

## **GUJARAT NEW CAPITAL (PERIPHERY) CONTROL RULES, 1967**

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## **GUJARAT NEW CAPITAL (PERIPHERY) CONTROL RULES, 1967**

In exercise of the powers conferred by section 16 of the Gujarat New Capital (Periphery) Control Act, 1960 (Gujarat X of 1960) and in supersession of the Gujarat New Capital (Periphery) Control (Publication of Notification) Rules, 1965, the Government of Gujarat hereby makes the following rules, namely:-

### **1. Short title :-**

These rules may be called the Gujarat New Capital (Periphery) Control rules, 1967.

### **2. Definitions :-**

In these rules, unless the context otherwise requires :-

- (a) 'the Act' means the Gujarat New Capital (Periphery) Control Act, 1960;
- (b) 'arbitrator' means a person appointed by Government in this behalf under sub-sec. (1) of sec. 9;
- (c) 'controlled area' means the area of the district declared as such under sub-sec. (1) of s. 3;
- (d) 'form' means a form appended to these rules;

(e) 'licence' means a licence granted under Rule 7;

(f) 'licenced premises' means the premises in respect of which a licence is given under Rule 7;

(g) 'licence' means a person who has been granted a licence under Rule 7.

**3. Manner of publication of copies of notification or its substance under sec.3 (2) :-**

A copy of the notification issued u/sub-sec. (1) of sec. 3 of the Act or of the substance thereof shall be published by the Collector:

(a) at his office, by displaying it conspicuously, in English as well as in Gujarati on the notice board of the office;

(b) in the area desired to be controlled by displaying it conspicuously in English as well as in Gujarati on the notice- board of the office of the Mamlatdar of Mahalkari of the said area and also by affixing one copy each in a like manner on the chora or chavadi or the office of the Gram Panchayat of each of the villages in the said area.

**4. Form and contents of plans under sec. 4 :-**

The plans shall show the exact boundary of the controlled area, all the revenue villages with their boundaries in the controlled area, all existing and proposed public roads indicating right of ways and shall be to a scale of 1 CM=640 M, the controlled area under <sup>1</sup> [The plans shall be subject to the following restrictions, namely:

(1) Residential Zone :

(a) No building shall be constructed at a distance of less than 5.0 Mts. from the boundary of any existing or proposed public road.

(b) The maximum permissible built-up area shall be 40 percent of a building unit-individual plot and maximum height of any structure shall be ground floor and two upper floors provided that Floor space Index does not exceed one. There shall be clear minimum distance of 4.5 Mts. between two detached structures.

(c) In residential building unit minimum common open plot of 10% of the building unit shall be provided with a minimum size of 12 mts. Such common open plot shall be exclusive of roads, margins and approaches and shall not be counted for computing Floor Space Index and building area.

(d) The development of land shall be permitted as per the plan showing the area declared to be controlled area for the purposes of the Act indicating therein the nature of the restrictions applicable to the controlled area under section 4 of the Act:

Provided that the restrictions shall not apply to such land in the Residential Zone as is acquired by the State Government.

(2) Villages (falling in the agricultural zone only).

(a) No building shall be constructed at a distance of less than 5.0 mts. from the boundary of any existing or proposed public road.

(b) The maximum permissible built-up area shall be 40 percent of a building unit-individual plot.

(c) The maximum height of any structure shall be ground and two upper floors provided that the FSI does not exceed one.

(d) The development of land shall be permitted as per the plan showing the area declared to be controlled area for the purposes of this Act indicating therein the nature of the restrictions applicable to the controlled area under section 4 of the Act.

(3) Agricultural Zone :]

(a) not more than one building shall be allowed on one survey number or sub-division thereof,

(b) the total area covered by the building shall not exceed two percent of the area of the survey number or sub-division thereof or 300 sq. meter whichever is less.

(c) only one access shall be permitted from one survey number or sub-division thereof to a road and no gate shall be more than 5 meters wide. The proposed access road shall be so constructed as not to obstruct the free flow of rain water on the road sides,

(d) the building shall not be constructed within the controlled line as fixed by the Government from time of any existing or proposed public road or, within a distance of 30 meters from the boundary of any existing or proposed public road, whichever is more,

(e) no building shall have more than two storeys,

(f) the building shall be at a minimum distance of 8 meters from the boundaries of the survey number or sub-division thereof on which it is constructed except on the road side where the minimum

distance shall be 30 meters from the boundary of the road or the "controlled line" as fixed by the Government from time to time, of the road whichever is more,

(g) no land within 800 meters from the boundary of any public road, or the controlled line as fixed by the Government from time to time whichever is more, joining the capital site shall be used for the purpose of charcoal kiln, pottery-kiln, lime kiln, brick, field or brickkiln, "Exceptions.- The above restriction shall not apply to those survey numbers of a village which are allowed by Government to be used for construction of residential buildings for the inhabitants of the village or construction of building for public purpose."

1. Substituted by Notfh. dated 13-10-1988.

#### **5. Form of application under sec. 6 (1) :-**

The application under sec. 6 shall be in form A and shall be accompanied by:-

(a) a site plan drawn to the scale of 1 C.M.= 40 M. showing:-

(i) the area of the land and measurements of all boundaries,

(ii) revenue numbers of adjoining lands, and

(iii) width of any public road, cart roads, or access road abutting the boundary of the land;

(b) line plan of the proposed structure drawn to scale of 1 CM=1M giving outer measurements and specifying the materials to be used for walls and for the roofs.

#### **6. Form of register under sec. 6 (7) :-**

The register to be maintained under sub-sec. (7) of sec. 6 shall be in Form B.

#### **7. Grant of Licence :-**

On receipt of an application for licence under sec. 11, the Collector may make inquiries for verification of the details stated in the application, and also such other inquiries as he deems necessary. If he is satisfied that there is no objection to granting the licence applied for he may grant the applicant a licence in Form C <sup>1</sup> [on payment of a fee of one hundred rupees].

1. Substituted by Notfn. dated 13-10-1988.

#### **8. Fee for renewal of licence :-**

**<sup>1</sup>** The fee for renewal of a licence granted under Rule 7 shall be one hundred rupees.]

1. Subs, by Notfn. dated 13-10-1988.

**9. Duration of licence :-**

No licence shall be granted under Rule 7 for a period exceeding one year and in no case shall such period extend beyond the 31st March of the year following the date of commencement of the licence.

**10. Conditions of licence :-**

(1) The licence shall carry on his business under the licence either personally or by an agent or servant duly authorised by him in this behalf.

(2) No person shall be recognised as the partner of the licensee for the purpose of the licence, unless the partnership has been declared to the Collector before the licence is granted, and the names of the partners have been entered jointly in the licence or if the partnership is entered into after the granting of the licence, unless the Collector agrees on application made to him to after the licence and add the name of the partner in the licence.

(3) The license shall comply with all lawful orders and directions issued from time to time by the Collector.

(4) The licensee shall abide by the provisions of the Act and these rules and by the conditions of the licence and shall give an undertaking to that effect.