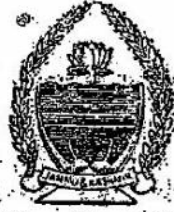


EXTRAORDINARY

REGD. NO. JK-35



**THE  
JAMMU & KASHMIR GOVERNMENT GAZETTE**

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Separate paging is given to this part in order that it may be filed  
as a separate compilation.

**PART III**

**Laws, Regulations and Rules passed thereunder.**

**BUILDING OPERATIONS CONTROLLING AUTHORITY**

**Notification**

Dated 24-12-2001.

In exercise of the powers conferred under section 19 of the Jammu and Kashmir Control of Building Operations Act, 1988 and in supersession of Government Notification SRO-165 dated 28-5-1998, the Building Operations Controlling Authority, appointed vide SRO-289 dated 21-7-1999 hereby frame the Jammu and Kashmir Control of Building Operations Regulations, 2001 in so far as these pertain to the Municipal areas of Srinagar Local Areas of Srinagar not included in Municipal area of Srinagar and make the following Regulations after having received the clarification from the Govt. vide No. LSG-J/94/147 dated 8-8-2001.

1. *Short title and commencement.*—(1) These regulations may be called the Jammu and Kashmir Control of Building Operations (Revised) Regulations, 2001 for Municipal limits of Srinagar and local areas of Srinagar outside the limits of Srinagar Municipal.

(2) These shall come into force with effect from the date of their publication in the Government Gazette.

2. *Definition.*—The words and expressions used in these regulations shall have the same meaning as assigned to them in the J&K Control of Building Operations Act, 1988.

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2 The J&K Govt. Gazette, 24th Dec., 2001/3rd Pausa, 1923. (No. 38-1)

3. *Constitution of the Authority.*—With the commencement of these Regulations, the constitution of the Authority for the Municipal Area of Srinagar and Local area of Srinagar shall be the same as has been notified in Government Notification SRO-289 dated 21-7-1999.

4. *Application or permission.*—Every person intending to undertake or carry out the development of any site in any Municipal Area of Srinagar and Local area of Srinagar not included in the Municipal area of Srinagar or erect or re-erect any building or make or extend any excavation or lay out any means of access to a road in such area or materially alter a building or conduct repairs to any building shall give a notice of his intention in writing, in the prescribed format, to the Chairman, Building Operation Controlling Authority. The said application shall be supported with the following documents:—

- (i) Twelve (12) copies each of Building/Site Plans drawn and signed by an Architect registered with Council of Architects or by Draftsman registered with the Authority constituted for Srinagar under J&K Control of Building Operations Act 1988, one copy of such plan must be duly endorsed by the Assistant Commissioner Nazool and or A.C. Revenue and Custodian in the case of evacuee immovable property.
- (ii) Title verification of land by Assistant Commissioner Nazool in case of State land/Assistant Commissioner Revenue in other cases with following latest revenue documents.
  - (a) Shajra-Khasra
  - (b) Intikhabi-Girdawari
  - (c) Intikhabi-Jamabandi
  - (d) Sale deed/gift deed
- (iii) No objection certificate of Power Development Department, Urban Environmental Engineering Department, Public Health Engineering Department and Lakes and Water Ways Development Authority.

The Site Plan drawn to a scale of not less than 20 feet to an inch must show:—

- (a) direction of the North point.
- (b) boundaries of the plot in which the structure is proposed to be erected or re-erected.
- (c) position of the plot in relation of neighbouring streets and the level of the site in relation to the street in which it abuts.

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- (d) the position of the proposed building in relation to :-
  - (i) boundaries of the plot ; and
  - (ii) all boundaries and premises within 50 feet of the boundary of the spot.
- (e) The names if any and width of all streets on which the plot abuts.
- (f) The level of compound with respect to the level of adjoining streets.
- (g) The location and size of the drains, sewage pits, septic tanks and cess pools
- (h) Total area of the plot and the ground covered under the existing/or proposed building.
- (i) The building plan shall be drawn to a scale not less than one eighth of an inch to a feet and shall show :-
  - (i) the nature and use of existing site and of the proposed building ;
  - (ii) sections and elevations of the buildings in each floor ;
  - (iii) The position of doors, windows and drainage outlets with reference to the adjacent site ;
  - (iv) The position of approach to the site.

5. *Inspection of site.*—

- (i) On receipt of application of format prescribed by the Authority, Administrator, Srinagar Municipality the Chairman of the Authority appointed by the Government vide SRO 289 dated 21st of July 1999 shall cause the proposed site to be inspected by the Town Planner to be appointed by the Chairman who shall in turn record his opinion in light of Master Plan implications with reference to Land-use Building norms and zoning regulations on the prescribed format within 7 days after date of receipt of the application.
- (ii) The Chairman shall simultaneously forward a copy of building plan to all members of the authority for their opinion within 15 days but if the requisite opinion is not received from the respective members

within 15 days, the authority shall presume that respective departments/organizations have no objection to the issuance of the building permission to the applicant.

- (iii) On receipt of inspection report from Town Planner, the Chairman may, if he deems necessary send the building plan along with the inspection report for further inspection and technical opinion by any one or more members of BOCA along with a representative of Srinagar Municipality for report within one week

#### 6. Meeting of the Authority

- (i) The Authority shall preferably meet once in a fortnight and at least once in a month on a fixed date and in case of holiday the said meeting shall be held on a next working day, except in case of unforeseen circumstances beyond the control of authority.
- (ii) The date, time and place of the meeting shall be determined by the Chairman of the Authority.
- (iii) The notice of every meeting of the Authority shall be given in writing to every member by Secretary, Srinagar Municipality, or such officer of Srinagar Municipality as may be authorised by Chairman in this behalf at least three days in advance before the date of meeting.
- (iv) The quorum for meeting the Authority shall be one half of the total strength of its composition. However, the members unable to attend the meeting in view of certain inevitable pre-occupations may be represented by proxy but such proxy shall be allowed by the Chairman to participate in the meeting of the Authority only on production of letter of Authority of the respective member of the concerned department/organization. The proxy shall however be of Gazetted Cadre in the State Government, or equivalent rank in case of Autonomous bodies.
- v. The proceedings of the meeting shall be recorded in the minutes by Secretary, Srinagar Municipality or such other officer of the Srinagar Municipality as may be authorized by the Chairman and the same shall be signed by the Members present in the meeting.

#### 7. Grant of Permission

- i. The Chairman of the Authority shall place the application and the building plan together with requisite Annexures along with the opinion and inspection report

envisaged in clause (5) of these regulations before the Authority for its consideration.

- ii. The Authority shall either grant the permission subject to such terms and conditions as may be specified in the order or refuse to grant the permission on such grounds as may be specified and recorded.
- iii. In case the applicant has fulfilled all the requisite formalities and the Authority has not decided the notice of intent of the applicant within a maximum period of 90 days from the date of application, the permission shall be deemed to have been accorded, provided the proposed construction does not —

- (a) violated the planned development of Srinagar City as envisaged by various departments and departmental agencies such as PDD, PHE, SDA, UEED, LWDA, SMC etc;
- (b) violate zoning regulations under Srinagar Master Plan;
- (c) violate the land use of the area;
- (d) violate the floor space index and set backs etc;
- (e) come in alignment of green belt;
- (f) come in the widening of road by R & B Department;
- (g) prevention of Ribbon Development Act;
- (h) effect the easement rights of the adjacent plot holder and the title of the land is not subject matter of dispute before any forum;
- (i) violate the prescribed building line and right of way;
- (j) violate rule 77, 79 and 80 of the J & K Electricity Rules 1978 made under J&K Electricity Act, 1997 ( 1940 A. D. ).

iv. The permission shall be issued only after the applicant deposits building permission fee as per the following ratesi —

- (a) Registration Fee
  - i. For proper permission =Rs. 300
  - ii. For petty permission (repairs, re-roofing and compound walling ) =Rs. 150

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(b) Construction Fee for residential buildings

- i. Ground floor ⇒ Rs. 3/per Sft.
- ii. First floor ⇒ Rs. 2/per Sft.
- iii. Second/Attic floor and above ⇒ Rs. 2/per Sft.

(c) Construction fee for commercial buildings/shops/ office buildings and other Govt. buildings.

Zone-A Rs. per Sft.

- a. Ground floor & 1st. Floor ⇒ 25/-
- b. 2nd floor & 3rd floor ⇒ 20/-
- c. 4th floor and above ⇒ 15/-

Zone-B

- a. Ground floor & 1st. Floor ⇒ 20/-
- b. 2nd floor & 3rd floor ⇒ 15/-
- c. 4th floor and above ⇒ 10/-

Zone-C

- a. Ground floor & 1st. floor ⇒ 15/-
- b. 2nd floor & 3rd floor ⇒ 12/-
- c. 4th floor and above ⇒ 10/-

Zone-D Costruction fee for petty permission

- (a) Repairs, construction, reconstruction of compound walling ⇒ Rs. 5/per Sft.
- (b) Repairs and re-roofing ⇒ Rs. 2/per Sft.

Providing however no construction fee except the registration fee shall be charged on account of erection/re-erection of places of worship, religious/ social Truists but for erection/re-erection of commercial assets, 50% of building fee in vogue shall be chargeable from them. It shall be the discretion of the Chairman of the Authority to reduce the rate of the construction fee in favour of poor and deserving people and the Municipal employees.

- (v) Keeping in view the ground realities the Authority may regularize the structures erected or re-erected unauthorisedly or in anticipation of the permission, before the commencement of these regulations, provided the unauthorized structures have come up as per the land use prescribed in Master Plan and also in the areas where land use is cultivation or orchard in Master Plan and have attained the status of built up or semi-built up character. The regularization of such unauthorized structure shall be subject to the payment of fee of the following rates depending upon the nature and extent of deviations/contraventions in terms of F. S. I. Ground Coverage, F. A. R. and set backs as per Master Plan.

**Residential :**

- (i) Rs. 3.00 to Rs. 15.00 per Sft. for ground floor.  
(ii) Rs. 2.00 to Rs. 10.00 per Sft. for 1st, 2nd and attic floor.

**Commercial :**

- (i) Rs. 25.00 to Rs. 125.00 per Sft. for ground floor.  
(ii) Rs. 20.00 to Rs. 100.00 per Sft. for first floor.  
(iii) Rs. 15.00 to Rs. 75.00 per Sft. for second and attic floor.

- (vi) The permission granted by the Authority shall not be itself confer any right of ownership of the land or the building as the case may be, upon any person/permittee.
- (vii) The building fee charged by the authority shall be credited into the Municipal chest for the purpose of section 65 of Municipal Act and other development programmes.
- (viii) Every Government department shall comply with all the provisions of these regulations.
- (ix) Taking into account the ground reality, the Authority, may relax the norms in the case of re-construction on the existing plinths in old city where the density is high.
- (x) The side set back specified shall not be applicable in case of row housing where full plot width can be used for construction with blind walls on other side.
- (xi) Front yard shall not during its use be occupied or counted as an open space for another building or structure.

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- (xii) One side of the building shall be blind if a minimum set back of 10 ft, is not available after leaving the prescribed set back on the other side.
- (xiii) No eave, projection, window, door, opening, roof slope, outlet or any other thing which may establish any easement right on the adjacent plot shall be permissible.
- (xiv) No portion of any building, balcony or other projection shall be allowed beyond the set back lines prescribed in this behalf. However a service black like stair case or car parking can be allowed.
- (xv) Set back limitations prescribed above are not applicable for erecting a lavatory block or garage or any such accessory building of single storey height incidental to the main use of the building in the rear yard or one side of the main building, provided that easement rights of adjacent plot holder are not encroached upon in any way and such accessory building is kept away from other adjacent buildings (if existing or proposed) by a distance not less than one third height.
- (xvi) In case, where the above yard or set back restrictions are not practicable, the Authority may prescribe requirements of yard or set backs as it may deem necessary.
- (xvii) Where a building line fixed under these rules is less than one prescribed under Prevention of Ribbon Development Act in built-up areas, the Master Plan provisions shall prevail. However, in newly developed areas, Prevention of Ribbon Development Act shall prevail.
- (xviii) In the case of a shop, commercial building, office block or a factory, the ground coverage shall not exceed 60% of the plot area as specified under Srinagar Master Plan with adequate car parking.
- (xix) Where the buildings are contiguous the length of the building block shall not exceed 200 ft. from one end to another after which a fire gap shall be provided as will be deemed necessary by the Authority.
- (xx) (a) The height of compound wall shall not exceed more than 8 feet measured from the road level at centre to top of the wall.  
(b) The compound wall abutting the road shall be rounded off near the corners.



- (xxi) All residential as well as commercial buildings in newly developed colonies/areas excluding Core area shall have septic tanks and soakage pits.
- (xxii) No person shall be eligible to get a water supply connection unless he provides drainage facilities for spent water up to the nearest Municipal drain or his private cesspool.
- (xxiii) (a) A person or a group of persons or a Co-operative society or firm intending to plot out an estate in to more than 4 plots shall give notice in writing to the Authority which will be accompanied by a layout plan of the entire land showing the areas allocated for roads, open spaces, parks, places of worship and graveyard, with specification for roads, drains, and other infrastructure.
- (b) Roads, drains, water mains and electric lines required for the colony shall be constructed by the developer at his own cost and no plot shall be eligible for any service and utilities by the Government and/or Municipality unless the colony is developed properly and approved by the Authority and no building plan shall be considered by the Authority in any plot in such a colony which has not received the prior approval of the Authority.
- (c) Ordinarily, no Housing Colony can be allowed in the area not specified as residential in the Master Plan, unless considered in any special circumstances by the Authority as per ground reality of land use.
- (xxiv) No permission shall be accorded for construction of a building, factory or workshop in any notified area which shall cause nuisance by way of odour, smoke noise or disturbance to inhabitants of the locality or be injurious to health of the residents of the buildings or to the inhabitants residing in the surrounding area.

8. *Delegation*.—The Authority may delegate any of its powers exercisable by it to the Chairman or to such officers of the Srinagar Municipality for efficient carrying out of the purpose of the Jammu and Kashmir Control of Building Operation Act, 1938 and the regulations made thereunder.

9. *Appeals*.—An appeal against the order of the authority made under sections 5 and 7 of the Act shall lie before the Chairman of Jammu and Kashmir Special Tribunal or such other Member of the said Tribunal, as may be decided by the Chairman of the Tribunal.

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10 The J&K Govt. Gazette, 24th Dec., 2007/3rd Pansa, 1923. [No. 38-1

The Appellate Officer may compound an offence of minor nature provided the appellant holds the proprietary rights over the land brought under un-authorized construction subject to payment of building permission fees at following rates:—

1. Residential : Rs. 12.50 to Rs. 25.00 per Sft.
2. Walling Rs. 25.00 per running feet.
3. Commercial : Rs. 25.00 to Rs. 50.00 per Sft.

The composition fee imposed by the Tribunal shall be credited into the Municipal Chest for the purposes of Section 65 of the Municipal Act.

*Explanation.*—For the purpose of these Regulations "an offence of minor nature" shall include any erection or re-erection of a building which has come up in contravention of the permission referred to in section 4 of the Jammu and Kashmir Control of Building Operations Act, 1988 or deemed sanctioned as referred to in sub-clause 7 (iii) of these Regulations provided that such erection or re-erection does not:

- (i) violate the approved land use of the area notified in the Srinagar Master Plan.
- (ii) Violate the permissible front, rear or side set backs prescribed in the permission.
- (iii) Amount to conversion of residential building into commercial one or vice versa.

10. *Authentication of the orders.*— An order or instrument requiring authentication by the Authority shall be signed by the Administrator Srinagar Municipality/Chairman, BOCA or any other officer of Srinagar Municipality authorized by him in this behalf.

(Sd.) ... ..

Chairman,  
Building Operations Controlling Authority,  
(Administrator, Srinagar Municipality.)