

Uploded 28/7/2011

SPEED POST

No.751/26/L/DE/2011

Dte. General Defence Estates

Govt. of India, Ministry of Defence

Raksha Sampada Bhawan

Ulaanbaatar Marg, Delhi Cantt-10

Dated: 07 June 2011

To,

The Principal Director/Director, DE,
Ministry of Defence,
Central/Southern/Western/Eastern/Northern/South Western Command,
Lucknow/Pune/Chandigarh/Kolkata/Jammu/Jaipur.

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

A/A

Please find enclosed herewith a copy of MoD letter No.11026/2/2011/D(Lands) dated 18th May 2011. All CEO's and DEO's/Independent ADEO's in your Dte. may be advised accordingly.

Please acknowledge receipt.

Encls. : As above.

(Prachur Goel)

o/c. Dy. Director General
for Director General
Defence Estates

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.


18/5/2011
11811/D/Secy
20/05/11

Plz kindly see at each stage. We shall upload it on DR.
DR. [Signature] R. [Signature]

(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)]