

Compliance Report on Business Reform Action Plan 2016: Bihar

Recommendation No.-75- Establish a dedicated conflict resolution mechanism for land and construction permits.

(Ref: <http://urban.bih.nic.in>)

http://urban.bih.nic.in/ Urban Development Depart... X

नगर विकास एवं आवास विभाग

URBAN DEVELOPMENT AND HOUSING DEPT., GOVT. OF BIHAR

Vikas Bhawan, Bailey Road, Patna - 800 001. Progress of MMNVY | Search Contacts | ORSWM | News Clips | Tenders | Useful Links ::

Site Index

- Home
- Acts & Rules**
- Circulars/Sankalp
- Notifications
- Allotments
- Office Orders
- Transfers
- Proceedings
- Admin Approvals
- Tender Status
- TA/TS Status
- Monthly Review Note NEW
- Urban Plan Docs
- Best Practices
- Notice Board
- Scheme Guidelines
- Citizen Charter
- Asset Declaration

Total Visits: 983953

www.india.gov.in

Maheshwar Hazari
Hon'ble Minister

पटना कारपोरेशन
अपना पटना

Patna Master Plan 2031

नगर सेवा

नागरिक अधिकार-पत्र, बिहार

SECC 2011 ULB LIST

Online Application for Appointment on Contract Basis under BGCMS

RECRUITMENT NOTICE

Online Recruitment of Professionals for City & State Level Mission Management Units for AMRUT

Recruitment of Professionals for City Level Technical Cell for Housing for All in Bihar NEW

Key Contacts

- Sri Maheshwar Hazari, Hon'ble Minister.**
Tel: (0612)- 2235420 (office). Mobile: 94731-93337. E-Mail: minister.udhd@gmail.com
- Mr. Amrit Lal Meena, IAS, Principal Secretary.**
Tel: 2215580. Fax: 2217059. Mobile: 94731-91439.
E-Mail: urbanssec-bih@nic.in
- Mr. Narendra Kumar Singh, IAS, Joint Secretary, UD&HD. Mobile: 94704-88548.
- Mr. Bharat Jha, IAS, Joint Secretary-cum-Director, DMA UD&HD. Mobile: 94314-49738.
- Mr. Jai Prakash Mandal, BAS, Special Secretary, UD&HD. Mobile: 94704-88496.
- Mr. Vijay Ranjan, BAS, Deputy Secretary, UD&HD.
Tel: 2215514. Mobile: 94316-42996.
- Mr. Ajay Kumar Pandey, BAS, Deputy Secretary, UD&HD.
Mobile: 94704-88547. E-Mail: a_ajaypandey@yahoo.com

Latest updates ...

- Info: SECC 2011 Final List of all ULBs. - 10-02-2016. NEW
- LN-1306: Regarding formation of Patna Capital Region Management Committee

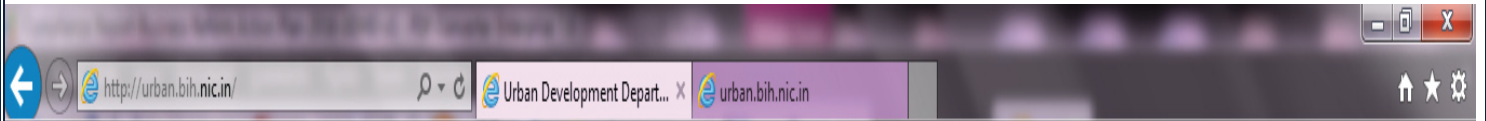
Contact Info

- Officers at Head-Quarters, Patna
- Officers at Municipal Corporations
- City Managers
- Municipal Commissioners and Executive Officers
- Executive Engineers (DUDA)
- Chairman (Urban Local Bodies)

Useful Info

- Database of Elected Representatives
- Approval Procedure of Layout/Building Plan
- Empanelled Architects with PMC NEW
- Guidebook on Application, Approval & Occupancy Procedure under Bihar Building Bye-Laws, 2014
- Building Bye-Laws 2014 - In English | In Hindi.**
- Sanctioned Building Plans by PMC
- Monthly Reporting Formats - 1700/27.3.15
- Org. Chart, Functions & List of Schemes

Compliance Report on Business Reform Action Plan 2016: Bihar



नगर विकास एवं आवास विभाग

URBAN DEVELOPMENT AND HOUSING DEPT., GOVT. OF BIHAR

Designed and Developed by
NIC Bihar State Centre, Govt. of India

Vikas Bhawan, Bailey Road, Patna - 800 001.

Progress of MMNVY | Search Contacts | ORSWM | News Clips | Tenders | Useful Links ::

Site Index	Date	Description
Home	18. 23-10-2013	बिहार नगरपालिका लेखा नियमावली-2013 (English)
Acts & Rules	19. 23-10-2013	बिहार नगरपालिका लेखा नियमावली-2013 (Hindi)
Circulars/Sankalp	20. 08-05-2013	बिहार संपत्ति कर (निर्धारण, संग्रहण और वसूली) नियमावली, 2013
Notifications	21. 26-04-2013	बिहार संपत्ति कर बोर्ड नियमावली, 2013
Allotments	22. 12-04-2013	बिहार नगरपालिका वार्ड समिति (सामुदायिक भागीदारी) नियमावली, 2013
Office Orders	23. 01-04-2013	बिहार राज्य फुटपाथ विक्रेता(जीविका संरक्षण एवं व्यापार विनियमन) अधिनियम, 2012
Transfers	24. 28-01-2013	बिहार शहरी आयोजना तथा विकास अधिनियम, 2012
Proceedings	25. 08-10-2012	बिहार संचार मंत्रालय एवं संबंधित संरचना नियमावली, 2012
Admin Approvals	26. 04-07-2012	पटना नगर निगम (विज्ञापन एवं सट्टा अन्य व्यक्तियों के प्रदर्शन एवं प्रयोग सम्बन्धी अनुज्ञा) विनियम, 2012
Tender Status	27. 22-12-2011	बिहार अपार्टमेंट स्वामित्व (संशोधन) विधेयक, 2011
TA/TS Status	28. 22-12-2011	बिहार नगरपालिका (संशोधन) विधेयक, 2011
Monthly Review Note	29. 21-12-2011	बिहार राज्य मलिन बस्ती नीति-2011
Urban Plan Docs	30. 30-06-2011	Right to Public Service Act, 2011
Best Practices	31. 27-06-2011	बिहार सिनेमा (विनियमन) (संशोधन) नियमावली, 2011
Notice Board	32. 27-05-2011	बिहार नगरपालिका (संशोधन) अधिनियम, 2011
Scheme Guidelines	33. 07-06-2010	बिहार नगरपालिका अविश्वस्य प्रस्ताव प्रक्रिया नियमावली, 2010
Citizen Charter	34. 26-04-2010	दीपा अजित भूमि बंदोबस्ती अधिनियम 2010
Asset Declaration	35. 05-03-2010	बिहार नगरपालिका सशक्त स्थायी समिति कार्य संचालन नियमावली, 2010
Total Visits: 983953	36. 03-09-2009	बिहार नगरपालिका (संशोधन) अधिनियम, 2009
www.india.gov.in	37. 17-11-2008	Bihar Metropolitan Planning Committee Rules, 2008
	38. 17-11-2008	बिहार महानगर योजना समिति नियमावली, 2008
	39. 29-03-2007	बिहार नगरपालिका विधेयक, 2007
	40. 29-03-2007	Bihar Municipal Act, 2007 - English Version.
	41. 22-09-2006	बिहार अपार्टमेंट स्वामित्व अधिनियम, 2006
	42. 22-09-2006	Bihar Apartment Ownership Act, 2006 - English Version.



बिहार गजट

असाधारण अंक

बिहार सरकार द्वारा प्रकाशित

9 माघ 1936 (श0)

(सं0 पटना 213) पटना, वृहस्पतिवार, 29 जनवरी 2015

नगर विकास एवं आवास विभाग

अधिसूचना

8 दिसम्बर 2014

सं० 11न०वि०(मा०)-06/2013/577-न०वि० एवं आ०वि०—बिहार नगरपालिका 2007, की धारा-321 और बिहार शहरी आयोजना तथा विकास अधिनियम की धारा-81(2)(ब) के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए तथा इस विषय पर विद्यमान सभी नियमों का अवक्रमण एवं संशोधन करते हुए बिहार सरकार एतद् द्वारा बिहार भवन उपविधि, 2014 अधिसूचित करती है जो नगरपालिका क्षेत्रों में प्रकाशन की तिथि से लागू होगा एवं आयोजना क्षेत्रों, महानगर क्षेत्र (घोषणा के उपरान्त) के अधीन ग्राम पंचायत क्षेत्रों में इस उपविधि में विहित रीति से लागू होगा।

अध्याय-I

परिभाषाएं

1. संक्षिप्त नाम, विस्तार और प्रारंभ।—(1) यह उपविधि बिहार भवन उपविधि, 2014 कहलाएगी।

(2) यह निम्नलिखित के क्षेत्रों में होनेवाले भवन संबंधी क्रियाकलापों पर लागू होगी :-

- (i) सभी नगर निगमों,
- (ii) सभी नगर परिषदों,
- (iii) सभी नगर पंचायतों,
- (iv) सरकार द्वारा घोषणा किए जाने पर सभी महानगर क्षेत्र (क्षेत्रों),
- (v) सरकार द्वारा इस उप-विधि के कार्यान्वयन की अधिसूचना के बाद सभी आयोजना क्षेत्रों,
- (vi) सरकार द्वारा इस उप-विधि के कार्यान्वयन की अधिसूचना के बाद, बिहार शहरी आयोजना एवं विकास अधिनियम, 2012 के अधीन अधिसूचित संबद्ध विकास योजना/आयोजना प्राधिकारों या किसी योजना स्कीम के अधीन आच्छादित ग्राम पंचायत क्षेत्रों, में होने वाले भवन संबंधी सभी क्रियाकलापों पर लागू होगी।
- (vii) इस उप-विधि के विरोधाभाषी या असंगत सभी विद्यमान नियमावली, विनियमावली, उप-विधि, आदेश इस उप-विधि के उपबंधों की हद तक उपान्तरित हो जाएंगे।

(3) राज्य सरकार स्वयं या आयोजना प्राधिकार या नगर पालिकाओं की अनुशंसा पर कतिपय क्षेत्रों को अधिसूचित कर सकेगी जहाँ यह उप-विधि लागू नहीं होगी।

फारम—XVI
जोखिम सुरक्षा की अपेक्षा के लिए
वचनबंध—प्रमाण—पत्र
उपविधि संख्या—59

सेवा में,

प्रसंग : ग्राम/शहर/नगर की (परियोजना का नाम), सी०एस०सं०/ आर०एस० सं०.....
, वार्ड सं०, ग्राम मुहल्ला/टोला स्कीम सं० का प्रस्ताविक
 कार्य।

1. प्रमाणित किया जाता है कि अनुमोदन के लिए प्रस्तुत भवन योजनाएं भवन उप विधि-59 के अधीन यथानियत सुरक्षा की अपेक्षाओं का समाधान करेगा तथा उसमें दी गई सूचनाएं हमारी सर्वोत्तम जानकारी तथा उसमें दी गई सूचनाएं हमारी सर्वोत्तम जानकारी एवं समझादारी के अनुसार तथ्यात्मक तौर पर सही है।
2. यह भी प्रमाणित किया जाता है कि जोखिमों से सुरक्षा सहित संरचनात्मक डिजाइन मिट्टी की स्थितियों पर आधिरित और उन्हें भवन के डिजाइन में सम्यक रूप से सम्मिलित किया जाएगा तथा निर्माण के दौरान इन उपबंधों का पालन किया जाएगा।

तारीख सहित स्वामी का हस्ताक्षर.....

नाम एवं पता बड़े अक्षरों में

.....

अभिलेख पर संरचना अभियंता का हस्ताक्षर

नाम एवं पता बड़े अक्षरों में

.....

बिहार—राज्यपाल के आदेश से,
 डॉ० बी० राजेन्द्र,
 सरकार के सचिव।

8 दिसम्बर 2014

सं० 11न०वि०(मा०)—06/2013—577 का निम्नलिखित अनुवाद बिहार राज्यपाल के प्राधिकार से इसके द्वारा प्रकाशित किया जाता है जो भारतीय संविधान के अनुच्छेद—348 के खण्ड (3) के अधीन अंग्रेजी भाषा में उसका प्राधिकृत पाठ समझा जायेगा।

बिहार—राज्यपाल के आदेश से,
 डॉ० बी० राजेन्द्र,
 सरकार के सचिव।

The 8th December 2014

No. 11न०वि०(मा०)—06/2013—578-UD&HD—In exercise of the powers conferred under section-321 of the Bihar Municipal Act, 2007 and section - 81 (2)(w) of the Bihar Urban Planning and Development Act, 2012 and in supersession and modification of the all the existing rules on the subject, the Government of Bihar do here by notify the Bihar Building Bye laws, 2014, which shall be enforceable to all the Municipal Areas, since the date of publication and to Gram Panchayat Areas lying within a Planning Area (s), Metropolitan Area (after declaration) in the manner prescribed in these Bye Laws.

- (118) "Setback line" means a line usually parallel to the plot boundaries and laid down in each case by the Authority beyond which nothing can be constructed towards the plot boundaries.
- (119) "Settlement" means a human settlement, whether urban or rural in character. It includes habited villages, towns, townships, cities and the areas notified under the control of the Authority.
- (120) "Site" means a parcel or piece of land enclosed by definite boundaries.
- (121) "Site with Double Frontage" means a site having frontage on two streets other than corner plot.
- (122) "Service Floor" means floor in hotel or commercial building above ground floor in case of more than four storied buildings.
- (123) "Service Lane" means a lane provided at rear or side of a plot for service purposes.
- (124) "Service Road" means a road/ lane provided at the front, rear or side of a plot for service purpose.
- (125) "Site Depth" means horizontal distance between the front and rear side boundaries.
- (126) "Smoke Stop Door" means a door for preventing or checking the spread of smoke from one area to another.
- (127) "Stilt floor" means a floor supported by pillars with all sides open to be used for parking, switch room, generator room, society room & information room with minimum height of 2.4 meter.
- (128) "Storage Space" means a space where goods of non-hazardous nature are stored and includes cold storage and banking safe vaults.
- (129) "Store Room" means a room used as storage.
- (130) "Spiral Staircase" means a staircase forming continuous winding curve round a central point or axis provided in a open space having tread without risers.
- (131) "Storey" means the space between the surface of any floor and the surface of the floor next above it, or if there be no floor above it then the space between any floor and the ceiling next above it, but shall not include a service or mezzanine floor;
- (132) "Supervisor" means a person having Diploma in Architectural Assistantship/ Diploma in Civil Engineering/ equivalent qualification.
- (133) "Tenements" means room or rooms in the occupation of, or meant for the occupation of one tenement;
- (134) "To abut" means to abut on a road so that any portion of the building or land is on the road boundary;
- (135) "To erect" a building means:
A. to erect new building on any site whether previously built upon or not;
B. to re-erect any building of which portions above the plinth level have been pulled down or destroyed.
- (136) "Tribunal" means Municipal Building Tribunal under Section 329 of the Municipal Act or Tribunal constituted under the Chapter XII of the Bihar Urban Planning and Development Act 2012.
- (137) "Unsafe Building" means buildings which are structurally and constructionally unsafe, or in-sanitary, or do not provide adequate means of egress, or which constitute fire hazard, or are otherwise dangerous to human life or property, or which in relation to existing use constitute a hazard to safety/health/public welfare by reason of inadequate maintenance, dilapidation or abandonment.
- (138) "Unauthorized Construction" means the erection or re-erection, addition or alternation, which is not approved or sanctioned by the Authority.

Recommendation No-75:
Establish a dedicated conflict resolution mechanism for land and construction permits.

6. Signing the Plans.-(1) All the plans shall be prepared and duly signed by a registered/empanelled technical person as specified in **Annexure-I** (viz. Architect, Engineer, Structural Engineer, Town Planner, Supervisor, Draftsman) and Builder who shall indicate their names, addresses, registration numbers on the body of the plan and in all other relevant documents. The concerned owner of the land shall also sign the plans.

(2) All plans, drawings, statements, design details shall bear the signature of the applicants and shall be duly countersigned by an empanelled Architect/Technical person. All documents and plans related to structural designs shall bear the full name and full signature of a Structural Engineer. Plans and documents related to sanitary arrangements shall bear the full name and full signature of a technical person.

Note: 1. The Empanelled Architect/Technical Person who has prepared the plan shall put the empanelment number/CoA Registration No. and seal on all plans and documents signed by him and shall also furnish a certificate to the effect that he shall supervise the construction of the building and shall be responsible for any deviation from the approved plan except if the Owner/Architect/Technical person intimates that their agreement has been terminated.

2. Wherever required under these bye-laws, the empanelled Structural Engineer, who has prepared the structural design, shall put his seal, and address on all the documents signed by him and shall also furnish a certificate to the effect that he shall supervise the structural part of the construction and shall be responsible for any structural failure except caused by unprecedented natural calamities in Form-IV and except if the owner intimates that his services have been terminated.

3. All aspects related to structural design, building surface, plumbing, electrical installation, sanitary arrangements, fire protection shall adhere to the specification, standards and code of practice recommended in the National Building Code of India, 2005 and any breach thereof shall be deemed to be a breach of the requirements under these Bye laws.

(3) The technical personnel and builder as specified in sub-bye law (1) & (2) above shall have to be registered/empanelled with the Authority. Their qualifications and competence shall be as per **Annexure I**. The application form shall be as per Form-VII A & Form-VII B.

(4) No plans for construction of apartment building, group housing and commercial building shall be entertained unless the builder is registered by the Authority in accordance with the competence as specified in the Annexure I. However for built up area less than 500 sq.m, registration of builder is not mandatory.

(5) When it comes to the notice of the Planning Authority/ Municipalities/ Urban Local Bodies or any other person that a plan signed by technical personnel or builder referred to under sub-bye law (1) & (2) is in violation of the norms of these byelaws he shall bring this to the notice of the Authority.

(6) The Authority shall issue a notice asking for a show cause within fifteen days as to why such technical personnel or builder shall not be disqualified/ black listed and legal action taken against him. After receipt of the show cause if any, the matter shall be placed before the Concerned Authority for a decision on such disqualification/ black listing /legal action. The decision of the Concerned Authority on disqualification/black listing shall be published in the notice Board of the Authority.

(7) **An appeal against an order under sub-clause (6) above shall lie with Municipal Building Tribunal under Section 329 of the Municipal Act or Tribunal constituted under the Act.**

7. Fees.- (1) The Authority shall levy the following fees:

(1) Every application for permission for building operation or development shall be accompanied by a building fee as specified in these bye laws.

Recommendation No-75:
Establish a dedicated
conflict resolution
mechanism for land and
construction permits.

500 sq.mtr., periodic inspection shall be made by the authority nominated by the State Government under Chapter VI of the Bihar Fire Service Act 2014, once in five years to ensure the fire safety provisions of the building are in proper order and the building complies with the provision of fire and life safety requirements ('Fire and Life Safety', Part-4 of NBC). In case the building fails to comply with requirement of fire safety the building shall be declared unsafe.

- (8) All occupied buildings and buildings covered under sub-by-law (4) above shall also be subject to periodic physical inspection by a team of multi-disciplinary professionals of the Authority. This work may be outsourced by the Authority as may be deemed necessary. The team shall report compliance of bye-laws, natural lighting, and ventilation, lift besides structural and electrical safety. If any short comings/deficiencies or violations are noticed during inspection, the occupants shall ensure the compliance of the same within a specified time frame of six months. If not complied with, the building shall be declared unsafe. The period of inspection shall be once in five years.

Recommendation No-75:
Establish a dedicated
conflict resolution
mechanism for land and
construction permits.

- (9) An appeal against the decision of the Authority shall lie with the respective Tribunal under the Act or the Municipal Act.

Construction not according to plan.-(1) If the Authority finds at any stage that the construction is not being carried on according to the sanctioned plan or is in violation of any of the provisions of these bye laws, it shall notify the owner giving details of deviation and no further construction shall be allowed until necessary corrections in the plan are made and the corrected plan is approved. In case the deviation is within condonable limits the construction shall not be stopped.

- (2) If the owner fails to comply with the requirements at any stage of construction, the Authority may cancel the building permission issued and shall cause notice of such cancellation to be pasted upon the said construction. If the owner is not traceable at the address given in the notice, pasting of such notice on the premises shall be considered as sufficient notification of cancellation to the owner thereof. No further work shall be undertaken or permitted upon such construction until a valid building permission is issued thereafter.
- (3) The notification under sub-by-law (2) shall also be published in as public notice and also on the Website.
- (4) The above-mentioned procedure shall also be followed in case of deviation of the layout.
- (5) An appeal against an order under sub-by-law (2) above shall lie with the respective tribunals under the Act and Municipal Act.

18. Single Window Clearance.-(1) The Planning Authority/ Authority shall set up a Single Window Clearance system to process all the NOCs and grant permissions. There shall be a Website through which all the applications/ documents/ forms shall be filed online. The stages of approval/refusal shall also be communicated through the website.

- (2) Every applicant seeking NoC and permission unless exempted under these Bye Laws shall apply in the Common Application form through website.
- (3) The Common Application form duly filled in together with fees to be paid under these Bye Laws shall be submitted in required number of copies along with relevant enclosures, certificates, fees receipts and attachments in the Single Window Cell in the office of the Authority.
- (4) All applicants shall furnish the form of self certification and also a certificate by Competent Technical Person along with the application at the time of submission of application forms;
- (5) There shall be a check list appended to the common application forms which shall be completed and signed by the applicant and scrutinized and accepted by the authorized representative of Single Window Cell in the office of the Competent Authority before issuing the acknowledgment;

The Bihar Municipal Bill, 2007

Recommendation No-75:
Establish a dedicated conflict
resolution mechanism for land and
construction permits.

A

BILL

to consolidate and amend the laws relating to the municipal governments in the State of Bihar in conformity with the provisions of the Constitution of India as amended by the Constitution (Seventy-fourth Amendment) Act, 1992, based on the principles of participation in, and decentralization, autonomy and accountability of, urban self- government at various levels, to introduce reforms in financial management and accounting systems, internal resource generation capacity and organizational design of Municipalities, to ensure professionalisation of the municipal personnel, and to provide for matters connected therewith or incidental thereto.

Be it enacted by the Legislature of the State of Bihar in the fifty eighth year of the Republic of India as follows:-

PART I

PRELIMINARY

Chapter - I

1. **Short title, extent and commencement-** (1) This Act may be called the Bihar Municipal Act, 2007
 - (2) It shall extend to the whole of the State of Bihar excluding cantonment areas therein.
 - (3) It shall come into force at once.
2. **Definitions** - In this Act, unless the context otherwise requires -
 - (1) **"Ad hoc Committee"** means an *Ad hoc* Committee appointed under section 33;
 - (2) **"Administrator"** means any officer appointed by the State Government exercise the powers and perform the duties conferred or imposed on the Municipalities, the Empowered Standing Committee and the Chief Executive Officer, by or under this Act;
 - (3) **"Annual Rental Value"** of a holding means the gross annual rental at which a holding may reasonably be expected to be let out.
 - (3A) **"Auditor"** means an Auditor appointed under section 90, and includes any officer authorized by him to perform all or any of the functions of an Auditor under this Act;
 - (4) **"assessment list"** means any municipal assessment register referred to under this Act, and includes any register subsidiary thereto;
 - (5) **"authorise"** means authorised by the Corporation either generally or specially;
 - (6) **"balance sheet"** means the balance sheet prepared under section 89. ,
 - (7) **"bio-medical waste"** means any waste generated during diagnosis, treatment or immunization of human beings or animals or in research activities pertaining thereto or in the production or testing of biologicals;
 - (8) **"bridge"** includes culvert;
 - (9) **"budget estimate"** means the budget estimate prepared under section 82;
 - (10) **"budget grant"** means the total sum entered on the expenditure side of a budget estimate under a major head and adopted by the Municipality, and includes any sum by which such budget grant is increased or reduced by transfer from or to other heads in accordance with the provisions of this Act and the rules and the regulations made thereunder;
 - (11) **"building"** means a structure constructed for whatever purpose and of whatever materials, and includes the foundation, plinth, walls, floors, roofs, chimneys, fixed platforms, verandas, balconies, cornices or projections or part of a building or anything affixed thereto or any wall (other than a boundary wall of less than three metres in height) enclosing, or intended to enclose, any land, sign or outdoor display-structure but does not include a tent, shamiana or tarpaulin shelter;
 - (12) **"building line"** means a line beyond which the outer face or any part of an external wall of a

Recommendation No-75:
Establish a dedicated conflict
resolution mechanism for land
and construction permits.

C. Municipal Building Tribunal

329. Municipal Building Tribunal. (1) The State Government may appoint one or more Municipal Building Tribunals (hereinafter referred to in this section as the Tribunal) as may be considered necessary to hear and decide appeals arising out of matters referred to in chapter XXXVII in accordance with such procedure, and to realize such fees in connection with such appeals, as may be prescribed.

(2) Each Tribunal shall consist of a Chairperson and two other members.

(3) The Chairperson shall be appointed by the State Government from the persons who are or have been members of the State Superior Judicial Service,

(4) The State Government shall appoint other two members of the Tribunal, one of whom may be a Civil Engineer not below the rank of the Executive Engineer and other may be a Civil Engineer or Architect having ten years experience of town planning.

(5) The Chairperson and the other members of the Tribunal shall hold office during the pleasure of the State Government and shall be paid from the Municipal fund and their terms and conditions shall be determined by the State Government

Provided that a Councillor or a person who is or has been an officer or other employee of the Municipality shall not be eligible for appointment as a member of the Tribunal.

(6) The State Government may, if it thinks fit, remove for reason of incompetence or misconduct for any other good or sufficient reason the Chairperson or any other member of the Tribunal.

(7) The Tribunal shall have such officers and other employees, appointed on such terms and conditions, as may be prescribed, and the expenses of the Tribunal shall be paid out of the Municipal Fund.

(8) The provisions of Part II and Part III of the Limitation Act, 1963, relating to appeal shall apply to every appeal preferred under this section.

(9) No court shall have jurisdiction in any matter for which provision is made in this chapter for appeal to the Tribunal.

D. General Powers

330. Building at corners of streets. (1) Notwithstanding anything contained in this Act or the rules and the regulations made thereunder or of any other law for the time being in force, the Chief Municipal Officer may, in the case of any building which is intended to be erected at the corner of two streets, -

- (a) refuse sanction for such reasons as may be recorded in writing, or
- (b) impose restrictions on its use, or
- (c) place special conditions concerning exit to, or entry from, any street, or
- (d) require it to be rounded off or splayed or cut off to such height and to such extent as he may determine, or
- (e) acquire such portion of the site at the corner as he may consider necessary for public convenience or amenity :

(2) The Chief Municipal Officer may, by order, in writing, require any alteration, corresponding to any of the provisions in clauses (b) to (e) of sub-section (1), to be made to any building completed before the commencement of this Act.

331. Provision as to building and work on either side of new street or near fly-over or transportation terminal- (1) The sanction to the erection of any work on either side of a new street may be refused by the Chief Municipal Officer unless and until such new street has been levelled, and, in the opinion of the Chief Municipal Officer, wherever practicable, metalled or paved, drained, lighted and laid with a water main, to his satisfaction.

(2) The sanction to the erection of any such building or the execution of any such work may be refused by the Chief Municipal Officer, if such building or any portion thereof or such work comes within the regular line of any street, the position and direction of which have been laid down by the Chief Municipal Officer but which has not been actually erected or executed, or if such building or any portion thereof or such work is in contravention of any building plan or any other scheme or plan prepared under this Act or any other law for the time being in force.

(3) The Chief Municipal Officer may refuse permission for the erection or re-erection of any building which, when completed, will be within such distance from a fly-over or overbridge or transportation terminal or other construction as may be provided by rules or regulations made in this behalf.

332. Provision against use of inflammable material for building etc. without permission- (1) No roof, verandah, *pandal* or wall of a building or no shed or fence shall be constructed or reconstructed of cloth,

Recommendation No-75:
Establish a dedicated conflict
resolution mechanism for land
and construction permits.



बिहार गजट

असाधारण अंक

बिहार सरकार द्वारा प्रकाशित

6 पौष 1934 (श0)

(सं0 पटना 697) पटना, वृहस्पतिवार, 27 दिसम्बर 2012

विधि विभाग

अधिसूचनाएं

27 दिसम्बर 2012

सं0 एल0जी0-1-14/2012/440/लेज:1—बिहार विधान मंडल द्वारा यथापारित निम्नलिखित अधिनियम, जिसपर महामहिम राज्यपाल दिनांक 22 दिसम्बर, 2012 को अनुमति दे चुके हैं, इसके द्वारा सर्व-साधारण की सूचना के लिये प्रकाशित किया जाता है।

बिहार शहरी आयोजना तथा विकास अधिनियम, 2012

[बिहार अधिनियम 20, 2012]

बिहार राज्य में शहरी क्षेत्रों और वैसे ग्रामीण क्षेत्रों जो शहरीकरण की क्षमता रखता हो, की योजनाबद्ध अभिवृद्धि और विकास तथा भूमि-उपयोग के विनियमन और संवर्द्धन के लिए अधिनियम। भारत गणराज्य तिरसठवें वर्ष में बिहार राज्य विधानमण्डल द्वारा निम्नलिखित रूप में यह अधिनियमित हो :-

अध्याय-I

- संक्षिप्त नाम, विस्तार और प्रारम्भ** I—(1) यह अधिनियम बिहार शहरी आयोजना तथा विकास अधिनियम, 2012 कहा जा सकेगा।
 - इसका विस्तार राज्य सरकार द्वारा यथा अधिसूचित सम्पूर्ण बिहार राज्य अथवा इसके किसी भाग में होगा।
 - यह उस तारीख को प्रवृत्त होगा जो राज्य सरकार राजपत्र में अधिसूचना द्वारा नियत करे तथा राज्य के विभिन्न क्षेत्रों के लिए अलग-अलग तारीख नियत की जा सकेगी।
- परिभाषाएँ** I— इस अधिनियम में जब तक कोई बात विषय अथवा संदर्भ के विरुद्ध न हो,
 - “कृषि”** के अन्तर्गत बागवानी, फसलों, फल, सब्जियाँ, घास, चारा, वृक्ष लगाना अथवा किसी अन्य प्रकार की खेती, घोड़ा, गदहा, खच्चर, सूअर, मछली, कुक्कुट और मधुमक्खी सहित पशुधन का प्रजनन एवं पालन-पोषण तथा किसी ऐसे प्रयोजन के लिए भूमि का उपयोग, जो भूमि पर खेती अथवा इसके संवर्द्धन अथवा किसी अन्य कृषि प्रयोजनों के आनुषंगिक हो, किन्तु इसके अंतर्गत बगीचे के प्रयोजनार्थ भवन से सटी ऐसी भूमि का उपयोग नहीं आता है जो ऐसे भवन के बगल में उपयोग में लायी जाए और अभिव्यक्ति “कृषीय” का अर्थ तदनुसार समझा जाएगा ;

113. **विधियों का प्रभाव**।—सिवाय यथा उपर्युक्त के, किसी अन्य विधि में उससे असंगत कोई बात होते हुए भी, इस अधिनियम के उपबंध प्रभावी होंगे।

27 दिसम्बर 2012

सं0 एल0जी0-1-14/2012/441/लेज:।—बिहार विधान मंडल द्वारा यथापारित और महामहिम राज्यपाल द्वारा दिनां 22 दिसम्बर 2012 को अनुमत बिहार शहरी आयोजना तथा विकास अधिनियम, 2012 का निम्नलिखित अंग्रेजी अनुवाद बिहार-राज्यपाल के प्राधिकार से इसके द्वारा प्रकाशित किया जाता है, जिसे भारतीय संविधान के अनुच्छेद 348 के खंड (3) के अधीन उक्त अधिनियम का अंग्रेजी भाषा में प्राधिकृत पाठ समझा जायेगा।

बिहार-राज्यपाल के आदेश से,

विनोद कुमार सिन्हा,

सरकार के सचिव।

BIHAR URBAN PLANNING AND DEVELOPMENT ACT, 2012

[Bihar Act 20, 2012]

AN ACT

To make provision for promotion of planned growth and development of urban areas and such rural areas having potential of urbanization and regulation thereof including land use in these areas of State of Bihar. Be it enacted by the Legislature of the State of Bihar in the sixty-third year of the Republic of India as follows:-

CHAPTER – I PRELIMINARY

1. Short Title, Extent and Commencement. -(1) This Act may be called Bihar Urban Planning and Development Act, 2012.

(2) It shall extend to the whole of the State of Bihar or part thereof as may be notified by the State Government.

(3) It shall come into force on such date as the State Government may, by notification in the official gazette, appoint and different dates may be appointed for different areas of the State.

2. Definitions.-In this Act, unless there is anything repugnant in the subject or context:-

(I). **"Agriculture"** includes horticulture, farming, raising of crops, fruits, vegetables, flowers, grass, fodder, trees or any other kind of cultivation, dairy, animal husbandry, breeding and keeping of live-stock, including cattle, horses, donkeys, mules, pigs, fish, poultry and bees; and the use of land for any purpose which is ancillary to the farming of land or its cultivation or to any other agriculture purposes, but does not include the use of land attached to a building for the purposes of a garden to be used alongside such building, and the expression "Agricultural" shall be construed accordingly;

(II). **"Amenities"** include all the supportive activities to the resident population as per the prevailing/prescribed norms such as roads and streets, open spaces, water and electric supply, street lighting, sewerage, drainage, nursery, crèche, all kinds of school, all categories of clinics and hospitals, community hall, library, convenience shopping, playfields, parks and playgrounds, green areas, police stations, public parking, bus station, fire station, post offices, essential EWS Housing for the resident population, area for informal sector, all the components necessary to facilitate barrier free accessibility for the senior citizens and physically challenged persons and other utilities, services and conveniences as may be delineated by the Government;

- (XLVI). **“Regulations”** means the Regulations made under this Act by the Planning Authority in exercise of its power and includes zoning and other regulations made as a part of a Development Plan, Area Development Scheme etc.;
- (XLVII). **“Relocation of population”** in relation to an Area of Bad Layout or Obsolete Development or a slum area, means making available, in that area or elsewhere, of accommodation, for residential purposes or for carrying on business or other activities, together with amenities, to persons living or carrying on business or other activities in the said area who have to be so accommodated so that the said area may be properly planned in the prescribed manner;
- (XLVIII). **“Residence”** includes the use for human habitation of any land or building or part thereof, the use of gardens, grounds, garages, stables and out-houses, if any, appertaining to such land or building, and the expression "Residential" shall be construed accordingly;
- (XLIX). **“Restoration”** means and includes retaining the existing fabric of a place to a earlier known state by removing accretions or by reassembling existing components without replacing by new materials;
- (L). **“Rules”** means the rules made under this Act, by the Government;
- (LI). **“Scheme”** means a development or a planning scheme prepared under this Act, and includes plans and maps, together with the regulatory and descriptive matter, if any, relating to such scheme;
- (LII). **“Transferable Development Right (TDR)”** means making available certain amount of additional built up area in lieu of the area relinquished or surrendered by the owner of the land whose land or a part thereof, is required for public purposes such as construction and widening of roads, development of parks, playgrounds, green area civic amenities, recreational uses, urban infrastructure, implementation of development control and Zoning Regulations and conservation of heritage sites or such other purposes as Government may notify so that he can use the extra built up area either himself or transfer it to another person for a consideration;
- (LIII). **“Tribunal”** means the tribunal constituted by the Government under this Act;
- (LIV). **“Utility”** means services such as roads including approach roads, bridges, bypasses and underpasses, street lights, water supply system, sewerage system, storm water drainage system, electrical network, communication network, sewage treatment plants, percolation wells, solid waste disposal system, collection, treatment, discharge and disposal of industrial, institutional and township waste, gas pipeline, common effluent treatment plants (CETP), spaces for informal services etc., and any other as may be delineated by the Government;
- (LV). **“Zone”** means a territorial unit or part in which any Planning Area, may be sub-divided for the purposes of securing, promoting and regulating development under this Act, and the expression "Zoning Regulation" shall be construed accordingly;
- (LVI). **“Zonal Plan”** or **“Zonal Development Plan”** means in respect of a zone, a plan detailing out the proposals of the Development Plan and acting as a link between the Development Plan and the layout plan. It may contain a site plan and land use plan with approximate location and extent of land uses such as residential public and semi-public building or works, urban and civic utilities,

बिहार सरकार
नगर विकास एवं आवास विभाग

अधिसूचना

सं० 11 न०वि०(मा०)-05/2013 अधिसूचना सं० 44, दिनांक-31-01-14 का निम्नलिखित अनुवाद बिहार राज्यपाल के प्राधिकार से इसके द्वारा प्रकाशित किया जाता है जो भारतीय संविधान के अनुच्छेद 348 के खण्ड (3) के अधीन अंग्रेजी भाषा में उसका प्राधिकृत पाठ समझा जायेगा।

बिहार राज्यपाल के आदेश से

~~31.1.2014~~
31.1.2014
(डॉ०एस०सिद्धार्थ)
सरकार के सचिव
नगर विकास एवं आवास विभाग।

BIHAR GOVERNMENT
URBAN DEVELOPMENT & HOUSING DEPARTMENT

Notification

No. 45 UD&HD, - In exercise of powers conferred by section 81 of the Bihar Urban Planning And Development Act 2012 (Bihar Act 20, 2012) the Governor of Bihar is pleased to make Rule,

CHAPTER-I

1. **Short Title, Extent and Commencement. (Section 1 of the Act)** - (1) This Rule may be called Bihar Urban Planning and Development Rule, 2014.
 - (2) It shall extend to the whole of the State of Bihar or part thereof as may be notified by the State Government, excluding cantonment areas there in.
 - (3) It shall come into force on such date as the State Government may, by notification in the official gazette, appoint and different dates may be appointed for different areas of the State.
2. **Definitions. (Section 2 of the Act)** - In this Rule, unless there is anything repugnant in the subject or context:-
 - (1) "Agriculture" includes horticulture, farming; raising of crops, fruits, vegetables, flowers, grass, fodder, trees or any other kind of cultivation, dairy, animal husbandry, breeding and keeping of live-stock, including cattle, horses, donkeys, mules, pigs, fish, poultry and bees; and the use of land for any purpose which is ancillary to the farming of land or its cultivation or to any other agriculture purposes, but does not include the use of land attached to a building for the

Local Authority shall enforce a specified colour and design scheme of the buildings in a particular locality or area within the jurisdiction of the Planning Authority or Local Authority

- (2) Notwithstanding anything contained in any Act, Rules, Regulations or bye laws, the order issued by Government under Sub-Section (1) shall be binding on the Planning Authority, Local Authority and the owner of the building(s).

Recommendation No-75:
Establish a dedicated
conflict resolution
mechanism for land and
construction permits.

CHAPTER-XII TRIBUNAL

- 87. Constitution of Tribunal. (Section 79 of the Act)-(1)** The Government may constitute such number of Tribunals as it may consider necessary for hearing appeals against the orders of a Planning Authority under the Act, and no Civil Court shall have jurisdiction to decide such disputes.

- (2) The Tribunal shall consist of a Chairman, and at least two other members.
- (3) The Chairman shall be a person who is or has been a District Judge and shall be appointed or deputed by the Government.
- (4) The members shall be persons who shall as far as possible have knowledge or experience of town planning or valuation of land or civil engineering, architecture, administrative or legal matters.
- (5) The Chairman and the other members shall be appointed members of the Tribunal for such period as may be prescribed by the Government.
- (6) The Government may, if it thinks fit, remove for incompetence or misconduct or any other good and sufficient reason, the Chairman and/ or any member appointed under sub-section (4):
- (7) If the Chairman or the member is removed or dies or refuses or neglects to act or becomes incapable of acting, the Government shall appoint forthwith a fit and proper person to take the place of such Chairman or the member.
- (8) The Tribunal shall have the same powers as are vested in a Civil Court under the Civil Procedure Code, 1908, in respect of the hearing of an appeal.

- 88. Remuneration of Chairman and Members and payment of incidental expenses of Tribunal of Appeal. (Section 80 of the Act)-(1)** The Chairman and the members shall, save where they are Government officers, be entitled to such remuneration, either by way of monthly salary or by way of fees or partly in one way and partly in the other, as the Government may, from time to time, decide.

Provided that, in exceptional cases where the scheme is a large one or the work involved is complicated, the Government may authorize the Chairman and the members, even in case of salaried Government Officers, to receive such special salary or remuneration, as the Government may, by order, decide from time to time.

- (2) The salary of the Chairman of the Tribunal of Appeal or a member who is a salaried Government Officer, and any remuneration payable under Sub-Section (1) of this section and all expenses incidental to the working of the Tribunal of Appeal shall, unless the Government otherwise determines, be defrayed out of the fund of the Planning Authority and shall be added to the cost of the scheme.