

No. F. 11013/7/73/D(Lands)/Vol. III
Government of India
Ministry of Defence
New Delhi, the 18th June, 1982.

To

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

Subject : REVISION OF LAND POLICY IN CANTONMENT AREAS.

Sir,

I am directed to refer to the orders contained in this Ministry's letter No. 11013/7/73-/D (Lands) dated 15-11-1976 is amended vide letter of even number dated 8-9-1977 and letter No. 11013/10/79/D (Lands) dated 2nd July 1980 regarding regulation of construction of old grant sites and the land policy has been 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) BUNGALOW AREAS

I. SITES HELD ON RESUMABLE TENURE NAMELY OLD GRANT AND LEASES UNDER THE CANTONMENT CODES OF 1899 AND 1912.

(i) No leases involving conversion of old grant or other resumable tenure into lease 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 old grant. Marginal violation of the old grant/leases may, however, be regularised by Government 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 Government where the sites are held by the occupancy holders on resumable tenure will not be de-hired.

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

- (a) The holders acknowledge Govt's title to the land and the right of resumption,
- (b) The renovation and marginal additions and alterations are in accordance with the building bye-laws framed by the Cantonment Board concerned, and
- (c) The plinth area of the previously authorised 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 (Defence).
- (ii) Past cases pending finalisation will be regularised on this basis.

- (iv) Where the resumptee owners do not possess any other residential plot/house in the Cantonment on the adjoining town or city or notified areas, they may be provided, on free-hold basis, alternative developed sites equal in areas to the site resumed but not exceeding 500 sq. yds. in each cases on payment of 50% of the market value. This would be subject to the condition that in cases of allotment in urban agglomeration coming within the purview of Urban Land (Ceiling and Regulations) Act, 1976, 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 structure in the resumed site are occupied by the Occupancy holder himself, he may be allowed to remain in occupation of the authorised structures and such other appurtenant land as may be decided by Government for a period not exceeding 2 years from the date of allotment of alternative site or the date of constructing of house on the alternative site whichever is earlier on payment of rent for building/land from the date the structures vested in Government under resumption orders.

NOTES:—

- (i) In case where under the existing orders an offer for 1000 sq. yds. /600 sq. yds. on lease has been made in writing to any resumptee owners and the same has been accepted such offer will be allowed to stand provided the same does not go counter to the provisions of Urban Land (Ceiling & Regulations) Act, 1976. In case, however, such resumptee owners voluntarily restrict their requirement of alternative plot of 500 sq. yds. there would be no objection to the grant of the restricted area on free-hold basis at 50% market value. The conditions relating to Urban Land (Ceiling & Regulations) Act, 1976 will also be applicable.
- (ii) Before allotment of an alternative plot to a 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 Cantonment concerned is covered by the Urban Land (Ceiling and Regulations) Act, 1976, the resumptee 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.
- (iii) Cantonment Code Leases in respect of sites situated outside the civil areas of Cantonment which had expired were to be renewed upto 31-12-1978 under the terms and conditions as contained in the original leases, excepting the clause for renewal. All these leases and such of the leases as will expire before 31-12-1985 will be renewed by the grant of short-term leases upto 31-12-1985 in schedule VIII (suitably modified) containing a clause enabling Govt. to resume the property 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 purposes except such sites held by public institutions such as Post Offices, Banks, Schools and Public utility concerns like Petrol Pumps, Cafeterias etc.
- (b) The existing lease hold sites held on non-resumable tenure would be continued on the existing terms during the tenure of the lease which will include renewals at the option of the lessees where provided in the lease. In the event of refusal to renew the lease, construction will vest in Government and ex-gratia compensation equal to 50% of the value of the authorised constructions will be paid to the holders.

III. GRANT OF LEASES TO PUBLIC INSTITUTIONS

Fresh lease of land, including by conversion of old grant/resumable tenures, will be granted to public institutions referred to in II (a) above. The terms of such leases to recognised and well known charitable and educational institutions run by registered societies, or Public Trusts will be decided on merits of each case by Government. Grant of lease in all such cases will be subject to the condition that the land can be spared.

(B) CIVIL AREAS (BAZAR AREAS)

I. SITES HELD ON RESUMABLE TENURES

(i) Free-hold rights of sites held on old grant and other resumable tenures, which are not required for any defence/public purposes 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 for indicating whether the site is required for any specific project or purpose and the local military authorities shall give their comments/views within two months of such reference. If no reply is received within the stipulated period, the DL&C authorities will progress cases for conversion without further reference to the Military authorities:

(a) Plots of 50 sq. mtrs. or less

—10 times STR.

(b) Plots of more than 50 sq. mtrs. but not exceeding 100 sq. mtrs.

—20 times STR.

(c) Plots more than 100 sq. mtrs. but not exceeding 200 sq. mtrs.

—25 times STR

(d) Plots more than 200 sq. mtrs. but not exceeding 300 sq. mtrs.

—30 times STR

(e) Plots exceeding 300 sq. mtrs.

—40 times STR.

(In these cases the area allowed to be converted into free-hold will be subject to the restrictions relating to holding of vacant land under the Urban Land (Ceiling and Regulations) 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 instalments 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 realised 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 recognised and well known educational and charitable institutions which are run by registered societies or Public Trusts, the sale value will be determined by Government 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 CLA RULES, 1925/1937

(a) Sites held on lease will be converted into freehold on payment of full market value of the land allowing a rebate equal to the cost 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 lessees do not agree to the conversion into free-hold the existing lease-hold would continue on existing terms during the tenure of the lease which will include renewals at the option of the lessees. Thereafter the leases will not be renewed and the lands will vest with Government on payment of 50% of the value of authorised 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 of serving 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 utilised by the Cantonment Board for their normal Municipality/commercial purposes on payment of nominal/commercial charges. If not required by the Cantonment Board, such lands may be offered to societies referred to in the preceding sub-para on the conditions mentioned therein. 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 into free hold.
3. No conversion into freehold of site in the civil area of such cantonments where excision has been decided upon or is under consideration of Government 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 areas of Cantonments will be required to be transferred from the Cantonment Boards to the Military Estates Officers. Separate orders will be issued in this behalf after necessary administrative arrangements are made.
6. This issues with the concurrence of the Ministry of Finance (Defence) vide their u.o. No. 129/S/W-VI of 182.

Yours faithfully,

Sd/-

(A.P. PANDIAN)

Under Secretary to the Govt. of India.