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To,
The Director (Lands),
Ministry of Defence
Room no 12(A), South Block
New Delhi - 110011

Sub: Objections and Suggestions on the Proposed Defence Rules 2024 dated 14th Oct 2024

Respected Sir/Madam,

CREDAI-MCHI is an apex body consisting of members from the Real Estate Industry among Mumbai Metropolitan Region (MMR). With a strong Membership of over 1800 leading Developers in Mumbai, CREDAI-MCHI has expanded across MMR. CREDAI-MCHI is the Government recognized body for private sector developers in MMR and consistently working to make the industry more organized and progressive.

We are writing this letter to submit our objections and suggestions regarding the Proposed Defence Rules 2024, dated 14th October 2024, for your kind consideration.

We believe that while the proposed rules are crucial for strengthening our national security framework, certain aspects require clarification and modification to ensure that they are effective, transparent, and aligned with public interest.

Detailed suggestion outlining our concerns and recommendations are as follows:

1. Clarity on Status of Previous Circulars

The proposed amendments fail to address the current legal status of the Ministry of Defence (MOD) Circular dated May 18, 2011, and subsequent circulars. It remains ambiguous whether these circulars are withdrawn or remain applicable. We suggest to issue a clarification on whether these prior circulars and restrictions are nullified under the new rules.

2. Publication of Affected Areas and Timelines and accountability for Government

While the proposed rules mandate the Collector or a designated officer to publish restricted areas within 15 days upon intimation from the Ministry of Defence.

There is no provision addressing cases where the Collector or planning authority fails to publish affected areas. We propose a rule stipulating that, in such cases, any development permission issued by the planning authority cannot be retrospectively invalidated by the Defence Ministry. This amendment should also include a remedial procedure for any failures by government authorities to notify the public, thereby protecting land owners, developers and occupants from unforeseen objections/restrictions.

3. Guidelines for Redevelopment of Existing Structures

The proposed amendments are silent on redevelopment rights for existing structures on restricted land. Many structures require redevelopment or restoration. The absence of guidelines on redevelopment could unfairly restrict occupants and property owners, particularly with regard to rights under redevelopment and slum rehabilitation schemes. This may infringe upon fundamental rights under the Constitution of India by limiting access to housing and developmental benefits. We recommend including provisions that allow for redevelopment and provide compensatory benefits or fungible Floor Space Index (FSI) for occupants impacted by these restrictions.

Maharashtra Chamber of Housing Industry

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VASAI VIRAR | ALIBAG | KARJAT-KHALAPUR-KHOPOLI | YOUTH NMR

4. Clear Timelines and Status of Development on Hold

The amendments do not specify a timeline for finalizing and publishing restricted areas, leading to indefinite delays for projects currently on hold due to the 2011 MOD Circular. We suggest adding a provision that, until official publication of restricted areas, developments subject to court cases or administrative holds should proceed under applicable Development Control Regulations (DCR). Moreover, the government should expedite the publication of restricted areas and clarify this requirement within the rule amendments.

5. Request for Extended Objection Timeline and Public Representation

Given the significant impact on property owners, developers, and local residents, we recommend extending the deadline for objections and suggestions to ensure comprehensive stakeholder input.

We trust that these suggestions will be given due consideration during the finalization of the rules, and we shall remain available for any further discussion or clarification on the same.

Thank you for providing an opportunity to participate in this important process. We look forward to your response.

Yours sincerely,
For CREDAI-MCHI



Domnic Romell
President



Dhaval Ajmera
Hon. Secretary

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CC:

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Hon'ble Chief Minister,
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