

Revision of Building Bylaws to Streamline the Approval Process-Optional Reform

The Reform

Optional Reform Primers

JNNURM, launched by the Ministry of Urban Development (MoUD) requires certain reforms to be undertaken by states/ cities towards streamlining of the building approval process, with the broad objective of establishing a simple, transparent and lesser time-consuming process that encourages development. This Optional reform has already been carried out; however modifications wherever necessary in procedure and processes will be done during the mission period.

The reform to be undertaken by states/ cities needs to assess the current status by identifying the agency responsible for preparing the building bye-laws, establishing the legislation that governs the formulation of building byelaws and implementation of the regulation and examining the role of various agencies involved with building permission and sanction etc. The detail of the existing process of building approval needs to be assessed in order to frame the steps to achieve the reform.

Details of whether the bylaws are uniform throughout the city or not, list of regulation parameters for a building permission to be considered, date of last revision of building bylaws and the levels of modifications while revising them need also to be analysed. The reform in this area can be better understood if the extent of the use of technology and computerisation in the process of building approvals as well as for upkeep of records can be highlighted. The steps indicating the time taken to process/ give approval for building plans and the possible reasons for delay in the approval process need also to be assessed.

1. Rationale for the reform

The objectives of simplifying the building rules are to:

- (i) Make the building provisions development oriented with minimal parameters but at the same time safeguarding public goods and concerns.
- (ii) Strengthen the building control and enforcement mechanism.
- (iii) Encourage gated and other developments (row housing, enclaves, group housing etc.) so as to inspire housing activity with quality infrastructure and facilities.

The need for the reform arises due to the fact that the procedure for acquiring sanction for building plans/obtaining building permit is very long drawn in most cities. Some of the examples are:

- As per byelaws, Bangalore, Indore, Ludhiana and Thiruvananthapuram require 30 days to secure building permit while cities like Delhi, Kolkata, Ludhiana, Mumbai, Ranchi and Surat require 60 days.
- On an average, Mumbai took 186 days to get approval although 10% cases got approved within 60 days.
- On an average, Bangalore (25 days) and Indore (28 days) took less than the stipulated time of 30 days while cities like Surat, Thiruvananthapuram and Ranchi took more than 200 days to obtain building permit as per file study. Delays in meeting the required deficiencies on the part of the applicant are the major reason for taking longer time for approval.

Comment [d1]: Source: NIUA Report- Doing Business with City Governments: Preparation of Guidelines For Model System for Procedure Under 'Dealing with Licenses and Registering Property'; September 2008

Two ULBs namely Ahmedabad and Vadodara had achieved this before the start of the mission (Annexure III). Presently, Bangalore, Chennai, Hyderabad, Vijayawada, Vishakapatnam, Rajkot, Surat, Bhopal, Indore, Nagpur, Nashik and Pune have adopted this reform. Chennai Corporation is in the process of implementing the simplified building rules through computerisation, which will reduce the time taken for this to a considerable extent. Greater NOIDA Development Authority (GNOIDA) has empowered the Architects registered with the Council of Architecture (COA) for Sanction/ Approval of Building Plans/ Occupancy Certificate on individual residential plots allotted by GNOIDA (Annexure I). This decentralization has reduced the time taken for the above process considerably.

Reform Procedure Steps

Stage I: Streamlining of Process

1	Consultation with stakeholders on modifications required to Building Byelaws
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2	Identification and finalisation of modifications in the existing Building Byelaws in order to streamline the process of approval. (Eg. outsourcing of certain activities etc)
3	Defining mitigation measures for risks from natural disasters as part of Building Byelaws, (including structural safety issues on basis of seismic zones)
4	Amendment of the existing legislation to introduce the new Building Byelaws and notification, which will reduce the number of days, required for sanctioning of building permit to the minimum possible.
5	Dissemination of the new set of Building Byelaws through a website
6	City level Workshops to address to the queries of general public
7	Building approval with the MC /DA should be computerised.

Stage II: Implementation of Single Window System

1	Implement a single clearance window system for securing building permit ideally between 1 day to 7 days. The local body on behalf of the applicant takes the clearances/NOCs from various agencies.
2	Setting up of an MIS system with links to all offices having bearing on building permission
3	Start of Approval as per the new building byelaws
	Establishment of interactive citizen enquiry system on status of application for building plan approvals, through methods such as – Interactive Voice Recording System (IVRS), Website, telephone, etc.
4	Reduction of average time taken for building sanction

2. Steps to implementing the reform

ULBs will have to take the following steps while implementation of this reform:

- (i) Stakeholder consultations for modifications to building byelaws, streamlining approval process, disaster mitigation as a part of byelaws;
- (ii) Amendment of existing legislation for new building byelaws and its dissemination through website;
- (iii) Implementation of Common Building Rules;
- (iv) MIS linking all Offices connected with building permissions;
- (v) Citizen enquiry system for status of approvals;
- (vi) Setting timelines for reducing time taken for approvals;
- (vii) City level workshops to address general public's queries.

Model Guidelines for Obtaining Building Permit

Sl. No.	Procedures	Guidelines
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Sl. No.	Procedures	Guidelines
1	The Municipal Corporation examines the drawing plan and issues approval for construction	a) Introduce single window system/ b) Reduce time for sanction by amending byelaws
2	Obtain approval of construction from the Area Development Authorities	Introduce Geographical Information System (GIS) to prepare database
3	Notify the Municipal Corporation of the foundation of the construction	Introduce single window system
4	Building and Planning authority of the Municipal Corporation inspects the site	
5	Receive an inspection mid way through construction by the Fire Department	Introduce e-Governance: a) Single window system b) Setting up of an MIS system with links to all offices having bearing on buildings permission
6	Apply for completion certificate	
7	Final inspection of the construction by the Municipal Corporation	
8	Apply for approval of completed construction from the fire department	
9	The fire department inspects the completed construction and issues the fire certificate	
10	Apply for permanent water and sewerage connection	
11	Water supplier inspects the construction and sets up connection (1)	
12	Water supplier inspects the construction and sets up connection (2)	
13	Apply for permanent power connection	
14	Power supplier inspects the construction and sets up connection	
15	Apply for telephone connection	
16	Telephone supplier inspects the construction and sets up connection	
17	Obtain occupancy permit	Introduce single window system
18	Receive inspection for obtaining occupancy permit	

Source: NIUA Report- Doing Business with City Governments: Preparation of Guidelines For Model System for Procedure Under 'Dealing with Licenses and Registering Property'; September 2008

3. Measuring Achievement / Outcomes

The reforms, if adopted, would help in streamlining the procedures in least possible time and cost with regard to the approval process for site development and building construction.

In cities of Delhi and Mumbai, there is only one mandatory inspection required after the start of construction followed by a final inspection while applying for CC. Efforts should be made to amend the respective byelaws and reduce the number of inspections in other cities.

Cities like Delhi which used to take over 60 days to secure their building permit, through a recent newspaper notification have informed of the reduction in the above time to within a week; but this is under implementation. Greater NOIDA, Ahmedabad etc. take up to a week to get their building plans sanctioned as this has already been implemented in the respective cities. Greater NOIDA through the 'process improvement of empowerment of professionals (architects) has reduced the time taken for building plan sanction to a single day. This has ensured strict monitoring of compliance of byelaws. Any deviation in compliance on the part of the architect leads to de-registration from the CoA. Bangalore and Trivandrum take 30 days to sanction building permit as per their respective building byelaws. Amendment to the existing byelaws should be brought about in other cities to reduce the number of days required for sanctioning of building permit to the minimum possible.

Under this system, the applicant submits the form and receives the sanction from the same single window. The local body on behalf of the applicant takes the clearances/NOCs from various agencies. Mumbai is in the process of introducing a single window clearance for construction¹.

¹ In this process, it could include plans for departments within the Municipal Corporation (MC) to communicate internally rather than directly with clients. As for example, instead of a client approaching area development authorities and MC separately for approval could ideally apply once to the MC, which would pass on relevant documents and applications internally to appropriate departments. Furthermore, utility representatives could be located at the MC to be simultaneously notified and relevant clearances/NOCs taken.

Revision of Building Bylaws to Streamline the Approval Process (draft)

Procedure Byelaws should be framed which will be aimed at streamlining procedures for obtaining various permits, easing monitoring during construction, and improving compliance, with emphasis on clarifying procedures, making them time-bound and addressing all eventualities. Roles of different agencies involved in the process viz. authority, owner, architect, lawyer and engineer should be clearly defined. A clear distinction has to be made between mandatory aspects of design and specifications as against the recommendatory ones.

Such steps could be taken in different cities to amend the existing byelaws and thereby ease the process of obtaining building permit.

Annexure: I

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Instructions for Sanction/ Approval of Building Plans: Greater NOIDA Development Authority

Greater Noida Industrial Development Authority has empowered the Architects registered with the Council of Architecture (COA) for sanction/ approval of Building Plans/ Occupancy Certificate on individual residential plots allotted by Greater Noida Industrial Development Authority on the following terms and conditions:

For Building Plan Approval on residential plot other than group housing:

1. The Building Plan prepared and signed by the Architect, registered with COA, when submitted shall be deemed as sanctioned. At the time of submission of building plan following documents need to be submitted.
 - (i) Declaration on Rs.10/- stamp paper duly signed by the Architect stating that the Building Plan submitted by him/ her is in accordance with the Zonal Plan and building Regulations/ Directions applicable from time to time of the Greater Noida Industrial Development Authority.
 - (ii) Documents as listed in checklist A of Appendix-1 in Building Regulation 2002 with drawings, with declaration and signed.
2. In case of revision of building plan in addition to all above mentioned documents revision fees and original plan to be also submitted.
3. On submission of the aforesaid papers at the Customer Relation Cell a receipt shall be given. The receipt shall be deemed as sanction letter.
4. If at the time of scrutiny by the Authority (within one month of submission of drawings) any mistake is found, architect signing the drawings shall be held responsible for the same.
5. Indemnity bond on Rs. 100/- stamp paper duly notarised indemnifying that construction shall be as per GNOIDA bylaws, Directions all as amended up to date and all other stipulation and requirements by the Authority from time to time by Architect & applicant.
6. Checklist for approval duly filled.

Completion plans for Occupancy Certificate on residential plot other than group housing.

1. The Building Completion plan prepared and signed by the Architect, registered with COA, when submitted shall be deemed as Occupancy Certificate. At the time of submission following documents need to be submitted-

- (i) Declaration on Rs 10/- stamp paper duly signed by the Architect and allottee stating that the Building constructed by the allottee is constructed under the supervision of a Architect and is in accordance with a Zonal Plan and Building Regulations/ Directions applicable from time to time of Greater Noida Industrial Development Authority.
- (ii) Two post card size photographs of building constructed (one front and one backside) duly attested by the Architect with date and plot number.
- (ii) All the documents listed as per checklist A of Appendix-9 in Building Regulations-2002 and drawings with declaration stamped and signed.
2. On submission of the aforesaid papers the Authority shall give a receipt and receipt shall be deemed as occupancy/ completion certificate.
3. If at the time of scrutiny by the Authority (within one month of submission of drawings) any deviation from the drawings or Zonal Plan, Building Regulations/ Direction as applicable from time to time is found, architect signing the drawings shall be held responsible for the same.
4. If at the time of scrutiny by the Authority (within one month of submission of drawings) any mistake is found, architect signing the drawings shall be held responsible for the same.
5. Indemnity bond on Rs. 100/- stamp paper duly notarized indemnifying that construction shall be as per GNOIDA Regulations, directions all as amended up to date and all other stipulation and requirements by the Authority from time to time by Architect & applicant.
6. Checklist for Completion duly filled.

General Information:

1. The Authority will scrutinize the cases in which sanction/ completion has been received.
2. In case mistake is found in drawing for sanction and date for completion action shall be taken against the Architect as per Greater Noida Industrial Development Area Building Regulation 2002.
4. If a Sanction/ Completion submitted with Authority is found against the Building Regulations, Planning and Development Directions and Zonal Plan, the Authority can cancel such plan. On cancellation of such plan lease holder or Architect shall not claim any damages against the Authority.

4. All Architects, registered with Council of Architecture, shall be issued a Record Book.

4.1 This Record book shall be issued on producing of following documents at Customer Relation Cell by Architect/ representative: -

- a) Original COA Certificate.
- b) Any one of the original identity proofs.
 - i) Voter I. Card.
 - ii) PAN Card.
 - iii) Driving License.

Further Architect will also submit duly self attested copy of aforesaid documents and signature & address of Architect Attested by Bank Manager.

- c) Application form duly filled.

Source: Greater NOIDA Development Authority website

Annexure: II

Mysore Municipal Corporation: Simplification of building plan approval system

The Mysore City Corporation (MCC) simplified the procedures for issue of building construction license. As in most other ULBs in the country, getting a building license in Mysore was a very time consuming process involving frequent visits to the municipal office, speed money and hiring of middlemen which used to take about 45 days or even more. As part of the initiative in 2001, the license issuing process has been simplified and building construction approvals are being issued on the same day within 30 minutes. At present this facility is limited to Ground and Ground +1 residential structures. Under the new system approval for these structures do not require structural drawings and clearance from departments like fire, urban development, airport authority, etc. The approval process has the following steps:

- (i) Submission of application along with necessary documents to the Junior Town Planner (JTP) at the Citizens Service Centre.
- (ii) Verification of application and the Building Plan as per the byelaws by the JTP. If the application is in order, the IT operator takes file from JTP, enters the data and verifies, the computer calculates the fees and generates a challan. The challan is signed by the JTP and issued to the applicant.
If application is not in order, the applicant is asked to resubmit along with required changes suggested
If approved, the applicant pays the challan at bank counter at MCC Citizens Service Centre.
- (iii) After receipt of fee payments, IT operator prints the license, signed by the JTP and issued to the applicant.
- (iv) If the application is in order, the IT operator takes file from JTP, enters the data and verifies, the computer calculates the fees, verifies, and generates a challan. The challan is signed by the JTP and issued to the applicant.

The MCC initiative is simple, efficient and time saving. It increased the municipal revenue as MCC started collecting, apart license fee, water connection deposit/fee, which resulted in reduction of unauthorized water connections. This also helped in generation of computerized database.

In an attempt by ULBs to implement the reform, the following steps have been taken under these heads:

1. Amendment to existing legislation:

Mysore Urban Development Authority (MUDA) is in the process of revision of its Master plan for the year 2021, which includes zonal regulations under building byelaws. Once the zonal regulations are revised, the Corporation will go for the revision of building byelaws. The Master Plan is prepared under the aegis of the Karnataka Town and Country Planning Act, 1961. The updating of the Master plan and the proposed land uses will include the amendments to the byelaws that are a statutory process for preparation of the Master Plan.

MUDA plans to use the effective method for the dissemination of the byelaws by updating its website and having interactive kiosks at the MUDA office. These amendments will be an outcome of the suggestions which will include various government officials, civil society, NGO, etc.

2. Process Improvement:

The process of approval takes maximum 5 days with a transparent fee structure charged by MUDA. MUDA intends to make it a more friendly, transparent and interactive by involving the citizens.

Presently, the licenses for the construction of residential buildings up to 18 m x 24 m are sanctioned at single window (Citizen Service Centre, MCC, Mysore) since 2005. The license will be cleared within 15 minutes. At present the software used in Citizen Center is only a calculation part. The Corporation is examining to introduce CADD based software to check both the drawings and to do the calculation of fees etc.

3. Monitoring Mechanism:

Through the process of Master Plan and stringent bye laws MUDA will ensure a planned and equitable growth of the city.

Other than the licenses issued at Citizen Center, there is manual mechanism to maintain the records. As stated earlier, when once the software of higher end is introduced, the monitoring mechanism will be automatic.

4. City level Consultations:

The city level consultations were done during the preparation of CDP for Mysore in 2007. MUDA is in process of updating its Master plan for 2021. There will be series of consultation meetings, which will include the improvisation of building byelaws to make the approval process more transparent. These comments and suggestions will be incorporated to form a fair and equitable set of building byelaws for the citizens.

Several registered Engineers/Architects are available in Mysore City Corporation limits, who know the building bye-law provisions and help the public to have a consultation on these issues.

Provisions in the MoA under certain important issues have also been included in the byelaws of Mysore Municipal Corporation. These are:

Mitigation measures for natural disaster in byelaws

As per the Government Order No. Na Aa Ee/94/ACM/2007 dt. 12-11-2007, the Corporation has included the following items in the Building Bye-laws.

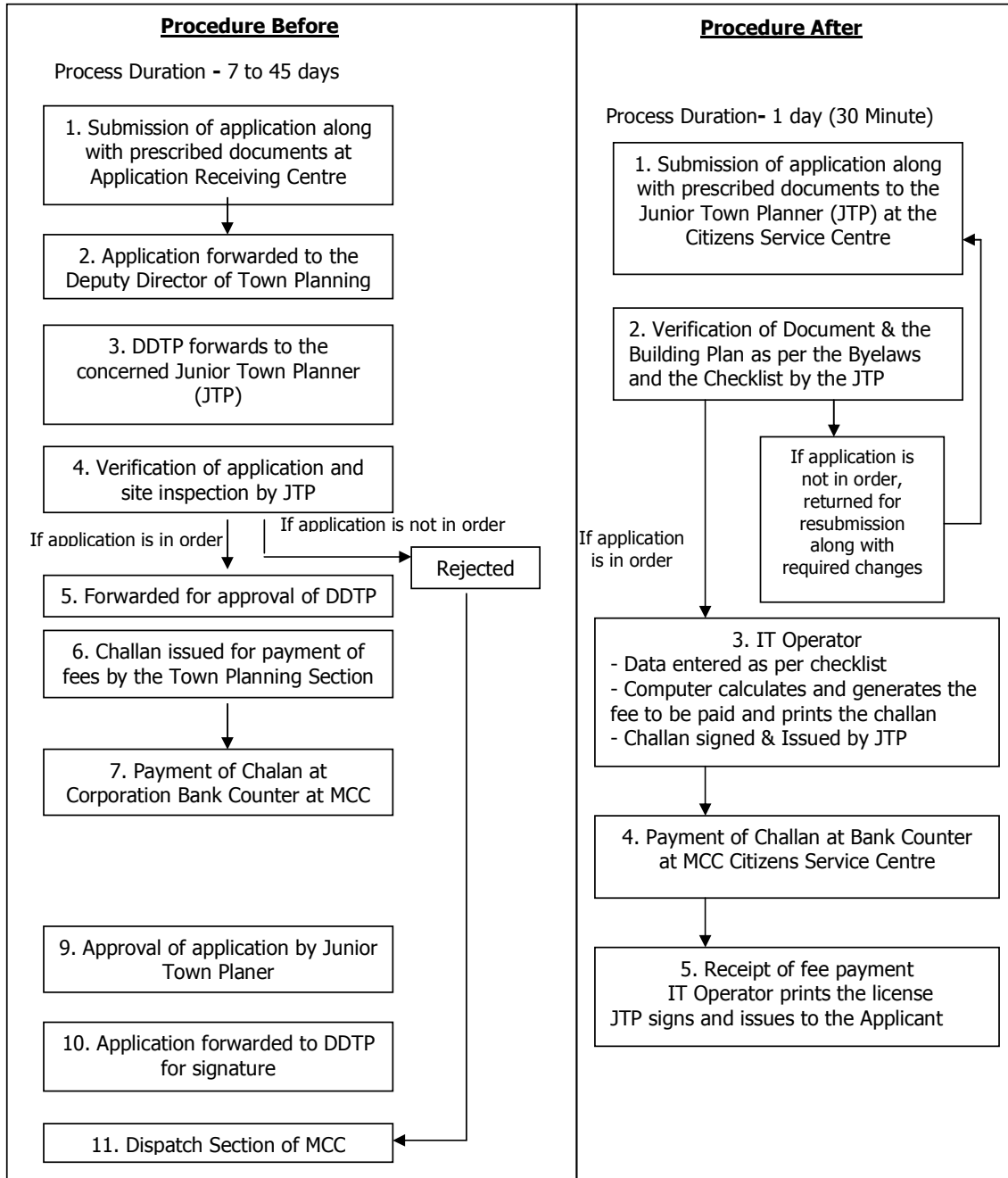
1. Rain water harvesting.
2. The facilities for handicapped people
3. Preventive measures to prevent the earthquake seismic forces in buildings
4. Mandatory utilization of Solar Energy

The new building byelaws (Development Control Regulations) will be developed for MUDA as part of the Preparation of Master Plan for Mysore-Nanjangud Local Planning Area - 2021. These byelaws will include the measures for the natural disasters like earthquake, floods, fire, etc. The byelaws will have mandatory requirement for easy access to the services required in times of natural disasters. The case studies from other cities with good disaster management system will be used to form effective measures for natural disasters.

Establishment of Interactive Citizens Enquiry System

MUDA plans to facilitate its citizens and users with effective and interactive methods for citizens. MUDA already has a website with information about the organization, planning functions, various projects undertaken, tenders, etc. This information is updated regularly. MUDA intends to set up Kiosks with interactive functions and the latest information on the activities of MUDA. This will include the information for various services provided, building permission, etc. MUDA also has a complaint desk.

Mysore Municipal Corporation: Simplification of building plan approval system (contd.)



Source: NIUA Report- Doing Business with City Governments: Preparation of Guidelines For Model System for Procedure Under 'Dealing with Licenses and Registering Property'; September 2008

Annexure III

Simplified and Transparent Building Plan Approval through Computer-aided system in Ahmedabad Municipal Corporation

In Ahmedabad, the building plan approval/development permission is given on computer-aided system. The permission procedure usually takes place within a single day provided the application received by Ahmedabad Municipal Corporation has all the necessary documents. Applicant has to submit the plan in AUTOCAD format (soft copy and hard copy on paper) with all required documents, site photographs, NOC's, Soil Investigating Report and undertakings in pre-decided standardized formats. The plan, elevation, section drawings and documents required in soft copy format as listed in the checklist of documents are to be brought on CD.

The application can be made on-line on the web site of AMC www.egovamc.com through the access account code of registered license holder professional Architect / Engineer/ Structural Engineer. The application can also be made off-line by bringing the required information on a CD. However documentary proof and the copy of plan needs to be submitted in person. Auto-cad based software has been used with a provision of certain in-built 'checks and controls' like FSI, ground coverage, built-up area, height of the building, margin and open spaces etc. with regard to General Development Control Regulations (GDCR), which automatically verifies the data entered and if found in order, it generates the amount of fees to be paid. The case is then scrutinized manually.

A centralized system of scrutiny of building plan has been initiated for making the procedure nearer to single window, simplified and transparent. A special team of officers called Building Plan Scrutiny Pool (BPSP) scrutinizes the case in accordance with the provisions of GDCR. There after the final approval is issued with computer generated' permit of construction (Commencement Certificate). The status of the plan can be known from the e-governance site of the corporation www.egovamc.com

The case is then sent to the concerned zonal office for site-verification and monitoring of construction. Completion Certificate (occupancy permit) is issued by the zonal office after carrying out the inspection of site at recognized stages of construction (plinth, first storey, middle storey, last storey). The applicant/ engineer has to submit the progress report at each stage and completion-report along with completion plan to obtain the occupancy certificate.

The building plan approval procedure is carried out with the support of computer-based software, in which the data entered is stored in the centralized server, which is easily retrievable. The system creates a better database in addition to providing critical checks and guidance in the approval procedure. As a result, building plan

approval has become easy and less time consuming. About 70 percent of the cases get cleared on the same day. The remaining, that take a few days, are related to special clearances the documents of which need special scrutiny.

As a part of its reform agenda, the corporation in addition to the automated building approval system also proposes to digitize old drawings and sanctioned plans. Drawings would be scanned and stored in Portable Document Format (PDF). This will help to retrieve them whenever necessity arises. (In the first phase about 60,000 sanctioned drawings and in phase II, 50,000, both A1 size equivalent will be archived.)

Source: NIUA Report- Doing Business with City Governments: Preparation of Guidelines For Model System for Procedure Under 'Dealing with Licenses and Registering Property'; September 2008

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