



Government of Bihar

Urban Development and Housing Department

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File no.: -11न०वि० विविध-16/2017 - 858 -

Date: - 20.09.2017

With an aim to enhance the 'Ease of Doing Business' in the State of Bihar and to ensure compliance of recommendations under the **Business Reforms Action Plan 2017** of Government of India, keeping in view the provisions of the **Bihar Municipal Act 2007**, the **Bihar Urban Planning and Development Act 2012** and corresponding Rules 2014 and the **Bihar Building Byelaws - 2014**, the Urban Development and Housing Department, Government of Bihar decided to initiate several reforms, which are being notified herewith so that steps may be taken for effective implementation of the same. These interventions include reforms in the domains of single window system, inspection enabling mechanisms, construction permit enablers such as risk based classification of buildings for fast tracking building plan approvals, establishment of dedicated conflict resolution mechanism for land and construction permits and mandating that a single joint site inspection will be carried out by all concerned authorities. For the purpose of the aforesaid considerations, the Urban Development and Housing Department, Government of Bihar notifies the following:

1. Construction-permit enabler interventions:

(i) Risk based classification of buildings for fast tracking building plan approvals:

For fast-tracking building permission procedures, buildings are hereby classified on the basis of risk parameters/ risk based classification. This classification shall be used for fast tracking the sanction of building plans, which shall facilitate regulated and faster construction permits.

Not all buildings pose equal health or safety burdens-- some buildings may be lower or higher risk in nature, depending on the proposed usage, the proposed occupancy, the height and a variety of other factors. A risk-based building classification enables the introduction of a fast-track mechanism i.e. Trust & Verify (T&V) for low-risk buildings, thereby freeing up time of ULB officials to spend more time thoroughly reviewing and ensuring structural and public safety of moderate or higher risk buildings.

The following risk matrix for residential buildings may be referred:

Risk Matrix for different Residential Buildings: *

Risk Parameter	Low	Moderate	High
Height of the building	Up to 10 m (G+2)	Above 10 m and below 15 m	Above 15 m
Area of the plot	Up to 300 sq.m.	300-500 sq.m.	Above 500 sq.m.
Use of the premise	Residential	Residential	Group Housing
Means of access	The means of access should conform to the provisions of Byelaw 33 and Table 6 of the Bihar Building Byelaws 2014		

**Note: For the risk matrix given above, if a building can be construed as belonging to more than one risk based classification, it will be considered under the higher risk based classification.*

For all buildings that satisfy the low risk classification criteria, a procedure of Trust and Verify will apply. Under this procedure, the owner should submit all the requisite plans, documents, fees and charges etc and shall conform to all conditions as defined in **byelaw 8 (6) of the Bihar Building Byelaws 2014** and the owner can commence construction as per these plans without waiting for any approval from the Authority. This procedure is based on the principle of trust therefore, the owner as well as the architect/licensed engineer are fully responsible for adhering to the provisions of the byelaws in both the building plan as well as in the actual construction. This procedure does not absolve the Urban Local Authority of the responsibility of inspection and the Authority will have to get the inspection done within 15 days of the date of submission of the plans. In case it is found that the permission has been secured through misrepresentation or fraud, the permission may be suspended or revoked by the Authority under **Section 363 (3) of the Bihar Municipal Act 2007** and/or cancelled under **byelaw 14 of the Bihar Building Byelaws 2014**.

(ii) Establishment of a dedicated conflict resolution mechanism for land and construction permits:

With regard to land use and building code administrative decisions, the absence of independent professional appeal mechanisms can act as another disincentive for builders to seek solutions consistent with legal and technical requirements. Appeal mechanisms can be in place through the formal judicial system, it would be appropriate to have separate mechanisms within the government for dealing with compliance issues. These mechanisms can help reduce the burden on courts and the legal system to address appeals dealing with disputes between building professionals and permitting authorities on matters related to the interpretation of the building code or "sufficiency of code compliance", in relation to construction projects. Such dedicated conflict resolution mechanism is established at ULBs/ Planning Authorities.

Disputes related to sanction of development or building plan and occupancy certificates*:

Name of Authority	Nature of dispute	Level of dispute	Dispute resolution mechanism
Municipal Corporations	Disputes related to land use classification, risk based classification, interpretation of byelaws, inspection reports and site conditions.	Any level below the level of Municipal Commissioner.	Municipal Commissioner
		Level of Municipal Commissioner	Municipal Building Tribunal
Nagar Parishads/ Nagar Panchayats		Any level below the level of Executive Officer.	Executive Officer
		Level of Executive Officer.	Municipal Building Tribunal
Patna Metropolitan Area Authority/ Planning Authorities		Any level below the level of Chief Executive Officer.	Chief Executive Officer
		Level of Chief Executive Officer.	Tribunal

**The Municipal Commissioner/ Executive Officer/ Chief Executive Officer should take a decision on the grievance/ dispute within 7 days from the date of receipt of the grievance/dispute.*

Disputes related to orders of demolition and stoppage of buildings or works in certain cases:

Name of Authority	Nature of dispute	Level of dispute	Dispute resolution mechanism
Municipal Corporations	Orders passed under Section 323 of the Bihar Municipal Act 2007 for demolition or stoppage of erection or works.	Municipal Commissioner	Municipal Building Tribunal
Nagar Parishads/ Nagar Panchayats		Executive Officer (EO).	Municipal Building Tribunal
Patna Metropolitan Area Authority/ Planning Authorities	Orders passed under Sections 42 and 43 of the Bihar Urban Planning and Development Act 2012 for removal or stoppage of unauthorized development or order passed under Section 44 of the Act for discontinuation of use of land and removal or alteration of building.	Chief Executive Officer (CEO).	Tribunal

Secondly, the following dispute resolution mechanism is notified to deal with appeals from building practitioners concerning registration:

Disputes related to registration of building practitioners

Name of Authority	Nature of dispute	Level of dispute	Dispute resolution mechanism
Municipal Corporations	Disputes related to disqualification/ black-listing and legal action against building practitioners (Byelaw 6(6) and 6(7)).	Municipal Commissioner	Municipal Building Tribunal
Nagar Parishads/ Nagar Panchayats		Executive Officer.	Municipal Building Tribunal
Patna Metropolitan Area Authority/ Planning Authorities		Chief Executive Officer.	Tribunal

2. Inspection enabler interventions*:

For many buildings, a number of government agencies such as Fire, AAI, SEIAA etc. are involved in providing NoCs and clearing the construction at various stages of the construction process. Some of these agencies also conduct inspection at various stages of construction. The multiple visits of such inspecting agencies leads to wastage of time and unnecessary harassment of the owners/builders. Integrating the multiple inspections into a single joint inspection can help integrate the various inspection requirements into a single comprehensive checklist, which allows for a single clearance for compliant buildings, or for the development of a comprehensive corrective. Thus, in this regard, the Government notifies the following:

- (i) A computerized system for identifying buildings/area that need to be inspected based on risk assessment shall be designed and implemented.
- (ii) A computerized system of allocation of inspectors shall be designed and implemented which shall be linked to the online application & approval system.
- (iii) A single joint inspection shall be carried out by all the concerned authorities such as Bihar Fire Services, AAI, SEIAA, Bihar etc. (as per their prescribed norms) which will be intimated and managed by the concerned ULB on a fixed date. In case of absence of representation from a department, the same would be reported to the higher authority of the concerned department/ authority.
- (iv) An inspection procedure and checklist of documents has been published on the website of the Urban Development and Housing Department. This shall be updated as and when required.
- (v) Provision is available for e-intimation to respective authorities of completion of construction of all levels for which inspection is required as per the Building Byelaws 2014. It may be updated if required.
- (vi) A mobile application shall be developed for inspection and a checklist of documents to be made for offline inspection process. The inspection report should be submitted (signed & uploaded) online within 24 hours (and in no case beyond 48 hours) of the inspection by the inspectors to the Authority (on the designated portal).
- (vii) Provision has been made for making the certificate of inspection electronically available to the applicant/owner. This should be strictly followed.
- (viii) The inspection reports of past two years should be made available for view and download by the concerned officials of the Authority as well as the applicant/ owner.

**The above system shall be made applicable for all inspections required for sanctioning of building plans. during construction: periodic inspections. as well as for occupancy certificates.*

3. Online Single window system:

A Single Window Interface will be developed with the E-municipality-Building Plan approval suite wherein all the agencies/ departments concerned with the building plan approval shall coordinate and cooperate. This system shall have the following attributes:

- (i) This system will facilitate single interface for online application submission, interface for payments to different agencies, tracking of status, downloading the approved NOCs from various departments, issue of digitally signed approved building plans within 15 days from the date of application along with online common completion request form and occupancy certificate application with online payment, issue of digitally signed occupancy certificate to applicants online, etc.
- (ii) All affidavits & undertakings required to be submitted for obtaining the building plan approval shall be combined into one affidavit/undertaking and the single window interface shall have the provision to upload the same. There shall be provision for easy viewership and verification of approval certificates of at least past two years in the public domain.
- (iii) Information about the procedure and a comprehensive list of documents including pre-construction and post-construction, No Objection Certificates (NOCs), registrations and other mandatory approvals (prior to plinth and pre - occupancy) shall be published on the E-municipality web-portal.

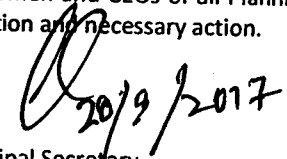
By order of the Governor of Bihar


(Chaitanya Prasad)
Principal Secretary

Urban Development & Housing Department

Memo No-11न०वि० विविध-16/2017 ... 858/UD&HD, Patna, dated-..... 20 09.2017

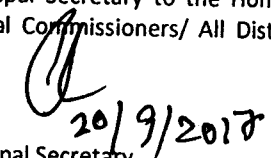
Copy to- Municipal Commissioners of all Municipal Corporations / Chairmen and CEOs of all Planning Authorities/ Executive Officers of all Nagar Parishads/ Nagar Panchayats for information and necessary action.


Principal Secretary

Urban Development & Housing Department

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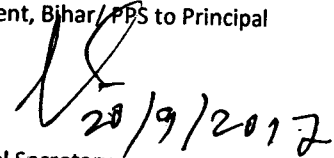
Copy to- The Chief Secretary/ the Development Commissioner/ Principal Secretary to the Hon'ble Chief Minister/ Principal Secretaries/ Secretaries of all Departments/ All Divisional Commissioners/ All District Magistrate of Bihar for information and necessary action.


Principal Secretary

Urban Development & Housing Department

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Copy to- PS to Hon'ble Minister, Urban Development & Housing Department, Bihar/ PS to Principal Secretary, Urban Development & Housing Department, Bihar for information.


Principal Secretary

Urban Development & Housing Department