

MODEL BUILDING REGULATIONS & BYE-LAWS

PRELIMINARY & DEFINITIONS

Rule-1 Short title, Extent and Commencement

- I. These Byelaws shall be called the "Building Byelaws" for the purpose of J&K Municipal Authority Act' 2000 / J&K Development Act, 1970/ J&K Town Planning Act,1963 / J&K Municipal Act, 2000.
- II. It shall extend to all local urban authorities /bodies or to the area which Govt. may determine for Kashmir province.
- III. It shall come into force on such date as the Govt. may by notification appoint.

Rule-2. Applicability of the Building Bye-Laws

- 1) If there is conflict between these building bye laws and the regulations of Master Plan/ Zonal Dev. Plan, the latter shall prevail. These building byelaws shall be applicable and or adopted as building bye laws by all urban local bodies for their respective urban areas of Kashmir province, to supplement Master Plan/Zonal Plan & regulation made there under.
- 2) In addition to the provisions of J&K Municipal Authority Act' 2000, J&K Development Act, 1970, J&K Town Planning Act,1963, J&K Municipal Act, 2000, the Building Bye-Laws shall apply to the building regulations activity in the Kashmir Province.
 - a) Where a building is erected, the Bye-Laws apply to the design and construction of the building.
 - b) Where the whole or any part of the building is removed, the Bye-Laws apply to the whole building whether removed or not.
 - c) Where the whole or any part or the building is demolished, the Bye-Laws apply to any remaining part and to the work involved in demolition.
 - d) Where a building is altered, the Bye-Laws apply to the whole building whether existing or new except that the Bye-Laws apply only to the part if that part is completely self contained with respect to facilities and safety measures required by the Bye-Laws.
 - e) Where the occupancy of a building is changed, the Bye-Laws apply to all parts of the building affected by the change.

Rule-2 A. Definition

- 1) In these Byelaws unless there is anything repugnant in the subject or context:
 - (A) "Advertising sign" means any sign, either free, standing or attached to a building or other structure which advertises a business or commercial establishment.

- (B) "Alley" means a (public thoroughfare), which affords only a secondary means of access to abutting property and not intended for general traffic circulation
- (C) "Apartment": The building will be called apartment house when the building is arranged/intended/designed to be occupied by families independent of each other and with independent cooking facility for the purpose of sale/lease / rent to person
- (D) "Approved" means approved by the Competent Authority
- (E) "Authority", means for the purpose of these rules any Authority as defined under Development Act, 1970, Srinagar Municipal Authority Act 2000, J&K control of building operation Act, J&K Town Planning Act etc., J&K Municipal Act.
- (F) "Balcony" means horizontal projection with or without roof in upper floors to serve as a "passage" or "sitting out" place.
- (G) "Basement" means the lower storey of building below ground level, and Semi basement means a floor, partly below ground level
- (H) "Bazaar" means a place or area reserved or licensed by the Authority for the erection of shops or stalls or both.
- (J) "Building" means any construction of whatsoever materials (construction) and every part thereof, whether used as human habitation or not and includes plinth, walls, roof, chimney drainage work, fixed platforms, verandah, balcony, eaves, cornice or projection, or part of a building on anything affixed thereof.
- (K) "Ancillary Building" means a subordinate building or a portion of the main building the use of which is incidental to that of the dominant use of the building or the premises.
- (J) "Building height" means the vertical distance measured in the case of flat roofs from the average ground level on which the building stands and is contiguous up to the parapet. In the case of pitched roofs, from ground level to ridge top. The architectural features serving no other function except that of decoration shall be excluded for the purpose of taking heights. For the purposes of roof height, it is clarified that the angle of slope should not be less than 15 degrees.
For stepped construction the vertical distance shall be measured from the lower floor level instead of average ground level as applicable in case of plain.
- (K) "Building line" means a line which is in alignment of the street and to which the main wall of a building abutting on a street may lawfully extend and beyond which no portion of the building may extend .
- (L) "Industrial Building" means a building, which is wholly or predominantly used as a warehouse or for Manufacturing/assembling, processing activity or distillery.
- (M) "Office Building" means any building used or constructed or erected to be used for office purpose and no part of it is being used for living purpose except by the caretaker or his family. Office purpose means an "activity" wherefrom bookkeeping, recordkeeping, publication administration or planning of any institution / organization is managed and whereby professional services are provided.
- (N) "Public Building" means a Building owned and used by Govt. or Semi Govt. authority, Public registered Trust or such board/foundation which runs & manages charitable institution like hospitals, educational institutions and religious institutions. It shall also includes places of Worship like Mosque, Temple, Gurudhwara, Church etc.

- (O) "Residential Building" means a building used for human habitation and includes all garages, stables or other building apartment thereto.
- (P) "Commercial Building" means a building used as shop, store, market, money transaction, sale & purchase of goods either wholesale or retail, storage, godown or any other activities carried in furtherance of trade and commerce.
- (Q) "Tourist Building" means a building used as board & lodge or either of two for "tourists" which includes hotels, hutments, guest houses, dormitories, saraies, motels, tourist complexes either constructed at isolated places or in the areas integrated and developed as "villages" and uses incidental to tourist activities.
- (R) "Built Area" means area covered immediately above the plinth level and the external area up upper floor.
- (S) "Carpet area" means the covered area of the usable space at any floor level (excluding the area of the wall).
- (T) "Covered area" means the area covered by a building immediately above the plinth. It includes the atrium if covered with roof.
- (U) "Chajja" means the sloping or horizontal structural projection usually provided over openings on external walls to provide protection from sun and rain.
- (V) "Ceiling height" means the vertical distance between the floor and the ceiling, where a finished ceiling is not provided, the underside of the joists or top of post plate in case of pitched roof shall determine the upper point of measurement.
- (W) "Coverage" means the percentage ratio of the plinth area of the main and accessory buildings to the total area of the plot.
- (X) "Drain-surface water" means a drain used or constructed to use solely for conveying to any drain rain water and surface runoff but shall not include any rainwater pipe.
- (Y) "Dwelling" means a building or portion thereof which is designed for use wholly or principally for residential purposes.
- (Z) "Floor Area Ratio" (FAR) means quotient by dividing the total covered area (Plinth area) on all floors excluding exempted areas as given in this regulations into 100 by the area of the plot.

$$\text{FAR} = \frac{\text{Total covered area of all floors} \times 100}{\text{Plot area}}$$

"Floor area" means covered area of a building at any floor level.

- (AA) "Filling station" means an area of land including any structures thereon that is or are used or designed to be used for the supply of gasoline or oil or fuel for the propulsion of vehicles. For the purpose of these Bye-laws there shall be deemed to be included within this term any area or structure used designed to be used for polishing, greasing, and washing, spraying or otherwise cleaning or servicing such motor vehicles.
- (BB) "Garage private" means an accessory building approved for the parking of vehicles owned or used by the occupants of the building to which it is necessary.
- (CC) "Garage public" means a building or portion thereof other than a private garage used for repairing, serving, selling or storing motor driven vehicles.
- (DD) "Habitable room" means a room constructed or intended for human habitation excluding bathroom, water closet compartment, laundries, pantries, corridors, cellars.
- (EE) "Hotel" means a building or a part of the building used as boarding place for more than 24 persons who are lodged with or without meals, at a time.
- (AF) "Mezzanine Floor" An intermediate floor between two floors of any story forming an integral part of floor below.

- (AG) "Non conforming use" means a building, structure, or use of land existing at the time of enforcement of the said Byelaws and which do not conform to the regulation of the zone in which it is situated.
- (AH) "Open space" means an area forming an integral part of the plot left open to the sky for the purpose of Building Byelaws.
- (AI) "Parking space" means an area enclosed or unenclosed, sufficient in size to store an automobile or any other conveyance together with a drive-way connecting the parking space with a street, or alley and permitting ingress or egress of all such conveyances.
- (AJ) "Plinth" means the portion of a structure between the surface of the surrounding ground and surface of the floor immediately above the ground.
- (AK) "Repairs" means any renovation applied to any structure, which does not in any way change the dimensions of structure but saves the structure from further deterioration.
- (AL) "Sanctioned Plan" means the set of drawings and statements/DPR submitted under these byelaws for the purposes of sanction by a competent authority.
- (AM) "Set back line" means a line parallel to the center line of a road or a street and laid down in each case by the Competent Authority beyond which nothing can be erected or re-erected save with the express sanction of the Authority.
- (AN) "To abut" means any portion of building/structure is on the road boundary.
- (AO) "To make alterations" means to make any modification in any existing building by way of addition/or any other change in the roof, window, door compound, sanitary and drainage system in any respect whatsoever. Opening of a window and providing inter communication doors shall be considered to be material alterations. Similarly modifications in respect gardening, white washing, painting, retiling and other decorative works-shall-not-be-material-alterations.
- (AP) "Warehouse" means a building, the whole or substantial part of which is used or intended to be used for the storage of goods but does not include a store room attached to and used for the proper functioning of a shop.
- (AQ) "Workshop" means a building where not more than ten persons are employed in any repair /servicing or manufacturing process.
- (AR) "Group Housing" means apartments or multistoried housing with more than 4 (four) building blocks in a plot where land is owned jointly and the construction is undertaken by a single agency.
- (AS) "Heritage Building" means any building of one or more premises or any part thereof which requires preservation, restoration and conservation for historical, architectural, environmental, cultural or religious purpose and includes such portion of the land adjoining such buildings as may be required.
- (AT) "Heritage Zone" means the area around such heritage building as delineated by the Authority from time to time for restricting the height of building and use of building.
- (AU) "Multistoried or high rise building" Means a building whose height is 15 meters or more measured from the average level of the central line of the street on which the site abuts or more than four floors excluding basement or stilt.
- (AV) "Mixed use building" means a building having more than one use where the predominant use is maximum 2/3rd of the total use. The predominate use is to be in conformity with the zoning.

- (AW) "Temporary Structure" means all structure of temporary nature like tents, hutment as well as shamianas erected for temporary purposes for ceremonial occasions, with the permission of the competent authority
- (AX) "Unsafe Building" means a building which,
- is structurally unsafe,
 - is insanitary,
 - is not provided with adequate means of egress,
 - constitutes a fire hazard,
 - in relation to its existing use constitutes a hazard to safety or health or public welfare by reasons of inadequate maintenance, dilapidation or abandonment.
- (AY) "Natural Hazard Prone Areas" means areas of moderate to high intensity of earthquake or cyclonic/snow storm or significant flood flow or inundation or landslides/mud flows or one or more of these hazards, and declared so by any "Competent authority".
- (AZ) "Retrofitting" means upgrading the strength of an unsafe building by using suitable engineering techniques.
- (BA) "Dhoonga" means a floating dwelling on water used for residential/kitchen purposes.
- (BB) "House Boats" means wooden structure floating on water which includes dhoongas for the residential purpose or a facility of board and lodge for tourists with inbuilt mechanism for Solid Waste Disposal and Disposal of liquid Waste without polluting water body registered with the concerned Government Agency/Department.
- (BC) "Ledge or Taakh" means a shelf-like projection, supported in any manner whatsoever, except by vertical supports within a room itself but not projecting wider than half metre.

Rule-3 Interpretation

- (I) Whenever size and dimensions of rooms and spaces within the building are specified, they shall mean the clear dimensions unless otherwise specified in these rules.
- (II) The 'words' and 'terms' which have not been defined by these bye-law shall have same meaning as defined in or covered by the J&K Municipal Authority Act, 2000, J&K Development Act, 1970/ J&K Town Planning Act, 1963 / J&K Municipal Act, 2000, and Master Plans.
- (III) 'Clinic' means diagnostic center where patients are examined and investigated for diagnosis and relevant advices are given for management but the patients are not admitted as indoor patients as in a hospital or nursing home.
- (IV) Polyclinic means an institution of a group of doctors for examinations, diagnosis and advice to the patients belonging to various specialties in medicine. The basic difference of a polyclinic from a hospital or nursing home is that the patients are not kept in its premises for diagnostic or other therapeutic purposes as is done in a nursing home or hospital.
- (V) Registered Technical Personnel (RTP) will mean qualified person/persons as Architect/ Engineer/ Planner/ Group of technical personnel/ Supervisor/ Plumber/ Electrician who has been unrolled/ licensed by the Competent Authority.
- (VI) Clinical laboratory means a Centre where patients are investigated by way of tests, procedures and machines for diagnosis of a disease.

- (VII) Clinic & polyclinics means an institution where patients are clinically examined by one or more doctors for treatment of disease and where patients are treated but not admitted as indoor patients as is the case with hospitals and nursing homes.
- (VIII) Unauthorized building means, any building undertaken without the grant of Building permit issued by a competent authority, or undertaken after a building permit has lapsed or, after a building permit been revoked, shall be deemed to be an unauthorized building.

Section- B: PROCEDURAL BYELAWS

Rule-4. Dealing with Unauthorized Building

- (a) If the Competent authority is convinced that the construction of any building is an Unauthorized Construction, it shall, by a written notice require the person undertaking such construction of the building to stop the same forthwith.
- (b) If such building construction is not stopped, the authority may direct the person undertaking such construction to be removed from the plot, may seal the plot or building, and may cause such necessary measures to be taken to ensure that the person does not re-enter the plot or building without written permission of the authority. The cost(s) of undertaking these measures shall be paid by the owner of the building.
- (c) If a building is deemed to be Unauthorized Building solely on account of a Building Permit not having been obtained prior to commencement of construction and if the said building is in conformity with master plan and all provisions of Building Bye-Laws, the Owner may apply for a Building Permit immediately and stop the construction. Further construction shall be undertaken only after obtaining a valid Building Permit. Penalty for undertaking such Unauthorized Building shall be payable before a Building Permit is granted.
- (d) As provided for in the Act, an Unauthorized Building is liable for demolition. As provided in the Act, undertaking an Un-authorized Construction is a cognizable offence and the Owner undertaking such construction may face prosecution(s) under provisions of the J&K Municipal Authority Act, 2000, J&K Development Act, 1970, J&K Town Planning Act, 1963, J&K Municipal Act, 2000, in addition to relevant provision of ranbir penal code and criminal procedure code

Rule-5. Building Permit Required

- 1) No person shall undertake any building operation/construction without obtaining a valid Building Permit from competent authority prior to commencement of such activity. Issue of a Building Permit by the Competent Authority shall mean an acceptance by the Authority that the design and specifications of the proposed building, for which Building Permit has been issued, conforms to these Building Bye-Laws, and, that the person holding the Building Permit may undertake construction of the proposed building. It does not constitute acceptance of correctness, confirmation, approval or endorsement of:
 - a) Easement rights of the plot on which the building is proposed
 - b) Workmanship, soundness of material and structural safety of the proposed building

and shall not bind or render the Authority liable in any way in regard to (a) and (b) above.

Design and specifications of all aspects of a building shall be the responsibility of the owner of the building. Design and specifications of a building shall be mandatory and may be examined by the Competent Authority for ensuring compliance of the building to these Building Bye-Laws.

Rule-6. Procedure for obtaining Building Permit

Every person who intends to erect or re-erect or make material alteration in any place in a building or part thereof, within the local Area, shall apply in writing to the Competent Authority, on prescribed format. Such application shall be accompanied with the plans on blue or white prints. One copy shall be retained in the office of the Authority for record after issue of permission and the other two shall be returned to the applicant. The Competent Authority shall dispose of such application within a period of

fifteen days. In case competent authority observes any deficiency, same shall be conveyed to the applicant in writing within a period of seven days.

Rule-7. Scrutiny of Application

- a) The Competent authority shall undertake scrutiny of the Application for a Building Permit and communicate to the applicant the date and time for plot inspection within seven days of the date of receipt of the application.
- b) Acceptance or rejection of compliant modifications in the design and specifications of the proposed building and responses to queries shall be communicated within 10 days of receipt of the modifications and responses.
- c) Acceptance or rejection of further compliant modifications in the application and responses to queries shall also be communicated within 10 days of the receipt of modifications and responses.

Rule-8. Grant or Refusal of a Building Permit

A Building Permit shall be issued to the applicant when the Competent Authority is satisfied that the design and specifications of the proposed building comply with these Building Bye-Laws. In case of rejection reason shall be communicated to the applicant within seven days.

Rule-9. Exemption to Government

No Government/Semi Government organizations either Central or State Government shall be exempted from complying with the provisions of the Byelaws, unless 'Government' grants such an exemption, and submits orders of exemption to competent authority.

Rule-10. Plans accompanying applications

- 1) The following plans shall accompany the application for grant of building permission:
 - (a) **Site Plan:** - The site plan drawn to a minimum scale of 1:200 and shall show-
 - (i) The boundaries of the site with dimensions and of any contiguous land belonging to the owner;
 - (ii) The position of the site in relation to neighboring streets with name of the street on which the building is situated;
 - (iii) The position of the building and all other buildings (if any) which the applicant intends to erect upon his land in relation to-
 - The boundaries of the site and in case where the site has been partitioned, the boundaries of the portion owned by the applicant and also of the portions owned by other owners of that compact plot;
 - The means of access from an existing street to the building;
 - Space to be left around the building to secure free circulation of air, admission of light and access for scavenging purpose etc.
 - (iv) Scale with north line;
 - (v) Plot area, plinth area, floor space index/floor area ratio;
 - (vi) Location, name and width of each adjacent road or lane;
 - (vii) Such other particulars as may be prescribed by the Authority.
 - (IV) The applicant shall also submit landscape plan indicating all landscaping elements viz-a viz structure.
 - (b) **Building Plan:** - The detailed plans of the building and elevation and sections enclosed with the application shall be accurately drawn to scale of 1:100.

Adequate arrangement for proper drainage shall also be made. The plan shall include-

- (i) Complete layout plan of the area or areas showing location and width of all streets dimensions, sizes and uses of all the plots.
 - (ii) Plans of all floors, accessory buildings and basement plan. Such drawings shall fairly indicate the size of rooms, size of windows and ventilators, size of door opening and stair runs.
 - (iii) Location of drains, sewers, public utility, electric lines, services, transformers.
 - (iv) Exact location of essential services such as W.C. sink, bath etc.
 - (v) Proposed and existing works should be clearly indicated in different colours (other than red) or in marking
 - (vi) Sectional drawings showing clearly the sizes of footings, thickness of basement walls if any, all roof slabs and floor slabs, ceiling heights and parapet height with their materials. The section shall indicate the drainage and slope off the roof. At least one section shall be taken through the staircase
 - (vii) Details of served privies (if any)
 - (viii) Street elevation.
 - (ix) Dimensions of the projected portions beyond the permissible building line i.e. chajja line.
 - (x) Scale with north line.
 - (xi) The existing ground level of the plot and proposed ground level in relation to abutting road level to be clearly mentioned in drawing.
 - (xii) For multi-storied buildings an undertaking stating that debris or construction materials will not be stacked in public places leading to public nuisance. If the Authority finds that the applicant caused nuisance to public while executing construction necessary fine be compelled as per provisions in the byelaw
 - (XIII) Detailed parking plan
 - (XIV) Space used for storing construction materials during the time of construction
 - (XV) The owner shall file an undertaking stating that he shall leave and surrender land for road widening, if required free of cost and he will not violate any rules, building byelaws, and that in case of violations the Authority shall be at liberty to summarily remove such deviations without prior notice and at the owners cost. (The form of undertaking shall be as at Appendix)
- c) **Service Plan:** - Details of private water Supply, sewerage disposal system and details of building services, wherever required by Authority, shall be made available on a scale not less than 1:200.
- (d) **Specification:** - General specification of the proposed constructions including a detail calculation sheet of FAR/FSI in the proposals
- (e) **Signing the plans:** - All the plans and drawings shall be duly signed by the owner and the person preparing the plan, who shall be registered with the Competent Authority.
- (f) Any other statement as may be required by the Authority.
- (g) **Ownership Document**

The applicant shall submit proof of ownership of the land, on which construction is proposed. In case the land in question is in his possession as lessee or donor, the lease deed or gift deed has to be accompanied with the application for grant of permission.

(h) Fees for permission

The Competent authority shall determine building Permit Fees and other charges for obtaining a Building Permit.

- (i) Withdrawal of application:** - The applicant may withdraw the application and plans any time prior to its sanction and such action shall terminate all proceedings with respect to such application but the fees paid shall in no case be refunded.

Rule-11. Procedure for obtaining a Revised Building Permit

Changes or revisions in the sanctioned design and specification of a building may be made provided that a Revised Building Permit is obtained before construction is undertaken on the portion of the building that deviates from the Sanctioned Design and Specification.

Rule-12. Application for Revising Building Permit

Application for Revising a Building Permit shall be made by the Owner of the plot on which the building is proposed in the format prescribed by the agency. Drawings, specifications and documents to be submitted along with Application for obtaining a Revised a Building Permit shall be determined by the Competent Authority.

Rule-13. Scrutiny of Application

- i. The Competent authority shall undertake scrutiny of the Application for Revising a Building Permit and communicate to the applicant the date and time for plot inspection, if required within seven days of the date of acceptance of the application.
- ii. Lack of compliance with Building Bye-Laws and/or queries pertaining to the plot shall be communicated seven working days of the date of acceptance of the application.
- iii. Acceptance or rejection of compliant modifications in the application, modifications made in the design and specifications of the proposed building and responses to queries shall be communicated within ten days of receipt of the modifications and responses.
- iv. Acceptance or rejection of further compliant modifications in the application and responses to queries shall also be communicated within ten days of the receipt of modifications and responses.

Rule-14. Grant or Refusal of a Revised Building Permit

A Revised Building Permit shall be issued to the applicant when the competent authority is satisfied that the design and specification of the proposed building comply with these Building Bye-Laws. Reasons for rejection of application shall be communicated to the applicant within the stipulated time ten days.

Rule-15 Fees for Revision of Building Permission

Building Permit Fees and other charges for revising a Building Permit shall be determined by the Competent Authority

Rule-16. Meaning of “Lapse of Building Permit”

- 1) A Building Permit shall mean to have lapsed if a material fact, based on which the Building Permit has been granted, no longer holds true, regardless of whether the Competent authority was informed of the same or not. A lapsed Building Permit shall continue to remain lapse till the procedural requirements specified for revalidation of Building Permit in Building Bye-Laws are met with. A Building Permit shall lapse:
 - (a) If construction of the building for which Building Permit has been issued by a competent authority is not commenced within the period of one year from the date of issuance of such permit
 - (b) If the Registered Technical Person, based on whose certification the Building Permit was granted, ceases to be the Person on Record (PoR) for the building, either because the Person on Record was relieved of his responsibility by the Owner, or because the Person on Record relieves himself of responsibility by informing the authority as stipulated in Building Bye-Laws
 - (c) Unimplemented portion of building permission for residential purposes shall be deemed to have lapsed, if the construction/building as per approved plan is not resumed within a period of three years from the date of issuance of building permit
- 2) Following lapse of a Building Permit, construction may no longer be undertaken on the plot for which the Building Permit was granted, until the procedural requirements specified for revalidation of Building Permit are met with.

Rule-17. Meaning of “Revocation of Building Permit”

- 1) Revocation of a Building Permit by the Competent Authority shall mean that the Building Permit shall no longer be valid, and that the permission granted by the competent authority to undertake construction stands withdrawn.
- 2) Following revocation of a Building Permit, construction may no longer be undertaken on the plot for which the Building Permit was granted. A Notice of Revocation of a Building Permit shall be issued in writing as per the format prepared by the competent authority.

Rule-18 Application for Revalidating a Lapsed Building Permit

Application for Revalidating a Lapsed Building Permit shall be made by the Owner of the plot on which building is proposed; using the Format prescribed the agency. Documents to be submitted along with Application for Revalidating a lapsed Building Permit shall be determined by the Authority, along with reasons for not commencing the construction within stipulated period.

Rule-19. Scrutiny of Application

- i. The competent authority shall undertake scrutiny of the Application for Revalidating a Lapsed Building Permit and communicate queries pertaining to the application within ten days of the date of acceptance of the application.
- \ Acceptance or rejection of responses to queries shall be communicated to the applicant within ten days of receipt of the modifications and responses.

- ii. Acceptance or rejection of further responses to queries shall also be communicated to the applicant within seven days of the receipt of modifications and responses.

Rule-20. Grant or Refusal of a Revalidated Building Permit

A Revalidated Building Permit shall be issued to the applicant when the authority is satisfied that the application complies with these Building Bye-Laws. In case of refusal, reason for rejection shall be communicated in writing to applicant within seven days.

Rule-21. Fees for Grant of a Revalidated Building Permit

Building Permit Revalidation Fees and other charges for revalidating a lapsed Building Permit shall be determined by the Authority.

Rule-22. Penalties

Notwithstanding the cancellation/revocation of building permit as has been prescribed for deviations or violations in different provisions of these bye-laws, the competent authority shall also levy a penalty of Rs 10,000 for minor deviation(s) and Rs. one Lac for major deviation(s). Penalty levied under these bye-laws shall be recovered as arrears under Land Revenue Act. The officer who without express permission from the competent authority provides utility service shall also be liable to pay a penalty of Rs 10,000/-.

Procedure for obtaining a Building Use Permit

Rule-23. Notice of Completion of Construction and Application for Building Use Permit

The Owner shall be responsible for notifying the competent authority of completion of construction within one month of its completion, for certifying that the construction complies with the sanctioned design and specifications, and for applying for grant of a Building Use Permit. Notice of Completion of Construction, compliance certification and application for Building Use Permit shall be made in the format prescribed by the Authority and shall be accompanied by documents and drawings as prescribed by the Authority.

Rule-24. Building Use Permit for a Building or a part thereof

The Competent Authority may grant a Building Use Permit for a building or a part thereof. Application for Building Use Permit for a part of a building shall be made using the format prescribed by the Authority and shall be accompanied by documents and drawings as prescribed in the format.

Rule-25. Final Inspection

Following receipt of the Notice of Completion of Construction, the authority shall undertake final inspection of construction for ensuring compliance to sanctioned design and specifications. The authority shall communicate the date and time of inspection to the Owner within ten days of receipt of Notice of Completion of Construction. In case the competent authority does not communicate decision to inspect construction within ten days of receipt of Notice of Completion of Construction, the Building Use Permit shall be deemed to have been granted by the authority and sanctioned use may be made of the building. If, on inspection, the authority is satisfied that the construction of the building complies with the sanctioned design and specifications, he shall grant a Building Use Permit and sanctioned use may be made of the building.

- (a) If the construction is found not to comply with sanctioned design and

specifications, the authority shall communicate the deviations/violations made to the Owner within a period of seven (07) days. The Owner shall within seven days from the date of receipt of notice furnish reply/objections if any. Failure to comply with directions, as may be issued by the authority may result in revocation of the Building Permit.

- (b) In case the authority who undertakes final inspection as provided above does not raise any query/objection and if it does not communicate any queries or objection regarding the construction to the Owner within seven days of the date of inspection, Building Use Permit shall be deemed to have been granted by the competent authority and sanctioned use may be made of the building.

Rule-26. Grant/Refusal of Building Use Permit

If the Competent authority is satisfied that the construction of the building complies with the sanctioned design and specifications, it shall grant a Building Use Permit and sanctioned use may be made of the building. Reasons for grant/refusal of Building Use Permit shall be communicated to the applicant within seven days by the Authority.

Procedure for Obtaining Permit to Change Sanctioned Use of Building

Rule-27. Application for Obtaining the Permission

Application for obtaining Permit to Change Sanctioned Use of Building shall be made by the Owner of the plot. The Authority shall determine drawings, specifications and documents to be submitted along with Application for Permit to Change Sanctioned Use of Building. The format for submission of drawings, specifications and documents shall be specified in a separate Schedule.

Rule-28. Fees for Obtaining Permit to Change Sanctioned Use of Building

The Competent Authority shall determine fees and other charges for obtaining Permit to Change Sanctioned Use of Building.

Rule-29. Scrutiny of Application

- i. The Competent Authority shall undertake scrutiny of the Application for Permit to Change Sanctioned Use of Building and communicate to the applicant the date and time for plot inspection, if required within 15 days of the date of acceptance of the application.
- ii. Lack of compliance with Building Bye-Laws and/or queries pertaining to the application shall be communicated within 21 days of the date of acceptance of the application.
- iii. Acceptance or rejection of compliant modifications in the application and responses to queries shall be communicated within 10 days of receipt of the modifications and responses.
- iv. Acceptance or rejection of further compliant modifications in the application and responses to queries shall also be communicated within 10 days of the receipt of modifications and responses.

Rule-30 Grant or Refusal of Permit to Change Sanctioned Use of Building

A Permit to Change Sanctioned Use of Building shall be issued to the applicant when the authority is satisfied that the proposed change of use of the building complies with

these Building Bye-Laws. Reasons for rejection of application shall be communicated to the applicant for his/her satisfaction.

Unauthorized Use of Building

Rule-31. Meaning of "Unauthorized Use of Building"

- (a) Use of any building or part of a building, without a Building Use Permit or in a manner that does not conform with its Sanctioned Use or after a Building Use Permit has been revoked, shall be deemed to be Unauthorized Use of Building.
- (b) The Competent Authority may declare the use of any building to be an Unauthorized Use if he is convinced the building is unsafe for habitation or if its use poses a danger to public health or safety.

Rule-32. Dealing with Unauthorized Use of Building and Unsafe Buildings

- (a) If the Competent Authority deems the use of any building or part of a building to be an Unauthorized Use of Building, he shall, by a written notice, require the person making unauthorized use of building to stop the same forth-with.
- (b) If unauthorized use is not stopped, the authority may direct the person making such use to be removed from the building and may cause such necessary measures to be taken to ensure that the person does not re-enter the building without written permission of the Competent Authority. The cost(s) of undertaking these measures shall be paid by the said person.
- (c) If a use of a building or part of a building is declared to be Unauthorized Use solely on account of a Building Use Permit not having being obtained prior to use made of the building or part of a building and if the said use of building is in conformity with master plan and all provisions of Building Byelaws, the Owner may apply for a Building Use Permit. Further use of building or part of a building may be undertaken after obtaining a valid Building Use Permit. Penalty of Rs.10,000 for undertaking such Unauthorized Use of building or part of a building shall be payable before a Building Use Permit is granted by the competent authority.

Section-C: PROCEDURE DURING CONSTRUCTION

Rule-33. Right to Inspect Construction

Right to Inspect Construction at any Time

- 1) All buildings for which Building Permit is required are subject to inspection by the Competent Authority and the Authority reserves the right to inspect such buildings at any time during the Period of Construction without giving prior notice of its intention to do so. Owner of the plot and/or any person undertaking construction shall permit authorized officers of the Competent Authority to enter the plot and inspect the building for the purpose of enforcing these Building Bye-Laws.

- 2) The structural design, constructional standard etc.; of all multistoried buildings are required to be supervised during construction at three stages at (1) Basement/plinth stage (2) halfway of superstructure, and (3) Roofing stage in the manner described below:
 - i) The individual /promoter is required to get his/her construction checked at above mentioned three stages of construction by the Authority. Necessary certificate in the format prescribed by the authority shall be submitted to the Building Operations Controlling Authority (BOCA) at each stage before proceeding with next stage of construction Next stage of construction shall not be proceeded with unless certificate of completion of preceding stage is examined and cleared by BOCA. The clearance through "Go-Ahead Certificate" at each stage shall be issued by BOCA within seven days from the date of receipt of completion certificate at each stage. Failure to comply with this provisions shall be deemed that the building permission has been revoked.

 - ii) The individual promoter/developer is required to employ technical personnel of suitable competence for daily supervisions of construction work.

Rule-34. Information to be prominently displayed on Site

It shall be the responsibility of the Owner to erect a notice board on the plot displaying key information pertaining to the building within 15 working days of issue of Building Permit. The notice board should be prominently visible, easily readable and should be located next to the primary access to the plot. The notice board/s should be maintained for the entire Period of Construction up to issue or grant of Building Use Permit. Failure to comply with this Building Byelaw may result in revocation of the Building Permit.

Rule-35. Documents and Drawings to be maintained on Site

It shall be the responsibility of the Owner for the building to keep all the documents and drawings approved on the site, at all times after issuing Notice of Commencement of Construction to the authority up to the issue or grant of Building Use Permit. These documents should be made available to any authorized officer of the Authority inspecting the site for the purpose of enforcing these Building Bye-Laws. Failure to comply with this Building Byelaws may result in revocation of the Building Permit.

Rule-36. Reducing Inconvenience and Ensuring Safety during Construction

It shall be the responsibility of the Owner to certify that no building material, building equipment or building debris is stacked, stored, left or disposed off outside the plot for which Building Permit has been granted, on any public street or space. Failure to

comply with this Building Byelaw may result in revocation of the Building Permit.

The Owner of the building may make an application for Permit to Use Abutting Street for Construction to the authority. It shall be the responsibility of the Owner to provide sufficient information to convince the authority that use of portion of the street is necessary for construction and that convince the authority of adequacy of additional barricading and safety measures that shall be taken to ensure public safety and reduce public inconvenience. Provided that the competent authority is convinced of merit of the application and provided that it is satisfied that proposed additional barricading measures are adequate to ensure safety and reduce inconvenience, it may grant a Permit to Use Abutting Street for Construction. Failure to carry out the measures proposed along with application to ensure public safety and reduce inconvenience may result in revocation of the Building Permit.

Rule-37. Barricading the Plot during Period of Construction

It shall be the responsibility of the Owner to ensure that plot on which construction is being undertaken is adequately barricaded. Specifications for barricading the plot shall be adhered to strictly. Failure to comply with this Building Byelaw may result in revocation of the Building Permit as well as may warrant penalties on the owner of the plot for not providing adequate barricading of the plot during Period of Construction.

Rule-38 No Damage or Undue Inconvenience during Construction

- (a) It shall be the responsibility of the Owner to undertake all necessary measures to ensure that no damage is caused to adjoining properties due to construction.
- (b) It shall also be the responsibility of the Owner to undertake all necessary measures to ensure that no undue inconvenience is caused to the public, due to factors such as noise, dust, smell or vibrations.
- (c) It shall also be the responsibility of the Owner to undertake all necessary measures to ensure that traffic is not disrupted due to construction.
- (d) It shall be the responsibility of the Owner to carry out all instructions given in writing by authorized officers of the Authority/ to ensure public safety and reduce inconvenience.

- (e) Failure to comply with this Building Byelaw may result in revocation of the Building Permit. The competent authority may levy a penalty of Rs.5000/-for violation of any of the sub-rule of this rule. However before levy of penalty, an opportunity of being heard shall be provided to owner of the plot.

Rule-39. Competent Authority Not Liable for Ensuring Safety during Construction

The Owner shall be responsible for ensuring that all necessary measures for safety for all are taken on site. Grant of Building Permit, Permit to Use Abutting Street for Construction, grant of Building Use Permit for part of a building, or issuing of any instructions to ensure public safety or reduce inconvenience, does not render the Authority liable for any injury, damage or loss whatsoever that may be caused to any one in or around the area during the Period of Construction.

Rule-40. Notice for Commencement of Construction

The Owner of the building shall notify the Competent Authority of their intention to commence construction at least 7 days prior to commencing construction by filing a Notice of Commencement of Construction in the format prescribed by the Authority. Failure to notify the competent authority before commencing construction may result in levy of penalty, which may be not less than Rs. 1000/- and not more than 5000/-

Section-D: RESPONSIBILITIES OF OWNER AND PERSONS ON RECORD

Rule-41 Responsibilities of Owner

The Owner will:

- be responsible for ensuring that the building compliances with these Building Bye-Laws
 - shall make the application for a Building Permit
 - appoint an Registered Technical Person to ensure compliance with all procedural requirements specified in these Building Bye-Laws, and to certify that the architectural design and specifications of the proposed building comply with these Building Bye-Laws
 - appoint a Structural Engineer on Record to certify that the structural design and specifications of the proposed building comply with these Building Bye-Laws
 - appoint an independent Structural Engineer on Record to undertake third-party verification of the structural design and specifications of the proposed building and, to verify and certify that the design and specifications comply with these Building Bye-Laws
 - appoint a Construction Engineer on Record to certify that the construction of the building has been undertaken as per detailed design and specifications stipulated by the Registered Technical Person and the Structural Engineer on Record
 - obtain a Building Permit prior to commencement of building
 - submit a Notice of Commencement of Construction, Notices of Progress of Construction and a Notice of Completion of Construction to the Authority
 - obtain a Building Use Permit prior to making use or to occupying the building or a part of the building
 - inform the Competent Authority in writing within seven days if for any reason he ceases to be the Owner of the plot for which the Building Permit has been issued or granted, regardless of whether building has commenced or not
 - inform the authority in writing within seven days if for any reason, any of the Persons on Record appointed by him have been relieved of their responsibilities
 - ensure that no construction is undertaken during the period that the Building Permit has lapsed or has been revoked
 - submit Maintenance Certificates as required by authority from to time
2. No ownership of a plot or building shall be changed or transferred by whatsoever means before issuance of Building Use Permit except with prior permission of competent authority. If the ownership has been changed without prior permission of competent authority, the building permit issued by the competent authority shall be deemed to have been revoked.

Rule-42. Minimum Qualifications and Competence Requirements

The Competent Authority shall list advocates, architects, structural engineers and Construction Engineers as Advocates on Record (AdOR), Architects on Record (AOR), Structural Engineers on Record (SEOR) and Construction Engineers on Record (CEOR) respectively. Applications for listing should be made in the format prescribed by the Competent Authority from time to time etc.

The Competent Authority shall determine minimum qualifications and competence requirements for being considered for listing as Persons on Record from time to time.

Rule-43. Listing Fee and Security Deposit

Listing Fee and Security Deposit for listing, as Persons on Record with the Competent Authority shall be determined by the Authority.

Rule-44. Responsibilities of Persons on Record

1) Responsibilities of Persons on Record shall be as follows:

a) The Structural Engineer on Record shall:

- scrutinize and verify the structural design and specifications of the proposed building
- certify, that the structural design and specification of the proposed building comply with Building Bye-Laws
- immediately inform the Authority in writing, if in his opinion, construction of the building is not being undertaken in accordance with the structural design and specifications stipulated by him
- inform the Authority in writing, within 7 working days, if for any reason he is relieved of his responsibilities as the Structural Engineer on Record for the building

b) The Construction Engineer on Record shall:

- undertake all necessary measures, including but not limited to adequate inspection during construction to ensure that the construction of the building is undertaken as per detailed design and specifications stipulated by the Registered Technical Person and by the Structural Engineer on Record
- Provide an undertaking to the Authority along with the Notice of Commencement of Construction, that the construction of the building shall be undertaken as per detailed designs and specifications stipulated by the Registered Technical Person and by the Structural Engineer on Record.
- Certify to the Authority, at stages prescribed in Building Bye-Laws that the construction of the building has been carried out as per detailed design and specifications provided by the Registered Technical Person and Structural Engineer on Record.
- Immediately inform the Authority in writing, if construction of the building is not being undertaken in accordance with the design and specifications stipulated by the AOR and the SEOR.
- Inform the Authority in writing, within 7 working days, if for any reason he is relieved of his responsibilities as the Construction Engineer on Record for the building.

c) The Architect record shall:

- Draw detailed plan of area showing location and width of all street dimensions, sizes.
- Prepare site plan as per rule 10 of these byelaws.
- Verify the land use of the plot/area as per Srinagar Master Plan 2000-2021

Rule-45 . Building Permit to Lapse with Change in Persons on Record

The Architect on Record, the Structural Engineer on Record and the Construction Engineer on Record, based on whose respective certifications the Building Permit has

been issued or granted, are respectively responsible for ensuring that construction of the building is in compliance with these Building Bye-Laws.

After the Building Permit is issued or granted, if any of the Persons on Record is relieved of his responsibility by the Owner, or, relieves himself of responsibility of the building. The owner shall appoint substitute within the period of ten days and inform the Competent Authority accordingly. Failure to appoint substitute, the owner has to get his building permit revalidated.

Rule-46. Revocation of Building Permit in case of Misrepresentation and De-listing of Person on Record

The Competent Authority may revoke a Building Permit if:

- o it determines that false statements were made or material facts were misrepresented for obtaining the Building Permit
- o the Person on Record, based on whose certification the Building construction is carried out is de-listed by the Authority

Rule-47. Penalties

Procedures for ascertaining whether a Person on Record has failed in discharging his responsibilities in the context of these Building Bye-Laws have been prescribed under Rule-74.

Section- D: PERFORMANCE BYE LAWS

Buildings & Infrastructure

Rule-48. Plinth: - No person shall construct any building with its lowest flat or floor:

- Less than 0.5 m. and more than 0.75 m. above the ground level of the plot.
- The ground level should not be raised more than 0.7 m from the finished surface of the nearest street level to be fixed permanently by concerned authority in the plain areas.
- In hilly area, proposals shall be framed with due respect of the profile of the plot ensuring maximum cutting of slopes, which shall be determined by the competent authority.

Rule-49. Slope of pitched roofs: - Except with special permission of the Authority, no slope of pitched type roof shall be more than 45 degrees and less than 26 degrees.

Rule-50. Height regulation:

1. All habitable and circulation spaces in a building shall have minimum clearance of 9 feet.
2. In case of centrally air conditioned building, height of habitable room shall not be less than 8'-6" measuring from the surface of the floor to the inside of false ceiling. The maximum clear head room from beams shall 8'-6"

Rule-51. Corridors and passages: -

The width of corridor shall be as follows:

- | | |
|---|-------------------|
| i. Residential House | : 1.0 Metre |
| ii. Hotel | : 1-5 metre clear |
| iii. Shopping Complex" upto a length of 15 meters | : 1.8 metre |

- iv. Shopping Complex above 15 mtr length : 2.1 metre
- v. Assembly buildings including auditorium
Cinema halls, multiplexes, Cineplex etc : 2.1 metre
- vi. Educational institutions. : 2.1 metre

- For a building constructed on stilt with provisions of ground level parking floor or semi-basement parking floor, the height of the building will be calculated by omitting the height of the parking floor upto a maximum of 2.7 meter for the purpose of building height subject to provision of exclusive parking in the ground floor.
- Maximum height of parking floor shall be minimum of 9 feet measured upto the surface level

Rule-52. Building abutting on two streets: - If a building is situated on two or more streets of different widths, the building shall be deemed for the purpose of those Byelaws to face the streets which are wider than others.

Rule-53. Boundary Wall/ Compound Wall

- I. Except with the special permission of the Authority, the maximum height of the compound wall shall be 1.5 m above the center line of the front street. Compound wall upto 2.4 m height may be permitted.
- II. In case of corner plots the height of the boundary wall shall be restricted to 0.75 m for a length of 10 m on the front and side of the intersections and balance height of 1.5 m if required in accordance with
 - a) may be made up of open type construction (through railings) and of design to be approved by the Authority or
 - b) The corner plot should be sufficiently rounded off to a radius of not less than 4.5 meter to give a clear view of the other roads.
- III. The provisions of Rule-14.5 (I & II)' are not applicable to boundary walls of jails, in industrial buildings, electric sub-stations, transformer stations, institutional buildings like sanatoria, hospital, industrial buildings like workshops, factories and educational buildings like schools, colleges, including the hostels, and other uses of public utility undertakings and height upto 2.4 m may be permitted by the Competent Authority.
- IV. Compound gate should open entirely inside the property and shall not open on any access/ pathways/ road/ street.

Rule-54. Basement

- 1) Basement can be constructed up to minimum prescribed setback line and beyond prescribed building lines, ensuring that the coverage in the basement shall not exceed ground floor coverage.
 - I. Basement shall not be permitted in low lying areas and areas without adequate drainage facilities to ensure drainage from the basement.
 - II.
 - B
 - Basement may be put to only the following uses-
 - (a) Storage of household or other goods of ordinary non combustible material;
 - (b) Strong rooms, bank cellars etc.
 - III. Air conditioning equipment and other machines used for services and utilities of building subject to satisfaction of the Authority
 - IV. Parking spaces

- V. Air conditioned shopping which will then be counted in FAR.

2) The basement shall have the following requirements

- I. Every basement shall be in every part at least 2.4 m in height from the floor to the underside of the roof slab or ceiling;
- II. Adequate ventilation shall be provided for the basement. Any deficiency may be met by providing adequate mechanical ventilation in the form of blowers, exhaust fans, air conditioning system etc.
- III. The minimum height of the ceiling of any basement shall be 1 m above the average surrounding ground level.
- IV. Adequate arrangements shall be made so that surface drainage does not enter the basement
- V. The walls and floor of the basement shall be watertight and be so designed that the effect of the surrounding soil and moisture, if any,
- VI. Are taken into account in design and adequate damp proofing treatment is given
- VII. The access to the basement shall be separate from the main entry and alternate staircase providing access and exit from higher floors, where the staircase is continuous. In case of building served by more than one staircase the same shall be of enclosed type serving as a fire separation from the basement floor and higher floors
- VIII. If such ramps are provided in basement parking floor the gradient of it should be maximum 1:5 and the height of 2.4 mt. is to be maintained at the entrance also

Rule-55. Ramps:-

- 1) Ramps with a slope of not more than 1 to 10 may be substituted for and shall comply with all this applicable requirements of required stairways as to enclosure, capacity and limited dimensions. Ramps shall be surfaced with approved non-slippery material provided that in the case of public offices, hospitals, assembly halls etc, the slope of the ramp shall not be more than 1 in 12.
 - I. The minimum width of the ramps in hospitals shall be 2.25m.
 - II. Handrails shall be provided on both sides of the ramp.
 - III. Ramps shall lead directly to outside open space at ground level or courtyards or safe place

Rule-56. Location of septic tank subsurface absorption system:

A subsoil dispersion system shall not be closer than 18 m from any source of drinking water, such as well, to mitigate the possibility of bacterial pollution of water supply. It shall also be as far removed from the nearest habitable building as economically feasible but not closer than 6 m. to avoid damage to the structure.

Rule-57. Signs and Outdoor display Structures

- 1) The display of advertising signs on building and land shall be in accordance with part X signs and outdoor display structures of National Building Code of India. However, the following provisions shall be complied with for permitting advertising signs in different land use zones.

(a) Residential Zone-R-1:

The following non-flashing and non-neon signs with illumination not exceeding 10 ft. candles:

- (i) One name plate with an area not exceeding 0.1 sq. m for each dwelling unit.
- (ii) For other users permissible in the zone, one identification sign or bulletin board with an area not exceeding 1.6 sq. m.
- (iii) 'For sale' or 'For Rent' signs for real estate not exceeding 2 sq. m in area provided they are located on the premises offered for sale or rent.

(b) Residential Zone-R-2:

Non-flashing business signs placed flat against the wall and not exceeding 2 sq. m in area per establishment.

(c) Commercial zones - C1 and C2:

Flashing or non-flashing business signs placed flat against the wall, not exceeding 5 sq. m. in area and covering not more than 15 percent of the area of such wall including doors and windows, and overhanging signs which project not more than 0.9 m from the wall, provided that such overhanging signs shall be in conformity with the following and provided that such signs do not face residential buildings:

- (i) Not more than one overhanging sign may be permitted for each 4.6 of lot frontage; and
- (ii) The area of such overhanging signs shall not be more than 1 sq. m. except that for each 0.9m of plot frontage above the first 4.5m an increase in area of 0.2 sq. m shall be permitted.

Rule-58.**Regulations for Apartment Buildings**

1)

| Height of building | Minimum plot size | Minimum front set back | Minimum rear set back | Minimum side set back |
|--|-------------------|------------------------|-----------------------|-----------------------|
| Apartment upto 11.5 m. | 3 K. | 4.5 m. | 3.6 m. | 3.6m |
| Apartment above 11.5 m. height | 4 K. | 6 m. | 3.6 m. | 3.6m |
| Mixed use building of residential apartment and commercial above 15 m. | 5 K. | 6 m. | 3.6 m. | 3.6m |

- (2) A plot abutting a street with a width of above 15 metre, the minimum front set back shall be calculated according to the width of the abutting street.

Rule-59.**Requirements for Special types of Buildings**

- 1) (To be applicable for all zones where the particular use is permissible)

(A) Nursing Homes/ Hospitals

(In all zones where it is permitted/ permissible on appeal)

Minimum plot size - 1338 sq. mtr

Minimum setback

Front setback - 9 metre

(a) Rear & side - 4.5 metre

(B) Place of Worship (Applicable for new proposals)

Minimum plot size - 804 sq. mtr

Minimum Setback

| | |
|---------------|-------------|
| Front setback | - 7.5 metre |
| (a) Rear | - 5.0 metre |
| (b) Side | - 3.0 metre |

(C) Cinema Hall, Auditorium and Assembly Halls

| | |
|-------------------|----------------|
| Minimum plot size | - 1860 sq. mtr |
|-------------------|----------------|

Minimum setback

| | |
|-------------------|-------------|
| (a) Front setback | - 9.0 metre |
| (b) Rear & side | - 4.5 metre |

Note: - In addition to above regulations and in order to maintain the use of multiplexes, illegal conversion of multiplex or change of its use shall strictly be prohibited

2)

In addition to any other Byelaws applicable to such buildings, the following shall apply-

- (a) If any portion of the cinema, theatre or assembly hall (except accommodation for caretakers and his family) is intended to be used as a domestic building such portion shall comply with all the requirements of a domestic building.
- (b) Every room in such building as mentioned above shall be lighted and ventilated by doors, ventilators and windows abutting on an interior or exterior open air space which shall not be less than 1/5 of the total floor area;

{Provided if exhaust fans are installed or if it is air conditioned, the requirement of this clause shall be suitably relaxed by the Authority.}

Gangways and passages must not be more than 6.0 m apart. No seat must be more than 3.0 m from gangway or passage.

- (c) A gangway or passage must be at least 1.2 m wide and they shall be provided at least one in the center and one on each side.
- (d) The height of the bottom balcony or the gallery shall not be less than 3.0 m from the floor of the auditorium and depth under the balcony shall not be more than 3 times the clear height. The clear distance between the backs of two successive rows shall not be less than 0.9 m but for seats with rocking backs it may be 0.8 m.
- (e) The maximum rake of the floor of the auditorium shall not be more than 1 in 20
- (f) The maximum width of the balcony steps shall be 0.8 m. Provided that for the front, and rear step, this distance is 0.9 m.
- (g) The maximum rise of the balcony steps shall be 0.4 m.
- (h) The maximum height of the roof or ceiling at the highest step of the balcony shall be 3.0 m and at no place the distance between the nosing and lowest projection ray shall be less than 2.4 m.
- (i) In the case of the cinema the farthest seat shall not be more than 45.0 m anyway from the screen.
- (j) The angle of seating shall not be less than 60 degree and the front row shall

not be nearer to the screen than the half of its width.

- (k) The position and height of the screen be regulated in such a way that the maximum angle of the line of vision from the front seat to the top of the screen shall not exceed 35 degrees.
- (l) No corridor leading to any stair case or exit passage shall be less than 1.5 m. in width.
- (m) No corridor shall be used for any purpose other than the exit and entrance from the auditorium.
- (n) Doors: Entrance and exit doors shall be provided at a rate of not less than one door of a dimension of 1.5 m in width and 2.4 m in height for every 200 individuals or part thereof.
- (o) All out doors for the use of the public be made open outward and in such a manner that when open they shall not obstruct any gangway or passage or stairway or landing.
- (p) Staircase: - The access to the auditorium if it is on the upper storey or the galleries shall be provided by not less than two independent stairs of fire-proof-construction.
- (q) Such stairs at no place shall be less than 1.5 m clear in width
- (r) No staircase shall have a flight of more than 15 steps or less than 3 steps and width of the landing between such flight shall be the same width of the staircase. The tread of the step shall not be less than 150 mm. and rise not more than 300mm.
- (s) No space less than 2.4 m in height shall be allowed under the floor of the auditorium.
- (t) The cinematograph machine room shall be substantially constructed of fire resisting material or lined with such material.

Rule-60

Parking:

- 1) Two level basement parking will be permissible within the complex subject to soil conditions and proper care for water proofing. Parking under the basement shall be permissible over 75% of the building area subject to a minimum set back of 15 ft. on all sides. 15% of the basement area shall be reserved for locating services like Generator room, electric room etc. portion of the basement where these services are proposed should be segregated suitably from the other uses so as to ensure adequate safeguards against fire hazards.
- 2) Parking space to be provided within the proposed multiplex shall be @ 2.5 car space for every 100 sq. Mts. of floor space.
- 3) Area to be considered under parking in basement/stilts/open shall be as under:-

| | | | |
|------|-------------|---|-----------------------------|
| i) | Basement | = | 35 Sq. Mtrs. Per car space. |
| ii) | Stilts | = | 30 Sq. Mtrs. Per car space. |
| iii) | Open to sky | = | 25 Sq. Mtrs. Per car space. |

Minimum Number of Off-Street Parking Space

4)

| S. No. | Type of Use | One Parking space will be provided for every | |
|--------|---|--|---|
| | | Car | Scooter |
| 1. | Residential building (In case of Group housing & apartment buildings) | For every dwelling unit exceeding 60 sq. mt. of floor space | Every unit below 60 sq. mt. to 40 sq.mt |
| 2. | Theatres, Cinemas, auditorium | 10 seats of accommodation | 10 seats of accommodation |
| 3. | Retail business | 40sq.m of sales area | 20 sq. mt. of sales area |
| 4. | Office building | 40sq.m of office floor space | 20sq.m of office floor area |
| 5. | Hospital | 2 cabins-1 car 10 beds-1 car 3 Nos. of Doctors-1 car | 5 beds of accommodation |
| 6. | Hotel | 8 beds of accommodation | |
| 7. | Restaurants | 10 seats of accommodation | 6 seats of accommodation |
| 8. | Industrial building | 20 employees in the industry | 15 employees in the industry |
| 9. | Wholesale and Warehouses | 60 sq. m floor area and fraction thereof for car and scooter | |

Rule-61. Minimum No. of Off-Street Parking space

- 1) For calculation of total car parking area the area of one car parking space will be as specified at supra.
- 2) For calculation of scooter parking space, one car parking space will be equivalent to 6 scooter parking.
- 3) 2.5 car parking space will be equivalent to one parking space of heavy vehicle in Industrial and whole-sale, Warehouse buildings.
- 4) In all building of various uses except residential buildings (as provided in Sl.I) as mentioned above, parking space of each car and scooter has to be provided.

Note:-

- I. (Area under parking/services in the basement floor shall not be counted towards the calculation of FAR).
- II. No extension of existing building will be allowed by the Authority if the parking provision required for the whole building as per new Byelaws is not made available in the new proposal.

Rule-62. Landscaping: - Minimum 50% of the left over surface area (plot area) shall be utilized for landscaping/greening and the rest shall be utilized for surface care parking.

{For lake areas these provisions shall be subjected to environmental assessment and subjected to concerned DPRs.}

Rule-63. Miscellaneous**1. Factories and building of the warehouse class**

- a) **Factories:** - Every room in such building shall be lighted and ventilated by sufficient number of windows, ventilators and skylight exclusive of doors having clear opening not less 1/15 of the floor area abutting on open air space of width not less than 1/3 rd the height of the part of the building- abutting- such-open-space.

{Provided that this requirement may be relaxed by Competent Authority if artificial lighting and ventilation are installed to the satisfaction of the Authority.}

- b) **Height of the floors:** - The height of the ground floor and each of the upper floors shall not be less than 4.2m and 3.9 m. respectively and the height of the cellar or basement shall in no part be less than 2.4 m. provided that these provisions shall not apply to the extensions of the ground floor and upper floors of the existing building.

2. Control of Signs (Hoardings) and Outdoor Display Structures and Paging Tower and Telephone Tower and Outdoor Display Structuresa) **Location**

The telecommunication infrastructure shall be either be placed on the building roof tops or on the ground or open space within the premises subject to other regulations.

b) **Type of structure**

- (i) Steel fabricated tower or antennae on M. S. pole.
(ii) Pre-fabricated shelters of fiber glass or equipment.
(iii) Masonry structure/shelter on the ground for equipment.
(iv) D. G. Set with sound proof cover to reduce the noise level.

c) **Requirement**

- (i) Every applicant has to obtain/procure the necessary permission from the "Standing Advisory Committee on Radio Frequency Allocation" (SACFA) issued by the Ministry of telecommunications.
(ii) Every applicant will have to produce the structural Engineer on Record (SER) which shall be the liability of both owner and SER.
(iii) Applicant has to produce/submit plans of structure to be erected.

d) **Projection**

No pager and/or telephone tower shall project beyond the existing building line of the building on which it is erected in any direction.

Rule-64. Special Regulations for Construction in Hilly Areas

- (a) The Authority may ask for detailed topographic survey map of the site, showing the proposed ground levels of the plot and the remedial construction measures to check the undesired erosion that may affect the adjoining areas. The Authority may also give special direction for framing the proposal in such a way which involves least disturbance to the natural terrain and keeping of bare land which is not allowed.
(b) If terrace cutting is done for building constructed on hill the depth and slope of the cut should be restricted according to the soil characteristic of the area.
(c) Adequate drainage provision should be kept to the satisfaction of the Authority so that rain water and waste water can drain out from the plot without causing soil erosion.
(d) In hill areas with slope greater than 10° special protection measures will have

to be provided as specified by the Authority. Local ground conditions shall be taken into account in the determination of the appropriate precautionary work and protection walls.

- (e) The maximum height of cutting for development should generally be 4m to 6m and cutting of slope over a height of 6m shall not be ordinarily permitted. Height of 6m earth cutting should be from face of 1st cutting.
- (f) If however Authority feels that special protective measures are required in the plot prior to any construction in the plot, no construction of building may be allowed by the Authority in such plot unless the protective measures are completed as directed by the Authority first.

Note:

These building byelaws shall be subject to environmental impact assessment and subject to detailed project report of the areas which are ecologically fragile or sensitive like forests , hilly area, water bodies, rivers etc.

Rule-65 Environment, Landscaping and Heritage Aspects

- 1) The Authority may impose special provision for landscaping, in special type of building/plot for environmental up-gradation etc;
 - (a) In every plot at least 50% of the land should be utilized for tree plantation and greenery
 - o The Authority may impose special condition to the developer to develop the road and drain abutting that particular plot
 - o If however, developer agrees to contribute towards the development charge for developing adjoining roads and drains or decides to relinquish a part of these land for improvement of road, drain or creation of open space for the locality without asking for any compensation to the satisfaction of the Authority, the Authority may consider allowing additional proportionate F.A.R. in that particular plot development of the area.
 - (b) In Group Housing project and projects where a number of apartment blocks are proposed in a single plot, the Authority may impose special regulations for drains, recreational open space, garbage disposal etc in addition to the regulations contained in these Byelaws.
 - (c) Rain water harvesting shall be mandatory for all new buildings and the rainwater from the terrace/roof top shall be directed by proper means to a properly designed rainwater harvesting structure for domestic use or for recharging ground water table. Rainwater harvesting in a building site includes storage or recharging into ground of rainwater falling on the terrace/roof top or any paved or unpaved surface within the building site.

The terrace shall be connected to the open well/bore well/ storage tank/recharge pit/trench by means of H.D.P.E. / P.V.C. pipes through filter media. A valve system shall be provided to enable the first washings from roof or terrace catchments, as they would contain undesirable dirt. The mouths of all

pipes and opening shall be covered with mosquito (insect) proof wire net. For the efficient discharge of rainwater, there shall be at least two rain water pipes of 100 mm diameter for a roof area of 100 sq. mtr.

However, rainwater harvesting structures shall be sited as not to endanger the stability of building or earthwork. The structures shall be designed such that no dampness is caused in any part of the walls or foundation of the building or those of an adjacent building.

Any other methods proved to be effective in conservation and harvesting of rain water may be adopted in each and every construction taken up.

(d) **Heritage Building, Heritage Precincts and Natural Features**

The following areas of Srinagar to be earmarked by the Authority by notification from time to time if not already notified in the Master Plan be excluded for permission of multistoried building(s)

- I. Heritage zones consisting of places of pilgrimage and worship and sites of historical and cultural importance
 - II. Areas falling on or abutting natural drainage channels
 - III. Areas falling on or abutting wetlands
 - IV. Area earmarked for infrastructure of civic amenities in the Master Plan
 - V. Sites on hills and foothills requiring excavation that is likely to cause soil erosion, land slide or instability of hill slope; and sites below overhanging embedded rocks without proper protection work. In this regard the foot hill areas of Kralasangri and all along Zabawan range hills are most vulnerable
 - VI. Government land in the hills and in the water bodies
 - VII. The notified forest land falling within the Srinagar Master Plan
 - VIII. The Authority will judiciously examine all building proposals including multistoreyed buildings in the vicinity of the above areas before such proposals are cleared/allowed with such condition/modification as the Authority may decide from time to time
- 2) No development and redevelopment or engineering operations or additions, repairs, renovations, including painting of building, replacement of special features or plastering or demolition of any part thereof of the heritage buildings or listed precincts or natural features, shall be allowed except with the prior permission of the Authority. On the basis of recommendation of heritage committee or Archeological department/s or any other department/s involved in preservation and conservation of heritage buildings. The Authority may grant permission for repairs, additions, alteration of these heritage buildings, heritage precincts as follows:

Heritage grade-I

No interventions are permitted either on exterior or interior of the heritage building or natural feature unless it is necessary in the interest of strengthening

and prolonging the life of the building/s or precincts or any part or features thereof. For this purpose, absolutely essential and minimal changes would be allowed and they must be in accordance with the original.

Heritage grade-II

Internal changes and adaptive re-use and external changes any be large and be allowed but subject to strict scrutiny. Care would be taken to ensure the conservation of all special aspects for which it is included in Heritage grade II.

Grade-II (B)

in addition to the above, extension or additional building in the same plot or compound could, in certain circumstances, be allowed provided that the extension/additional building is in harmony with (and does not detract from) the existing building.

Heritage grade-III

External, internal change and adaptive re-use would, by and large, be allowed. Changes can include extensions, and additional buildings in the same place or compound. However, change should be reach and they are in harmony with and should be such that they do not detract from existing heritage building/precinct.

Rule66. Additional Provisions in Building Regulations/Byelaws for Structural Safety

a) Structural Design

For any building under the jurisdiction of these regulations structural design/retrofitting shall only be carried out by a Registered Structural Engineer on Record (SER) or Structural Design Agency on Record (SDAR). Proof checking of various designs/reports shall be carried out by competent authority.

Generally, the structural design of foundations, elements of masonry, timber, plain concrete, reinforced concrete, pre-stressed concrete and structural Design section-1 Load Section - 2 Foundation section - 3 Wood section - 4 Masonry section - 5 Concrete Section - 6 Steel of National Building Code of India (NBC)), taking into consideration the Indian Standards.

b) Seismic Strengthening/Retrofitting

Prior to seismic strengthening/retrofitting of any existing structure, evaluation of the existing structure as regards structural vulnerability in the specified wind/seismic hazard zone shall be carried out by a RSE/RSDA. If as per the evaluation of the RSE/RSDA the seismic resistance is assessed to be less than the specified minimum seismic resistance as given in the note below, action will be initiated to carry out the upgrading of the seismic resistance of the building as per applicable standard.

Note:

- (a) for masonry buildings reference is to be made to IS: 4326 and IS: 13935 and
- (b) for concrete buildings and structures reference to be made to BIS code on evaluation and seismic strengthening for retrofitting of RCC buildings.

c) New Buildings in the Seismic Zone V

All new buildings should be made earthquake resistant so that the number of unsafe buildings is not added to stock of existing unsafe buildings. In this regard, the National Disaster Management Division, Ministry of Home Affairs, New Delhi

has illustrated guidance in the brochure for incorporating the earthquake resistant features suitable for seismic Zone V as schedule annexed herewith the same are recommended to be adopted.

I. Tourist Village (Hutments Areas)

| | | |
|--------------------------|---|----------|
| Minimum land requirement | = | 2 Kanals |
| Minimum ground coverage | = | 20% |
| Minimum height | = | 28 feet |
| Minimum front set back | = | 25 feet |
| Minimum rear set back | = | 15 feet |
| Minimum other sides | = | 15 feet |

II. Integrated Tourist Resort

Integrated tourist resorts as the cluster of hutments with requisite facilities shall also be permitted in the tourist villages. The proposed building norms/regulations for integrated tourist resorts are detailed hereunder:-

| | | |
|--------------------------|---|-----------|
| Minimum land requirement | = | 15 Kanals |
| Minimum ground coverage | = | 15% |
| Minimum height | = | 28 feet |
| Minimum front set back | = | 25 feet |
| Minimum rear set back | = | 20 feet |
| Minimum other sides | = | 15 feet |

The Authority may not grant the permission for tourist village/s Hutments, integrated tourist resorts if the authority feels that this activity shall prove detrimental to the overall development of the area especially hilly areas, water bodies etc. However, environmental impact assessment of ecologically fragile areas is a must before granting permission and subject to Detailed Project Report of these areas/activities.

III. Hotel:

In the existing built up areas following modified norms are proscribed.

| <u>Ground coverage</u> | <u>Floor space Index</u> |
|------------------------|--------------------------|
| 60 Maximum | 1.2 |
| 50 Maximum | 1.5 |
| 45 Maximum | 1.8 |
| 35 Maximum | 2.1 |

However, the planning Division. "I" at Sangam Division 'J' near Narbal & in Division "N" near railway Station following norms are proscribed:-

| | |
|------------------------------|----------------|
| <u>Ground coverage</u> | <u>45%</u> |
| <u>Floor space Index</u> | <u>2.1</u> |
| <u>Maximum permissible</u> | |
| <u>Height upto ridge top</u> | <u>50 feet</u> |

In the District Centres of Planning Divisions "B" to "N" following regulations are proscribed:

| <u>Ground coverage</u> | <u>Floor space Index</u> |
|------------------------|--------------------------|
|------------------------|--------------------------|

| | | |
|----|-------------------|-------------|
| 1. | <u>60 Maximum</u> | <u>2.7</u> |
| 2. | <u>50 Maximum</u> | <u>2.5</u> |
| 3. | <u>45 Maximum</u> | <u>2.25</u> |
| 4. | <u>35 Maximum</u> | <u>2.1</u> |

Maximum height not to exceed 55 upto ridge top

In the existing built up areas especially in the CBD (Central Business District) the zoning regulations as prescribed in the Master Plan shall prevail in view of the fact that the commercialization of these areas have reached to the point of saturation.

SECTION – E: MISCELLANEOUS

Rule-67. Deemed Sanction

In case the applicant has fulfilled all the requisite formalities and Authority has failed to dispose off the application within sixty (60) days, the sanction shall be deemed to have been given to the applicant, and the applicant shall be at liberty to commence or proceed with such building or work in accordance with his/her intention expressed in the notice and the documents and plans accompanying the same provided it is in conformity with Master Plan/Zonal Plan/Building Bye-Laws and other instructions issued from time to time by the Government and the concerned Authority.

Rule-68. Responsibilities of the owner who undertakes Construction under 'deemed' sanction

- i. That the applicant erects the building or executes the, work in accordance any of the provisions of the BOCA act 1988 any other law or of any Bye Law made hereunder.
- ii. That the applicant shall expressly intimate the Authority about the proposed date of commencement of erection of building or the execution of work and thereafter the authority may cause inspection of the excavated foundation made in association with the applicant by such person's as he may deem fit. In consideration of the inspection report the authority may communicate appropriate direction for compliance by the applicant. In case competent authority does not respond to the applicants intimation to start work under deemed sanction within ten days from the receipt instruction, the applicant may proceed ahead with the proposed construction.

- iii. That the proposed construction does not
 - i. Violate the planned development of a city or town as envisaged by a policy document like master plan etc.
 - ii. Violate zoning regulations or development controls as spelled out in a master plan etc.
 - iii. Fall within proposed alignment of Green Belt, road widening etc.
 - iv. Contravene the provisions of Ribbon Development Act
 - v. Affect the easement rights of the adjacent plot holder and the title of the land is not subject matter of dispute before any forum.
 - vi. Violate the prescribed building line and right of way.
 - vii. Violate rule 77,79 and 80 of the J&K Electricity Rules 1978 made under J&K Electricity Act, 1997 (1940.AD)

Rule-69. Relaxation in Empowered committee

The Empowered Committee, which the govt. may constitute for the propose may grant relaxation in the byelaws:-

- a) In specific cases of sites for housing schemes for EWS, LIG, Slum Clearance and Improvement Schemes as well as Reconstruction in case of densely populated area, and plot sub-divided due to family partitions and specifications as existed prior to the damage provided the use conforms to provisions of Master Plan/Zonal Plan'.
- b) In any other case which it may deem fits proper

Rule-70. Facilities for Physically Disabled Persons

- 1) Persons having the following disabilities shall be categorized as physicality handicapped:-
 - I. **Non-ambulatory disabilities:** Impairments that, regardless of cause or manifestation, for all practical purposes, confine individual to wheelchairs.
 - II. **Semi-ambulatory disabilities:** Impairments that cause individuals to walk with difficulty or insecurity. Individuals using braces or crutches, amputees, arthritics, spastics and those with pulmonary and cardiac ills may be semi-ambulatory.
 - III. **Hearing disabilities:** Deafness or hearing handicaps that make an individual insecure in public areas because he/she is unable to communicate or hear warning signals.
 - IV. **Sight disabilities:** Total blindness or impairments affecting sight to the extent that the individual functioning in public areas is insecure or exposed to danger.
- 2) For persons with physical disabilities as listed from I to IV, the following facilities shall be provided:
 - i. **Access path/walk way:** The width of access path/walk way from plot entry and surface parking to the building entry shall not be less than 1.80 m. It shall not have a gradient exceeding 5%.
 - ii. **Surface parking:** At-least two car spaces shall be provided at surface level near entrance with maximum travel distance of 30.00 metre from the

building entrance.

- iii. **Space for wheel chair users:** Adequate space shall be kept for the free movement of wheel chairs. The standard size of wheelchairs shall be taken as 1050 mm x 750 mm. The doors shall have a minimum width of 900 mm, to facilitate the free movement of wheelchairs.
- iv. **Approach to plinth level:** At-least one entrance shall have approach through a ramp. The ramp shall have minimum width of 1.80 metre with maximum gradient of 1:10.
- v. **Entrance landing:** Entrance landing shall be provided adjacent to ramp with the minimum dimension of 1.80 m x 2.00 m.
- vi. **Corridors:** The minimum width of corridors shall be 1.80 m.
- vii. **Staircases:** the minimum width of staircases shall be 1.50 metre. The minimum number of risers on a flight shall be limited to 12. Size of treads shall not be less than 30 cm and the height of risers shall not be more than 15 cm.
- viii. **Lifts:** Wherever lifts are required to be installed as per bye-laws, provision of at-least one lift shall be made for the wheel chair users with the following cage dimensions recommended for passenger lifts of 13 persons capacity by Bureau of India Standards.
 - a. Clear internal depth 1100 mm (1.10 mtr.)
 - b. Clear internal width 2000 mm (2.00 mtr.)
 - c. Entrance door with 900 mm (0.90 mtr.)
 - d. The lift lobby shall have minimum inside measurement of 1.80 m
- ix. **Toilets:** One special water closet in a set of toilets shall be provided for the use of handicapped persons with wash basin keeping in view the following provisions:
 - i. The minimum size of toilet shall be 1.50 m x 1.75.
 - ii. The maximum height of the W.C seat shall be 0.50 m above the floor
- x. **Hand rails:** Hand rails shall be provided for ramps, staircases, lifts and toilets. The height of hand rails shall be normally 800 mm above the floor level. If the building is meant of the predominant use of children, the height of hand rails may be suitably altered.
- xi. **Guiding/warning floor material:** The floor material to guide or to warn the visually impaired persons with a change of colour or material with conspicuously different texture shall give audible signals with sensory texture and easily distinguishable from the rest of the surrounding floor materials is called guiding or warning floor material. The material with different texture shall give audible signals with sensory warning when person moves on this surface with walking stick. The guiding/warning floor material is meant to give the directional effect or warn a person at critical places. The floor material shall be provided in the following areas:
 - i. The access path to the building and to the parking area

- ii. The landing lobby towards the information board, reception, lifts, staircases and toilets
- iii. At the beginning/end of walkway where there is vehicular traffic
- iv. At the entrance/exit of the building
- xii. **Proper signage:**
 - i. Appropriate identification of specific facilities within a building for the handicapped persons should be done with proper signages. Visually impaired persons make use of other senses such as signals shall benefit those with hearing and touch to compensate for the lack of vision; whereas visual signals shall benefit those with hearing disabilities.
 - ii. Signs should be designed and locate such that they are easily legible by using suitable letter size (not less than 20 mm size). For visually impaired persons, information board in Braille should be installed on the wall at a suitable height and it should be possible to approach them closely. To ensure safe walking there should not be any protruding sing, which creates obstruction in walking.
 - iii. The symbols/illustrations should be in contrasting colour and properly illuminated so that with limited vision may be able to differentiate amongst primary colours.

Rule-71. General Planning Bye-Laws

All buildings in areas for which Local Area Plans have been prepared and sanctioned, shall conform to area specific regulatory parameters (pertaining to means of access to plots and buildings, minimum and maximum plot sizes, common open spaces and common facilities, land and building use, floor area ratio, dwelling unit density, building height, coverage, setback and margins, and provisions for parking) specified in the Local Area Plan/Master Plan.

Rule-72 Solid Waste Management

All buildings shall provide facilities for solid waste management. Standards and specifications of facilities shall conform to the requirements of the Municipal Solid Wastes (Management and Handling) Rules, 2000 issued by the Ministry of Environment and Forest, and as amended from time to time.

Rule-73 Environmental Pollution

- a. All buildings shall conform to provisions of Air Pollution Control Act, 1981.
- b. All buildings shall conform to provisions of Water (Prevention and Control of Pollution) Act, 1974.
- c. All buildings shall maintain ambient air quality standards in respect of noise, as prescribed in the Noise Pollution (Regulation and Control) Rules, 2000.

Rule-74 Penal action against defaulting Architects/Engineers/ Groups/ Supervisors

- a. The Authority reserves the right to take action and to debar/blacklist the Town Planner, Architect, Engineer, supervisor or Plumber, if found to have deviated from norms and regulations, professionally indulged in misrepresentation of any material fact or in supervision of the construction against the building bye-Laws

and the sanctioned building plans.

- b. If the sanctioning Authority finds at any time any violation of the building Bye-Laws or misrepresentation of fact, or construction at variance with the sanction or building Bye-Laws, inclusive of the prescribed documents, the authority shall be entitled to revoke the sanction and take appropriate action against such professional who shall not be authorized to submit fresh plans till finalization of the case. Before debaring or blacklisting such a professional found to be indulging in professional misconduct or where she/he has misrepresented any material fact, the Authority shall give him a show cause notice with a personal hearing and pass a speaking order to debar her/him with full justification for the same.

Rule-75 Change or Suspension of Provision of byelaws.

- 1) Should at any time the Authority decide that certain provisions of these rules require change or suspension in certain areas for a comprehensive development of the area, the same can be made by the Authority with prior approval of the Govt.
- 2) Government may on its motion or on the motion of any authority, change or amend any provision of these byelaws.
- 3) Provisions of National Building Code 2005 will apply in case of those provisions which are not specified in these Byelaws.

Rule-76 Fines and Compounding

- a. Notwithstanding the cancellation/revocation of building permit as has been prescribed for deviations or violations in different provisions of these bye-laws, the competent authority shall also levy a penalty of Rs 10,000 for minor deviation(s) and Rs. one Lac for major deviation(s). Penalty levied under these bye-laws shall be recovered as arrears under Land Revenue Act.
- b. Any person who contravenes any of the provision of these bye-laws or interferes or obstructs any person in discharging his legitimate duties which shall include to conduct inspection of the work at various stages and authorized in writing in this behalf by competent shall be liable to pay a penalty of Rs.10,000/-.
- c. Any person who makes any building/structure functional on its completion
- d. without 'Completion Certificate' as provided in bye Rule-8.1, shall be liable to pay a penalty of Rs. Minimum 10,000/- and maximum Rs one lac. The officer who without express permission provides utility service shall also be liable to pay a penalty of Rs 10, 000/- .

Rule-77 Appeal revision

Appeal or revision against any of the orders issued under these byelaws shall lie or be referred to Tribunal created under J&K Tribunal Act 1988.

Rule-78**Compounding of violations:**

- 1) All provisions of Byelaws except items given below shall not be compounded/ regularized and shall have to be rectified by alteration/ demolition at the risk and cost of owner.

a) Compoundable items

- | | | |
|------------------------------|---|-----------------------|
| (1) Coverage | - | Maximum of 15% |
| (2) F. A. R. | - | Maximum of 10% |
| (3) Setback | - | Upto 2" -6" |
| (4) Open space | - | maximum 10% reduction |
| (5) Total height of building | - | 1.5% |

b) Non compoundable items:

- (1) Use of building
- (2) Addition of extra floor
- (3) Parking norms
- (4) Projection/encroachment of public land
- 2) If building or part thereof has been constructed unauthorized i.e. without obtaining the required building permit from the authority as required by Building Byelaws the same shall be compounded at the following rates provided the construction otherwise conforms to the provisions of Building Byelaws & Master Plan and Zoning regulations. For this party shall have to submit the request for permission in the prescribed procedure.

- a) Rates for deviation of the Building Byelaws other than non-compoundable items specified in (1) above shall be compounded at following rates for building constructed upto 2000.

- (i) Rs.15/Sq. feet of area to be compounded for residential, public & semi public and educational buildings.
- (ii) Rs.25/sq. feet of area to be compounded for commercial, apartment industrial building.

N.B

- I. 5% escalation charge/year will be added for buildings constructed after 2002
- ii) The buildings not covered specifically under above categories shall be compoundable as decided by the Authority considering the merit of each case

Note:

The authority may however refuse regularization of construction even with penalties as specified in the above provisions if in the opinion of the authority this may infringe public safety and general environment of adjoining area.