidavit details of all lands/houses held by him or any of the members of his family as defined under the Act in any of the urban agglomerations coming within the purview of the Act.

(v) Cantonment Code Leases in respect of sites situated outside the civil area of Cantonment which had expired were to be renewed upto 31 Dec 78 under the terms and conditions as contained in the original lease, excapting the clause for renewal. All these leases and such of the leases as will expire before 31 Dec 75 will be renewed by the grant of short terms Lease upto 31 Dec 85 in schedule VIII (suitably modified) containing a clause enabling Govt. to resume the property at short notice. Such leases will be granted only if the properties are not required for defence Public use. The form of lease to be used will be circulated separately.

II. SITES ___ ON LEASE UNDER C.L.A RULES 1925/1937

(a) Sites held on lease would be acquired gradually as and when required for defence/public purpose except sites held by public institutions such as post Officers Bank, Schools and Public utility concerns like Petrol Pumps cafeterias etc.

(b) The existing lease held sites held on nonrefundable tenure would be continued on the existing terms during the tenure of the lease which will include renewals at the option of the leasees where provided in the lease. In the event of refusal to renew the lease, construction will vest in a government and exgratin compensation equal to 50% of the value of the authorized constructions will be paid to the holders.

III GRANT OF LEASES TO PUBLIC INSTITUTIONS

Fresh leases of land, including by conversion of old gantresumble tenures, will be granted only to public institutions referred to in II (a) above. The terms of such leases to recognis and well known Charitable and educational Institutions run by registered Societies, or Public Trusts will be cided on merits of each case by Govt. Grant of lease in all such cases will be subject to the condition that the land can be spared.

(B) a CIVIL AREA (BAZAR AREAS)

I SITES HELD ON RESUMABLE TENURES

(i) Free-hold rights of sites held on old grant and others resumable tenures, which are not required for any Defence/Public purpose would be sold to the

occupancy holders on payment of charges as per the following scale. In such cases requests for conversion will be referred to the Local Military authorities shall give their comments views within the stipulated period. The DG DL&C authorities will progress cases for conversion without further reference to the Ministry authorities: -

- (a) Plots of 50% sq mtrs, or less 10 times STR
- (b) Plots of more than 50 sr. mtrs 20 times STR but not exceeding 1000 sq mtrs.
- (c) Plots more than 100 sq. mtrs. 25 times STR. But not exceeding 2000 sq mtrs.
- (d) Plots more than 200 sq. mtrs. 30 times STR. But not exceeding 2000 sq mtrs.
- (e) Plots exceeding 300 sq. mtrs. 40 times STR.

(In these cases the area allowed to be converted into freehold will be subject to the restrictions relating to holding of vacant land under the Urban Land (Ceiling & Regulation) Act, 1976, wherever applicable).

(ii) Conversion will be restricted to the built up area and any area that is too small to be independently leased out subject to the ceiling laws, and the remaining area will be surrendered by the grantee.

(iii) Sale price will normally be recovered in one lump sum. Facility of payment in installments of not less than Rs. 5000/- each may on application be given at the discretion of the MEO. Interest at 10% per annum on the un-paid balance. will be charged. Full payment should be completed within a maximum period of five years. Sale deed will be executed only after the conversion cost and interest if any have been realized in full.

(iv) In case, where the offer of sale of freehold rights is not accepted within a period of one year of the offer, the sites may be resumed and subsequently sold by public auction.

(v) In cases of recognized and well known educational and charitable Institutions which are run by registered _____ or Public Trusts the sale value will be determined by Govt. on the merits of each case.

(vi) Large old grant sites and sites held on resumable tenure will be resumed if required for defence/Public purposes.

II. SITES HELD ON LEASE UNDER CL RULES 1925/1937

(a) Sites held on lease will be converted into free hold on payments of full market value of the land allowing a rebate equal to the part of the premium proportionate to the un-expired portion of the lease. The procedure for verification with Military authorities as prescribed for conversion of old grant sites will be operative in these cases also. Where the lessors do not agree to the conversion into free-hold the existing lease hold would continue on existing lease hold would continue on existing terms during the option of the leasees. Thereafter the leases will not be renewed and the lands will vest with Govt. on payment of 50% of the value of authorized constructions.

(b) Where any such site/property is required for Defence/Public purposes, it will be acquired under the normal procedure.

III. DISPOSAL OF VACANT LAND IN CIVIL AREAS.

(i) Vacant land in civil areas, surplus to Defence requirements may be allotted to Housing Societies of Cantonment Board Employees belonging to weaker sections and those saving and retired personnel of the Defence Services.. The allotment will be subject to the condition that no member of the Society owns a house or a residential plot at the Station or adjoining municipality. Normal rent and premium will be charged for allotment of land to such societies.

(ii) Vacant land resumed in terms of the land policy in the civil areas may be utilized by the Cantonment Board for their formal Municipal/Commercialment Board for their formal Municipal/Commerce purposes on payments of nominal/Commercial charge . If not required by the Cantonments Board, such may be offered to societies referred to in the proceeding sub para on the conditions mentioned in. If there is no demand from the Cantonment Board or Housing Societies such lands will be put to auction after getting (No objection from the Army authorities.

(iii) Pieces of vacant land which cannot be put to independent use and are not required for Municipal purposes by the Cantonment Board may be sold to the adjoining house owners provided they apply for conversion of the premises held on old grant/lease in to free hold.

3. No conversion into freehold of site in the civil area such cantonments where excision has been decided upon or is under consideration of Govt. will however be allowed.

4. For implementation of the decisions at B-I, B-II, and B-III above the management of all lands in notified civil area of Govt. will be required to be - _____ from the Cantonment Board to the Military Estates Officers, Separate orders will be issued in the _____ administrative arrangements are made.

5. this issues with the concurrence of the Ministry of Finance (Def) vide their u.o. No. 199/S/W-IV___of 1982.

Yours faithfully

(A.P. Pandian)
US to the Govt. of India.

Copy to

CGDA New Delhi
CDA All Commands
DADS New Delhi
DDADS and Sr, DDADS All Command
DFA (W)
QMG Br/Q3 (Policy)
D (Q&C)
D (W-I)
D(W-II)
E-in-C Br/Army

N>HQ/DTE OF WORKS

Air HQrs.

