

BADAMIBAGH CANTONMENT BOARD
MINUTES OF SPECIAL BOARD MEETING HELD ON 17.01.2018

ATTENDANCE

Members Present:-

1- Brig Arun Nair, SM, President	-	Ex-Officio
2- Shri Ab Sami Wani, Vice President	-	Elected Member-Ward No. 3
3- Shri Kapil Goyal, Chief Executive Officer	-	Member-Secretary
4- Brig Rajat Prakash, SEMO, Comdt. 92 BH	-	Ex-Officio
5- Col. Biju Jacob, Col Q	-	Nominated Military Member
6- Lt. Col Varun Tandon, GE, 864	-	Ex-Officio
7- Shri Parvaiz Ahmad Dar	-	Elected Member-Ward No. 1
8- Shri Mohammad Ashraf Lone	-	Elected Member-Ward No. 2
9- Ms. Saima Shah	-	Elected Member-Ward No. 4
10- Shri Raies Ahmad Malik	-	Elected Member-Ward No. 5
11- Smt. Manjeet Kour	-	Elected Member-Ward No. 6
12- Shri Bilal Ahmad Wani	-	Elected Member-Ward No. 7

Members Absent:-

1- Shri Syed Abid Rashid Shah, DC Srinagar	-	Ex-Officio
2- Col. Pankaj Tuknait, SM, Adm Comdt	-	Nominated Military Member

The meeting started in the Board Office with the PCB welcoming all the members present. Brig Rajat Prakash, SEMO, Comdt. 92 BH, Col. Biju Jacob, Col Q and Lt. Col Varun Tandon, GE, 864 took oath under section 17 of the Cantonments Act, 2006 having become/been nominated as the member of the Board. The PCB and other members of the Board welcomed the new members.

With the permission of the President, following agenda was introduced and decided upon.

Agenda No. 1: BUILDING BYE- LAWS

Refer CBR No. 17 dated 20.11.2017 and CBR No. 12 dated 08.01.2018

The Building bye-laws for Badamibagh Cantonment were re-drafted as resolved by the Board vide its CBR No. 17 dated 20.11.2017 keeping in view the Model Building Bye-laws forwarded by the DGDE, Building Regulations and Bye-laws (Kashmir Division), 2010 and Building Bye-laws, 2011 of Srinagar Municipal Corporation.

The draft bye-laws were placed before the Board in its meeting held on 08.01.2018. During discussion on the matter, the President asked all the elected members to come prepared in the next special meeting to be convened on 17.01.2018 for approving the bye-laws. Shri Raies Ahmad Malik, Member, Shri Bilal Ahmad Wani, Member and Ms Saima Shah, Member were given the task of studying the existing building bye-laws, building regulations of Kashmir division and building bye-

laws of SMC respectively before the scheduled meeting. The related documents have already been forwarded to the concerned members.

The Board may approve the buildings bye-laws placed before it so as to forward them to competent authority for publishing in the Gazette. The connected documents are placed on the table.

Resolution No. 1:

Shri Bilal Ahmad Wani, Member, Ward-7 made a small presentation to the Board and raised following questions:

- (a) Why were no consultations made with the public while drafting the building bye-laws?
- (b) What is the need of bringing new Building bye-laws when the existing ones can be slightly amended to serve the purpose?
- (c) In Badamibagh Cantonment, civilian population lives in 313 acres of area out of a total of 1458 acres whereas in Delhi Cantonment, civilian population lives in 10,000 acres of area. Further, the Delhi Cantonment is also expanding. Framing of new building bye-laws are relevant to Cantonments like Delhi. What is the need of framing of building bye-laws for only 313 acres of area of Badamibagh Cantonment which has no margin for further expansion?
- (d) Under existing bye-laws which demands less paper work and documents from the applicants, the Board takes a lot of time to grant building permission. The Board will take even more time to grant building permission under newly drafted building bye-laws which demands more documents.
- (e) One of the documents that will be demanded by the Board under newly drafted bye-laws is tax clearance certificate from the applicants. This was opposed by the Member.

The PCB asked the CEO to reply to the questions raised by the member. The CEO replied as under:

- (a) The draft bye-laws have been sent to all the members of the Board, including the elected members of the Board who are representatives of the public, for their perusal so that a fruitful discussion on each and every aspect of draft bye-laws can be done in the Board meeting. Further, the draft bye-laws approved by the Board shall not become final. The Central Government shall invite objections from the public which will be considered by the Government before publishing the bye-laws in the Gazette.
- (b) The existing building bye-laws have outlived their utility and do not cover all aspects of the building construction required in the present times. The existing building bye-laws are deficient in many important aspects like maximum FAR, ground coverage, specifications as per usage of the buildings, water harvesting, fire-fighting measures, earthquake resistant buildings, retrofitting of buildings, facilities for differently-abled persons, etc. These deficiencies have been adequately addressed in the newly draft building bye-laws. The building bye-laws are made to ensure that all the buildings constructed in the Cantonment are safe for the occupants along with having adequate measures for providing hygienic environment.
- (c) The information presented by the Member about the Delhi Cantonment does not resemble the true picture. Delhi Cantonment does not have civilian population residing on 10,000 acres of land. Civilian population is residing in pockets in Delhi Cantonment for which the figures are not readily available with the Badamibagh Cantonment Board. Further, expansion of

boundaries of any Cantonment in the country is a remote proposition and cannot be made basis of any comparison between two Cantonments. Further, framing of new building bye-laws for a municipal body should not be made contingent on the area of land available. Rather, it should be viewed as a progressive step in providing a better and safe living environment to the residents residing within its municipal limits.

- (d) The Board is bound by the time limits prescribed in the Cantonments Act, 2006 itself while granting building permissions. Most of the delays occurring in granting permission are due to non-submission of required essential documents and clarifications by the applicants in absence of which the applications cannot be considered as valid notice. Additional documents like certificate from structural engineer should be seen as an impediment. Rather, it should be viewed in its right earnest to ensure that any building constructed in the Cantonment complies with all safety parameters.
- (e) The property tax is imposed by the Board under the authority of law and it is the responsibility of all the residents to clear their tax liabilities.

The CEO proposed that since a special meeting has been called only for approving the draft building bye-laws, a detailed discussion on each and every provision which is contended by any of the members can take place. Shri Bilal Ahmad Wani, Member told that he did not want any new building bye-laws. Rather, one or two amendments to the existing building bye-laws can be made. When the PCB asked the Member about the amendments, Shri Wani told that he has not come prepared with the amendments.

The PCB asked the CEO to apprise the Board the additions made in the proposed bye-laws. The CEO told that to begin with, various terms used in the bye-laws have been defined in Part-I of the bye-laws. Part-I also covers the procedural aspects of granting or refusing permission for construction of a new building. Part-II covers the specifications for general constituents of a building like setbacks, ground coverage area, permissible FAR, building height, etc. in greater details. Part-III of the bye-laws cover requirements to be met in case of specific building types like educational buildings, community buildings, health facilities, commercial centres, hotels/guest houses etc. Part-IV has been dedicated for incorporating structural safety measures, environment conservation measures etc. These aspects have been added in great details in the proposed building bye-laws which were not present in the existing bye-laws.

Shri Bilal Ahmad Wani, Member raised an issue of building height for religious buildings proposed vide bye-law No. 3.3.3. The CEO clarified that as per definition of the building height given at bye-law 1.2.16, architectural features serving no other function except that of decoration shall be excluded for the purpose of taking heights. The rest of the structure shall be counted towards building height. A similar provision is included in the Srinagar Municipal Corporation (Building) Bye-Laws, 2011. Shri Wani further asked the reason for limiting the building height of religious buildings to 15m. With the permission of the PCB, Shri Tariq Ahmad Khandey, Junior Engineer apprised the Board that the limit has been prescribed in view of the safety of the people gathering at the religious places. Shri Wani objected to the Engineer apprising the Board saying that Shri Khandey should not have said that.

The PCB proposed the following amendments in the proposed building bye-laws-

- (a) No construction should be allowed within 500 yards from 2 FOD wall as per SRO 96 dated 02.07.2004

- (b) No construction, plantation or placing of material that obstructs view be permitted up to 50 metre of the parameter walls of Badamibagh Cantt in areas other than 2 FOD. From 50 to 100 metre, only building constructions of up to five meters (one story) should be permitted in accordance with MOD Policy letter No. F.11026/2/2011/D(Lands) dated 21.10.2016 after obtaining NOC from Station Commander, Badamibagh Cantonment.
- (c) FAR should not exceed to that laid down by Srinagar Municipal Corporation for area under their jurisdiction and in all cases FAR should be restricted to 1.
- (d) For constructions not falling within the ambit of (a) and (b) above, maximum no. of storeys be limited to two (maximum height of 8 metres) up to a distance of 500 metres from the wall of army establishment and three storeys (maximum height 12 metres) beyond that. These storeys are inclusive of ground floor.
- (e) The top floor of buildings other than ground floor should have no windows/doors/openings towards military zone.
- (f) A setback of minimum 1 metre should be left around all buildings for future municipal use.
- (g) All Roads/Streets should be of minimum width 3.5 metres so as allow movement of fire-tenders.

These amendments were not agreed to by the elected members. After Shri Wani opposed the draft bye-laws in toto which was seconded by the elected members, the CEO again appealed to the Board that instead of rejecting the complete bye-laws, the drafted bye-laws can be discussed, amended and voted upon clause by clause. This was rejected by the elected members and the whole building bye-laws were put to vote.

Votes in favour of approving the proposed bye-laws with amendments-

- 1- Brig Arun Nair, SM, President
- 2- Brig Rajat Prakash, SEMO, Comdt. 92 BH
- 3- Col. Biju Jacob, Col Q
- 4- Lt. Col Varun Tandon, GE, 864
- 5- Shri Kapil Goyal, Member-Secretary

Votes in opposition of approving the proposed bye-laws-

- 1- Shri Ab Sami Wani, Vice President, Elected Member-Ward No. 3
- 2- Shri Parvaiz Ahmad Dar, Elected Member-Ward No. 1
- 3- Shri Mohammad Ashraf Lone, Elected Member-Ward No. 2
- 4- Ms. Saima Shah, Elected Member-Ward No. 4
- 5- Shri Raies Ahmad Malik, Elected Member-Ward No. 5
- 6- Shri Bilal Ahmad Wani, Elected Member-Ward No. 7

Vote not cast-

- 1- Smt. Manjeet Kour, Elected Member-Ward No. 6

Since 6 votes were cast in opposition of approving the building bye-laws as compared to 5 votes in favour, the proposal for approving the proposed building bye-laws stand defeated.

The PCB dissented from the decision of the Board for the reasons that the existing building bye-laws pose a security threat to the army establishment present in the Cantonment. The building bye-laws for Badamibagh Cantonment should have following provisions-

- (a) No construction should be allowed within 500 yards from 2 FOD wall as per SRO 96 dated 02.07.2004
- (b) No construction, plantation or placing of material that obstructs view be permitted up to 50 metre of the parameter walls of Badamibagh Cantt in areas other than 2 FOD. From 50 to 100 metre, only building constructions of up to five meters (one story) should be permitted in accordance with MOD Policy letter No. F.11026/2/2011/D(Lands) dated 21.10.2016 after obtaining NOC from Station Commander, Badamibagh Cantonment.
- (c) FAR should not exceed to that laid down by Srinagar Municipal Corporation for area under their jurisdiction and in all cases FAR should be restricted to 1.
- (d) For constructions not falling within the ambit of (a) and (b) above, maximum no. of storeys be limited to two (maximum height of 8 metres) up to a distance of 500 metres from the wall of army establishment and three storeys (maximum height 12 metres) beyond that. These storeys are inclusive of ground floor.
- (e) The top floor of buildings other than ground floor should have no windows/doors/openings towards military zone.

The meeting ended with all the members thanking the President Cantonment Board.

Sd/-
Chief Executive Officer
Badamibagh Cantonment Board

Sd/-
President
Badamibagh Cantonment Board