

Jammu and Kashmir Natural Calamities Destroyed Areas Improvement Act, 1955

JAMMU & KASHMIR

India

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Act 38 of 1955

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Jammu and Kashmir Natural Calamities Destroyed Areas Improvement Act, 1955(Act No. 38 of 1955)[Received the assent of the Sadar-i-Riyasat on 24th December, 1954 and published in the Government Gazette dated 3rd of February, 1955.]An Act for improvement of towns, villages or other areas destroyed by natural calamities in the state.Whereas it is expedient to make provision for enabling the Government to make improvements of towns, villages and other areas in the state which may be destroyed wholly or partly by fire, flood, earthquake or other such natural calamity;It is hereby enacted as follows :-

1. Short Title, extent, commencement and application.

(1)This Act may be called as the Jammu and Kashmir Natural Calamities Destroyed Areas Improvement Act,1955.(2)It shall extend to the whole of the state.(3)It shall come into force from the date it is published in the Government Gazette but it shall also apply to such town, villages and other areas which would have been destroyed wholly or partly by fire, flood, earth-quake or other such calamity.

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context,-(a)Words and expressions not defined in this Act have the same meaning as in the Jammu and Kashmir Municipal Act, 1998.(b)'owner' includes the person for the time being receiving or entitled to receive, whether on his own account or as agent, trustee, guardian, manager or received for another person or for any religious or charitable purpose, the rents or profits of the property in connection with which the word is used;(c)'prescribed' means prescribed by rules made under this Act;(d)'prescribed authority' means an officer appointed by the Government as such for purposes of this Act.

3. Improvement Scheme.

(1) If a town, village or other area is destroyed, wholly or partly by fire, flood, earth-quake or other such natural calamity and the Government are of the opinion that it is expedient and for the public advantage to control and provide for the future expansion, development or improvement of any such town, village or other area in the state, the Government may declare their intention to frame a scheme and such declaration shall be notified in the Government Gazette. (2) The Government may, as soon as may be, after the publication of the notification under sub-section (1), frame and sanction a scheme and notify the sanction in the Government Gazette. (3) Such a scheme shall show the method in which the town, village or other area is proposed to be developed or improved. (4) A notification under sub-section (2) shall be conclusive evidence that the scheme has been duly made and sanctioned. (5) The Scheme shall have effect from the date of the publication of such notice.

4. Matters that may be dealt within the Scheme.

- A scheme may provide for all or any of the following matters :- (a) the lying out or relaying out of land either vacant or already built upon as building sites or for any of the purposes mentioned in this section; (b) the construction, diversion, extension, alteration, improvement or closure of streets, roads and communications; (c) the construction, diversion, removal or demolition of buildings, bridges and other structures; (d) the acquisition by purchase, exchange or otherwise of any land or other immovable property within the area included in the scheme whether required immediately or not; (e) the re-distribution of boundaries and the reconstitution of the plots belonging to owners of property comprised in the scheme; (f) the disposal by sale, exchange, lease or otherwise of land acquired or owned by the Government; (g) transport facilities; (h) water supply; (i) lighting; (j) drainage inclusive of sewerage and of surface drainage and sewerage disposal; (k) the allotment or reservation of land for streets, roads, squares, houses, buildings for religious and charitable purposes, open spaces, gardens, recreation grounds, schools, markets, shops, factories, hospitals, dispensaries, Government and municipal buildings and public purposes of all kinds; (l) Construction of houses; (m) The preservation of objects and buildings of archaeological or historic interest or of natural beauty or actually used for religious purposes or regarded by the public with special religious veneration; (n) The imposition of conditions and restrictions in regard to the character, number, architectural features and height of the buildings allowed in specified areas and the purposes to which the specified areas may or may not be appropriated;

5. Permission to be taken for construction etc., after publication of notification under section 3.

- After the publication of a notification under section 3, sub-section (1), no person shall erect or proceed with any building or work on or enter into or carry out a contract in respect of any land within the area included in the scheme unless he has obtained permission from the Government.

6. Obligation on owners to comply with scheme after sanction.

- From the date of the notification of the Government, sanctioning a scheme under sub-section (2) of section 3, all owners of land and buildings in the area affected by the scheme who propose to construct or reconstruct or in any way alter or add to buildings shall conform in every particular with the requirements of such scheme; and no building shall be constructed or reconstructed in any area in which building is expressly forbidden in the scheme or which is reserved in the scheme for any purpose incompatible with the building.

7. Order of demolition of buildings.

(1)Where, on and after the day on which the scheme shall have effect,-(a)the construction, re-construction or alteration of, or addition to, any building has been commenced or is being carried on or has been completed in contravention of the scheme; or(b)the erection of any building or work has been commenced or carried on without the permission referred to in section 5 or in contravention of any condition subject to which such permission has been granted;(2)Any person aggrieved by an order under sub-section(1) may appeal to the Minister-in-Charge Rehabilitation Department against that order within thirty days from the date thereof; and such Minister may, after hearing the parties to the appeal, either allow or dismiss the appeal or may reverse or vary part of the order.

8. Penalties.

- Any person who constructs, re-constructs, alters or makes any addition to, any building in contravention of the scheme, or, erects or proceeds with any building or work without the permission referred to in section 5, shall be punishable with fine which may extend to one thousand rupees.

9. Modification of Land Acquisition Act.

- Immovable Property required for the purpose of the scheme shall be deemed to be land needed for a public purpose within the meaning of the Land Acquisition Act and may be acquired-(a)under the said Act; or(b)under the said Act as modified in the manner herein after provided in section 10 and 11.