



BRUHAT BANGALORE MAHANAGARA PALIKE

DO NO. BMP/COMMR/ /07-08

K. JAIRAJ, I.A.S.
COMMISSIONER

14.5.2007

Dear Sir,

Sub: Publishing of Standard Procedure for investing into citizens complaints against building bye-laws.

Ref: Order of the Karnataka Information Commission in case No. KIC 163 APL 2006 dated 23-02-2007 and 18-4-2007

This has reference to the proceedings of the Commission and orders passed in KIC 163 APL 2006 dated 23-02-2007.

BBMP has since evolved Standard Procedures for citizens complaints against violation of building bye-laws and complaints against occupying buildings without Occupancy Certificate. A copy of the Standard procedures formulated is enclosed. This has been done after extensive deliberations at all quarters and levels and will be enforced in BBMP.

This has also been conveyed to the Commission vide letter of the Joint Director of Town Planning dated 4-5-2007. (Copy enclosed).

With regards

Yours sincerely

Sd/-
(K. JAIRAJ)

Shri K.K.Misra, IAS(Rtd)
State Chief Information Commissioner
Karnataka Information Commission
BANGALORE.

✓ Copy to Shri K.A.Thippeswamy, State Information Commissioner for information.

(K. JAIRAJ)

STANDARD PROCEDURE FOR INVESTIGATING CITIZENS COMPLAINTS AGAINST VIOLATION OF BUILDING BYE -LAWS AND COMPLAINTS AGAINST OCCUPYING THE BUILDING WITHOUT OBTAINING OCCUPANCY CERTIFICATE.

To make BBMP more people friendly as well as to have more effective enforcement towards Building Bye-laws violations and to make investigation of these complaint more transparent, the following standard procedure for investigating citizens complaints against violation of Building Bye-laws is framed.

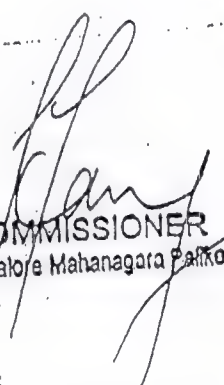
1. Citizens can lodge their complaints against violation of building bye-laws in any one of the following offices -

<u>Office</u>	<u>To Whom to Address</u>
i) BBMP Citizen Service Centers -	A.R.O.
ii) BBMP Headquarters Office -	Commissioner
iii) Zonal Offices -	Joint Commissioner
iv) J.D.T.P. Office-	J.D.T.P.
v) Zonal Chief Engineer Office -	Chief Engineer
vi) Divisional Executive Engineer Office-	Executive Engineer
vii) Sub-division Office-	Asst. Executive Engineer

2. All the above BBMP offices will designate one officer / staff from their establishment to receive these complaints from the citizens.
3. The Complainant shall furnish an affidavit supporting allegations made by him against violation of building byelaws, the name and address of the violator, the location of the building, any additional information if any.
4. Complaints without proper details will not be accepted or enquired into.
5. In each of the complaint receiving office a separate register shall be maintained exclusively for registering these complaints.
6. The concerned receiving office shall enter the details in the complaint register as soon as he receives the complaint. Date and time of receipt of the complaint will be stamped on each at the complaint so received.
7. All complaints received in any of the above officers shall be sent to the concerned jurisdictional ABE for necessary action.

8. The concerned AEE shall inspect the building to ascertain whether there are any deviations / violations from the sanctioned plan or building bye laws as stated in the complaint.
9. If the AEE notices any deviations/violations, he shall mention these in his inspection report specifically along with measurements and digital photos supporting the status of the violation as on that particular day. Further he should prepare a record of inspection. (mahazar) along with signatures of the witnesses.
10. The AEE should mark the deviated / violated portions on the sanctioned plan including use of the building fully or partly. (For eg:- conversion of parking space (cellar) into commercial purposes, and also conversion of residential to commercial use without obtaining change of land use from BDA) and issue notice under the relevant sections of the KMC Act 1976 and Building Bye-laws of the BBMP to the owner/licensee of the building.
11. If the owner of the building does not set right the deviated /violated portions of the building within the prescribed time limit, or if the owner or builder fails to show cause to the satisfaction of the authority the authority may take further necessary action under the relevant sections of the KMC Act 1976 and Building Bye-laws of the BBMP.
12. In case of complaints against occupying the buildings without obtaining Occupancy Certificate as required under KMC Act, 1976 and Building Bye-laws of the BBMP, the Asst. Executive Engineer with his remarks will forward the same immediately to the JDTP office for taking further necessary action.
13. The AEE shall take all precautionary measures including filing of caveat to ensure that the orders under KMC Act 1976 and Building Bye-laws of the BBMP are executed in time.
14. A compliance report shall be submitted by the AEE to the Zonal Chief Engineers and to the office from where the complaint is sent and also a reply shall be sent to the complainant by certificate of posting immediately about the action taken .
15. Zonal Chief Engineers will maintain in their office status of all such complaints received in various AEE offices in the zone. Every month they will review at least once all such cases and will ensure that all pending cases are enquired into without delay.
16. The AEE should enter in the complaint register about the compliance of the complaint and then only close the issue.
17. The concerned officer in which office the complaint was originally received shall satisfy himself of proper action taken and shall enter about the compliance in the complaint register and close the case.

18. In case of those complaints which are regarding the buildings which are occupied without obtaining Occupancy Certificate, in the J.D.T.P. Office at the Head Quarters, a separate register shall be maintained for registering these complaints.
19. In those cases of complaints against occupying the building without obtaining Occupancy Certificate directly being received at JDTP office, they will be directly attended by the office of the JDTP and will not be sent to the jurisdiction AEE. In all other cases complaints being received at other offices, shall go through jurisdictional AEE for enquiry who with his remarks shall send the same to the office of JDTP for further necessary action.
20. The JDTP / the Delegated Authority shall inspect the building to ascertain whether the building is occupied without obtaining the necessary Occupancy Certificate, as per relevant Section of the KMC Act 1976 and also BM Building Bye-laws.
21. Occupancy Certificate is required as per present regulations for buildings with Ground + two upper floors and having 5 units and above in case of residential buildings. In case of non-residential buildings more than 300 sqms of built up area and all buildings which are having Ground + three and more upper floors.
22. If the J.D.T.P. / the Delegated Authority confirms that the building is occupied without obtaining Occupancy Certificate he shall serve a notice to the owner of the building/licensee intimating about the requirement of law for obtaining Occupancy Certificate. The building without Occupancy Certificate will be required to be vacated by the owner / licensee till Occupancy Certificate is obtained.
23. If, in spite of service of notice the person concerned does not vacate and apply for Occupancy Certificate within seven days from the date of receipt of notice, then action as under relevant sections of the KMC Act and BBMP Building Bye-laws will be initiated.
24. Further all the buildings which are occupied without taking Occupancy Certificate will be treated as dangerous structures within the preview of relevant Section of the KMC Act 1976 and Building Bye-laws of the BBMP.
25. Until and unless the owner of the building obtains Occupancy Certificate from the BBMP the owner of the building shall not occupy or allow any other person to occupy the building or a part of the building for any purpose whatsoever.
26. All the compliance in those cases of complaints against occupying the buildings without obtaining Occupancy Certificate will be maintained by the office of JDTP.


 COMMISSIONER
 Bangalore Mahanagara Palike