

Ministry of Defence

Sub : Grant of lease of Defence land to the educational institutions—policy regarding.

Government has taken a policy decision with the approval of the Defence Minister in regard to the grant of land to educational institutions.

2. A copy of the Statement of Case embodying the policy decision which has been approved by the Defence Minister is sent herewith to DML&C/QMG for guidance to enable rejection of cases at lower levels when the same do not come within the Government policy. This will also help the Military Estate Officers for submitting relevant information to Government on cases which come within the ambit of Government orders.

Sd/-

(D. Krishnamurthy)

Under Secretary

8-7-68.

DML&C

QMG

MoD u.o. No. 18/33/L/L&C/67/6006/D (lands) dated 8-7-68.

Ministry of Defence

D(Lands)

STATEMENT OF CASE

A number of requests for the grant of land to educational institutions come up from time to time, and it is considered that a uniform policy be prescribed for dealing with such requests. The policy to be adopted has been considered in consultation with Army HQrs and Finance, and the following proposals have been formulated. The existing leases will, however, continue to be regulated by the conditions thereof during the period of their validity.

(i) *No grant unless land surplus to long-term defence requirements.*

No request for the sale or lease of defence land to educational institutions should be considered unless the land is surplus to the long-term requirements of Defence. This is necessary since the use to which land will be put is of a long-term nature, and it is ordinarily not practicable to get back land leased to an educational institution. This will not apply to grant of land for primary school in Cantonments as primary education is the responsibility of the Cantonment Board. In such cases land might be granted on the merits of each case.

(ii) *Lands outside Cantonments surplus to long-term defence requirements.*

When land outside the Cantonment is desired by an educational institution and is surplus to long-term defence requirements, it will be disposed of by private treaty on the basis of full market value according to the prescribed priority which is as follows:—

- (1) Other Ministries of the Central Government
- (2) State Governments.
- (3) Local bodies.
- (4) Educational and Charitable Institutions.
- (5) Ex-Servicemen.

Thus, the educational institution will have to take its turn according to the prescribed priority. This is also the present policy.

(iii) *Lands in Cantonment surplus to long-term defence requirements.*

In regard to the grant of lands to the educational institutions located within the Cantonments when such lands are surplus to the long-term requirements of Defence, the present broad basis of charging 50% of the premium and rent chargeable for residential purposes which works out to 12.5% of market price as premium and 1.25% of the market value as annual rent may continue to be adopted in respect of *Lands requirements for School/ College buildings, hostels and staff quarters*. The lease will as usual be renewable after 30 years for two like terms., and rent can be increased at each renewal but not beyond 50% of the rent which shall have been reserved by any lease either original or renewed immediately preceding the renewed lease. There should be one lease in respect of land required for putting up constructions for educational buildings and for land appurtenant to such buildings. In addition, where a separate piece of land is required for *playing grounds, the grant therefore should take the form of a licence on a nominal fee say Re. 1 per year*. This licence may be for a period of 5 years at a time and would be subject to the condition that no constructions except temporary sheds required for storing sports kits etc. or barbed wire fencing

are constructed that too after obtaining written permission. The licence would also be subject to the condition that the land would be resumable at any time when required for defence purposes without payment of compensation. The licence deed would inter alia stipulate that the licencees should ensure that the land is not encroached upon. Any financial liability arising from encroachments will be borne by the licensee. It was felt that two separate grants—one is a lease for 30 years renewable for 2 like periods for constructional purposes and another a separate grant by way of licence on nominal rent for playing grounds—will have sufficient relief to the educational institutions.

The difference between lands outside Cantonments and inside Cantonments is made since the Defence Ministry has a special responsibility to Cantonments and for the development of appropriate educational facilities therein.

(iv) *Land required for educational institutions sponsored and managed by the Service for providing facilities to children of service personnel.*

The above will not, however, apply to the schools such as the Air Force School at Palam and to the Defence Services Public School at Dhaula Kuan, which are sponsored and managed by the Service principally with the object of providing facilities to the children of the Armed Forces personnel. In the above two cases, land has been granted on payment of an annual rent of Re. 1/-. This should also be applicable to similar cases which may arise in future.