

REVISED LAND POLICY
No. 11013/1/87/D(Lands) Vol.II
Government of India
Ministry of Defence
DHQ PO New Delhi
Dated the 9th February, 1995.

To

The Chief of the Army Staff,
New Delhi.

The Director General,
Defence Estates
New Delhi.

Sub : Policy regarding addition, alteration, renovation, reconstruction of private Buildings in the Cantonments.

Sir,

| | |
|--|--|
| | I am directed to state that in modification of the executive orders contained in this Ministry's letter No. 2/7/L/67/2702/D(Lands) dated the 23 rd March 1968 and letter No. F.11013/7/73/D(Lands) Vol. III dated 18 th June, 1982, addition, alteration, repair, maintenance, reconstruction and renovation of buildings in Cantonments erected on sites held on old grant and other resumable tenures shall be regulated in accordance with the provisions stated hereunder. |
| Building sites held on Cantt. Code leases | 2. Repair, maintenance, addition, alteration, renovation and reconstruction of the authorised buildings on the sites held on Cantonment Code leases will be regulated as provided in the lease. Changes which do not attract Section 179(2) of the Cantonment Act, 1924, may be executed by the lessee, Additional built/up space, (if permissible under the bye-laws of the Cantonment Board, the orders, if any, issued under Section 181-A of the Cantonments Act and any other law applicable to the place), may be sanctioned as provided in the act, to a maximum extent of ten per cent of the authorised built-up space on the date of issuance of this letter for which a supplementary lease deed will have to be executed by the applicant and a rent for this area will be fixed as per current S.T.R. |
| Buildings on sites outside notified Civil Area and held on Old Grant terms | 3.1A Repair, maintenance, addition, alteration, renovation and reconstruction which do not attract the provisions of Section 179(2) of the Cantonments Act, 1924 may be made by the Grantee. |
| | 3.1B Such changes which attract the provisions of the said section |

| | |
|---|---|
| | of the Act and relating to the main bungalow only, within its authorised floor space on the date of issuance of this letter, and upto an additional floor space not exceeding ten per cent of such authorised floor space, may be sanctioned by the authority stipulated in section 179(1), 180-A and 181 of the Cantonments Act, 1924, on compliance with the Bye-laws and the orders under the Act and other relevant laws. |
| | 3.1C These provisions contained in paras 3.1A and 3.1B are subject to the Grantee executing and registering an indenture as in the Annexure 'A' to this letter, clearly accepting the governments ownership of the land and the terms of holding the same. |
| | 3.1D If the Officer Commanding the Station and the Defence Estates Officer consider that reconstruction of the main bungalow to the extent permitted under this clause should be at another part of the plot than where the building to be demolished is situated, so that the vacant land in the plot can be optimally utilised, the reconstruction shall be sited only at such part of the land. |
| | 3.1E The nature of construction permitted under the additional floor space not exceeding 10% of such authorised floor space will include only appurtenances viz., bath-rooms and kitchens-varendahs but not additional rooms. No reconstruction or additions will be permitted to the outhouses and annexes, if any, Routine maintenance of these structures may however be under taken. |
| | 3.2 There shall be no change of purpose in the proposed construction or in the use of the buildings. |
| refusal of erection and re-erection. | 3.3 If the HOR of the Old Grant site disputes the terms of holding the land and does not execute and register an indenture as referred to in the preceding sub-paragraphs, he shall not be accorded sanction to erect or re-erect any building, as contemplated under sections 179 and 181 of the Cantonments Act, 1924. The Defence Estates Officer and the Cantonments Board shall refuse the sanction sought by invoking the provisions of section 181(4) (b) of the Act, and shall take follow up action as contemplated in section 184, 185, 256, 268 etc. of the Act and, wherever appropriate, under the public Premises (Eviction of unauthorised occupants) Act, 1971. |
| Regularisation of past cases covering both old grant sites and sites held on Cantt code leases. | 3.4 Unregularised unauthorised constructions, if any, falling within the limit of the additional floor space of ten per cent and conforming to rules, bye-laws and regulations, may be regularised with the sanction of the GOC-in-C of the Command, as provided for in provision to Section 185(1) of the act, on the basis of the preceding sub-paragraphs and on collection of the Compounding fee and on execution of the indenture as in Annexure 'A'. |
| Buildings on sites in notified Civil Areas and held on Old Grant terms | 4.1A Repair, maintenance, addition, alteration, renovation and reconstruction which do not attract the provisions of Section 179(2) of the Cantonments Act, 1924 may be made to the building by the Grantee. |
| | 4.1B Addition, alteration and re-erection of the building which |

| | |
|-------------------------------|--|
| | attract the provisions of the said section of the Act, within its authorised floor space on the date of issuance of this letter, may be sanctioned on compliance with the requirements of the Cantonments Act 1924, the bye-laws and the orders thereunder and other relevant laws. |
| | 4.1C These provisions contained in paras 4.1A and 4.1B are subject to the Grantee/successor-in-interest executing and registering an indenture as in Annexure 'A' to this letter, clearly accepting Government's ownership of the land and the terms of holding the land. |
| | 4.2 Such cost of reconstruction of a building shall not exceed the cost of construction as per prevailing Plinth Area Rates (at par with MES S.S.R.) approved by the Ministry of Defence for permanent specifications for married accommodation on the date of sanction of building plans. The cost of repairs shall not exceed 50% of cost of reconstruction determined as above. |
| | 4.3 If the HOR of the Old Grant site disputes the terms of holding the land and does not execute and register an indenture as referred to in the preceding sub-paragraphs, he shall not be accorded sanction to erect or re-erect any building as contemplated under sections 179 to 181 of the Cantonments Act, 1924. The Cantonment Executive Officer and the Cantonment Board shall refuse the sanction sought, invoking the provisions of section 181(4)(b) of the Act, and shall take follow up action as contemplated in Sections 184, 185, 256 and 268 etc. of the Act and, wherever appropriate, under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. |
| Regularisation of past cases. | 4.4 Unregularised unauthorised constructions, if any, may be regularised by the Cantonment Board on collection of compounding fee contemplated in the proviso to section 185(1) of the Act and execution of the indenture as in Annexure 'A', with the prior sanction of the Director, Defence Estates, of the Command on the basis of the preceding two sub-paragraphs. |
| | 5. This issues with the concurrent of the Department of Defence (Finance) vide their u.o. No. 167/W-I/95 dated 8.2.1995. |

Yours faithfully,

Sd/- x x x

(RAM DHARI)

Under Secretary to the Govt. of India

Copy to:-

C.G.D.A., New Delhi
 DG Audit Defence Services, New Delhi
 Director, Audit Defence Services
 All Commands
 Controller of Defence Accounts
 All Commands
 DG DG
 CCR & D(S)