

The State Buildings Act, 1976

JAMMU & KASHMIR

India

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Rule THE-STATE-BUILDINGS-ACT-1976 of 1976

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The State Buildings Act, 1976Published vide Notification No. 19, dated 6th March, 1920[Sanctioned by His Highness the Maharaja Sahib Bahadur vide Chief Minister's Letter No. 16679, dated 31st January, 1920 and published in Government Gazette dated 10th Chet, 1976.]An Act to provide for the exemption from the operation of Municipal Building Laws of certain buildings and lands which are the property, or in the occupation, of the State, and situate within the limits of a Municipality.Whereas it is expedient to provide for the exemption from the operation of Municipal Building Laws of certain buildings and lands which are the property, or in the occupation, of the State, and situate within the limits of a Municipality; it is hereby enacted as follows :-

1. Short title, extent and commencement.

(1)This Act may be called the State Buildings Act, 1976.(2)It extends to the whole of Jammu and Kashmir State.(3)It shall come into force at once.

2. "Municipal authority" defined.

- In this Act the expression "Municipal Authority" includes a Municipal Committee or a body of Municipal Commissioners constituted by, or under the provisions of, any law or enactment for the time being in force.

3. Exemption of certain State buildings from Municipal Laws to regulate the erection etc. of buildings within Municipalities.

- Nothing contained in any law or enactment for the time being in force to regulate the erection, re-erection, construction, alteration or maintenance of buildings within the limits of any Municipality, shall apply to any building used or required for the public service or for any public purpose, which is the property, or in the occupation, of the State, or which is to be erected on land which is the property, or in the occupation, of the State :Provided that, where the erection,

re-erection, construction, or material structural alteration, of any such building as aforesaid (not being a building connected with State defence, or building, the plan or construction of which ought, in the opinion of the Public Works Minister, to be treated as confidential or secret), is contemplated, reasonable notice of the proposed work shall be given to the Municipal Authority before it is commenced :Provided further that clause 4 of the rules relating to construction of buildings in the restricted area of Srinagar sanctioned by His Highness (vide No. 4/C. O., dated the 17th January, 1915) shall also mutatis mutandis apply to any such building as aforesaid.[Explanation. - The reference required to be made to the Resident in Kashmir under the rules mentioned in the last foregoing proviso shall be made by Public Works Minister.] [Reference to the Resident was discontinued by orders of His Highness passed in July, 1927]

4. Objections or suggestions as to erection, etc. of certain State buildings within Municipalities how to be made and dealt with.

(1)In the case of any such building as is mentioned in the last preceding section (not being a building connected with State defence, or a building the plan or construction of which ought, in the opinion of the Public Works Minister to be treated as confidential or secret), the Municipal authority, or any person authorised by it in this behalf, may, with the permission of the Public Works Minister, inspect the land and building and all plans connected with its erection, re-erection, construction or material structural alteration, as the case may be, and may submit to the Public Works Minister a statement in writing of any objections or suggestions which such Municipal authority may deem fit to make with reference to such erection, re-erection, construction, or material structural alteration.(2)Every objection or suggestion submitted as aforesaid shall be considered by the Public Works Minister, who shall, after such investigation (if any) as he shall think advisable, pass orders thereon, and the building referred to therein shall be erected, re-erected, constructed, or altered, as the case may be, in accordance with such orders :Provided that, if the Public Works Minister over-rules or disregards any such objection or suggestion as aforesaid, he shall give his reasons for so doing in writing.(3)Every order passed by the Public Works Minister under this section will be subject to revision by [the Government] [Substituted by Act VII of 2001 for 'His Highness'.] and the decision of the [the Government] [Substituted by Act VII of 2001 for 'His Highness'.] thereon shall be final.