

Government of Jammu and Kashmir
Department of Rural Development and Panchayati Raj
Civil Secretariat, Srinagar/ Jammu

NOTIFICATION

Jammu The 7th December, 2015

SRO:- 434 In exercise of the powers conferred by section 80 of the Jammu and Kashmir Panchayati Raj Act 1989 (Act No. IX of 1989) the Government hereby makes the following amendments in the Jammu and Kashmir Panchayati Raj Rules, 1996, namely:-

1. Substitution of Rule 155:- For Rule 155 of the Jammu and Kashmir Panchayati Raj Rules, 1996, the following shall be substituted, namely;

155 construction of the new building; or extension or alteration of any existing building.- (1) No person shall construct or re-construct or commence to construct or reconstruct a house or a building, or business establishment or any commercial or residential complex or extend or alter any existing house or building of complex within a Panchayat area unless he has sought previous approval, and has deposited fee, in accordance with the procedure as may be notified by the Government in this behalf from time to time.

(2) Every person who intends to construct or re-construct a house or building or any commercial or residential complex or alter the existing building of complex shall give a notice in writing to the Halqa Panchayat and in absence of Halqa Panchayat to the Panchayat Secretary of the Halqa Panchayat of such intention.

(3) The application for building purposes shall be accompanied by the site plan, record of ownership rights and construction map and such other documents, as may be notified by the Government in this behalf.



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(4) No notice shall be considered unless the information/site plan and specification of the house or building or complex has been furnished to the satisfaction of the Halqa Panchayat.

(5) On receipt of the notice, under sub – rule (2) the Halqa Panchayat shall consider and examine such documents and after satisfying itself about the genuineness of the documents so furnished by the person, recommend the case within 15 days of the receipt of notice to the authority or authorities designated by the Government for accord of sanction under sub-rule(1).

(6) The designated authority shall take a decision on such application within such period as may be notified by the Government and convey its decision to the Halqa Panchayat concerned in absence of Halqa Panchayat to the Panchayat Secretary of the Halqa Panchayat, as the case may be, either granting the sanction for construction or re-construction or extension or alteration or reject the same for seasons to be recorded in writing.

(7) If the designated authority grants sanction for construction or re-construction or extension or alteration of any house or building or business establishment or complex, the concerned person shall deposit with the Halqa Panchayat the requisite fee as may be determined by the Government from time to time within a period of 15 days. If any person fails to pay the requisite fee within the stipulated period, the order of sanction issued by the designated authority shall stand cancelled.

(8) If the designated authority fails to take a decision with regard to grant of sanction for construction or re-construction or rejection of such application within a period of 15 days of the receipt of recommendation under sub-rule (5), the sanction shall except in so far as it may contravene any bye-law be deemed to have been accorded unless the land on which it is proposed to construct or re-construct, extend or alter such building or complex or business establishment belongs to or vests with Halqa Panchayat or the Government.

2. **Substitution of rule 156:-** For rule 156 of the Jammu and Kashmir Panchayati Raj Rules 1996, the following shall be substituted, namely;

156, penalty.- If a person intends to construct/ re-construct or commences to construct or re-construct any house or building or business establishment or residential complex or commercial complex or extending or altering any existing house or building or business establishment or residential complex or commercial complex without the proper permission of the Halqa Panchayat/Competent Authority, he/she shall be fined by the Panchayat Adalat/Competent authority for an amount not exceeding Rs 5000/- in case of construction or re- construction or extension or alteration of a residential house and not exceeding Rs. 10,000/- in case of construction or extension or alteration of a commercial complex or business establishment and if the breach is a continuing one with a further fine which may extend to Rs. 2000/ after the date of the first conviction during which the offence is proved to have commit/persisted and in case the construction and re-construction, extension or alteration is not removed within 10 days of the date of first conviction the Halqa Panchayat/ competent authority may order demolition of the unauthorized constructed house or building or extension or alteration of an existing house or building at the cost of the offender. Besides, the Block Development Officer concerned shall have the powers to seal the buildings being constructed/re- constructed in violation of Rule 155 so as to curb the menace of un-organized growth in the rural areas and check the rampant conversion of Agricultural land for other construction purpose.

By order of the Government of Jammu and Kashmir.

Sd/-
Secretary to Government,
Department of Rural Development &
Panchayati Raj

No. RD&PR/Panch/45/2015

Dated 07.12.2015

Copy to the:-

1. All Financial Commissioners.
2. Director General of Police, J&K.
3. All Principal Secretaries to the Government.
4. All Commissioner/Secretaries to Government.
5. Divisional Commissioner, Kashmir/Jammu.
6. Secretary, J&K Legislative Council/Assembly.

7. All Heads of Departments.
8. All Deputy Commissioners, with the directions to bring these amendments into the notice of all the officers in the respective Districts.
9. Director, Panchayati Raj, J&K Jammu.
10. Director, Information, J&K.
11. Private Secretary to all the Cabinet Ministers/Ministers of State, for information of the Hon'ble Ministers.
12. Director, Rural Development Jammu/Kashmir.
13. General Manager Government Press, J&K, Jammu for publishing the same in the Government Gazette.
14. OSD to the Hon'ble Minister for Rural Development & Panchayati Raj.
15. Private Secretary to the Secretary to the Government, Deptt. of Rural Development & Panchayati Raj.

Israr Ahmad
(Israr Ahmad) KAS 7/12/15

Under Secretary to Government
Department of Rural Development & PR.

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Israr Ahmad
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