January 2013
FINAL REPORT

VOLUME I

REPORT OF THE COMMITTEE OF STREAMLINING APPROVAL PROCEDURES FOR REAL ESTATE PROJECTS IN INDIA

KEY RECOMMENDATIONS

Volume I comprises of the main report, along with the key findings and recommendations

Volume II comprises of annexure including all suggestions received from various sources, forms and supporting documentation

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1. Abbreviations

AAI - Airport Authority of India
AIM - Aeronautical Information Management
AHQ – Air Headquarters
AHTF - Affordable Housing Taskforce
AIBC - Approved Inspector Building Control
AMC - Ahmedabad Municipal Corporation
AP - Andhra Pradesh
APS - Automatic Plan Sanction
ASI - Archaeological Survey of India
AVL - Avas Vikas Limited
BCA - Building Code of Australia
BCB - Building Control Bodies
BCO - Building Control Officer
BIS - Bureau of Indian Standards
BMP - Bangalore Mahanagar Palika
BPPA - Buddha Purnima Project Authority
BPSP - Building Plan Scrutiny Pool
BSUP - Basic Services to the Urban Poor
BUC - Building Use Certificate
CAA - Constitutional Amendment Act
CAF - Composite Application Form
CARD - Computer Aided Registration of Documents
CBI – Central Bank of India
CCI - Competition Commission of India
CDA - Cyberabad Development Authority
CGWA - Central Ground Water Authority
CMC - Chennai Municipal Corporation
COA - Council of Architects
CREDIA - Confederation of Real Estate Developers' Associations of India
CRZ - Coastal Regulatory Zone
DA - Development Authority
DD – Demand Draft
DDTP – Deputy Director of Town Planning
DG - Diesel Generator Set
DIPP - Department of Industrial Policy & Promotion
DOB - Department of Buildings
DPC - District Planning Committee
DMU - Delivery Monitoring Unit
EC - Environment Clearance
EIA - Environment Impact Assessment
EWS - Economic Weaker Sections
FAR - Floor Area Ratio
FDI - Foreign Direct Investment
FICCI - Federation of Indian Chambers of Commerce and Industry

FSI – Floor Space Index

GDA - Ghaziabad Development Authority

GDCR - General Development Control Regulations

GDP - Gross Domestic Product

GHMC - Greater Hyderabad Municipal Corporation

GIS - Geographic Information System

GMC - Guwahati Municipal Corporation

GMDA - Guwahati Metropolitan Development Authority

GNIDA - Greater Noida Industrial Development Authority

GoI - Government of India

GVMC - Greater Vishakhapatnam Municipal Corporation

HADA - Hyderabad Air port Development Authority

HCC - Heritage Conservation Committee

HIG – High Income Group

HMDA - Hyderabad Metropolitan Development Authority

HRD - Human Resource Development

HUDA – Hyderabad Urban Development Authority

HUDCO - Housing and Urban Development Corporation

IHSDP - Integrated Housing and Slum Development Programs

JNNURM - Jawaharlal Nehru National Urban Renewal Mission

JTP - Junior Town Planner

LABC - Local Authority Building Control

LIG - Low Income Group

LOP - Layout Plan

MCC - Mysore City Corporation

MCD - Municipal Corporation of Delhi

MCH- Municipal Corporation of Hyderabad

MIDC - Maharashtra Industrial Development Corporation

MIG – Middle Income Group

MoCA - Ministry of Civil Aviation

MoD - Ministry of Defence

MoEF - Ministry of Environment & Forest

MoHUPA - Ministry of Housing & Urban Poverty Alleviation

MoUD - Ministry of Urban Development

MIS - Management Information System

MPC - Metropolitan Planning Committee

NAREDCO - National Real Estate Development Council

NBC - National Building Code

NDA – National Defence Academy

NeGP - National e-Governance Plan

NHAI - National Highway Authority of India

NHB - National Housing Bank

NIC - National Informatics Centre

NMA - National Monument Authority

NOC - No Objection Certificate

NSDG - National e-Governance Services Delivery Gateway

NSIG - National Institute for Smart Government

NSSO - National Sample Survey Office
OBLS - Online Business Licensing Service
PMC - Patna Municipal Corporation
POA – Plan of Action
PPP - Public Private Partnership
PWD - Public Works Department
QBSA - Queensland Building Services Authority
RAY - Rajiv Avas Yojna
RICS - Royal Institution of Chartered Surveyors
SAPREP - Streamlining Approval Procedures for Real Estate Projects
SEAC - State Environmental Appraisal Committee
SEC - Socio-Economic-Classification
SEIAA - State Environmental Impact Assessment Authority
SMC - Surat Municipal Corporation
SNPUPR - Support to National Policies for Urban Poverty Reduction
SPB - State Planning Board
SPS - Single Point Source
TCPO - Town & Country Planning Organization
UDA - Urban Development Authority
ULB – Urban Local Body
UPDFI - Urban Development Plans Formulation & Implementation
UT - Union Territory
WDA - Works of Defence Act

2. Preface

With a billion plus population and rapid rate of urbanization being witnessed in India, there is an enormous need for both housing and infrastructure that the country needs to gear up to deliver. As of 2012, the housing shortage stands at a mamoth18.7 million units, of which 56.2% pertains to the economically weaker section (EWS) category and another 39.5% for low-income group (LIG). These figures inevitably point to the massive demand for affordable housing in the country. While ROTI, KAPDA aur MAKAAN form the three most basic necessities to human growth and existence, housing is definitely one of the most fundamental demands that influence quality of life.

One of the factors restricting housing supply is the approval process for real estate projects which is painfully slow, cumbersome and expensive when compared to other countries. According to a recent **World Bank report 'Doing Business 2013'**, while India has reduced the amount of time taken to process building permit applications, the country still ranks at 182 of 185 countries in the 'dealing with construction permits' category. This indicates the magnitude and urgency with which policy makers in the country need to address the issue of streamlining building approvals, to **make India a more viable business and investor destination**.

Despite real estate and construction being one of the key contributors of economic growth, with secondary and tertiary linkages in terms of employment, GDP growth, there is no well defined regulatory regime for this sector. There is an urgent and important need for better governance. One of the foremost demands of the real estate industry across the country is to facilitate fast-track and transparent system of project approval procedures.

From anecdotal evidence, it is believed that **housing projects need more than 50 approvals** involving statutory authorities of Central Govt, State Govt and Local Municipal Corporations, which can take **90 to 600 days**. A few approvals required from certain Central Government ministries and departments prove a major bottleneck impacting the construction processes; leading to time delays and cost overruns. The current procedures followed by local Governments, starting from receiving the application to giving the completion certificate, are ridden with a lack of clarity or structure, complexity of design and operation, inefficiency and uncertainty and time/resource consumption. Most of the clearances needed are at state level like land, water, electricity, town and country planning and a whole lot of clearances are needed of which some are sequential rather than parallel, and many a times, projects get stuck in 'snake and ladder' kind of a situation, when after some clearances, because of a new factor, the whole sequence had to be followed de-novo. The cost of project gets compounded due to delays and time and cost over-runs, including possible corruption at some layers, resulting in ultimately the Consumers having to bear the brunt.

Rent Seeking and Corruption is a serious challenge has become systemic to the approval process.

If the current system is allowed to continue it will have a serious effect on the overall economic competitiveness. The regulations do not exist for the sake of regulation but for speedier and orderly development of the sector where all the stakeholders can play their legitimate roles. It is very important to evaluate which regulations are necessary and which need simplification and to see that the cost of compliance of those regulations commensurate with the benefits involved and are in line with the objectives initially stipulated. Therefore, it is important to study the procedures that are

leading to inefficient outcomes and that are giving scope for either apathy towards developers or corruption.

Taking cognisance, the Ministry of Housing and Urban Poverty Alleviation has set up a Committee to look into these problems and recommend solutions for streamlining the approval procedures. Over the last few months, the Committee has had serious deliberations on the matter across a number of Committee and Sub-Committee meetings. Besides studying the suggestions put forth by Committee members, an **extensive research** has been undertaken to compile the information from **past studies** and **experiences within India and across the world**, which are captured in the form of case studies. Through a series of meetings and deliberations this report has attempted to put forth some recommendations based on the collective intellect of **special experts who have participated in the proceedings**, along with information collated from **state representatives** through detailed questionnaires, **public consultation** and **industry forums**. A sub-committee, formed to have in-depth study, had several sittings including presentations at the office chamber of J.S (H), MoHUPA.

Moreover, Secretary, Ministry of Culture, Govt. of India, regarding NOC from National Monument Authority and the Secretary, Civil Aviation, Govt. of India, regarding NOC from Airport Authority of India, were personally met for discussing these issues. A formal request was made for a meeting with the Secretary, Ministry of Environment & Forest (MoEF) but was not possible due to paucity of time. Meanwhile, , a committee has been set up by MoEF in December 2012, to review the provisions of EIA Notification 2006 relating to Building, Roads and SEZ projects as well as OM on High Rise Building. The SAPREP committee report may be referred to MoEF for information and consideration of the recommendations.

I would like to thank Smti Gauri Kumar, Additional Secretary (MoEF), Shri Talleen Kumar, Joint Secretary, DIPP, Shri G. S. Sandhu, Principal Secretary Urban Development & Housing, Govt. of Rajasthan, Shri S. P. S. Parihar, Principal Secretary Urban Development & Housing, Govt. of Madhya Pradesh, Shri J. B. Kshirsagar, Chief Planner, (TCPO, MoUD), Shri Vijay Kumar, Secretary, Urban Development (Govt. of Andhra Pradesh), Shri Subir Hari Singh, Chairman, Bangalore Development Authority, Shri S. Sridhar (Advisor to RICS South Asia and Former CMD, Central Bank of India, National Housing Bank), Shri Oma Nand, Under Secretary Ministry of Civil Aviation, Shri N. Ganesh, Executive Director Airport Authority of India, Shri K. K. Muhammed, Regional Director, Archaeological Survey of India (ASI), Shri Abinash Kumar Singh, Estate Officer Patna Municipal Corporation, Bihar, Shri S. K. Yadav, Vice Chairman Ghaziabad Development Authority, Govt. of Uttar Pradesh for participating in SAPREP meetings and making valuable contributions.

I would like to thank all the members of the SAPREP Committee and acknowledge the contribution of industry members for their participation and deliberations in meetings namely members of NAREDCO led by Shri Navin M. Raheja, President; members of CREDAI, led by Shri Lalit Kumar Jain, President; members of FICCI led by Smti Mousumi Roy, Director; members of Janalakshmi Social Services, Bangalore. The Committee appreciates the invaluable inputs provided by Shri C. Shekar Reddy, Vice President, CREDAI, Shri P. S. Jayakumar, Co-opted Member and M.D, VBHC, Bangalore, Shri Vipul Roongta, Co-opted Member from HDFC Asset Management, Shri Rajamani Muthuchamy, Janalakshmi Social Services, Shri Rama Kamaraju, Project Manager, eBiz Project and Shri Neetesh Singhal, Project Manager, SoftTech Engineers Pvt. Ltd, Pune, who contributed through inputs and presentations.

I must acknowledge valuable suggestions and timely initiatives of Shri Susheel Kumar, Joint Secretary (H) as Member Convenor, SAPREP which made coordination with the States and various Ministries possible and also thank Smti S. R. Rajashekar, Director (H) (MoHUPA) and her staff who actively provided all the administrative support to the committee.

On behalf of the Committee, I would like to thank Sh. Sarat Barkakati, Civil Engineer, (Support to National Policies for Urban Poverty Reduction (SNPUPR), a MoHUPA & DFID Partnership) for all his hard work in coordinating with various quarters and his technical inputs. I would also like to express my gratitude to Sh. Sachin Sandhir, MD South Asia, Royal Institution of Chartered Surveyors (RICS) for volunteering the services of Ms. Shweta Kataria, Head of Corporate Communications and Public Policy, who has worked untiringly on drafting this important report.

I sincerely hope that the Ministry of Housing will seriously consider the recommendations put forth in this report and undertake further projects, with States, to implement some of these recommendations to ensure a better business environment for developers and better service to the public at large.

Dhanendra Kumar
Chairman, Committee on Streamlining
Approval Procedures for Real Estate Projects (SAPREP)

New Delhi
4 January 2013

3. Executive Summary

Background

Even though real estate and housing sectors contribute significantly to India's economic growth, one of the factors impacting the housing sector in the country is the approval process for real estate projects which is painfully slow, cumbersome and expensive when compared to other countries. Anecdotal evidence suggests that the process of seeking building approvals involving statutory authorities of Central Govt, State Govt and Local Municipal Corporations could take anywhere from 90 to 600 days. Given this, one of the foremost demands of the real estate industry has been to facilitate a fast-track and transparent system of project approval procedures.

Responding to this call from the industry, the Ministry of Housing and Urban Poverty Alleviation (MoHUPA) had constituted the SAPREP (Streamlining approval procedures for real estate projects) Committee to study various successful models in various States in India & international best practices and to suggest a methodology for fast track Central/State building clearances. Specific terms for the committee were

1. Examine few best practices on streamlining building plan approval processes in cities like Pune, Hyderabad, Mysore and Indore etc.
2. Study of Bihar model on the obtaining of building plan approvals from certified architects.
3. Suggest a methodology for fast tracking Central/State building clearances.
4. Suggest a systematic approach through which all cities and states can develop fast track, single window clearance mechanism giving specific focus on simplification of procedural aspects, formulating single composite form with complete listing of the set of documents necessary to accord sanction by the authorities and automated system for building plan approval with special emphasis on Affordable Housing.

SAPREP Committee has followed a multi-pronged strategy to understand key issues and to recommend actions for streamlining approval procedures. These include -

- Conducting an extensive secondary research to collect information on current practices followed in various Indian States and specific challenges as well as best practices in other countries
- Study of technology enabled single window mechanisms available in India
- Additional information has been collected from States through detailed questionnaires and state representatives
- Study of process flow charts shared by TCPO/NAREDCO/CREDAI/ FICCI /RICS VBHC to draft an indicative comprehensive flowchart for the country, identifying sequential and parallel activities
- Public and industry consultation

This report contains the key findings and recommendations of the SAPREP Committee.

Key Findings

- As per a World Bank Report 'Doing Business 2013', India ranks 182 out of 185 economies, on 'ease of dealing with construction permits'. While India has reduced the average time from 227 to 196 days to process 'building permit applications' by implementing strict time limits at municipalities, there are still 34 procedures that need to be followed. These approvals cost as much as 1528% of income per capita (whereas across sectors, the average cost of doing business in India is only 49.8% of income per capita). The huge cost associated with this process is consequently passed on to consumers and has implications for the sector at large.

✔ Dealing with construction permits (rank)	182
Procedures (number)	34
Time (days)	196
Cost (% of income per capita)	1,528.0

- Some of the main factors contributing to slow approval processes are as follows - rigid planning process through master plans, lack of institutional clarity for urban planning and governance, complexity and coordination hurdles, complex building bye laws with excessive control, ambiguity and discretion, lack of transparency and corruption.

- Both the National Housing Policy 2007 and JNNURM have identified 'simplification of the building approval process' as an important area for action. 'Streamlining of the building approval process' is an optional reform under JNNURM and 31 mission states and 67 cities1, have already implemented this reform, while 9 cities are yet to implement this reform. Further, 33 mission cities and 172 towns have undertaken implementation of the e-governance (mandatory) reform, under which it is desired that - Building plans can be submitted online and scrutiny/approval process completed within 7 days. While these reforms seem to have been undertaken with good progress, the actual benefits do not appear to be accruing to developers and public since the approval process is still believed to be lengthy and time consuming. The Committee recommends MoHUPA and MoUD to investigate this aspect further.

- While the long list of permits often exceeding 50 in number for each state/project, these can be broadly classified as 6 broad categories - Land title, Planning & Land, Construction of buildings, NOC from Central Govt, NOC from State Govt, Service Installations. Such a categorization has been helpful in understanding the procedures for building permits, in the context of the approval lifecycle. SAPREP report has focused its efforts on studying nearly 20 of the most important approvals which are required mandatorily in most real estate projects across the country. The rationale for these approvals and the current state of affairs has been discussed in detail and recommendations have been given for each approval type.

- These approvals have been plotted on an indicative comprehensive flowchart on page 40. As anecdotal evidence that suggests the magnitude, this process takes upto 555 days in Karnataka.

- A study of international practice suggests that in the past eight years 83 economies around the world have implemented 146 reforms, making it easier to deal with construction permits. Among the most difficult changes to implement has been the introduction or improvement of a 'one-stop

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[1] JNNURM Annual report - 31 March 2012

shop'. In the past eight years 18 regulatory reforms have been implemented to set up or improve 'one-stop shops', including the efforts made by Brunei Darussalam, Malaysia and Taiwan, China in 2011-12. Additionally, the introduction of risk-based approval systems has also been noted as a complex but important change, as it is considered relevant to differentiate construction permitting processes to treat buildings according to their risk level and location. Some specific reforms in 2011-12 included - Streamlined procedures, Reduced time for processing permit applications, Introduced or Improved one-stop shop, Reduced fees, Improved electronic platforms for online services and Introduced risk based approvals

Recommendations

After a detailed study and factoring in the key findings, SAPREP Committee emphasizes both the importance as well as urgency of addressing the issues with existing real estate project approval issues.

The Committee has studied recommendations submitted by all Committee members including CREDAI's recommendations for a 'Single Window Clearance Act'. Having evaluated the feasibility of this recommendation, the Committee is of the view that given the fact that 'land' is a State subject, it is not within the purview of MoHUPA to accept or recommend such an overarching act to the State Governments. The Committee acknowledges the need for streamlining building laws and regulations to provide better clarity and consistency and has made recommendations to enable this.

The Committee envisions the future of real estate project approvals being channelled through a 'Single Window Approval System' or 'One stop shop' as it is known internationally. Such single window system with all forward and backward linkages at Central Government, State Government, Urban Local Bodies, Panchayat levels will need to be enabled by a robust technology platform(s), with requisite monitoring at Central Government.

In order to realise this vision, the committee recommends six pillars of action described below. The Committee believes action across all these pillars will improve transparency, fairness, process time and transaction cost involved in approval procedures.

Six key pillars to streamline real estate project approvals

Single Window Approval System (SWAS)
with all forward and backward linkages at Central Govt/State Govt/ULB/Panchayat levels

1 Compendium of process and timelines for all Central & State approvals

2 Review of existing procedures & sharing best practices

3 Single Window or 'One-Stop Shop' enabled by IT

4 Transparency, predictability and accountability to protect consumer interest

5 Special dispensation for affordable housing

6 Capacity building in private and public sector

1. **Compendium of process and timelines for all Central & State approvals**
   - All central and state governments to lay down clear processes, with clarity of sequential and parallel processes, across approval stages. States and local bodies should prepare standard checklists of required approvals, along with listing supporting documents. Clear timelines for each approval procedure and list of people responsible for each type of approval should be documented for accountability and predictability

   - State governments to standardize 'project related information' in the form of a Composite Application Form (CAF) for common clearances required from various government departments / agencies, which can be effective when supplemented with Single Window Approval System

2. **Review of existing procedures and sharing best practices**
   - In order to remove ambiguity; to factor in urbanization and technology advancements, Ministry of Housing and Urban Poverty Alleviation (MoHUPA) may work with Bureau of Indian Standards (BIS) to update provisions of NBC which are outdated or impractical in ensuring speedy approvals, without compromising standards. States to consider 'streamlining of building bye-laws' to provide 'clear overarching laws and guidelines', especially with respect to various NOCs required from Central and state governments

- MoHUPA may work with all Central government departments such as Ministry of Environment & Forest (MoEF), Airport Authority of India (AAI), National Monument Authority (NMA), Ministry of Defence (MoD) to identify opportunities for simplification, delegation or automation, to reduce time taken for such NOCs. It is recommended that procedures of NOCs from National Monument Authority, Ministry of Defence, Railways, Airport Authority of India, Coastal Regulatory Zone, etc should be done away with by earmarking Buffer Zones/ Control Lines on the City master plan itself within a time frame of 1 year.

- State governments may also review the approval processes for their states and local bodies in order to identify the activities that can be removed, simplified, delegated or automated and also identify approvals that may be categorised as automatic if they satisfy certain pre-requisites or fall under affordable housing category.

- MoHUPA may play the role of a facilitator to share existing best practice across States. The states of Rajasthan, Punjab and Maharashtra serve as useful case studies where such Department of Industries have implemented 'single window clearance services'. Under JNNURM, many States have implemented automation of building plan approvals. Indore, MP has successfully implemented an 'Automatic Building Plan Approval System' (ABPAS) which can be recommended as an effective 'stand alone' system to be implemented across other States and cities. The Committee recommends further work on identifying such stand alone systems.

- Provide incentives and recognition to States, local bodies and Individuals to encourage procedural reforms. MoHUPA may consider providing incentives as part of JNNURM to states that undertake implementation of recommendations of this report such as single window concept or fast track processes for affordable housing.

- State governments to consider constituting Empowered Committees at State level, to take a decision on all pending applications.

3. **Single Window or 'One-Stop Shop' enabled by IT**
   - After studying the two models of e-BIZ developed by Department of Industrial Policy & Promotion (DIPP) and Automated Building Plan Approval System (ABPAS) developed by Madhya Pradesh in Indore, the Committee is of the view that IT enabled One Stop Shop is the ultimate vision for streamlining approval procedures and therefore recommends that all Sates initiate the process of moving towards a "Single Window Approval System (SWAS)" enabled by IT. While the States will always have flexibility in determining IT systems that best suit their environment, the Committee suggests e-Biz project by DIPP or ABPAS by MP Government as best practice examples to follow.

   - Given the urgent need for automating approval procedures, it is recommended that States may work towards completing the tendering & selection process within 1 (one) year while 2 years may be considered a reasonable time-frame for achieving a baseline automated system, which may further be evolved over the next few years.

- In terms of funding, the States may consider following a PPP model, as followed by MP Government in case of ABPAS. Under such a PPP model, competitive bidding may be undertaken in order to have a reputed IT company bid to develop such IT system on a transactional basis (i.e. fee per sq ft approved using the system) without any upfront cost to the State.

- While States may continue to seek technical assistance from MoHUPA for developing an I.T based Single Window Approval System (SWAS), the Committee has already evaluated necessary requirements for Composite Application Form (CAF) that will be required as a feeder for the IT system. According this report contains guidelines for the States to follow in order to develop such 'Composite Application Form' (CAF) for their States.

4. **Transparency, predictability and accountability to protect consumer interest**
   - State Governments to take steps to provide easy access to building approval information (including uploading a list of all approved projects on websites of local authority; publishing approval information on advertisements) to avoid pre-sales of projects without requisite approvals

   - Strengthening regulatory mechanisms including enforcement of various state building laws (building bye-laws), by local building authorities or private/third party building surveyors or quality control companies and providing consumer redress for non-conformance to building standards or building defects

5. **Special dispensation for affordable housing**
   The States should consider fast track processes and exemptions for projects that meet the affordable housing definition as per Affordable Housing in Partnership Scheme of MoHUPA which is being revised as per recommendations of Affordable Housing Task Force.

   - Revision of building codes with specific provisions for 'affordable housing'
     – MoHUPA may work with BIS to revise this Part III, Annexure C of the NBC that lays low cost housing norms especially for group housing society projects which are not included in the code at present. Specific provisions for 'affordable housing' with densification and revised norms for built-up area from an affordability perspective should be included.
     – Standardize building plans and specifications to encourage 'manufacture' of houses rather than 'constructing'

   - State level nodal agency to act as 'Single window' and coordinate all approvals from different authorities.

   - Urban Local Bodies (ULB) may also put in place a 'dedicated cell in ULBs' to act as single facilitation or clearance window

   - Fast track process or green channel to be established for affordable housing projects with 60-day clearance window

- Exemptions and relaxations for NOCs required from Central Governments to expedite supply of affordable housing.
    - With regard to environment clearances, the threshold for such MOEF approvals should be increased from 20,000 Sq. meters to 50,000 square meters.
    - Further affordable housing projects certified by environment rating agencies such as LEED or GRIHA may be given automatic environment clearance.

- Consider setting up of 'National Affordable Housing Board' along the lines of National Investment Board to ensure speedy approvals of affordable housing projects.

6. **Capacity building across public and private sector (training, empowering or empanelling 'competent professionals' to augment capacity)**
    - The Committee recommends that MoHUPA issues guidelines for empanelling and licensing 'competent professionals/surveyors' along with minimum competency criteria. Such empanelled professionals may be allowed to perform important activities in the approval process, to reduce the burden on local authorities.

    - These may include professionals such as
        - **Architects** – who may be empanelled to review and verify (self-certify) building plans and zonal/layout plans for building projects
        - **Urban Planners** – urban planners with local authorities may be trained to be able to approve land-use/zonal plans or expertise may be sought from external planning consultants
        - **Civil / structural engineers** may be empanelled to review application of building plans, construction as well as structural design requirements
        - **Building surveyors** may be trained in-house or external consultants empanelled to review adherence to stipulated building codes and bye laws, including site inspection
        - **Lawyers and law firms** may be engaged to verify legal documents including ownership and non-encumbrance certificated

    - The scope of such outsourced activities may be limited to self-certifying building approvals for smaller projects or performing specific activities in the entire approval process.

    - The Committee reinforces the urgent need to build capacity of urban planners at Local Body level, who are competent in town planning laws to be able to award planning permissions, hence reducing the time delays.

    - The Committee recommends that MoHUPA takes the lead in building capacity of building surveyors or engineers trained in building codes, to expedite building approvals in local authorities. State Governments are also encouraged to conduct training programs to train engineers on building regulations, so as to build capacity of building surveyors.

4. Introduction

4.1. Background

There is a strong correlation between urbanisation and economic development, where cities presently contribute approximately 60% to the GDP and which is expected to increase to 75% by 2030. Therefore, cities are rightly termed as the engines of economic growth and innovation. This pace and scale of urbanisation is unprecedented for India. Consequently, a number of key policy and governance challenges have emerged in recent years as uncontrolled and unplanned urbanisation have continued to add pressure on civic infrastructure systems, where urban India remains underserved by utilities and suffers from inadequate housing stock. A recent study by a technical group constituted by MoHUPA has revealed that with population crossing 1.20 billion in 2011, the magnitude of housing shortage stood at 18.7 million units in 2012. Therefore, creating urban housing stock as a preventive strategy to contain ever-increasing slum population has become a top priority for sustainable urban planning and development.

The financial resources needed to meet this mammoth shortage are beyond any public initiative and need partnership with the private sector i.e. the real estate developers. **However, the private players seek some incentives and primarily a business-friendly environment to enter into the not-so-profitable venture of providing affordable housing for the EWS and LIG.**

One of the foremost demands of the real estate industry across the country is to facilitate fast-track and transparent system of project approval procedures. The current procedures followed by local Governments, starting from receiving the application to giving the completion certificate, are ridden with a lack of clarity or structure, complexity of design and operation, inefficiency and uncertainty and time/resource consumption. Therefore, it is important to study the procedures that are leading to inefficient outcomes and that are giving scope for either disgruntlement of the developers or corruption.

Anecdotal evidence suggests that the process of approval involving statutory authorities of Central Govt, State Govt and Local Municipal Corporations takes 90 to 600 days. Delays in project approvals are estimated to have a huge bearing on the project cost. **The single intervention in approval process that can make a huge difference was equivocally said to be e-based single window mechanism** to enable coordination among the multiple authorities dealing with various permissions/approvals.

Realising this need, the Ministry of Housing and Urban Poverty Alleviation (MoHUPA) has constituted a Committee to study various successful models in various States in India & international best practices and to suggest a methodology for fast track Central/State building clearances.

While the whole process mapping can be time consuming and long exercise, this report is aimed at process mapping of some critical processes e.g., building permission process, which can help in identifying the reform areas. For the purpose of detailed diagnosis, mapping of the implementation process needs to be undertaken, particularly in those critical processes that play a very important role.

4.2. Terms of reference

The Terms of Reference (TOR) stipulated for the Committee are as below
- Examine few best practices on streamlining building plan approval processes in cities like Pune, Hyderabad, Mysore and Indore etc.
- Study of Bihar model on the obtaining of building plan approvals from certified architects.
- Suggest a methodology for fast tracking Central/State building clearances.
- Suggest a systematic approach through which all cities and states can develop fast track, single window clearance mechanism giving specific focus on simplification of procedural aspects, formulating single composite form with complete listing of the set of documents necessary to accord sanction by the authorities and automated system for building plan approval with special emphasis on Affordable Housing.

4.3. Strategy and methodology

Over various deliberations in the Committee meetings, the following approach strategy was agreed and followed to recommend actions for streamlining approval procedures.
- Since lot of research has already been done by Government and Private agencies, in stead of de-novo work on the subject, an extensive secondary research was carried out to collect information on current practices followed in various States and specific challenges
- Additional information from States was sought through a detailed questionnaire
- Representatives from Bihar/Pune/ Hyderabad/ Madhya Pradesh were invited to share their experiences
- Process flow charts shared by TCPO/NAREDCO/CREDAI/ FICCI/RICS/VBHC were studied in order to draft an indicative comprehensive flowchart for the country, identifying sequential and parallel activities
- Views from the public were solicited through public consultation promoted on the ministry's website
- Industry consultation was undertaken through various forums including a dedicated presentation and discussion on the topic at the FICCI Real Estate Summit held in Mumbai in Nov 2012.
- Study single window (online/technology enabled) mechanisms available in India have been studied and recommendations made on such basis.
- The possibility of empowering self regulated professional bodies (which have stringent eligibility criteria and regulatory framework for members on the lines of Council of Architects, Bar Council of India) whose members may act as facilitators in the approval procedure has been evaluated.
- Fast tracking methods including checklists developed by Government departments and various industry bodies such as CREDAI/FICCI/RICS and private firms which have considerable knowledge in this area, have been thoroughly evaluated
- Mechanisms such as empowerment committees, for monitoring progress and expediting clearances, have been evaluated and thereafter recommended
- A separate green channel for clearance of affordable housing projects which may include the approval process for land in addition to building plan approval, has been evaluated and recommended
- The role of capacity building initiatives to ensure effective implementation of recommendations has been discussed and stressed upon
- Quality check mechanisms in existing construction process and adherence building development norms, have been considered and areas of improvement have been recommended

- Most importantly, the interest of the consumer with equal importance for confidence building and the benefit of the real estate sector as a whole, have been considered and necessary measures have been recommended.

4.4. List of Committee Members

Members of SAPREP Committee
- Shri Dhanendra Kumar, Chairman
- Shri Susheel Kumar, Joint Secretary (H) and Member Convenor
- Shri S. Sridhar (Former CMD, NHB & Central Bank of India and Advisor to RICS South Asia)
- Smti Gauri Kumar, Additional Secretary, Ministry of Environment & Forests (MoEF)
- Official from Archaeological Survey of India (ASI)
- Shri Alok Sinha, Joint Secretary, Ministry of Civil Aviation
- Shri J. B. Kshirsagar, Chief Planner (Town Country Planning Organisation, MoUD)
- Mr. E.F.N. Ribeiro, Chairman Board of Governors, School of Planning and Architect, Bhopal
- Shri S.P.S. Parihar, Principal Secretary, Urban Development (Govt. of Madhya Pradesh)
- Shri Vijay Kumar, Principal Secretary, Urban Development (Govt. of Andhra Pradesh)
- Shri Ashish Sharma, Municipal Commissioner, Pimpri Chinchwad Municipal Corporation (Govt. of Maharashtra),
- Municipal Commissioner, Patna Municipal Corporation, Govt. of Bihar
- Shri Subhir Hari Singh, Chairman (Bengaluru Development Authority)
- Shri Ramesh Ramanathan, Chairman Board of Director (Janalakshmi Social Services, Bangalore)
- Representative from CREDAI
- Representative from NAREDCO
- Representative from FICCI

Co-opted Members:
- Shri Deepak Anurag, Joint Secretary, (C & W), Ministry of Defence
- Shri P. S. Jayakumar, M.D, Value & Budget Housing Corporation Pvt. Ltd., (VBHC) Bangalore
- Shri Vipul Roongta, HDFC Asset Management

5. Urbanisation and Housing Trends in India

5.1. Increasing urbanisation

As in most countries, India's urban areas make a major contribution to the country's economy and contribute to economic output, host a growing share of the population. Cities have been at the heart of India's economic success - urban India accounted for 62-63% of the country's GDP in 2009-10. .According to estimates, the contribution of urban areas is expected to rise to 75% of GDP in 2030.

Urbanisation is not a side effect of economic growth; it is an integral part of the process. It is a known fact that there is a strong correlation between urbanisation and economic development. The relationship between GDP growth and urbanisation exists because high population density provides scale benefits that boost productivity, which in turn enhances growth - a virtuous cycle.

With direct migration to urban areas accounting for 20-25% of the increase in urban population, India will see urbanisation spread across the nation and impact nearly all states.

Census data indicates that India's urban population has grown from 286 million in 2001 to 377 million in 2011, which accounts for over 31% of the country's population. The number of urban cities and 17 towns has also increased from 5,161 in 2001 to 7,935 in 2011. Additionally, the number of 1 million plus cities has grown from 35 in 2001 to 53 in 2011.

Figure 1: Urban Population (2001-2031)
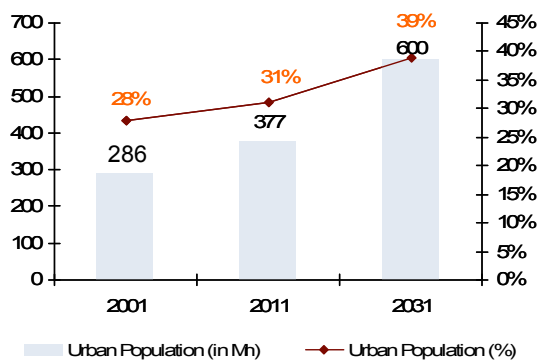
Source: Census 2011

5.2.   Current situation of housing

All countries have problems of housing supply but the scale of the problem in India is immense. One of the most serious and insurmountable problems is that of housing on account of a growing and migratory population moving to cities.

Current demand supply gap of housing

The total number of urban households in the Country stood at 78.87mn in 2011 as compared to 53.69mn in 2001, reflecting an increase of 47% over a period of 10 years. The total urban housing stock on the other hand reflected an increase of 52% over the same period, increasing from 50.97mn in 2001 to 77.5mn in 2011. This indicates an average addition of 2.52 mn households and 2.65 mn housing stock, per year, over the last 10 years.

Figure 2: Urban Households and Housing Stock (2001-2012)

Urban Housing - No. of Households and Housing Stock (2001-2011)	2001 Census data	2011 Census data
Total No. of Households (Mn)	53.69	78.87
Total Housing Stock (Mn)	50.97	77.5
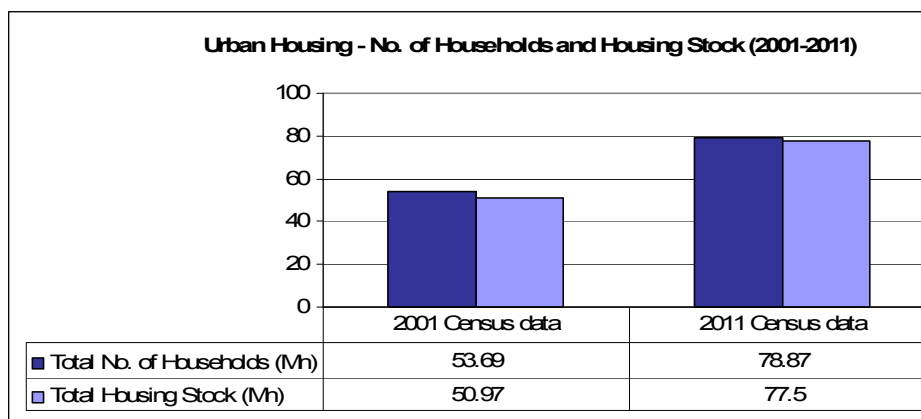
Source: Census data

No. of households has only seen a marginal growth over 2001-1011, in line with the past trends, as can be seen in the figure below.

Figure 3: Urban Housing - No. of Households (1961-2011)

Urban Housing - No. of Households (1961-2011)

	1961	1971	1981	1991	2001	2011
Households (Mn)	14.9	19.1	29.3	40.7	53.7	78.9
% increase in HH		28%	53%	39%	32%	47%
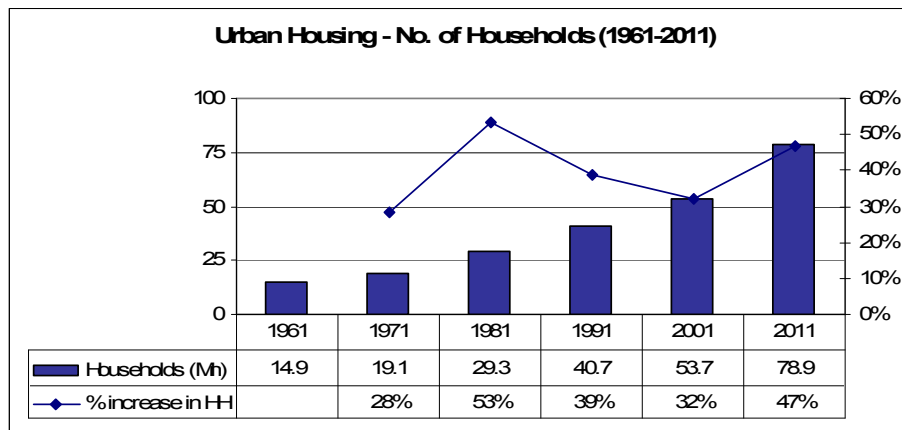
Source: Census data, RICS Analysis

Contrastingly, the housing stock has grown by 52% over 2001-2011, as compared to only 30% over 1991-2001. This is a key indicator, implying that the overall capacity of housing supply has increased in India.

The average growth of housing stock over the 20 year period from 1981 to 2001 has been approximately 1.1 million units. During 1997-2002, about 1.45 million constructions were estimated as being added to the housing stock every year[2], amounting to the annual exponential growth rate in the housing stock of approximately 2.6%.

However, there has been a significant increase in the overall urban housing stock added over 2001-2011. Nearly 26.5 million units have been added to housing stock in this 10 year period, implying an average of 2.7 million units has been added to the housing stock every year in the last 10 years. This is a significant increase from the historical trends.

Figure 4: Urban Housing - Housing Stock (1961-2011)

	1961	1971	1981	1991	2001	2011
Total Housing Stock (Mn)	13.3	18.5	28	39.3	51.0	78.5
% increase of HS		39%	51%	40%	30%	54%
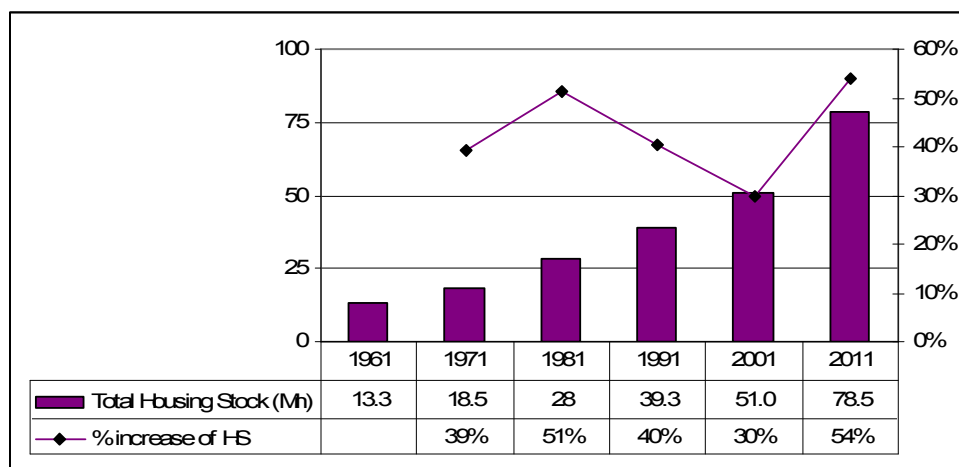
Source: Census data, RICS Analysis

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[2] NSSO report No. 488

Estimated housing shortage

The urban housing shortage in the country at the end of the 10th Five-Year Plan (2007) was estimated to be 24.71 million for 66.30 million households. 88% of this shortage pertained to houses for EWS and another 11% for LIG.

Over the period 2007 to 2012, housing shortfall has declined from 24.7 million to 18.7 million, amounting to a 25% reduction[3]. 56.2% of this shortage pertains to houses for EWS and another 39.4% for LIG.

This increased rate of building has been one factor that has led to a significant reduction in the housing shortfall in the country. In addition, increased bank lending, rising household incomes and various social housing programs have all aided the decline.

The report identified almost 12 million homes, nearly 10% of the entire housing stock, to be vacant, mostly in the mid-to-high price range. This highlights the mismatch in what is being built, and what is most needed in the country. This brings to attention skewed government policy in the construction arena, with builders not finding it financially viable to construct affordable houses due to existing procedural bottlenecks and land acquisition costs.

The housing shortage problem is most severe in the states of Uttar Pradesh, Maharashtra, West Bengal, Andhra Pradesh and Tamil Nadu.

Figure 5: Housing Shortage across States (2011)
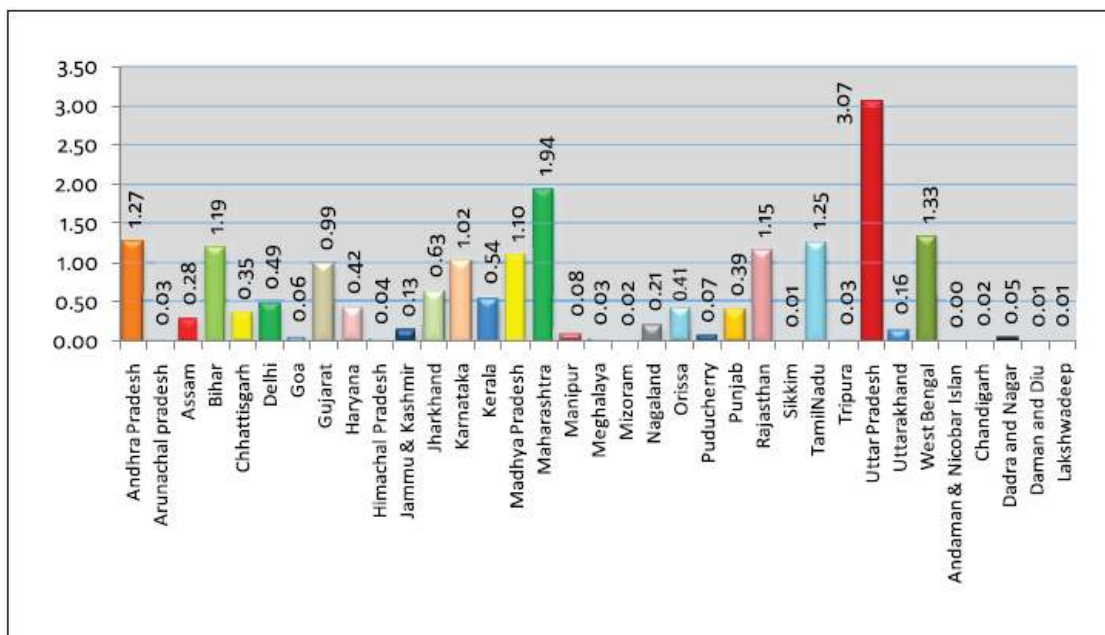
Source: Report of the Technical Group on Urban Housing Shortage (2012-17)

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[3] As per the Report of the Technical Group on Urban Housing Shortage (2012-17)

State-Wise addition of housing stock (over 2001-2011) in States with maximum housing shortage (2007)

The figure below plots 20 states, which have the maximum housing shortage as discussed in the above section. Along side the housing shortage, the graph shows the total housing stock in 2001 and 2011, with the percentage increase of housing stock (over 2001-2011).

As per this analysis, for the top 20 States with maximum housing shortage, housing stock has increased in the range of 34% to 121%, as depicted in the figure below.

In 2007, the maximum amount of housing shortage was faced by the State of Maharashtra (3.7mn) followed by Tamil Nadu (2.8mn), Uttar Pradesh (2.4mn), West Bengal (2.0mn), Andhra Pradesh (2.0mn) and Others. **The percentage increase in housing stock in these 5 States over the last 10 years has ranged between 35% and 65%** (35% for Maharashtra and 65% for Andhra Pradesh).

Also, Kerala has emerged as the State with highest percentage increase (121%), in housing stock as compared to these 20 states with significant housing shortfall. The States of Gujarat and Andhra Pradesh have also added significant housing stock, increasing by 79% and 65% respectively.
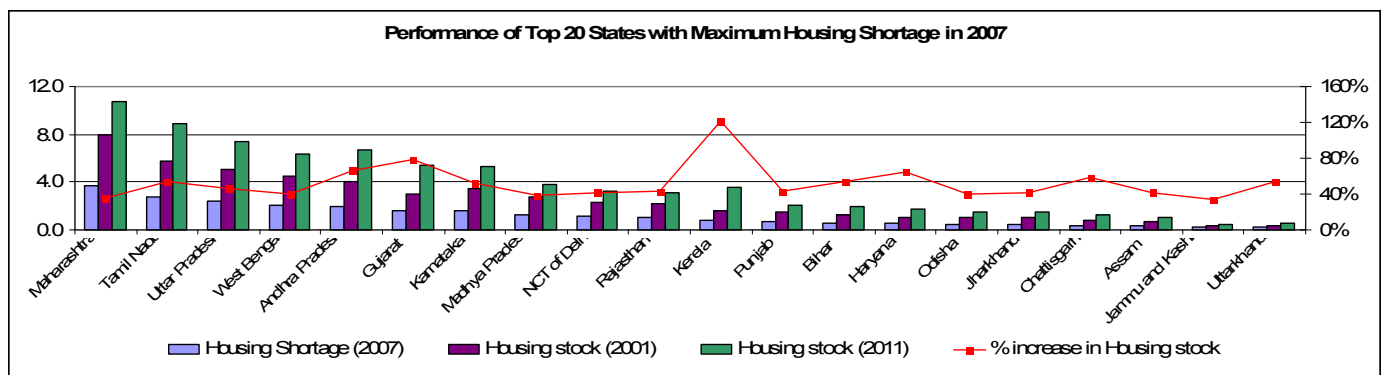
Source: Census data, Report of the Taskforce on Housing Shortage (2006), RICS Analysis

Increasing slum population

Due to the paucity of houses to accommodate people, cities are being reduced to slums, which have become an inevitable part of the Indian urban landscape with most major metropolises dealing with concerns of slum/squatter settlements. Despite the robust economic growth at the national level, the number of the urban poor has steadily increased in recent decades.

Estimated at 75.2 million in 2001, the urban poor represented about 26% of the urban population in India. Many of them are subject to deplorable living conditions. According to an expert Committee set up to estimate the 'reliable' urban slum population, as of 2011, the slum population in the country is estimated at 93 million, having increased by nearly 17.8 million. While the national population is growing at 2%, the urban population is growing at 3% in the smaller cities and 4% in the larger cities; the worrying factor is that the slum population is growing at 5%.

Figure 6: Slum population (2001-2017)
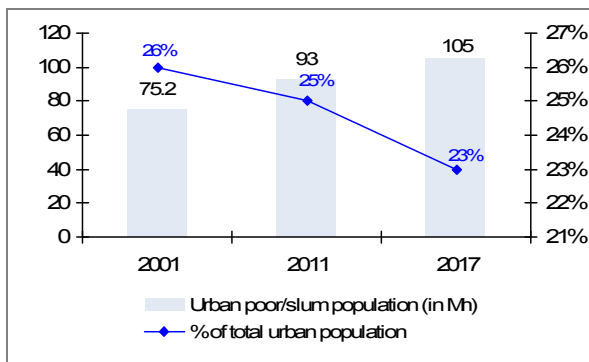
Source: Census 2001and 2011 data, Estimates in report of Committee on Slum Statistics, RICS Research - Real estate and construction professionals

Government schemes to promote affordable housing and housing for poor

To achieve the goal of urban and housing development, several housing boards and development authorities emerged to keep up with the housing needs of the nation. JNNURM which was launched on 3rd December 2005 has been the flagship program of the Government, which envisages a reform-driven, fast-track and planned development of cities, with a focus on efficiency in urban infrastructure and service delivery mechanism, community participation and accountability of ULBs towards its citizens.

Basic Services to the Urban Poor (BSUP) and Integrated Housing and Slum Development Programs (IHSDP)

One of the key reforms proposed under the scheme is the focused attention to integrated development of Basic Services to the Urban Poor (BSUP) in the cities covered under the Mission. The Integrated Housing and Slum Development Programs (IHSDP) is another integral aspect of the mission whose objective is to strive for holistic slum development with a healthy and enabling urban environment by providing adequate shelter and basic infrastructure facilities to the slum dwellers of the identified urban areas.

Affordable Housing in Partnership

The Scheme of Affordable Housing in Partnership aims at operationalising the strategy envisaged in the National Urban Housing & Habitat Policy (NUHHP) 2007, of promoting various types of public-private partnerships – of the government sector with the private sector, the cooperative sector, the financial services sector, the state parastatals, urban local bodies, etc. – for realizing the goal of affordable housing for all.

MoHUPA has constituted a Task Force for developing transparent qualified criteria and a separate set of guidelines for affordable housing for circulation to states. This Task Force focuses on strategic and tactical issues in promoting Affordable Housing and has studied various models for incentivizing the private sector in the States especially with regard to reservation of land for EWS/LIG. The Task Force has submitted its report with recommendations on Financial and Non-financial incentives in both supply and demand side for promoting affordable housing including suggesting new definition of 'Affordable house' for 'Affordable Housing project'. MoHUPA is in the process of revising the guideline for Affordable Housing in Partnership (AHP) scheme based on these recommendations.

Rajiv Avas Yojana

In pursuance of the Government's vision of creating a Slum-free India, 'Rajiv Avas Yojana' (RAY) was launched in June 2011. Phase I of RAY is for a period of two years from the date of approval of the scheme. The Scheme will provide financial assistance to States that are willing to assign property rights to slum dwellers for provision of decent shelter and basic civic and social services for slum redevelopment, and for creation of affordable housing stock. Fifty percent (50 %) of the cost of provision of basic civic and social infrastructure and amenities and of housing, including rental housing, and transit housing for in-situ redevelopment – in slums would be borne by the Centre, including operation & maintenance of assets created under this scheme. For the North Eastern and Special Category States the share of the Centre would be 90% including the cost of land acquisition, if required.

Rs. 100 Cr has been released to 34 States/UTs for preparatory activities. 11 projects with total project cost of Rs. 231.33 Cr from 2 States under Affordable Housing in Partnership Scheme have been sanctioned. 33 RAY Pilot projects with total project cost of Rs. 1495.30 Cr from 13 States (28 Cities) have been sanctioned since June 2011.

In order to design Phase II of RAY, draft EF (Expenditure & Finance Committee) Note has been moved for inter-ministerial consultation. Approval of the EF Committee is awaited.

Future housing demand

It is further anticipated that the 213 million increase in urban population by 2030 is estimated to generate unprecedented demand for quality real estate and infrastructure to house and employ this population. However, if statistics are anything to go by, there is a wide gap between the demand and supply of housing - both in terms of quality and quantity in urban India.

Estimates given in McKinsey Global Institute Report - India's Urban Awakening

Taking into consideration the housing shortfall at the start of 11th five year plan, a McKinsey report[4] has extrapolated figures to indicate that the demand for affordable housing will reach 38 million units by 2030 in comparison to 24.71 million units in 2007.

Figure 7: McKinsey Estimates – Affordable housing demand due to urbanization (2007-2030)

Description	Metric	Demand forecast
Affordable housing	Demand will reach 38 million housing units	Affordable housing demand, million units² — 25 / 38

2007 basic service demand
2030 basic service demand
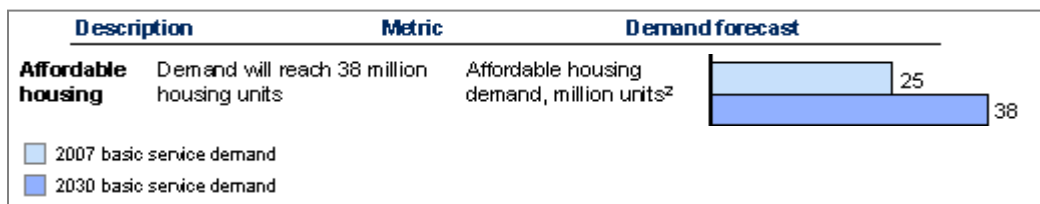
Source: McKinsey Global Institute Report 'India's urban awakening: Building inclusive cities, sustaining economic growth'
Affordable housing demand – is net of supply

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[4] McKinsey Global Institute Report 'India's urban awakening: Building inclusive cities, sustaining economic growth

This RICS report provides estimates of the total potential demand for real estate space across different asset classes including residential.

The report indicates that based on the Socio-Economic-Classification (SEC) pattern in India in 2009-10, per person average residential space requirement is approx 304 sq ft[5]. Given this per capita requirement and the incremental urban population, India may potentially need to build an average of approx 4 billion square feet of residential space every year. **Assuming a household of 4 people, approximately 3.5 million units is the annual potential demand/requirement.**

Figure 8: RICS Estimates - Demand for residential real estate space – in million sq ft (2010-20)
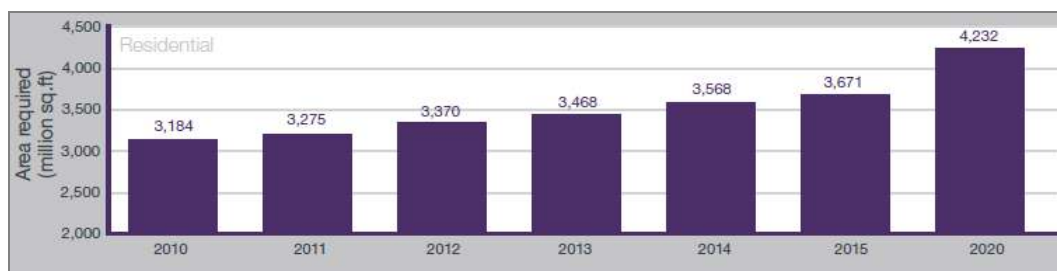
Source: RICS Research – Real Estate and Construction Professionals in India by 2020

5.3.   Approval processes for housing and other projects – a key bottleneck

Even though the real estate and housing contribute significantly to India's economic growth, the sector has peculiar complexities which arise because of the uncertainties, interdependencies and inefficiency in operations of various process workflows and authorities.

As per a World Bank Report titled 'Doing Business 2013', India is ranked 132 with respect to the overall 'Ease of Doing Business' in the country. Additionally, India stands at 173 in the global ranking of 185 economies on the 'Ease of Starting a Business', where the report analyses all procedures officially required or commonly done in practice by an entrepreneur to start up and formally operate an industrial or commercial business—as well as the time and cost required to complete these procedures. As far as overall ease of doing business is concerned, India ranks 27 amongst 50 economies that have implemented regulatory reforms (such as allowing electronic filing and payment of taxes) and improved processes since 2005, which have translated into an average of 12 procedures and 27 days required for approvals.

The World Bank report also highlights that India has one of the most cumbersome and lengthy processes for seeking construction permits. The country stands at 182 in the ranking of 185 economies on the ease of dealing with construction permits. While, India has reduced the average time from 227 to 196 days to process 'building permit applications' by implementing strict time limits at municipalities, there are still 34 procedures that need to be followed. These approvals cost as

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[5]Assessment for demand for per capita residential area has been estimated on basis of paying capacity of the Indian population from the Indicus sample survey 2009 – 2010. The demand for larger units are likely to be generated by high paying propensity educated and employed class, whereas smaller units are likely to be demanded by a population segment with low income levels. SEC A is likely to opt for larger unit size accommodating 4 and 5 BHK units within an area size of 4750 sq. ft, SEC B is likely to opt for 3 BHK with average area of 2500 sq ft and SEC C may opt for 2 BHK within an average area of 1,500 sq ft. However SEC D and E are likely to fall in the low income bracket with less paying propensity, therefore are likely to opt for smaller units within an area range of 600 and 275 sq ft respectively

much as 1528% of income per capita (whereas across sectors, the average cost of doing business in India is only 49.8% of income per capita). The huge cost associated with this process is consequently passed on to consumers and has implications for the sector at large.

The report highlights that an average 34 procedures over a period of 227 days are needed for obtaining construction permits in India vis-à-vis 14 approvals over an average of 150 days in the OECD region and 16 approvals over an average of 222 days in the South Asia Region. Mexico, which has undertaken many mass housing projects takes only 69 days for a construction permit.

Figure 9: World Bank Report 2013 – 'Ease of Doing Business - Dealing with Construction Permits'

INDIA

Ease of doing business (rank)	132
✔ Dealing with construction permits (rank)	182
Procedures (number)	34
Time (days)	196
Cost (% of income per capita)	1,528.0

MEXICO

Ease of doing business (rank)	48
Dealing with construction permits (rank)	36
Procedures (number)	10
Time (days)	69
Cost (% of income per capita)	322.7

With the help of IT enabled one-stop shop, Hong Kong SAR and Singapore have achieved no. 1 and no. 2 ranks respectively for 'dealing with construction permits', as detailed below

HONG KONG SAR, CHINA

Ease of doing business (rank)	2
Dealing with construction permits (rank)	1
Procedures (number)	6
Time (days)	67
Cost (% of income per capita)	16.3

SINGAPORE

Ease of doing business (rank)	1
Dealing with construction permits (rank)	2
Procedures (number)	11
Time (days)	26
Cost (% of income per capita)	16.7

Source: World Bank Report 2013: Doing Business 2013

In India, various types of approvals are required at different stages by different authorities. Development authorities allocate approvals based on land use and zoning regulations, while municipal corporations are responsible for the enforcement of building regulations as stipulated by the 'NBC'. Additionally, several non-planning permissions are also required to be obtained from various authorities such as the Traffic and Coordination Department, Airport Authority of India (AAI), Coastal Regulatory Zone (CRZ) authorities etc. as an assurance that buildings do not adversely affect its surrounding areas. Permits are also needed from utilities departments such as water and sewerage departments, electricity boards, etc.

Additionally, a FICCI research report 'Streamlining Approval Procedures for Real Estate Projects' carried out across five states, suggests that it takes anywhere between 2.5 – 4 years on an average to acquire the necessary building approvals. Refer comparative chart from the report below.

Figure 10: Comparison of major approvals and time taken in different states

Approvals	Maharashtra	Gujarat	Orissa	Tamil Nadu	Haryana
NA Permission / Land Conversion	3 months (+)	2 months	3 - 6 months	9 months	6 months
Ownership Certificate	15 Days	60 Days	6-12 months	12 months	3 days
Building Layout Approval	1 month	6 months	6-12 months	45 days	6 months
Commencement Certificate	15-30 days	2-3 months	6 months	1-4 months	6-9 months
ASI	6 months	Over 1 year	3 - 24 months		2 months
AAI	3-4 months	6 months	6 – 12 months	1-2 months	3 months
Environment	3 months (+)	1 year	30 days to 12 months	4-8 months	2 years
Building Completion Certificate	30 days	3-4 months	6-12 months	3-6 months	6 months
Occupancy Certificate	60 days				6 months

Source: FICCI Report

6. Legal and Regulatory Framework Governing Real Estate Projects Including Housing

6.1. Background on legal and regulatory framework

The table below highlights the main laws, rules and regulations that govern construction of building projects in the country. To ensure conformance with all statutes, different tiers of Government (Central, State, Local Parastatals) have laid down requirements for a number of approvals that need to be sought before development can begin.

While the long list of permits often exceeding fifty in number for each state/project, these can be broadly classified as 6 broad categories as depicted below. Such a categorization would help in understanding and simplifying the procedures for building permits.

Figure 11: Legal and regulatory framework governing real estate projects

Category	#	Type of approval	Objective of scrutiny	Governing law / framework	Departments responsible
Land title	1	Ownership Certificate/Extract OR Patta Copy/ Patta Sheet	Establish ownership based on verification of past records	Indian Registration Act , 1908 / Various State legislations	State Government Revenue Department (Tehsildar)
		Non encumbrance Certificate			
Planning & Land	2	Conversion of Agricultural land	Allow non-agricultural urban uses	Land Revenue Acts by all State Governments	State Government Revenue Department
		Change of Land Use approval	Conformity to Master/ Zonal/ layout plans	Town and Country Planning Acts by all State Governments	Parastatal/ Local govt./ State government
		Planning permission or Zonal plan approvals		Master Plans/ Development Plans	Town Planning and Development authorities
Construction of buildings	3	LoI for Building Plan	Adherence to various codes and standards to protect public health, safety & gen. welfare	National Building Code 2005 and Local Building Bye-Laws	Parastatal/ Local government Development authorities and ULBs including Municipal corporations
		Building permit or Development license			
		Completion certificate			
		Occupancy certificate			
NOC from Central Govt. (delegated to state govt. for smaller projects)	4	Environment Clearance		Environment Impact Assessment (EIA) Notification S.O. 1533 (2006)	Ministry of Environment & Forests
		NOC from AAI			Airport Authority of India
		NOC from NMA		Amendment to Ancient Monuments and Archaeological Sites and Remains Act, 1958	National Monument Authority (NMA) formerly handled by Archaeological Survey of India (ASI)
		NOC from Ministry of Defence		Works of Defence Act 1903 (WDA)	Ministry of Defence
		Bore well Registration Certificate		Sub-section (3) of Section 3 of the Environment (Protection) Act, 1986	Central Ground Water Authority (CGWA)
		NOC from Coastal Zone Authority	Construction is not allowed upto 500 meters from the coast line.		Central Coastal Zone Authority
		Tree cutting Approval		Forest Conservation Act, 1980 Various acts enacted by states to enforce / extend the central act	Forest Department (MoEF) State level Forest departments
NOC from State Govt.	5	Consent to establish OR Consent to operate NOC for DG set		Water (Prevention & control of pollution) Act, 1974 and Air (Prevention & control	State Pollution Board

		installation		of Pollution) Act, 1981	
		Road Access			NHAI / PWD
Service Installations	6	Water connection Sewerage connection Gas connection Telecom connection Power / Electricity connection			

Land title

The Registration Act, 1908 - An Act to consolidate the enactments relating to the Registration of Documents. It extends to the whole of India except the State of Jammu and Kashmir.

The Land Titling Bill, 2011 - An Act to provide for the establishment, administration and management of a system of conclusive property titles through registration of immovable properties.

Planning and Land

Town and Country Planning Acts - Almost all states, across different points in time, have enacted planning legislation in the form of Town and Country Planning Acts.

The **Master Plans/ Development Plans** of the cities provide for spatial planning, zoning, land uses allowed, nature and intensity of development and sub-division regulations, which are to some extent based on the Urban Development Plans Formulation & Implementation (UDPFI) guidelines prepared by the MoUD, Government of India.

Town Planning and Development authorities are responsible for giving planning permission on project plans according to land use and zoning regulations. They base their decision on town planning act and policies (law) set at state level, then they are fine tuned by Local Development Frameworks (master plans).

Construction of Buildings

The NBC 2005, formulated by BIS is a comprehensive building Code providing guidelines for regulating the building construction activities across the country. It serves as a Model Code for adoption by all agencies involved in building construction works be they Public Works Departments (PWDs), other government construction departments, local bodies or private construction agencies.

The Code mainly contains administrative regulations, development control rules and general building requirements; fire safety requirements; stipulations regarding materials, structural design and construction (including safety); and building and plumbing services. The building that does not satisfy building code or violation of NBC could lead to penalty, cancellation of sanction or demolition of the building.

Building bye laws are the regulations that are generally made by local governments or the municipal departments of State governments, with the intention of controlling urban development in harmony with that envisaged in the Master Plan and for ensuring structural safety, public health and hygiene. The main rationale of building bye laws is to exercise control over city development for ensuring planned development, for conserving architecture, for ensuring safety and for protecting public health.

Besides, they also list out the procedures to be followed for making application, support documents and drawings to be attached, undertakings to be given, certification process and inspection/ monitoring mechanism.

Figure 12: Aspects and parameters of Building Byelaws

Aspect	Parameters
Zoning, land use and sub-division rules	Occupancy/use, plotting, road space, open space and amenities
Site and building planning	Set backs, parking area, development density (FSI/FAR), building plan, minimum plot area and building height
Structural design and provisions	Loading capacity, Design of Exits, Design of Common Facilities e.g., water supply tanks, and other Engineering specifications
Building safety, services and amenities	Fire safety provisions in building, Fire control systems, Plumbing services, HVAC, Garage, Courtyard etc.
Other Planning controls for special areas e.g., Heritage structures/areas	Allowable activity/use, Permissible development/ redevelopment, Building maintenance provisions

Source: JNNURM Best Practices

The powers to formulate building bye laws lie in the municipal legislations/ acts of local government or development authority within its jurisdiction or the municipal acts of State Government. Development authorities and Municipal corporations are responsible for enforcement according to national building code and local building bye-laws.

Figure 13: Requirements under Building Byelaws

Building Requirements	Structural Design and other requirements
- Site requirements and building plan - Development control regulations - Land/property use wise norms - Other norms like parking - Separate provisions for Special purposes viz., heritage areas	- Design of Structure, sub-structure and super-structure - Fire safety and building services - Plumbing and telecom services - Provision for other aspects e.g., Earthquake and other disaster resistance, Solar and other energy accessories, Ramp for disabled and Rain Water Harvesting

Source: JNNURM Best Practices

NOCs from Central and State Governments

1. Environment Impact Assessment (EIA) Notification S.O. 1533 (2006)
This is the overarching legislation for environment clearances (EC) in India, under MoEF. It is intended to ensure that all new projects are given EC after the suitability of a site and environment impact has been duly assessed.

According to this law, all real estate and construction projects (all sizes – buildings and townships) come under CATEGORY B – which will require clearance from the State EIA Authority (SEIAA) based on the State Environmental Appraisal Committee (SEAC). The SEIAA is constituted by Central Government based on nominations from State. This means that states have been empowered by the central government to give EC for majority of real estate and construction projects.

2. Section 3 of the Environment (Protection) Act, 1986
Central Ground Water Authority (CGWA) was constituted under sub-section (3) of Section 3 of the Environment (Protection) Act, 1986 for the purposes of regulation and control of ground water

development and management in the country. The Authority is engaged in various activities related to regulation of ground water development to ensure its long-term sustainability

3. Water (Prevention & control of pollution) Act, 1974 and Air (Prevention & control of Pollution) Act, 1981

All the industries which are covered under the provisions of Water (Prevention & control of pollution) Act, 1974 and Air (Prevention & control of Pollution) Act, 1981 are required to obtain **consent to establish for establishment** of any new unit or before carrying out expansion/modernization of any existing unit. These units after establishment are required to obtain **consent to operate** before commencing commercial production. This Act was enacted for prevention and control of water pollution and maintaining or restoring of wholesomeness of water. The **Central and State Pollution Control Boards** have been constituted under section 3 and 4 of the Act respectively.

This Act states that "*On expiry of period of 4 months of filing an application completed in all respects consent shall be deemed to be given unconditionally* unless consent is granted or refuse earlier. This will not hold however, if application is not complete or State Board raises any query which remains unanswered".

4. Forest Conservation Act, 1980

The Forest (Conservation) Act, 1980 came in to force with effect from October 25, 1980. Under the provisions of this Act, **prior approval of the Central Government is essential for diversion of forest** lands for the non-forestry purposes. In the national interest and in the interest of future generations, this Act, therefore, regulates the diversion of forest lands to non forestry purposes. In exercise of powers conferred under Section 3 of the Forest (Conservation) Act, 1980 read with Rule 3(1) of the Forest (Conservation) Rules, 2003 and **in compliance Supreme Court orders**, the Government of India has reconstituted the **Forest Advisory Committee**.

5. Central Coastal Zone Authority

Notification under section 3(1) and section 3(2)(v) of the environment (protection) act, 1986 and rule 5(3)(d) of the environment (protection) rules, 1986 **declares coastal stretches as coastal regulation zone (CRZ)** and regulates activities in the CRZ.

The development or construction activities in different categories of CRZ area are regulated by the concerned authorities at the State/Union Territory level. Detailed norms and procedures have been established for regulating construction activities across different CRZs.

Figure 14: Environment (Protection) Act, 1986 - Classification of Coastal Regulation Zone

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Environment (Protection) Act, 1986 - Classification of Coastal Regulation Zone:

6(1) For regulating development activities, the coastal stretches within 500 metres of High Tide Line on the landward side are classified into four categories, namely:

Category I (CRZ-I):

1. Areas that are ecologically sensitive and important, such as national parks/marine parks, sanctuaries, reserve forests, wildlife habitats, mangroves, corals/coral reefs, areas close to breeding and spawning grounds of fish and other marine life, areas of outstanding natural beauty/historically/heritage areas, areas rich in genetic diversity, areas likely to be inundated due to rise in sea level consequent upon global warming and such other areas as may be declared by the Central Government or the concerned authorities at the State/Union Territory level from time to time.
2. Area between Low Tide Line and the high Tide Line.

Category-II (CRZ-II):

The areas that have already been developed upto or close to the shoreline. For this purpose, "developed area" is referred to as that area within the municipal limits or in other legally designated urban areas which is already substantially built up and which has been provided with drainage and approach roads and other infrastructural facilities, such as water supply and sewerage mains.

Category-III (CRZ-III):

Areas that are relatively undisturbed and those which do not belong to either Category-I or II. These will include coastal zone in the rural areas (developed and undeveloped) and also areas within Municipal limits or in other legally designated urban areas which are not substantially built up.

Category-IV (CRZ-IV):

Coastal stretches in the Andaman & Nicobar, Lakshadweep and small islands, except those designated as CRZ-I, CRZ-II or CRZ-III

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6. **National Highway Authority of India (NHAI) or Public Works Department (PWD)**

   Commercial centres, residential complexes, factories, etc. abutting to the road ("Road Access") comes under the jurisdiction of Public Works Department (PWD). The proposals for approach road are required to send to PWD. On Scrutiny, if the proposals found suitable, the permission is granted by the Chief Engineer.

   If the project is adjacent to National Highway, the concerned National Highway Division will be responsible for giving the permission to access road. If it is adjacent to the State Highway /Major District Road/Other District Road/Village Road, then Public Works Division/Zilla Parishad (Works) Division will be responsible for giving the road access permission.

7. **Other approvals and NOCs for restrictions**

   In addition to the ones mentioned above, there are many other restrictions of building activity and areas where NOCs may be required, depending on the requirements which vary from state to state. Some of these include

   - **Railways** - NOC by Railway Authority for minimum distance from Railway property boundary to the building
   - **Oil/Gas Pipelines** - In case of Sites in the vicinity of Oil/Gas pipelines, clearance distance and other stipulations of the Respective Authority may need to be complied with. The Oil / Gas Authorities specify the clearances required stretch wise to Local Body.
   - **Religious Structures** - In case of Sites located within a radius of 100m from the notified religious structure, there might be restriction on the construction height.
   - NOC for High Rise Buildings / Complexes from Airport Authority of India and **Fire & Emergency Services Department**
   - Panchayat Approvals. Since affordable housing policy is based in peri urban India, most states require approvals of the plan by the Panchayat and this is post approvals by the town planning authority. Panchayat do not have technical qualification to approve plans and this leads to delay and rent seeking, without any value addition to the overall process.

6.2. Existing process for real estate project approvals – cumbersome for applicants

Applicant / Developer

1 — Land Title
- Revenue Department (Tehsildar): Ownership Certificate / Patta /Chitta
- State Town Planning / ULB: Non encumbrance Certificate

Planning & Land
- **2** Conversion of Land OR Land Use required? — No / Yes
- Department of Town Planning (State Level): Conversion of land or Change in Land Use
- **3** Urban Local Bodies (ULB): Developer submits Application for Zoning Approval
- Department of Town Planning (State Level): In accordance with Master Plan/City Dev Plan? — Zoning / Site Layout Approval

Construction of Buildings
- Urban Local Bodies (ULB): Developer submits Application Building plan Approval / Developer submits Application for Demarcation
- In accordance with Building Bye-Laws? / Engineer handed over plot?
- **3a** LOI for Building Plan Approval
- LOI for building plan approval obtained? All NOCs obtained?
- **4** Building Permit / Development License
- Construction begins
- Commencement inspection
- Completion inspection
- **5** Completion Certificate
- **7** Occupancy Certificate

3b — NOCs from Central Depts
- Central / State - MoEF: Environmental Clearance
- Central - AAI: Distance & Height Clearance
- Central - NMA: NOC for Heritage buildings
- Central – Ministry of Defense: NOC for Defense Establishments
- Central – Central Ground Water Authority: Bore well Registration Certificate
- Central – Coastal Zone Mngt Authority: NOC for Coastal Zone

3b — NOCs from State Depts
- Central/State – NHAI /PWD: Road Access
- State – State Pollution Board: Consent to Establish / Operate / DG Set Installation
- Central/State – Forest Department (MoEF/State Dept): Tree Cutting Approval
- State/Local – Fire Service Dept.: NOC for Fire

PARRALEL PROCESS OF OBTAINING VARIOUS NOCs

6 — Service / Utilities Installations
- State Board: Water Connection
- State Board: Sewerage Connection
- State / Private: Gas Connection
- State / Private company: Power / Electricity Connection
- MTNL / Private Operator: Phone Connection

PARRALEL PROCESS OF SERVICE INSTALLATIONS

LEGEND
- **#** IMPORTANT SEQUENCE/STEPS
- CATEGORY OF APPROVALS
- DEPARTMENT
- TYPE OF APPROVAL

Source: RICS Analysis

6.3.   Karnataka Case Example – Total time taken to complete the existing real estate approval process

| Land Title | Planning & Land | Construction of Buildings | NOCs from Central Depts | NOCs from State Depts | Service / Utilities Installations |

1 Department of Town Planning (State Level)
Conversion of land or Change in Land Use
90 days

2a Central - AAI
Distance & Height Clearance
Min 30 days

2c State – State Pollution Board
Consent to Establish
Min 210 days

6 Service / Utilities Installations

2 Urban Local Bodies (ULB)
Developer submits Application for Zoning / Building plan Approval

Urban Local Bodies (ULB)
LOI for Building Plan Approval / Plan Sanction

Department of Town Planning (State Level)
Zoning / Site Layout Approval
Min 60 days

2b Central – Central Ground Water Authority
Bore well Registration Certificate
Min 180 days

2d State/Local – Fire Service Dept.
NOC for Fire
Min 180 days

2e State / Private company
Power / Electricity Connection
240 days

4b State – State Pollution Board
Consent to Operate for OC
Min 60 days

2f BSNL / Private Operator
Phone Connection
Min 30 days

3 Panchayat
License to Construct
Min 45 days

4c State/Local – Fire Service Dept.
NOC for Fire for OC
Min 120 days

TOTAL TIME – 555 days

1	90 days
2	Min 240 days
3	Min 45 days
4	Min 120 days
5	Min 60 days

4a Panchayat
Katha Bi-furcation / NOC for Registration process
Min 90 days

4d State/Local – Chief Electrical Inspectorate (CEIG)
NOC for Lift for OC
Min 30 days

5 Urban Local Bodies (ULB)
Occupancy Certificate
Min 60 days

Source: RICS representation based on anecdotal evidence and documents submitted by Committee Members.

6.4. Factors contributing to slow and cumbersome approval processes

The state of governance in Indian cities needs improvement which provides proper information to any citizen living in one of them. The relationship and allocation of responsibilities between a metropolitan authority and local municipality is not as well defined with clear cut accountabilities and this is an area that calls for more clarity.

Despite the fact that the 74th amendment to India's constitution devolved power and responsibility from state government to cities (Urban Local Bodies (ULB), District Olanning Committees (DPC), Metropolitan Planning Committees (MPC) on 18 key functions, state policy makers have been mostly silent on the implementation of these reforms. Despite the transfer on paper, most decision making power remains with the States.

Some of the main factors contributing to slow approval processes are as follows -

Rigid planning process - The planning process carried out through master plans in India's cities is rigid and deterministic. It lacks the integration of spatial planning (including transportation and land use planning) with sectoral planning. Master plans have aimed to be too detailed and therefore, even after years of plan preparation exercise, zonal plans have not been completed.
In the absence of these guiding plans, decisions regarding land use and zoning are time consuming and subjective.

Lack of institutional clarity - The existing institutional framework for urban planning and governance doesn't specify clearly the roles and responsibilities of the State Government, parastatals like Water Supply and Sewerage Boards, Urban Development Authorities, DPC/ MPC and urban and rural local governments in plan preparation, implementation, enforcement and monitoring. This leads to confusion and lack of accountability

Complexity and coordination hurdles - The application process is sometimes ridden with complexity in terms of the details to be given and the procedure of submission. Compliances from multiple Authorities e.g., for development control and building regulation; and multiple jurisdictions of agencies make the owner confused. Co-ordination with other authorities remains to be very poor and, therefore, the decisions remain pending, leading to loss of time. In some cases, the applicant is asked to bring NOC from various agencies, which may not be relevant for that building and which takes too much effort that is of not much use.

Complex building bye laws with excessive control - The existing building bye laws require through too many procedures, excessive bureaucratization and too much resource consumption. Excessive control has stifled the release of housing. Some stipulations are so complex that even experienced technical person or architect find them hard to understand and in the process, tend to violate the laws.

Ambiguity and discretion - Some areas of building bye laws provide scope for ambiguity, which brings in lot of discretion power vested to the authority/ officer, who can game play with the applicants by rejecting application without proper reason or cause delays. This paves way for collusion and corruption.

Lack of transparency and corruption - Most of the sanction and certification processes in building permission lack transparency and are ridden with systemic corruption at various levels. The decision making process of sanction/rejection is not transparent and it can be arbitrary. The deficiencies in the system give enough room for foul play by fraudulent persons operating within the system, harassing applicants/builders for 'payments'. Deficiencies in inspection and certification of building completion (compulsory signing by concerned official) also promote corruption and/or collusion.

7. Streamlining Approval Processes – A Key Imperative

Given the plethora of laws and government departments, the process of seeking permissions, sanctions, conversions etc. is complicated, cumbersome and time consuming; thus creating huge bottlenecks in the building approval process for housing and other real estate and construction projects. In addition, because the project is both time consuming and unpredictable, capital raising, cost of capital and availability of debt funding has been severely restricted as investors/ lenders consider the sector to be highly risky.

A simple and efficient building approval process is essential in aiding the provision of appropriate property, especially in a country like India where there continues to exist a huge housing shortfall which requires supply to improve and also as infrastructural facilities continue to be strengthened.

More importantly, delivery of affordable housing in India requires participation by the private sector i.e. the Real Estate developers. However, the private players seek some incentives and primarily a business-friendly environment to enter into the not-so-profitable venture of providing affordable housing for the low income group. One of the foremost demands of the real estate industry across the country is to facilitate fast-track and transparent system of project approval procedures

Thus, it is imperative to create a simple building approval mechanism that allows for effective decisions on projects to be taken within a reasonable timeframe while also maintaining high building control and regulatory standards.

7.1. Small steps taken towards reforms in this area

Both the National Housing Policy 2007 and JNNURM have identified 'simplification of the building approval process' as an important area for action.

The National Housing Policy encourages simplification of legal and procedural frameworks and adoption of a single window approach by the ULBs/ parastatals for approval of Building Plans and securing Certificates in collaboration with the Council of Architects (COA) or their State/UT chapters.

An optional reform under JNNURM - Streamlining of the building approval process, with the broad objective of establishing a simple, transparent and lesser time-consuming process that encourages development. **31 mission states and 67 cities[6], have already implemented this reform, and only 9 cities are yet to implement this reform.** These include Patna, Bodhgaya,

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[6] JNNURM Annual report - 31 March 2012

Delhi (MCD), Faridabad, Kochi, Kohima, Puducherry, Gangtok and Mathura are the cities that are yet to adopt this reform.

Further, 33 mission cities and 172 towns have undertaken implementation of the e-governance (mandatory) reform, under which it is desired that - Building plans can be submitted online and scrutiny/approval process completed within 7 days.

Report of the Working Group on Urban Strategic Planning[7]

Amongst many recommendations, this steering Committee has recommended the following –

- **Revise the nomenclature of Master Plan" to "Spatial and Development Plan"**
  Currently most common term used for the plan of cities is 'master plan' which is both limited in outcome and over-bearing in perception and prescription. The State Government needs to revise the nomenclature of Master Plan to "Spatial and Development Plan" so as to capture both the spatial and socioeconomic development aspects of the planning. The nomenclature is important to provide focus on what the plan is to deliver rather than communicating a command and control concept.

- **States to revise "Town and Country Planning", "Urban Development" and "Municipal Acts" to respond to the challenges of urbanisation and to policy thinking appropriate to the times based on principles of urban strategic planning**
  The recommended revision/establishment of Town and Country Planning Acts/Municipal Acts should provide a broad framework, within the purview of the 74th Constitutional Amendment Act (CAA), to address the present day challenges of urbanisation – with entrenching planning functions and objectives into municipal system. The Urban Development Acts and Urban Development Plan Formulation Guidelines need to be changed to suit the needs of faster and more inclusive growth.

- **Constitute/revamp State Planning Board (SPB)**
  All states must revive and strengthen where constituted, or constitute where not constituted - State Planning Boards that are mandated with the preparation of state-wide strategic State Spatial and Development Plans or State Spatial Plans. These plans must reflect the state and central governments' economic, infrastructure and social development priorities and resource availability and allocations, which will be an input document for the plans of the lower levels of government.

- **Constitute MPC/DPC to prepare Metropolitan/District Spatial Development Plan**
  Under the Constitution, the DPC/MPCs are supposed to 'consolidate' the draft development plan of the district/metropolitan area. The State Government should also notify Districts/Metropolitan Areas, municipalities, and panchayats as "Planning Areas" and notify their respective authorities as sole Planning Authorities.

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[7] 12th Five-year plan Steering Committee on Urban Development & Management

Figure 15: Urban Strategic Planning
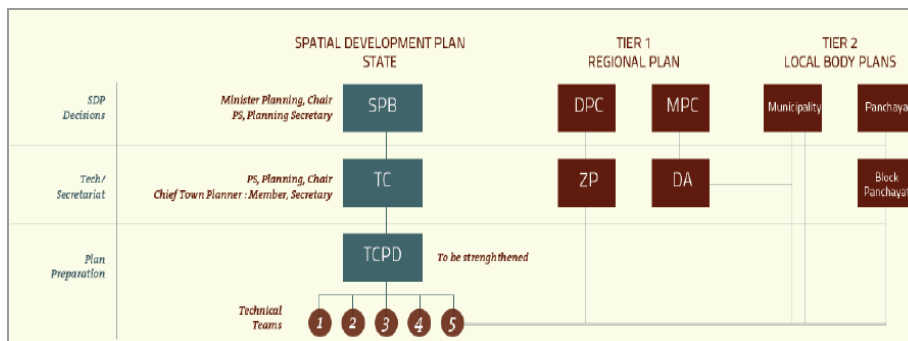
Source: Report of the Working Group on Urban Strategic Planning (MoHUPA)

Regional Planning approach must be covered by a systematic hierarchy of Planning Authorities, at two levels - first, for the region as a whole, and second, for individual local bodies. However, as an interim measure, it is recommended that the existing metropolitan and urban Development Authorities (MDA and UDA) may prepare all the 3-tier plans within the district, the establishment of long-term structures need to be put in place.

- **Transfer planning function to Local Bodies**

  At present, in many states planning function is entrusted with urban development authorities or some other state level entities. Many states have not transferred the planning function to the urban local bodies, as mandated by the 12th Schedule of the 74th CAA, 1992.

- **Restructure the Role of the Development Authorities (DA)**

  Development Authorities (DA) are currently responsible for developing plans for the metropolitan region and of the metropolitan cities. To this end, the DA's technical capabilities as a metropolitan level planner and regulator must be strengthened.

  Metropolitan Development Authority (MDA) may be vested with the responsibility of enforcing and regulating the Development Plan, and be the appellate authority for conflict resolutions on the Spatial Plans for all Local Planning Authorities in the metro region. All land parcels owned by the Development Authorities must be transferred to the respective local governments.

- **Create a Single Window System at local body level, for plan sanction & building approvals**

  Each municipality should have its own "Single-Window Service Centres", and all plan sanctions and approvals from centre, state, and local governments should be facilitated through this one-window system. Multiple sets of plans can be submitted for the multiple approvals at this single window of the municipality and its plan area. In case of a rejected plan, the owner has recourse with the ombudsman. In the case of development projects in the panchayats, a common district / metropolitan single-window service centre can be thought of, and local governments should be brought under one umbrella by establishing 'one stop service centres'.

  The plan sanctioning and building approvals process is obscure, elaborate and held hostage to repeated instances of politics and rents seeking. A single window system will go a long

way in addressing these issues. Call centres, electronic kiosks, web based services and other tools of modern technology should be used by all municipalities to bring speed, transparency and accountability into delivery of approvals and services to the citizens.

For oversight, the State Government should set up an "Urban Services Streamlining Task Force" made of members both from within and outside government, to examine and suggest simplification of Development Control Regulations, procedures and transparency in all ULB plan sanctioning activities.

- **Establish Office of Ombudsman**
  State Government should establish an Office of a Metropolitan/District Ombudsman that would look into complaints of corruption and maladministration against functionaries of local bodies, both elected members and officials. The Ombudsman would mediate any conflicts between citizens and specific authorities.

Affordable Housing Taskforce Report (AHTF) 2012

As per the report of the AHTF, streamlining of building plan approval procedures need to be undertaken, city by city across the country and would require a concentrated medium term effort on the part of all stakeholders. The Task Force recommends that all state governments should in the immediate/short term create a "single window system" for approval of Affordable Housing projects to be taken up under Government of India or State Government subsidy schemes.

The AHTF also recommends that the State Government must create an empowered agency, which may be the State Level Nodal Agency under RAY/JNNURM; supported by the RAY Technical Cell, to act as a single window for state and city level clearances under Central or State schemes. Further, the Task Force recommends that after a single window, a fast track mechanism is created to scrutinize and sanction Affordable Housing projects at the state level, an outer time limit to clear or reject each project should be set up. The Task Force proposes that a maximum of 60 days' time to scrutinize and sanction Affordable Housing would be adequate and after this time limit, projects should be deemed to have been approved.

7.2. International Best Practices

In the past eight years 83 economies around the world have implemented 146 reforms, making it easier to deal with construction permits. Eastern Europe and Central Asia have had the most number of reforms with 39, followed by Sub-Saharan Africa at 33; Latin America and the Caribbean, along with OECD high-income economies at 22; East Asia and the Pacific (16), the Middle East and North Africa (13) and South Asia (1). According to the World Bank Report 'Doing Business 2013' from June 2011 to June 2012, 20 reforms were introduced which made dealing with construction permits easier.

As per the report, among the most difficult changes to implement has been the introduction or improvement of a 'one-stop shop'. In the past eight years 18 regulatory reforms have been implemented to set up or improve 'one-stop shops', including the efforts made by Brunei Darussalam, Malaysia and Taiwan, China in 2011-12. Additionally, the introduction of risk-based approval systems has also been noted as a complex but important change, as it is considered relevant to differentiate construction permitting processes to treat buildings according to their risk level and location.

Figure 16: Reforms for making dealing with construction permits easier in 2011-12

Features	Economies	Highlights
Streamlined procedures	• Burundi • China • Cost Rica • Netherlands • Panama • Peru • Portugal • Russian Federation	Burundi eliminated the requirement to obtain a clearance from the Ministry of Health and reduced the cost of the geotechnical study
Reduced time for processing permit applications	• Benin • Burundi • Greece • India • Malaysia • Norway • Portugal	India implemented strict time limits at the municipality for processing building permits.
Introduced or Improved one-stop shop	• Brunei • Darussalam • Malaysia • Taiwan • China	Taiwan, China, introduced a risk-based, self-regulatory inspection system and improved operational features of its one-stop shop for building permits.
Reduced fees	• Republic of Congo • Guinea • Montenegro	The Republic of Congo reduced the cost of first-time registration of the building
Improved electronic platforms for online services	• Costa Rica • Netherlands	The Netherlands merged several types of approvals and implemented online application systems
Introduced risk based approvals	• Guatemala • Turkey	Guatemala introduced a risk-based approval system for building permits

Source: World Bank Report – 'Doing Business 2013'

The real estate building permit procedure of some countries in Europe is given in the following tabular chart. In some places like Florida, the deposit with developers is held in escrow to be used for construction.

Figure 17: Building permit procedure in European countries

	Pre-Consultation	Approval tech. reg. of design	Start building	Inspection during Construction	Completion
Belgium	Voluntary	Voluntary	After building permit is granted	By private inspection bodies	No
Denmark	Voluntary	Yes	After building permit is granted	Sample Checks	Approval for use
England and Wales	Voluntary	Yes	After building permit is granted	Yes	Completion Certificate
France	Voluntary	Voluntary	After building permit is granted	By private inspection bodies	Completion Certificate
Germany	Voluntary	Yes	After building permit is granted	Yes	Approval for use
Netherlands	Voluntary	yes	After building permit is granted	Regular inspection points	No
Norway	Obligatory	Inspection Plans	Within 4 weeks of detailed plan	Supervision of inspection plan	Completion Certificate
Sweden	Obligatory	Inspection Plans	3 weeks after notice	Supervision of inspection plan	Completion Certificate

7.3. Vision for future: 'One stop shop' enabled by technology

The vision for future consists of a 'One stop shop' or 'single window clearance' all regulatory authorities at the Central, State and Local Government levels are connected by a robust technology platform. This single window would allow single payment to be made electronically against a composite application form (CAF) for multiple services and the subsequent splitting and routing of payments to individual departments and agencies.

Applicant / Developer

2 Developer submits application in Composite Application Form (CAF)

Request additional documents

Urban Local Bodies (ULB)

Single Window System forwards sub-applications and documents to all departments

One Stop Shop OR Single Window Clearance

All documents complete?

YES   NO

- eBIZ OR ntegrated ABPAS Platform
- Authorized / Nodal Officer
- District / State Level Commitees
- Empowered Committee to dispose pending applications

Land Title

1a
Revenue Department (Tehsildar)
Ownership Certificate / Patta /Chitta

State Town Planning / ULB
Non encumbrance Certificate

Planning & Land

1b
Conversion of Land OR Land Use required?

No

Yes

Department of Town Planning (State Level)
Conversion of land or Change in Land Use

Department of Town Planning (State Level)
In accordance with Master Plan/City Dev Plan?
Zoning / Site Layout Approval

Construction of Buildings

Urban Local Bodies (ULB)
In accordance with Building Bye-Laws?

Engineer handed over plot?

LOI for Building Plan Approval

LOI for building plan approval obtained? All NOCs obtained?

3 Building Permit / Development License

Construction begins

Commencement inspection
Completion inspection

4 Completion Certificate

6 Occupancy Certificate

NOCs from Central Depts

Central / State - MoEF
Environmental Clearance

Central - AAI
Distance & Height Clearance

Central - NMA
NOC for Heritage buildings

Central – Ministry of Defense
NOC for Defense Establishments

Central – Central Ground Water Authority
Bore well Registration Certificate

Central – Coastal Zone Mngt Authority
NOC for Coastal Zone

PARRALEL PROCESS OF OBTAINING VARIOUA NOCs

NOCs from State Depts

Central/State – NHAI /PWD
Road Access

State – State Pollution Board
Consent to Establish / Operate

DG Set Installation

Central/State – Forest Department (MoEF/State Dept)
Tree Cutting Approval

Central/State – Fire Service Dept.
NOC for Fire

5 **Service Installations**

State Board
Water Connection

State Board
Sewerage Connection

State / Private
Gas Connection

State / Private company
Power / Electricity Connection

MTNL / Private Operator
Phone Connection

PARRALEL PROCESS OF SERVICE INSTALLATIONS

LEGEND

IMPORTANT SEQUENCE/STEPS

CATEGORY OF APPROVALS

DEPARTMENT

TYPE OF APPROVAL

SINGLE WINDOW

Source: RICS Analysis

48

8. Key Recommendations: Six Pillars of Action

Based on a detailed evaluation following the above mentioned approach, the SAPREP Committee emphasizes both the importance as well as urgency of addressing the issues with existing real estate project approval issues and recommends six pillars or broad themes for driving the streamlining process. These recommendations are aimed at improving the transparency, fairness, process time and transaction cost of the real estate system by creating a Single Window Approval System (SWAS) with forward and backward linkages by all the States.

Figure 18: Six key pillars to streamline real estate project approvals

Single Window Approval System (SWAS)
with all forward and backward linkages at Central Govt/State Govt/ULB/Panchayat levels

1 Compendium of process and timelines for all Central & State approvals

2 Review of existing procedures & sharing best practices

3 Single Window or 'One-Stop Shop' enabled by IT

4 Transparency, predictability and accountability to protect consumer interest

5 Special dispensation for affordable housing

6 Capacity building in private and public sector

8.1. Compendium of process and timelines for all Central & State approvals

One of the main issues in real estate project approvals is the uncertainty and ambiguity with constantly varying requirements of documents and inter-dependencies on approvals /NOCs which are not known beforehand. This leads to applicants / developers approaching various departments multiple times without understanding complete requirements or processes. Because of this uncertainty and lack of clarity, it makes it impossible for applicants to ascertain timelines for receiving necessary approvals.

To attract private sector to develop affordable housing projects, it is critical that they are given surety of speedy approvals within a stipulated time period, which would allow them to deliver projects faster, and make up for thin margins.

1. **Compendium of process and timelines across Central, State and Local Government departments -** The Committee recommends all Central, State and Local Governments to lay down clear processes to be followed across all approval stages, while making effective use of flowcharts. Clear timelines for each approval procedure should be documented for accountability and predictability.

An example of such documentation is available as part of the 'Single Window Industrial Clearance Portal, Punjab. Refer below

2. **Clarity of sequential and parallel processes -** Approvals may be categorized as sequential and parallel activities to ensure most efficient process is followed

   - **An indicative flowchart of the overall process** for real estate project approvals has been drafted and included in the report – refer Section 6.2

   - As a starting point**, detailed flowcharts for each type of approval** have been documented as Chapter 9 of this report. All States and Local Bodies are encouraged to draft similar flowcharts with prescribed time limits

3. **Composite Application Form -** The Committee also strongly recommends State Governments standardize 'project related information' required as an input in application forms, across all approval stages. States are encouraged to adopt a 'Composite Application Form' (CAF), along with single window system to reduce duplicity of effort.

   A Composite Application Form (CAF) for common clearances required from various government departments / agencies can prove to be an effective tool, when supplemented with the Single Window Approval System. While the statutory approvals and authorities issuing approvals may vary across States, the nature and kind of information required to process building approval applications is largely similar. Composite Application Forms have been developed and are successfully being used for Single Window Industrial Clearance Portal by Department of Industries & Commerce, Govt. of Punjab.

CAF should comprise of a Common Information Sheet, Departmental Application Forms, Guidelines and relevant Notifications, list of documents to be submitted with the application, detailed processes and timelines, information about various fees. Each application form should indicate the addressee or authority to which the application should be addressed.

A sample of Composite Application Form (CAF) **has been drafted** and included in the report – refer **Annexure 2**. **The Committee recommends that States invest efforts in adopting this CAD or drafting a similar CAF such that all their statutory requirements are covered through a single form, making the process user-friendly.**

4. **Standard checklists -** To minimize error and processing of incomplete applications, States and Local bodies should prepare standard checklists of required approvals, along with listing supporting documents required to complete the procedure.

5. **Nodal agencies or contact points –** All State Government and approving authorities are urged to compile a list of nodal agencies or list of people responsible for each type of approval. Such a list of key people who are accountable for approval, along with the designation, email id and phone numbers is sure to ease the approval process.

8.2. Review of existing procedures and sharing best practices

Approval of real estate projects is a complex process involving many departments across central, state and local governments. The plethora of state and local laws regulating real estate development makes it difficult for the Committee to identify exact type of approvals/activities that may be improved upon, to reduce the complexity and time involved in getting those approvals.

Not all building projects are associated with the same economic or environmental risks. **The Committee is therefore of the view that construction permitting processes need to be differentiated to treat buildings according to their risk level and location.** This will save time for both applicants and authorities and allow them to direct their efforts and resources more efficiently.

To ensure streamlining of real estate project approvals, the Committee recommends a review of existing processes which may be pursued at state/local level to ascertain pockets of efficiencies or procedures which can be simplified, removed, delegated or automated.

1. **Consolidate and streamline building laws at National and State Level** – The Committee believes that in order to remove overlapping or contradicting building bye laws, to remove ambiguity, to factor in advancements in building technology and finally, to take into consideration the pressing development needs of the fast urbanising India, it is imperative that the State building laws are consolidated in a simpler format and streamlined according to the current needs, without compromising public health and safety standards.

   The Committee recommends MoHUPA to work with Bureau of Indian Standards (BIS) to undertake a review of NBC to a) update provisions of NBC which are outdated or impractical in ensuring speedy approvals, without compromising standards b) Aligning the chapter on 'sustainability' to be inline with the provisions of 'environment law' or requirements for 'environment clearances'

The Committee recommends that all states consider 'streamlining of building bye-laws' to provide 'clear overarching laws and guidelines', especially with respect to various NOCs required from Central and State governments.

2. **Remove duplicity or unnecessary approvals activities/documentation** – The Committee has highlighted that there are many areas of duplicity / redundancy in approval procedures which can be removed or streamlined. An example of possible duplication which requires further investigation is mentioned below.

   - **Approval from Central /State Pollution Board as well as Ministry of Environment** – The requirement of separate clearances from the Pollution Board and Ministry of Environment can be streamlined by consolidating the checks under both these procedures. The Committee recommends MoHUPA to take up this matter with the Ministry of Environment to evaluate streamlining the pollution and environment clearance procedures.

3. **Simplify approval process by clearly stating applicable rules and restrictions -** There are opportunities to cut down the need for NOC from different authorities, if the permissions and restrictions are detailed and made available in the public domain. For example, the scenarios where NOC may be required from NMA and AAI can be reduced drastically, if the restricted areas are notified. Refer the sections on NMA and AAI for more details.

4. **Identify procedures that can be automated** - Many procedures require physical visits by applicants to the requisite authorities which are time consuming and cumbersome. The States are encouraged to identify activities or procedures that can be automated in a stand-alone manner (e.g. automation of building plan approval process, e-payments, etc) or as part of the Single Window Approval System enabled by IT.

5. **Identify procedures that may be delegated** – For example, planning approvals (zoning plan or change in land use) can be delegated to local bodies when they are adequately trained

   The Committee recommends MoHUPA to work with all Central Government departments such as Ministry of Environment & Forest (MoEF), Airport Authority of India (AAI), National Monument Authority (NMA), Ministry of Defence (MoD) to identify opportunities for simplification, delegation or automation, to reduce time taken for such NOCs

   The Committee recommends all State Governments and Urban Local Bodies to review their approval processes in order to identify the activities that can be removed, simplified, delegated or automated.

6. **Share best practices across different States and Cities** – During this study, the Committee has found that many best practices exist within the country besides international examples that India may learn from. Some examples of such best practices include

   a. The states of *Rajasthan, Punjab and Maharashtra* serve as useful case studies where such *'single window clearance services' have been implemented for industrial project clearances* and similar services may be extended to cover real estate projects as well.

b. *Rajasthan - Nodal agency (Avas Vikas Limited) for affordable housing* - Rajasthan is the only state which has implemented a fast track approval process for Affordable Housing projects, through a special nodal agency called - Awas Vikas Limted (AVL). It has also implemented a process by which projects floated under its Affordable Housing Policy can also receive building plan approvals within 30 days of acceptance of an application.

c. *Andhra Pradesh - Consolidation of building laws (AP Building Rules 2011*) - The revolutionary changes in building byelaws brought about by Govt. of Andhra Pradesh (to remove overlapping or contradicting building bye laws and to remove ambiguity) present a good example for ensuring speedy approvals as well as densification for growing housing needs

d. *Hyderabad - Fast tracking G+4 houses by empowering empanelled professionals (Green channel) -* The Greater Hyderabad Municipal Corporation (GHMC) introduced building permission under `Green Channel' on October, 2010 to dispose of building applications and also to eliminate malpractice. 'Green Channel' enables applicants to obtain fast-track clearance for their development proposals from HMDA in 7 clear working days for non multistoried buildings and layouts and 30 days (one month) for multistoried buildings. Under the 'Green Channel' scheme, a panel of architects and document auditors who are conversant with land laws of Andhra Pradesh, have been appointed and registered with HMDA to scrutinize applications from owners, builders and developers both technically and in terms of ownership and land ceiling aspects respectively.

e. *Streamlining building approvals has been an optional reform under JNNURM*, where nearly 67 cities have implemented some procedural reforms. Further, 33 mission cities have undertaken *implementation of the e-governance (mandatory) reform*, under which it is desired that - Building plans can be submitted online and scrutiny/approval process completed within 7 days. For example, *Indore, MP* has successfully implemented an *'Automatic Building Plan Approval System' (ABPAS)* which can be recommended as an effective 'stand alone' system to be implemented across other States and cities.

The Committee recommends MoHUPA to play the role of a facilitator in order to guide implementations of reforms in States and mechanisms for sharing existing best practices across different States need to be devised and strengthened.

7. **Provide incentives to States to encourage procedural reforms** – Since 'land' is a State subject, the Central Government can only recommend reforms and guide the states as a facilitator. However, implementation of most reforms suggested by the Committee falls under the purview of States. It is therefore critical that States work with the Central Government, to adopt these recommendations. To facilitate engagement and implementation by States, it is important to incentivize them.

8. **Recognize States, Local bodies and Individuals through National Awards -** in addition to monetary incentives, the Central Government should consider mechanisms to build a

competitive spirit, which encourages States to engage and implement reforms. One of such mechanisms could be in the form of National Awards for performance or reforms, which are given by the Central Government.

The Committee recommends that MoHUPA considers providing incentives as part of JNNURM or other schemes, to states that undertake implementation of single window concept (in addition to automation of building plans), or introduce fast track processes for all real estate projects or for affordable housing. States may be incentivized by MoHUPA to perform well on metrics such as – increase in housing stock, % gap reduced in housing demand and supply, no. of days reduced within the clearance process etc

States may further incentivize and reward local agencies and individuals that take positive measures to simplify approval procedures

9. **Expedite decision making and clearance of long pending applications** - Considering the urgent need of expediting real estate project approvals to provide affordable housing and to improve the ease of doing business in this sector, steps need to be taken to dispose off applications that have been long pending.

The Committee recommends state governments to consider constituting Empowered Committees at State level, to take a decision on all pending applications, in order to grant approvals or for intimation of disapproval.

10. **Appoint facilitation and empowered Committees for expediting approvals in special cases -** State Governments may consider setting up District and State level Committees for various project sizes with an empowered Committee to make final decision where required.

Examples of such Committees set up in various states for facilitation of industrial approvals are mentioned below. In Ghaziabad also, such a mechanism is in place.

District Single Window Clearance Committee – headed by district collector, the Committee can receive applications for clearances where the proposed investment is upto a specified amount. Committee can forward the case to State Committee, if it so desires.

State Single Window Clearance Committee – headed by the Commissioner of industries, the Committee can receive applications for clearances where the proposed investment is upto a specified amount. Can forward the case to the Empowered Committee, if it so desires.

Empowered Committee – *Set up to review and monitor the disposal of applications* by State Committee, District Committees and the *competent authorities and also take decisions that are binding on all these Committees.*

Figure 19: Ghaziabad - Facilitation Committee

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Ghaziabad - Facilitation Committee

Building bye-laws have been revised as per NBC. The revised bye-laws stipulating time frame for clearances have been circulated to all ULBs for strict adherence.

The time for approval for various categories of residential projects is as follows:

- Residential Upto 300 m2 – building plan approved and stamped on the same day of submission.
- Residential above 300 m2 - Within 30 days of submission, letter of Intent or the objections issued. Objections if any put up in website or e-mailed.
- **For rest of the projects including Group Housing - a Committee for approval comprising representatives of all concerned departments and authorities (except AAI and MOEF) giving NOC sits twice in a month and disposes the clearances within 90 days, as stipulated in the bye-laws.**

</div>

8.3. 'Single Window' or 'One-Stop Shop' enabled by IT

Today, majority of real estate approval processes involve a lot of paperwork, physical visits to various Central, State and Local Government departments, all of which are a main contributor to the cumbersome and lengthy approval process.

It is imperative to leverage technology to expedite approvals and added advantages such as -
- Remove paperwork and physical visits
- Improve transparency and accountability through regular reporting & escalation mechanism
- Remove ambiguity and discretion by auto detection / verification where possible
- Minimize corrupt practices and fee calculation errors by e-payment facilities
- Tracking of proposals by the consumers

Single window concept can be applied to either the entire gamut of departments, processes, approval stages or its scope can be kept limited to a certain services activities that can be accessed through this single window.

At the moment, automation of building plan approvals (option reform under Jawaharlal Nehru National Urban Renewal Mission (JNNURM)) is termed as 'single window clearance' by some cities. However, it is clarified that, the scope of such single window is limited to 'building plans' and cannot be termed as 'single window' in the broad sense.

The concept of a 'Single window' or 'One stop shop' is widely recognized as an effective tool to ensure speedy approvals. 'Single window concept' can be implemented in many forms as mentioned in the table below -

Figure 20: Various Interpretations of Single Window Concept

1	Appointing nodal agency or authorized officer	Recommended by the Committee in the context of affordable housing projects, at State level or Local body level
2	Enacting 'single window' legislation that extends the nodal agency concept to include other enabling mechanisms	While the Committee does not recommend enacting a 'Single

	such as Empowered Committees	window legislation', Empowered Committee is recommended at State and National level
3	By connecting all/select departments by a technology interface, which acts like a single window	The Committee strongly recommends investing in robust technology platforms, at the State level, wherein all Central, State and Local government departments are connected through a strong technology backbone and all project applications and approvals can be processed online

This section details the 'Single Window Concept' enabled by a technology platform, which is envisaged to work as indicated in figure below, wherein
- the applicant will need to make one application in a composite application form (CAF)
- system would allow a single payment to be made electronically, where subsequent splitting and routing of payments to individual departments and agencies is done automatically
- all regulatory authorities at the Central, State and local government levels are inter-connected and information/status is shared electronically

Figure 21: Broad Concept - Single Window System enabled by IT
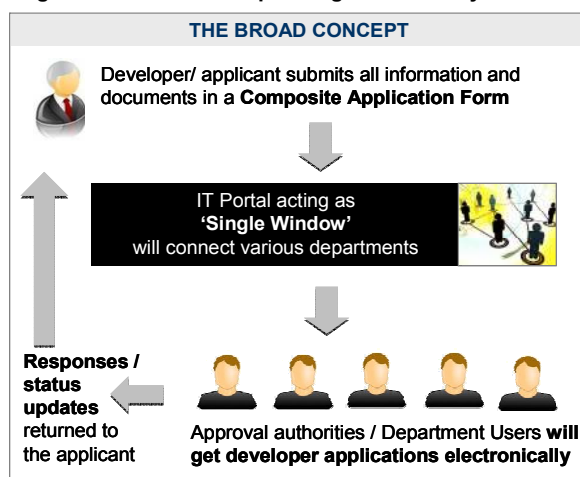
The Committee is convinced that a technology enabled 'Single Window Approval System' is the most efficient solution to streamlining building approval process and has studied examples of IT enabled 'single window systems' available in India and in other parts of the world.

These include the following, all of which are mentioned as case studies
1. e-Biz Project developed by DIPP

2. Automated Building Plan Approval System (ABPAS) developed by Indore, MP
3. Punjab – Single Window Industrial Clearance Service
4. Maharashtra – Single Window Clearance by MIDC
5. Singapore - Online Business Licensing Service (OBLS) and Corenet
6. **Hong Kong SAR (China) – 'Be the Smart Regulator Program'**

Of all these, the Committee has evaluated the first two models - e-Biz Project by DIPP and ABPAS by Indore, MP Government, in great detail including detailed presentations, demos and discussions in Sub-Committee meetings.

8.3.1. Case study: e-Biz Project developed by DIPP

A pilot project named eBiz has been developed and implemented by various States in India by the Department of Industrial Policy and Promotion (DIPP), to improve the investment climate by improving the ease of doing business in the country. Under project eBiz, a G2B (government-to-business) portal will be set up by the ministry which will act as a single window interface for all the investors, as illustrated in the case study.

Figure 22: Case Example – e-biz Mission Mode Project – by DIPP

Situation – before implementation of e-biz

About e-biz

The eBiz project is one of the 27 Mission Mode Projects under the National e-Governance Plan (NeGP) being executed by Department of Industrial Policy and Promotion (DIPP), Ministry of Commerce and Industry, Government of India. **The vision of eBiz is to transform the business environment in the country by providing efficient, convenient, transparent and integrated electronic services to investors, industries, and businesses throughout the business life-cycle**. The core theme of eBiz lies in radical shift by Government in its service approach, from being department-centric to customer-centric, in providing services to the business community.

The objectives of this project are to:

i)   Secure **one stop shop** for all investment and business related information and services 24X7 on a single portal

ii) **Eliminate the need to physically interface with various regulatory authorities** at the Central, State and local government levels

iii) **Allow a single payment to be made electronically** against a **composite application form for multiple services** and the subsequent splitting and routing of payments to individual departments and agencies

iv) Reduce the difficulties faced by investors and businesses in complying with regulatory requirements and improve the ease of doing business

v)   Create a platform for multi-departmental cooperation in data sharing/verification and service delivery.

Success of eBiz is predicated on seamless Integration with partner departments. The solution is specifically designed to handle variations in the level of computerization at the departments. The various types of integration envisioned are:

▪   **Level-1** –Designed for department with back-end systems. Front-end on eBiz integrates seamlessly with department system in back-end through NSDG   .

▪   **Level-2** – Designed for department with no computerization. Both front-end and processing workflow will be developed on eBiz.

▪   **Level-3** – where eBiz envisions providing Composite services in such a manner that a single request from the business user is routed to the appropriate government authorities in a logically sequential manner.

Example - In Level-2 integration shown below, applications forms submitted online is made available to department users through the eBiz Department Portal. Application is routed through the various roles as per the department workflow for the service

The Committee has evaluated the e-biz model being implemented by Department of Industrial Policy & Promotion (DIPP) and is of the view that it's concept and technology can be extended to real estate sector, with reasonable effort. If it is remodelled to cater to real estate related approval processes, it can be a comprehensive IT portal with forward and backward linkages.

8.3.2. Case study: Automated Building Plan Approval System (ABPAS) by Indore, MP

Another case study is the fully integrated online Automated Building Plan Approval System (ABPAS) developed under the DFID supported Madhya Pradesh Urban Services for the Poor facility of submitting online application with plan & drawings and documents in PDF format, online scrutiny as per existing Act and Regulations, online payment and online tracking of application. It has been successfully developed and implemented at Indore for last two years for real estate projects.

Figure 23: Case Example – Automatic Building Plan Approval System (ABPAS) Indore
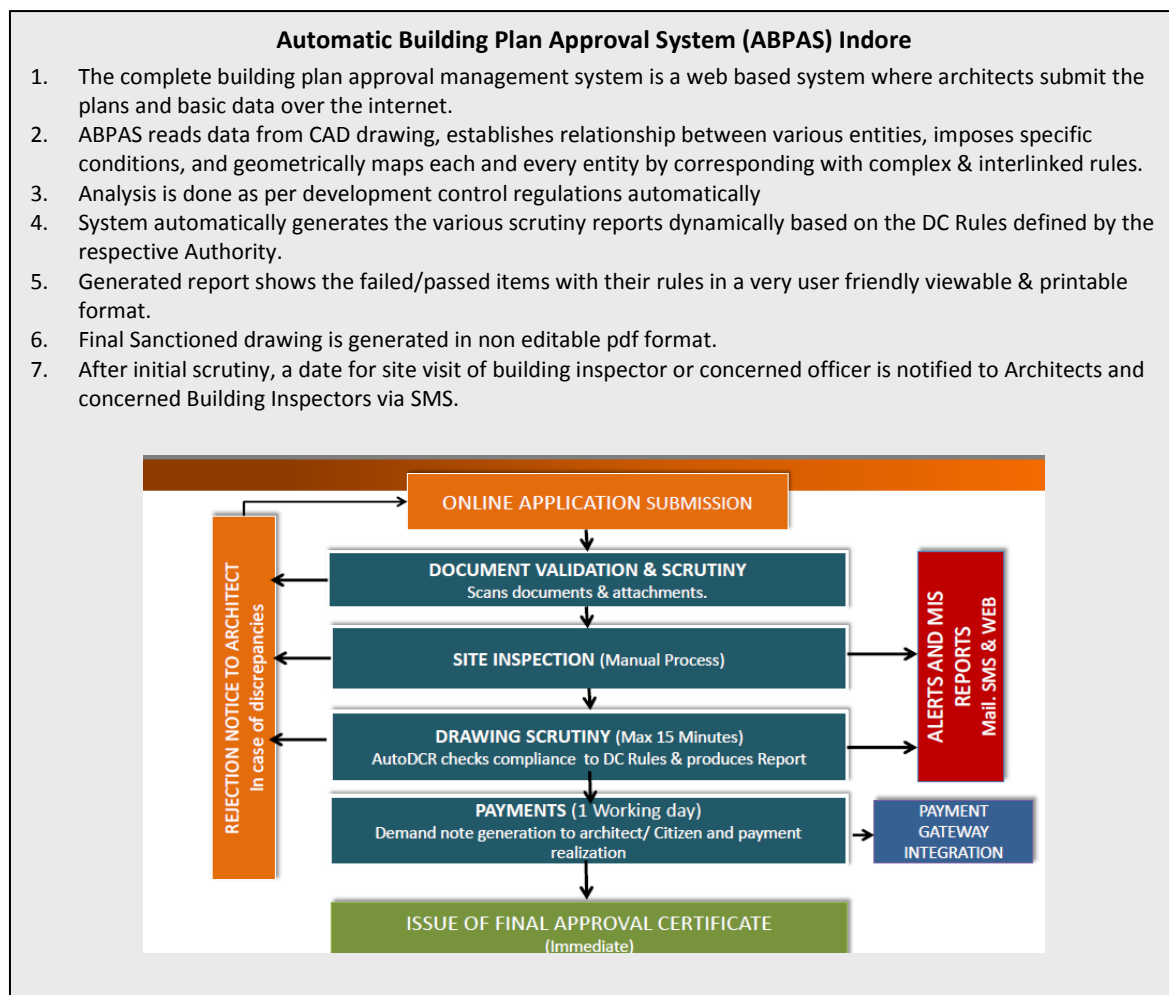
Automatic Building Plan Approval System (ABPAS) Indore

1. The complete building plan approval management system is a web based system where architects submit the plans and basic data over the internet.
2. ABPAS reads data from CAD drawing, establishes relationship between various entities, imposes specific conditions, and geometrically maps each and every entity by corresponding with complex & interlinked rules.
3. Analysis is done as per development control regulations automatically
4. System automatically generates the various scrutiny reports dynamically based on the DC Rules defined by the respective Authority.
5. Generated report shows the failed/passed items with their rules in a very user friendly viewable & printable format.
6. Final Sanctioned drawing is generated in non editable pdf format.
7. After initial scrutiny, a date for site visit of building inspector or concerned officer is notified to Architects and concerned Building Inspectors via SMS.

Automatic Building Plan Approval System (ABPAS) Indore

ABPAS is scheduled to be **replicated to all Municipal corporations of MP by June 2013**. **Future plans** include integration with approval processes for Change of Land Use at State Govt. and for NOCs from Central Govt. agencies

Presently, the scope of APBAS is limited to building plan approval process only. However it may be integrated with various approval processes for Change of Land Use at State Govt. level and for NOCs from Central Govt. agencies.

The Committee has studied the online working of APBAS model and is of the view that its scope can be expanded for replicating in various states with customization.

8.3.3.   Case studies: Single Window Portals in India and other countries

The Committee also studied Single window portals developed by Industries department, Govt. of Punjab and Maharashtra as examples of best practices and considered that some of their Composite Application forms may be applicable for real estate projects too.

Figure 24: Case example - Single window Portal (Punjab)

> **Punjab – Single Window Industrial Clearance Service**
>
> The Government of Punjab has introduced the Single Window Industrial Clearance Service in the State of Punjab, with the intent of expediting the issue of various clearances for new Industrial Projects and expansion of existing Industrial Projects. The basic aim is to facilitate the industries by providing a single-point, time-bound clearance system required for establishment and operation of industrial undertakings.
>
> The Department of Industries & Commerce, Punjab under Single Window Service has formulated a Composite Application Form (CAF) for common clearances by and large required from various government departments / agencies. With the objective of providing the facility of speedy approval of clearances to entrepreneurs and industry of Punjab, the department has come out with this Single Window Industrial Clearance Portal which is a One-Stop Information Centre for Industry Clearances, and provides a facility for Online Submission and Tracking of CAF.

Punjab – Single Window Industrial Clearance Service

Composite Application Form:: Step 1 of 4

Common Information Sheet:: Section D – Clearance Checklist

Note: This list appears according to Nature of Project and Area.

Select the clearances you require and department concerned

- ☑ Approval of Building Plan
  - ⦿ Department of Local Government
  - ☐ Permission to Construct, Extend or take into use any Building as a Factory, By Director of Factories
- ☑ Sanction of Water and Sewerage Connection
  - ⦿ MC
    - ☑ Water
    - ☑ Sewer
- ☑ Requisition / Sanction / Release of Power Connection
  - ☑ Clearance from Chief Electrical Inspector
  - ☐ Requisition for Industrial/Bulk Supply by Punjab State Electricity Board (for load exceeding 500 KW)
  - ☑ Sanction/Release of Power Connection (for load upto 500 KW)
  - ☐ Permission to Install Generator Set
- ☑ Consent to Establish (NOC)/ Operate/ Authorisation for Storage, Transport, Disposal of Hazardous Wastes
  - ☐ Consent to Establish (NOC)
  - ☐ Consent to Operate
  - ☑ Authorisation for Collection/ Reception/ Treatment/ Transport/ Storage/ Disposal of Hazardous Waste
  - ☐ For Grant of Environmental Clearance from CSA and Approval of Site from SAC
- ☑ Registration and Grant Renewal of License by Director of Factories
- ☐ Prior Approval under Section2 of Forest Conservation Act 1980 of the Proposals by State Govt. and Other Authorities
- ☐ Registration under VAT

Applicant's Detail:

Name	Naresh Thakur	between 2-100 characters & a-z, A-Z, 0-9 and spaces are allowed
Designation	Director	between 2-50 characters & a-z, A-Z, 0-9 and spaces are allowed
Address	C 180, Phase 8B, Industrial Area, Mohali	between 2-200 characters are allowed
Place	Mohali	between 2-50 characters are allowed

- Creating a consolidated Clearances Checklist is the last step of Common Information Sheet and this is what you do under this step.
- Here you carefully select all those clearances you required and their respective approving authorities.
- You do not fill the actual departmental application forms here, these forms are filled in Step 2 of CAF
- Hence, just create a Checklist of Clearances here.

Figure 25: Case Example – Maharashtra – Single Window Clearance

Maharashtra – Single Window Clearance by MIDC

- Maharashtra Industrial Development Corporation (MIDC) launched a service that permits both - online submission and approval system through a dynamic interactive portal developed and commissioned by Microsoft – "Digital Single Window Clearance System".
- The single window environment aims to expedite and simplify information flows between trade and government and bring meaningful gains to all parties involved in trade. The portal will provide a single window view for the approvals and clearances from MIDC required by the MIDC customers.
- SWC service is one more feature that strengthens MIDC's service offerings to investors and entrepreneurs, who can now access services pertaining to Line departments like Planning, Land acquisition, Engineering & Maintenance, Fire and supporting departments like Accounts & Finance, Legal and General Administration, and Technical advisor's office through a single gateway

Figure 26: Case Example - Singapore

Singapore - Online Business Licensing Service (OBLS) and CORENET

Singapore Government's Online Business Licensing Service (OBLS) is a one-stop portal for businessmen to apply for all the required Singapore government licenses in a single online transaction. The system routes all applications to various government agencies for processing. OBLS allows businesses to apply, update, renew or terminate any combination from a suite of 80 online business licenses issued by 17 government agencies, in one online transaction. More than 80% of start-up businesses in Singapore are served by OBLS without having to visit Government counters. Based on the cost-benefit analysis done at 31 Dec 2006, businesses have benefited from the OBLS project with an estimated cost savings of US$27 million (since the pilot launch in Jan 2004). Singapore is ranked No. 1 in World Bank's Ease of Doing Business and 4th in Starting a Business indicator.

CORENET (Construction and Real Estate Network) – was set up by the Government of Singapore in 1995 through the Ministry of National Development with the Building and Construction Authority as the lead implementing agency to address physical planning and urban development issues and ensure that all activities related to construction and real estate development are done in line with global best practices;

CORENET electronically links up construction and real estate stakeholders ranging from Government Approving Agencies, Qualified Professionals, Citizens, Developers etc to one central hub for the exchange of information and data, making the concept of 'many agencies one government' possible;

CORENET ensured a seamless, quick, easy and secure flow of information and data helping to create an IT infrastructure that allows the total integration of the four basic processes of a building life cycle—Design, Procure, Build, and Maintain; CORENET streamlined the process of designing and construction of buildings, reduced turnaround time in development projects and enabled construction companies to be more productive and to compete more effectively
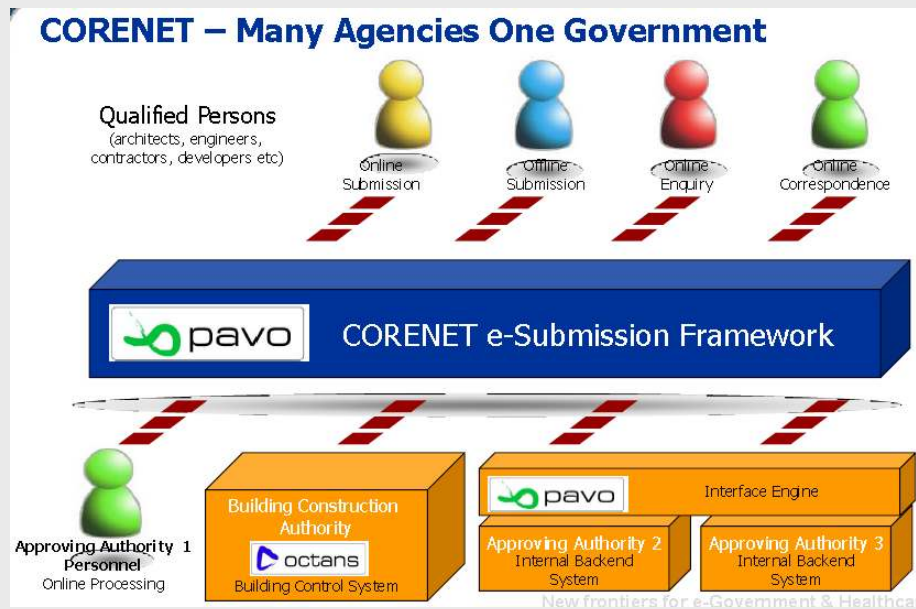
Figure 27: Case Example - Hong Kong SAR

Hong Kong SAR (China) – 'Be the Smart Regulator Program'

Hong Kong SAR (China), made obtaining construction permits easier by introducing the "Be the Smart Regulator Program", a large-scale improvement program for business licenses covering multiple business sectors, which reduced the time to deal with building permits by 36 days and eliminated 8 procedures related to inspections and pre-approvals.

Hong Kong has established a One-Stop Center (OSC) under the administration of the Efficient Unit (EU) which allows 6 local departments and 2 private utility companies to function under the same roof to expedite the process to obtain construction permits.

As a result of this mechanism Hong Kong takes only 6 procedures and 67 days to get a construction permit.

4 of the 6 procedures are briefly described here.

- Firstly, an applicant can submit relevant applications in batch to the OSC to obtain pre-construction approvals including water connection from the Buildings Department, Water Supplies Department, the Police and Highways Department.
- Secondly, after completion of the foundation works, an applicant can request and receive inspection of foundation strata by the Buildings Department.
- Thirdly, an applicant can submit notification of project completion and relevant applications in batch to the OSC to obtain related certificates from the Drainage Services Department, Water Supplies Department, Buildings Department, Fire Services Department and Lands Department, as well as electricity and telephone line connection from utilities companies.
- Fourthly, the applicant will receive joint and final inspection of relevant licensing authorities coordinated by the OSC.

8.3.4. Recommendation 1: Create dedicated cells and appoint nodal officers in local bodies

Given that ULBs are being empowered to function as the responsive third tier of Government and that transfer of City Planning functions will ultimately occur on account of the commitments made by the State Governments, it is imperative for ULBs to function as such and be empowered to function as the Single Point Source (SPS) for according all building plan approvals.

The Committee recommends that all the state should transfer the planning function to the urban local bodies to enable them to prepare development plan in a participative manner.

As the first step towards single window system, the Committee recommends creating a 'Dedicated Cell in ULB/Development Authorities' for according clearances.

This specialized cell in ULB/Development Authorities could be manned by **'Case Officers'** assisted by a team of **'Qualified Personnel'** conversant with the procedures and the interpretation of development regulations.

The **broad purpose of appointing a case officer** is to improve communication between the local authorities and the developer/customer, and to improve the co-ordination within the authority and possibly also with external agencies. The exact functions of the case officer will vary but broadly the types of role which a case officer may undertake are as follows -
- To act as the named point of contact within the authority for the developer
- To co-ordinate the authority's response to the application
- To liaise with other agencies (including non-planning related bodies) on the developer's behalf

Developers who are putting projects through the approval process need to be able to obtain accurate information about the status of their application and any problems that are arising. To ensure this happens it is essential that there is direct access and communication with an official working on a particular case ("case officer"). This will avoid time delays and confusion that could occur as a result of dealing with an official who is not aware of the application or any issues that are affecting it. This will speed up the system and increase confidence among those using it.

The **team of qualified personnel** could be headed by a qualified town planner and assisted further by a team of empanelled professionals -surveyors, architects, engineers, environment Specialists and legal experts among others. Such expertise can also be designated to assist developers/builders with complex projects and to constantly improve the sanction process by reducing delays.

8.3.5. Recommendation 2: Implement 'Single Window Approval System'(SWAS) over 1-2 years

After studying the two models of e-BIZ developed by Department of Industrial Policy & Promotion (DIPP) and Automated Building Plan Approval System (ABPAS) developed by Madhya Pradesh in Indore, the Committee considers that IT enabled One-stop-shop is the ultimate vision for streamlining approval procedures.

The Committee urges State Governments to immediately initiate work to develop their own comprehensive IT based Single Window System or One Stop Shop for Real Estate projects. It is recommended that States may work towards completing the tendering & selection process within 1 (one) year and with a completion time-frame of 2 years for a baseline automated system, following best examples like e-Biz project or ABPAS. Each State may develop such project in PPP model by selecting a reputed consultant on transactional basis without any upfront cost to the State.

The States may invite application for the design, development and implementation of a fully integrated online Single Window Approval System (SWAS) with compatible forward and backward linkages to be piloted in 2-3 selected Municipal Corporations in the State within a time limit of 2 years. Upon its successful completion the system may be replicated to other Municipal Corporations. The proposal should comprise the components as: a) Development and hosting an online Composite Application on a SAAS (Software as a service) Model b) Conceptualising and Implementation of an integrated re-engineered process for operationalization of SWAS.

While States may take technical help from MoHUPA; a guideline for developing IT enabled Single Window Approval System (SWAS) with sample Composite Application Forms (CAF) has already been recommended by the Committee.

8.3.6. Recommendation 3: Consider funding on a PPP basis as per ABPAS model

The Committee recommends that States consider a PPP model for awarding the contract for the IT enabled SWAS to a reputed Consultant on transactional basis without any upfront cost, as used by Govt. of Madhya Pradesh in developing ABPAS. Please refer details in figure below

Figure 28: Funding model followed by ABPAS Indore, MP Govt.

- By Municipal Corporation
  - Total Project cost is 2 Crores.
  - No Upfront cost to Municipal Corporation
  - The project is on transactional basis (Covering 2 Crores Sq. Ft. area in 2 Years) at a cost 1 Rs. Per Sq. Ft.
  - Infrastructure like Terminals, Printers, Plotters and work space provided by Municipal Corporation. (Cost 5 Lakhs)

- By Vendor
  - Application Software - AutoDCR customizations, up gradations and Maintenance for 2 years
  - Tier 3 Data Center
  - 5 Persons operational and Management team
  - Providing Awareness Programs, Trainings and Technical support
  - Upfront Investment Finance cost

8.3.7. Recommendation 4: Refer guidelines for developing Single Window Approval System (SWAS)

The Committee recommends that the States may take help from MoHUPA to develop the concept and technology. However, a guideline for developing an IT enabled Single Window Approval System (SWAS) with sample Composite Application Forms (CAF) has been developed by the Committee and furnished below:

Guideline for developing an IT enabled Single Window Approval System (SWAS), supported by Composite Application Form (CAF)

1. **Objective** – to develop an efficient and user-friendly e-portal which provides all information relating to clearances.

2. **Indicative project architecture** – refer figure below

Figure 29: Indicative Project Architecture for SWAS
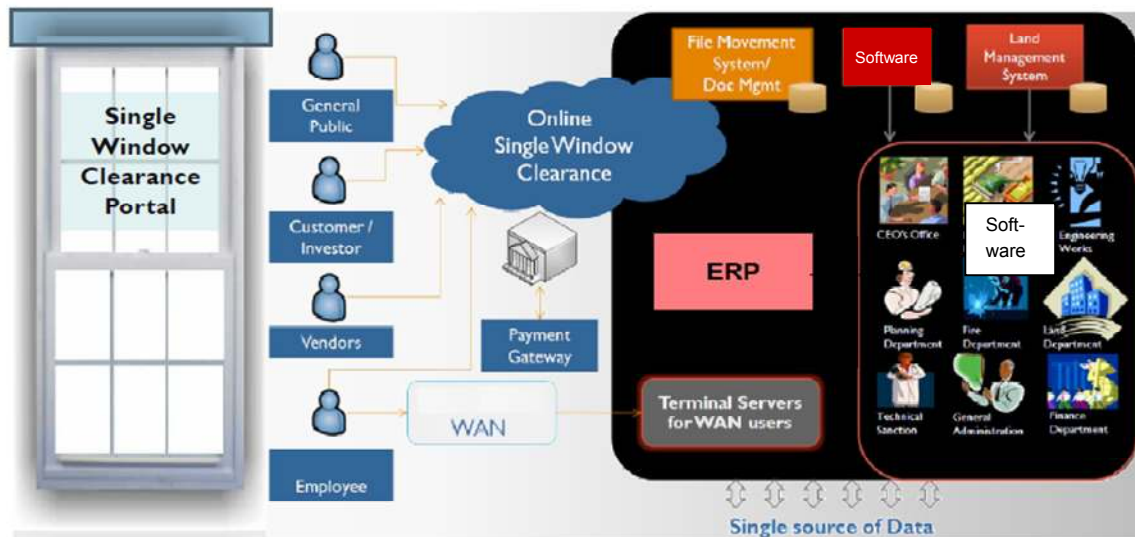
Note: Proposed software should be capable of reading CAD drawings and mapping them to development control regulations of the local bodies. LAN/MAN or WAN.
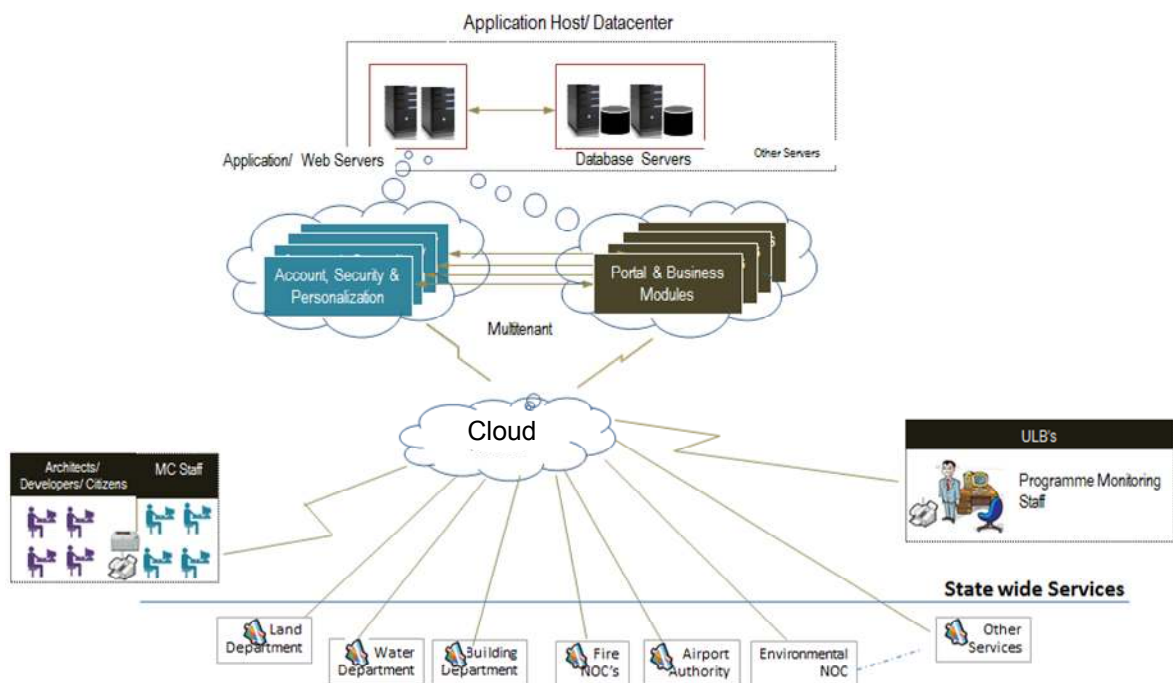
Note: The use of Internet in NIC data centre/ cloud and generic specifications with its compatibility with NIC should be confirmed.

3. **Logins for different users – including authority officials and empanelled professionals**

New Registration /Existing Login Centre with user id and password for empanelled professionals - Architects/Chartered Accountants/Legal Consultants/Surveyors. New Registration page which generates user id and password after having all login & personal details including email address.

4. **Composite Application Form with relevant Guidelines**

The System should have an online Composite Application Form with relevant Guidelines/Notifications/Governing Rules & Act which may be downloaded from the portal or filled online. This report contains some sample forms which may be converted to online forms as part of SWAS

(1) **Common Information Sheet** (Sample in Annexure-2A)
(2) **Change of Land use** (Sample of Govt. of Punjab in Annexure-2B & 2C including Relevant Guideline in 2D and Relevant Notification in 2E)
(3) **Approval of Layout & Building plan** (Sample of Govt. of M.P in Annexure-2F)
(4) **Approval for grant of Pollution Control under Environment clearance** (Sample of Govt. of Punjab in Annexure-2G)
(5) **Sanction of Water and Sewerage Connection** (Sample of Govt. of Punjab in Annexure-2H & 2I)
(6) **Approval for Forest Clearance** (Sample of Govt. of Punjab in Annexure-2J)
(7) **NOC from Airport Authority of India** (Sample in Annexure-2K)
(8) **NOC from Ministry of Environment & Forests** (Sample in Annexure-2L)
(9) **NOC from National Monument Authority** (Sample in Annexure-2M)
(10)Application for **permission to occupy/ submission of completion drawings** (Sample of Haryana Urban Development Authority in Annexure-2N).

5. **Key features and functions of SWAS should comprise of the following**

1. **Introduction to the system and g**eneral information on 'How to apply online'

2. List of approvals required for a particular type of real estate project, along with the prescribed timeline for every approval type. Such information should be based on the Compendium of processes and timelines that has been recommended, earlier in this report.

3. Check list of documents needed for each approval process - shown under enclosures in the sample CAF.

4. The approval process should facilitate applications meant for entire approval process or part of it.

5. The system should make distinctions to the following as per respective fields in the Common Information sheet and lead those projects to separate approval process in the fast track:

   a. All residential projects with dwelling units having less than 60 m2 carpet area (which conforms to Affordable housing criteria) which should have fast-track clearance mechanism.

   b. Projects under Affordable Housing in Partnership (AHP) scheme (For which Nodal Agencies facilitate various incentives and fast-track approval)

    c.   Green Building Projects certified by various Rating Agencies like GRIHA, LEEDS or IGBC which may not require stringent process under MoEF.

6. Fee structure for each clearances and procedure for online payment with payment gateway.

7. System would allow a single payment to be made electronically, where subsequent splitting and routing of payments to individual departments and agencies are done automatically.

8. All regulatory authorities at the Central, State and local government levels are inter-connected and information/status is shared electronically. Automatic forwarding of CAFs through online linkages to the concerned authority shown as Addressee on various CAFs

9. Forward online linkage to concerned Ministries from which various NOCs are required as parallel activity with building plan approval process.

10. Backward online linkage with Revenue Department/ ULB/Panchayat etc. for their inputs about manual activities like Physical site inspection/verification of land records etc.

11. Online facility for Tracking application to know status of approval by logging in which provides additional information of the status of parallel approval processes like NOC from NMA, AAI, MOEF, MoD etc or at the Revenue Department or Panchayat level.

12. Accountability chart for each activity which clearly states Name, Designation, email address (without Telephone no to avoid personal interaction) and the time line allocated for each.

13. Online mechanism to send alerts by SMS or E-MAIL to the applicant after each clearance.

14. Facility to generate automatic Sanction Order after approval.

15. Facility for attachment of AutoCAD drawings and other documents in PDF format in OFFLINE MODE and sending with online applications.

16. Facility for Display and downloading Guidelines and other relevant Notifications etc in OFFLINE MODE.

17. Facility to update relevant Guidelines and Acts and Rules to the online approval system.

18. System for reading and full scrutiny of the soft AutoCAD drawings and to evaluate in conjunction with the updated and relevant Rules & Acts to show PASSED or UNPASSED report at each stage of evaluation to come up with a Final online display as APPROVED or NOT APPROVED result.

19. System of correlating soft plan & drawings with Master Plan/CDP/Zonal plan etc.

20. Facility for Online generation of Final Evaluation Report with display of reasons for each PASSED or FAILED result in the approval process.

21. Facility for generating various MIS Reports.

22. Facility to bring Plinth/ Completion/ Occupancy certificates in automation.

23. The system should facilitate green building scrutiny checks that enable ULB to provide green ratings to the buildings.

24. After making online payments and digitally signed certificates, final certificates should be made available online.

25. Facility to get the sanctioned building data mapped to GIS system.

26. User Class should very clearly defined with their attributes (e.g. Employee Class).

27. Minimum Data Centre requirements with no. of servers, its specifications, compatibility, system software, application software, interoperability etc. should be documented.

6. **Refer Annexure 3 for samples of online portals implemented by Department of Industries and Commerce, Punjab as well as MIDC, Govt. of Maharashtra**

8.4. Transparency, predictability & accountability to protect consumer interest

Indian real estate continues to be perceived as non transparent, unorganized, fragmented and fraught with bureaucratic red tape, fraudulent practices and a large parallel economy. While industry stakeholders have accountability towards banks and private equity funds, there is no accountability to the consumer. In spite of regulation being multi-fold, there is no consistency of practice. Over the last few years, a number of unfulfilled promises and fraudulent practices have been reported for a large section of urban society. The sector is perceived as always looking to take the 'customer for a ride'. One of the biggest complaints against the sector is delay in delivery of committed projects.

As developers face problems with lack of clarity and uncertainty in building approvals, the impact on consumers is significant. Consumer confidence is an essential element in the creation of a healthy, transparent, efficient and competitive real estate sector. If the sector builds on trust, the current perception in the minds of regulators, investors, lenders and consumers will change and we will see larger number of stakeholders come back and do business in the sector

It is imperative that steps are taken in order to make the house construction process amore transparent one, with clear information and updates being provided.

The figure below highlights the issues and dilemmas faced by consumed throughout the house buying process as a result of the decisions relating to planning and building approvals.

Figure 30: Consumer perspective: key areas of ambiguity

9 Who do I approach for delays and un-kept promises by developers?

1 Is the location good with adequate urban Infrastructure?

2 Does the developer have clear land title?

3 Have all statutory planning and building approvals been received?

4 Is the paper work / contracts neutral and not one-sided?

8 Has the property received the completion certificate after necessary inspections?

7 Is the construction quality and specification as promised/shown in the apartment brochure?

5 What is the actual carpet area that I can use?

6 How can I know the status of the project and approvals to estimate when construction may get completed?

Source: RICS

In order to address some of the concerns depicted in the figure above, it is imperative that steps are taken in order to make the house construction process a more transparent one, with clear information and updates being provided. Also, Construction is a service that is rendered by developers for the consumers or buyers. Therefore, as in case of any service industry, it is essential that the service providers or developers are made accountable for the quality or deficiency in service rendered.

There is an urgent need to implement reforms to protect consumer interest with a two fold purpose
a) to ensure consumers are not duped by investing in projects that do not have necessary approvals in place or by being given substandard service
b) to avoid high incidence of mishaps and accidents because of poor building standards and quality

International practice for regulation and consumer protection
Real estate markets in these countries are regulated through legislation, voluntary schemes and self regulation across all key activities – town planning, building control or building development, regulation of property transaction activities of which estate agency are an important element.

The common conditions that have been seen in some of the countries are;

i) *Before any property is allowed to be placed in the market for sale, following 3 requisites need to be complied for the license to be granted to the builder*
   a) Title of land has to be clear and fully paid up
   b) Building plans have to be approved by the appropriate Land Authorities for Development.
   c) The financial status of the builder is to be valued as no project once approved can be abandoned other than on "Force Majeure Conditions".

ii) *The builder can then announce the project and needs to clearly specify*

- The rates for sale for covered area only. No super areas/hidden cost can be demanded other than the set price. Area definitions are standardized and one such example is mentioned in case study 31.
- Completion period with pre- determined date for completion and handing over.
- There can be no variation in sale price between two customers and no escalation on prices. All prices are posted on internet and available on public domain.

iii) No over run of completion of projects is allowed. However, if the project is delayed for valid reasons it would entail

- Pre-determined amount of penalties on total project is to be paid to the authorities.
- 10 % interest to the consumer for the period of delay which is approved.

The consumer can book the apartment with payment of 10% as booking amount. Within a stipulated period of time (3 – 6 months), the consumer may either continue or withdraw from the scheme. In case of withdrawal, the full amount is returned to him without any forfeiture.

- The contract is now proceeded with between the builder/developer and the consumer as per "terms of contract "mutually agreed. The "terms of contract "also needs prior approval by the authorities.
- All payments/receipts towards the project are deposited in escrow account exclusively attributed to the project and these funds cannot be shifted around.
- Once the project is complete, the final settlement takes place and the property delivered.
- The consumer is then given a set period of time (e.g. 3 months) of "live-in period" to draw up a list of faults/defects if any and these are attended to by developer.

8.4.1. Recommendation 1: Set up Real Estate Regulatory Authority to protect consumer interest

The Committee reinforces the need to have a Real Estate Regulatory Authority which will ensure regulation and planned development in the real estate sector; ensure sale of immovable properties in an efficient and transparent manner and also protect the interest of consumers in the real estate sector and establish an Appellate Tribunal to adjudicate disputes

Under the envisaged real estate regulation bill, provisions may be made
- To **ensure all new projects are registered with the real estate regulation authority and have obtained all necessary approvals** required by central and state legislation and procedure.
- Until such time that the projects are registered with the Authority, pre-sales of projects may be discouraged or done away with completely, as per the practice followed internationally
- To facilitate standardization in various matters
  - Related to standardization, efficiency and development in construction of buildings. An example of this is given in the case study below which related to standardization of measurement
  - Set guidelines, rules and voluntary codes of practice for all developers and brokers.
  - Standardize builder buyer agreements by ensuring rights of developers and consumers are equally protected

- to **provide consumer redress for non-conformance to building standards** or building laws or building defects
- to **provide consumer redress** against deficiency of contractual service

Figure 31: Case Example: RICS Code of Measuring Practice

Case Example: RICS Code of Measuring Practice

Inconsistent and opaque practices in 'Floor Area'
Whether a consumer is looking to buy or rent, the size of the property is given tremendous importance in the decision making process. In fact the actual size of a property is a critical component in determining its price. Area measurements are therefore crucial in facilitating honest property transactions. However, most transactions in India are characterised by an on-going practice whereby tenants or prospective owners are misguided or unaware of what actually constitutes floor area. In the absence of uniform and nationally accepted definition of carpet area, there are numerous incidents where misleading calculations of 'common areas' are projected. Much of the confusion lies with respect to the definitions for gross, carpet, built-up, super-built up and other floor areas, where there is quite a large element of subjectivity involved.

What India needs is a standard code of measurement, that can be easily understood and adopted by the industry and also promoted in order to educate the customer. This would result in greater accuracy and consistency of measurement as well as disclosures, leading to fair and transparent transactions. Eventually, it will help build greater public trust and confidence in the property market.

RICS Code of Measuring Practice
The RICS 'Code of Measuring Practice' is an internationally advocated and accepted measurement standard, which advocates the use of standard measurement practice as a responsibility towards consumers in ensuring accuracy and consistency in measurement.

The purpose of the Code is to provide succinct, precise definitions to permit the accurate measurement of buildings and land, the calculation of the sizes (areas and volumes) and the description or specification of land and buildings on a common and consistent basis. This may be required for valuation, management, conveyancing, planning, taxation, sale, letting, or acquisition purposes.

In order to make the Code easier to use, especially to those not involved in measuring on a regular basis, the Code contains a hierarchy of definitions. The core definitions are: + GEA (Gross External Area) + GIA (Gross Internal Area) + NIA (Net Internal Area)

This code has been introduced for industry consultation in India, with the objective of customising/localising it for the Indian real estate sector.

Source: RICS

8.4.2. Recommendation 2: Easy access to building approval information to avoid consumer frauds

The Committee urges the Central and State Governments to consider mechanisms to improve consumer education and encourage transparency and dissemination of information with consumers. Some suggestions towards this end are as follows –

For construction activities by developers and builders

- Complete disclosures by the developer on expected time to acquire approvals and timelines for development process, which translates to honest commitments of project delivery within a specified period of time. This helps win consumers and set the right expectations

- In other words, spelling out very clearly through a document of agreement - what are the deliverables, what is the commitment made; along with a copy of the floor plans which clearly demarcate what a customer will eventually receive

Some of the major means of improving public information to avoid consumer frauds include
- All **advertisements to contain accurate information about the approvals** received by developer
- Providing prompt **notification of application approvals** and **uploading a list of all projects where necessary approvals have been obtained** by the builder. This will ensure consumers do not make investment in projects that have not yet received necessary approvals.
- Providing information on the **status of building approval applications** that are in process
- Providing **complete information on official website** and making the urban groups aware of the requirements.

Availability of all building related rules and status of all projects (on the website of the local authority) where building approvals are pending, will go a long way in curtailing pre-launches without necessary approvals and therefore reduce incidence of consumer frauds. These may be included as part of the Citizen's Charter and publicity leaflets and campaigns on such issues may be considered by States and local bodies.

For self construction activities
Application process is the starting and important stage of building permission process, which itself can be simplified by improving the public information. **Improved public information simplifies and demystifies planning and building approval processes** and includes following areas
- Details of where application is available and how to obtain it
- Explaining the application process (information on fee rates, lists of licensed architects etc)
- Applicable building rules
- Checklist of documents required for approvals
- Ability to track applications

8.4.3. Recommendation 3: Accountability for deficiency in building quality
Construction is a service that is rendered by developers for the consumers or buyers. Therefore, as in case of any service industry, it is essential that the service providers or developers are made accountable for the quality or deficiency in service rendered.

An inefficient building/construction system that is burdened under the pressure of project delays, corruption and bureaucracy, coupled with the rampant violation of building codes, have resulted in structures being more susceptible to structural and safety malfunctions. The incidents in Delhi, Mumbai and Rajasthan, in the recent past where such residential structures have collapsed and caused fatalities, highlight both the enormous urban planning problem at hand and the need and relevance of building/construction audits and inspection.

The Committee recommends States to consider appropriate mechanisms to regulate building construction activities to provide consumer recourse for sub-standard building quality to avoid high incidence of mishaps and accidents

States and Local Bodies are recommended to **regulate and enforce various State and Local building bye-laws**, through appropriate mechanisms and delegation of authority to local building authorities or third party inspectors or quality control companies. This may be facilitated by the proposed Real Estate Regulatory Authority or as a separate initiative by State/Local Government till such time that the real estate regulatory authority is formed.

International practices for assurance building quality to consumers are given below

Figure 32: International Case Example - Republic of South Africa (RSA) - National Building Council

Republic of South Africa (RSA) - National Building Council
(Deals primarily with building defects)

In the Republic of South Africa, the National Home Builders Registration Council (NHBRC) is a statutory body which provides protection in terms of the Housing Consumers Protection Measures Act. It is mandated to provide protection for all new housing consumers against defined building defects such as:
- Assisting consumers by ensuring that home builders meet their obligations under the Act
- Rectification of major structural defects
- Detect contraventions from the Act that require disciplinary action or prosecution

However, a consumer's attorney is expected to handle disputes over matters of contract. Examples of matters of contract where the NHBRC cannot help are disputes about date of entry, prices of 'extras', plot size, room dimensions, colour of sanitary ware, or type of floor coverings. Similarly, problems arising out of rights-of-way and access, and matters of legal title to property are referred to legal officers.

An observation by NHBRC has indicated that decreased late enrolments by builders result in a reduced number of complaints. If a builder enrols prior to construction, it affords NHBRC an opportunity to inspect homes, thus limiting future complaints from housing consumers.

In relation to remedial works, NHBRC technical staff and inspectors have been provided with training to be able to identify and alleviate technical problems during construction in order to minimise the risk to the housing consumer and the Warranty Fund.

Figure 33: International Case Example - UK - National House Builders Council (NHBC)

UK - National House Builders Council (NHBC)
(Deals with defects under a warranty scheme)

In the UK providers of new-build residential housing usually conform with standards set down by the National House Builders Council (NHBC) and offer an NHBC Certificate warranty on completion. Alternatively, there are some insurers who provide Latent Defects Insurance against problems arising after completion.

The NHBC provides warranty and insurance, covering 80% of new homes built in the UK. It also undertakes extensive consumer satisfaction research to provide builders with information on perceived quality of product and service. NHBC also conducts effective training and development of staff to respond to the dynamic industry and meet regulatory requirements.

The Regulatory Authority should encourage the 'promoters' to adopt the Latent Defects model, which is becoming increasingly accepted as a more desirable alternative to Certification. It typically provides a higher standard of construction due to validation and supervision by the insurers, and certainly offers better protection for owners once the purchase has been completed.

Figure 34: International Case Example - UK – Consumer Code for Home Builders

UK – Consumer Code for Home Builders
(For all complains not covered under NHBC)
The Consumer Code for Home Builders Scheme which came into effect on April 1, 2010 in the UK, sets mandatory requirements that must be met by all home builders in their sales, marketing, and customer service activities.

The purpose of the Code is to ensure that Home Buyers:
- are treated fairly;
- know what service levels to expect;
- are given reliable information upon which to make their decisions;
- know how to access speedy, low-cost dispute resolution arrangements if they are dissatisfied.

Home Buyers who think they have a dispute because a Home Builder has failed to meet the requirements of the Code may refer their dispute to the independent Dispute Resolution Scheme. This **Dispute Resolution Scheme** establishes an independent process set up to deal with disputes under the Code that do not fall within the Home Warranty Body's Home Warranty cover.

Disputes are resolved using an adjudication process. During this process, a trained adjudicator reviews written submissions from both parties and issues an award based on his or her conclusions. They decide whether or not a Home Buyer has a legitimate dispute and has suffered financial loss as a result of their Home Builder failing to comply with the Consumer Code requirements.

8.5.   Special dispensation for affordable housing

8.5.1. Recommendation 1: Adopt a clear and uniform definition of 'affordable housing'

The Affordable Housing Task Force constituted by MoHUPA has recently defined affordable housing and affordable housing projects, as mentioned in the below box. This definition needs to be widely promoted across all States, Local Bodies and private sector and special dispensation be allowed for projects meeting this definition.

Figure 35: Definition of Affordable Houses as Affordable Housing Taskforce Report

> **DEFINITION OF AFFORDABLE HOUSES**
>
> As per recommendations of the Affordable Housing Task Force report
>
> **i. Affordable Housing:** Individual dwelling units with a Carpet Area of not more than 60 sq. mt. and preferably within the price range of 5 times the annual income of the household as notified, either as a single unit or part of a building complex with multiple dwelling units.
>
> **ii. Affordable Housing Projects:** Housing projects where at least 60 percent of the FAR/ FSI is used for dwelling units of Carpet Area of not more than 60 sq. mts. The project shall also reserve 15 percent of the total FAR/ FSI or 35 percent of the total number of dwelling units for EWS category.
>
> **iii. Carpet Area for a Affordable Housing Dwelling Unit:** The carpet area as used in this report is the usable and habitable rooms at any floor level (excluding the area of the wall). While the method of measurement of carpet area will be the same as in the IS code 3861:2002, it will include carpet area of the living room(s), bedroom(s), kitchen area, lavatory(s), bathroom(s), and balcony / verandah, if provided, in accordance with the definition of the Dwelling Unit/Tenement as provided in the National Building Code, 2005 which is an independent housing unit with separate facilities for living, cooking and sanitary requirements.

8.5.2. Recommendation 2: Revise building codes with specific provisions for 'affordable housing'

a) **Review densification or built-up area norms -** Part III, Annexure C of the National Building Code of India" lays out the norms for low cost housing. This code focuses a great deal on cluster development and the coverage of group housing needs updating. There is a need to liberalize development norms for affordable housing by considering increase in FSI and providing TDR facilities The Committee recommends that the MoHUPA should carry out a separate study on building standards and norms to revise this chapter with respect to affordable housing, especially for group housing society projects which are not included in the code at present. This section may contain specific provisions for 'affordable housing' with densification and revised norms for built-up area from an affordability perspective

b) **Standardize building plans and specifications to encourage 'manufacture' of houses rather than 'constructing' -** Housing as an industry is still hand crafted and heavily depended on manual labour, which leads to large amount of material wastage and labour in efficiency. Given the large volume of affordable housing that needs to be built, consideration must be given to standardization of housing layout and design. Faster planning, standard proto types will be available 'off shelf' and will reduce the planning cycle. Also, dimensions of different housing components such as wall, door, partition, window and roof need to be standardized as much as possible. This would push manufacturers to produce these in standard sizes, which in turn will bring down the cost of production of these components and also enable development of precast industry. Innovative construction methods like Fly ash brick wall or bearing and shear wall concept of multi-storeyed reinforced block masonry buildings may be encouraged as Green- -Sustainable Building Construction Technology, especially for affordable housing.

8.5.3. Recommendation 2: Devise fast track mechanism with 60 day clearance window

The Committee believes that MoHUPA and all State Governments should work towards devising fast track mechanisms across different approval stages, so as to ensure that all State and local clearances are received within a maximum period of 60 days. Some suggestions in this regard are mentioned below –

▪ Fast track mechanisms by State and local town planning authorities for 'Change in Land Use' and 'Planning and building approvals' - Working with the clearly defined 'affordable housing' projects definition, State and local town planning authorities may consider creation of **an institutional mechanism to facilitate faster conversion of agricultural land to non-agricultural land** for such projects. As part of this special mechanism, it would be essential to **prescribe maximum time limit** for a decision on 'conversion of land' applications, **which may be considered between 30 days.**

▪ Fast track mechanisms by Local bodies (development authorities and municipal corporations) for 'Planning and building approvals' - Similarly, working with the clearly defined 'affordable housing' projects definition, local development authorities and municipal corporations may consider putting in place a 'separate fast track process' or **'green channel' for processing applications** of such affordable housing projects, **within a stipulated 60 day clearance window**.

8.5.4. Recommemdation 3: Nodal agency to act as 'Single window' and coordinate approvals

The Committee recommends that all state governments should in the immediate/short term of 3 months create a "single window system" for approval of Affordable Housing projects to be taken up under Government of India or State Government subsidy schemes.

The Committee recommends that the state government must create an empowered agency, which may be the State Level Nodal Agency under RAY/JNNURM; supported by the RAY Technical Cell, to act as a single window for state and city level clearances under Central or State schemes. **As part of this approach, an outer time limit to clear or reject each project should be set up. This may vary from 30 to 60 days.**

Rajasthan presents a good model for such an approach as it is the only state which has implemented a fast track approval process for Affordable Housing projects, through a special nodal agency called - Avas Vikas Limited (AVL). Refer figure below. Rajasthan has gone further ahead and also implemented a process by which projects floated under its Affordable Housing Policy can also receive building plan approvals within 30 days of acceptance of an application. **The Committee strongly recommends other states to study the process designed by Rajasthan and apply similar mechanisms for Affordable Housing projects.**

Figure 36: Case Study - Rajasthan - Avas Vikas Limited (AVL) to promote Affordable Housing (30 day approval)

Rajasthan - Avas Vikas Limited (AVL) to promote Affordable Housing (30 day approval)

Due to rapid pace of urbanisation, increasing rural to urban migration and gap between demand and supply, there is a growing requirement for shelter and related infrastructure in urban areas of Rajasthan. In order to meet this shortage different models of Affordable housing have been framed. Key features include:

(i)   Incentives to the developers – Double of the normal FAR + 0.5 FAR for timely completion.
(ii)   Fast track approval of project within 30 days.
(iii) Role of the State Government, Nodal Agency (Avas Vikas Limited), Rajasthan Housing Board, ULBs and Developers well defined.
(iv) Avas Vikas Limited, a Company of Rajasthan Housing Board was incorporated under Indian Companies Act, 1956 on 20th June 1996. The Department of Urban Development, Government of Rajasthan approved Avas Vikas Limited as Government Construction Agency at par with Rajasthan State Bridge Construction Corporation on 31.08.1996.

Invitation of proposal under EOI by AVL from the Developers

↓

Short listing and empanelment of successful Developers

↓

Development proposals submitted by developers and in-principle approval given by the State

↓

Registration to be opened for booking of flats

↓

On the basis of the letter of in-principle approval, scheme to be submitted by the developer within 15 days to Nodal Agency (AVL) along with detailed project report including technical estimate, layout of the scheme area, design maps of the houses, work plan of the scheme including application for 90-B, change in land use (if required) etc.

↓

AVL to forward proposals to the concerned local Authority and coordinate for approval

↓

Approval on the following by the local authority (30 days)

| 90-B | Land use change | Approval of Layout plan | Approval of Building plan |

↓

Start of construction work

8.5.5. Recommendation 4: NOC exemption to expedite supply of affordable housing

The Committee recommends MoHUPA to work with key Central Ministries such as MoEF, Airport Authority of India, or National Monument Authority to agree on following exemptions or special treatments for NOCs required for affordable housing projects

MoEF - Central and State Environment Clearance Committee
The M/oEF in its 2009 draft EIA notification, proposed to extend the limit of 20,000 sq m to more than 50,000 sq m. However, there was public criticism and protests from the states given that there were very few projects above 50,000 sqm and MoEF had to eventually drop this recommendation. However, now it is relevant to review and look into the issue from the perspective of Affordable Housing in partnership scheme. There is an urgent need of creating huge affordable housing stock for EWS/LIG segment to cope up with fast-growing urbanisation and simultaneously to contain slum development in cities. However, the environmental clearance required for projects of 20,000 sq meter built-up area threshold is a significant bottleneck, with clearance time extending to as long as 2 years. It is essential for the affordable housing projects for low income segment to limit profit margin to make it affordable for the target group and long idle period for project clearances make them totally unviable due to cost escalation with time. Consequently, the purpose of AHP scheme gets defeated.

The Committee therefore urges MoEF to consider that affordable housing projects under AHP scheme are given a special dispensation in getting clearances from MOEF and the threshold for such projects should be increased from 20,000 Sq. meters to 50,000 square meters.

MoEF - Green certified projects to be exempt from environment clearance
In June 2011, an Office Memorandum (No 19-58 /2011-IA.III) was been issued by Ministry of Environment and Forest (MoEF), which states that the proposal for obtaining environment clearance for building and construction projects which has obtained green building rating (pre-certification or provisional rating) under the rating programmes of GRIHA, IGBC including LEED India etc by integrating high level of environmental norms into their building plans shall get priority for their consideration, out of turn, by the Expert Appraisal Committee and State Level Expert Appraisal Committee.

Specifically to expedite affordable housing, the Committee urges MoEF to consider automatic approval (environment clearance) of affordable housing projects which have obtained green certification.

Airport Authority of India and National Monument Authority
- Exemptions for NOCs for affordable housing projects may be considered by **substituting the standard NOC process by a self-certification or undertaking by the applicant.**

- Alternatively, **an officer of AAI or NMA could be designated as the nodal officers for such affordable housing projects**. Such officers may also be deputed in the development authorities for issuing NOCs

8.5.6. Recommendation 5: Preferential treatment for 'Affordable Housing' via 'SWAS'

With the move towards automation and channelling all approval processes through a single window clearance portal, enabled by technology, it is only imperative that technology is leveraged to further expedite applications made for the defined 'affordable housing' projects.

To this end, it is recommended that the there is provision in the single window portal to identify and process such affordable housing applications with different process / approval stages and/or with more stringent timelines for faster processing of approvals.

8.6. Capacity building across public and private sector

8.6.1. Recommendation 1: Conduct trainings for State & ULB officials in 'planning & development' areas

The 74th constitutional amendment devolved the power and responsibility for planning and development functions, from state government to cities (urban local bodies, district planning Committees, metropolitan planning Committees).

Planning - Despite this, state governments have not yet transferred the power to 'grant planning permissions' to local bodies. As a result, local bodies rely on state governments to process planning applications, leading to time delays. A large factor, apart from political will at state level, is the fact that local bodies do not have sufficient expertise in planning functions. The Ministry of Urban Development estimates that India needs approx 40,000 urban planners whilst the number of registered planners (in a country of 7,935 towns[8]) is only 3,000[9]. According to an RICS Research[10], as of 2011, there is a total supply of 16,000 planners in the country and only 616 planners are being added every year, from 21 planning institutions. This capacity issue is at the heart of the delays in granting planning permissions (such as land use, zoning plan etc)

Development - In addition, most local bodies do not have sufficient capacity to carry out the quantum of site inspections required across key construction stages, to ensure building norms are not being violated. Enforcement of building codes is a serious issue that has not been dealt with adequately. Anecdotal evidence confirms that the number of building collapses or fire related accidents in India are high even though there are no recorded statistics. Thus, it is imperative that steps are taken to augment the capacity of building inspectors or civil engineers trained on building codes.

Planning related recommendations - State Government
1. The Committee reinforces the urgent need to build capacity of urban planners at local level, who are competent in town planning laws to be able to award planning permissions, hence reducing the time delays. Building capacity of urban planners at the local level will enable local bodies to prepare city development plans, in line with master plans prepared by states or metropolitan planning authorities. This will eventually make planning policies and plans very clear, and decisions /permissions faster

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[8] 2011 Census
[9] McKinseyGlobal Report –India's Urban Awakening
[10] RICS Research – Real estate and construction professionals in India 2020

Development related recommendations - Central Government

2.   The Committee recommends that MoUD/MoHUPA to consider constitution of a professional body for engineers and building surveyors - Given the huge requirement of professional engineers and building surveyors in the country, to ensure quality and safety requirements as well as resource management in construction, the Committee recommends Ministry of Urban Development, to consider constituting a professional body for civil engineers and building surveyors and empowering it to register and license such professionals. Industry and professional bodies like 'Indian Roads Congress', 'Indian Building Congress', 'Institute of Engineers', 'Royal Institution of Chartered Surveyors' and premiere Institutions may be consulted for this purpose.

3.   The Committee recommends that MoHUPA takes the lead in building capacity of building inspectors or engineers trained in building codes, to expedite building approvals in local authorities - MoHUPA may embark on a capacity building program for building inspectors with a pilot training program for select states/ cities. Eventually MoHUPA may consider training few building inspectors as 'master trainers' who could then work with states and cities to train staff in local bodies.

Development related recommendations - State Government

4.   State Governments are also encouraged to conduct training programs to train engineers on building regulations, so as to build capacity of 'building inspectors'

8.6.2. Recommendation 2: Empower or empanel 'competent professionals' at State & Local level

It is well established and documented that the urban local bodies in India do not have adequate capacity and expertise to function efficiently. In some parts of India and in other countries, assistance is taken from the private sector by empowering professionals to 'self certify' small sized projects, thereby doing away with the requirement of approvals empanelling 'competent and licensed professionals' to perform certain activities in the approval process where they are competent, thus reducing the work load on ULB staff.

1.   The Committee recommends that MoHUPA issues guidelines for empanelling and licensing 'competent professionals/surveyors' along with minimum competency criteria.
     The central Government may issue guidelines for licensing the following professionals by state governments.
     ▪   <u>Architects</u> – may be empanelled to review and verify building plans and zonal/layout plans for building projects
     ▪   <u>Civil / structural engineers</u> – may be empanelled to review application of building plans, construction as well as structural design requirements
     ▪   <u>Surveyors (referred to as 'licensed surveyors' or 'building surveyors' in State & Local laws)</u> – may be empanelled to review adherence to stipulated building codes and bye laws, including site inspection (for commencement and completion certificate)
     ▪   <u>Lawyers and law firms</u> – may be empanelled to verify legal documents including ownership and non-encumbrance certificated

2. 'Competent professionals' recognized by central government for employment to senior posts in Government, may be allowed to be empanelled automatically.

3. Members of credible professional bodies for architects/ engineers/ planners/ surveyors may be considered for empanelment as 'competent professionals'.

4. The Committee urges States to augment capacity in local bodies by strengthening the concept of 'licensed professionals/surveyors' and allowing them to perform important activities in the approval process. For example, such licensed professionals may be allowed to certify building approvals for smaller projects (G+4)

8.6.3. Recommendation 3: Support and empower relevant professional bodies

In developed countries or industries, all organized professions are represented by professional bodies. In India, since various real estate & construction professions are still at a nascent stage, the role of professional bodies is limited.

The Committee therefore recommends MoHUPA to support such professional bodies to take on a much stronger role to lead the development of their respective professions, including assessment of the professional competence of members and regular trainings. This will lead to higher confidence and accountability when members of such bodies are empowered to approve projects.

Key built environment professions include	Prominent professional bodies in India include
• Architects • Civil & structural engineers • Town planners • Transport, environmental planner/engineers • Quantity surveyors • Land surveyors • Building engineers /surveyors • Construction project managers • Facilities managers	• Council of Architecture (COA) • The Indian Institute of Architects (IIA) • Institute of Chartered Accountants of India (ICAI) • Royal Institution of Chartered Surveyors (RICS) • Institute of Town Planners, India • The Institution of Engineers (India) • Institution of Surveyors – (IoI)

MoHUPA may also consider constitution of a professional body for construction (civil/structural) engineers and building surveyors, along the lines of Council of Architecture / Bar Council of India

9. Specific Recommendations across Approval Stages

9.1. Land title verification / establishing ownership

9.1.1. Introduction - Ownership Certificate / Extract / Patta Sheet

There are three levels of documents that support title. These are title documents, approvals or other municipal records and revenue records. Patta is a revenue record which shows the ownership of the property. Depending on the nature of the property, the Patta in respect of any of the transactions above referred to, can be obtained from the Revenue /Registration Department. This certificate is

necessary under various state acts such as Orissa Land Reforms Act, Punjab Land Preservation Act etc.

Obtaining the Ownership Certificate / Patta copy is believed to take anywhere from 3 days (Haryana) to 12 months (Chennai / Orissa). It takes nearly 15 days to get this in Maharashtra and around 60 days in Gujrat. A personal visit is required.

9.1.2.   Introduction - Non Encumbrance Certificate

Non-Encumbrance Certificate is issued for the purpose of mortgaging the property for the purpose of seeking loans or for lease. In any transaction of sale or purchase of property, a 'no encumbrance certificate' is an important document, which is also issued for the purpose of mortgaging a property while seeking a loan. The certificate certifies that the property in question is not already mortgaged. If it is already mortgaged, the liability for the outstanding loan may also devolve on the new owner.

To obtain this certificate, an application needs to be made to the office of Sub-Divisional Magistrate in whose jurisdiction in whose jurisdiction the property is located. After the receipt of the application, the same is sent to Sub-Registrar in whose office the ownership document has been registered, for enquiry and report. In case the report is favourable, the requisite certificate is issued to the applicant. *Time taken to obtain this certificate varies from 3 days (Haryana) to 20 days (Delhi). In some cities, personal visits are required.*

9.1.3.   Recommendation – Encourage independent title verification by empanelled law firm

The Committee recommends a process of empanelling law firms for independent verification of land title. Once obtained, the title verification certificate should be submitted to the Tehsildar or District Revenue Authority for time bound verification and penalty provision for delays. This may help in expediting obtaining these certificates, along with a thorough in verification.

9.2.   Land and planning

Master Plans are prepared for towns and cities to provide necessary guidance and frame work for a balanced and integrated development of a city or a town. The comprehensive plan lays down the basic land use policy for the city. It provides a ready reference to the future land requirements and the relationship of different land uses to each other indicating the urban pattern envisaged for the community. **Urban land may be classified according to land use type** - residential, commercial, industrial, recreational, roads, rail and waterways, agriculture etc.

The method of accomplishing the best arrangement of the different components of a city, or in other words, land-uses is known as Zoning. It is a part and parcel of a development plan but does not mean any rigid arrangement. The essence of good zoning is utilization of the available land to the right use and the correct location of each zone so that there will be no contest and no nuisance.

While the most important solution to urban planning and local development issues has been long established as decentralized planning (with local level planning initiatives at municipal level), this change has not been implemented and urban local bodies still rely on the state town planning authorities for decisions related to planning and development.

The Municipal Acts of different states seldom describe the steps involved in preparing the 'Development/Master Plan'. The much recent Model Municipal Act of 2003 also fails to sufficiently elaborate on the Development Plan preparation process.

Legislation defining the ULBs e.g. Delhi Municipal Corporation Act and the Bombay Provincial Municipal Corporation Act or the Municipalities Act in Gujarat, should prescribe how, when, and who (within the ULB) should make the development plan. **It should define a position for an urban planner within the ULB and the relationship of the planner with other functionaries and office holders within the ULB.**

9.2.1.   Introduction - Conversion of Agricultural Land

As cities grow and expand, **agricultural lands surrounding them may need to be converted to non-agricultural use** to meet the demands of housing and commerce. Conversion of agricultural land to non-agricultural use falls under **state land revenue laws. These laws discourage alienation and non-agricultural use of farm land.**

While urbanisation growth and progress of industries and services sectors have increased the demand for conversion, this needs to be carried out judiciously and with utmost care, keeping in mind various factors. A measured approach is needed to ensure a balance is maintained between the need to provide land for urbanisation and the need to grow food. While urbanisation can be considered desirable and will support economic growth, growing populations also need to be fed. Developing agricultural land may threaten India's ability to provide food for a growing population increasing reliance on imported food and threatening food security. China has recently recognised this vital issue and has called on developers to refrain from using farmland for new development.

9.2.2.   Recommendation - Conversion of Agricultural Land

The Committee urges all State Governments to lay down the principles and policies for conversion of agricultural land, where the decision to convert or not, is based on the 'quality of land' rather than 'purpose of development'.

As a general principle, 'high quality multi cropped irrigated agricultural land' needs to be protected, for food security. Consequently, only 'non cultivable land' should be made available for conversion for residential and commercial development purposes.

The Committee recommends that States draft an 'urban land policies' for our fast urbanising states, comprising of such principles, based on which decisions can be made by town planning officials. State town planning and related policies should contain land-use definition specifying what utilisation classes and quality of land can be converted and also, lay down exceptions.

Approval of land conversion should be automatic on payment of fees where the proposed project site is located in residential zone as per Master Plan /CDP. In States such as Maharashtra, the NA conversion process is only after building plans have been approved and this sequential process add to further time delay. In addition, any subsequent change to the building plans (with approvals of the Town Planning Department), the process effectively requires fresh land conversion approval and this process leads to further delay and corruption.

Time taken for Conversion of Agricultural Land

Figure 37: Karnataka case example – Time taken for conversion of Agricultural Land

CONVERSION OF LAND FROM AGRICULTRURE TO NON-AGRICULTURE
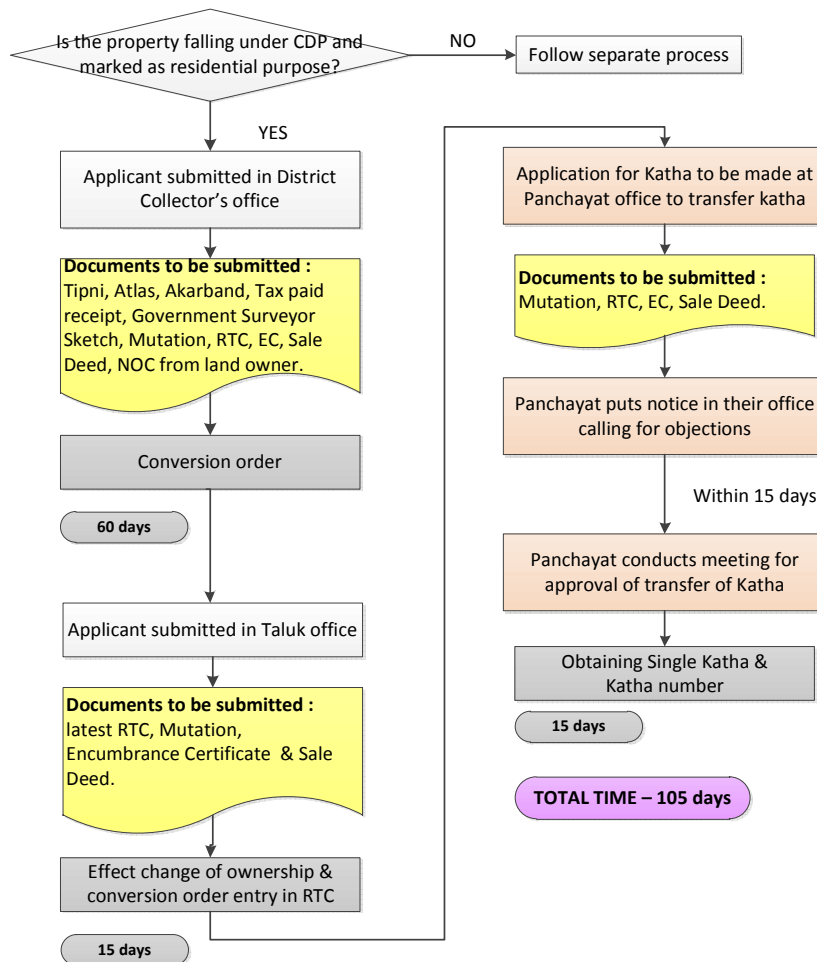
Source: RICS representation based on documents submitted by Committee Members

9.2.3.   Introduction - Conversion of Land Use

The existing process for conversion of land use is time consuming as the approvals are given by Director, Town & Planning Department at the State level.

Rajasthan model suggests that by empowering ULBs to grant these approvals, it is possible to complete the process much sooner – prescribed as 60 days in this case.

Figure 38: Change in Land Use Procedure

'Change in Land Use' Procedure

Existing Model – Through Director Town & Country Planning   Rajasthan Model – Through ULB (60 days)
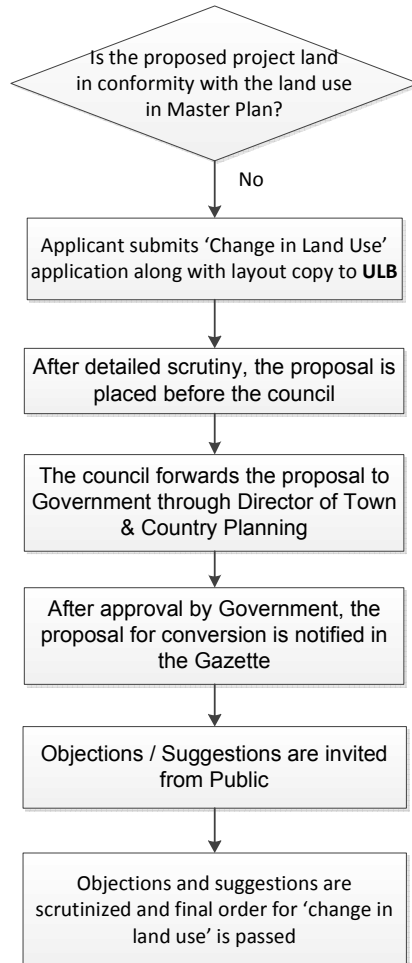
```
Existing Model                                   Rajasthan Model

◇ Is the proposed project land                   ◇ Is the proposed project land
  in conformity with the land use                   in conformity with the land use
  in Master Plan?                                    in Master Plan?
              │ No                                            │ No
              ▼                                               ▼
┌─────────────────────────────┐                 ┌─────────────────────────────┐
│ Applicant submits 'Change in │                 │ Applicant submits 'Change in │
│ Land Use' application along  │                 │ Land Use' application along  │
│ with layout copy to ULB      │                 │ with layout copy to ULB      │
└─────────────────────────────┘                 └─────────────────────────────┘
              │                                               │
              ▼                                               ▼
┌─────────────────────────────┐                 ┌─────────────────────────────┐
│ After detailed scrutiny, the │                 │ Application is scrutinized    │
│ proposal is placed before    │                 │ by ULB                       │
│ the council                  │                 └─────────────────────────────┘
└─────────────────────────────┘                               │
              │                                               ▼
              ▼                                 ┌─────────────────────────────┐
┌─────────────────────────────┐                 │ Objections / Suggestions are │
│ The council forwards the     │                 │ invited from Public          │
│ proposal to Government       │                 └─────────────────────────────┘
│ through Director of Town     │                               │ Within 15 days
│ & Country Planning           │                               ▼
└─────────────────────────────┘                 ┌─────────────────────────────┐
              │                                 │ Competent Committee to pass   │
              ▼                                 │ the final decision – granting │
┌─────────────────────────────┐                 │ approval or rejecting the     │
│ After approval by Government, │                 │ application                  │
│ the proposal for conversion  │                 └─────────────────────────────┘
│ is notified in the Gazette   │
└─────────────────────────────┘
              │
              ▼
┌─────────────────────────────┐
│ Objections / Suggestions are │
│ invited from Public          │
└─────────────────────────────┘
              │
              ▼
┌─────────────────────────────┐
│ Objections and suggestions   │
│ are scrutinized and final    │
│ order for 'change in land    │
│ use' is passed               │
└─────────────────────────────┘
```

Source: FICCI/CREDAI submissions, Rajasthan Affordable housing model, RICS Analysis

9.2.4. Recommendation 1 – Delegation of authority from state to local bodies, to the extent possible

The process of conversion of land use from agriculture to non-agriculture can be simplified if the local bodies are empowered to make the final decisions based on certain guiding principles and policies defined in the master / city development plans. These could include:

- Classifying agriculture land into wet and dry land. Dry land conversion into non agriculture use can be simplified by delegating it to local body.

- While preparing the Master Plan, identify sufficient land as future urbanisable use, which can be released by local body based on the availability of infrastructure

9.2.5. Recommendation 2 – Remove dual processes for revenue and master plan

Currently, the process for conversion of agriculture land needs to be first completed by the revenue department. After the land is converted for non agriculture use, this change of land use needs to be reflected in master plans, the process for which is completed through state town planning departments.

To simplify, the dual processes for conversion of agriculture land i.e. Revenue and Master Plan needs to be done away with. The applicant should only be responsible for the first process & this information could be passed on to state town planning department for updating the master plan.

9.2.6. Recommendation 3 – Automatic permission for land zoned as non-agriculture

Non-Agriculture Permission is required even for land which is zoned and within municipal limits. Conversion from Agricultural to marked usage in the respective Master plans should be automatic just by payment of the requisite fee and the discretionary power of the officials should be done away with.

9.2.7. Recommendation 4 – Appoint an authorized officer for coordination

The process can also be expedited if an authorized officer is appointed at state / ULB to coordinate these approvals from the State Government (Town Planning)

Figure 39: Case example 1 – Rajasthan

<u>Permission for use of agricultural land for non-agricultural purposes in Urban Areas (maximum 45 days):</u>
Application for permission under the provisions of section 90A of the Revenue Act, for use of agriculture land for non-agricultural purposes with copies of Layout Plan shall be made to the Authorized Officer.

The Authorized Officer shall send one set to Local Authority and one set to Tehsildar concerned for their concurrence within 5 days of receiving the application who shall communicate its concurrence and approval of Layout Plan within a period of 15 days.

Each application submitted shall be examined simultaneously and enquired upon for confirming the ownership by the Authorized Officer within 7 days. The Authorized Officer may either reject the application or pass an order granting permission for use of agricultural land for non-agricultural purpose applied for in accordance with these rules within 45 days.

Change of Land Use (maximum 60 days)

In case proposed land is not in conformity with the land use of Master Plan approval for change in land use is required to be obtained as follows:

- **Application for Permission -** Any person holding any land in urban area shall apply to the concerned Local Body before submitting application for conversion or approval of layout plan.
- **Scrutiny of Application -** Scrutiny of Title document and other documents, Site repot.
- **Inviting Objections/Suggestions form the public -** On the proposals for change in land use objections/suggestions shall be invited from public within a period of 15 days
- **Decision of competent Committee constituted for the purpose -** The matter will be placed before the competent Committee for final decision on change in land use.

9.2.8. Introduction - Planning permission or Approval of Zoning/Layout Plan

For all residential townships, group housing, industrial & commercial layouts, applicants or builders need to submit application for planning permission or zoning /layout plan approval. This application is examined and scrutinized with reference to the Zoning of Land use regulations of master plan and city development plans.

In majority of cities, this application is processed through the State Department of Town Planning with site inspection by the district town planner. This makes the process lengthy and cumbersome as the application needs to be processed through various officers.

Figure 40: Planning permission or Approval of Zoning/ Layout Plan

Planning permission or Approval of Zoning / Layout Plan

Existing Process – Through Dept of Town & Country Planning

Prescribed time for clearance - 1 to 3 months
Actual time taken - 6 to 12 months

Submission of Demarcation/Zoning plan to DTCP for approval

DTCP marks it down to DTP of local area for Site Report

DTP send Site Report to STP of that circle

STP verifies the Report & forwards it to DTCP(HR)

No

Is layout /zoning plan in conformance with the master plan / city development plan

Yes

DTCP issues the Approval of Demarcation/Zoning Plan

DTCP – Department of Town & Country Planning
DTP – District Town Planner
STP – Senior Town Planner

Rajasthan Model – Through ULB

Prescribed time for clearance – 15 days

Applicant submits application to Authorized Officer in ULB

Authorized officer of the ULB examines the layout plan application

No

Is the layout plan in conformity with Sector Plan or provisions of Master Plan?

Yes

Joint site inspection by team of officers from Revenue, Town Planning & Engineering Wing of ULB

Layout Plan Committee constituted by ULB for determining final approval

Is layout plan & site inspection report satisfactory

No

Yes

Layout Plan Approval communicated to the Authorized Officer

Authorized Officer intimates Applicant of the Layout Plan Approval

Source: FICCI/CREDAI submissions, Rajasthan Affordable housing model, RICS Analysis

9.2.9. Recommendation – Delegation to local bodies supported by experts & authorized officer

The process can be shortened to a large extent if the decision making powers are delegated to the ULBs. As the local bodies do not have sufficient urban planning expertise in-house, expert Committees can be formed to take collective decision on zoning plan applications, as in the case of Rajasthan model. Using this approach, it is possible to shorten the time scale to approx 15 days.

Figure 41: Case example 1 – Rajasthan - Layout Plan Approval (15 days)

Rajasthan - Layout Plan Approval (15 days)

- A set of application sent by the Authorized Officer shall be scrutinized and examined by the concerned officers of the Local Authority.
- The Layout Plan shall be inconformity with the Sector Plan or provisions of Mater Plan.
- The Layout Plan shall be scrutinized in accordance with the provisions of the Rajasthan Urban Areas (Sub-Division, Re-constitution and Improvement of Plots) Rules, 1975, and norms and conditions provided under the Township Policy, and other policies and directions issued by the State Government form time to time.
- That after scrutiny of documents and report of joint site inspection by the team of Officers from Revenue, Town Planning & Engineering Wing of concerned Urban Body or any other Officer Authorized by the State Government in this behalf.
- After examination of the Layout Plan and the joint survey report, the approval of the Local Authority shall be communicated to the Authorized Officer after obtaining approval from the Layout Plan Committee.

The New York example below indicates that the zoning plan approvals are granted by the Department of Buildings (local level) against the specified zoning norms. For minor changes, the department is empowered to seek amendments to the zoning norms. For major exemptions, a separate procedure is followed.

Figure 42: Case example 2 – New York
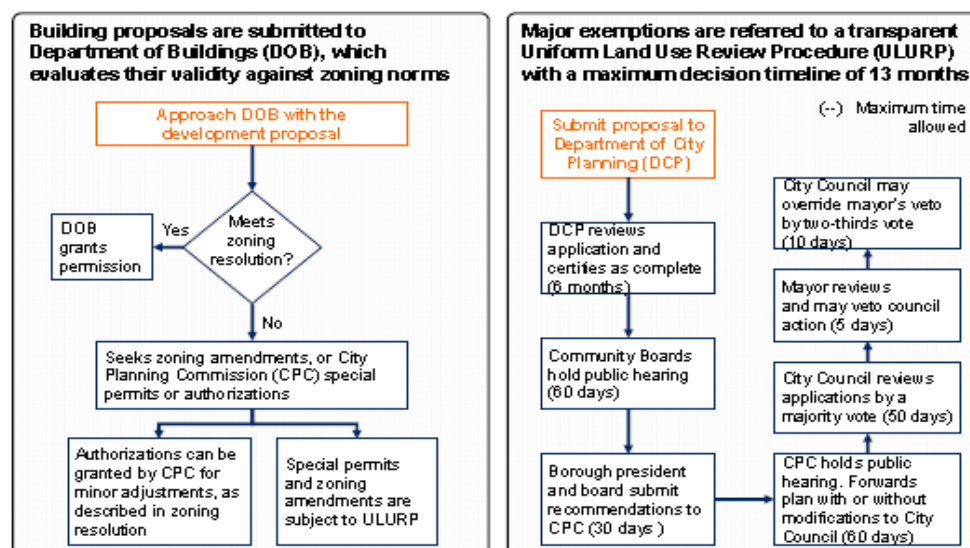
SOURCE: Department of City Planning, New York City; New York City Charter; McKinsey Global Institute analysis

9.3. Construction of buildings as per building bye-laws

Prior to the implementation of 74th CAA in most of the urban local bodies, town planning section was responsible for issuing the permissions for building plan approval.

But in the post 74th CAA implementation scenario these functions are transferred to ULBs and ULBs need to equip them to take care of this function in an efficient and effective manner

The building plan approval is envisaged to facilitate quick processing and disposal of building plan permissions, standardization of building fee & other charges, automation of the technical scrutiny, effective monitoring of file processing.

However, today most of the building plan applications & drawing plans are submitted manually in paper format. Processes related to scrutiny, approval and rejection are carried out manually. This involves longer processing time, errors & variance in evaluation, more cost & more resources. Moreover, status tracking by the citizens & department officials becomes difficult & cumbersome with manual process in place.

Apart from above, following are also the hurdles in the building plan approval process.
- Lack of mapping of city master plan and Management Information System (MIS) on Geographic Information System (GIS) platform with required accuracy
- Lack of information to the citizens for self checks etc.
- Limited availability of delivery channels and availability of facilities or services for limited periods.
- Citizens physically visit the municipalities several times to obtain, submit and check status for the application.
- No facilities for Online Fee calculation / Payment
- No readily available historical data/ MIS given the accurate and updated information
- Non integration with accounts department delays the process of reconciliation and generation of the financial statements process

9.3.1. Introduction – Building permit or Development license by ULB

Once the applicant / developer has received the zoning plan approval as well as physical possession of the plot, he makes an application to the local bodies (development authority or municipal corporation) for a building permit or development license. Every building permit application is required to be submitted in a prescribed form, commonly referred to as 'notice' in some cities or 'application; in other cities.

There are several mandatory documentary requirements necessary for applying for building permits. These include - Proof of ownership, approved sub division/layout survey number, specifications, supervision certificate[11], development permission fee receipt, structural stability certificate, NOC from property tax department and various affidavits & undertakings based on the general mandatory requirements across all cities. In addition, Rainwater harvesting certificate is now mandatory and security deposit may be needed in some cities.

Figure 43: Traditional building approval process in small cities

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[11] certificate of supervision by the licensed surveyor/ engineer/ structural engineer/ supervisor or architect

Traditional building approval process in small cities – an entirely manual process

```
Applicant submits Application form to ULB
- ownership certificate
- proposed plan & documents verified by licensed surveyors
- Fee as DD
        |
        v
Counter Clerk receives & checks application for completion
        |
        v
Application Form acceptable? --No--> (back to Applicant)
        |
       Yes
        v
Licensed Surveyor
        |
        v
Section Clark
        |
        v
Town Planning Block Officer (TCPO)
- verifies information and documents
- conducts site inspection
- forwards to TPO with his recommendation
        |
        v
Provisional Approval can be given?
   Doubt -->  Town Supervisor
        |
       Yes
        v
Section Clark
        |
        v
Town Planning Officer (TPO)
Scrutinizes details
        |
        v
All documents in order? --No-->
        |
       Yes
        v
Commissioner scrutinizes & does site inspection, if necessary
        |
        v
Final Approval can be given? --No-->
        |
       Yes
        v
Counter Clerk makes entry in system
        |
        +---------------------+
        v                     v
Intimate Approval    Intimate Rejection with reasons
```

Source: JNNURM Best practices

Reforming the building permission process and incorporating changes in various procedures may be done by the ULB or UDA of State Government within the existing procedures that allow such changes.

Revision of building bye laws to streamline the approval process for construction of buildings and development of sites is an optional reform under JNNURM. Because of this reform, several JNNURM mission cities have undertaken steps such as automation of building approval process. However, there is much scope for strengthening and improving the entire process.

9.3.2.   Recommendation 1 – Revision and simplification of building bye-laws

The revision of building bye laws has long been felt as a necessary reform in order to improve the functioning of cities and to make them prepared for the emerging patterns and trends of urbanisation.

The Committee recommends consolidation and simplification of building bye laws. This would involve bringing together the provisions under the legislations/acts of more than one authority e.g., local Authority, urban development authority and State level authority, or some times by the authorities with multiple jurisdictions e.g., local Authority and special authorities like Airport authority, River/lake water

authority etc. **Andhra Pradesh provides a good example of such simplification. Refer case study which indicates how all NOC requirements are clearly documented**.

Consolidated and simplified bye laws can pool the provisions and make it clear which of them would be binding, and also simplify the provisions in the process. **To enable this, the Committee urges all states to make necessary changes to existing legislation/act.**

The Committee also recommends bifurcation of bye-laws to Site and Area level planning control. There is some times confusion created by spatial norms and development norms at site level and area level. This can be avoided by a clear cut definition of the responsibility to Local Authority in the case of site level norms (or building norms) and to Development/Planning Authority in the case of area level norms (or zoning and planning norms). This will avoid confusion associated with two different provisions.

Figure 44: Case example 1 – Hyderabad - Consolidation of Building Bye Laws

Hyderabad – Consolidation of Building Bye Laws

The building bye laws of Hyderabad city were originally framed under the Hyderabad Municipal Corporation Act, 1955 and were revised at various points of time.

The presence of various development authorities like, Hyderabad Urban Development Authority (HUDA), Buddha Purnima Project Authority (BPPA), Cyberabad Development Authority (CDA) and Hyderabad Air port Development Authority (HADA) created confusion with respect to the prevalence of development planning and building bye laws that need to be followed as the jurisdiction of these authorities is either adjacent or within or overlapping with the Municipal Corporation of Hyderabad (MCH). The building stipulations became cumbersome with too may parameters for regulating and controlling development and building activities.

Government decided to review the building stipulations and come out with comprehensive building rules, thereby, **making building stipulations clear, easy to comprehend, user friendly, promoting various types of development** and building activities, and also giving design freedom and choice with optimum use of land on one hand and reducing the trend of violations and unauthorised construction on the other, without compromising on the community good.

For example, the concept of Floor Area Ratio (FAR) / Floor Space Index (FSI) has been eliminated and replaced it with a system of simple controls for setbacks related to road width and height. The quantum of built up area is controlled only by these simple controls and the fees charged on the development. **On large plots facing roads whose "proposed" width is 30 meters or more, there is no height limit**. Even the all round set backs that are conventionally related to building height as per National Building Code, have a cap of 16 meters.

The State Government has decided to further rationalize the standards of building requirements for different types of buildings, uses and occupancies in MCH, HUDA, HADA, BPPA and CDA so as to have **uniform application of the rules relating to regulation of building construction** in the above areas. This is one of the few attempts made to reform current system of building bye laws through consolidating the building bye laws, thereby, making it clear and easier to understand the compliances.

Figure 45: Case example 2 – Andhra Pradesh – Building Rules 2012

Andhra Pradesh – Building Rules 2012

Objectives in the modification of Building Rules of AP:

1. To provide the Building Rules in a comprehensive manner making the building stipulations clear, easy to comprehend, user friendly, promoting various types of development and building activities
2. To facilitate freedom to design and choice with optimum usage of land on one hand and to reduce the violations and unauthorized constructions on the other without compromising on the community good.
3. To rationalize the standards of building requirements for different types of buildings, usages and occupancies in all ULBs so as to have uniform application of the Rules.
4. Strengthen the building control and enforcement mechanism.

Introduction of restrictions of building activity for the following areas

Railways

- Distance from Railway property boundary to the building shall be minimum 30m or as per NOC given by Railway Authority

Electrical Lines

- For High Tension electrical lines a minimum safety distance (both horizontal and vertical) of 3m shall be maintained between the building and high tension electrical lines and 1.5m for low tension electrical lines
- The land all along the tower line shall be developed as green belt to an extent of the width of tower base and on either side of green belt there shall be a minimum of 10m wide roads or as defined in the Master Plan, which ever is higher.

Airport

- For Building activity within the Restricted Zone / Air Funnel Zone near the airport, necessary clearance from the concerned Airport Authority shall be obtained.

- The building heights and other parameters shall be regulated as per the stipulations of the AAI as notified in Gazette of India Extraordinary (S.O.1589) dated 30-06-2008

- Irrespective of their distance from the aerodrome, even beyond 22km limit from the aerodrome reference point, no radio masts or similar installation exceeding 152m in height shall be erected except with the prior clearance from Civil Aviation Authorities.

- In respect of any land located within 1000m from the boundary of Military Airport no building is allowed except with prior clearance from the concerned airport authority with regard to building height permissible and safe distance to be maintained between the building and boundary of the aerodrome.

Other Structures near to Airport

- No chimneys or smoke producing factories shall be constructed with in a radius of 8km from the Airport Reference Point

- Slaughter house, Butcheries, Meat shops and Solid Waste disposal sites and other areas for activities like depositing of garbage which may encourage collection of high flying birds, like eagles and hawks, shall not be permitted within 10 km from the Airport Reference Point.

- Within a 5km radius of the Aerodrome Reference Point, every structure / installation / building shall be designed so as to meet the pigeon / bird proofing requirement of the Civil Aviation Authorities.

- Such requirement may stipulate the prohibition of any cavity, niche, or other opening on the exterior of such building / installation / structure so as to prevent the nesting and habitation of pigeon or other birds.

Andhra Pradesh – Building Rules 2012 (Contd.)

Defence Establishments
- In case of Sites within 500m distance from the boundary of Defence Areas / Military Establishments prior clearance of Defence Authority shall be obtained.

Oil/Gas Pipelines
- In case of Sites in the vicinity of Oil/Gas pipelines, clearance distance and other stipulations of the Respective Authority shall be complied with.

- The Oil / Gas Authorities shall also specify the clearances required stretch wise to Local Body.

Heritage Structures
- In case of Sites located within the distance up to 100m from protected monuments as notified under Archaeological Monuments and Ancient Sites and Remains Act 1955 and as amended no construction is allowed.

- For the Sites located within distance of above 100m and up to 200m from the protected monuments, the construction is allowed only after obtaining prior permission from the NMA.

- For the Sites located within the vicinity of any Heritage Structure notified as per the respective law, the prior clearance from the concerned authority shall be obtained.

- For the development / redevelopment of any notified Heritage Structure the stipulations as prescribed by the respective authority shall be followed.

Religious Structures
- **In case of Sites located within a radius of 100m from the notified religious structure as given in the list in Annexure – VII / notified from time to time, the construction is allowed upto 10m height only.**

- **For the Sites located within a radius of above 100m and up to 300m from the notified religious structure as given in the list in Annexure – VII / notified from time to time, only non high rise structures are allowed.**

Additional Requirements for buildings above 12m height
- Report of soil test
- Structural designs and drawings duly certified by Structural Engineer/Consultants firm empanelled with Local Authority
- Building Plan and application shall be signed by Owner, Builder, Architect and the Structural Engineer with their present and permanent address
- If the construction is being taken up by a Builder, attested copy of registered agreement shall be submitted
- Contractor shall submit Risk Insurance Policy for construction period

REQUIREMENTS FOR HIGH RISE BUILDINGS
- High Rise Buildings / Complexes shall be permissible only in areas other than those given in Annexure – I (congested areas) & II (prohibited for High Rise Buildings).
- Minimum size of plot shall be 2000sq.m.
- High Rise Building shall be accompanied by detailed plans, floor plans of all floors and detailed specifications duly certified by a qualified structural engineer.
- Prior Clearance from Airport Authority of India.
- Prior NOC from the A P Fire & Emergency Services Department
- 10% of total site area shall be reserved for organized open space at ground level open to sky and shall be a minimum width of 3m and minimum area of 50sq.m at one location.
- The balcony projection of up to 2m may be allowed projecting onto the open spaces for upper floors from 6m height onwards.

Figure 46: Case example 2 – Assam - Revised building bye laws

In the state of Assam, Guwahati Municipal Corporation (GMC)/ Guwahati Metropolitan Development Authority (GMDA) is responsible for preparing building bye-laws. New revised building bye laws were prepared in 2005-06. Some radical changes were made in FAR/ FSI and ground coverage. The building bye-laws are uniform throughout the city and a building permission considers four parameters: Master Planning & Zoning Regulation; Road width; Area of Land; and Planning of Building.

Prior to implementation of the reform, average time taken for sanction of building plans was 60 days for residential building and 90 days for high rise building, making the total average time to be 75 days. Currently, the number of days required in approving a building plan is only 30 days.
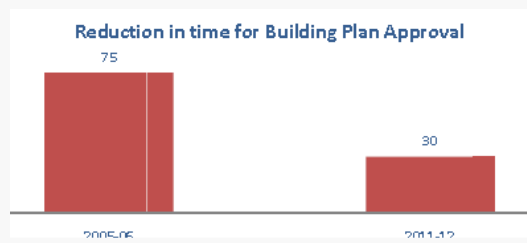
9.3.3.　　　Recommendation 3 - Automation of building plan approval process

Online building permission is a major step towards making the process very simple and cutting down the time to a great extent. Development of such software can also help automatically detect deviation from prescribed norms, thereby minimizing discretion elements.

As per JNNURM, e-governance including automating building approvals has been a mandatory reform. Accordingly, many cities have taken steps to automate the building plan approval process, represented through various case studies.

The Committee recommends that further efforts be made by these cities, as well as others to improve the online process for building approvals. Also, there is a need to ensure that such online platforms are functioning properly and are regularly updated.

Figure 47: Recommended Building Approval Process

Recommended Automated (Online) Building Approval Process
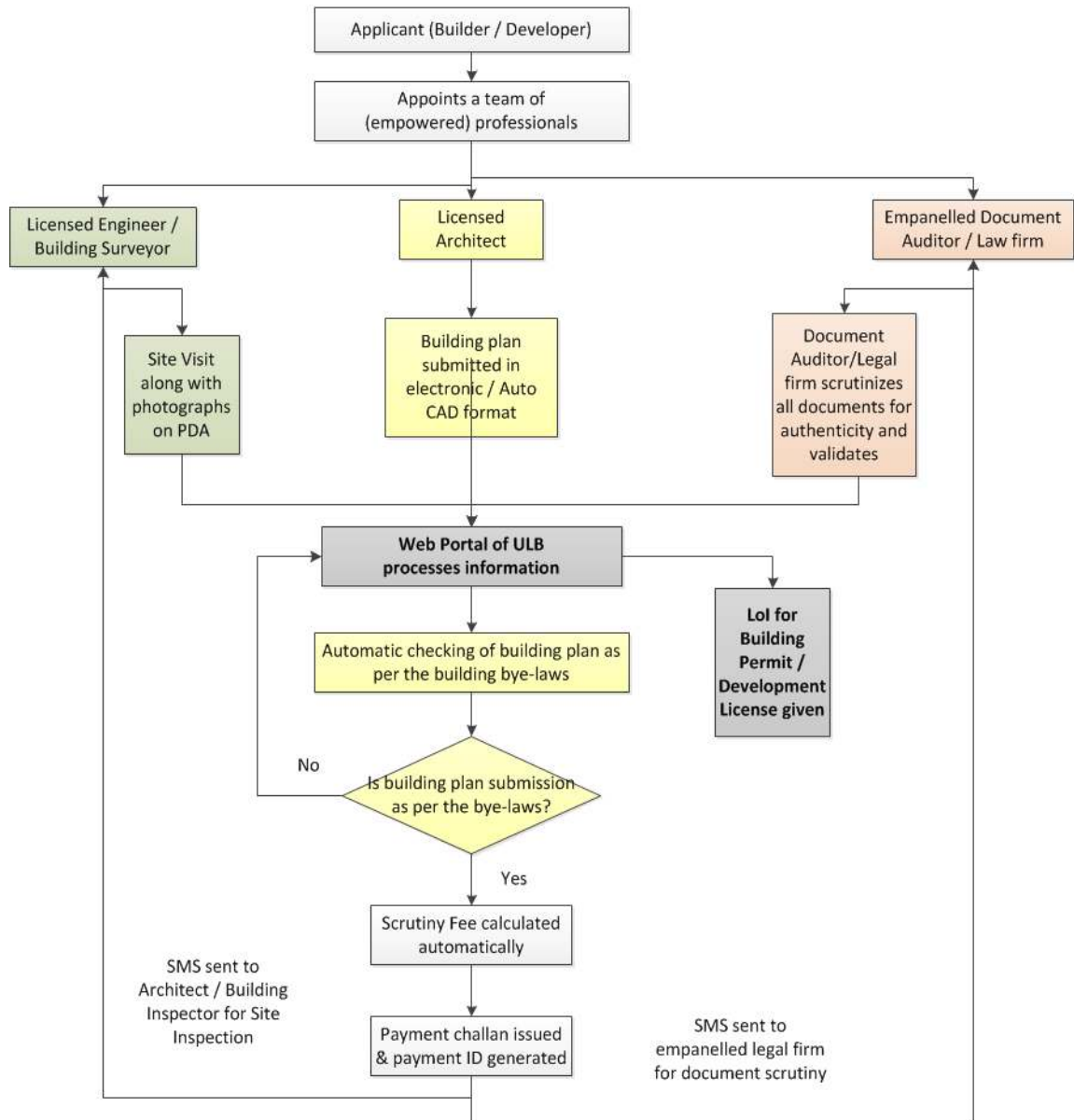
Source: RICS Interpretation

Figure 48: Case example – Bangalore – Automatic Plan Sanction

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Bangalore – Automatic Plan Sanction (APS)

Automatic plan sanction is a single window initiative of Bangalore Mahanagar Palika (BMP) to sanction residential building plan within 3 working days, provided the plan prepared and documents enclosed are in order and in compliant with the Building bye laws of BMP. It is applicable to:

i)   All properties falling under BMP limits and is restricted to residential plans on site area not exceeding 4000 sq ft and not exceeding G+3 floors (height not exceeding 15 m)

ii)   Any additions/modifications to existing residential building in site area not exceeding 4000 sq ft not exceeding G+3 floors (height not exceeding 15 m)

Under the APS, the owner/proposer has to fill the APS application form with assistance from the Engineer/ Architect/ Supervisor duly registered with the BMP. The filled-in form has to be addressed to Assistant Director of Town Planning and has to be handed at the Single Window Counter of respective jurisdictional (Zonal) office along with all required documents and affidavits (checklist of all requisite documents to be filed is provided along with the application form). The application fee in the form of DD is payable at the single window counter itself and the fee structure details are provided in the application form. The application form will be acknowledged and the acknowledgment needs to be shown to receive the permit.

As the owner/proposer needs to obtain other certificates – commencement certificate and occupancy certificate - in order to proceed with building construction as envisaged in the plan, simplified procedures for the same are also established. **The sanctioned plan under APS is valid for 2 years from the date of sanction, and it will lapse if the construction work is not undertaken within this period.**

By making this legislation, the BMP not only simplified the building permission process to a very simple exercise, but also it has reduced the time taken for the certificates given to building after the permission i.e., commencement and occupancy certificates. **Further, it also incorporated another model of "empanelled architect/ engineer/ supervisor" into the design of building permission process**, which enabled it to provide sanctions to building permissions faster than otherwise. This scheme also allowed fresh submission of application/plan for sanction at the expiry of permit validity through Single Window Counter and also made provisions for considering minor deviations, if they were justified and found valid by the BMP.

Figure 49: Case Example - Indore – Automatic Building Plan Approval System (ABPAS)

Indore – Automatic Building Plan Approval System (ABPAS) enabling digital governance for infrastructure approval

Automatic Building Plan Approval System (ABPAS) is an integrated online system developed by the Urban Administration and Development Department of Madhya Pradesh and successfully implemented in Indore with an aim to simplify the building approval process and get faster and accurate approvals. The complete building plan approval management system is a web based system where architects submit the plans and basic data over the internet for approval. After initial scrutiny of the documents, a date for site visit of building inspector or concerned officer is notified to Architects and concerned Building Inspectors via SMS.

The software products are designed to get **faster and accurate approval** of building proposals, bring **uniformity in reading drawings** and **eliminate lengthy manual process and human errors**; attain **standardization** and **transparency** in the total process of building permission and **reduce paper work**, valuable time and effort for architects as well as the authority.

ABPAS reads data from CAD drawing, establishes relationship between various entities, imposes specific conditions, and geometrically maps each and every entity by corresponding with complex and interlinked rules. Analysis is done as per development control regulations automatically by the system. Tables and reports are saved along with the drawing and reports are sent to consultant / officials online. System automatically generates the various scrutiny reports dynamically based on the DC Rules defined by the respective Authority. Generated report shows the failed/passed items with their rules in a very user friendly viewable and printable format. Final Sanctioned drawing is generated in non editable PDF format. Till date, over 1.5 Crore Sq. ft of area has been approved through ABPAS in Indore.

Figure 50: Case example – Pune – Automated Building Plan Approval through 'Single Window' system

Pune - Automated Building Plan Approval through 'Single Window' system (21 days)

The Pune Municipal Corporation has re-engineered their building permit processes integrating computerized procedures for submission and verification of documents and drawings through 'Single Window' system. **It ensures smoother approval of building permission within a fixed time, through the consent of the stakeholders which is a transparent mechanism to approve the Plans**. Instead of running from pillar to post for days on end, the residents can now get their plans approved by filing an application online (by using Bio-Metric login verification) and submitting the hard copies through a single window system.

The online system is applicable to both ordinary citizens and the building community. **Not only applications, the builders and citizens will also make the payment online.** This would be done through credit cards or electronic clearing system. The approval of the building will also be done online.

Achievements of the Reform:
The most important aspect of this approach is the adoption of workflow automation, reducing human error, increasing accountability and enhancing efficiency. **After adopting the new system, time required for sanctioning of building proposal is reduced to 21 days from 45-50 days**. Workforce efficiency is also increased from paper based system of 60% to Auto-DCR system of 95 %.

i)	Time required for sanctioning of Building proposal is reduced to 21 days from 45-50 days.
ii)	Revenue Generation increased to Rs. 218 Cr. (FY 2006-07) from Rs. 26 Cr (FY 2002-03)
iii)	Workforce efficiency increased from paper based system of 60% to Auto-DCR system of 95%.
iv)	Reduction of the Architect's/Authority's effort for drawing and calculations.
v)	Eliminates the Human Errors & Manipulation and produces accurate reports.
vi)	Tremendously reduce the time cycle of approval
vii)	Escalation of Alerts on unnecessary delays
viii)	Standardize the submission and scrutiny process

Figure 51: Case example – Chennai - Building Plan Automation

Chennai - Building Plan Automation (24 hours)

Building plan automation has been landmark project in Chennai Municipal Corporation (CMC) e-governance road map and has generated immense confidence to all stake-holders in taking up similar initiatives in future.
Following are the steps to be followed in the automated building plan approval process:

i) Log on to www.chennaicorporation.gov.in and click on 'Building Plan Submission'.
ii) One would be directed to a page with links to "New Plan".
iii) **Digital copy of the building plan (in Auto CAD) can be uploaded.** The applicant would be provided an online receipt number.
iv) **Clicking on the link "View Plan Report"- the submitted plan would be scrutinized (with a maximum time of 24 Hours) by the software and a report will be generated regarding compliance**. After scrutiny, approvals are given and a copy of the approved plan is sent to the local office in the PDF format.
v) If there are any corrections to be made, applicants are intimated to submit a fresh plan using the "Resubmit Plan" option. This can be done numerous times as per requirement.
vi) Even though the Corporation does not have powers to approve multi-storey buildings the Auto DCR software has the capability to process plans for such buildings.
vii) **Payment of online processing fee through a payment gateway.**

Figure 52: Case example – Surat - Web based Building Approval Process

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Surat - **Web based Building Approval Process (15 days)**

The Surat Municipal Corporation (SMC) implemented a web based building plan approval system on 9th September 2009 to provide an accurate and quick scrutiny process (**the scrutiny period of the plans is reduced from 60 days to 15 days**), bring transparency in the process, create an effective monitoring system and stage wise data management. **The application is web based; the utility software AutoDPA** is hosted on the web site:

www.suratmunicipal.gov.in. However, online submission of application will be done in the next stage. Following applications have been prepared till date:

i) **Building plan approval system:** The data related to development permission application are submitted through a predefined system - Auto DPA, which is utility software hosted on Website of SMC. The data submitted through Auto DPA are processed through Web Application –Building Plan Approval System and a comprehensive scrutiny report is generated with status of compliance.

ii) **Stage wise Progress certificate:** Checking of Construction of building in 4 stages (1) Plinth level checking (2) First slab level checking and further such floor slab level checking. The application generates progress certificate as the input is given by the concerned supervisor from the site.

iii) **B.U.C. (Building Use Certificate) process:** The software checks all the inputs like NOCs and certificates and then generates the Building Use Certificate. The owner or the user of a building can use her/his building only after the BUC.

iv) **Registration and Renewal of Professionals:** The development permission applications are required to be submitted through registered professionals. These professionals are registered through this application.

Features of the application:
i) File submission in electronic format
ii) Applicability of Regulations and requirement of documents decided through system
iii) Scrutiny through system
iv) Generation of reports/notes through system
v) Generation of data of property Tax Assessment.
vi) M.I.S. (Management Information System) The system can be upgraded to include other features like internal correspondences, GIS applicability, and link with property tax database.

Figure 53: Case example – Ahmedabad - Building Plan Approval through Computer-aided system

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Ahmedabad - Building Plan Approval through Computer-aided system

As part of Ahmedabad Municipal Corporation's (AMC) commitment to good governance, e-Governance was introduced to alleviate the problems encountered by both the administration and the citizens.
Applicant has to submit the plan in AUTOCAD format (soft copy and hard copy on paper) with all required documents in pre-decided standardized formats. 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.

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, and last storey). The applicant/ engineer have 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% 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.

Figure 54: Case example – Delhi – Instant Sanction and Single Window Scheme for Building Approval

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Delhi – Instant Sanction and Single Window Scheme for Building Approval

Delhi has come out with a Single Window Scheme together with Tatkal scheme in simplifying the building permission process operational in the city. Building bye laws of Municipal Corporation of Delhi (MCD) specify the following three options available for getting the building plans sanctioned:

1. **Instant Sanction:** This scheme envisages instant sanction and is applicable **for residential plots upto 500 sq m, which are lying vacant and form part of approved LOP (layout plan)** with respect to its size, shape and area of plot and where mandatory set backs, position, size and shape of garage blocks are also shown in the layout plan.

2. **Single Window Service:** The concept of single window clearance for sanction of building plan application was initially introduced first at head quarters and extended to all Zones of the Corporation. The days and time for single window service in each zone are also fixed. This Service is available for following facilities:

i) To accept application for building plan, completion certificate and certified copy of any of these documents;
ii) To deposit necessary building fees and taxes;
iii) To provide any guidance relating to sanction of the building plans, completion certificate under the provisions of both Building Bye-laws and Master Plan and any other information relating to building activity in the zones;
iv) To provide counselling for submission of fresh building plan application;
v) To fix up time and date for inspection both for sanction of building plan as well as completion certificate, if the same has not been notified earlier;
vi) To carryout corrections in the building plans or for making any compliance;
vii) To deliver sanction of building plans, completion certificate and certified copies;
viii) To issue Completion Certificate at the spot under 'Tatkal' Scheme;
ix) To accord sanction to building plan application, which are complete in all respect and the proposal is as per building bye laws, Master Plan provisions and site is found in order.

3. **Normal channel: In the case of approved colonies, building plans are normally sanctioned in about 7 to 15 days time after necessary compliance/ corrections**. However, where policy decision or interpretation of Building bye laws is needed, such cases are placed before Building Plan Committee - both at head quarters level and at the Zonal level for decision.

Although Delhi has come out with such good models in the case of building permission, **the certificates issued at the time and after construction still take a good amount of time and attempts can be made to reduce the time taken in their issuance through some process innovations and reform options.**

9.3.4.   Recommendation 4 – Simplification of Approval Process

Approval of real estate projects is a complex process involving many departments across central, state and local governments. The plethora of state and local laws regulating real estate development makes it difficult for the Committee to identify exact type of approvals/activities that may be improved upon, to reduce the complexity and time involved in getting those approvals. For the purpose of detailed diagnosis, mapping of the implementation process needs to be undertaken, particularly in those critical processes that play a very important role.

The Committee recommends a review of existing processes may be pursued at state/local level to ascertain & implement the following

Remove duplicity or unnecessary approvals activities/documentation - e.g. dual process of getting conversion of land use approval from revenue department as well as town planning / local dept may be done away with

Simplify approval process by clearly stating applicable rules and restrictions – there may be opportunities to cut down the need for NOC from different authorities (e.g. NMA, AAI) if the restricted areas are made available in public domain beforehand.

Identify activities / services that can be automated - e.g. building plans, payments

Identify activities / approvals that may be delegated – e.g. planning approvals (zoning plan or change in land use) can be delegated to local bodies when they are adequately trained

An example of how Mysore simplified its building plan approval process from 45 days to 30 min is presented below.

Figure 55: Case example – Mysore - Simplification of building plan approval system

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Mysore - Simplification of building plan approval system (30 min for G and G+1 Structures)

The Mysore City Corporation (MCC) simplified the procedures for issue of building construction license in 2001 for Ground and Ground +1 residential structures. As a result, the **construction approvals are now issued on the same day within 30 minutes which previously used to take 45 days or more**.

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**.
(iii) 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.
(iv)   If application is not in order, the applicant is asked to resubmit along with required changes suggested.
(v)   If approved, the applicant pays the challan at bank counter at MCC Citizens Service Centre.
(vi)   After receipt of fee payments, IT operator prints the license, signed by the JTP and issued to the applicant.
(vii) 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.

9.3.5.   Recommendation 5 – Empower or Empanel 'Competent Professionals' to support ULB staff

It is well established and documented that ULBs in India do not have adequate capacity and expertise to function efficiently. In some parts of India and in other countries, assistance is taken from the private sector by either.

The Committee recommends the following mechanisms to support ULB staff:
1. empowering professionals to 'self certify' small sized projects, thereby doing away with the requirement of approvals
2. empanelling 'competent and licensed professionals' to perform certain activities in the approval process where they are competent, thus reducing the work load on ULB staff

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The central Government may issue guidelines for licensing the following professionals by state governments:

- **Architects** – may be empanelled to review and verify building plans and zonal/layout plans for building projects
- **Civil / structural engineers** – may be empanelled to review application of building plans, construction as well as structural design requirements
- **Building surveyors / inspectors** – may be empanelled to review adherence to stipulated building codes and bye laws, including site inspection (for commencement and completion certificate)
- **Lawyers and law firms** – may be empanelled to verify legal documents including ownership and non-encumbrance certificated

The Committee recommends that MoHUPA issues guidelines for empanelling and licensing 'competent professionals/surveyors' along with minimum competency criteria. 'Competent professionals' recognized by central government (ministry of HRD) for employment to senior posts in Government, may be allowed to be empanelled automatically

The Committee also urges states to augment capacity in local bodies by strengthening the **concept of 'licensed professionals/surveyors' and allowing them to perform important activities** in the approval process.

Empanelling professionals for inspection of plans, design and site as well as compliance with the provisions under building bye laws can take away the load of the municipal authority and reduce the process time. However, necessary measures have to be incorporated to avoid mis-use, ensure accountability and get correct outputs.

Further the **Committee recommends that states consider empowering such licensed architects, engineers and surveyors to self-certify building approvals for smaller projects (G+3)**

The principles of self-certification are based on giving people who are competent in their field the ability to self-certify that their work complies with the building bye-laws without the need to submit a building notice and thus incurring local authority inspections or fees.

The move towards self-certification will significantly enhance compliance with the requirements of the building regulations and reduce timelines involved in building approvals. While the concept of self certification or empowering architects and engineers is much debated, there is a consensus of sorts that this does prove to reduce the operational burden on the local authorities and is recommended for

- low risk low impact applications – e.g. individual households
- applications at a certain threshold – eligibility criteria can vary based on different thresholds

In certain cities, this is already applicable and **there is a provision that licensed architects and engineers can approve residential buildings of G+2 and less in plots up to 300 m2**.

For buildings of G+2 or less on plots of 300 m2 or less, **approval process is separated into two**:

- At commencement stage, the applicant submits an outline application on a simple plot layout sketch detailing plot area, building height, setbacks, use, and access. The **municipality approves the planning permission** (height, use, set back, coverage, access and parking)
- At completion stage, the applicant submits full plan showing building details to **licensed surveyor / professional who will approve the building regulations** and forward to the planning section, for its records.

Figure 56: Case example – Hyderabad - Green Channel (G+3 buildings)

Hyderabad - Green Channel for G+3 buildings

The Greater Hyderabad Municipal Corporation (GHMC) introduced building permission under `Green Channel' on October, 2010 to dispose of building applications and also to eliminate malpractice. It was implemented for buildings up to Ground+3 floors (12 meters height) or plots of up to 1,000 square meters of area in the approved layouts of Hyderabad Metropolitan Development Authority (HMDA).

'Green Channel' enables applicants to obtain **fast-track clearance for their development proposals** from HMDA in **7 clear working days for non multi-storeyed buildings and layouts and 30 days (one month) for multi-storeyed buildings**.

Under the 'Green Channel' scheme, **a panel of architects and document auditors who are conversant with land laws of Andhra Pradesh, has been appointed and registered with HMDA** to scrutinize applications from owners, builders and developers both technically and in terms of ownership and land ceiling aspects respectively.

HMDA has empanelled 42 architects (16 for multi-storeyed buildings and layouts and 26 for non multi-storeyed buildings and layouts) for scrutiny of plans and 9 document auditors for scrutiny of ownership documents and adherence to ceiling laws and rules in force.

Following is the procedure to apply in Green Channel:
(i)   **Applications have to be submitted through registered Architects or Engineers/ Surveyors**, who would check all the drawings of the proposed buildings and other documents whether they are prepared as per the master plan or building rules or zonal regulations for releasing the permission.
(ii) Along with the building application the applicant / owner has to **submit notarized affidavit** that "all the rules and regulations have been adhered to and they are **personally held responsible for any lapses** in this matter."
(iii) On completion of the necessary scrutiny and certification of building plans by the Licensed Technical Personnel the applicants shall submit their plans through the Licensed Technical Personnel at Citizen Service Counter in the Citizen Service Centres of concerned Circle offices of GHMC in full form duly enclosing all relevant documents with payment of prescribed fee in the form of DD in the name of Commissioner, GHMC.
(iv) **The plans will be scrutinized by the concerned Town Planning officials** at the Circle offices / Zonal Offices and after approval of Deputy Commissioners / Zonal Commissioners (as the case may be) **permissions will be given within 4 clear working days pending post site inspection**.
(v)   **The Town Planning staff will inspect the site within 15 days and corroborate all details in the application and confirm the permission on file to the Competent Authority** i.e., concerned Zonal Commissioner or Deputy Commissioner as the case may be.
(vi) As per this system, **the official concerned would be penalized at the rate of Rs. 50 per day**, if there is any delay, in processing the application and site inspection.

The applications under Green Channel can be submitted by licensed Technical Personnel viz., Architects registered with HMDA / GHMC / Council of Architecture or Engineers / Surveyors registered with GHMC. Moreover other architects /engineers/ surveyors willing to register themselves with the GHMC can apply to GHMC for necessary registration. Most importantly, no additional fee would be levied for builders/ applicants under this channel.

Figure 57: Case example – Greater Noida - Empowered Architects for Building Plan Approvals

Greater Noida Industrial Development Authority – Empowered Architects

Greater Noida Industrial Development Authority (GNIDA) through the 'process improvement of empowerment of professionals (architects) has reduced the time taken for building plan sanction to a single day.

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

i) The Building Plan prepared and signed by the Architect, when submitted along with the documents required as per the checklist of Building Regulation 2002; and a declaration 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 GNIDA) shall be deemed as sanctioned.

ii) In case of revision of building plan in addition to all above mentioned documents revision fees and original plan to be also submitted.

iii) On submission of the aforesaid papers at the Customer Relation Cell a receipt shall be given. The receipt shall be deemed as sanction letter.

iv) 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.

v) Indemnity bond on Rs. 100/- stamp paper duly notarized indemnifying that construction shall be as per GNIDA bylaws, Directions all as amended upto date and all other stipulation and requirements by the Authority from time to time by Architect & applicant.

vi) Checklist for approval duly filled.

The Authority will scrutinize the cases in which sanction/ completion has been received. In case mistake is found in drawing for sanction and date for completion, action shall be taken against the Architect as per GNIDA Building Regulation 2002. If a Sanction/ Completion submitted with Authority are 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.

Figure 58: International Case example – United States (NYC) – Self Certification

United States – New York City (Self Certification)

New York City's Department of Buildings (DOB) initiated self-certification in 1995 to help ease a permit backlog and stimulate development. Officially known as "professional certification," the practice allows architects and engineers to certify that building applications, plans, and surveys are in compliance with local laws and building codes than submit plans to DOB inspectors.

- In fiscal year 2006, nearly 50% applications were self-certified, enabling builders to avoid delays associated with waiting for processing by the Department of Buildings.
- The Department audits approximately 20% of self-certifications to monitor quality and ensure adherence to code provisions.
- An audit conducted by the DOB in 2006 revealed that 57% of self-certified new building plans that year failed to comply with building codes.
- In February 2007 the City passed legislation allowing the suspension or revocation of self-certification privileges for architects and engineers who knowingly professionally certified an application that contained false information or was not legally compliant
- The DOB maintains a database of violators and posts their names and penalties on its website.

Figure 59: International Case example – United Kingdom – Competent Persons Scheme

United Kingdom – Competent Persons Scheme

Competent Person Schemes (CPS) were introduced by the UK Government to allow individuals and enterprises to self-certify that their work complies with the Building Regulations as an alternative to submitting a building notice or using an approved inspector.

A Competent Person must be registered with a scheme that has been approved by The Department for Communities and Local Government (DCLG).

Examples of work that needs to be undertaken by a Competent Person
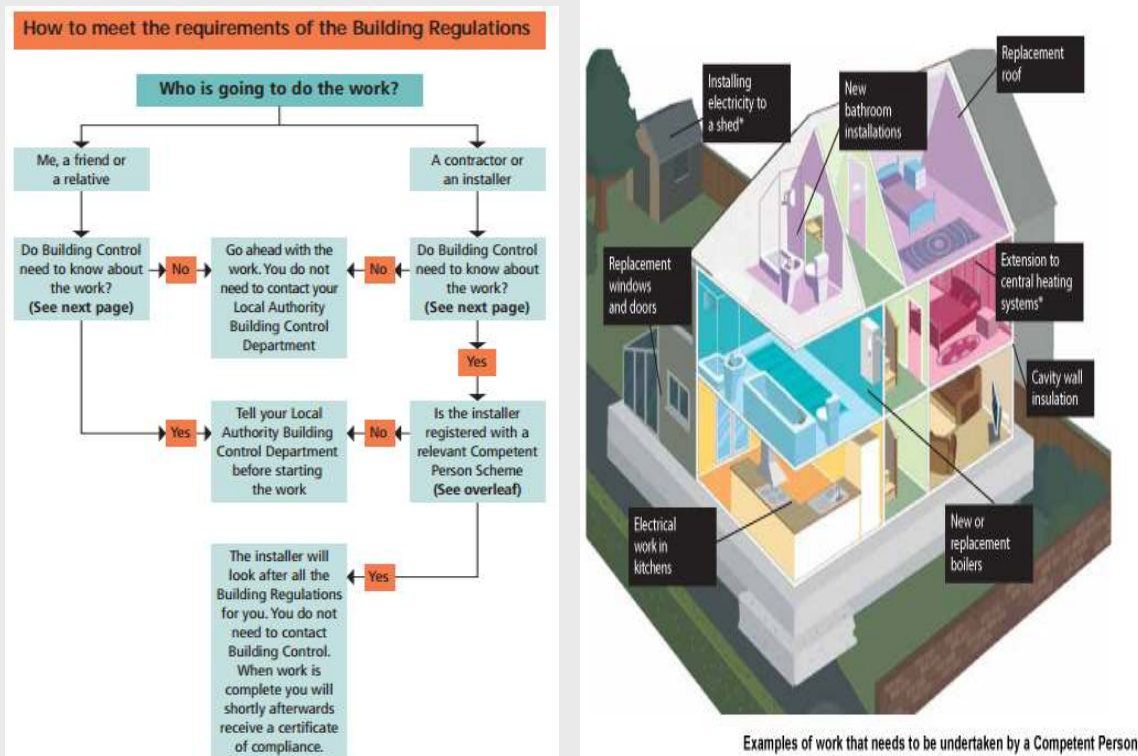
9.3.6.   Recommendation 6 – Create 'Building Control' expertise and train 'Building Inspectors'

Most local bodies do not have sufficient capacity to carry out the quantum of site inspections required across key construction stages, to ensure building norms are not being violated. Enforcement of building codes is a serious issue that has not been dealt with adequately. Anecdotal evidence confirms that the number of building collapses or fire related accidents in India are high even though there are no recorded statistics. Thus, it is imperative that steps are taken to augment the capacity of building inspectors or civil engineers trained on building codes.

Other countries like United Kingdom and Australia have specialised 'Building Control' bodies and building surveyors who are trained on building regulations and work with local bodies or as empanelled or approved building inspectors, to offload the volume of work that local bodies have.

This work is outsourced to building surveyors / building inspectors who undertake the work on behalf of Authorities. Prior to outsourcing, these countries faced the same problems that the ULBs India are facing but this approach has been working very successfully in transparent and streamlined manner.

The Committee reinforces the urgent need to build capacity of urban planners at local level, who are competent in town planning laws to be able to award planning permissions, hence reducing the time delays

Building capacity of urban planners at the local level will enable local bodies to prepare city development plans, n line with master plans prepared by states or metropolitan planning authorities. This will eventually make planning policies and plans very clear, and decisions /permissions faster.

The Committee recommends that MoHUPA takes the lead in building capacity of building inspectors or engineers trained in building codes.

MoHUPA may embark on a capacity building programme for building inspectors with a pilot training programme for select states / cities. Eventually MoHUPA may consider training few building inspectors as 'master trainers' who could then work with states and cities to train staff in local bodies.

State Governments are also encouraged to conduct training programmes to train engineers on building regulations, so as to build capacity of 'building inspectors'

Figure 60: International case example – UK Building Control Bodies & Approved Building Inspectors

United Kingdom – Building Control Bodies and Approved Building Inspectors

Building Control Bodies

The main function of building control is to ensure that the requirements of the building regulations are met in all types of non-exempt development. Generally they examine plans, specifications and other documents submitted for approval and survey work as it proceeds. Most building control surveyors are now actively involved at design stage for many schemes and are acknowledged to provide valuable input at all stages of development.

The role of checking that Building Regulations are being complied with falls to Building Control Bodies (BCBs). There are two types of BCB –

- **a Local Authority Building Control (LABC) and**
- **A private sector Approved Inspector Building Control (AIBC).**

Customers are free to choose which type of Building Control Body they use on their project.

A building control officer (also known as a **building inspector, BCO**), is generally known as a Building Control Surveyor in the United Kingdom. **This is a person with the authority to control building work that is subject to the Building Regulations.** The title Building Control Officer is one predominantly used by local authorities in the UK, which confer the title of Officer to many of their staff who have regulatory, supervision or enforcement roles.

Approved Building Inspectors

Approved Inspectors are companies or individuals authorised under the Building Act 1984 to carry out building control work. Many are **members of the Royal Institution of Chartered Surveyors (RICS) - chartered building surveyors or chartered building control surveyors**. **They practice in either the public or private sector with local authorities** or with companies, or as individuals, who are **recognized approved inspectors**

'Approved inspectors' are bodies or individuals who must be appointed by an organization designated by the Secretary of State as having the authority to control building work. Surveyors who work for approved inspectors generally do not refer to themselves as officers.

Figure 61: International case example – State of Israel – Developing Building Control Expertise

State of Israel – Developing Building Control Expertise

Israel's worst civil disaster happened on 24 May 2001. During a celebration at the Versailles wedding hall in Jerusalem, a large part of the third floor of the four-storey building collapsed: 23 people died and 380 were injured

A further government enquiry led by former judge Vardimos Zeiler examined the safety and stability of all buildings. The Committee's 800-page report pinpointed major faults in the whole of the building sector. **It demanded a total overhaul in the structure of the industry**. A year later the Israeli government determined the following –

1. Organisation and standardisation of Building Regulations through production of a national building code
2. Supervision of building design and execution by **creation of independent building control bodies (BCBs)** regulated by the government
3. A system which would allow for a 'one-stop' process, **where government approval would be outsourced to independent BCBs.** This would **eliminate unnecessary bureaucracy** through an open e-permitting system and by **differentiating between major and minor projects** and building works where a permit was unnecessary
4. An online database of Building Regulations, guidelines and standards
5. Checking and improvement of the qualifications and professionalism of all those involved in the building works.

The most important boost came from the new administration. In November 2009, the 'first 100 days team' of Israel's present Prime Minister decided to give the building and planning sector a boost aiming at safety and financial issues, to raise Israel's rating in the 'doing business' ranking of the world bank, especially in 'dealing with construction permits'. **Israel is currently ranked 120, and wants to move to around 40, thus improving its standing in the general index**.

This decision made the improvement of the quality of building both a sectorial issue and a national goal led by our office, the Ministry of Finance and the Office of the Prime Minister. A worldwide search for the right models, learning from experience elsewhere was initiated.

Israel's current planning and building systems are based on the British system: its population and building density have similarities to those of Europe. In the year following the Israeli government's decision and our meeting with CEBC, we redrafted our permit system to one based on Israeli planning situations and the experiences of the European building sector. This was approved by the Israeli government.

Nov 2011 - **a decision was made to contact European bodies, including RICS, to be partners in developing the expertise needed to bring Israeli building control to the highest level. A year-long pilot project has commenced, involving 6 local authorities also using a professional team which has been hired to simulate a BCB.** At the end of the year the new law will hopefully be approved by Parliament, and then we will gradually transfer to the new system.

Source: International case study by Rafi Rich is Senior Director for Building, Ministry of the Interior, Israel (RICS i-surv)

Figure 62: International case example – Australia - Building Surveyors as Private Certifiers

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Australia – Accredited Building Surveyors allowed to operate as Private Certifiers

<u>**What is a private certifier?**</u>
(Section 68A, Section 89, Regulation 89 and Regulation 92)

A private certifier possesses building surveying qualifications and must be registered. They have the same power as a council in assessing applications for Building Rules Consent. **The private certifier acts as the council in the public interest and has a professional responsibility to ensure that the application is complete and that it complies with the Building Rules, including the current version of the Building Code of Australia (BCA).** In instances where the certifier feels that the public interest would not be served by granting a Building Rules Consent, the application may be refused.

A private certifier is authorized to undertake the building rules assessment function and associated tasks as follows:
- assessing a development against the Building Rules, assigning a classification under the BCA and, if appropriate, **granting a Building Rules Consent** (but not a Development Approval);
- **imposing any conditions** under which the building work must be executed, if the certifier deems necessary;
- issuing a Schedule of Essential Safety Provisions; and
- processing **Statements of Compliance** and issuing a **Certificate of Occupancy** (if required) at completion of the building work.

In order to register, the private certifier must meet the following three criteria:
• **be an accredited building surveyor;**
• have the required experience; and
• hold a policy for professional indemnity insurance as prescribed by the Regulations.

<u>**Licensing as a building surveyor/certifier in Queensland and the need for a Certificate of Accreditation**</u>
The Queensland Building Act (1975) defines the role of building certifiers and the regulation of building certifying functions in Queensland. Applicants applying for or renewing a licence as a building certifier in Queensland must first obtain a **Certificate of Accreditation from an approved Accreditation Standards Body** before applying to Queensland Building Services Authority (QBSA) for a licence. The Certificate of Accreditation is confirmation that you have the knowledge, competence, ethical standing and up to date skills needed to act as a building certifier. The Certificate is valid for 3 years after which it must be renewed. Renewal is the responsibility of the applicant

The RICS Accreditation Standards Body for Queensland is a body approved by the Department of Local Government and Planning (Building Legislation and Standards Branch) to assess the educational qualifications, experience, competence and continuing professional development of applicants wishing to gain or renew their Certificate of Accreditation in Queensland.

9.3.7.   Introduction – 'License to Construct' by Panchayat

In addition to obtaining the various approvals/ NOCs mentioned above from the Town Planning Departments, in order to construct buildings/ projects in areas outside the immediate city limits i.e. the new additions to the cities or the suburban areas which have small villages in close proximity, one has to obtain license to construct from the respective Panchayat as well

Figure 63: Existing process for 'License to Construct' approval by Panchayat
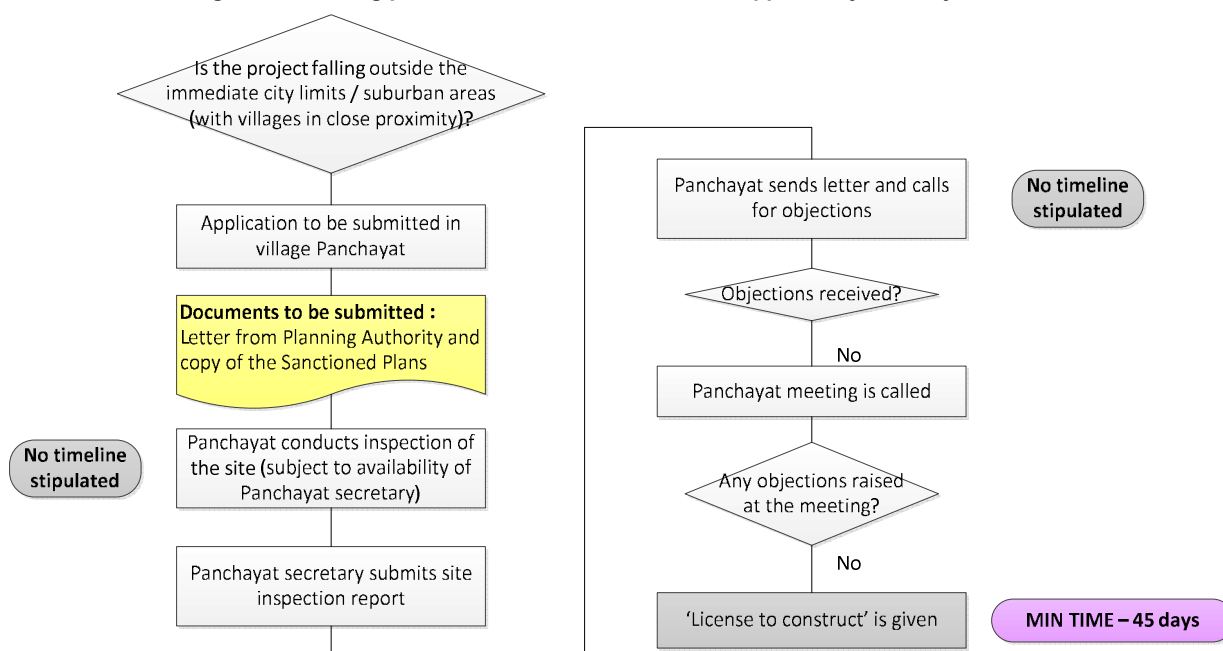
As shown in the above figure, in order to obtain this license, first an application has to be made to the Panchayat along with a letter from Planning Authority and copy of the Sanctioned Plans. The Panchayat then conducts an inspection of the site. **The date of inspection is subject to availability of Secretary of the Panchayat.** The Secretary then submits the Inspection Report for which n**o timeline is stipulated.** The Secretary then circulates the agenda for meeting to the Chairman and its members and call for objections if any. **There is no timeline for objections to be received.** If no objections are received, the Panchayat Meeting is called for giving its approval. **Again there is no timeline stipulated for calling this meeting. Additionally, objections can be raised even at the meeting.** If all of the above happens smoothly, the License to construct may be obtained in 45 days.

Process of obtaining Khata Extract / Khata Bifurcation
- Khata is an account of assessment of a property, recording details of the property such as size, location, built-up area and so on for the purpose of payment of property tax. It is also a kind of identification of the person who is primarily liable for payment of property tax.
- **Registration of Khata** is required for new properties which have not been assessed for property tax so far.
- **Khata Extract** i.e. getting details from the assessment register is required to get trade license, or to buy a particular property
- **Khata Bifurcation** is required for modifying two or more Khata into one or dividing one Khata into two or more Khata

In order to get the building license or trade license for some properties, the applicant needs to submit an application to Panchayat for Khata Bifurcation and Khata Extract along with a copy of Building Plan Sanction. For residential properties, the Khata is bifurcated based on the number of apartments being constructed. A notice is then served to Panchayat members calling for a meeting to consider Khata Bifurcation. **There is no timeline stipulated for calling this meeting.** The Panchayat

approves Khata Bifurcation and Khata Extract at the meeting and issues NOC for the registration process to register apartments in the name of customers.

9.3.8.   Recommendation – Eliminate the need to obtain a 'License to Construct' by Panchayat

The Committee strongly recommends that for properties falling under the Comprehensive Development Plan, the role of the Panchayat must be made redundant. This will eliminate the need to obtain License to construct which is required to be obtained after Plan Sanction.

After the construction of apartments, Khata bifurcation should be computerised so that print out of bifurcated Kathas can be system generated and issued in the name of the buyer of the apartment.

9.3.9. Karnataka case example – Time taken for 'Plan Sanction' and 'License to Construct'

Figure 64: Karnataka case example: Time taken for Plan Sanction and License to Construct
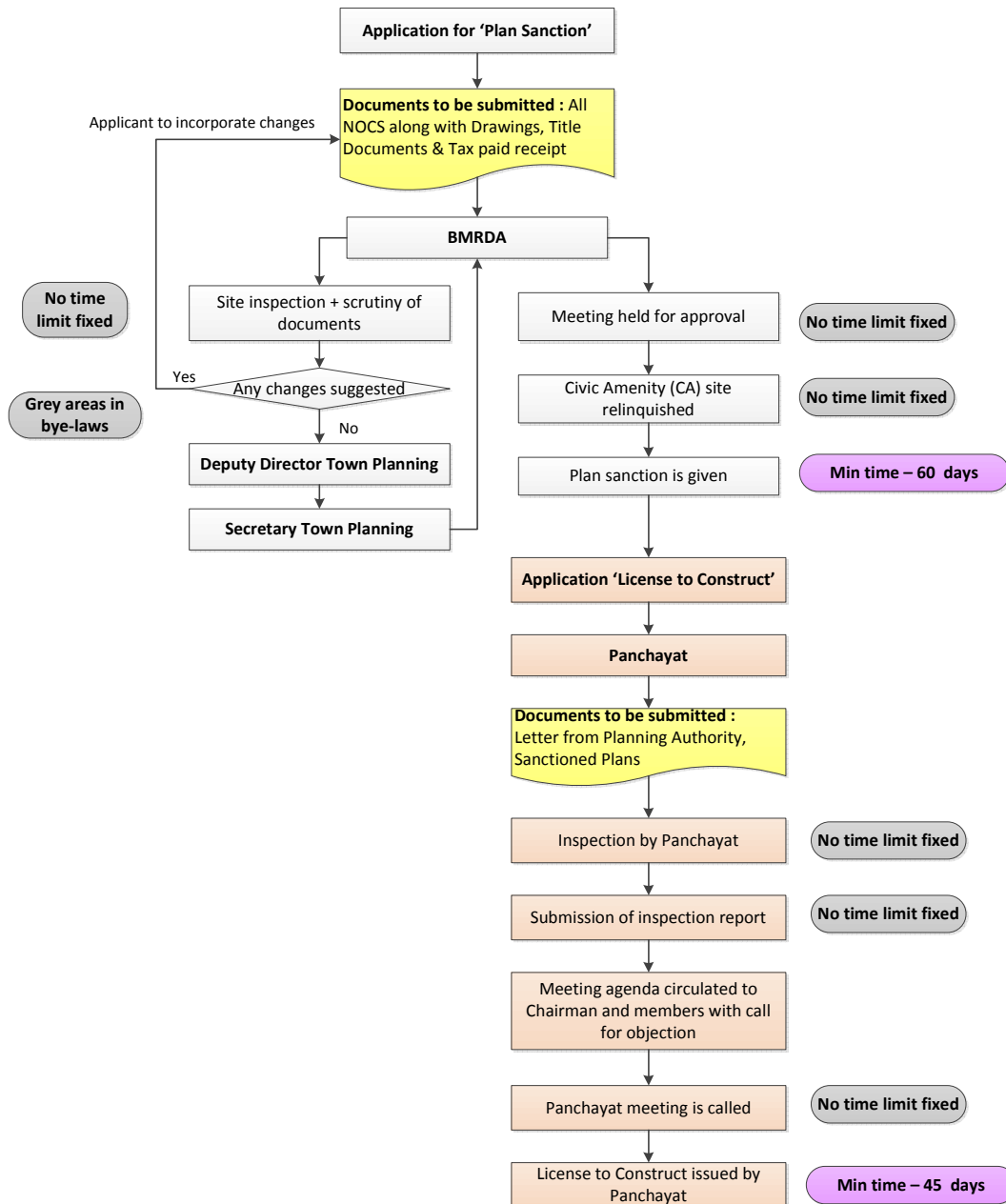
9.3.10. Introduction – Commencement and completion certificate

Commencement Certificate

The applicant files intimation of commencement of work at the local body office or single window where available. After completing the building upto the plinth level, he files an application for Commencement Certificate. Site inspection will be made by an authorized officer and commencement certificate is given

Completion Certificate

After the building/civil work is completed according to the sanctioned plan and the provisions of building bye laws, the applicant files an application for Completion Certificate. The designated engineer inspects the building for its adherence to the sanctioned plan and, if found to be in order issue the Completion Certificate.

Occupancy Certificate

After obtaining the completion certificate, the applicant makes applications to various service utility departments such as water, gas, electricity, phone etc. After all these are installed and all NOCs required under various laws have been received, the applicant makes an application to local body for an Occupancy Certificate.

Figure 65: Process for seeking Commencement and Completion Certificate
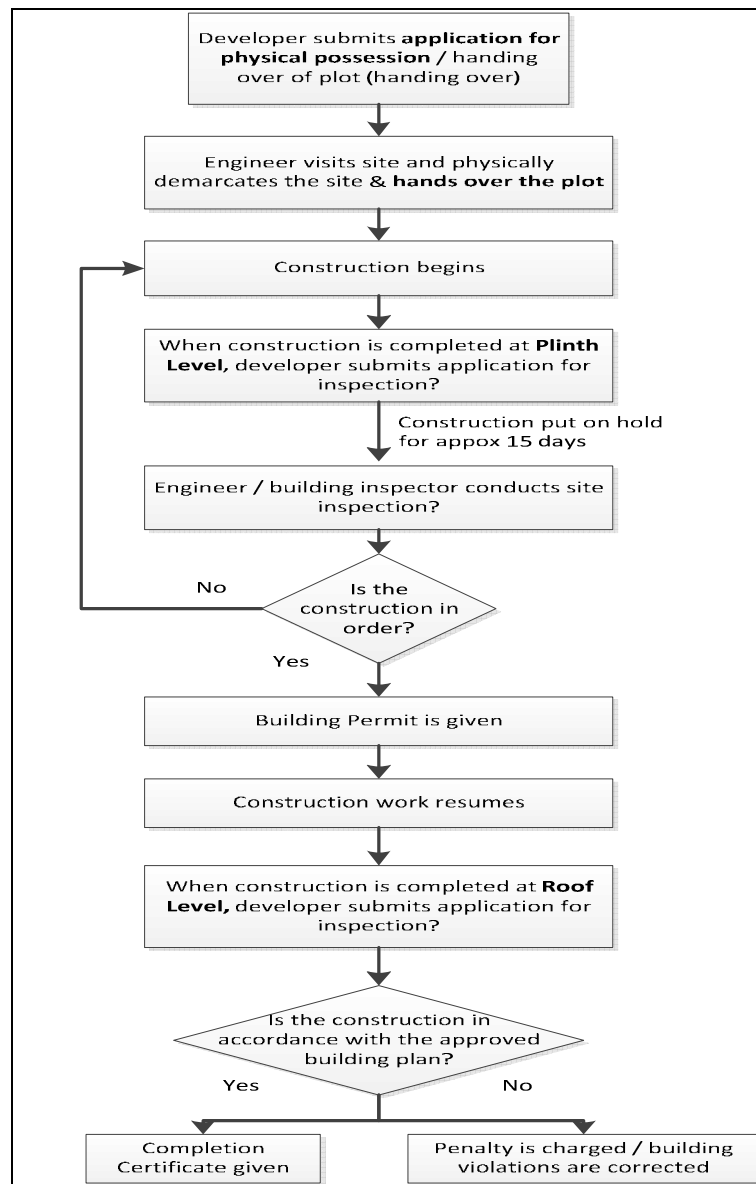
9.3.11.   Recommendation – Strengthen building inspection process to issue 'completion certificates'

There is a severe shortage of trained staff within the local bodies (development authorities) to conduct thorough building inspections which are essential to ensure that the buildings have been built as per the stipulated building codes and guidelines and are safe for the public to occupy.

The Committee therefore recommends that MoHUPA and State Governments undertake a massive capacity building programme to train staff in building codes and inspection. This point is further elaborated in next section.

10. Recommendations for No Objection Certificates (NOCs) from various Govt departments

A variety of non-planning related permits are required to ensure that building development does not negatively impact or disrupt any other areas such as - environment, infrastructure or national heritage.

10.1. Central/State agencies – Ministry of Environment and Forests (MoEF)

10.1.1.   Introduction – Environmental Clearance

The Ministry of Environment & Forests (MoEF) is the nodal agency in the administrative structure of the Central Government, for the planning, promotion, co-ordination and overseeing the implementation of India's environmental and forestry policies and programmes.

Environmental Impact Notification S.O.1533 (E), dt.14th September 2006, as amended 2009, issued under Environment (Protection) Act 1986, has made it mandatory to obtain environmental clearance (EC) for scheduled development projects. Projects are classified and processed by Central or State Government based on the following segmentation.

Figure 66: Environment Clearance - Central or State Government
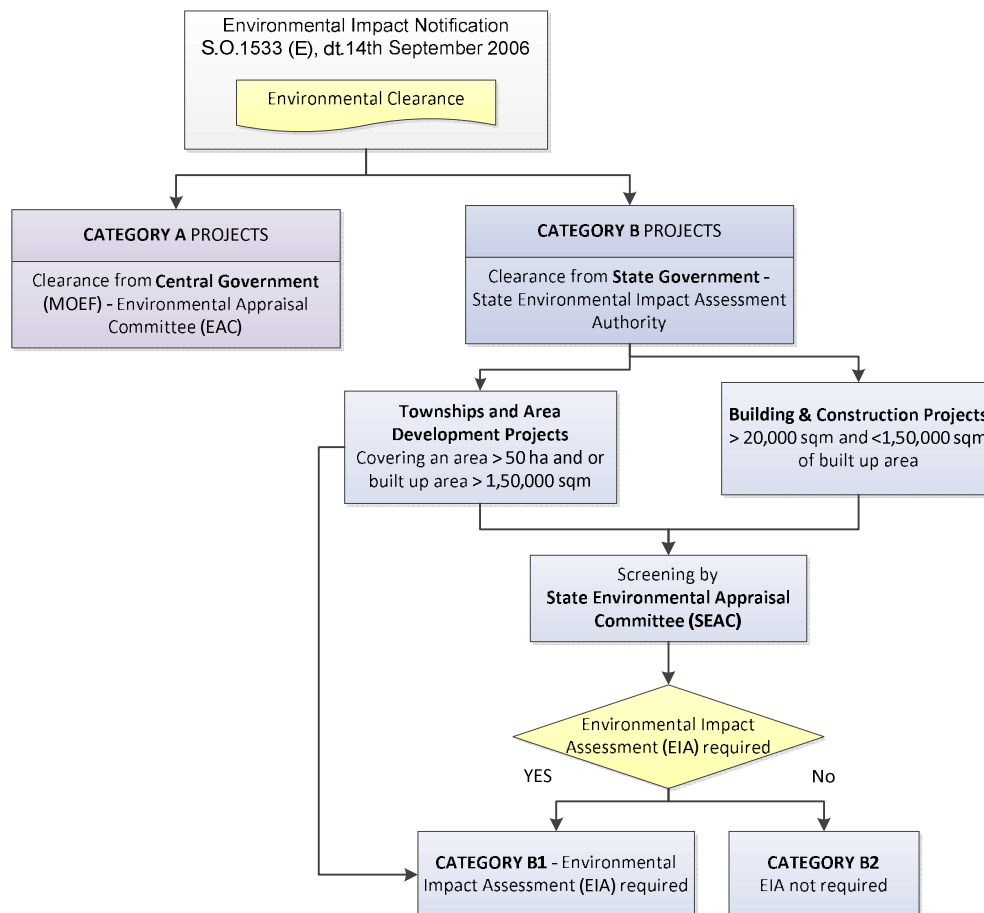
The notification has classified projects under two categories 'A' & 'B'

- Category A projects (including expansion and modernization of existing projects) require clearance from Ministry of Environment and Forest (MoEF), Govt. of India (GoI) and
- Category B projects require clearance from State Environmental Impact Assessment Authority (SEIAA), constituted by GoI.
  - o The projects requiring an Environmental Impact Assessment (EIA) report are termed as Category 'B1'
  - o Remaining projects are termed as Category 'B2' and do not require an Environment Impact Assessment report.

The EIA clearance process for the building construction, townships and area development projects is as follows

Figure 67: Approval Process for Environmental Clearance of Category A Projects
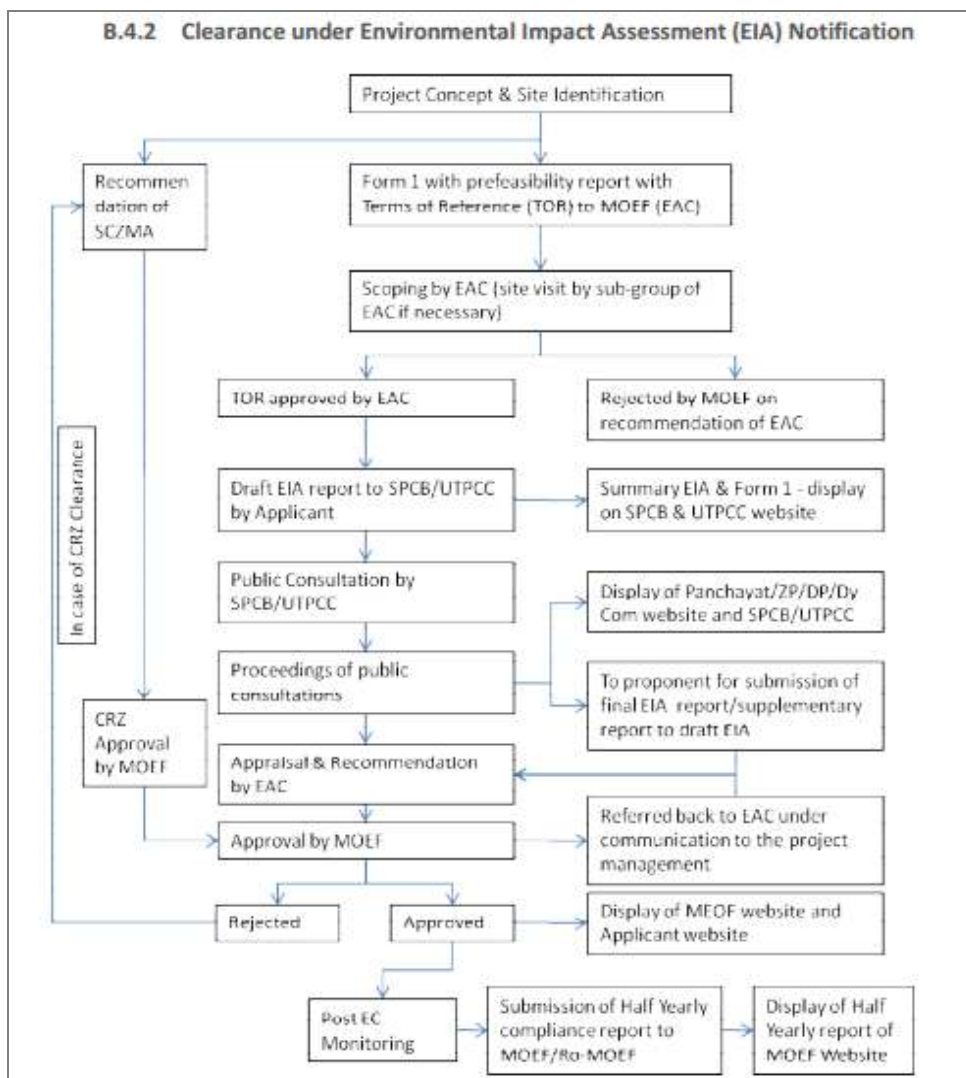
Figure 68: Approval Process for Environmental Clearance of Category B Projects
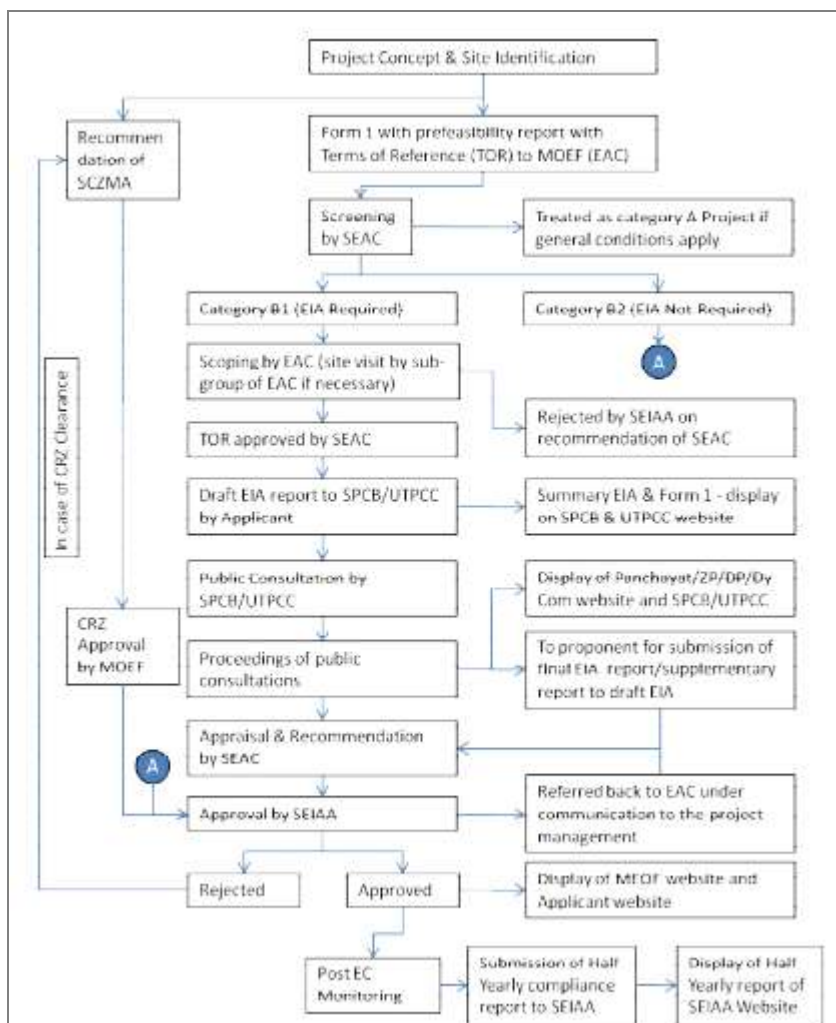
Steps involved in obtaining the Environmental Clearance are:

a) Submission of application - Application for Prior EC has to be made in Form 1 (gives general info about the project) and Form 1A (requires in-depth study) for construction projects. Form 1A is for Item 8 construction projects. Conceptual Plan to be provided.

b) Screening – SEAC determines whether it falls in Category B1 (EIA[12] required) and B2 (EIA not required). Ideally, as per the construction manual, for categorization of projects into B1 or B2 except item 8 (b), the Ministry of Environment and Forests should issue appropriate guidelines from time to time. For Category A and B1 (township) projects – Terms of Reference (TOR) for EIA are issued by AC/SEAC. TOR relevant to individual projects is to be added by the proponent and should be submitted with the application along with 'Form 1' and 'Form 1A' and the State Level Expert Appraisal Committee.

c) Scoping – Scoping is not required for Category B2 projects. Appraisal is based only on Form 1 & 1A

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[12] Environment Impact Assessment

Process to be followed for projects requiring environmental clearance under Coastal Zone Notification 1991

Figure 69: Process for obtaining EC for projects under Coastal Zone Notification 1991

> ▸ The projects involving clearance under Coastal Regulation Zone Notification, 1991 shall submit with the application a CRZ map duly demarcated by one of the authorized agencies, showing the project activities, w.r.t. C.R.Z (at the stage of TOR) and the recommendations of the State Coastal Zone Management Authority (at the stage of EC). Simultaneous action shall also be take to obtain the requisite clearance under the provisions of the CRZ notification, 1991 for the activities to be located in the CRZ
>
> ▸ The projects to be located within 10km of the National Parks, Sanctuaries, Biosphere Reserves, Migratory corridors of wild animals, the project proponent shall submit the map duly authenticated by Chief Wildlife Warden showing these features vis-à-vis the project location and the recommendations or comments of the Chief Wildlife Warden thereon (at the stage of EC)
>
> ▸ All correspondence with the Ministry of Environment & Forests including submission "of application for TOR/Environmental Clearance, subsequent clarifications, as may be required from time to time, participation in the EAC meeting on behalf of the project proponent shall be made by the authorized signatory only. The authorized signatory should also submit a document in support of his claim of being an authorized signatory for the specific project"
>
> Ref:- EIA notification - Amendment 2009

Time limits for Environment clearance

As per the guidelines, time limits have been set for the entire process – see chart below

Figure 70: Time limits for Environment clearance - Category B Projects
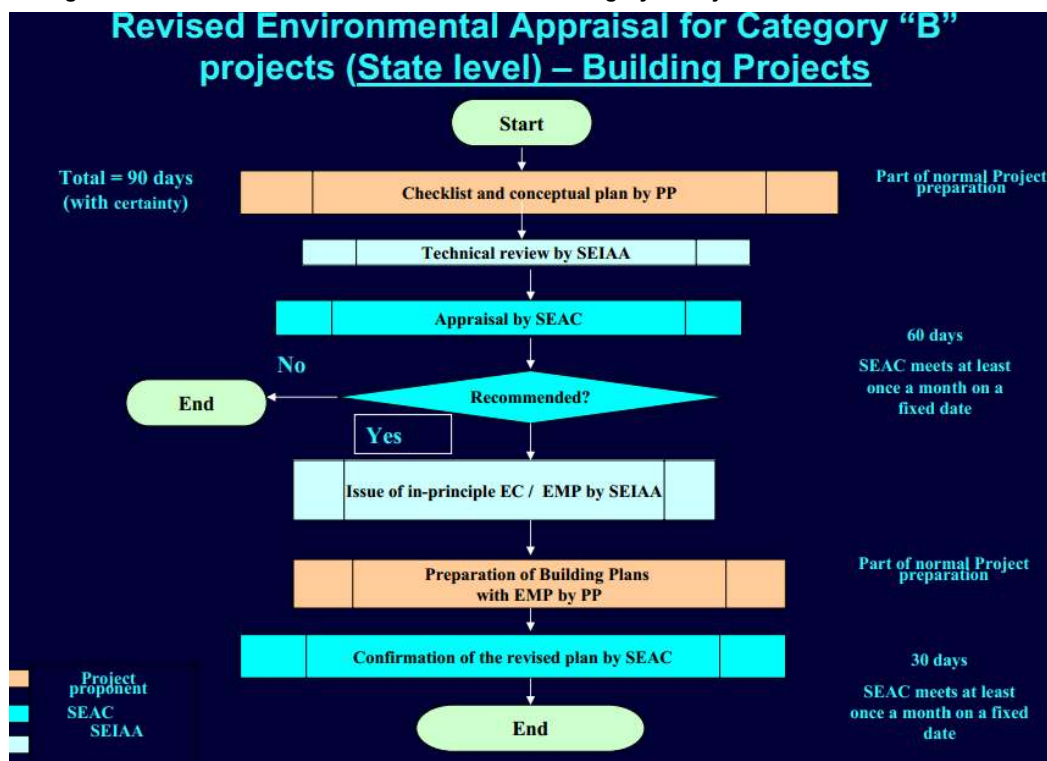
Source: Revised Environmental Clearance Process by MoEF

Some issues to consider

- Issue # 1 - There are no clear guidelines stating what type of projects will be categorized as BI and B2 – it is left to the state Committee's judgment whether project is B1 or B2. Clear guidelines defining what are the parameters for 'high risk' projects that will be categorized as B1 will eliminate the need for this screening process, reducing one level in the manual approval process.

- Issue # 2 – Terms of Reference (TOR) can also be a possible bottleneck causing delays and needs to be investigated further.

- Issue #3 - FORM 1 A that needs to be submitted as the first step, contains 60 open ended questions which are subjective in nature and require descriptive answers. These forms ask open ended questions about a very vast scope –majority of which would have already been covered as part of building codes (NBC, Building bye-laws, ECBC, various NOCs obtained from different departments). There is scope in narrowing down the application form or information that is requested. For e.g. - For areas such as building material and energy efficiency – the guiding standards should be the national building code (a new chapter on sustainability has been introduced) and ECBC – which specifies the best practice as far as these aspects are concerned.

- Issue #4 - Such detailed level of information may not also be very relevant / understood by the state level Committees. However, for example, one State Committee has been observed to have only 3 people with background in electrical engineering, chemical engineering and Metallurgical Engineering – they may or may not possess the expertise to evaluate aspects such as land use, water, energy efficiency in buildings. The above indicates that the process of different Committees screening this kind/level of technical information is not very optimal/ practical.

- Issue #5 - According to the MOEF guideline, the total time taken for this process should be 90 days – however as per the info given by CREDAI, RICS and FICCI, this process can take upto 2 years. The likely reasons for these delays are – unavailability of Committee members to meet as often as required, backlog of pending projects which need to be reviewed, the level of information that is required to be furnished by the project proponent, which may require back and forth.

10.1.2.   Recommendation 1 - Environment Impact Assessment to be carried out at Master Plan stage

Since the Master Plan contains zoning of development area including distribution of residential, commercial, institutional, green spaces etc and stipulates development control norms, it would be appropriate to carry out Environment Impact Assessment of the Master Plan. This should be a part of the Master plan approval and individual projects within the Master plan area should not require obtaining EIA clearance subject to the certification of empanelled Architect/Environmental consultant that the environmental parameters of M/oEF are within the prescribed limits. The **Environment Department should notify their guidelines to be followed for different types of projects and should also put the guidelines on their website. The responsibility of compliance should be left to the developers and of enforcement and monitoring to the project approving authority.**

10.1.3. Recommendation 2 – Guidelines & checklist for clear interpretation of regulations

Guidelines/ comprehensive checklist should be stipulated by MoEF which can be made part of state building rules/ DCRs. Issue of Occupation Certificate should be subject to strict compliance of these stipulations. To ensure consistent interpretation of regulations by individual MOEF Committees, such guidelines or FAQ will help maintain absolute clarity on the regulations.

10.1.4. Recommendation 3 – Separate SEAC for construction sector

A separate State Environment Appraisal Committee (SEAC) for according environment clearance to the construction sector should be set up. Presently there is only one state environment appraisal Committee which is responsible for all projects across sectors. Having a specialized environment appraisal Committee for construction sector will bring in higher efficiency and speed up the approval process

10.1.5. Recommendation 4 – Encourage assessment through objective paperwork instead of hearings

Currently the format of submission of requirement for the State MOEF committee is similar, whether the project is commercial, residential, industrial or mining or any other activities that require MOEF Committee approvals. The key benefit of a tailor made questionnaire is that State Committee will have adequate information to approve project, without requiring developers to be present for specific hearing. The maximum lead time in the approval process is in waiting for time, for developers to be personally heard, a practice that can be dispensed based on written submission.

10.1.6. Recommendation 5 – Consider Appellate Authority for appeals against decisions

MoHUPA recommends MOEF to set up some form of Appellate Authority such that developers may appeal against decisions considered inconsistent with rules/guidelines.

10.1.7. Recommendation 6 – Policy changes should factor in public and developer opinions

Introducing new sets of regulations MOEF should implement a fair change management process. Specifically, any change to current policy should ideally involve (i) inviting public opinion on the proposed policy changes and considering the feedback (ii) providing a cut-over time line for the implementation of the new policy. This cut-over time is very important as existing investments by developers have been made on the basis of the existing policy framework.

The Committee recommends MoHUPA to send a copy of this report such that the Task Force set up by MoEF in December 2012, may consider the above mentioned recommendations.

10.2. Central agencies – Airport Authority of India (AAI)

10.2.1. Introduction – NOC from AAI

Airports Authority of India (AAI) is entrusted with the responsibility of creating, upgrading, maintaining and managing civil aviation infrastructure both on the ground and air space in the country. It provides air navigation services over 2.8 million square nautical miles of air space.

NOC for height clearance for construction is required by AAI to evaluate the location from the points of view of the flying path and navigation.

Airports Authority of India introduced an online "No Objection Certificate Application System (NOCAS)" for Buildings and Masts Height Clearances with effect from 1st April 2011.

NOCAS is a complete work flow based application providing on-line routing of application to Regional Headquarter /NOC Cell and lets the AAI to finally decide on the issue of NOC. This system is accessible from AAI website www.aai.aero for submission of NOC Applications on line.

Based on the NOC calculation sheet provided by NOCAS application, height clearances are decided by the NOC Committee with following options –
(a) NOC application cleared with requested height clearance
(b) NOC application cleared with restricted height clearance
(c) NOC application rejected.

NOCAS provides automatic generation of various types of letters and formats as required during various stages of NOC case processing to bring uniformity in process of issuance of NOC.

With this system, applicants will not only be able to apply of NOC online but will also be able to track the status of their applications. The NOCAS system carries out all related calculations to decide on the height clearances based on site location coordinates provided by the applicant.

Thus with the implementation of NOCAS, it will be mandatory for the applicant to provide surveyed site coordinates in WGS-84 format from a certified agency. Without appropriate coordinates submission of application on-line will not be possible.

- Applicants are required first to register themselves on line and only thereafter they can submit their applications for NOC online.
- On registering in NOCAS an applicant will get a NOCAS ID that can be used for future references including status check of the application.
- After submission of the online application the applicant will take the printout of the application and forward the same to nearest airport along with other essential documents.
- **Documents required** - 1. Application for NOC, 2. Location plan of scale 1:8000, 3. Architectural drawing of plan & elevation, 4. Site plan with dimension of proposed structure, 5. Site elevation certificate authenticated by a govt. agency, 6. Undertakings
- **On receipt of the documents at respective airport, AAI user will scrutinize the NOC documents and will decide whether the application can be accepted or returned.**
- All the cases are decided in accordance with the provisions of Gazette Notification S.O. 84 (E) dated 14.01.2010.
- In case of any non compliance in the NOC application, **intimation to the applicant will be forwarded on-line** with the details of discrepancies observed in the application.
- Applicant will then be required to submit the relevant documents to the airports in order to make the application acceptable for further processing.

Figure 71: AAI - No Objection Certificate Application System (NOCAS)
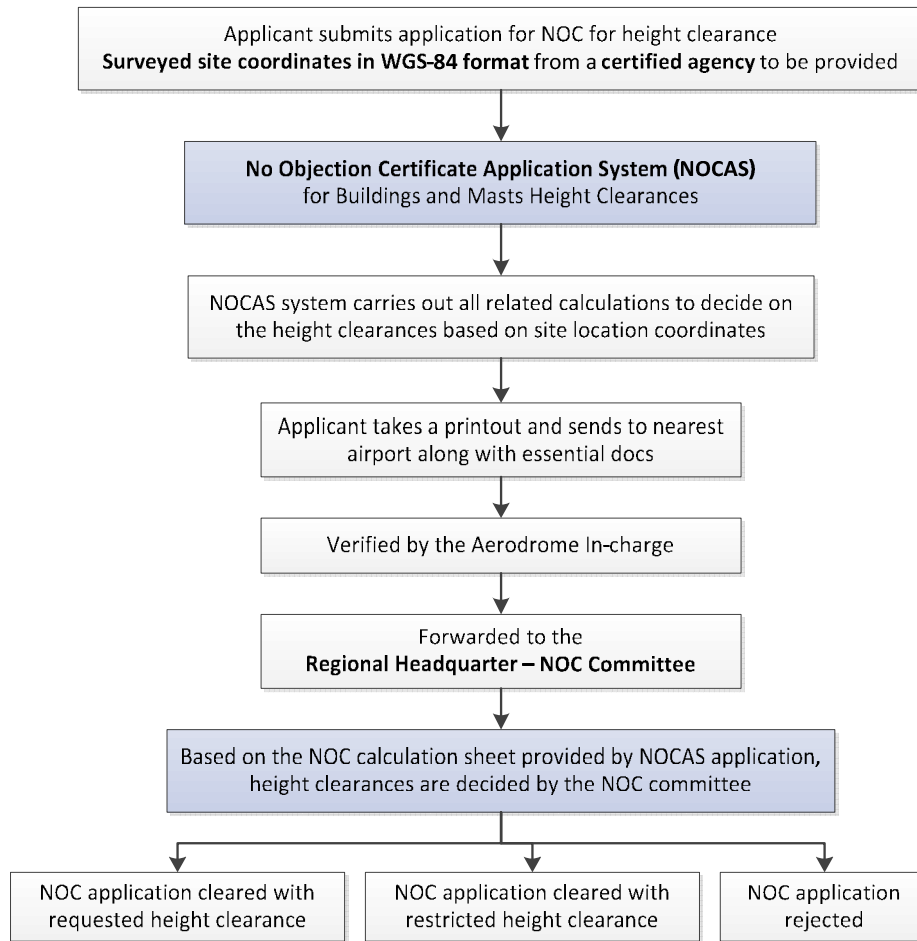
Source: NOCAS instructions, RICS Analysis

10.2.2.   Karnataka Case Example – Time taken for approval from AAI

Figure 72: Karnataka case example - Time taken for approval from AAI
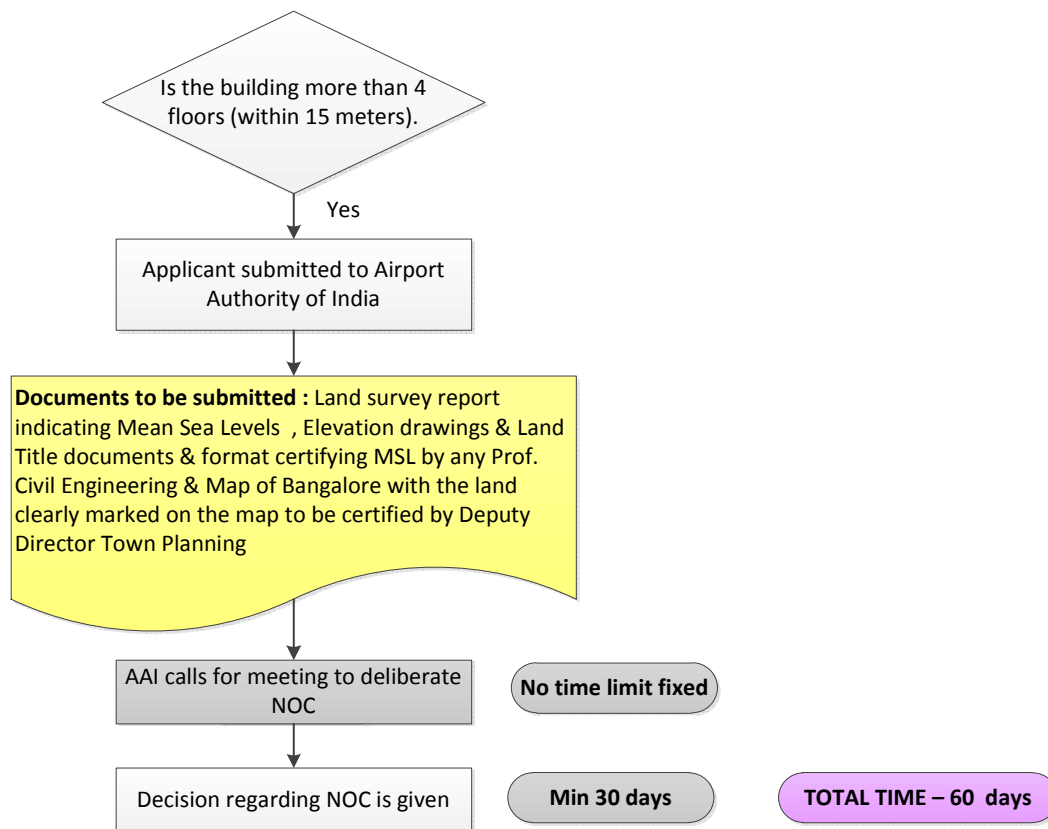
Source: RICS representation based on documents submitted by Committee Members

10.2.3.   Recommendation 1 – Earmark restricted and high risk areas in city development plan

Due to the absence of a Zoning procedure time and again developments in a particular locality have to replicate the entire process of making an application, liaisoning ,co-ordination etc resulting in unnecessary delays and costs which gets passed to the end user. The co-ordinates will not change with respect to the flying zone restriction, air-funnel etc for developments next to each other. NOC from AAI should therefore be linked to the city development plan.

Airport Authority in consultation with the local planners and approving authorities should identify the no-flying zones, air funnel and flight paths and demarcate them in the city master plan. *Information for all such restricted or regulated areas should be put up in public domain.*

▪ The city development plans should clearly earmark the **restricted zones, flight paths and other concerned areas that are high risk** and would require AAI clearance of projects

10.2.4. Recommendation 2 – Ease the process for low risk areas or no-flying zones – empower local bodies, consider self certification or deemed approval

- For **no-flying zones and other low risk areas**, **the need for obtaining individual NOCs** for projects within such designated locations **could be done away with**

- Alternatively, **a self-certificate by developer undertaking adherence to AAI norms** (as per the publication S.O-84, Gazette of India) may be considered sufficient, instead of an NOC

- **For buildings upto a certain height (e.g. 75m), the local authorities may be empowered to provide the height clearance**

- Clear time limits for processing and disposal of applications by AAI should be laid down. Failure of AAI to pass final orders within the prescribed time limit may be considered 'deemed to be approved'

10.3. Central agencies – National Monument Authority (NMA)

10.3.1. Introduction – NOC from NMA

In order to prohibit the illegal constructions activities near the heritage and protected monuments, the Central Government, last year had brought amendments in its Ancient Monuments and Archaeological Sites and Remains Act, 1958. The Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010, which came into force on 30 March, 2010, provides for the establishment of a National Monument Authority. The Authority has been constituted so as to give consent for the construction activity within the monument radius. Until now, this provision was enjoyed by Delhi-based head office of Archaeological Survey of India.

As per the new amendment, a minimum of 100 metres area beginning from the boundary limit of the protected monument is specified as the 'prohibited area', beyond which, in all directions, a minimum of 200 metres is categorized as 'regulated area'. Thus, the residents in the protected area (100m radius) of the protected monuments cannot raise any construction and in regulated area, they could undertake construction, repair and altercation only with the permission of the NMA. Thus, any construction, repair, alteration, whatsoever, in and around the restricted areas will be prohibited and any other repair work could be undertaken only with the permission of the NMA.

Figure 73: NMA - Prohibited and Regulated Areas
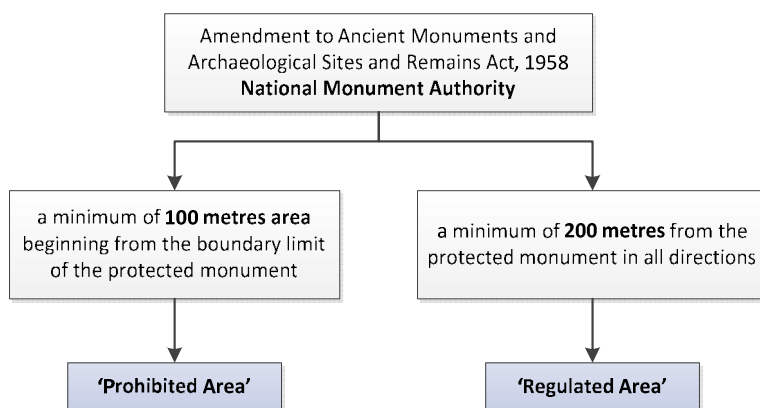
Under the law, National Monument Authority, the Chairperson and members are required to have proven experience and expertise in the fields of archaeology, country and town planning, architecture, heritage, conservation-architecture or law

10.3.2.   Recommendation 1 – Relax the NOC process based on importance of monument structures

Currently, all the monuments/heritage buildings under the purview of Archaeological Survey of India (ASI) are given equal weight age with regard to conditions applicable for development around these structures. This makes the process very slow – e.g. in Gujarat, this process takes nearly a year.

A re-survey of the monuments/heritage buildings in the state should be carried out to differentiate the level of importance of these structures. Based on the survey, the conditions for development of real estate around these structures could be selectively relaxed.

10.3.3.   Recommendation 2 – Notify all restricted monuments; consider self certification, time limits

The need for NOC might be done away with if all restricted monuments were notified in the ASI (or NMA) website with location map and a self-certification was submitted by a registered Architect to the effect that the proposed site of new project was not within 100 m or 300 m radius of any restricted monument. Also, there is need for prescribing a time limit for issuance of an NOC from NMA.

10.3.4.   Recommendation 3 – Publish all restricted areas in a map with their degree of restrictions

All the restricted areas in the country under National Monument Authority (NMA) should be published by NMA in a map for the entire country along with the city development plans/ master plans in cities/states and shown in different zones as per the degree of restrictions. For example, if the proposed project is located in a highly restricted area, it should be shown in red zone while if it is located in an area with less degree of restriction, it should be mapped in yellow zone. Similarly, the projects located in safe areas with no restriction as to their development near a monument should be reflected in green zone and for such projects there should be no need to apply to NMA for issuing NOC in getting building plan approval.

10.4. Central agencies – Ministry of Defence (MoD)

10.4.1. Introduction – NOC from MoD

Constructions around defence establishments are governed by **Works of Defence Act 1903 (WDA)** which imposes restrictions upon use and enjoyment of land in vicinity of Defence Establishments. **On the basis of sensitivity of the defence establishments, constructions are not permitted within a radius of 100, 500, 1,000 and 2,000 metres of NDA.**

Obtaining an NOC for height from the defence is not mandatory. The concern over high-rises has been, however, taken note of at the highest level. A MoD letter dated May 18, 2011 says WDA needs to be comprehensively amended so as to take care of concerns of the defence forces.

While the process of amendment has been put in motion and may take some time, it was felt necessary to issue instructions in the interim to regulate grant of NOC. The objective of these instructions is to strike a balance between the security concerns of the forces and the right of public to undertake the construction activities on their land.

Following guidelines are therefore laid down:
1. In places where local municipal laws require consultation with the Station Commander before a building plan is approved, the Station Commander may convey its views (after seeking approval from next higher authority not below the rank of Brigadier or equivalent) within 4 months of receipt of such requests or within the specified period, if any, required by law. Objection/views/NOC will be conveyed only to State Government agencies or to Municipal authorities, and under no circumstances shall be conveyed to builders/private parties.

2. Where the local municipal laws do not so require, yet the Station Commander feels that any construction coming up within 100 meter (for multi-storey building of more than four storeys the distance shall be 500 meters) radius of defence establishment can be a security hazard, it should refer the matter immediately to its next higher authority in the chain of its command. In case the next higher authority is also so convinced, then the Station Commander may convey its objection/ views to the local municipality or State Government agencies. In case the municipal authority/State Government do not take cognizance of the said objection, then the matter may be taken up with higher authorities, if need be through AHQ/MoD.

3. NOC once issued will not be withdrawn without the approval of the Service Head quarters.

10.4.2. Recommendation – Notify all restricted areas in development plans & relax NOC process for non restricted areas

All restricted areas may be notified in Master Plans or City Development Plans. All projects lying in restricted areas would need to continue to go through the stringent NOC process. However, the NOC process for projects not falling in those restricted areas may be relaxed. The relaxed rules may accept a certificate from an empanelled architect or professional, certifying that the project does not fall in the restricted area.

10.5. Other NOCs required from Central and State Governments

10.5.1. Karnataka Case Example – Time taken for approval for 'Electricity Supply'

Figure 74: Karnataka Case Example – Time taken for approval for Electricity Supply
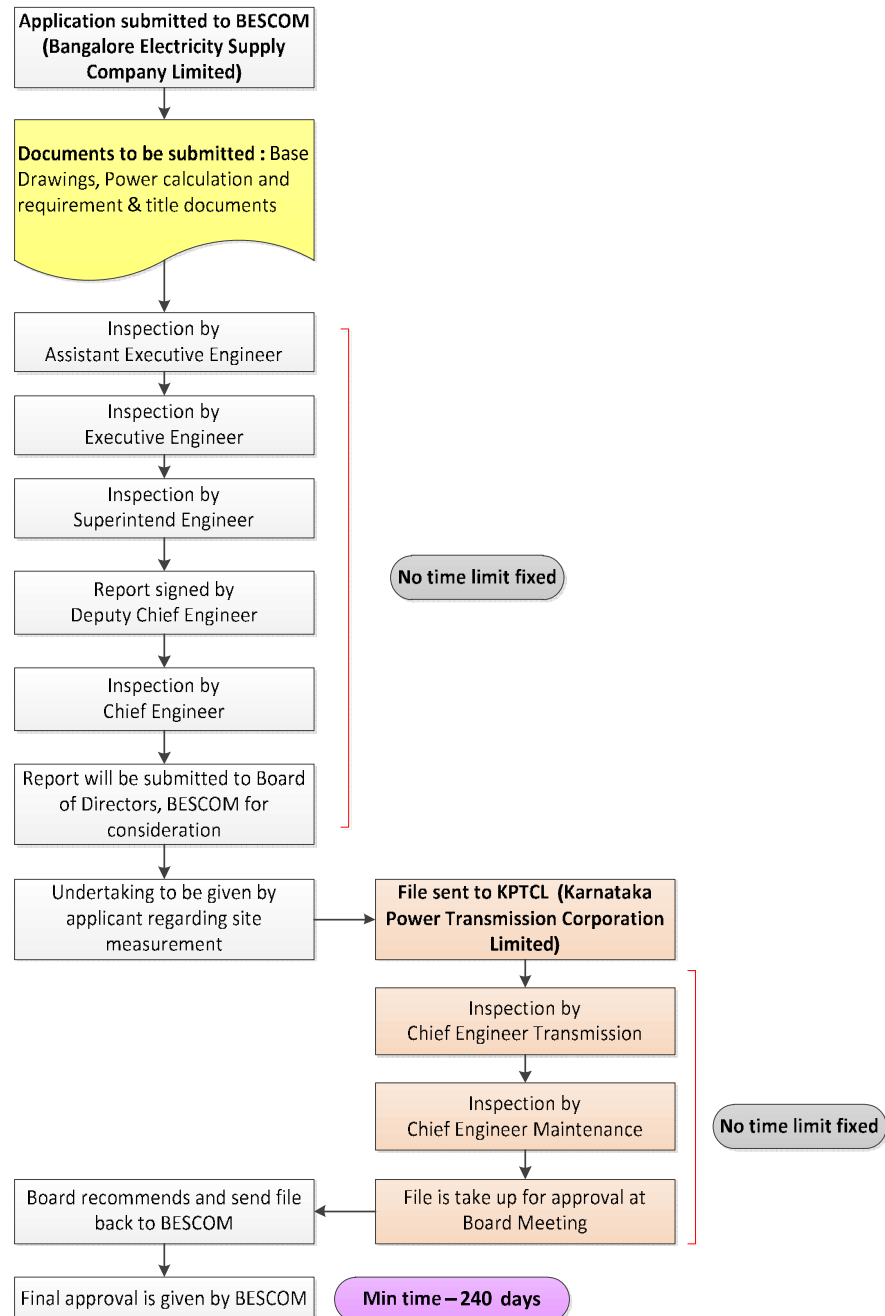
Source: RICS representation based on documents submitted by Committee Members

10.5.2.   Karnataka Case Example – Time taken for 'Consent to Establish'

Figure 75: Karnataka Case Example – Time taken for 'Consent to Establish'
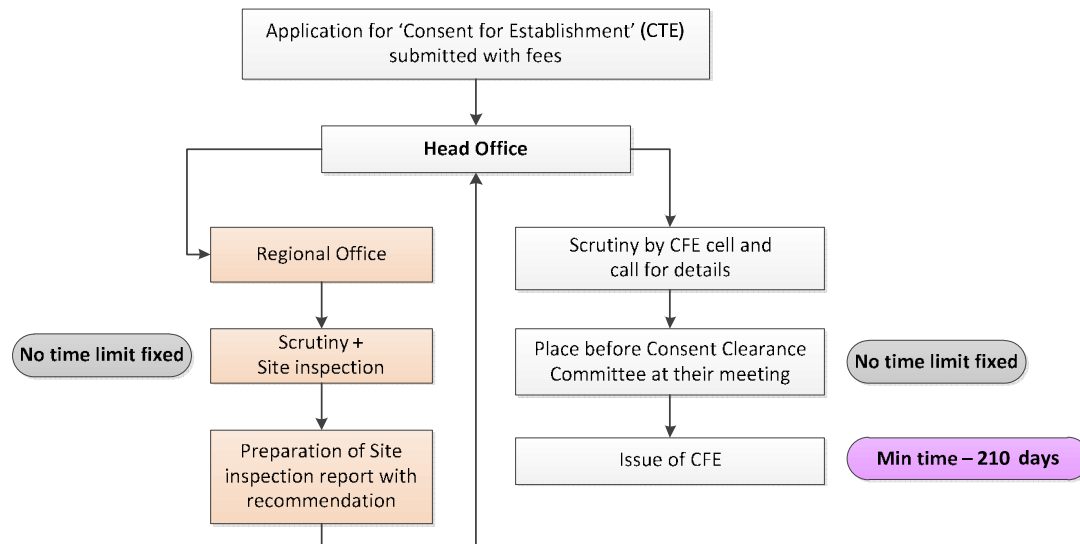
Source: RICS representation based on documents submitted by Committee Members

10.5.3.   Karnataka Case Example – Time taken for 'Fire NOC'

Figure 76: Karnataka Case Example – Time taken for 'Fire NOC'
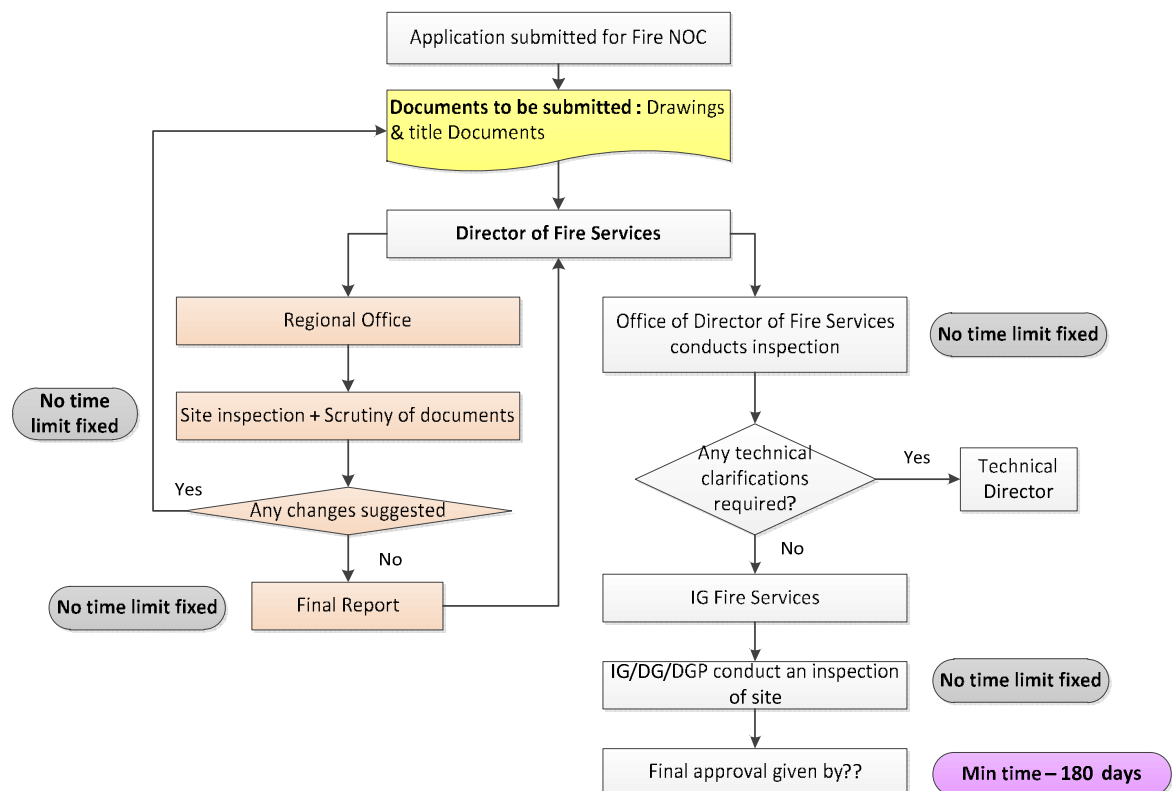
Source: RICS representation based on documents submitted by Committee Members

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10.5.4. Karnataka Case Example – Time taken for approval from 'Central Ground Water Authority'

Figure 77: Karnataka Case Example – Time taken for approval from 'Central Ground Water Authority'
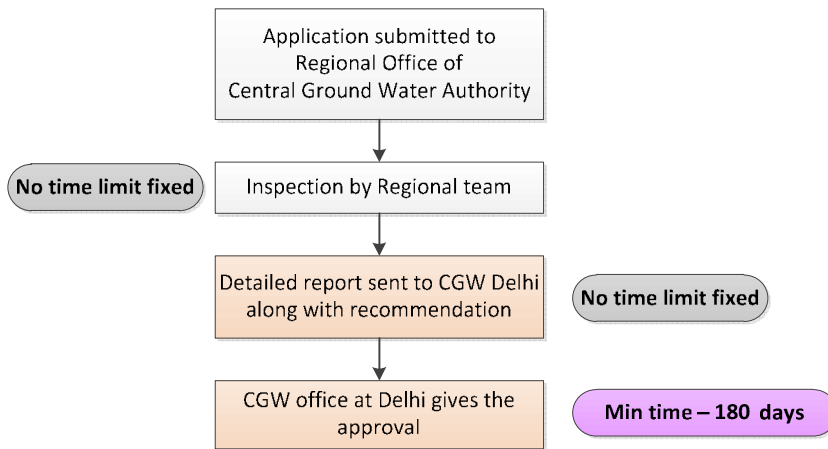
Source: RICS representation based on documents submitted by Committee Members

11. Next steps

The Committee recommends the following as immediate next steps towards implementation of the recommendations given in this report.

1. **National workshop of all State and Local Governments** may be organised by MoHUPA to deliberate on the recommendations of the report; to have an in-depth discussion on important points of debate and identify best practices and solutions that need to be adopted across States.

2. Since affordable housing demands immediate intervention to increase supply of housing stock from the private sector, all States are encouraged to consider **setting up a nodal agency for affordable housing** to provide for a fast track approval process. The timeline for this task should not be more than **3 (three) months**.

3. MoHUPA may conduct an **in-depth study** to evaluate **how building plans and specifications may be standardized** in order to encourage pre-fabricated offsite construction of mass housing in India

4. The Committee recommends that all **Sates initiate the process of moving towards a 'Single Window Approval System (SWAS)' enabled by IT**.

   ▪ While the States have flexibility in determining IT systems that best suit their environment, the Committee suggests e-Biz project by DIPP or ABPAS by MP Government as best practice examples to follow.

   ▪ Recommended timeline - States may work towards completing the tendering & selection process within 1 year while 2 years may be considered a reasonable time-frame for achieving a baseline automated system, which may further be evolved over the next few years

   ▪ Recommending funding model - States may consider a PPP model, as followed by MP Government in case of ABPAS, under which, competitive bidding may be undertaken in order to have a reputed IT company develop such IT system on a transactional basis (i.e. fee per sq ft approved using the system) without any upfront cost to the State

5. States should also consider setting up an **Empowered Committee headed by Chief Secretary of the respective State**, to meet every 3-6 months, in order to monitor progress in streamlining building approvals – including implementation of single window mechanism, setting up of nodal agency and fast track mechanism for affordable housing projects.

6. A **National Level Empowered Committee headed by Honourable Minister, HUPA** may be set up to monitor Single Window Approval System. This Committee may then, among other steps, convene an annual national conference with Chief Ministers of States and also **constitute Best State/Municipal award (e.g. 'SWAS Award')** to be declared and awarded at a national award ceremony to coincide with the national conference.

12. Annexure

12.1. Annexure 1 – Terms of reference

F. No. O – 17034/139/2010 – H (Part)/FTS – 5524
Government of India
Ministry of Housing & Urban Poverty Alleviation
(Housing Section)
****

Nirman Bhawan, New Delhi
Dated April 11, 2012

CORRIGENDUM

Subject: **Committee on Streamlining Approval Procedures for Real Estate Projects – regarding.**

****

Some mistakes crept in inadvertently, in the Office Order of even number dated 04.04.2012 of this Ministry conveying the constitution of a Committee on streamlining approval procedures for real estate projects in the country. The earlier Office Order as mentioned above may please be deemed cancelled and composition of the Committee with Terms of References (ToRs) and reimbursements may please be read as under: -

1.	Shri Dhanendra Kumar, Former Chairman, Competition Commission of India	Chairman
2.	Joint Secretary (Housing), Ministry of Housing & Urban Poverty Alleviation	Member Convenor
3.	Shri S. Sridhar, Former Chairman and Managing Director, National Housing Bank (NHB)	Member
4.	Shri Gauri Kumar, Additional Secretary, Ministry of Environment & Forests	Member
5.	Official from Archeological Survey of India (ASI)	Member
6.	Joint Secretary from Ministry of Civil Aviation	Member
7.	Shri J. B. Kshirsagar, Chief Town Planner, Town Country Planning Organisation	Member
8.	Mr. E. F. N. Ribeiro, Chairman, board of Governors, School of Planning and Architect, Bhopal	Member
9.	Shri S. P. S. Parihar, Principal Secretary (Urban Development), Government of Madhya Pradesh.	Member
10.	Shri Vijay Kumar, Principal Secretary (UD), Government of Andhra Pradesh.	Member
11.	Shri Ashish Sharma, Municipal Commissioner, Pimpri Chinchwad Municipal Corporation, Government of Maharashtra	Member
12.	Municipal Commissioner, Patna Muncipal Coroporation, Government of Bihar	Member
13.	Shri Subhir Hari Singh, Chairman, Bengaluru Development Authority	Member
14.	Shri Ramesh Ramanathan, Chairman, Board of Director, Janalakshmi Social Services, Bangalore	Member
15.	A representative from CREDAI	Member
16.	A representative from NAREDCO	Member
17.	A representative from FICCI	Member

2.   The terms of reference for the Committee will be as under:

I.   Examine few best practices on streamlining building plan approval processes in cities like, Pune, Hyderabad, Mysore and Indore etc.

II.   Study of Bihar model on the obtaining of building plan approvals from certified architects.

III.   Suggest a methodology for fast tracking Central/State building clearances.

IV.   Suggest a systematic approach through which all cities and states can develop fast track, single window clearance mechanisms giving specific focus on simplification of procedural aspects, formulating single composite form with complete listing of the set of documents necessary to accord sanction by the authorities and automated system for building plan approval with special emphasis on Affordable Housing.

3.   The Committee will hold its meeting with frequency as per requirement. The Ministry of Housing & Urban poverty Alleviation will provide secretariat support to the committee. The committee will submit its report within 4 months from the date of the constitution of the Task Force.

4.   The expenditure towards TA/DA in respect of non official members for attending the meetings of the Committee will be borne by the Ministry, as per the Rules & Regulations and shall be regulated as under:

Journey- The outstation non-official members will ordinarily travel by train in AC-II tier. They can travel by air with the prior permission of Secretary (HUPA) by Economy Class and to and fro airfare from their normal place of station to the place of meeting will be reimbursed. The Air Travel will be subject to provisions contained in appendix –II of FR & SR Part II and air travel is to be performed by Air India flights and in economy class only.

Daily Allowance & Conveyance Allowance- The outstation members will be reimbursed DA/Conveyence at the rate it is admissible to officers of Government of India drawing grade pay of Rs. 6,600/- per month as prescribed in Department of Expenditure's O. M. dated 23.09.2008 i.e. hotel accomodation up to Rs. 1,500/- per day, taxi charges up to Rs. 150/- per day for travel within the city and food bills up to Rs. 200/- per day.

The non official members shall not depute any other person on their behalf and TA/DA will be given to non official members only if they actually perform the journey and attend the meeting.

7.   The TA/DA in respect of official members will be borne by their respective Departments.

8.   Inconvenience caused is highly regretted.

(S. S. Meena)
Under Secretary to the Government of India
Telefax: 2306 2252

12.2. Annexure 2: Indicative Composite Application Form (CAF)

12.2.1. Annexure 2A: Common Information Sheet

Annexure 2A

Department of ……………….., ………(State)
Composite Application Form

COMMON INFORMATION SHEET

To be filled by the Applicant:

1. **Nature of Project** (Tick One) ☐

a. Commercial (Mall, Hyper Markets, Community Centres, Commercial Shops) b. Residential-individual c. Residential- Group Housing d. Integrated Township e. IT Park f. SEZ g. Plotted Development h. Affordable Housing i. Industrial Parks j. Manufacturing zones k. Logistics (warehouse, cold chain facilities etc) l. Offices m. Business Centres n. Convention Centres o. Farm Houses p. Villas q. Hotels & Resorts r. Hospitals s. Serviced apartments (Rental Housing) t. Old age home u. Food Courts v. Multiplexes and Cineplex w. Educational and support infrastructure such as hostels x. Sports facilities y. others (pl specify)

2. **Type of project** (Tick One)
a. New Unit ☐ b. Existing Unit ☐ c. Affordable Housing project under AHP scheme ☐
d. Projects certified as Green project ☐

3. **Name of the Project**

Site Location with Complete Address:

4. Location

5. District

6. Tehsil / Taluk

7. Town/Village

8. Site Plan Attached   Yes   ☐   No. ☐   (Enclose Site Plan with this sheet)

9. Location plan attached Yes   ☐   No ☐   (Enclose Location Plan with this sheet)

Correspondence Address:

10. Address Line 1

11. Address Line 2

12. Address Line 3

13. State

14. Postal Index Number

Contact Details:

15. First Name

16. Middle Name

17. Last Name

18. Gender (Tick One)
      Male ☐   Female ☐   Others ☐

19. Telephone Number

20. Mobile Number

21. Fax Number

22. Website

23. Email Address

24. **Constitution of the firm/Company**

   a. Partnership ☐   b. Proprietorship ☐   c. Public Ltd ☐   d. Private Ltd ☐
   e. other Specify: _____

25. **Name of the Partners/Directors**

S.No.	Name	Designation (Managing Partner/Director)

26.   **Is the land for project already in possession? Please tick**   Yes   No

   If yes, proposed date of possession of land (dd/mon/yyyy)

   Proposed date of start of construction (dd/mon/yyyy)

   Proposed date of completion of civil work with services (dd/mon/yyyy)

   Proposed date of commissioning/occupation (dd/mon/yyyy)

27. **Project Cost** (Rs in Thousands):
   a.   Land Cost
   b.   Building Cost
   c.   Infrastructure Cost (External development)
   d.   Facility development cost

28. **Built-up area to be developed**

29. **Areas of Land Proposed to acquire/already acquired**
      (square yard/acre/hectare)

30. **Land is Situated Under**
   i) Area Type (Tick One)
      a. Municipal Jurisdiction   ☐   b. Village Panchayat jurisdiction ☐   c. Slum Area   ☐
      d. City/Town master plan area ☐   e. Outside Lal Lakir of Village   f. SEZ Area   ☐
      g. Other (pl specify)   ☐

ii) Details of Land

31. **Power Load Requirements** (Kilo Watt)

32. **List of Infrastructures to be developed**

S.No.	Type of infrastructures (Road/sewage/water supply/telecommunication/Recreation/Parking	Total quantity with unit

33. **List of facilities to be provided**

S.No.	Type of facilities	Total quantity with unit

34. **List of Services to be provided**

S.No.	Type of services	Description

35. **Tick the clearance you required and also tick the department concerned**

S. No.	Select Required Clearances	Tick	Select the department concerned	Tick
1	Change of Land Use		Department of Housing and Urban Development	
			Department of Local Government	
2	Approval of Layout Plan/ Possession		Department of Housing and Urban Development	
3	NOC from various Ministries/Authorities/departments		MOEF (State/Central)	
			AAI (Central)	
			NMA (Central)	
			DEFENCE (Central)	
			NHAI/PWD (Central/State)	
			COASTAL ZONE AUTHORITY (State)	
			Railways (Central)	
			State Water Board	
			State Electricity Board	
4	Approval of Fire safety plans		State Fire Authority	
5	Approval from Forest Authority		State Forest Department	
6	Approval of Building Plan		Department of Housing and Urban Development	
			Department of Local Government	
			…..(State Urban Development Authority)	
			………..(State Agency)	

S. No.	Select Required Clearances	Tick	Select the department concerned	Tick
7	Approval during construction		Permanent water connection/ Borewell	
			Demarcation request	
			Inspection at DPC level	
			Submission of progress report at roof level/ Inspection	
8	(a) Sanction of Water and Sewerage Connection		…….State Authority (Water)	
			…….State Authority(Sewer)	
			…State Authority (Storm Water Drainage)	
	(b) Road cutting permission		State Water Board	
			Local Body	
9	(a) Requisition / Sanction / Release of Power Connection		Clearance from Chief Electrical Inspector	
			Application for Sanction/Release of Power Connection	
			Application for Permission to Install Generator Set	
	(b) Road cutting permission		State Electricity Board	
			Local Body	
10	Occupancy permit		Urban Development Authority	
			Local Body	
11	List any other sanctions			

Place :   Signature & Name of Applicant
Date :

- Tick(✓) the clearance applied for and fill in the applicable form.
- The application should be accompanied by a processing fee of Rupees …………………….. in the form of a Bank Draft payable to the …………………………………………...

12.2.2. Annexure 2B & 2C: Application for Change of Land use (Sample of Govt. of Punjab)

Annexure 2B

Department of Industries and Commerce, Punjab
Composite Application Form

APPLICATION FOR CHANGE OF LAND USE

To

The Principal Secretary to Government of Punjab,
Department of Local Government

Sub.   **Change of Land Use of M/s. _____**
_____

Sir,

In above regard it is submitted that I/we am/are setting up a project for
_____ on subject cited location.

I/we hereby certify that the particulars given in this application and attached Annexure(s) are true and correct to the best of my knowledge and belief and that no material facts have been concealed.

Yours faithfully,

Signature ………………………………

Name …………………………………..

Enclosures:-

1.   Details of Approvals granted by Government/Competent Authority.
2.   Site Plan.
3.   Location Plan.
4.   Layout Plan prepared by Qualified Town Planner/Architect.
5.   Zoning Plan based on the demarcation plan.
6.   Infrastructure plan, utilities & services Plan.

Annexure 2C

Department of Industries and Commerce, Punjab
Composite Application Form

APPLICATION FOR CHANGE OF LAND USE BY CHIEF TOWN PLANNER,
DEPARTMENT OF HOUSING & URBAN DEVELOPMENT, PUNJAB

To

    Chief Town Planner, Punjab,
Old State Building,
Sector 18A, Madhya Marg, Chandigarh

Sub.   **Change of Land Use of M/s. _____**
        _____

Sir,

    In above regard it is submitted that I/we am/are setting up a project for
_____ on subject cited location.

    I/we hereby certify that the particulars given in this application and attached Annexure(s) are true and correct to the best of my knowledge and belief and that no material facts have been concealed.

Yours faithfully,

Signature ………………………………

Name …………………………………..

Enclosures:-

1.   Details of Approvals granted by Government/Competent Authority.
2.   Site Plan.
3.   Location Plan.
4.   Layout Plan prepared by Qualified Town Planner/Architect.
5.   Zoning Plan based on the demarcation plan.
6.   Infrastructure plan, utilities & services Plan.

12.2.3. Annexure 2D: Guidelines for Change of Land Use (Sample of Punjab)

Annexure 2D

Department of Industries and Commerce, Punjab
Composite Application Form

GUIDELINES FOR CHANGE OF LAND USE

1) Competent Authority
　　i) Chief Town Planner, Department of Housing and Urban Development, Punjab
　　ii) Department of Local Government
　　　Note: competent authority depends on the location of the site of industrial unit.

2) Application Forms Required
　　i) Application Form for Change of Land Use

3) Enclosures/Documents Required
　　i) Details of Approvals granted by Government/Competent Authority
　　ii) Site Plan
　　iii) Location Plan
　　iv) Layout Plan prepared by Qualified Town Planner/Architect
　　v) Zoning Plan based on the demarcation plan
　　vi) Infrastructure plan, utilities & services Plan

4) Departmental Instructions

　Illustration to Calculate Charges
　If an industrial plot of 1 acre located on Sector road in GMADA area is allowed for conversion to commercial use, the differential amount would be calculated as follows:-

ED	Conversion Charges	Licence/Permission Fee
Rs.(3224 x 4047 = 13047528) – Rs.(1186 x 4047 = 4799742) Difference Rs.8247786	Rs.(988 x 4047 = 3998436) – Rs.(124 x 4047 = 501828) Difference Rs.3496608	Rs.20000000 – Rs.50000 Difference Rs.19950000

Total amount to be paid by the Promoter = Rs. 3,16,94,394.00

Note

1. External Development Charges (EDC) are the charges for utilization of existing infrastructure/ proposed infrastructure.
2. The External Development Charges will be utilized by the concerned local planning and urban development authorities for providing infrastructure. In case the concerned authority feels that connectivity is required from any local body or any work is to be got executed from a local body, the proportionate amount may be deposited by the authority with the local body on case to case basis. Conversion charges will be deposited in

the Government Treasury and License/ Permission Fee will be retained by the concerned urban development authority for planning and development of areas under its jurisdiction. Separate account shall be maintained for each of the above charges.

3. As has been decided in the meetings of Cabinet Sub-committee on additional resource mobilization, process of grant of CLU has to be simplified and rationalized. It has been decided that to avoid multiplicity and to have uniform rates, only one agency i.e. Department of Housing and Urban Development will approve the change of land use/grant permission of land use against payment of prescribed charges, because it is the concerned urban development authority which has to upgrade the physical infrastructure as a consequence of increased pressure on utilities due to CLU. Therefore if any industrial plot is allowed for conversion to commercial use, differential of commercial and industrial rate will be charged by the Department of Housing and Urban Development from the promoter and CLU will be approved. Illustration is given before.

4. The purchase of higher FAR, than prescribed, at half the proportionate rate, for Group Housing and Commercial purposes, shall be allowed subject to admissibility under town planning norms, structural and fire safety as per National Building Code.

5. License/Permission fee is the fee for granting permission to colonizers/promoters for their projects.

6. Where a piece of land falls in more than one Potential category the proportionate rate for each category shall apply.

7. The reserved area (until it is planned) and open area under roads and parks, school, dispensary and other utilities shall be charged at the rate of residential plotted area.

8. For mixed land use, proportionate charges for different categories shall apply.

9. Abbreviation used indicates NH: National Highway; SR Scheduled Road.

10. Inter Sector Road is the Sector dividing/Scheduled Road or a road with Right Way of minimum 80 feet.

11. The conversion/CLU charges shall be at the rate as on the date of grant of permission for CLU. The license/permission fee and EDC shall be charged at the rate as on the date of grant/exemption of license. In cases where CLU/license/permission has been granted prior to the notification of this policy, the rates shall be as specified in each permission order, Since in most of previous permission orders, it was specified that conversion charges and EDC charges shall be the charges as and when levied/on account basis, in such cases the present rates shall apply.

12.2.4. Annexure 2E: Notification related to Change of Land Use (Sample of Punjab)

Annexure 2E

Government of Punjab

Department of Housing and Urban Development
(Housing Branch-II)

NOTIFICATION

The 19th September, 2007

No.17/17/01/5HG2/7639

Whereas the Government of Punjab, Department of Housing and Urban Development notified called "New External Development Charges Policy, 2004" vide notification No.17/17/01-5HG2/6930 dated 06.07.2005 and revised the rates of EDC and License/permission fee and imposed conversion charges in the entire State of Punjab, except GMADA area, vide notification No.17/17/01-5HG2/6682 dated 17.8.2007.

Now in the order to rationalize and to make it more realistic, the Governor of Punjab is pleased to partially modify the rates of External Development Charges and License / Permission fee for Residential Plotted, Residential Group Housing and Commercial purpose in the entire State of Punjab excluding the area falling within the jurisdiction of Greater Mohali Area Development Authority (GMADA) with immediate effect as detailed it Annexure „A" to this notification.

Dated: Arun Goel, IAS
                                                          Secretary to Government of Punjab,
                                                      Housing and Urban Development Department

Annexure "A' To Notification No.17/17/01-5hg2/7639   **Dated 19.09.2007**

External Development Charges, Conversion Charges and License / Permission Fee in the Entire State of Punjab Excluding the Area under the Jurisdiction of the Greater Mohali Area Development Authority.

HIGH POTENTIAL ZONE – CATEGORY – I

Ludhiana, Jalandhar, Amritsar M.C. limits & area within radius of 5 Kms. outside M.C. Limits.

(Rs. in lacs/gross acre)

Sr. No.	Purpose	External Development Charges	Conversion Charges			Licence / permission fee
			NH	SH/Sector Road	Other Road	
1.	Residential (Plotted)	26.78	5.38	4.53	3.60	3.00
2.	Residential (Group Housing)	60.25 (FAR 1.75)	8.09	6.76	5.38	4.00 (FAR 1.75)
3.	Commercial	93.95 (FAR 1.75)	43.18	35.98	28.81	100.00 (FAR 1.75)

HIGH POTENTIAL ZONE – CATEGORY – II

Ludhiana, Jalandhar, Amritsar outside M.C. limits within radius of 5 Kms. to 15 Kms.

(Rs. in lacs per gross acre)

Sr. No.	Purpose	External Development Charges	Conversion Charges			Licence / permission fee
			NH	SH/Sector Road	Other Road	
1.	Residential (Plotted)	22.76	5.38	4.53	3.60	3.00
2.	Residential (Group Housing)	51.21 (FAR 1.75)	8.09	6.76	5.38	4.00 (FAR 1.75)
3.	Commercial	79.85 (FAR 1.75)	43.18	35.98	28.81	100.00 (FAR 1.75)

NOTE: The conversion charges are the same in all the categories as notified vide notification No.17/17/01-5HG2/6682 dated 17.8.2007. These have all been converted into per acre.

12.2.5.   Annexure-2F: Approval of Layout & Building plan (Sample of Govt. of M.P)

AutoCAD File

Attachments: Select Drawings

Document Checklist

Mandatory Documents

	Document	Page No. From	Page No. To	Attach File	Attached File Name	File Path
☐	भवन नक्शे (बिल्डिंग प्लॉन्स)	0	0			
☐	स्वामित्व संबंधी हक (ऑनरशिप, टायटल, रजिस्ट्री आदि)	0	0			
☐	चालू वर्ष की सम्पत्ति कर की रसीद	0	0			
☐	संपत्ति कर / एवं अनापत्ति प्रमाण–पत्र	0	0			

Optional Documents

	Document	Page No. From	Page No. To	Attach File	Attached File Name	File Path
☐	स्थजम रेखा क (साईट प्लॉन)	0	0			
☐	जलकर रसीद / शपथ पत्र	0	0			
☐	स्वयं के उपयोग हेतु शपथ पत्र	0	0			
☐	निर्माण बाबद शपथ पत्र	0	0			
☐	अग्नि सुरक्षा संबंधी विवरण।	0	0			
☐	हाउसिंग विभाग एनओसी	0	0			
☐	कालोनी लेल पत्र।	0	0			
☐	भूक प विरोधी संबंधी प्रमाण पत्र	0	0			
☐	एड्वो के ट सर्वे रिपोर्ट	0	0			
☐	मुख्य रेखा क (की प्लॉन)	0	0			
☐	कले वटर परनिशन एनओसी – धार्मिक स्थल	0	0			
☐	उपविभाग–अभिन्यास योजना (सब डिव्हिजन–ले आउट प्लॉन्स)	0	0			
☐	सेवा आयोजन (सर्विस प्लॉन)	0	0			
☐	पुरातत्व एनओसी – (आके लॉजिकल विभाग)	0	0			
☐	लघु उद्योग विभाग एनओसी	0	0			
☐	विशिष्टयाँ सामान्य तथा विस्तृत (स्पेसिफिकेशन जनरल एवं डिटेल्ड)	0	0			
☐	स्ट्रक्चरल डिजाईन डिटेल्स	0	0			
☐	राजस्व एनओसी	0	0			
☐	सिलिंग संबंधी नॉ टरी शपथ पत्र।	0	0			
☐	पूर्व भवन अनुज्ञा स्वीकृति एवं स्वीकृत नक्शे की प्रति।	0	0			
☐	संयुक्त संचालक नगर तथा ग्राम निवेश इन्दौर द्वारा स्वीकृत अभिन्यास की प्रति।	0	0			
☐	भूमि अपवर्तन (लेंड डायव्हर्सन) संबंधी नक्शो की प्रति।	0	0			
☐	स्ट्रक्चरल डिलाईन डिटेल्स, स्ट्रक्चर स्टे बिलिटी सर्टिफिकेट एवं भू क पाते संबंधी प्रमाण पत्र।	0	0			

Save Back

12.2.6. Annexure-2G: Approval for grant of Pollution Control under Environment clearance (Sample of Govt. of Punjab)

Annexure 2G

Department of Industries and Commerce, Punjab
Composite Application Form

APPLICATION FOR COMPETENT STATE AUTHORITY-CUM-SITE APPRAISAL COMMITTEE, OFFICE OF PUNJAB POLLUTION CONTROL BOARD FOR GRANT OF ENVIRONMENTAL CLEARANCE FROM CSA AND APPROVAL OF SITE FROM SAC

For Office use only		
Code Number	:	_____
Date of Receipt	:	_____
CSA Approval No. & Date	:	_____
SAC Approval No. & Date	:	_____

To be filled by Applicant:

I.   POWER LOAD REQUIREMENTS   :

II.   DOMESTIC SERVICE   :
    1.   Number of persons to be served   :

    2.   Water supply, sources & daily
        consumption M3/day   :

    3.   Sewerage collection system   :   Sewer / Open drain

    4.   Sewerage treatment   :   Separate / With Industrial effluent

III   WATER REQUIREMENT
    1.   Source of water supply   :

    2.   Average daily consumption of water   :   Quantity [in M3/day]
        for:-

        i)   Process   :
        ii)   Washings   :
        iii)   Cooling   :
        iv)   Sanitary purpose   :
        v)   Others   :

                Total

             :   Quantity (in M3/day)

IV   WASTE WATER DISCHARGE

1.   Waste Water Discharge
         i)   Process   :
         ii)   Washings   :
         iii)   Cooling   :
         iv)   Sanitary (Sewage from toilets /
                  sludge from hand washing etc.)
         v)   Other   :

                                        Total

2.   Does industry proposed to re-circulate   :
         any or all the above waste streams.

3.   If Yes,
         i)   Quantity to be re-circulated   :
                  cooling purposes
         ii)   Quantity to be re-circulated   :
                  trade effluent

4.   i)   Whether effluent need any   :
                  treatment
         ii)   If yes, whether conventional or :
                  special (give detailed description)

5.   Point of final discharge (in case of   :   Agricultural land / public sewer / Inland
         water body give name, if for irrigation   surface water / River / Choe / Stream /
         on land, give area in Hectare)   Drain / Nallah.

V   WASTE WATER CHARACTERISTICS (IF AVAILABLE)

1.   Indicate characteristic of Waste Water   :
         to be discharged
         i)   Temperature   :
         ii)   pH   :
         iii)   Colour   :
         iv)   Total suspended solids, mg/l   :
         v)   Total dissolved solids, mg/l   :
         vi)   BOD, mg/l   :
         vii)   COD, mg/l   :
         viii)   Heavy Metals (Ni, Cr, Zn, Hg   :
                  etc.) mg/l
         ix)   Cyanide mg/l   :
         x)   Others   :

2.   Other special toxic substance
         proposed to be discharged ? Please
         specify nature and concentration
         (inorganic, organic including
         pesticides and organo chlorocompounds
         phenol, Lignin, mercaptan, heavy metals and
         radioactive substance).

VI   SOLID WASTE

1.   Total quantity of solid wastes in   :
        tonnes per day along with its
        characteristics

2.   Method proposed for disposal   :
        including treatment plant sludge (Land
        fill / Dumping / Composting /
        Incinerator)

VII. SOURCES OF AIR POLLUTION

	Source of Energy	Make/Type of Equipment	Type & quantity of fuel to be used	Capacity
i)	Boiler			
ii)	Furnace			
iii)	DG Set			
iv)	Others			

VIII Whether fluidized bed furnace or not   :

IX ATMOSPHERIC EMISSIONS (IF APPLICABLE)

1.   Emissions from fuel burning (if
        available).
        i)   Fuel gas quantity m3/hr   :
        ii)   Particulate matter mg/Nm3   :
        iii)   Stack details
                 (a)   Material of construction   :
                 (b)   Internal diameter
                        1. Top   :
                        2. Bottom
                 (c)   Ht. from ground level (m)
                        from roof of building   :

2.   Emission from process (if available) in   Within Work   Outside Work
        Nm3/hr   environment   environment
        (a)   Expected emissions quantity   :
        (b)   Composition of emissions   :
                i)   Particulates (Nature and
                        quantity)   :
                ii)   Gases   :
                iii)   Sulphur Dioxide   :
                iv)   Nitrogen Dioxide   :

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v)	Carbon Monoxide	:	
vi)	Ammonia	:	
vii)	Acid Mist.	:	
viii)	Flourine	:	
ix)	Chlorine	:	
x)	Halogens	:	
xi)	Hydrocarbons	:	
xii)	Mercaptans		
xiii)	Other specify	:	

(c) Stacks Details

    i)   Material of construction :

    ii)   Height from GL   :   (m)

        Height from the top of the

        Building   :   (m)

    (give details of stacks for each
    process emission)

3. Average, minimum and maximum of

    -    Temperature   :

    -    Humidity   :

    -    Wind velocities during the
        previous 10 years   :

4. Seasonal variation of the wind
    directions alongwith wind rose   :

5. Highest water level reached during the
    floods in the area recorded so far   :

6. Lightening and scismic data of the area   :

X Whether Air Pollution Control System   :
   required to be installed ? If yes, give details.

XI HAZARDOUS WASTES AND CHEMICALS
  (**Enclose Safety data sheet of each
  hazardous chemical**)

1. Hazardous Wastes [as defined in
    Hazardous Wastes (Management &
    Handling) Rules, 1989]

    (a)   i)   Category of Hazardous :
                     Wastes

            ii)   Quantum of hazardous :
                     Wastes generated in each

category

(b)   Method of disposal/treatment   :

(c)   Mode of storage in the plant with   :
        storage capacity

2.   Hazardous chemicals (as defined in   :
        the manufacture, storage and import of
        hazardous rules, 1989)

        (a)   Name of chemicals used and   :
                their quantity

        (b)   Whether any isolated storage   :
                outside factory premises is
                involved, if yes, give details

        (c)   Whether emergency plans have   :
                been proposed for taking

                i)   On site measures   :

                ii)   Off site measures   :

                iii)   Proposed arrangements, if :
                        any, for mutual aid scheme
                        with the group of
                        neighbouring factories.

3.   Main and intermediate storage   :
        proposed for raw materials /
        intermediates / products / by products
        (maximum quantities to be stored at
        any time)

4.   Transportation method to be used for   :
        materials inflow and outflow, their
        quantities to be stored at any time

5.   Safety measure proposed for   :
        -       handling of materials   :
        -       internal & external transportation :
        -       disposal (packing and forwarding of
                finished products)   :

XII ESTIMATED COST OF POLLUTION CONTROL

        1.   Total project cost   :

        2.   Expenditure proposed for   :
                a)   Water Pollution Control   :
                b)   Air Pollution Control   :
                c)   Disposal arrangements   :
                d)   Solid Waste handling/treatment   :

        e)   Expenditure proposed for   :
                Pollution monitoring

3.   Total Capital Investment proposed on
        Pollution Control as a %age of total
        investment of the industry.
        *   Existing equipments & systems
               will be utilized.

XIII Any other additional information likely to   :
     have beneficial or adverse environmental
     affect.

Place :   Signature : _____

Date :   Name :   _____

                                            Designation:_____

                                            Address :_____

                                                   _____

Enclosures:-

(i)   Site plan with clear identifications of boundaries and total area proposed to be occupied and showing details nearby the proposed site.

     (a)   Historical monument, if any in vicinity.
     (b)   Name of the neighbouring manufacturing units and human habitants, educational and training institutions, storage of LPG and other hazardous substances in the vicinity and their distances from the proposed unit.
     (c)   Water sources (rivers, streams, canals, dams, water filtration plants etc.) in the vicinity.
     (d)   Nearest hospitals, fire stations, civil defence stations and police stations and their distances.
     (e)   High tension electrical transmission lines, pipe lines for water, oil, gas or sewerage, railway lines, roads, stations, jatties and other similar installations.

(ii)   Location Plan (indicating Plot Number, Khasra Number) and main highways and other references.
(iii)   List of Directors/Partners
(iv)   Copy of letter of Intent / Licence DGTD Registration Certificate / Entrepreneur Memorandum / Any other.
(v)   Manufacturing process details alongwith flow sheet and material / energy balance statement.

(vi) Project report indicating:-

- (a) A summary of the salient features of the project.
- (b) Status of the organisaiton (Government, Semi-Government, Public or Private etc.).
- (c) Maximum number of persons likely to be working in the factory.
- (d) Maximum amount of power and water requirement and source of their supply.
- (e) Block diagrams of the buildings and installations in the proposed site.
- (f) Details of the housing colony, hospital, school and other infrastructural facilities proposed.
- (g) Person responsible for protection of Safety, health and environment.
- (h) Proposed health and safety policy of the proposed enterprise.

(vii) CSA Fee Rs..........................., DD in favour of Member Secretary, Punjab Pollution Control Board, Patiala No... dated...........................

(viii) Copy of feasibility report on the pollution control systems for control of Water/Air Pollution/Solid waste.

(ix) Copy of certificate from concerned authority the proposed site is located in FEZ/Industrial Area/Focal Point decimated by Town and Country Planning Department/Outside Lal Lakir.

(x) One copy of Partnership Deed/Article of Association of Memorandum.

(xi) Process Hazards Information :-

- (a) Enclose a copy of the report on environmental impact assessment.
- (b) Enclose a copy of risk assessment study.
- (c) Published (open or classified) reports, if any, on accident situations/occupational health hazards of similar plants (within or outside the country)
- (d) Details of fire fighting facilities and minimum quantity of water, carbon-di-oxide and other fire fighting measures needed to meet the emergencies.
- (e) Details of in-house medical facilities proposed

12.2.7. Annexure 2H: Sanction of Water Connection (Sample of Govt. of Punjab)

Annexure 2H

Department of Industries and Commerce, Punjab
Composite Application Form

APPLICATION FOR WATER CONNECTION BY MUNICIPAL CORPORATION / COUNCIL

To

The Corporation Engineer Water Supply,
Municipal Corporation / Council,
……………………………………

Sir,

I want to have a new water connection in my house. I, ………………………………… ………………………… have read the rules and regulations of the Water Works Department, ……………………………………………… and do undertake to abide by them.

Agreement Form 'B' supported by Twelve Annas stamp is attached herewith duly signed by me.

The particulars are given below :

Name of Mohalla : _____

Street : _____

Block Number : _____

Name of House Owner : _____

House Owner's Father's Name : _____

Applicant's Name :
_____

Applicant's Father Name : _____

Size of ferrule : _____

Number of taps required : _____

Lower Story : _____

Upper Story : _____

Name of the licensed Plumber
through whom the work will be
executed : _

_____

Signature...
Applicant...
Father's Name...
Caste..
Full Address...

....

Dated..

INSTRUCTION

The application should be entertained either from the house owner of such person who has been authorised to do so by the house owner and is held responsible for the payment of water charges etc. Other on cash security.

OFFICE REMARKS

Sanction is hereby accorded to release the Water Connection and the application is forwarded in original to the Water Supply Section for compliance under the rules.

<div align="right">

Municipal Commissioner/Executive Officer,
Municipal Corporation/Council,

_____

</div>

Forwarded in original to the _____ (Name of the licensed plumber) and for report after the completion of the work under rules.

<div align="right">

Municipal Commissioner/Executive Officer,
Municipal Corporation/Council,

_____

</div>

The application is returned in original after completing the work under rules for opening the water perting the bore in the pipe line.

<div align="right">

(Signature of the licensed plumber)

</div>

I certify that work has been completed according to the Water Works rules and _____ inch bore has been made in the pipe line in my presence at (time and date) _____

<div align="right">

(Signature of S/O In-charge)

</div>

I certify that the water Connection has been entered in the ledger at No. …………… and the supply of water has been commenced at time ……………..on (date) …………… after receiving the Boring fee Rs. ……………. and Water Charges Rs. ………….. from (date) ………….. to (date) ………… Receipt No. …………… Book No. ………………..

<div align="right">

(Signature of Ledger Keeper)

</div>

The application is returned in original to Municipal Commissioner/Executive Officer after compliance under the rules.

<div align="right">

Signature of S/O In-charge
Municipal Corporation/Council,

</div>

………………………….
………………………….

AFFIDAVIT

I, …………………………….. son of Shri ………………………….. solemnly declare and affirm as under:-

1.   That I am the owner of the above said Property.
2.   That I intend to get Water / Sewer connection from Municipal Corporation / Council.
3.   That my House is above …………… years old and I have not raised any kind of construction thereon.
4.   That there is no water / sewer connection this house.
5.   That I intend to get this connection for domestic/commercial use.
6.   That my building plan has been sanctioned vide file No. ………………… dated …………………. by the Municipal Corporation / Council and that I have constructed and will construct in future as per sanctioned building plan.
7.   That no court case / dispute is pending with the Municipal Corporation / Council or with any other person is pending with respect to my this property or the construction thereon.
8.   That I would like to get the water taps / half inch ferrule size / Water Closets according to sanction granted and in case I intend to enhance the same, I would get like the sanction to the Municipal Corporation / Council.
9.   That I will pay the Water / Sewerage bills on time and in case of default the Municipal Corporation / Council can disconnect Water / Sewer Connection of this property and can proceed as per law at my expenses.
10.   That till my Water / Sewer connection is sanctioned I will not get these connections installed.
11.   That I will abide by the terms rules / conditions of the Municipal Corporation / Council

DEPONENT

Verification

I, the above Deponent verify that the contents of my above affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed therein.

DEPONENT

12.2.8.   Annexure 2I: Sanction of Sewerage Connection (Sample of Govt. of Punjab)

Annexure 2I

Department of Industries and Commerce, Punjab
Composite Application Form

APPLICATION FORM FOR SANCTION OF SEWERAGE CONNECTION

To

     The Sub-Divisional Engineer,
     Punjab Water Supply & Sewerage Board,

     _____

Subject: Application for sanction of Sewer Connection

Sir,

With due respect I _____ , S/o/ D/o/ W/o _____ ,
_____
State that I am already having a water connection with a/c no. _____ copy
of which is enclosed herewith. I need sewer connection at the address cited above for which
required affidavit is also enclosed, so request you to sanction me sewer connection at the
earliest.

<div align="right">

Thanking You.

Yours Faithfully,

</div>

<div align="right">

Signature_____
Name of Applicant_____
Address: _____

  _____
  _____

</div>

12.2.9. Annexure 2J: Approval for Forest Clearance (Sample of Govt. of Punjab)

Annexure 2J
Department of Industries and Commerce, Punjab
Composite Application Form

APPLICATION FOR SEEKING PRIOR APPROVAL UNDER SECTION 2 OF FOREST CONSERVATION ACT 1980 OF THE PROPOSALS BY THE STATE GOVT. AND OTHER AUTHORITIES

FORM-'A'
PART –I (to be filled up by user agency)

(1)   Project details :

    (i)   Short narrative of the proposal and   :
project/scheme for which the forest
land is required

        Map showing the required forest land,   :
boundary of adjoining forest on a
1:50,000 scale map.

    (ii)   Cost of the project.   :   Rs.

    (iii)   Justification for locating the project in   :
forest land.

    (iv)   Cost-benefit analysis(to be enclosed)   :

    (v)   Employment likely to be generated.   :

(2)   Purpose-wise breakup of the total land required   :

(3)   Detail of displacement of people due to the project, if any
    (i)   Number of families   =

    (ii)   Number of schedule Castes/Schedule tribe families   =

    (iii)   Rehabilitation plan (to be enclosed)   =

(4)   Whether clearance under Environment (Protection)Act,1986 required ?(Yes/No)

(5)   Undertaking to bear the cost of raising
and maintenance of compensatory afforestation
and /or penal compensatory afforestation as
well as cost for protection and regeneration of
Safety Zone, etc. as per the scheme prepared by
the State Govt.(undertaking to be enclosed).

(6)   Detail of certificate /documents enclosed as required under the instructions.

Date:
Place:..........................

Signature of user agency with seal

12.2.10. Annexure-2K: Sample NOC from Airport Authority of India

Annexure 2K

भारतीय विमानपत्तन प्राधिकरण
AIRPORTS AUTHORITY OF INDIA

_____ **AIRPORT**

**APPLICATION FOR NO OBJECTION CERTIFICATE (NOC) FOR CONSTRUCTION
OF BUILDING/STRUCTURES AROUND AIRPORTS.**

(Please see overleaf for guidelines for filling the application and the documents to be submitted)

1.	Name of the applicant	
2.	Name of the airport for which NOC pertains to	
3.	Address for communication	
4.	Details of the site 　a) Plot No./Survey No. 　b) Six digit Geo Coordinates of this site (in case of Mast/Chimney) and Six Digit Geo Coordinates of the perimeter of the site (in case of Building) with Reference Datum, i.e. Everest or WGS 84 　c) Village or Town/ Taluka District/ State	
5.	Type of structure proposed to be constructed (House/Factory/ Chimney/ Overhead Water tank etc.)	
6.	Location of the site (coordinates along with reference system used i.e. WGS 84 or Everest)	
7.	Elevation (reduced level) AMSL of the site	
8.	If the structure proposed is a factory, type of fuel proposed to be used in the furnace be given	
9.	Elevation (reduced level AMSL) of the highest point of the building/structure proposed	
10.	Ownership of the site (Strike out whichever is not applicable)	Self owned/leased/corporate body/ society/Govt.

Certified that the information given above is correct to the best of my knowledge. The required drawing/certificates/documents duly certified are enclosed.

Dated:-

Signature & Name of the
applicant or authorized signatory

भारतीय विमानपत्तन प्राधिकरण
AIRPORTS AUTHORITY OF INDIA

GUIDELINES FOR FILING THE APPLICATION FORM AND
THE DOCUMENTS TO BE SUBMITTED

The application completed in all respects should be submitted to the **IN-CHARGE OF THE AIRPORT, AIRPORTS AUTHORITY OF INDIA/Pvt. OPERATOR OF AIRPORT** for which the NOC pertains (Nearest airport).

The location plan of scale 1:8000 clearly highlighting the site of proposed structure with reference to the airport concerned and duly approved and authenticated by the municipal authorities/ Urban Development Authority/ any other authorized/ Govt./ State Govt. agency.

Architectural drawings of plan and elevation, including site plan with dimensions of the proposed structure or alterations indicating clearly the heights above the ground level/mean sea level.

A certificate authenticating the site elevation from the Municipal authorities/ corporation of the area or from the central/State PWD or MES or concerned district authorities.

The following undertakings are to be submitted in the prescribed proforma on a non-judicial stamp paper of Rs.10.

Undertaking for not installing any superstructures above the duly authenticated submitted drawing; not commencing construction on the proposed site before grant of NOC and for not making complaints/compensation demands against aircraft noise, vibrations, damages etc., due to aircraft operation at and in the vicinity of the airport. (Form-IA).

Undertaking for not causing smoke hazard, if the application is for industrial units/factory/chimneys (Form IB).

Under Sl. No.10 of the application form, if the site belongs to Airports Authority of India and leased the reference of AAI letter number to be indicated and a copy of the AAI's lease order enclose. If the site is leased from other parties, a copy of the lease agreement to be attached with the application.

If the application for NOC is for alternations/ modifications of existing structure, a copy of earlier NOC for original structure is to be enclosed.

The sectional and elevation drawings should include all installations planned above the structure such as radio/ televisions aerial/ mast, lightning arrester, vent pipes, overhead water tanks and attachments on superstructure of any description.

Zoning maps for some of the AAI airports are available and can be obtained on payment basis. Application form with all the above documents is to be submitted in quadruplet (One Original and Three Copies).

भारतीय विमानपत्तन प्राधिकरण
AIRPORTS AUTHORITY OF INDIA

FORM 1A

UNDERTAKING

I/We_____ the applicant(s) for the proposed
construction at _____ do hereby undertake:-

1. Not to commence the proposed construction before grant of NOC by Airports Authority of India.

2. Not to complaint/claim compensation against aircraft noise, vibrations, damages etc. to me/us or to the occupants of the proposed construction due to aircraft operations at or in the vicinity of the airport.

3. That no radio/television aerial, mast, lightning, arresters, vent pipes, overhead water tanks and attachments of any description will project on super structure, which are no indicated in the submitted drawings.

Signature of the applicant with date

Signature, Name and Address of witnesses:

1)

2)

Dated:

भारतीय विमानपत्तन प्राधिकरण
AIRPORTS AUTHORITY OF INDIA

FORM 1B

UNDERTAKING

(APPLICABLE TO INDUSTRIAL UNITS AND CHIMNEYS LOCATED WITHIN 8 KM OF AIRPORT)

I/We_____ the applicant(s)

do hereby undertake that I will use oil fired, electric furnace or any other type of

fuel in my factory/industrial unit that will not cause smoke hazards for the

proposed construction at _____

Signature of the applicant with date

Signature, Name and Address of witnesses:

1)

2)

Dated:

12.2.11.   Annexure 2L: Sample NOC from Ministry of Environment & Forests

Annexure 2L

APPLICATION FORM FOR OBTAINING NOC FROM MoEF (SCHEDULE – II)

(See Sub-para I(a) of Para 2 of The EIA Notification dt. 27.1.94)

I   A.   Name and address of the project proposed:

   B.   Location of the project
      Name of the Place:
      District, Tehsil:
      Latitude/Longitude:
      Nearest Airport/Railway Station

   C.   Site Selection

Alternate Sites examined	
Reason for selecting the proposed site	

   D.   Does the site conform to stipulated land use as per local land use plans:

II.   Objectives of the project :

III.   A.   Land Requirement :
         1.   Agricultural Land :
         2.   Forest Land and Density of vegetation :
         3.   Other (specify) :

    B.   1.   Land use in the catchment/within 10 kms. radius of the proposed site:
       2.   Topography of the proposed area indicating gradient, aspects and altitude:
       3.   Erodability classification of the proposed land:

    C.   Pollution sources existing within 10 km. radius and their impact on the quality
       of air, water and land:

    D.   Distance of the nearest Park/Sanctuary/Biosphere:,
       Reserve/Monuments/heritage site/Reserve Forest:

    E.   Rehabilitation plan for quarries/borrow areas :

    F.   Green belt plan:

    G.   Compensatory afforestation plan:

IV.   Climate and Air Quality:
    A.   Windrose at site

    B.   Max./Min./Mean annual temperature

C. Frequency of inversion

D. Frequency of cyclones/tornadoes/cloudburst:

E. Ambient air quality data:

F. Nature & concentration of emission of SPM, Gas, (CO,CO2,,No2,CHn etc.)
from project.

V. Water balance:
    A. Water balance at site:

    B. Lean season water availability

    C. Source to be tapped with Competing users
(River, Lake, Ground, Public Supply):

    D. Water quality

    E. Changes observed in quality and quantity
of ground water in the last 15 years and present
charging and extraction details:

    F. 1. Quantum of waste water to be released with treatment details:
        2. Quantum of quality of water in the receiving body before and after disposal
of waste:
        3. Quantum of waste water to be released on land and type of land:

    G. 1. Details of reservoir water quality with necessary Catchment Treatment Plan:
        2. Command Area Development Plan:

VI. Solid wastes:
    A. Nature and qua ntity of solid wastes generated:
    B. Solid waste disposal method:

VII. Noise and Vibrations:
    A. Sources of noise and vibrations:
    B. Ambient noise level:
    C. Noise and Vibration control measures
Proposed:
    D. Subsidence problem, if any, with
Control measures

VIII. Power requirement- indicating source of supply:
Complete environmental details to be furnished
Separately, if captive power unit proposed:

IX. Peak Labour force to be employed giving details of:

Endemic health problems in the area due to waste water/air/soil-borne disease	
Health care system existing and proposed	

X. A. Number of villages and population to be displaced:

    B.   Rehabilitation master plan:

XI Risk Assessment Report and Disaster Management Plan:

XII Reports prepared as per guidelines of MOEF issued from time to time:
    A.   Environmental Impact Assessment:

    B.   Environment Management Plan:

    C.   Detailed feasibility report:

    D.   Duly filled questio nnaire:

XIII. Details of Environmental Cell :

    I hereby give an undertaking hat the data and information given above are true to the best of my knowledge and belief and I am aware that any if any part of the data/information submitted is found to be false or misleading at any stage, the project be rejected and the clearance given, if any, to the project is likely to be revoked at our risk and cost:

<div align="right">

Signature of the applicant
With name and full address

</div>

Date:
Place :

<div align="right">

Given under the seal of
Organization on behalf of
Whom the applicant is signing

</div>

Note : In respect to item for which data are not required or is not available as per the declaration of the project proponent, the project would be considered on that basis.

12.2.12. Annexure 2M: Sample NOC from National Monument Authority

Annexure 2M

MINISTRY OF CULTURE
(Archeological Survey of India)

NOTIFICATION

रजिस्ट्री सं० डी० एल०-33004/99   REGD. NO. D.L.-33004/99

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 1852]   नई दिल्ली, बृहस्पतिवार, सितम्बर 9, 2010/भाद्र 18, 1932
No. 1852]   NEW DELHI, THURSDAY, SEPTEMBER 9, 2010/BHADRA 18, 1932

संस्कृति मंत्रालय

(भारतीय पुरातत्व सर्वेक्षण)

अधिसूचना

नई दिल्ली, 7 सितम्बर, 2010

का.आ. 2199(अ).— केन्द्रीय सरकार ने, भारत का राजपत्र असाधारण भाग II, खंड 3, उप-खंड (ii) दिनांक 1 जुलाई, 2008 में प्रकाशित भारत सरकार के संस्कृति मंत्रालय (भारतीय पुरातत्व सर्वेक्षण) की 1 जुलाई, 2008 की अधिसूचना सं० का० आ० 1601 (ई) द्वारा उक्त अधिसूचना के साथ संलग्न अनुसूची में विनिर्दिष्ट प्राचीन संस्मारक को राष्ट्रीय महत्व का घोषित करने के अपने आशय की दो मास की सूचना दी थी और उक्त अधिसूचना की एक प्रतिलिपि उक्त संस्मारक के निकट सहज दृश्य स्थान पर चिपका दी गई थी,

और उक्त राजपत्र की प्रतियाँ 21 जुलाई, 2008 को जनता को उपलब्ध करा दी गई थीं,

और केन्द्रीय सरकार द्वारा की गई इस घोषणा पर जनता से प्राप्त आपत्तियों का निपटारा कर दिया गया है.

अतः अब केन्द्रीय सरकार प्राचीन संस्मारक तथा पुरातत्वीय स्थल एवं अवशेष अधिनियम,1958 (958 का 24) की धारा 4 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्द्वारा संलग्न अनुसूची में विनिर्दिष्ट प्राचीन संस्मारक को राष्ट्रीय महत्व का घोषित करती है।

3536 GI/2010   (1)

अनुसूची

राज्य	जिला	तहसील	स्थान	स्मारक का नाम	संरक्षण में शामिल किये गये खसरा सं.	क्षेत्र		स्वामित्व	सीमाएं	अभ्युक्तियां
						कनाल	मरला			
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.
पंजाब	जालंधर	फिल्लौर	फिल्लौर	महाराजा रंजीत सिंह फोर्ट	37(पार्ट)	0	19	राज्य सरकार	उत्तर: खसरा सं. 61, 66(पार्ट), 67(पार्ट), 69 (पार्ट), 70 (पार्ट), सड़क	फोर्ट में पंजाब पुलिस एकेडमी कार्यरत है।
					38/2(पार्ट)	1	08			
					64(पार्ट)	0	08			
					65(पार्ट)	7	05			
					66(पार्ट)	5	06		पूर्व: खसरा सं. 69(पार्ट), 78(पार्ट), 80, 81 (पार्ट), 87(पार्ट),	
					67(पार्ट)	0	14			
					69(पार्ट)	0	12			
					70(पार्ट)	6	11			
					71	8	00		दक्षिण: खसरा सं. 83 (पार्ट), 84(पार्ट),	
					72	8	00			
					73(पार्ट)	6	10			
					74	8	00			
					75	8	00			
					76	8	00			
					77	8	00			

			78(पार्ट)	1	04	85(पार्ट),
			81(पार्ट)	5	05	86(पार्ट), और
			82	8	00	सड़क
			83(पार्ट)	7	00	पश्चिम: खसरा
			84(पार्ट)	2	12	सं. 37(पार्ट),
			85(पार्ट)	0	09	38/2(पार्ट), 64
			86(पार्ट)	4	14	(पार्ट), 65(पार्ट),
			87(पार्ट)	1	14	73 (पार्ट), और
						सड़क
				108	11	

[फा. सं. 2/18/2002-एन]

गौतम सेनगुप्ता, महानिदेशक

[भाग II—खण्ड 3(ii)]   भारत का राजपत्र : असाधारण   5

MINISTRY OF CULTURE
(Archaeological Survey of India)
NOTIFICATION
New Delhi, the 7th September, 2010

S.O. 2198(E).— Whereas by the notification of the Government of India in the Department of Culture (Archaeological Survey of India) number S.O. 1601 (E) dated 1st July, 2008 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub - Section (ii) dated the 1st July, 2008, the Central Government gave two months notice of its intention to declare the ancient monument specified in the Schedule to the said notification to be of national importance and a copy of the notification was affixed in a conspicuous place near the said ancient monument;

And whereas the said Gazette was made available to the public on 21.7. 2008.

And whereas the objections received have been duly considered and disposed by the Central Government.

Now, therefore, in exercise of the powers conferred by Sub – Section (3) of Section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby declares the ancient monument specified in the Schedule annexed hereto, to be of nation importance.

3536 90/10 - 2

SCHEDULE

State	District	Tehsil	Locality	Name of the Monument	Khasra Nos included in the protection	Area		Ownership	Boundaries	Remarks
						Kanal	Marla			
1	2	3	4	5	6	7	8	9	10	11
Punjab	Jalandhar	Philaur	Philaur	Maharaja Ranjit Singh Fort	37 (Pt.)	0	19	State Government	North: K.N. 63,66 (Pt.),67 (Pt.),69 (Pt.), 70 (Pt.), Road	Punjab Police Academy is functioning in the Fort.
					38/2 (Pt.)	1	08			
					64 (Pt.)	0	08		East : K.N. 68 (Pt.), 78 (Pt.), 80,. 81 (Pt.), 87 (Pt.)	
					65 (Pt.)	7	05			
					66 (Pt.)	5	06		South: K.N. 83 (Pt.), 84 (Pt.), 85 (Pt.), 86 (Pt.) and Road	
					67 (Pt.)	0	14			
					69 (Pt.)	0	12		West: K.N. 37 (Pt.), 38/2 (Pt.), 64 (Pt.), 65 (Pt.), 73 (Pt.) and Road	
					70 (Pt.)	6	11			
					71	8	00			
					72	8	00			
					73 (Pt.)	6	10			
					74	8	00			
					75	8	00			
					76	8	00			
					77	8	00			
					78 (Pt.)	1	04			
					81 (Pt.)	5	05			
					82	8	00			

THE GAZETTE OF INDIA : EXTRAORDINARY   [Part II—Sec. 3(ii)]

						83 (Pt.)	7	00			
						84 (Pt.)	2	12			
						85 (Pt.)	0	09			
						86 (Pt.)	4	14			
						87 (Pt.)	1	14			
						Total	108	11			

[F. No. 2/18/2002-M]

GAUTAM SENGUPTA, Director General

12.2.13. Annexure 2N: Application for permission to occupy/ submission of completion drawings (Sample of HUDA)

Annexure 2N: Haryana Urban Development Authority

FORM BRS-III-A
[See regulation 11-M]

**For Residential buildings and Commercial buildings governed by
Architecture control (up to 3 storeys or less than 11 metres height)**

Application for permission to occupy/ submission of completion drawings.

From

…………………………..

………………………….

To

The Estate Officer,
Haryana Urban Development Authority,
………………………………………..

Sir,

I/We hereby give you notice that the building/a part of building described below has been completed on …………………..in all respects according to the completion plans/drawings submitted herewith and the structural design made for the same.

Description of building

1. Plot No………………………Sector……………………
   Urban Estate……………………….City………………
   Name of the owner Shri/Smt…………………………...
   Full address of the owner……………………………

2. The modifications made to the building plans and carried out at site during the course of construction are shown in the completion drawings and are as per Haryana Urban Development Authority bye-laws/norms.

3. Corresponding to the above modifications made in the building plans, necessary amendments were also carried out in the structural design and implemented at site.

4. Kindly issue an occupation certificate as required by Regulation…………of the Haryana Urban Development Authority (Erection of Buildings) Regulations,1979.

5. Self assessment of compoundable items along with demand
   draft of calculated amount is enclosed.

6. I/We take responsibility for the quality and safety of the structure and construction carried out at site.

7. It is further certified that no provision of Haryana Urban Development Authority (Erection of Buildings) Regulations, 1979, as amended from time to time (including allowable compounding items) has been violated.

8.   All debris and rubbish have been cleared from the site.

9.   Photographs of front, rear, side set backs, front and rear elevation of the building along with photographs of cut outs, shafts from roof top are also submitted. Compact disc containing all photographs is also enclosed. No. of photographs …………..

10.   Necessary affidavit as per Annexure D of the set of forms is enclosed.

11.   Necessary certificate of supervision of Architect in form BRS-IV-A is enclosed.

12.   Necessary certificate of Plumber in form BRS-IX

13.   Certificate of contractor in form BRS-VIII (wherever one has been appointed)

Signature of Applicant.

It is certified that the completion plans along with structural design being submitted are in accordance with the provisions of Haryana Urban Development Authority (Erection of Buildings) Regulations, 1979, as amended from time to time. Further, conditions stated above at serial nos. 1,2,3,5,7 and 9 are true and correct.

Signature of Architect supervising the construction at site.

12.3. Annexure 3: Examples of Single Window Online Portals

12.3.1. Annexure 3A: Department of Industries & Commerce, Punjab

http://pbindustries.gov.in/swicp/caf/frmhowtoapplyonline.aspx

Single Window Industrial Clearance Portal
Department of Industries & Commerce, Punjab

Login | Site Map | Feedback | Contact Us | Apply Online

Home | Industry Guide | Process | Time Lines | Fee Structure | Application Forms | Help

IMPORTANT LINKS
- Industrial Clearances Covered
- Procedure to Apply Online
- Apply Online
- How to Establish an Industry in Punjab?
- Frequently Asked Questions
- Download CAF Forms and Guidelines
- Industrial Policy 2009
- Useful Government Websites
- Department User Login

HELP DESK
Udyog Sahayak
Industrial Facilitation Cell,
Udyog Bhavan, Sector 17,
Chandigarh
24 X 7 Support
Toll Free Number: 1800-1802-469
How to Reach | More Contacts...

Procedure for Applying Online Composite Application Form

It is the constant endeavor of the Udyog Sahayak, Industrial Facilitation Cell, Department of Industries & Commerce, Punjab to provide better facilities to the Industry in Punjab for speedy delivery of services. This Single Window Industrial Clearance Portal is one of the steps in this direction.

General Steps for Online Submission of Composite Application Form are as under:

1. Know about the Clearances you have to take for your unit and prepare a Checklist. For this, you should go through Industry Guide provided on this portal.
2. Know about the Clearance Authorities – Govt. Deptt/Board/Corporation/Committee. For this, you should go through Industry Guide and Timelines provided on this portal.
3. Once you are clear about the clearances required, read guidelines of the respective clearance carefully to know which forms & documents are required to submit to get the clearance.
4. Read the Common Information Sheet of CAF and Application Forms of all clearances you have to apply for. Here you will come to know what all information you have to provide.
5. Create either a consolidated or clearance-wise checklist of documents/proofs you have to enclose with the application and then create a softcopy of each of them. You can upload only Portable Document Format (PDF) documents not exceeding 2MB in size.
6. If you have gathered most of the information required for applying online for clearances, next step for you is to create an account on this portal for online submission of CAF and tracking its status. See Steps for Entrepreneur Registration
7. Once you are a registered member of this portal, Login to this portal with your user Id and password.
8. Do Fill Common Information Sheet of CAF.
9. Do Fill Application Form of every clearance required.
10. Do fill CAF Processing & Clearance(s) Fee Details Sheet.
11. Verify the Common Information Sheet, Application Forms Fee Details Sheet. If there is any mistake, correct it at the stage of undertaking, since after undertaking you won't be able to make further change in the information you have provided in your CAF application.
12. Once you have verified all the information to the best and belief of your knowledge, complete your undertaking for the final submission of CAF to make it online available to Nodal Agency & other concerned approval authorities.
13. Submit CAF Processing Fee, and any other clearance specific fee if applicable at **Udyog Sahayak, Monitoring & Controlling Agency for CAF, Chandigarh.** See Contact Us and How to Reach, and also Consolidated Fee Structure
14. Keep visiting this portal for tracking latest status of your application. You will also get email alert on your email id you provide to us. Moreover, Authority may ask you to provide additional information or any clarification, if required.

You can download Procedure from here

12.3.2. Annexure 3B: Maharashtra Industrial Development Corporation

https://services.midcindia.org/Services/AllServicesAnon.aspx

List of services provided by MIDC Single Window Clearance Service

Single Window Clearance

NON-MIDC SERVICES

Directorate of Industries - Services

Labour Department- Services

Registration Under Payment of Wages Act, 1936	The Payment of Wages Act, 1936
Registration under the Minimum Wages Act, 1948	The Minimum Wages Act, 1948
Registration under the Payment of Bonus Act, 1965	The Payment of Bonus Act, 1965
Registration under the Payment of Gratuity Act, 1972	The Payment of Gratuity Act, 1972

Airport Authority of India - Services

Clearance from airport authority - Form 1A	Clearance from airport authority - Form 1A
Clearance from airport authority - Form 1B	Clearance from airport authority - Form 1B

Public Works Department - Services

Approval from Chief Electrical Inspector	Approval from Chief Electrical Inspector

Ministry of Corporate Affairs - Services

Food and Drug Administration - Services

Maharashtra Coastal Zone Management Authority - Services

CRZ Approval - Proposal Affected by CRZ (MCGM)	CRZ Approval - Proposal Affected by CRZ (MCGM)
CRZ Approval - Proposal Affected by CRZ (Other than Municipal Corporation)	CRZ Approval - Proposal Affected by CRZ (Other than Municipal Corporation)
CRZ Approval - Proposal Affected by CRZ (Corporations other than MCGM)	CRZ Approval - Proposal Affected by CRZ (Corporations) other than MCGM

Directorate General of Foreign Trade - Services

Maharashtra State Electricity Distribution Company Limited - Services

Sanction of Permanent Power	Sanction of Permanent Power

Income Tax Department - Services

Department of Sales Tax - Services

Industrial Safety & Healthy Directorate - Services

Boiler Inspectorate - Service

Municipal Corporation of Greater Mumbai - Services

Permission from Building & Factories Department	Construction drawing plan approval
Permission from Superintendent of Garden & Trees	Permission from Superintendent of Garden & Trees
Permission from Maintenance Department	Permission from Maintenance Department
NOC from Electric Department (both pre/post completion)	NOC from Electric Department (both pre/post completion)
Permission from Water Works Department	Permission from Water Works Department
NOC from Fire Department	NOC from Fire Department

Central Board of Excise & Customs - Services

Employee Welfare - Services

Weights and Measures - Services

Bureau of Indian Standards - Services

Maharashtra Pollution Control Board - Services

Application for obtaining authorization for Collection/ Reception/ Treatment/ Transport/ Storage/ Disposal of Hazardous Waste	Application for obtaining authorization for Collection/ Reception/ Treatment/ Transport/ Storage/ Disposal of Hazardous Waste
Application for Authorisation/ Renewal of Authorisation under Bio-Medical Waste Management and Handling) Rule, 1998	Application for Authorisation/ Renewal of Authorisation under Bio-Medical Waste Management and Handling) Rule, 1998
Application for Consent Authorisation	Application form for Application for Consent Authorisation

Petroleum and Explosives Safety Organization - Services

Note:
- Forms under processing or in Draft mode will not be visible under respective service.

User Manual of MIDC Single Window Clearance Service

**MIDC Single Window
Clearance Service**
User Manual

Table of Contents

Change History:

Version	Note	Created By/ Date
V1.0	User Manual Created	Microsoft / 21-03-2010

Introduction

The Single Window Service launched by MIDC provides a single window view for the approvals and clearances from MIDC required by the MIDC customers.

The services currently offered through the portal are as follows:

Department	Service
Engineering	Application for No Dues Certificate
Engineering	Application for Construction of Temporary Structure / Monsoon Shed
Fire	Application for Provisional Fire Approval (Before Plan Approval from SPA)
Fire	Application for Final Fire Approval
Land	Application for Predetermined Lease
Land	Application for grant of Extension of Time Limit for obtaining BCC
Land	Application for Transfer of Plot / Change in name of the Company / Transfer through F.I./ D.R.T./Amalgamation -Demergers as per High Court Orders / Transfer in favour of Legal Hairs because of Death of Original Allottee
Land	Application for Grant of Permission for Amalgamation /Waiver of Marginal Distance
Land	Application for Grant of Permission of Sub Division of Plot
Land	Application for Grant of Permission for Change in Activity
Land	Application for Grant of Permission for Change in Land Use
Land	Application for Grant of Permission for Subletting
Land	Application for Grant of Permission for Mortgage Consent
Land	Application for Grant of Permission for Surrender of Plot & Refund
SPA	Application for Grant of MIDC Water Supply Connection
Technical Advisor	Application for locational NOC for new plot and expansion, change in activity etc.
Technical Advisor	Form of Application for Registration of IT Hardware unit to be made to the Registering Agency
Technical Advisor	Form of Application for Letter of Intent for IT Hardware unit to be made to the Registering Agency
Technical Advisor	Form of Application for Registration for IT Software / IT enabled / IT services units to be made to the Registering Agency.
Technical Advisor	Form of Application for Letter of Intent unit to be made to the Registering Agency.

Using the portal, the customer can avail the above services online thus significantly reducing the need for the customer to visit MIDC offices for the same. To avail any of the above services, the customer needs to register his / her plot on the portal once and then apply for various services against the registered plot. The application for a service is referred as "Submission" in this document.

The interface for Single Window Clearance Portal is divided into 2 parts:

1. Customer Login: For customers
2. MIDC Staff Login: For MIDC users to approve/ reject/ take action on submissions made by customer

Authorised MIDC users using the portal are expected to perform the following tasks through the portal:

1. Approve Plot Registration
2. On receipt of physical documents sent by the customer, mark them as received against the appropriate submission
3. In case of queries related to the submission, write a query to the customer using the portal against the appropriate submission
4. Review the responses sent by the customer to the queries raised by MIDC authority against the appropriate submission through the portal
5. Approval or Reject the submissions related to the above services

At every stage of the above process, email notifications are sent to the specified email addresses of the customer and MIDC authority

Landing Page

You can reach the Single Window Clearance Portal landing page once you click on 'Single Window Clearance Service' hyperlink on the top most right corner on MIDC portal (www.midcindia.org), or type in the url- www.services.midcindia.org/services in the address bar of your browser.

You have various options to choose from on this page. You can perform the following operation on this page:

1. Register as new user (customer)
2. Go to Customer Login (Registered Users)
3. Apply for- Land Online (Online Land Application)
4. MIDC Staff Login

Single Window Clearance MIDC User Manual   Page 5 of 15

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This is the home page of the Single Window Clearance Portal for MIDC Staff.

1. By default, you can view the statistics of the submissions made to your desk. As you can see, the different statuses- 'Received', 'Physical Documents Received', 'Approved', 'Rejected' display count of submissions under each of them.

2. On the topmost right corner, Logged in user information is displayed all the time.

3. Next to it is a 'Log Out'. You can click on this link to log out of the portal

4. Below it is a drop down, which shows the current selected desk of the logged in user. The drop down contains a list of desks to which the logged in user is mapped to.

5. Below it, you see a Search option. Enter any of the following search criterias and you can search a submission and its detailed information.
   a. Tracking Id.
   b. Mobile Number.
   c. Modified By.
   d. Plot Number.
   e. Submission Id(if possible).
   f. Company Name.

6. There are two filters available on the screen. Namely- Year and Month. Select the appropriate year and month to filter the statistics.

Filter - Year: 2010 Month: March

Submissions

On the Submissions tab, you can see the list of all the submissions made against the desk. In addition, you have filters to refine this list based on - Year, Month, Status, Industrial Area.

Filter - Year 2010 Month March Status All Industrial Area T T C

Changing and setting the filters will change the count of the records available.

Submission Details

To view details of the submission, select a submission, by clicking on the 'Tracking Id'.

| 1 | SWC891ret2010157993 | Datamatics Global services Ltd. | Tarapur Industrial Area dai-123 | Application for Grant of Permission for Surrender of Plot & Refund [Annexure 10] | 17/03/2010 | Submitted |

You will be navigated to another screen showing the detailed information about the submission.

Submission Detailed Information

Plot Registration

Maharashtra Industrial Development Corporation

This tab provides the detailed information about the plot registration.

Plot Documents

This tab provides a detailed list of documents uploaded by the customer with the Common Application Form. You can click on the Document and it will automatically be downloaded.

Note: It is not mandatory for the customer to upload soft copy of the above documents. However, the customer may do so; so that MIDC authorities can review the documents prior to the physical documents are received.

Request for Submission

This tab displays the information entered by the customer in the clearance/ submission applied for.

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Documents

This tab displays a list of physical documents that are to be submitted by the Customer along with the application. The customer may upload soft copies of these documents as well. In that case, the download link under the 'Download' column will appear. You can click and download the respective document.

Note: It is not mandatory for the customer to upload soft copy of the above documents. However, the customer may do so; so that MIDC authorities can review the documents prior to the physical documents are received.

Processing

The "Processing" tab consists of sub-tabs which will take you to pages where MIDC authorities can process the applications received.

Received Documents

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This tab is for changing the status of the submission. Once MIDC authority receives the documents submitted by the customer, the user needs to check the 'All documents received' checkbox, select date on which the documents were received, and click the update button to change the status to 'Documents Received. Email is sent to the user once the status is changed. Once updated the screen looks like the one below.

Note: This screen is to be used only when you receive documents related to the selected submission. Once the status of the received document is updated, it cannot be undone.

Queries

If there are any queries against the customer submission, the MIDC authority can send a query to the customer using the "New Query" button. An email notification will be sent to the customer containing the query details.

a. If you want to post a new query, select the 'New Query' option.

Enter your Query in the space provided. Click 'Send Query', and a query will be posted against the submission. An email is fired in the backend to the customer informing about the 'Query posting' event.

b. If you want to update the query:

Select the query and the screen will appear as below.

Select 'Edit Query' and you will have an interface as section 'a' above. Once updated, email will be sent to the customer informing about the change/ update in the query.
Customer response to the MIDC query will appear in the "Customer Reply" column.

Approve / Reject

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You can 'Approve' or 'Reject' the submission using the 'Approve' or 'Reject' buttons. This will change the status of the submission to 'Approved' or 'Rejected'. Email notification will be sent to the customer informing about the change in status.

Approval Documents

| | Received Documents | Queries | Approve/ Reject | Approval Documents |

No Approval documents available for current submission.

Once the status of the submission is changed to 'Approved', MIDC may upload the scanned copy of the approval documents e.g. NOC in this section. This will allow the customer to download these documents directly from the portal.