

**GOVERNMENT OF JAMMU & KASHMIR
HOUSING & URBAN DEVELOPMENT DEPARTMENT
SRINAGAR.**

**NOTIFICATION
DATED SRINAGAR THE 5TH OCTOBER 1974.**

SRO-508-- In exercise of powers conferred by section 29 of the Jammu & Kashmir State Town Planning Act, 1963 (XX 1963), the Government hereby make the following rules the same having previously been published in the Govt. Gazette, namely :-

- i) These rules may be called the Jammu & Kashmir Town Planning rules of 1973.
- ii) They shall come into force with effect from the date these are published in Govt. Gazette.
- iii) In These rules, unless the context otherwise requires :-
 - (a) "Act" means the Jammu & Kashmir Town Planning Act, 1963.

CHAPTER II

- I. Notification under section 5 and of the draft scheme under section 7 of the Act shall be published in the following manner :-
 - i) by publication in the Govt. Gazette ;
 - ii) by publication in the some local paper circulating in the area affected ;
 - iii) by beat of drum in the area affected ; and
 - iv) by affixing copies in and outside the offices of all Tehsildars having jurisdiction in the area concerned.

1.1 The Notification, where possible, shall be accompanied by a list of khasra numbers of the area affected and in the absence of khasra number it shall be accompanied with by a schedule and a sketch plan describing the boundaries of the area affected.

1.2 The notice published under section 7 of the Act, shall specify a date not before 30 days form the date of its publication in the Govt. Gazette for inviting objections and suggestions with respect to the Draft Town Planning Scheme.

1.3 The Chairman of the Development Board shall send a copy of the plan and a copy of the Draft Scheme along with the notice in Form I to the Local Authority within whose limits any land affected by the plan is situated.

1.4 The Chairman shall call a meeting of the Board and consider objections and suggestions received from the public to the Draft Scheme.

1.5 The Chairman may fix a date and communicate it in writing to the Local Authority or any person, whenever it is deemed necessary by him to discuss the objections and suggestions in person with respect to the Draft Scheme in the Board meeting.

2 Further particulars or plans for inclusion in scheme under section 3 and 6.

2.1 The draft scheme under section 6 may contain plans, cross-sections and elevations of type design of houses or group type housing design or of any other structure that may be generally adopted in the scheme or in particular at a given place in the area for which a Town Planning Scheme is made.

2.2 The Draft Town Planning Scheme which includes Housing Scheme will contain bylaws for regulating building constructions in the scheme area.

2.3 A draft scheme which involves acquisitional, exchange or otherwise of any land other immovable property within the area included in the scheme whether required immediately or not, shall show the khasra numbers and the areas of land, specification of property and the cost thereof, and also the market rate of land and the average of last three years land deeds.

2.4 If in any draft scheme, reconstitution of plots is to be effected, the

draft scheme shall show the quantum of compensation that may be involved and the sources to which the compensation costs shall be debited and the manner in which the payment of the same shall be made.

2.5 Where in any Town Planning Scheme disposal of Govt. land or the land belonging to any authority is proposed the method of disposal shall be indicated in the scheme.

2.6 Where necessary a Town Planning Scheme shall be accompanied by a plan showing the transport facilities such as sites for stands for cars, buses, tongans, scooters and/or cycles. In this plan the existing and proposed water mains, drains and disposal points and electric lines shall always be indicated.

3 Scale of all plans made under this Act, the particulars to be shown in them, the manner in which such particulars shall be shown, the colouring of such plans and all such matters.

3.1 The draft plan shall bear a scale, the north point, location or ward, and a legend showing the colour scheme for various uses of land which shall be grouped as under :-

Main Group

a. Residential

Detached, Semi-detached, flats and row houses, holiday homes, boarding houses such as Hotels, Dharmshalas etc.

b. Commercial

Retail, wholesale trade ware-houses, storage, commercial offices and banks, restaurants, hotels, tourist houses, cinema and other places of public assembly run on commercial basis, professional establishments.

c. Transport & Communication

Railways yards, railways stations, sidings road and road transport depots and parking area. Airport and air stations, Posts & Telegraph Offices, Telephone exchange, Broadcasting stations.

d. Industrial

Service industry, light industry including flatted factories extensive industry,

Sub Groups

heavy industry, special industry, Noxious industry.

e. Public Utilities

Water supply installations, drainage & sanitary installation, including disposal works, electric power-plant, transmission lines, sub-stations, gas installations and gas works.

f. Public and Semi-Public uses.

Administrative Centres, district offices, Jail, Police Stations, Governors residence, Educational, Cultural and religious institutions, Cultural insititutions, like Theatres, Musesums, Art Gallaries, Libraries, Cultural Academy, Opera houses etc. of a predominantly non-commercial nature.

g. Open spaces

Sports grounds, Stadium, Playgrounds, Parks, other recreational uses, Graveyards, Cemeteries and Cremetoria.

h. Vacant land

Sparsely built.

i. Agriculture Land

Market gardens, Orchards, Nurseries, Land under staple crops grazing land & pastures, forest land, Marshy land, Barren land and land under water.

3.2 Scale of plans made under this act shall be as follows :

- a) Building plans 8 ft. to an inch or 1/100 if it be in Metric scale.
- b) Site plans of buildings 20 ft. to an inch or 1/250 if it be in Metric Scale.
- c) Layout plans of Housing colonies shall be of 50 ft. or

100 ft. or 200 ft. or 220 ft. to an inch scale or 1 500, 1/1000, 1/2500 if the same are in Metric scale.

Whereas the layout plans of other Town Planning Schemes shall be to any scale according to the coverage of the area and size of available drawing sheets and workability.

4.3 Particulars and salient features of the scheme shall be noted marginally on the maps. These may include the area analysis, cost analysis, acquisition and of reconstitution, particulars of land, non-conforming uses proposals for removal of structures or particulars about utilities and services etc.

4. What streets or roads and improvements thereto provided in a scheme shall be made or carried out at the expense of the Board, the owners of property or both ;

4.1 Wherein any Town Planning Scheme there are proposals of construction of new streets or roads and/or improvements of existing streets/roads the scheme shall show the apportionment of costs of construction/improvements between the owners of the property to which such streets/roads shall serve and the authority which will carry out such construction and/or improvements. If the construction and/or improvement of streets/road is to be carried out by the Board, the Govt. may allot funds to the Board for such construction and/or improvements and for appointment of the staff required for the purpose, or delegate powers of implementing the scheme in part or in whole to any officer or Local Authority under section 25 of the Act.

5. The manner in which all documents and plans prepared under this Act shall be made accessible to the public.

5.1 Copies of the Draft Scheme and the Draft Plans after they are prepared under section 6 of the Act, shall be made available to the public at such cost as may be prescribed by Board from time to time; and the draft plans shall be exhibited at the following offices on all working days in office hours :-

- a) Office of the Chairman and members of the Board;
- b) Such places as may be specified by the Chairman of the Board;
- c) Office of the Town Planning Organisation Central or Provincial.

5.2 The plans and the particulars of the scheme sanctioned by the Govt. shall be permanently available for reference of the public in the office of the Chairman, Development Board, Joint Director/Deputy Director, Town Planning Organisation.

6. The procedure to be adopted for securing co-operation on the part of the Municipal Authorities with the owners or persons interested in property proposed to be comprised in a scheme by such means as may be expedient, the summoning and procedure of such conferences and all such matters.

At any stage of preparation and publication of the draft scheme the Municipality or the Board may initiate conferences with any body corporate, firms association of individuals or with the individual persons affected under the scheme by way of demolition of their houses, problem of rehabilitation, acquisition of their properties land disposal, provision of amenities, imposition of betterment charge; reservation of land for different uses, reconstitution of plots or any other matter comprised in the scheme. Such conferences shall be summoned by the Chairman Board and objections, suggestions made by the affected persons shall be considered by the Board before submitting the scheme to the Government for approval.

7. The procedure to be observed by the Board and the Prescribed Authority in cases where owners commit default, or delay the carrying out of works of improvements, for carrying out such works or improvements and for recovering the cost from the owners liable therefor.

7.1 (i) Every persons who desires to carry on any development work in any building over or under any land within the limits of the scheme area after publication of the Notification under Section 5 of the Act shall apply to the Minister through the Chairman of the Development Board in the manner specified in Schedule I to these rules, for permission as provided under section 10 of the Act.

(ii) The Chairman Development Board shall on receipt of the application for permission at once furnish the applicant with a written acknowledgement of its receipt.

(iii) The Chairman, Development Board shall after such inquiry as he thinks fit forward the application with his recommendation to the Minister within 45 days from the date of acknowledgement of the application.

(iv) In case the Minister concerned does not communicate his decision within 90 days from the date of such acknowledgement, the permission shall be deemed to have been granted to the applicant.

7.2 (i) At least forty-eight hours previous notice shall be given for entry under section 11 of the Act, to the owner/occupier or other persons interested in the land and building unless such owner, occupier or person interested has given his consent for such entry.

(ii) The Chairman of Board shall, after inquiry, survey or inspection of a scheme area for the purpose as laid down under section 11 of the Act; communicate the result of such inquiry to the Prescribed Authority and shall upon him to take suitable action against the defaulter if any, under the provision of the Act.

(iii) The Chairman may call the Prescribed Authority to the Board meeting to ascertain the progress achieved in stopping violations committed by defaulters and record the observations in the minutes of the meeting.

7.3 (i) On receipt of information through the Buildings Inspector appointed for the purpose or from any quarter whatsoever that some one is erecting or proceeding to erect a building or structure without obtaining proper permission, the Prescribed Authority shall immediately investigate whether any permission has been issued for raising such building or structure, and after having satisfied that the permission has not been issued by any competent authority, ask for the opinion of the Joint Director ^{CTPcy} ^{nomine} ⁵²⁰⁻⁶ ^{42.1} ⁹¹ Town Planning Organisation whether the offence is of serious nature affecting or likely to effect the salient aspects of the Town Planning Scheme or a minor one.

(ii) On receipt of the report from the Joint Director, Town Planning Organisation the Prescribed Authority shall serve a notice in writing upon the person concerned calling upon him to show cause why the action under section 12 and section 14 of the Act as the case may be, should not be made and fine imposed.)

(iii) In case the notice is refused or avoided by the owner, a report to that effect shall be made by the person responsible for its delivery to the Prescribed Authority and thereupon the Prescribed Authority shall order that the notice be pasted at a convenient place close to the place where building or structure is being proceeded or raised unauthorisedly and the report of the person responsible for its pasting shall be conclusive evidence that the notice has been pasted at the convenient place close to the structure or building in question.

(iv) After the notice is served upon the owner or pasted at a convenient place, the Prescribed Authority shall give a reasonable opportunity to the owner, to be heard in person or through his representative; and after satisfying himself the Prescribed Authority shall proceed and enforce penalties under section 12 of the Act.

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(v) The Prescribed Authority shall issue a notice to the owner intimating the imposition of such fine as deems appropriate under section 12 of the Act, and direct him to pay the fine within a period of 15 days from the date of issue of such notice. The owner shall thereupon pay the fine to the Prescribed Authority. In case the receipt of the notice or payment of the fine is avoided or refused by the owner, the Prescribed Authority shall order recovery of the fine from the owner as arrears of Land Revenue.

(vi) The Prescribed Authority shall maintain a register giving particulars of every fine imposed under the provision of the Act, and see that the money realized reaches the Treasury and exercises check on receipts and returns in accordance with the provision of Financial Code Vol. I-Chapter-II fines.

(vii) Any person aggrieved by an order under section 12 of the Act, may appeal to the Minister against that order within 30 days from the date thereof; and the Minister may, after hearing the parties to the appeal either allow or dismiss the appeal or may reverse or reduce the fine imposed by the Prescribed Authority.

(viii) The decision of the Minister on the appeal shall be final.

(ix) The appellant shall have a right to appear by a Counsel and the Prescribed Authority may be represented by such officers or person as the Govt. may appoint.

7.1 (i) The Prescribed Authority shall serve a notice in writing upon the person concerned calling upon him to show cause why the order under section 13 (i) of the Act should not be made :-

- a. to remove or pull down the work, or
- b. restore land to its original condition as the case may be.

(ii) The notice served upon the person concerned shall specify a date not earlier than seven days from the date of its service for hearing the case.

(iii) The Prescribed Authority shall assess the expenses incurred on the labour, material and conveyance charges thereof etc. for purposes of demolition of unauthorised structure and communicate it in writing to the owner calling upon him to bear such expenditure and pay to the Prescribed Authority within a period of 20 days from the date of issue of the notice

falling which the expenses incurred for such demolition shall be recoverable from the owner as arrears of Land Revenue, as provided under section 13 of the Act.

7.5 (i) An order issued by the Prescribed Authority, to stop building operations under section 14 (i) of the Act shall give a reasonable opportunity to the person to be heard in person or through his representative.

(ii) The order shall specify the date not earlier than seven days from the date of its service for hearing the case.

8. The securing of reasonable speed in the preparation or adoption of scheme by the Board and the procedure to be followed for enabling the Government to act in the case of default or dilatoriness on the part of the Board or the Prescribed Authority, in making, adopting or executing a scheme and to recover from such Board the expense of such action.

8.1 If the Draft Town Planning Scheme is not prepared, published and submitted to the Government by the Development Board within the date fixed under section 5 of the Act, the Government may extend the time on the recommendation of the Development Board and if the Board fails to submit the draft scheme to the Govt. within the extended period the Govt. may reconstitute the Board or authorise the Joint Director of Town Planning Organisation to prepare and publish such scheme in the prescribed manner as laid down in the Act.

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8.2 The Govt. may call bimonthly progress reports in the formatation of the Draft Town Planning Scheme from the Chairman of the Development Board.

8.3 The Govt. may call bimonthly or quarterly progress reports from the Prescribed Authority to ensure a reasonable speed for enforcement of the scheme.

9. The calculation assessment, and collection of the betterment contribution.

9.1 (i) For purpose of calculation of betterment charges the maximum value of land based on the sale deeds recorded in a particular locality, within a perion of six month prior to the day of execution of the scheme, shall be considered as the basic value of the property.

(ii) The value of property on completion of the execution of the scheme or when the Govt. issues order that the scheme has sufficiently advanced in any particular area, shall be the maximum value of the land based on a sale deed within a period of six months after the completion of the scheme or issue of the order by the Govt. under section 17 (i) of the Act.

9.2 The Govt. may by an order published in the Govt. Gazette, declare that the execution of a particular scheme sufficiently advanced and the scheme shall be deemed to have been completed and appoint an officer or Betterment Charges Assessment Board to assist the Govt. for purposes of determining the betterment charges.

(ii) The notice under sub-section (i) of section 17 of the Act shall be in Form III.

(iii) The notice, referred to in clause (ii) above, and served upon the person concerned, shall specify a date not earlier than 10 days from the date of its service for giving such persons an opportunity to be heard by the Government.

9.3 The Govt. shall, for conveying the amount of betterment charges payable by the person, give a notice in writing to the person concerned in Form IV.

9.4 (i) Unless otherwise ordered by the Govt. the amount of betterment charges shall be payable in three instalments as laid down wherein after in these rules :-

(ii) The first instalment of betterment charges shall be payable within three months from the date of the assessment proposed by the Govt. is accepted by the person concerned or when the final award has been given by the Arbitrator appointed under section 18 (i) of the Act.

(iii) The second and third instalments shall be payable within six months from the last date due for payment of first instalment of betterment charges.

(iv) The betterment charges shall be payable to the Officer appointed by the Govt. for the purpose, and the appointment of such an officer will be made known to the public by the Govt. by a Notification in the Govt. Gazette and leading news papers of the locality concerned.

10. The regulation of the procedure before the Arbitrator.

10.1 The arbitrator appointed under section 18 (i) of the Act, shall issue a notice to the owner of the property or having an interest therein, which shall specify a date not earlier than fifteen days from the date of its service for giving such person an opportunity to be heard in person or through his legal representative for purposes of settlement of betterment charges.

10.2 The Arbitrator shall be assisted whenever necessary, by the Prescribed Authority or the Chairman of the Betterment Charges Assessment Board.

10.3 The Arbitrator shall declare the award on a fixed date and send a copy thereof to the Govt. for information.

10.4 The Govt. may, set a side the award under clause (b) of sub-section 4 of section 18 of the Act by a Notification published in Govt. Gazette within two months the date, it is made by the Arbitrator and direct him to have a fresh award or appoint another Arbitrator for giving an award.

11. The powers to be exercised by the Prescribed Authority with respect to appointments and the matters on which and the manner in which it shall be consulted by the Borad.

The Prescribed Authority may if it deems necessary appoint, subject to prior approval of the Government, a nucleus staff consisting of one Building Inspector and one Building Clerk for purposes of enforcement and implementation of a Town Planning Scheme, area of which does not exceed 1000 acres of land. This will be temporary staff subject to the termination of the expiry of the life of the Board and the expenditure involved will be debitable to the Urban Development Funds of the Govt. The expenditure shall be subject to Audit in the same manner as the funds of Urban Development.

12. The extent to which the proceedings and acts of the Boards under this Act shall be regulated by the provision of any Municipal or Local laws applicable to such Authorities.

12.1 In case the scheme is sanctioned in parts or the Govt. refuses to sanction or returns the scheme to the Board for reconsideration, the procedure laid down under the Act and these rules shall remain in force for the remaining part of the scheme area or for the whole area as the case may be.

13 Inquiries and reports as to the beginning and the beginning and the progress and completion of works and other action under any scheme.

After the scheme is sanctioned, the Govt. may make enquiries from the Board as to the method of starting the implementation of the scheme and on such reports the Govt. make necessary arrangements of funds and implementing agencies and watch progress of works by calling bimonthly or quarterly progress reports from the implementing agencies to ensure expeditious completion of works envisaged in the scheme. In cases of continued default or dilatoriness on the part of implementing agencies the Govt. may appoint a Commission on its findings take further measures as may be deemed necessary.

14. Sanitary principles and building regulations to be observed in drawing of schemes.

14.1 Every Government Department shall comply with all the provisions of these rules. They shall consult the competent authority before commencement of any work situated within the limits of notified area.

14.2 Sanction once accorded shall remain in force for two years, become void unless building operations authorised by the competent authority are commenced and completed within two years from the date the permission is issued. After this period a fresh application along with the plan and fees shall be submitted to the competent authority in accordance with these rules.

14.3 (i) The owner, coloniser or society may withdraw the notice and plans at any time prior to its sanction and such action shall terminate all proceedings with respect to such notice but the fees paid shall in no case be refunded.

(ii) After the sanction is accorded to the plans with or without modifications the competent authority shall be intimated by the permittee at the following stages of construction :-

- a. When the foundations are ready to be place ;
- b. When the structure has reached the roof level .

The competent authority shall inspect the work at each of the above stages within seven days of receipt of intimation failing which the permittee shall be free to continue construction according to the sanctioned plan.

14.4 (i) No building shall be erected or re-erected for residential purpose on any plot, has an area of less than 1,350 sft. and an average width of less than 20 ft. or a depth of less than 40 feet.

(ii) No shop shall be erected or re-erected on any plot which has an

area of less than 240 sq. feet. and an average width of less than 10 feet or a depth of less than 24 feet.

14.5 Not more than one dwelling shall be erected or reerected on any one plot of size less than 3,250 sq feet but two or more plots of one owner may be combined for the purpose of erection or reerection of one dwelling house. However, accessory buildings such as lavatory blocks in plots of 1,350 sft. to 3,250 sft. size, kitchen blocks, garage, lavatory blocks or servant quarters in plot size of 3,250 sft to 7,200 sft. may be allowed provided that the yard and set back limits, ground coverage, floor area ratio, height etc. prescribed in these by-laws are not exceeded. More than one dwelling house can be erected or re-erected on a plot size exceeding 7200 sft.

14.6 (i) Any building main or accessory shall not be allowed to be used for any purpose other than the use specified by the Govt. in the approved plan of that locality in which that building or area falls.

(ii) Any use detrimental to the locality by reason of omission of smoke, noise, odour, vibration, dust or fume shall not be permissible :-

14.7 (i) Subject to the limitation of ground coverage as hereinafter specified each dwelling house here-after erected or re-erected or materially altered shall be provided with the front side and rear as under :-

| The size of the plot | Front | Rear | Side |
|------------------------|---------|---------|--------|
| a. 1,350 to 2,000 Sft. | 10 feet | 10 feet | 8 feet |
| b. 2,001 to 3,250 " | 15 " | 10 " | 10 " |
| c. 3,251 to 4,500 " | 20 " | 10 " | 10 " |
| d. 4,501 to 7,200 " | 25 " | 15 " | 10 " |
| e. 7,901 and above | 30 " | 20 " | 12 " |

(ii) The front set backs as prescribed above will be measured from the extreme end of the right of way as designed or fixed by the Technical Authority advising the Municipality / Prescribed Authority.

(iii) When, however, a plot of one category falls in a group of plots of another category the front set back shall be governed by the limitation prescribed for the group of plots of another category.

(iv) The front set back specified shall not be applicable in the case of a shop. Instead the shop front will be retired from the full designed width of the road by a distance prescribed here-under :-

Location of the Shop

Distance to be retired from the full designed width of the road.

a. Isolated shop or a convenience shop in a small shopping centre of not more than 10 shops.

4 feet.

b. A shop in a bazar of 11 to 49 shops.

6 feet.

c. A shop in a bazar of 50 shops and over.

8 feet.

The prescribed width will remain in private ownership and shall be raised not more than 1 1/2 feet above road level without being enclosed.

(v) The side set back specified shall not be applicable in case to terrace housing wherein full plot width can be used for construction with blind walls on either side.

(vi) Front yard shall not during its use be occupied or counted as an open space for another building or structure.

(vii) One side of the building shall be blind if a set back of 10 feet minimum is not available after leaving the prescribed set back on the other side.

(viii) No eave projections, windows, door openings, roof slopes, outlets or any other thing which may establish any easement rights on the adjacent plot shall be permissible.

(ix) No portion of any building, balcony or other projection shall be allowed beyond the set back lines prescribed in this behalf.

(x) Set back limitations prescribed above are not applicable for erecting or re-erecting lavatory block or a garage or any such accessory building of single story height incidental to the main use of the building in the rear yard or on one side of the main building provided that easement rights of adjacent plot holder are not encroached upon in any way and such an accessory building is kept away from other adjacent buildings (if existing or proposed) by distance not less than one third height of that adjacent building.

(xi) In cases, where the above yards or set back restrictions are not

to be set back if the prescribed authority may prescribe requirements of yard or set back if it may deem necessary.

(xii) Where a building line fixed under these rules is less than one prescribed under Prevention of Ribbon Development Act in such a case, the conditions of Ribbon Development Act shall prevail, and vice-versa.

14.8 (i) In any residential plot the ground area covered under the main building and accessory buildings, if any, shall not exceed 40% for the plot size of 1,350 sq. ft. to 2,000 sq. ft. and 35% for the plot size of 9,000 sq. ft. and above.

(ii) In the case of a shop, a commercial building, office block or a factory, the ground coverage shall not exceed 50% of the plot area.

14.9 (i) The total area of all the floors of the main building and all other accessory buildings in the plot shall not be more than the total area of the plot in which the building and/or the accessory buildings are to be erected or re-erected. As an example the total floor area of a storey building of 30' x 30' size shall be 3' x 30' x 30', 2,2,700 sq. ft. This will be the maximum possible bulk of the building that can be allowed in a plot of 2,700 sq. ft. area. No additional structure can be permitted in the plot of this size.

(ii) The relaxations to this rule will however be applicable to commercial and office buildings to the extent of 1.5 floor space index provided that :-

(a) An existing building around the proposed structure is not affected by way of sunlight. The sunangle will in such cases be 60° measurer at the base formed by the line joining the ridged top of the proposed structure.

(b) Person intending to erect or re-erect a structure leaves set back towards the road without any compensation, as will be designed or fixed by the Technical Authority (advising the Municipality/Prescribed Authority).

(c) The set backs in such cases will be equal to the height of the building on front side; half the height of the building on the rear side 1/2th height of the building on either side or the set backs as prescribed under section No. 14.7 (i) whichever is more.

14.10 The maximum height of a residential dwelling measured from the ground level to top most ridge of the roof shall not exceed 35 ft.

(ii) The height of building other than residential buildings shall be governed by the provisions of section 14.9 (ii) (a) provided that the floor area ratio prescribed in these bylaws does not exceed. In case the roof is flat the height shall be measured from the ground level to be top level of the parapet.

14.11 Where the buildings are continuous the length of the building block shall not exceed 200 feet from one end to another after which a fire gap, as will be deemed necessary by the Prescribed Authority will be provided.

14.12 (i) The height of compound wall on the road side shall not exceed 6 feet measured from the road level at centre to top of the wall.

(ii) The compound wall of the end plots abutting the roads shall be rounded off near the corners to the following radius :-

- a. On roads less than 25 feet in width to 15 feet radius.
- b. On road 25 feet wide or more to 30 feet radius.

14.12 The minimum sizes of the rooms in a residential buildings shall be as under :-

- A) Habitable room 80 sft. with a minimum width of 8 feet.
- B) Kitchen 40 sft. with a minimum width of 6 feet.
- C) Store and pantry 50 sft with a minimum width of 6 feet.
- D) Box Room 15 sq. feet W. C. 12 sq. feet.
- E) Bath Room 20 sft. Bath room-cum-W. C. 30 sft.

14.14 No room intended for habitation shall be less than 8 feet in height. The height of the water closet, bath room, store room, pantry and the verandah can however be 7 feet only measured from the floor level to the ceiling of the room.

14.15 For admission of light and air every room shall have at least one window or ventilator opening directly to open air or an open verandah.

The aggregate open area of all the windows and/or ventilators shall not be less than :-

- a. 20% of the floor area in the case of habitable room.
- b. 10% of the floor area in the case of non-habitable room like bath, W. C. Store and pantry.

14.16 (i) Every building shall have a stair case of clear width not less than 2'-9".

(ii) No step in any stair case shall have a riser of more than 8".

(iii) Adequate ventilation of the stair case shall be provided through the openings of the exterior walls of the buildings.

(vi) The headway measured from the line joining the nosings of the steps to the ceiling above shall not be less than 6'-0".

(v) A hand-rail not less 2'-3" high shall be provided with every stair case.

14.17 Minimum width of a passage shall be 3 feet where the length of the passage does not exceed 10'. For passage exceeding 10' length and not exceeding 30' the width of passages shall not be less than 3'-6". For passages more than 30 feet length minimum width shall be 4 feet.

14.18 (i) Every kitchen shall have a chimney.

(ii) The chimney shall be constructed out of burnt bricks or any other incombustible material.

(iii) Every fire place shall have a flue with a brick opening of not less than 9" x 9".

(iv) The chimney stack of the flue shall be carried to a height of not less than 3 feet above the roof level if the roof is not fire resistant and 1'-6" minimum if the roof is made of fire resisting material.

14.19 No building shall be roofed with straw or other easily inflammable material.

14.20 Any sewer passing through the compound of a building shall not be open. It must be covered.

14.21 A drain shall be provided for every bath room and cooking place. Such drain shall be constructed of any impervious materials and shall connect the floor of bath room or cooking place with :-

- a. A municipal drain, or
- b. A private cesspool constructed a here-in-after prescribed.

14.22 The floor of every latrine, privy or urinal shall be made of any impervious material and be sloping towards the private septic tank approved by the Public Health Engineer or towards a Municipal Sewer wherever available for sewage disposal.

(ii) In every urinal the walls to height of 3 feet above the floor, and in every latrine and privy both the seats and the walls to a height of 3 feet above the floor, shall be of metal or masonry. In case of water closet of European type the seat may of wood.

14.23 Every latrine, privy or urinal shall be provided with adequate ventilation which in the case of latrine, privy, or urinal situated in or near the building shall be practicable and communicating directly with open air.

14.24 (i) Every latrine or privy shall be so constructed that there shall be adequate access thereto for the purpose of cleaning.

(ii) When the outer door thereof is open, the seats shall not be visible from the street of a public place.

14.25 No privy other than a water closet shall be placed on any upper floor of a building unless movable receptacles are provided.

14.26 No person shall construct a private cesspool.

(i) Unless there is no municipal drain within 50 feet from the premises for which it is required ;

(ii) Except a cesspool of masonry with a cast iron of wooden movable covering ;

(iii) Unless adequate access is provided thereto for the purposes of cleaning it ;

(iv) Except within the boundaries of private land.

14.27 No person shall construct masonry latrine, and privy without a septic tank and unless there is a conservancy system provided by the Municipality for that area.

14.28 (i) Masonry latrines and privies which are not water borne shall be so constructed that all solids fall directly into a movable receptable of metal or pottery fitting close by beneath the seat.

(ii) No latrines or privies which are not water borne shall be discharged directly on to the public drain.

14.29 No person shall be eligible to get a water supply connection unless he provides drainage facilities for spent water upto the nearest municipal drain or his private cesspool.

14.30 Every person shall show in his building plan number of water supply fixtures he intends to instal in the proposed building.

13.31 Any person holding more than halfa kanal open space with his building shall be bound to provide a well or tube-well which may be used for irrigating his lawn or kitchen gardens. The location of the well shall be shown by him on the site plan.

13.32 Matters other than those referred to in the foregoing clauses which are expressly required are allowed by this Act to be prescribed.

13.33 No permission shall be accorded for erection, re-erection, alter or change of any structure in any notified area unless the plot in which the building is to be erected, re-erected, altered or structurally changed is proprietary or on lease by the Govt. for that purpose.

13.34 No building application can be considered in a notified area unless the proposed structure has a direct access from the public lane or road.

13.35 Lane widths in a notified area will be covered by the following minimum standards :-

| Length of the Lane. | Minimum Lane width. |
|---------------------|---------------------|
| Less than 100'-0" | 8'-0" |
| 100' to 200' | 10'-0" |
| 201' to 400' | 12'-0" |
| 401' to 600' | 15'-0" |

13.36 A person or a group of persons or a Co-operative Society or Firm intending to plot out an estate into more than 4 plots shall give notice in writing to the competent authority which will be accompanied by a layout plan of the entire land showing the areas allocated for roads, open spaces, plots and public buildings the specifications of the roads, drains and other infrastructures Norms and specifications of roads shall be the same as described in appendix-1 to these rules. ✓

13.37 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 services and utilities by the Govt. and/or Municipality unless the colony is developed properly and approved by the competent authority, and no building plan shall be considered by the municipality or prescribed authority in any plot of such a colony which has not received the prior approval of the competent authority (Developer) in this case will mean the persons, Co-operative or the Firm intending to plot out the land into more than 4 plots.

15.6 No Housing Colony, can be allowed in the area not specified as residential in the proposed plan, unless considered in any special circumstances by the competent authority with the approval of the Govt.

15.7 In such private housing colonies, the following standards shall apply :-

- (a) Area under roads Minimum 18% of the total area of land under the proposed colony.
- (b) Land to be allocated for open spaces, schools and public buildings for a housing colony of 20 plots and above :
No less than 12% of the total area of the colony.
- (c) Where, however, the competent authority feels that an open space or a school site, is absolutely necessary with the layout plan of less than 20 plots, necessary provision shall have to be made by the developer in the layout plan.

15.8 No housing colony will have shop plots of more than one for every 10 residential plots.

15.9 After the developed land is sold by he developer the roads and drains etc. constructed by the developer shall be transferred to the Development Authority for their maintenance.

15.10 Land use of the layout plan approved by the competent authority shall not be changed unless with the prior consent of the competent authority.

15.11 Open spaces allocated for parks, play-fields, school sites and public buildings in a colony shall be deemed to have been sold along with the plots as amenities of the colony by the developer to the plot holders of the colony. The development of such open spaces shall be the responsibility of the Development Authority which may levy betterment charges on the plot holders of the colony in accordance with the provisions of the Act.

15.12 No permission shall be accorded for construction of a building 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 in the surrounding area.

16. Where the Town Planning Rules are contrary to the Zoning Regulations prescribed in the Master Plan of and area, the latter shall be

applicable.

By order of the Government of Jammu & Kashmir.

Sd/-

Commissioner & Ex-Officio,
Secretary to Government,
Housing & Urban Dev. Department

FORM I

NOTICE OF PUBLICATION OF DRAFT TOWN PLANNING SCHEME

Notice is hereby given that a Draft Town Planning Scheme of
.....
area has been prepared under the Jammu & Kashmir Town Planning Act. of 1963 (XX 1963), and a copy thereof is available for the inspection in the office of Chairman and Members of the Development Board during office hours.

If there be any objection or suggestion in respect of the outline Development Plan, it should be lodged on or before

Every such objection or suggestion should either be presented in the office of the Chairman, Development Board or sent by registered post to the Chairman.

Signature

Seal

Dated the... ..

—XOX—

FORM II

Procedure for :-

1. Application for building permit.

Every person intending to erect, or re-erect or materially alter building or conduct repairs to any building shall give a notice of his intention in writing and such a notice shall accompanied by :-

- a) a site plan for the land on which it is intended to erect or re-erect the building ;

- b) attested copy or copies of ownership, size and title of the land proposed to be built upon ;
- c) plans, sections, and front elevation of the proposed structure to be erected or re-erected ;
- d) specification of the proposed structure or structures.

2. The plans shall be submitted in triplicate on ferro paper of which one set be retained in the office of the competent authority for record after the issue of the permit or refusal.

3. The site plan should invariably be drawn by the registered Draftsman, whereas the building plans, sections and front elevation shall be drawn by a qualified Engineer/Architect or a licensed Draftsman of the Municipality.

4. The notice referred to above must be accompanied with a fee of Rs. 5/-.

5. 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.
- c) The position of the plot in relation of neighbouring streets, and the level of the site in relation to the streets, if any, on which it abuts.
- d) The position of the proposed building in relation to :-
 - (i) the boundaries of the plot ; and
 - (ii) all boundaries and premises within 50 feet of the boundaries of the plot.
- e) The names, if any, and width of all streets on which the plot abuts.
- f) The level of the compound with respect to the level of the adjoining street.
- g) The location and size of the drains, soakage pits, septic tank and cesspools.
- h) Total area of the plot and the ground covered under the existing and/or proposed building.
- i) The building plan must be drawn to a scale of not less than one-eighth of an inch to a foot and must show :-

- i) The plan of the ground floor and of every additional floor.
- ii) The position and dimensions of all projections beyond the main walls of the building.
- iii) The position of all proposed plumbing fixtures drains, privies, latrines and urinals.
- iv) The level and width of the foundation and the level of the centre of the street on which the front of the proposed building is to face.

FORM III

Notice for Assessment of Betterment Charges under section 9.2 (ii) of the rules.

I, appointed vide Government Order No dated for purposes of assessing the betterment charges, would inform that, as consequence of the Town Planning Scheme having been executed in area, the value of your property has/will increase and since the Govt. is entitled to levy a betterment charge in respect of the increased value of the property resulting from the execution of the scheme, you are served upon with this notice to attend this office in person or through any representative within days from the date of its service, as the Govt. propose to assess the amount of betterment charge in respect of your property.

Sd/-
Seal

Dated the

FORM IV

Notice for Assessed Value of Betterment Charges under section 9.3 of these rules.

Notice is hereby issued that in cosequence of assessment made on account of the betterment charges in respect of your property (particulars given below) you are directed to inform the undersigned by a declaration in writing about the acceptance of this assessment within three months from the date of issue of this notice.

... ..
... ..
... ..

Dated the

A cul-de-sac is 1/2 street closed at one end giving access to a group of buildings.

Loop roads are streets not exceeding 1000 ft in length generally bordering on an open space and provide access to buildings arranged (aroundat).

b) Mains. These include the principal roads in a residential area giving access to a large number of dwellings and are open at both ends.

40'-0"

Single carriage way having two lanes (24 ft. wide).

ii) Clayey subgrades 12" crust composed of 9" sub-base (blanket course consisting of 4" sand cinder or gritey moorum and stone soling or other (alternatives) and 8" water bound macadam covered with 1/4 thick premix surfacing.

In cas of cul-de-sac the distance of closed and should not exceed 600 feet from a street open at both ends.

b) i) Sandy & silty sub-grades 9" crust composed of 9" sub-base stone soling or other alternative and 3" water bound macadam covered with 3/4" thick premix surfacing.

b) In the initial stages only 12' width of the carriage way need to be constructed.

ii) Clayey sub-grades 12" thick crust composed of 9" subbase (blanket course consisting of 4" sand, cinder or gritey.

STANDARDS FOR DIFFERENT CATEGORIES OF ROADS.

| S. No. | Category of Road | Function | Width of Roads & (Right of way) | Carriage of way width. | Brief Specifications | Remarks |
|--------|---------------------------------|--|---|--|---|---|
| 1. | Foot-path access. | Made for use by pedestrians and include the foot paths serving as access to houses in residential areas. | 6-8 feet | 6-8 feet | a) 3" over burnt brick/stone aggregates 1/4 in size) rolled and blended with earth/moorum with 1" premix bituminous surfacing for all subgrade types (Sandy Silty & Clayey). b) Alternatively, the top course could consist of 1/4" bajri, watered and rolled. | a) In shopping areas the width of the foot-path should not be less than 10'. b) A capacity of 10-15 pedestrians for 12' width of foot way per mintue should be considered as reasonable. |
| 2. | Residential streets a) Minor | These include all major streets primarily meant to provide access to buildings as well as cul-de-sac & loop roads. | General 30' which could be reduced to 20' when access to property is one side only. | Single carriage way having single lane 12' wide. | a) i. Sandy & Silty sub grades 9" crust composed of 6" a subbase (stone soling or other alternative) and 3" water bound macadam covered with 1/4" thick premix surfacing. | a) To start with only 8' width of carriage way need to be constructed. |

4.

Major Roads

These include all principal traffic routes within the town and to which the sector roads are connected.

a) Single carriage-way consisting of 4 lanes (44 ft. wide).

b) In special case where appreciable volume of fast and commercial traffic is anticipated a dual carriage-way road could be adopted.

macadam (in two layers) covered with 1" premix bituminous surfacing with seal coat.

i) Sandy subgrades 12" crust composed of 6" subbase (stone soling or other alternatives) and 6" water bound macadam (in two layers) covered with 1" premix surfacing with wearing coat.

ii) Silty subgrades 15" crust composed 9" subbase (stone soling or other alternatives) and 6" water bound macadam (2 layers covered with 1 1/2" premix water bound macadam in 2 layers) covered with 1 1/2" premix bituminous surfacing with seal coat.

iii) Clayey subgrades 20" crust composed 10" subbase (blanket course consisting of 4" sand cinder or gritty moorum and stone soling or other alternatives) plus 4" over size metalling and 6" water bound macadam (in 2

moorum and stone soling or other (alternatives) 3" water bound macadam covered with 1/4" thick premix surfacing.

In the initial stage only two lanes i. e. 24 feet width of the carriageway need to be constructed.

3.

Sector roads.

These are roads within various sectors linking with major roads.

60'—0"

Single carriage way with two lanes (24 ft. wide)

i) Sandy subgrades 9" crust composed of 4 1/4" subbase (stone soling and other alternatives) and 4 1/2" water bound macadam (in two layers) covered with 1" thick premix bituminous surfacing with seal coat.

ii) Silty subgrades 12" crust composed of 6" subbase (stone soling or other alternatives) & 5" water bound macadam (in two layer) with 1" premix surfacing with seal coat.

iii) Clayey subgrades 15" crust composed of 9" subbase (blanker course consisting of 4" sand, cinder or gritty moorum and stone soling or other alternatives) 6" water bound.

In the initial stages only 16' width of the carriage way need to be constructed.

layers) and 1/2 premix
bituminous surfacing
with seal coat.

Foot Note : a. The thickness of various layers indicated in column 6 are compacted thickness. For details of materials required for a given compacted thickness of water bound macadam course, reference may be made to the IRC specifications and the code of Practice or water bound macadam and surface treated water bound macadam. The specifications indicated in column 6 are purely indicative. The specifications to be adopted in each case would depend upon the soil, the type and intensity of traffic and road material available in the locality.

