

Whereas, a High Level Committee was constituted by the Government of Jammu and Kashmir and subsequently on its recommendations, the Jammu and Kashmir Civic Laws (Special Provisions) Act, 2014 was enacted so that a comprehensive uniform policy can be formulated to tackle the issue of these violations ; and

Whereas, section 3 of the said Act provides that the State Government shall formulate a policy before 30th September, 2017 to deal with/regulate unauthorized construction of buildings/structures in the arears covered by the Act ; and

Whereas, vide Govt. Order No. 230-HUD of 2014 dated 05-08-2014 the Expert Committees were constituted to scrutinize all Master Plan violations/Buildings Bye-Laws violations and come up with a policy so that these violations, as far as possible, are addressed in the revised Master Plans of these areas ; and

Whereas, the Government after having examined the policy submitted by the Committee approved the same vide Cabinet Decision No. 53/4/2017 dated 28-04-2017.

Now, therefore, in exercise of the powers conferred by section 3 of the Jammu and Kashmir Civic Laws (Special Provisions) Act, 2014, the Government hereby notifies the policy forming Annexure of this notification which shall come into operation from the date of issuance of this notification.

By order of the Government of Jammu and Kashmir.

(Sd.) HIRDESH KUMAR SINGH, IAS,

Commissioner/Secretary to Government,  
Housing and Urban Development Department.

\_\_\_\_\_

on the issues was held and the following major decisions were taken :—

- i. The Chief Town Planner, Jammu/Kashmir, Vice-Chairman, SDA/JDA were asked to examine the existing Master Plans to clearly understand the gaps in the existing Master Plans so that these could be addressed adequately and effectively during the revision process.
- ii. It was felt that the first and foremost step in evolving a comprehensive policy would be to know the extent and types of Master Plans violation. For this several survey teams were constituted to visit specified areas and submit their reports within two months.
- iii. All the concerned Departments/Organizations were directed to carry out videography of all the structures etc. which had come up in violation of Master Plans before the enactment of the Act so that no further violation takes place after the cut-off date.
- iv. All the concerned Departments/Organisations were directed to constitute zones and nominate an officer who shall be incharge of each zone and personally responsible for any violation in the zone in future.
- v. All Departments/Organizations were directed to conduct awareness programme for their officers/officials to make them well versed with the Master Plans and to seek suggestions for revision wherever required.
- vi. The Chief Town Planners were also asked to study the progress made by other states with regard to the revision of Master Plan and remedial measures against the violations.

of the sanctioned permission and use other than permitted by the Competent Authorities.

- iii. In certain cases permission has been deviated and violated by constructing additional built up area in violation of ground coverage or Floor Area Ratio (FAR)/Floor Space Index (FSI) and prescribed setbacks and height.
- iv. Building lines as prescribed in the Master Plans/Colony Layout Plans have also been violated by opening/constructing road side shopping abutting the right of way and at some places encroaching the prescribe Right of Way (RoW).

1.5 The reports of the Survey Teams were discussed in a meeting held in the Office Chamber of Secretary to Government, Housing and Urban Development Department in Srinagar. In pursuance of the decisions taken in the meeting another Govt. Order No. 230-HUD of 2014 dated 05-08-2014 was issued whereby Expert Committees were constituted to scrutinize all Master Plan violations/Building Bye-Laws violations and come up with a policy so that these violations, as far as possible, are addressed in the revised Master Plans of these areas. Further, the committees were asked to keep standards of Town Planning in view while framing the policy for violations. The committees were to furnish their recommendations within a period of 15 days. However, the department received final draft of recommendations of these committees only in the month of February, 2015. In the meanwhile, the department also constituted another committee vide Govt. Order No. 279-HUD of 2014 dated 18 October, 2014 for determining right of way/building lines of all roads within Master Plans of Srinagar/Jammu besides notification of designated roads. The recommendations of these committees shall be considered at the time of revision of the Master Plan.

## **2.2 Applicability of Policy :**

This policy shall be applicable for a period of one year i. e. from 01-04-2017 to 31-03-2018 for the local areas of Srinagar, Jammu and Katra excluding the area coming under J&K Lakes and Waterways Development Authority.

## **2.3 Objectives :**

The basic objectives of the policy are,—

- i. To bring the illegal and unauthorized buildings/constructions and land use or building use conversions into planning framework to the extent possible.
- ii. To facilitate the implementation of the Master Plans under revision.

## **2.4 Cut-off date for Regulation of illegal Unauthorized Constructions and Land Use Conversions/Building Use Change :**

Only those illegal/unauthorized/unapproved buildings which have been constructed and completed before 31-12-2016 shall be considered under this policy.

## **2.5 Types of violations :**

The Expert Committees have categorized the violations mainly into the following types :—

- a. F. A. R./Built up area violation.
- b. Setbacks/Building line violations.
- c. Ground coverage violations.
- d. Landuse violations.
- e. Parking norms violations.

- viii. Group Housing Projects.
- ix. In restricted development zones as specified in the Master Plans like green areas, open spaces etc.

#### **2.5.2 Land Use Violations/Bulk Violations :**

In the case of conversions from actual use to some other use, no approved/illegal/unauthorized building be regularized under following use :—

- i. Heavy/Large/Extensive Industries, Obnoxious and Hazardous Industries, Warehousing, Storage Godowns of Perishables/Inflammable Goods, Workshop of Buses, Slaughter Houses, Wholesale Mandis, Sewerage Treatment Plant/Disposal Works, Water Treatment Plant, Solid Waste Dumping Yards, Outdoor/Indoor Stadiums, Shooting Ranges, Zoological Gardens, Botanical Gardens, Bird Sanctuary, International Conference Centre, Courts, Sports Training Centre, District Battalion Office, Forensic Science Laboratories, Cinema Halls, Hotels, shopping Malls, Auditoriums, Printing Presses, Storage for LPG Gas Cylinders and Transit Visitor Camps.
- ii. If the conversion is from residential to hospital excluding primary health centres and from residential to educational institutions beyond Senior Secondary Schools (10th Standard).
- iii. If bulk violation exceeds 50% in FAR/FSI for any use.
- iv. If the offender does not agree to pay or provide the required parking facility.

shall have to make such structural changes in the building, if required, before approval and also submit mandatory clearances from other departments, if required, before approval. In case he fails to fulfil any of the conditions, the approval shall not be granted and the owner of the building shall be proceeded against as per provisions of the law.

- vi. In case of unauthorized buildings/plots for which the owner does not submit the application to the competent authority within the prescribed period, the appropriate action/proceedings under law shall be initiated after the expiry of the prescribed period, which may include but not limited to, sealing, demolition, levying penalties etc., as warranted under law.

## **2.8 Procedure for compounding an illegal/unauthorized constructions and land use building use conversions :**

### **2.8.1 Submission of application :**

The applicant will apply for compounding of the offences in the format as prescribed by the competent authority, to the competent authority along with the following documents :—

### **2.8.2 List of documents :**

- i. Proof of ownership/title in the name of applicant.
- ii. Location Plan/Key Plan/Site Plan/Building Plans as required under rules for building permission cases.
- iii. Undertaking by way of affidavit duly sworn before 1st Class Magistrate by the applicant stating that the site of the construction does not violate any of the clauses of this policy.

may be, within the stipulated time for regularization of unauthorized construction, following consequences shall follow :—

- i. Such construction or building shall remain as unauthorized and offense shall be treated as continuing against the promoter/developer/plot holder/building owner as the case may be and appropriate action under the law shall be initiated.
- ii. No connection for water supply and allied services like sewerage, drainage, electricity etc. shall be provided or the existing connection to be snapped as the case may be to such building.
- iii. Such unauthorized building shall be reported to the concerned Registration Authority of the Revenue Department and no sale transaction or transfer or disposal of any kind shall be allowed in such unauthorized building.
- iv. Other enforcement action including demolition of the unapproved building shall be initiated.

**3. The violations have been classified in three categories as given below :—**

- A. Building built at permissible sites but built without permission.
- B. Building built at permissible sites with permissions but having violated the permission, but without change of the land use.
- C. Buildings having resorted to the conversion of land uses.

**C. Building having been built violating the building use as per approved Master Plan :**

Up to 25% of change in land use	100% of Commercial circle rate of land in that area per Sft.
---------------------------------	--

**Note :—**

1. However, the violations of each mandatory setback as defined in Bye-Laws should not be more than 50%.
2. Height restrictions should be applicable as per approved Master Plan.
3. Penalties (Regularization fee) have to be paid cumulatively for each category, wherever applicable. However, in no case, violations shall exceed 50% of permissible FAR/FSI/setbacks.
4. Any use other than residential shall be treated as commercial.

**3.3 Parking :**

All the commercial establishments will be charged Parking ECS deficiency fee @ 2.00 lacs per ECS.

**4. Constitution of the Committees for Scrutiny of Applications :**

The Government shall constitute the Empowered Committees. The committees shall be constituted across departments as proposed below :—

- i. One Empowered Committee for SMC.
- ii. One Empowered Committee for SDA.
- iii. One Empowered Committee for JMC.
- iv. One Empowered Committee for JDA.
- v. One Empowered Committee for KDA.

(Sd.) DR. JAVID REHMAN,

Under Secretary to Government,  
Housing and Urban Development  
Department.