

"ഭരണഭാഷ- മാതൃഭാഷ"



കേരള സർക്കാർ



തദ്ദേശസ്വയംഭരണ(ആർബി) വകുപ്പ്

നമ്പർ.ആർബി 2/ 227/2023/തസ്വഭവ

തിരുവനന്തപുരം,09-06-2023.

പ്രേഷകൻ

പ്രിൻസിപ്പൽ സെക്രട്ടറി.

സീക്രട്ടറി

പ്രിൻസിപ്പൽ ഡയറക്ടർ ,തദ്ദേശസ്വയംഭരണ വകുപ്പ്

ഡയറക്ടർ, തദ്ദേശസ്വയംഭരണ(അർബൻ) വകുപ്പ്

ഡയറക്ടർ, തദ്ദേശസ്വയംഭരണ(റൂറൽ) വകുപ്പ്

ചീഫ് ഔൺപ്ലാനർ, തിരുവനന്തപുരം

ചീഫ് ഔൺപ്ലാനർ(വിജിലൻസ്), തിരുവനന്തപുരം

സർ,

വിഷയം:- തസ്വഭവ- ഡിഫൻസ് ഏരിയയിലുള്ള നിർമ്മാണ പ്രവർത്തനങ്ങളുമായി ബന്ധപ്പെട്ട മാർഗ്ഗ നിർദ്ദേശങ്ങൾ- സംബന്ധിച്ച്:

സൂചന:- Colonel, Colonel Quartermaster-ടെ 21.02.2023 ലെ 16900/NOC/Can/Q3 L നമ്പർ കത്ത്.

സൂചന കത്ത് പ്രകാരം ലഭിച്ച മാർഗ്ഗനിർദ്ദേശത്തിന്റെ പകർപ്പ് ആവശ്യമായ നടപടിയ്ക്കായി ഇതോടൊപ്പം അയയ്ക്കുന്നു.

വിശ്വസ്തതയോടെ,

DEEPA P R

UNDER SECRETARY

പ്രിൻസിപ്പൽ സെക്രട്ടറിയ്ക്കുവേണ്ടി

അംഗീകാരത്തോടെ

Signed by

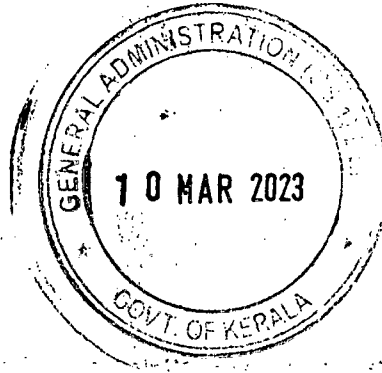
Suja S K

Date: 09-06-2023 16:06:28

സെക്ഷൻ ഓഫീസർ.

16900/NOC/Can/Q3L

Chief Secretary
Government of Kerala
Room No 202
North Sandwich Block
Secretariat, Thiruvananthapuram
Kerala-695001



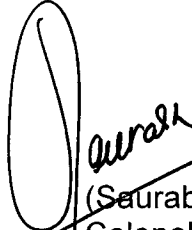
21 Feb 2023

**GUIDELINES FOR ISSUE OF NOC FOR BLDG CONSTR ISSUED BY MOD
ON 23 DEC 2022 : IMPLEMENTATION**

1. References is made to the following :-
 - (a) Kerala State Gazette notfn GP (P) No 77/2019/LSGD dt 02 Nov 2019.
 - (b) Government of India (GoI), Ministry of Defence (MoD) letter No F 11026/20/2011/D(Lands) dt 23 Dec 2022 (copy attached).
2. It is intimated that as per Government of India, Ministry of Defence policy mentioned at Para 1 (b) above, for any **construction of a building in the vicinity of a defence establishment, a 'No objection certificate (NOC)'** is required to be obtained from Local Military Authority (LMA). Presently State of Kerala has State Gazette notification (GP (P) No 77/2019/LSGD dt 02 Nov 2019) which entails seeking NOC by private builders & civilians from LMA / def auth. However the zone of restriction has been kept as 10m (which was earlier 100m (2011 guidelines) and now revised to 50m as per 2022 guidelines).
3. In the recent past, despite the above guidelines several cases of constructions adjacent to defence land have been noticed and objected to by defence authorities at various locations in Kannur, Kochi & Thiruvananthapura where NOC was not sought from the Local Military Authority (LMA). This has resulted in numerous litigations, resulting in avoidable inconvenience to private builders & civil land owners, and even loss to the exchequer. Further large number of representations were received from private land owners, elected representatives, as well as the issue being raised in the Civil Military Liaison Conference (CMLC) meeting, due to difficulties faced by the civil population in construction of buildings on their own land.
4. Consequent to the above, a **pragmatic review of NOC guidelines of year 2011 was undertaken at MoD** and fresh guidelines have now been promulgated vide letter No 11026/2/2011/D(Lands) dated 23 Dec 2022 to give impetus to resolution of long pending issues and closure of litigation cases. **The new NOC guidelines has rescinded all previous instructions on the subject and has been forwarded to all concerned vide GoI (MoD) letter No F 11026/2/2011/D(Lands) dated 23 December 2022.** These guidelines cover **defence establishments / installations including Kannur, Kochi & Thiruvananthpura** (as given at serial No 93, 94 & 95 of Annexure A of the MoD letter under reference).
5. In the spirit of the MoD guidelines a balance is being maintained between **security concerns of the defence establishment** and the **rights of civilians to construct on their property**. It is further emphasized that the guidelines accord adequate flexibility and authority to the Station Commander and Local Military authority at Headquarters Karnataka & Kerala Sub Area to asses the requirement pragmatically and **consider all cases of request of NOC favourably in a time bound manner**. However issues concerning **likely encroachment and security implications will always be examined by the local military authority, before sanctioning the NOC.**

6. Apropos, you are requested to proliferate/promulgate the MoD guidelines attached and advise all concerned **municipal agencies to obtain requisite NOC from defence authorities prior to sanction of construction in vicinity of defence boundary**. The private agencies builders/citizens can seek NOC from the Local Military Authority (LMA) through local Municipal offices as per provision at Para 2 (i) of MoD guidelines.

7. The above is submitted for appropriate action by your good offices please.



(Saurabh Chaudhary)
Colonel
Colonel Quartermaster
for General Officer Commanding

Copy to:

The Secretary
Kannur Municipality
Kannur-670001

The Secretary
Municipal Corporation
Vikasbhavan PO
Thiruvananthapuram

1. Refer GoI, MoD letter mentioned at Para 1(b) above.

2. You are requested to issue suitable directions to all departments of municipality for needful action through your good offices please.

Tele: 011-21412029

IHQ of MoD (Army)/ QMG's Br/
Dte Gen of LW&E/ Land (Policy & Plg)
Sena Bhawan, New Delhi-110011

No 35273/85/Land(Pol & Plg)/V

28 Dec 22

HQ Southern Command (Q/ Land)
HQ Eastern Command (Q/ Land)
HQ Western Command (Q/ Land)
HQ Central Command (Q/ Land)-1
HQ Northern Command (Q/ Land)
HQ South Western Command (Q/ Land)

**GUIDELINES FOR ISSUE OF NOC FOR BLDG CONSTR ISSUED BY MoD
ON 23 DEC 22: IMPLEMENTATION**

1. Ref MoD letter No 11026/20/2011/D(Lands) dt 23 Dec 22 (copy encl).
2. Vide letter ibid, MoD has issued fresh NOC Guidelines, which now supersede all previous guidelines [2011 Guidelines (incl the amdts in 2015) and 2016 Guidelines]. These guidelines remove the existing ambiguities, wherein:-
 - (a) A No of Mil Stns & def ests were omitted from the list of Stns/ ests incl in 2016 Guidelines, on which 2011 Guidelines were applicable. Consequently, **both Guidelines viz 2011 & 2016 were in vogue.**
 - (b) IHQ of MoD (Army) had directed that 2011 Guidelines be implemented, whereas **Courts were ruling in favour of petitioners as per 2016 Guidelines.**

Imp Aspects

3. The fwg aspects of the new Guidelines are highlighted:-
 - (a) Language of the fresh Guidelines remains exactly the same, wherein NOC is reqd to be granted **only in two sfts** as under:-
 - (i) **Places Wherein Local Municipal Bye-laws Require Consultation with LMA before Bldg Plans are Approved.** Views of Stn Cdr are reqd to be conveyed **only** to the State Govt auths or Municipal auth, with **apvl of next higher auth.**
 - (ii) **Where Local Municipal Bye-laws do not Require Consultation with LMA.** Where the local bye-laws do not require consultation with the LMA before approving the plans, and 'yet' the Stn Cdr feels that any constr coming up could be a **security hazard**, Stn Cdr to ref the matter to the next higher auth, who if is also convinced, objns/ views are then conveyed to the local Municipal auth/ State Govt. If no cognisance of the objn is taken by the Municipality, case is to be taken up with IHQ of MoD (Army)/ MoD.

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(b) Two types of restns/ distances have been specified (when local bye-laws do not require consultation with the LMA):-

- (i) **For 234 Mil Stns.** Restns upto 50m (Stns/ ests in J&K, Manipur & Nagaland have not been incl in these 234 Stns).
- (ii) **All Other Def Ests.** Restns upto 100m; for multi-storeys (more than four storeys), restn is upto 500m.

4. Exceptions/ Exclusions.

- (a) **Bldgs/ Structures of Four Storey or More Already Existing Within 500m.** If proposed bldg is in the line or behind (shadow or shield), State Govt/ municipal auth may approve the constr after obtaining comments from the LMA.
- (b) **Bldgs Constr/ Permission Granted before 18 May 2011.** NOC from LMA not reqd.

Analysis

5. Implications of new Guidelines are as under:-

- (a) **Aim of NOC Guidelines.** Aim of NOC Guidelines is to strike a bal between the security concerns of def ests and the rights of civs to constr on their property.
- (b) **Subjective & Flexible.** The Guidelines are subjective, and accord adequate flexibility and auth to the LMA/ Stn Cdr, who should pragmatically assess the Mil Stn/ def est specific security concerns and accord/ deny NOCs.
- (c) **Restd Zones and NOT 'No Constr Zones'.** Dists specified are 'restd' zones within which a Stn Cdr is reqd to pragmatically assess his security concerns, and grant/ deny NOC. These dists should NOT be treated as 'No Constr Zones', which would render the entire process of applying for NOC and analysis by Stn Cdr infructuous.
- (d) **If Ongoing Constr in Restd Zone NOT Perceived as a Security Threat.** In case, views of LMA are NOT reqd as per the bye-laws, and constr is NOT seen as a security hazard by a Stn Cdr, then a Stn Cdr is neither reqd to raise an objn, nor issue any NOC, and the indl should be allowed to constr on his property w/o any interference.

Directions

6. Apropos, the fwg are directed:-

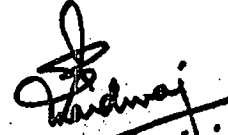
- (a) NOC Guidelines 2022 be implemented by LMAs/ Stn Cdrs in letter and spirit.
- (b) NOC be given only where reqd by municipal bye-laws, as specified in Para 3 (a)(i) ibid. Otherwise, only objns be raised in case a constr is perceived as a security hazard.
- (c) Distances specified are 'restd' zones; and will NOT be treated as 'No Constr Zones'.
- (d) **Ongoing Court Cases.** Ongoing court cases be reviewed in consult with JAG Br, HQ Comds.
- (e) **Incorporation of Restd Z in Local Bye-laws/ State Govt Noffns.** HQ Comds/ LMAs to apch the State Govts/ local municipal bodies to incorporate these restns in

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their bye-laws/ Gazette notfns making obtaining NOC from mil auths a mandatory reqmt for any constr within these restd distances in the vicinity of def ests.

(f) **Cancellation of All Previous Instrs on the Sub.** All previous instrs issued by IHQ of MoD (Army) on the sub are hereby rescinded.

7. For n/a.



(Ashish Bhardwaj)
Brig
Brig Land
for QMG

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EW/6D LSGD

No.F. 11026/20/2011/D(Lands)
Government of India
Ministry of Defence

New Delhi, dated 23rd December,2022

To
The Chief of Army Staff
The Chief of Air Staff
The Chief of Naval Staff

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

Reference circular of even number dated 18.05.2011 read with amendments issued vide circular of even number dated 18.03.2015 & 17.11.2015 and NoC guidelines issued vide MoD letter dated 21.10.2016 regarding grant of No Objection Certificate (NOC) from the Local Military Authority (LMA) for construction of buildings in vicinity of defence establishments.

2. In supersession of above guidelines, fresh guidelines for issue of NOC for construction in vicinity of defence establishments are laid down as under:-

- 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 require, yet the Station Commander feels that any construction coming up within 50 meter radius of defence establishment which are listed at Annexure A, is 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 the higher authorities, if need be through AHQ / MoD. Provided that :-
 - a) For all other defence establishment not listed at Annexure A, the said prescribed distance shall be 100 meter (for multistoried building of more than four storey, the distance shall be 500 meter) from the periphery;

- b) In such defence establishments not listed at Annexure A, wherever buildings / structure of four storeys or more already exist within 500 metres of the periphery of any Defence establishment and the construction proposed is in the line with or behind i.e. in the shadow or shield of such building / structure, the State Government / Municipal Corporation may, after obtaining comments from the LMA and giving due consideration to the same, decide whether to approve such proposals or not. LMA shall give his comments within a period of 30 days from the date of receipt of a reference from the State Government / Municipal Corporation.
- iii. NoC from LMA/defence establishment would not be required in respect of a construction for which permission had been issued by the competent authority prior to 18.05.2011. However, this proviso shall not apply to any amendment to said construction permission with regard to height, if such amendment has been allowed after 18.05.2011.
- iv. 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.
- v. NOC once issued will not be withdrawn without the approval of the Service HQrs. However, MoD reserves the right to review any NoC granted by the Station Commander and pass such order thereon as deemed fit.
- vi. 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 54(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.



(Sharmistha Maitra)

Dir (Lands)

Tele: 23017227

Copy to :-

1. DG, DGDE, New Delhi
2. CC(R&D), DRDO, New Delhi
3. Coast Guard HQ
4. CGDA
5. DGQA

ANNEXURE A

I. Defence establishments/installations under management of Army where security restrictions shall apply upto 50 mtrs from the outer wall of such defence establishments/installations

Sr No	Name of Station (Army)	District	State
1.	Guntur (Including Amravati)	Guntur	Andhra Pradesh
2.	Hayuliang (Including Gurbax Point, Baraphu & Chameliang) Less Ammunition Storage		Arunachal Pradesh
3.	Tezu Less Petroleum Depot	Anjaw	Arunachal Pradesh
4.	Angolin	Dibang Valley	Arunachal Pradesh
5.	Hunli	Dibang Valley	Arunachal Pradesh
6.	Mipi	Dibang Valley	Arunachal Pradesh
7.	Roing	Dibang Valley	Arunachal Pradesh
8.	Sigar Less Ammunition Storage	East Siang	Arunachal Pradesh
9.	Rayang	East Siang	Arunachal Pradesh
10.	Lohitpur Less Ammunition Storage	Lohit	Arunachal Pradesh
11.	Bomdila (Including Chuje GG)	Tawang	Arunachal Pradesh
12.	Tawang (Including Bomba, Teli, Bomdir, Paikhar, Wokhar, Sinsar Gompa Lower Gompa, Kereteng, Jimmy Top, Ajay Spur, Tagra Raho, Ashish Top, Lungro La, Salu La, Sungister, T Gompa, Kalemta, Assam Hill, Bakri Top, Bhumla PP, Bhumla, Nakyo GG, Lumpo, Nelya, Mandir Takri, Hathoga, Log Bridge, BTK, Mor Position, Lumla, Kanaka Spur, Surwa Samba, Khukri, Zimithang, Nagula, Premgarh, Damga GG & Damteng)	Tawang	Arunachal Pradesh
13.	Khirmu (Including Km 6 and Km 40)	Tawang	Arunachal Pradesh

14.	Khonsa	Tirap	Arunachal Pradesh
15.	Along (Tuting (A-1), Yingkiong, Mechuka and Shorongdam)	Upper Siang	Arunachal Pradesh
16.	Baisakhi (Rama camp, Sapper, NKD, Lower Senge, Upper Sange I & II, Shangrila, Upper Baisakhi & Ahigarh)	West Kameng	Arunachal Pradesh
17.	Tenga (Including Sessa, Gachham, Rupa, Birpur, Chindit Top, Dahung, Kapsi Dam-Dam & Dedza)	West Kameng	Arunachal Pradesh
18.	Along (Bogdo, Kaying)	West Siang	Arunachal Pradesh
19.	Tamulpur (Including Barei Gaon, Diglipara, Kamalpur & Kalakuchi) Less Ammunition Storage	Baksa	Assam
20.	Likabali (Including Musi, Saboti & Rayan, Bame, North Lakhimpur, Dhemaji) Less Ammunition Storage & Aviation Base	Dhemaji	Assam
21.	Dinjan (Including Mohanbari, Dibrugarh) Less Aviation Base	Dibrugarh	Assam
22.	Panitola (Including Laipuli & Gellapukri, Butchery Area) Less Aviation Base	Dibrugarh	Assam
23.	Chauba	Dibrugarh	Assam
24.	Jorhat (Including Lichubari Army Camp, Lahoti Army Camp, Saraibari Army Camp & Mariani Army Camp)	Jorhat	Assam
25.	Rowriah Army Group	Jorhat	Assam
26.	Guwahati/Narangti (Including Basistha, Borjhar, Shantipur, Sadilapur, Pandu & Bamuni Maidan) Less Ordnance Depot & Petroleum Depot	Kamrup	Assam
27.	Borjar	Kamrup	Assam
28.	Changsari	Kamrup	Assam
29.	Rangiya	Kamrup	Assam
30.	Lumding	North Cachar	Assam
31.	Misa Camp	Nowgaon	Assam
32.	Masimpur Less Ammunition Storage	Silchar	Assam
33.	Misamari Less Aviation Base	Sonitpur	Assam
34.	Thakurbari(Including Harchura, Bhalukpong, Nasbor Behali, Lokra, Charduar, Sub Sector I to V & Amaribari) Less	Sonitpur	Assam

84.	Dagshai	Solan	Himachal Pradesh
85.	Solan	Solan	Himachal Pradesh
86.	Subathu	Solan	Himachal Pradesh
87.	Jamshedpur	Purva Singhbhum	Jharkhand
88.	Ramgarh	Ramgarh	Jharkhand
89.	Ranchi Less Ammunition Storage	Ranchi	Jharkhand
90.	Bangalore(Including Hebbal, RT Nagar, Central Business, Agram, Ulsur & Damlur) Less Ammunition Storage & Aviation Base	Bangalore	Karnataka
91.	Belgaum Less Ammunition Storage	Belgaum	Karnataka
92.	Manglore	Dakshina Kannada	Karnataka
93.	Cannanore	Kannur	Kerala
94.	Kochi including Calicut	Kochi	Kerala
95.	Thiruvananthapuram	Thiruvananthapuram	Kerala
96.	Bhopal	Bhopal	Madhya Pradesh
97.	Nowgong (Including Kitchner College & Kanna) Less Aviation Base	Chhatarpur	Madhya Pradesh
98.	Gwalior (Including Morar, Badagaon, Pinto Park, Mohanpur, Mahelgaon & Gunna) Less Ammunition Storage	Gwalior	Madhya Pradesh
99.	Pachmari	Hoshangabad	Madhya Pradesh
100.	Mhow	Indore	Madhya Pradesh
101.	Jabalpur	Jabalpur	Madhya Pradesh
102.	Dhana Less Ammunition Storage	Sagor	Madhya Pradesh
103.	Saugor	Saugor	Madhya Pradesh
104.	Ahmednagar Less Ammunition Storage	Ahmednagar	Maharashtra
105.	Aurangabad	Aurangabad	Maharashtra
106.	Bhusawal Less Ammunition Storage	Jaigaon	Maharashtra