

## Compliance Report on Business Reform Action Plan 2016: Bihar

### Recommendation No.-77- Define clear timelines mandated through legislation for approval of complete application

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

Urban Development Department

# 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 ::

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- Urban Plan Docs
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- Asset Declaration

Total Visits: 983953

[www.india.gov.in](http://www.india.gov.in)

**Maheshwar Hazari**  
Hon'ble Minister

Patna Master Plan 2031

नगर सेवा

नगरिक अधिकार-पत्र, बिहार

अपना पटना

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

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#### 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
- List of Urban Local Bodies (ULBs)



# 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.

(ii) **Non-Residential Buildings:** In case of buildings other than those mentioned in (i) above to be used for non-residential purpose, the fees charged shall be double of the rates prescribed in Table 3.

(4) **Fixation of fees**

The fixation of these fees shall be governed by the following. -

- (i) For re-erection of existing building, the fees chargeable shall be the same as that for erection of new building.
- (ii) For additions and alterations in the existing building, the fees shall be chargeable on the added portions only, and on the same scale as for a new building.
- (iii) For revision and revalidation of a plan of a building, which the Authority has already sanctioned, the fees chargeable shall be 1/4 of the fees chargeable on the original plan subject to the condition that the covered area of the building has not increased than in the original sanctioned plan.
- (iv) In case of additions and alterations of building, if the use of the building is also changed, then the chargeable fees shall be calculated on the use proposed.
- (v) In case of basements, for the purpose of calculating the fees the area covered under the basement shall be counted towards the covered area.
- (vi) In the case of buildings with principal and subsidiary occupancies, in which the fees leviable are different, then the fees for the total building scheme shall be calculated as per the rates for individual occupancies.

The owner may withdraw his application and plans at any time prior to the sanction and such withdrawal shall terminate all proceedings with respect to such application. The fees paid in such cases shall not be refunded.

(5) **Infrastructure Development Fees**

The Authority may also impose an infrastructure development fees with the approval of the Department.

**8. Permission.-(1)** No permission or notice shall be required for the works related to the following alterations and the like which do not otherwise violate any provisions regarding general building requirements, structural stability and fire and health safety requirements of the National Building Code-2005:

- (i) Opening and closing of a window or door or ventilator;
  - (ii) Providing intercommunication doors;
  - (iii) Providing partitions;
  - (iv) Providing false ceiling;
  - (v) Gardening;
  - (vi) White washing;
  - (vii) Painting;
  - (viii) Re-tiling and reproofing;
  - (ix) Plastering and patch work;
  - (x) Re-flooring; and
  - (xi) Construction of sunshades on one's own land.
- (A). No permission shall be necessary for works carried out by Central Government and State Government Departments/ Bihar State Housing Board if the plans are signed by Government Architects. However the Government Architects shall ensure that the plans are prepared as per the provision of these bye laws and the master plan/ development plan wherever applicable. In case of such Government Projects lying in the area outside of any development plan/ scheme, the Government Architects shall ensure to obtain NoCs required as per provision of this bye laws and Acts.
- (B). A separate guideline may be issued for sanctioning of project within the Gram Panchayat area but falling outside the jurisdiction of any Planning Authority.
- (2) All clarifications with respect to deficiency in the plan, documents will be sought for from the applicant within 30 days.

**(3) Once the plan has been scrutinized and objections have been pointed out, the applicant shall modify the plan to comply with the objections raised and re-submit**

Recommendation No-77:  
Define clear time-lines  
mandated through  
legislation for approval  
of complete application

it. The Competent Authority shall scrutinize the re-submitted plan and if there will be further objections, the applicant should be given one more chance to comply with the objections raised within a period of 30 days after which if the final revised plan are not resubmitted the plan shall be rejected.

(4) The Competent Authority shall communicate either approval in Form-VIII A or refusal in Form-IX within 60 days from date of receipt of application under Bye Law-5 or within 30 days from the compliance of objection raised by the Competent Authority.

(5) For buildings 15m and above in height, conditional permission shall be accorded directing the builder to develop the onsite and offsite infrastructure like connectivity of sewerage, drainage, water supply, road etc. as per the specification of the local Authority.

The builder/developer shall produce the required NOCs from the concerned Authorities and submit it to the authority before the commencement of work. No separate permission shall be required.

The Planning Authority/Authority shall establish a single window clearance system to process such NOCs and clearances related to it.

(6) A residential building may be constructed by the owner of the land without prior approval of the plan by the Authority if the size of the plot is not more than 300 sq.meters and if all the conditions mentioned below are satisfied:

(A). The applicant shall submit an application to the Authority as prescribed in bye law 5(4) along with a certificate from the registered Engineer that the building plan and the design complies with the Earthquake Safety requirements as stipulated in the बिहार में, भूकम्पीय खतरों से न्यूनीकरण के लिये, भवनों के निरूपण एवं निर्माण का परिपत्र, बिहार राज्य आपदा प्रबंधन प्राधिकरण, पत्रांक-10 /विविध /आ०प्र०प्रा०-13 /2011-2253 /आ०प्र०, बिहार सरकार, बिहार राज्य आपदा प्रबंधन प्राधिकरण (आपदा प्रबंधन विभाग: as in Appendix A).

(B). The height is not more than 10 meters,

(C). The number of floors does not exceed ground plus two floors,

(D). No basement/stilt is to be constructed,

(E). The road, drainage, sewerage and other infrastructure have been developed as per the approved layout plan or provisions for their development has been made in the building plan,

(F). A notice in Form-X is submitted to the Authority, with a copy of the plan, documents mentioned at A above and the Record of Rights, statement of compliances made to the objection raised by the Authority (if any) 60 days prior to commencement of construction; and

(G). All other conditions of the bye laws are met;

(H). The owner shall have to submit a copy of the completion certificate as required.

(I). The owner and the builder shall remain responsible for any violation of the norms prescribed under the Bye laws. Nothing in this provision will enable the owner and the builder to violate any of the provisions of the Bye laws.

(J). Detailed guidelines in this regard if required shall be framed by the Authority from time to time.

(7) In case the permission is refused an appeal shall be filed before the Tribunal.

**9. Duration of Permission.**-Every permission granted under these bye laws shall remain valid up to three years from the date such a permission is granted. The completion certificate shall have to be submitted within this period. However in case of failure to submit the completion certificate within the prescribed period the permission shall have to be revalidated before the expiry of the above period on payment of such fee as may be prescribed by the authority and such revalidation shall be valid for another two years.

If the building/development works is not completed within the above mentioned five years period, the applicant shall make a fresh application for approval of building plan.