

**GOVERNMENT OF INDIA
DEFENCE
LOK SABHA**

UNSTARRED QUESTION NO:3977
ANSWERED ON:30.04.2012
NEW POLICY FOR DEFENCE LAND
Siddeswara Shri Gowdar Mallikarjunappa

Will the Minister of DEFENCE be pleased to state:

- (a) whether the Government proposes to implement a new policy for the use of defence land;
- (b) if so, the details thereof;
- (c) whether the new policy would address the issue of No Objection Certificate (NOC) in cases where the local laws require consultation with local military authorities for allowing construction of buildings on land adjacent to defence installations; and
- (d) if so, the details thereof?

Answer

MINISTER OF DEFENCE (SHRI A.K. ANTONY)

(a) to (d): Guidelines for issue of No Objection Certificate (NOC) for construction on lands adjacent to Defence Establishments have been issued on 18.5.2011. As per the guidelines, the following has been laid down:-

(i) 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.

(ii) Where the local municipal laws do not so require, yet the Station Commander feels that any construction coming up within 100 meter (for multi-storey 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.

(iii) 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.

(iv) NOC once issued will not be withdrawn without the approval of the Service Hqrs.

2. However, 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.