

No.10/4 Reqn/MLC/1250-Q/D (Q&C)
Government of India
Ministry Of Defence
New Delhi, the 9th March 1976.

To,

The Chief of the Army Staff
The Chief of the Naval Staff
The Chief of the Air Staff
The Director, Military Lands and Cantonments

Subject: **Hiring of Houses for Defence Purposes**

Sir,

As a result of review of the existing procedures adopted in the matter of hiring it has been decided that the following further amendments shall be made to the standard hiring forms Schedule 3B and 3 B-1 circulated under Ministry of Defence letter No. 10/4/Reqn/MLC dated 2nd Aug 1973 and further amended vide Government of India, Ministry of Defence letter of even number dated 19th Dec 1974:-

(a) Clause 2 of the lease agreement forms may be amended to read as under:-

"2. The lease shall commence on the _____ day of _____ 19 and shall subject to the terms hereof continue for a term of _____ Years".

(b) The words "and any renewal thereof " occurring in lines 5&6 of clause 12 of the forms be deleted.

(c) Clause 13 be deleted in full in both the forms and subsequent Paras renumbered as Paras 13, 14 and 15 of Schedule 3B and paras 13, 14, 15 and 16 of Schedule 3B-1.

2. Consequent on these amendments, the portion mentioning the period of hiring has been left blank in the forms and will have to be filled in by the competent hiring authority/authorities, who will bear in mind the following guidelines:-

(a) Hiring will be for minimum period of 3 years but the same may be for 4 or 5 years depending upon the requirement and conditions prevailing at a particular station as well as the willingness of the owner.

(b) (i) Houses taken on hire will ordinarily be de hired on the expiry of the period of hiring mentioned in clause 2 of the lease agreement if the owner is not willing to extend the agreement for a further period. In such cases de hiring may be approved by the authority who had sanctioned the hiring and need not be referred to the Ministry of Defence.

(ii) Where the owner makes a request for the de hiring of the house before the expiry of the period of hiring mentioned in clause 2 of the lease agreement and it is proposed to accede to the request, prior approval of the Ministry of Defence should be obtained to the de hiring.

(iii) In case where the owner is willing to extend the period of hiring for a further period beyond the Period of hiring mentioned in clause 2 of the lease agreement and the house is required to be retained, a fresh hiring agreement should be executed in the prescribed form for a minimum period of three years but any increased rent payable during the period of such fresh agreement will have to be approved by the Station Board constituted under this Ministry's letter No. C/00327/Q3/(B-I)/571/2/Q/D (Q&C) dated 5th Feb 1976.

(iv) In cases where the owners are not willing to enter into fresh agreement even with enhanced rent fixed by the Station Board and it is administratively not possible to dehire the houses on expiry of the lease periods and it is proposed to retain the houses under the local Rent Control law, prior approval of the Ministry of Defence should be obtained.

* (v) In cases of the type referred to in sub para (iv) above payment of rent will be continued to be made at the rate reserved in the expired base, pending the issue of Govt orders or till the date of dehousing whichever is earlier.

(c) Prior approval of Govt. will be obtained in cases involving any deviation from the aforesaid instruction.

3. The provisions of paragraph 2 above shall be applicable only to cases of fresh hirings. Accordingly, cases of hiring agreements already entered into will not be brought within its purview.

4. This issues with the concurrence of Ministry of Finance (Def) vide their u.o. No. 406/W/VI of 1976.

Yours faithfully,

Sd/-

(N.V. Swaminathan)

Under Secretary to the Govt. of India

* Added vide Govt of India, Ministry of Defence letter No.10/4/Reqn/DLC/2033/Q/D(Q&C) dated 20 Jul 81.