

CONTROL OF BUILDING OPERATIONS REGULTIONS, 1998

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CONTROL OF BUILDING OPERATIONS REGULATIONS, 1998

Housing & Urban Development Department, Notification SRO 165 dated 28.05.1998.— In exercise of the powers conferred under section 19 of the Jammu and Kashmir Control of Building Operations Act, 1988 (Act No. XV of 1988) and in suppression of Notification SRO 336 dated 28-11-1991, the Government hereby make the following Regulations, namely :—

1. *Short title and commencement.*—(1) These Regulations may be called the Jammu and Kashmir Control of Building Operations Regulations, 1998.

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

2. *Definitions.*— In these Regulations unless the context otherwise requires ,—

- (i) “Act” means the Jammu and Kashmir Control of Building Operations Act, 1988 ;
- (ii) “Development Authority” means the Authority constituted under the Jammu and Kashmir Development Act, 1970 ;
- (iii) “Form” means the forms appended to these Regulations ;
- (iv) “Members” means the Members of the Authority ;
- (v) The words and expressions used in these Regulations but not defined shall have the same meaning as assigned to them in the Jammu and Kashmir Control of Building Operations Act, 1988.

3. *Constitution of the Authority.*— With the commencement of these regulations ; the Authorities for the purpose of the Act in any Municipal Area, Local Area not included in the Municipal area, Town Area, Notified Area and Area notified under the Jammu and Kashmir Town Planning Act, 1963 which is not a Local area, Town Area or Notified Area shall be as under :—

Note.— After the enactment of the Municipal Act, 2000 and Municipal Corporation Act, 2000 there exist Municipal Corporations, Municipal Councils and Municipal Committees in addition to other non-local areas and the words Town Area and Notified Area have been replaced by “Municipal Area”. In Municipal Corporations the Commissioner, in Municipal Councils and Committees the President and in Development Authorities the Vice -Chairman/Chief Executive Officer or the Deputy Commissioner of the concerned Districts stand appointed as Chairpersons with further modification as to other members as per notifications issued from time to time under sub-section (2) of section 3 of the Principal Act.

(a) Municipal Area :—

- | | | |
|-------|--|--------------|
| (i) | Administrator of the Municipality | Chairperson. |
| (ii) | Chief Town Planner Dev. Authority/Divisional Town Planner (in case of Poonch Municipality) | Member. |
| (iii) | Assistant Commissioner (Nazool). | Member. |
| (iv) | Executive Engineer (Public Health Engineering) | Member |
| (v) | Executive Engineer Inspection (Power Development Deptt.) | Member. |
| (vi) | Executive Engineer (Sewerage & Drainage) | Member. |
| (vii) | Executive Officer of the Municipality | Member. |

(b) Local Area not included in the Municipal Area :—

- | | | |
|-------|--|--------------|
| (i) | Vice Chairman of the Development Authority. | Chairperson. |
| (ii) | Chief Town Planner (Development Authority). | Member. |
| (iii) | Collector (Land Acquisition) of the Authority | Member. |
| (iv) | Executive Engineer (Public Health Engineering) | Member. |
| (v) | Executive Engineer Inspection (Power Development Deptt.) | Member. |
| (vi) | Executive Engineer (Sewerage & Drainage) | Member. |

(c) Town Area :—

- | | | |
|-------|--|--------------|
| (i) | Administrator of Town Area Committee | Chairperson. |
| (ii) | Chief Town Planner | Member. |
| (iii) | Assistant Commissioner (Revenue) | Member. |
| (iv) | Executive Engineer (Public Health Engineering) | Member. |
| (v) | Executive Engineer (Power Development Deptt.) | Member. |

- (vi) Executive Officer of Town Area Committee Member.

(d) Notified Area :—

- (i) Administrator of Notified Area Committee Chairperson.
- (ii) Divisional Town Planner Member.
- (iii) Tehsildar Member.
- (iv) Executive Engineer (Public Health Engineering) Member.
- (v) Executive Engineer (Power Development Deptt.) Member.
- (vi) Executive Officer or in his absence Secretary of the Notified Area Committee Member.

(e) Area notified under the Jammu and Kashmir Town Planning Act which is not a Municipal Area, Local Area or Notified area.

As may be notified by the Government.

4. *Application for permission.* —(1) Every person intending to undertake or carry out the development of any site, or erect or re-erect any building or make or extend any excavation or layout any means of access to a road shall apply in Form 'A' to the Chairman of the concerned Authority. Such application shall accompany the following documents :—

- (i) 8 copies of the Building Plans duly drawn and signed either by an Architect registered with the Council of Architects or by a Draftsman registered with the concerned Municipality/Town Area Committee/Notified Area Committee ;

- (ii) an attested copy of the proof of ownership record of the land.

(2) The Building Plan shall indicate the following details :—

- (i) the key plan of location which shall clearly and unambiguously describe the location of the proposed building ;
- (ii) the nature and the use of the existing site and the use of the proposed building ;
- (iii) sections and elevations of the buildings in each floor ;

- (iv) specifications of the building ;
- (iv) the position of the door/ windows and drainage outlets with reference to the adjacent site ;
- (vi) the positions of approach to the site.

¹[5. *Inspection of Site.* —(1) On receipt of the application the Chairman of the Authority shall cause the proposed site to be inspected by the person to be authorised by the Government or by the Chairman who shall record his opinion in Form B1 or B2, as the case may be, within the period of seven days from the date of the submission of the application.

(2) The Chairman of the Authority shall simultaneously forward a copy of the Building Plan to all the Members of the Authority for their inspection and opinion.

(3) On the receipt of the report of inspection in Form B1 or B2, as the case may be, the Chairman of the Authority may send the Building Plans along with inspection report for further inspection and opinion of such members as he may deem fit.]

6. *Meetings of the Authority.* —(1) The Authority shall meet once in a fortnight on a fixed date and in case of holiday the meeting of the Authority shall be held on the next working day.

(2) The date, time and place of the meeting shall be determined by the Chairman of the Authority.

(3) The notice of every meeting of the Authority shall be given in writing to every Member by such officer as may be authorised by the Chairman in this regard.

¹[(4) The quorum for the meeting of the Authority shall be one-half of its total strength of its composition. However, the members unable to attend the meeting in view of certain difficulties may be represented by proxy authorised in Form C.]

(5) The proceedings of the meeting shall be recorded in the minutes which shall be signed by the Members present in the meeting.

7. *Grant of Permission.* —(1) The Chairman of the Authority shall place the application and Building Plan alongwith the Inspector's report before the Authority for its consideration.

(2) The Authority shall either grant the permission subject to such conditions as may be specified or refuse to grant permission on such grounds as may also be specified and recorded.

1. Substituted by Notification No. LSG(J)-94/147 dated 03.12.1998.

(3) The Authority shall decide the matter within a maximum period of sixty days from the date of submission of the application and in case no decision can be taken within this stipulated period, the permission shall be deemed to have been accorded.

(4) In case the Authority refuses the grant of permission the grounds of such refusal shall be communicated to the applicant in writing within seven days from the date of the decision.

(5) The permission shall be issued only after the applicant deposits the building permission fees as approved by the competent authority.

¹[(6) Before granting permission no objection certificate from Assistant Commissioner (Nazool) for all Government lands and Assistant Commissioner (Revenue) for all non-Government lands shall be obtained. In addition to this no objection certificate from Chief Town Planner shall also be obtained with reference to the Master Plan/Town Planning Scheme.]

8. *Ownership of the land.* —(1) No permission shall be granted unless the applicant has provided sufficient proof in support of his ownership of the land.

(2) The following documents shall be taken as sufficient proof of ownership of the land unless this is disputed in a court of law :—

- (i) sale deed/gift deed/lease deed or any other legal mode of transfer executed in the Court of Law ;
- (ii) decree of legal heir passed by the Court of Law ;
- (iii) mutation attested by the officials of revenue department.

(3) The permission granted by the Authority shall not by itself confer any right of ownership of the land or the building, as the case may be, upon any person.

9. *Delegation.*— The Authority may delegate all or any of the following powers to either the Chairman or such of the officers of the Municipality, Town Area Committee, Notified Area Committee or Development Authority, as the case may be, as are entrusted with the responsibility of demolition/removal of unauthorised constructions :—

- (i) powers under section 7(1) and 7(2) of the Act to issue notice to show cause why a building should not be altered or demolished ;

1. Inserted by Notification No. LSG(J)-94/147 dated 03.12.1998.

- (ii) powers under section 7(3) of the Act to pass an order directing a person to demolish, alter or pull down a building or part thereof ;
- (iii) powers under section 8(1) of the Act to pass an order directing the sealing or removal of the sealing of unauthorised construction ;
- (iv) powers under section 12 of the Act to issue notice to stop building operation and removal of persons thereof.

10. *Appeals.* —(1) An appeal against the order of the Authority made under section 5 and 7 of the Act shall lie before the Chairman of the J&K Special Tribunal or such other Member of the said Tribunal as may be decided by the same Chairman.

11. (1) The Appellate Authority may compound an offence of a minor nature specified in sub-clause (2) of these Regulations :

Provided that the compounding fee shall be worked out on the basis of rates to be notified by the Government.

(2) For the purpose of these Regulations an offence of a minor nature shall include any erection or re-erection of the building which has taken place in violation of permission referred in section 4 of the Act or deemed permission as referred in sub-clause (2) of clause 7 of these Regulations provided that such erection or re-erection,—

- (i) does not violate the approved land use of area as notified in the Master Plan or Town Planning scheme ;
- (ii) does not violate the permissible front, rear or side set backs prescribed in the bye-laws ;
- (iii) does not violate by more than 10% the permissible grounds coverage as prescribed in the bye-laws ; and
- (iv) does not violate the permissible height of the building as prescribed in the bye-laws.

12. *Authentication of Orders and Instruments.*— Any order or instrument requiring authentication by the Authority shall be signed by the Chairman or any other officer authorised by him in this behalf.

FORM 'A'

(See rule 4(1))

*Application under sub-section (1) of section 5 for permission
for erection or re-erection of building.*

To

The Chairman of the
Building Operations Controlling Authority.

I hereby submit an application for permission to undertake:—

the development of the site

construction of a building

repair of a building

in accordance with the plans submitted herewith. I attach the following documents:—

8 copies of the Building Plans showing the site plan, key location plan, section
and elevations of each floor and specifications.

An attested copy of sale deed/lease deed/gift deed/Court decree/mutation
order in support of ownership.

Yours faithfully,

Name _____

Postal Address _____

Telephone No. _____

Enclosures attached:

Copies of Building Plan showing site plan,
Key location plan, section, elevation and
Specifications.

Attested copy of _____ in support of ownership of land.

¹[FORM “A-1”*(See Rule 4 (1))*

An application under sub-section (1) of section 5 for permission or erection or re-erection of Building

To

The Chairman,
Building Operations Controlling Authority,
Patnitop Development Authority Area,
Kud, Distt. Udhampur, J&K.

Sir,

I hereby submit an application for permission to undertake:—

(a) The Development of the site.	
(b) Construction of Building.	
(c) Repair of a Building.	

In accordance with the plans submitted herewith I attach the following documents:—

- (1) 8 copies of the Building Plans showing the site plan, key location plan, section and elevations of each floor and specifications.
- (2) An attested copy of sale deed/lease deed/ gift deed /court decree/ mutation order in support of ownership of the land was endorsed by the Deputy Commissioner Udhampur/Doda.
- (3) No objection certificate from the Forest Department.
- (4) No objection certificate from the Public Health Engineering Department.
- (5) No objection certificate from the Power Development Department.
- (6) No objection certificate from Sewerage and Drainage Department.
- (7) No objection certificate from the Officer Commanding Beacon, Batote (If construction is falling on National Highway (NH1A).

- (8) No objection certificate from the Executive Engineer PWD (R&B) concerned (if construction is falling on the PWD records).
- (9) No objection certificate from the Fire Services Department (In case of Hotel/Commercial Building).
- (10) No objection certificate from the Pollution Control Board in case of Hotel/Commercial Establishment.
- (11) Building for which permission is sought is proposed at Kh. No. _____ Khewat No. _____ Khata No. _____
Land measuring _____ at Village _____ Tehsil _____
_____ Distt. Udhampur/Doda.
- (12) Measures proposed for disposal of liquid/solid waste of the proposed construction.
- (13) Purpose for which the construction of Building is proposed.
- (14) The construction of the building will be supervised by:
- (15) Estimated cost of the proposed Building in case of Hotel/Commercial Building is :
 Rs. in Lakh :
- (16) Application Form charges have been paid vide G. R. No. _____.
Dated: _____

Yours faithfully,

Name : _____
S/O : _____
Postal Address : _____
Village : _____
Tehsil : _____
District : _____
Telephone No : _____

FORM 'B'*(See Rule 4 (3))***Report of the Inspecting Officer**

1. Name and address of the Applicant _____
 2. Date of Application _____
 3. Date and Time of Inspection _____
 4. Whether the applicant or his authorised representative was present at the time of inspection. Yes/No
 5. Whether the site has access Yes/No
 6. If yes, width of the road or lane having access to the site _____
 7. Whether drinking water facility is available at the locality. Yes/No
 8. Whether the electricity supply is available at the locality. Yes/No
 9. Whether the site is falling under high tension power line. Yes/No
 10. Whether the site is flood prone. Yes/No
 11. Whether the site encroaches on the State land or public utility area. Yes/No
 12. Whether the Key plan of the Plan is correct. Yes/No
- N.B. If the Key Plan has been shown wrongly in the Building Plan, the correct rough key plan showing the identification marks on all the four sides shall be drawn below or on the opposite page.

Signature _____
 Name of Inspecting Officer _____
 Designation _____

Date: _____

¹[FORM 'B-1'*(See Rule 5 (1))***Report of the Inspecting Officer**

1. Name and address of the Applicant _____
2. Date of Application _____
3. Construction site _____
4. Date and Time of Inspection _____
5. Particulars of the permission sought _____
6. Whether the applicant or his authorised representative was present at the time of inspection. Yes/No
7. Whether the site has access Yes/No
8. If yes, width of the road or lane having access to the site _____
9. Whether drinking water facility is available at the locality. Yes/No
10. Whether the electricity supply is available at the locality. Yes/No
11. Whether the site is falling under high tension power line. Yes/No
12. Whether the site is flood prone. Yes/No
13. Whether the site encroaches on the State land or public utility area. Yes/No
14. Whether the Key plan of the Building Plan is correct. Yes/No

Certified that the site and building plans drawn by the approved Architect/Draftsman have been checked at site and found correct. The observations made at site are as under:-

N.B. If the Plan has been shown wrongly in the Building Plan, the correct rough key plan showing the identification marks on all the four sides shall be drawn below or on the opposite page.

Signature _____
 Name of Inspecting Officer _____
 Designation _____]

¹[FORM 'B-2']*(See Rule 45(1))***Report of the Inspecting Officer**

1. Distance of proposed construction from nearest lake fringe/shore-line/ waterway as indicated on the index plan. _____
2. Measures taken for disposal of Liquid/Solid waste as a result of proposed construction for _____
 - (a) Waste construction material during construction _____
 - (b) Solid waste _____
 - (c) Sullage _____
 - (d) Sewage _____

(Plan should show septic tank and soakage pit on connection to sewer line.)

3. Measures proposed for drainage of proposed constructed area _____
4. Whether the applicant proposes to get connected to sewage drainage scheme of the Jammu and Kashmir LAWDA Yes/No _____
5. Ultimate occupancy _____

Signature _____

Name of Inspecting Officer _____

Designation _____

¹[FORM 'C'

Proxy Form

_____ Name of the Department/Organisation

I _____ of _____
being a member of the Building Permission Authority of _____
representing the above Department/Organisation hereby appoint Mr. _____
_____ of _____ failing him Mr. _____
_____ of _____ as my proxy to attend and
decide upon the issue arising out of discussions held.

Signed this _____ day of _____ of the year
_____.

Signature _____
Name _____
Designation _____]
