

Tel 372175

(6)

Vas Nideshalaya/Q3(B)
Quartermaster General Shakha
Thal Sena Mukyalaya
Quartering Directorate/Q3(B)
Quartermaster General's Branch
DHQ PO NEW DELHI-110011
19 Nov 79

73150/Q3(B)

Headquarters

Southern Command
Eastern Command
Central Command
Northern Command

POLICY AND PROCEDURE FOR DEHIRING OF HOUSE

1. Reference our letter No. 73150/Q3(B) dated 4th September 1978 and your replies thereto.

General

2. Revised Government policy regarding dehiring of houses has now been finalised. The procedure to be followed while considering requests falling in different categories is given in succeeding paragraphs. Generally the date of hiring will be the prime consideration while examining requests for dehiring. In addition, requests for dehiring on compassionate grounds will continue to be considered on merits.

Houses in Bombay

3. At Bombay, we are administering only JCOs/OR Pool of accommodation for Army/Air Force personnel (the officers pool of accommodation being controlled by the Navy). Keeping in view the large deficiency of accommodation for JCOs and OR at Bombay and the fact that a large number of houses hired for this pool are under continued occupation of civilians, requests for dehiring houses from this pool will not be entertained for the present. The only exception to this general rule will be compassionate cases as spelt out subsequently in Paragraph 19 of this letter. Dehiring of these houses will be done only on orders of the Government.

Houses which Become Surplus to Requirements

4. Houses can become surplus in a station due to one of the following contingencies :-

- (a) Due to induction of fresh houses constructed on Government account.
- (b) Due to fresh hiring.
- (c) Due to reduction in strength.

5. In such an eventuality, houses will be de hired by the Station Commander strictly in the order of their date of hiring, i.e. the houses hired first will be de hired first. The de hiring will be done with reference to the particular category of house which have become surplus. For example, when there is a surplus of accommodation in respect of officers, the de hiring will be done from the category of houses meant for officers. Houses in other categories will not be de hired simply because there is a surplus accommodation for officers.

6. The procedure for de hiring will be that the owner of the house due for de hiring will be informed of the intention well in advance, and in case he desires to keep his house on continued hiring, the next house in the list will be considered for de hiring. Any deviation from these provisions will required prior approval of the Ministry of Defence.

Unfit/Unsafe Houses

7. Houses can become unfit for occupation due to hygienic reasons such as leakage of water lines, lack of proper drainage, choked sewage, stagnation of water in the surrounding areas causing breeding of mosquitoes, unserviceable flush system, leakage of roofs causing dampness, faults in electric connection causing short circuits, bad maintenance of the house and so on. Similarly, they can become unsafe for living due to structural defects. When in a particular station, a house is declared unfit for occupation by Military Health authorities or dangerous for habitation by the GE, it will be de hired by the Station Commander except in the case of Bombay and houses built on land held on resumable tenure, where approval of the Ministry of Defence will be

necessary before its de-hiring. Houses falling in this category will not be kept vacant for more than two months. Before de-hiring the house due to being dangerous for occupation, the Station Commander will take into account the provisions of Government of India, Ministry of Defence, letter No. A/53602/Q3(H)/1493-SO-III/D(Works-I) dated 2nd August 68, which authorises annual expenditure upto Rs. 1000/- for repairs and maintenance in respect of certain properties and will de-hire the house only when it cannot be brought to a habitable condition even with the aforesaid expenditure. Houses falling in this category at Bombay and those built on sites held on resumable tenure will be reported to this Headquarters with full details for obtaining approval of the Ministry of Defence.

Unpopular Houses

8. Houses can become unpopular due to repeated refusal of allotment by successive allottees over a period of time. However, generally before classifying a house as unpopular, it should be offered to three officers at a time and if rejected by all of them, it should be offered to another three officers and if again rejected by them, it should be offered to all the officers on the waiting list. If it is still not accepted by any of them, it should be treated as unpopular. Such houses will be de-hired by the Station Commander and details thereof forwarded to all concerned. Houses will, however, not be kept vacant for more than two months. Houses falling in this category at Bombay and those built on sites held on resumable tenure will be reported to this Headquarters with full details for obtaining approval of the Ministry of Defence.

Categories of Hired Houses

9. Broadly, hired houses fall in the following three categories :-

- (a) Houses hired on old lease agreement forms prior to the issue of Government of India, Ministry of Defence, letter No. 10/4/Reqn/MLC/1250-Q/D(Q&C) dated 9th March 76.
- (b) Houses hired after March 1976 under the provisions of Government of India, Ministry of Defence, letter No. 10/4/Reqn/MLC/1250-Q/D(Q&C) dated 9th March 1976.
- (c) Houses held on 'Leave and Licence' basis at Delhi.

10. The procedure to be followed for the dehiring of these categories of houses is explained in subsequent paragraphs.

Houses Hired on Old Agreement Forms

11. **Dehiring Under Court Orders.** In the case of such houses, the status of the Government is that of a tenant under Rent Control Law, Transfer of Property Act. In case the owner gets an order from the competent authority under the Rent Control Law for getting the premises vacated (by order of Rent Controller or Civil Court), the house will be dehired by the Station Commander on his own. Where cases are not covered by the Rent Control Law and the owner gives a notice for its vacation (15 days notice), it will be necessary to comply with the requirements of law if payment of damages is to be avoided. Houses in such cases can be dehired by the Station Commander provided the Government Pleader/Ministry of Law, as the case may be, confirm that the case of the Government is weak. Cases at Bombay and houses built on sites held on resumable tenure will be reported to this Headquarters for obtaining decision of Ministry of Defence.

12. **Dehiring on Requests from Owners.** Dehiring of house hired on old agreement forms owners required Ministry of Defence approval. All such requests will, therefore, be referred to this Headquarters after obtaining application in Part I of the form prescribed vide this Headquarters letter No. 73150/Q3(B) dated 22nd February 1977 together with part II of the form duly completed by Station Headquarters and recommendations of Command Headquarters.

Houses Hired on Revised Agreement Forms

13. Houses falling in this category are required to be dehired on the expiry of the stipulated period of lease and will, therefore, be dehired by the Station Commander, if the owner is not willing to renew the lease agreement. Renewal of lease agreement on re-negotiated rent, within the authorised rental ceiling, is permissible in such cases. The willingness or otherwise of the owner should be obtained before the expiry of the lease period and the house dehired immediately after the expiry of the lease period, if the owner is not willing to extend it further.

Houses Held on 'leave and Licence' Basis at Delhi/Bombay.

14. According to the provision of the lease agreement in respect of houses held on 'Leave and Licence' basis, a house is hired for 11 months at a fixed rent and the lease is extendable for two like periods on the same rent. After the expiry of 33 months, it is left to the owner's option to renew the lease further or not. The possession of such houses, on expiry of 33 months, should, therefore, be handed over to the owners, unless they are willing to extend the lease further, by the local military authorities. The Station Commanders can dehire such houses without reference to any higher authority.

Dehiring Before the Expiry of the Lease Period

15. Exigencies can arise where an owner may be compelled to make a request for dehiring prior to the expiry of the lease period. All such requests will be examined by the Ministry of Defence on merits. They should, therefore, be referred to this Headquarters alongwith the documents prescribed vide this Headquarters letter No. 73150/Q3(B) dated 22nd February 1977 for obtaining their decision.

Fixation of Quota for Dehiring on Requests From Owners

16. With a view to provide relief to owners whose houses have been on hire to us for long periods and to avoid undue hardship to occupants of these houses, the Government has taken a decision to fix a quota for dehiring houses. This quota will be over and above the number of house dehired on grounds of having become surplus/unsafe/unfit/unpopular.

17. When additional houses become available on account of either induction of Government accommodation and/ or due to fresh hirings, the following percentage shall be earmarked for releasing older houses held on hire strictly in the order of the date of their hiring :-

- (a) Command Pool for officers - 10 percent of fresh intake.
at Bombay.

- | | | | |
|-----|------------------------------------------------------------------------------------------------------------------------|---|--------------------------------------------------------------------------------------------------------|
| (b) | Pool of JCOs/OR and their equivalents at Bombay | - | For the present no requests for de-hiring will be entertained except on extreme compassionate grounds. |
| (c) | Pools of accommodation
At Calcutta, Delhi,
Bangalore , Secunderabad,
Chandigarh, Jaipur, Cochin
And Vizag. | - | 10 percent of fresh intake |
| (d) | other stations | - | 15 percent of fresh intake. |

18. For de-hiring houses falling in this category, this headquarters will obtain prior approval of the Ministry of Defence to fix the number of houses to be de-hired each year after giving full details of houses held on hire (in the form given at Appendix 'A' to this letter) and the number of new houses inducted in the pool by way of fresh construction or fresh hiring. Where a pool covers more than one Service, all induction of houses in the participating Service will be taken into account for this purpose. If the owner of any particular house due for de-hiring desires to continue to keep the house on hire, the next house will be de-hired. After the number of houses to be de-hired is fixed, houses can be de-hired strictly in the order of date of hiring by the Station Commander. In cases of such houses at Bombay and houses situated on sites held on resumable tenures in Cantonments, full details will be reported to this Headquarters for obtaining approval of Ministry of Defence.

De-hiring of House on Compassionate Grounds

19. In addition to the types of cases referred to above, the Ministry of Defence reserve their right to consider requests for de-hiring in the following types of cases, on their merits :-

- (a) Where the family of a deceased Service personnel, Civilian requires the house for his own genuine use.

- (b) Where houses hired for fixed periods are requires of Service personnel/Civilian on retirement from Service before the expiry of the lease period.
- (c) Where dehousing is sought by Civilian owners in special circumstances, which merit consideration.
- (d) Where Civilian Government servants (eg, in Bihar and Karnataka) are required to occupy their own houses on posting to those stations.
- (e) Where dehousing is sought on extreme and compelling compassionate grounds or grounds of extreme hardship.

20. While sponsoring such cases Command Headquarters would be required to forward application from the owner on the prescribed to forward application from the owner on the prescribed form, together with Part II of the form duly completed by Station Headquarters, alongwith their recommendations. The policy in general in such cases would be to accept requests for dehousing at Stations where hiring of accommodation is easy and the initial period of hiring has already expired.

21 The number of houses to be dehired on the basis of percentages prescribed in Paragraph 17 may be exceeded in a particular year on administrative grounds. The excess dehousing will, however, be offset against dehousing to be done during the next year, if the accommodation situation at the station so warrants

Houses Built on Sites Held on Old Grant/Other Resumable Tenures in Cantonment Areas

22. In the case of sites held on resumable tenures, the policy of the Government is that these should be gradually resumed for Defence use. As such, no dehousing will be agreed to where the site is required for any construction project or any other public purpose, within a period of next three to five years. Cases for resumption of such sites will be taken up on station basis so that occupancy holder may get alternative sites and get rehabilitated there.

23. In cases any such site is not likely to be required for any Defence use based on the finalised Zonal Plan, or due to location of the particular site, or if the site is not likely to be required in the next five years, request for de-hiring will be considered on merits in case the accommodation can be spared subject to following conditions :-

(a) The owner accepts Government's right to resume the site at any time after giving due notice and paying compensation for authorised structures.

(b) De-hiring shall not be quoted as a plea for exemption from resumption as and when such resumption becomes necessary.

24. The above procedure will also be followed in respect of dilapidated houses situated on sites held on resumable tenure.

25. Where a portion of holding of 'old grant'/Cantonment Code lease is held on hire, ie, a portion is with the Government and another with the owner, de-hiring will be done under condition of Para 23 (a) and (b) above.

26. When there is more than one request and the number of houses which can be released is less than the requests, preference will be given to de-hire houses hired earlier.

27. All cases of de-hiring of houses falling in this category will require prior approval of the Ministry of Defence.

Houses Being Used as Offices/Messes

28. Requests for de-hiring accommodation hired for use as offices/messes will be considered on merits and decided by the Ministry of Defence. However, where such accommodation becomes surplus to requirements, except in the case of Bombay and houses built on land held on resumable tenures, it will be de-hired by the Station Commander. De-hiring of houses in Bombay and those built on land held on resumable tenures will in all cases require prior approval of the Ministry of Defence.

Ready Reckoner

29. A ready reckoner giving at a glance authorities competent to approve dehiring of houses falling in different categories is at Appendix 'D' to this letter.

Hiring during the Interim period

30. Pending fixation of the number of houses to be dehiired at various stations in terms of paragraph 17 above, cases on hand in respect of station, other than these pertaining to pool of officer at Bombay, will be dealt with on merits, as hitherto fore.

Furnishing of Data

31 For obtaining approval of the Ministry of Defence regarding the number of houses to be dehiired each year Command Headquarters will forward to this Headquarters complete data regarding number of houses held on hire at each station in a chronological order, prepared in consultation with DL&C authorities who should duly verify the date of hiring in the forms given at Appendixes 'A' and 'B' to this letter, clearly indicating the date of hiring and the number of fresh houses hired/constructed during the year by 31st December each year. The initial return giving this information may kindly be forwarded by 31st December 79 to obtain sanction of the Ministry of Defence with regard to the number of houses to be dehiired in the station during the next year.

Reports and Returns

32. A copy of the sanctions issued by Station Commander dehiring housed under delegated powers will be exercised to this Headquarters. HQ Commands will also forwarded a quarterly return by the 25th of the subsequent month showing the position as on the last day of the months of March, June, September and December each year in the form given at Appendix 'C' alongwith a certificate to the effect that returns from all concerned have been accounted for. Nil returns are also required.

Previous Instructions

33. All previous instructions issued on the subject from time to time, except our letter No. 73150/Q3(B) dated 22nd February 77 prescribing application form for dehiring and other connects, are hereby cancelled.

34 Please acknowledge.

Sd/-

(BS Garewal)
Lt. Col.
AQMG Q3(B&B-i)
for Quartermaster General

Copy to :-

Headquarters Areas/Sub Areas

NOO

Ministry of Defence/D(Qtg)
DG DL&C