

झारखंड सरकार
ग्रामीण विकास विभाग
(पंचायती राज)

संकल्प

संख्या:- 3428

राँची, दिनांक:- 10.10.17

विषय: राज्य के पंचायती राज संस्थाओं के क्षेत्राधिकार के लिए Jharkhand Building Byelaws 2016 को अंगीकृत करने के संबंध में ।

गजट अधिसूचना संख्या 575 दिनांक 12.08.2017 सहपठित ग्रामीण विकास विभाग (पंचायती राज), झारखण्ड, राँची द्वारा अधिसूचना संख्या GSR 2801 दिनांक 12.08.2017 द्वारा झारखण्ड पंचायत भूमि विकास (नक्शा एवं भवन निर्माण) नियमावली, 2017 का प्रारूप प्रकाशित करते हुए आम जनता एवं अन्य से सुझाव मांगा गया था। प्राप्त सुझाव में उद्योग, खान एवं भूतत्व विभाग, झारखण्ड सरकार के पत्रांक SWS 714 दिनांक 06.09.2017 द्वारा सुझाव दिया गया कि Ease of Doing Business के अन्तर्गत भारत सरकार द्वारा दिए गए सुझाव के अनुसार Building Byelaws होने चाहिए।

Department of Industrial Policy and Promotion भारत सरकार द्वारा Building Byelaws में निम्नलिखित प्रावधान शामिल करने हेतु सुझाव दिया गया है:-

#	Area 1	Area 2	Recommendation
100.	4. Inspection enablers	Inspection by Building Proposal Office/ relevant agency as part of obtaining construction permit	Publish a well-defined inspection procedure and checklist on department's web site
101.	4. Inspection enablers	Inspection by Building Proposal Office/ relevant agency as part of obtaining construction permit	Design and implement a computerized system for identifying building/ area that needs to be inspected based on risk assessment
102.	4. Inspection enablers	Inspection by Building Proposal Office/ relevant agency as part of obtaining construction permit	Mandate online submission of inspection report within 48 hours to the Department

10/10

#	Area 1	Area 2	Recommendation
103.	4. Inspection enablers	Inspection by Building Proposal Office/ relevant agency as part of obtaining construction permit	Allow establishments to view and download submitted inspection reports of <u>at least past two years</u>
104.	4. Inspection enablers	Inspection by Building Proposal Office/ relevant agency as part of obtaining construction permit	Design and implement a system for computerized allocation of inspectors
111.	4. Inspection enablers	Inspection by Building Proposal Office/ relevant agency as part of obtaining occupancy/ completion certificate	Publish a well-defined inspection procedure and checklist on department's web site
112.	4. Inspection enablers	Inspection by Building Proposal Office/ relevant agency as part of obtaining occupancy/ completion certificate	Design and implement a computerized system for identifying building/ area that need to be inspected based on risk assessment
113.	4. Inspection enablers	Inspection by Building Proposal Office/ relevant agency as part of obtaining occupancy/ completion certificate	Mandate online submission of inspection report <u>within 48 hours</u> to the Department
114.	4. Inspection enablers	Inspection by Building Proposal Office/ relevant agency as part of obtaining occupancy/ completion certificate	Allow establishments to view and download submitted inspection reports of <u>at least past two years</u>
115.	4. Inspection enablers	Inspection by Building Proposal Office/ relevant agency as part of obtaining occupancy/ completion certificate	Design and implement a system for computerized allocation of inspectors
223.	7. Construction Permit Enablers	Construction Permit Enablers	Enact a comprehensive uniform building code/ building by-law applicable to the entire State
224.	7. Construction Permit Enablers	Construction Permit Enablers	Ensure that the uniform building code/ building by-law include provisions for risk-based classification of buildings

10/10

#	Area 1	Area 2	Recommendation
225.	7. Construction Permit Enablers	Construction Permit Enablers	Ensure that the uniform building code/ building by-law includes accreditation programs and clear responsibilities for professionals including architects and engineers engaged in the construction process
226.	7. Construction Permit Enablers	Construction Permit Enablers	Define mandatory qualifications for architects and structural engineers in the uniform building by-law applicable in State
228.	7. Construction Permit Enablers	Construction Permit Enablers	Establish a dedicated conflict resolution mechanism for land and construction permits
231.	7. Construction Permit Enablers	Construction Permit Enablers	Allow authorized architects to issue the completion certificate at all urban areas and IDCs, instead of requiring a separate completion certificate to be issued
232.	7. Construction Permit Enablers	Construction Permit Enablers	Implement a system to allow approval based on third party certification (during construction and/ or completion stage, as applicable) of structural design and architectural drawings by authorized structural engineers and architects respectively across all urban areas and IDCs
233.	7. Construction Permit Enablers	Construction Permit Enablers	Combine all affidavits & undertakings required to be submitted for obtaining the building plan approval into one affidavit/ undertaking
234.	7. Construction Permit Enablers	Building Plan Approval	Publish information about the procedure and a comprehensive list of documents including pre-construction and post-construction No Objection Certificates (NOCs), registrations and other mandatory State approvals (prior to plinth and pre - occupancy) on the web site.
235.	7. Construction Permit Enablers	Building Plan Approval	Define clear timelines mandated through the Public Service Delivery Guarantee Act (or equivalent) legislation to grant construction permits including all required approvals; pre-construction, during construction and post construction

10/10

#	Area 1	Area 2	Recommendation
236.	7. Construction Permit Enablers	Building Plan Approval	Mandate that a single, joint site inspection will be carried out by all concerned authorities such as Fire, Sewerage, Electricity, Labour (such as Factory license), Water Department and internal departments responsible for granting construction permits in urban areas and IDCs
237.	7. Construction Permit Enablers	Building Plan Approval	Design and develop an online single window system for granting construction permits with following functionalities: i. A common integrated application for all internal and external agencies required to provide applicable NOCs/ Approvals such as Fire Services, Water and Sewerage Department, Discoms, AAI, NMA, Forest, labour, Factory Directorate etc. ii. Provision for making an online application with integrated payment without the need for a physical touch point for document submission and verification iii. The system should allow auto scrutiny of building plans from compliance perspective according to the uniform building codes/ building by-law using Auto DCR (or similar) software iv. Ensure that the system issues digitally signed approved building plan within 30 days from the date of application v. Provision for e-intimation to authorities of plinth level completion vi. Provision for online issuance of certificate of inspections vii. Provision for online common completion request form cum Occupancy Certificate Application with online payment viii. Provision for online issuance of digitally signed occupancy cum completion certificate to the applicant
238.	7. Construction Permit Enablers	Building Plan Approval	Define clear timelines mandated through legislation for sanctioning of building permits in 30 days

10/10

#	Area 1	Area 2	Recommendation
239.	7. Construction Permit Enablers	Building Plan Approval	Stipulate that construction permits are provided within 45 days I. Building Plan approval is provided within 30 days II. Plinth Inspection is done within 7 days of intimation III. Final completion/ occupancy certificate is provided within 8 days (7 days for inspection + 1day for issuing the certificate)
240.	7. Construction Permit Enablers	Building Plan Approval	Allow third parties to easily verify the approval certificates in the public domain

समीक्षोपरान्त नगर विकास एवं आवास विभाग के अधिसूचना संख्या 2006 दिनांक 05.04.2016 द्वारा अधिसूचित झारखण्ड Building Byelaws 2016 जो सभी शहरी क्षेत्र, क्षेत्रीय विकास प्राधिकार, माडा एवं औद्योगिक क्षेत्र में लागू है के विभिन्न कंडिकाओं को निम्नलिखित संशोधन के साथ पंचायती राज संस्थाओं के क्षेत्रों के लिए अंगीकृत करने का प्रस्ताव है:-

1. पारा-1.2 में उप कंडिका (v) निम्नवत सन्निहित किया जाय -

All areas in the State under jurisdiction of Panchayati Raj Act 2001
(Such mention of all other places in the Jharkhand Building Bye law 2016 to be also read including rural areas.)

2. पारा-1.3 में वर्णित प्राधिकारों में पंचायती राज संस्थाएं भी सन्निहित किया जाय। तदनुसार पारा 1.3 निम्नवत पढ़ा जाय -

The State Government may notify certain areas on its own or on the recommendation of Development Authorities/ Municipalities/ULBs/ Panchayat Raj institutions (PRI) where these byelaws shall not apply.

3. पारा-2.2 में वर्णित अधिनियमों के साथ पंचायती राज अधिनियम, 2001 सन्निहित किया जाय-

“Act” means the JRDA Act 2002 (Adopted), Jharkhand Municipal Act, 2011 & Mineral Area Development Authority Act, Ranchi Regional Development Authority Act 2001, Jharkhand Industrial Area Development Authority Act 2001 and Jharkhand Panchayati Raj Act 2001.

10/10

4. पारा-2.30 में वर्णित प्राधिकारों के साथ, जिला परिषद का मुख्य कार्यपालक पदाधिकारी (CEO) सन्निहित किया जाय-
"Competent Authority" shall mean the Authority Notified by the Govt. of Jharkhand Urban Development & Housing Department and Rural Development Department (Panchayati Raj). It shall be the VC of RRDA/ MD of MADA/ CEO of Regional Offices of JIADA & MC/ EO of the respective municipalities/ULBs/ RLBs/CEO of Zila Parishad, PRI areas.
5. पारा-2.40.2 के रूप में निम्न प्रावधान सन्निहित किया जाय-
2.40.2 Rural Development Department means Dept. of Rural Development (Panchayati Raj)
6. पारा-3.7 के रूप में निम्न प्रावधान सन्निहित किया जाय-
In case of areas under jurisdiction of Panchayati Raj Act 2001, applicability of these byelaws will be for Pakka Building with RCC roof of 5000 sq Ft. or more.
7. पारा-4.4 के रूप में निम्न प्रावधान सन्निहित किया जाय-
4.4 This Para will not apply to areas under jurisdiction of Panchayati Raj Act 2001.
8. पारा-9.2 की तालिका में कॉलम- vi के रूप में PRIs/ PRI सन्निहित किया जाय तथा इसके क्रमांक 1, 2 एवं 3 में क्रमशः 5,000, 10,000, 12,000 सन्निहित किया जाय-
Table to have a Column for PRIs/ PRI with figures as 5,000; 10,000; 12,000
9. पारा-9.3 की तालिका 3.1 में कॉलम- vi के रूप में PRIs/ PRI सन्निहित किया जाय तथा इसके क्रमांक 1, 2 एवं 3 में क्रमशः 2, 4, एवं 6 सन्निहित किया जाय-
Table to have a Column for PRIs/ PRI with figures as 2; 4; 6
10. पारा-9.3 की तालिका 3.2 में कॉलम- vi के रूप में PRIs/ PRI सन्निहित किया जाय तथा इसके क्रमांक 1, 2 एवं 3 में क्रमशः 4, 8 एवं 12 सन्निहित किया जाय-
Table to have a Column for PRIs/ PRI with figures as 4; 8; 12
11. पारा-9.3 के नोट (3) के रूप में सन्निहित किया जाय-
In case of PRIs/ PRI, this fee will be Rs. 500/-
12. पारा-18.2.2 में निम्नवत सन्निहित किया जाय -
A fee of Rs. 1000/- (exempted for PRIs)
13. अध्याय-3 पारा-28 में 28.3 के रूप में निम्नवत सन्निहित किया जाय-
28.3 This chapter is not applicable for areas under jurisdiction of Jharkhand Panchayati Raj Act 2001.
14. पारा-61.14.1 में दी गयी तालिका में निम्नवत सन्निहित किया जाय-
Rest of PRIs; Rs. 1000/-

10/10

15. पारा-78.1 में दी गयी तालिका में क्रमांक 3 के रूप में निम्नवत सन्निहित किया जाय-

3	Areas under jurisdiction of Jharkhand Panchayati Raj Act 2001	Rs. 5,000.00	Rs. 10,000.00
---	---	-----------------	------------------


16. अनुसूची- III के नोट में निम्नवत (3) के रूप में सन्निहित किया जाय-

Maximum permissible FAR will be 2 for areas under jurisdiction of Jharkhand Panchayati Raj Act 2001.

नगर विकास एवं आवास विभाग द्वारा Jharkhand Building Byelaws 2016 में किए गए परिवर्तन, पंचायती राज अधिनियम, 2001 के अन्तर्गत आने वाले क्षेत्रों में भी लागू समझा जाएगा।

आदेश: आदेश दिया जाता है कि इस संकल्प को झारखण्ड गजट के असाधारण अंक में प्रकाशित की जाय ।

झारखण्ड राज्यपाल के आदेश से


(विनय कुमार चौबे)
सरकार के सचिव ।

ज्ञापांक:- 01स्था(वि0)-183/2012 ----- 3428 ----- /,राँची, दिनांक:- 10-10-17

प्रतिलिपि:- अधीक्षक, राजकीय मुद्रणालय, डोरण्डा, राँची को झारखण्ड गजट के असाधारण अंक में प्रकाशनार्थ प्रेषित ।

अनुरोध है कि ई-गजट में यथाशीघ्र प्रकाशन की व्यवस्था की जाए एवं प्रकाशन के तुरंत बाद इसकी 500 मुद्रित प्रति ग्रामीण विकास विभाग (पंचायती राज) को उपलब्ध करा दी जाय।


सरकार के सचिव ।

ज्ञापांक:- 01स्था(वि0)-183/2012 ----- 3428 ----- /,राँची, दिनांक:- 10-10-17

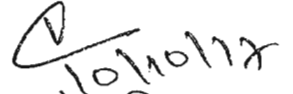
प्रतिलिपि :- अधीक्षक राजकीय मुद्रणालय, डोरण्डा, राँची को झारखण्ड गजट के असाधारण अंक में प्रकाशनार्थ प्रेषित ।

अनुरोध है कि ई-गजट में यथाशीघ्र प्रकाशन की व्यवस्था की जाए एवं प्रकाशन के तुरंत बाद इसकी 500 मुद्रित प्रति ग्रामीण विकास विभाग (पंचायती राज), झारखण्ड, राँची को उपलब्ध करा दी जाय ।


सरकार के सचिव ।

जापांक:- 01स्था(वि0)-183/2012 ----- 3428 ----- /,राँची, दिनांक:- 10.10.17

प्रतिलिपि -: मुख्य सचिव, झारखंड/ विकास आयुक्त / सभी विभाग एवं विभागाध्यक्ष / सभी प्रमंडलीय आयुक्त / सभी उपायुक्त / सभी उप विकास आयुक्त / सभी प्रमंडलीय उप निदेशक, पंचायत राज / सभी जिला पंचायत राज पदाधिकारी / सभी प्राचार्य, पंचायत प्रशिक्षण संस्थान / सभी प्रखण्ड विकास पदाधिकारी को सूचनार्थ प्रेषित ।



सरकार के सचिव ।

जापांक:- 01स्था(वि0)-183/2012 ----- 3428 ----- /,राँची, दिनांक:- 10.10.17

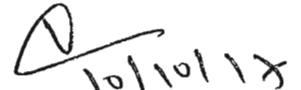
प्रतिलिपि -: सचिव, झारखंड विधानसभा / निबंधक, झारखंड उच्च न्यायालय / महाधिवक्ता, झारखंड उच्च न्यायालय को सूचनार्थ प्रेषित ।



सरकार के सचिव ।

जापांक:- 01स्था(वि0)-183/2012 ----- 3428 ----- /,राँची, दिनांक:- 10.10.17

प्रतिलिपि -: महामहिम राज्यपाल, झारखंड के प्रधान सचिव /माननीय मुख्यमंत्री के प्रधान सचिव / महालेखाकार, झारखंड /विभागीय मंत्री के आस सचिव को सूचनार्थ प्रेषित ।



सरकार के सचिव ।