

GOVERNMENT OF SIKKIM
URBAN DEVELOPMENT AND HOUSING DEPARTMENT
GANGTOK

Notification No. 29(202)UD&HD/90/295

Dated: 19th March 1991.

THE SIKKIM BUILDING CONSTRUCTION REGULATIONS, 1991
(As amended by the Sikkim Building Construction (Amendment) Regulations, 2000)

In exercise of the powers conferred by sub-section (2) of Section 7 of the Sikkim Allotment of House Sites and Construction of Building (Regulation and Control) Act, 1995 Act No. 11 of 1985, the State Government hereby makes the following regulations regulating construction, alteration and repairs of buildings within Sikkim, as follows, namely:

1. ***Short title extent and commencement:***

- (1) These Regulations may be called the Sikkim Building Construction Regulations, 1991.
- (2) They shall extend to all the notified areas in Sikkim.
- (3) They shall come into force at once.

2. ***Application:***

These regulations shall also apply to construction or alteration or repair of buildings undertaken by the State or the Central Government or private parties, Semi-Government Department except the Defense Department.

3. ***(1) Definitions:***

In these regulations, unless the context otherwise requires:

- (a) "Act" means the Sikkim Allotment of House Sites and Construction of building (Regulation and Control) Act, 1985.
- (b) "Master Plan" means the master plan approved and notified by the State Government under Section 3 of the Act.
- (c) "Site Plan" means the plan defined in regulation 5.
- (d) "Blue Print Plan" means the plan defined in regulation 6.
- (e) "Permissible covered area" means the actual construction area within the allotted / private building site.
- (f) "demarcation of site" means fixing of the boundaries of the Government allotted sites or private land / the approved Blue Print Plan as it stood before any excavation is undertaken inclusive of any additional area allotted as the case may be;
- (g) "Construction Order", means the permission to start the excavation for the purpose of site leveling for construction of the building after approval of Blue Print Plan and demarcation.
- (h) "Unauthorized Construction" means any structure constructed for the purpose of house, outhouse, stable, cowshed, pig sty, privy, urinal or any other type of shed or side wall and include a protective wall, fence of any type etc. in any Government or private land within the notified area or road reserve without permission from the Urban Development and Housing Department;

- (2) Any other expression not defined in these regulations but defined in the Act shall have the meaning as defined in the Act.

Part - I

Construction of building and execution of works

4. Application for construction or reconstruction etc.

(1) Every person, who intends to construct building or execute any of the works in connection therewith, including an alteration of addition or repair other than repairs mentioned in regulation 24 to an existing building, shall apply in writing to the Secretary, Urban Development & Housing Department, Government of Sikkim, in Form I and II appended to these regulations and such application shall be accompanied by *building blue print plan* and *site plan* in *six copies*, Khatiyani/Land Registration papers/Attested copies thereof in quadruplicate drawn or prepared according to the provision of these regulations. Site plan may be ordinary print on Ferro paper or azolite or amonia.

(2) The application shall be signed by the owner/owners. In case, the ownership is found to be defective any stage or time the approval accorded under regulation 9 shall stand automatically revoked and the structure/work/building constructed shall be considered as without proper approval and shall be dealt with accordingly.

5. Site Plan:

The site plan referred to in regulation 3 shall be drawn to a scale of not less than $1/16^{\text{th}}$ of an inch to the foot ($1\ddot{o}=16\phi$) for site upto 1800 sq. feet in area, to scale of not less than $1/32^{\text{nd}}$ of an inch to the foot ($1\ddot{o}=32\phi$) for sites over 1800 sq. feet but not exceeding 2 acres in area and to a scale of not less than $1/64^{\text{th}}$ of an inch to the foot ($1\ddot{o}=64\phi$) for sites over 22 acres in area and shall show:

- (a) Boundaries of the site as per ownership documents.
- (b) the direction of geographic North relative to the plan of the buildings.
- (c) all existing buildings or structures on or around or under the sites of projecting beyond it upto 100ft.from the boundary.
- (d) the name of the street in which the building is proposed to be situated if any and from which it shall have main access.
- (e) the width of the street (if any) in front and of the street (if any) on any side or rear of the building.
- (f) position of sewer line, water main pipe line, electricity line both overhead and underground telephone line, if any.

6. Blue Print Plan

The plans, elevations and sections of the building accompanying the application shall be accurately drawn to a scale of $1/8^{\text{th}}$ of an inch to a foot ($1\ddot{o}=8\phi$) for sites upto 2700 sq.feet in area and to a scale of $1/16^{\text{th}}$ of an inch to a foot ($1\ddot{o}=16\phi$) for sites over 2700 sq.feet in area.

- (i) **2. The plans shall include;**
 - a) Floor plans of all floors together with the details of covered area, accessory buildings, and basement plan indicating clearly the sizes of rooms, external dimensions, schedule of doors and windows etc.
 - b) exact location of essential services e.g. water, closet, kitchen, bath, overhead tank and the like;
 - c) Sectional drawings showing clearly the size of footing, thickness of basement walls, roof slabs and all floor and slabs, wall construction,

heights and parapet heights with their materials and including the drainage including connection to main outlet and the slopes of the roof taking at least one section through the staircase, basic structural details showing typical reinforcement layouts and sizes of main structural members including retaining walls etc;

- d) indication of the geographic north;
- e) sanitary/plumbing layout W.R.T. disposal systems for waste/soil, water supply/storage of drinking water, drainage system, plan and sections of water supply service connection and sewerage disposal system/septic tank and soak pit. Only one external water supply connection shall be permitted for one building.
- f) two basic elevations (front and side) showing the placement of windows and doors, chajjas and any elevational features that will be incorporated into the construction,
- g) *clearance of all or any of the Defense, Border Roads, Public works, Forest, Public Health Engineering, Power Departments or Organizations or private parties etc. if the allotted site falls in the proximity of their establishment or has any Departmental utilities or conveniences or infrastructure, etc. within below or above the ground or on the periphery of the site which has the possibility of being affected while undertaking the construction.*

3. Further:

- a) for public buildings, parking spaces for light vehicles as the rate of 1 parking space for every 15 persons working/utilizing/living in the building premises.
- b) all electrification work shall be of standard specification and on completion shall be inspected by the Engineers of the Power Department prior to connecting supply from the main Line. Proper earthing, lightening arrestors and conductors shall be provided as per the standard specification.
- c) All windows shall be provided with proper protection against rains in form of chajja.
- d) Building/houses in the location where there is an inter-section of roads or curve shall maintain a distance of not less than half the width of the road from the edge of the road.
- e) All necessary insulation/precaution against fire out-break should be provided.
- f) minimum of 25 per cent of the roof shall be constructed in sloped gabled or traditional roofing in G.C. I., P.G.I., or R.C.C. with rain water gutter along the eaves. The eaves projection shall not overhang any public spaces or encroach into adjoining plots.

7. BLUE PRINT PLAN TO BE PREPARED BY QUALIFIED ARCHITECTS OR CIVIL ENGINEERS:

No building plan shall be prepared by any Architect or Civil Engineer of the Urban Development and Housing Department. All such plans shall be prepared and signed by recognized, qualified and licensed private Architects or Civil Engineers empanelled with the Urban Development and Housing Department, Government of Sikkim, whose addresses also should be given

invariably in the Blue Print Plan. No Blue Print Plan prepared by the Engineer or Architect of the Urban Development and Housing Department, shall be accepted for approval.

8. Colouring of the Plan:

The colours permissible to be used in the plans shall be as indicated in the following table:

Item	Site Plan	Building Plan
Proposed Work.	Yellow	Yellow.
Drainage and sewerage work.	Yellow dotted	Yellow dotted.
Water Supply	Black dotted	Black dotted.
Work proposed to be dismantled.	Yellow hatched.	Yellow hatched.
Open spaces	No colour.	-
Plot line.	Thick black	-
Building Lines	Black	-
Existing street	Dark Blue	-
Future street; if any.	Blue dotted	-
Work to be regularised or deviation made	Blue hatched.	Blue line.

9. Order on the application:

(i) *The decision of the UD & H. Department on the application referred to in regulation 4 shall be communicated to the applicant in writing in Form III or IV appended to these regulations, as the case may be, within 120 days of the receipt of application and two set of drawings and specifications duly endorsed shall be returned to the applicant provided all information required to deal with the building plans has been fully and properly furnished by the applicant. In the absence of any such information the application shall not be considered as complete and legally valid and the applicant will be called upon within the period mentioned above to furnish the required information. The decision of the UD & H. Department will be communicated to the applicant, thereafter.*

(ii) Notwithstanding anything contained in this regulation, no proposal of construction of building work shall be entertained/approved if the same is in contravention of the Master Plan, or any other proposal project, law, rule, Act or scheme of the State Government.

10. Notice of commencement of building or alteration or repair work obtaining approval

Every applicant who has obtained the necessary approval for construction of building or alteration or repair work shall before commencement of the said construction or repair, inform the Urban Development and Housing Department as in Form V appended to these regulations.

11. NO CONSTRUCTION TO START BEFORE APPROVAL OF LAYOUT BY THE DEPARTMENT

(1) *No construction on whatsoever, like raising of columns, laying of foundation etc. shall be undertaken without the inspection and clearance by the concerned office of the Urban Development and Housing Department. The officer who has inspected and approved the layout for any construction as indicated above shall make record of such inspection and layout and sign it in the approved Blue Print Plan of the owner of the building or in a site inspection book as per Appendix - I to be issued to the person constructing the house by the Department on such cost as may be notified by the State Government which is however, to be retained by the Urban Development and Housing Department. On such inspections the Engineer or Town Planner of the Urban Development and Housing Department shall ascertain that the building is located in accordance with the site plan and the covered area and set back maintained in accordance with these regulations.*

At the foundation stage the officer concerned in the Department shall personally demarcate the area of the building construction.

- (2) *Where it is subsequently noticed that there are private or public facilities or utilities like underground pipes, conduits, cables etc. lying above or below the site, the construction should stop forthwith and allowed to resume only after such allottee or owner credits necessary amount for the realigning or removal of such facilities or utilities the allotment of the plot does not imply that the Government will bear such expenses or provide alternative place for their shifting or otherwise.*

12. Construction not according to the plan

If the Department determines at any stage that the construction or reconstruction or alteration of the building is not proceeding according to the sanctioned plan or is in gross violation of any of the provisions of these regulations, the Department shall notify the permission holder of the same and all further construction or building work thereafter shall be stopped until correction has been effected and approved by the Secretary, Urban Development and Housing Department. If the permission holder fails to comply with the requirements at any stage of the construction the Department shall have the authority to cancel the construction permission issued under regulation 9 after serving notice of 15 days to show cause as to why the construction should not be cancelled.

13 Occupation completion Certificate:

- (i) After the construction or alteration or repair of building/work has been completed the notice of completion shall be given to the Secretary, Urban Development and Housing Department in Form VI appended to these regulations. In case of new construction, the occupancy certificate shall be issued in Form VII appended to these regulations, if the structure has been completed strictly as per the approved Blue Print Plan.
- (ii) Clearance for Water Supply connection and power supply connection to the building shall be issued after the building has been checked and occupancy certificate issued by an Engineer/Town Planner of the Urban Development and Housing Department.
- (iii) No occupation certificate shall be issued if the sewerage connection is not fitted with the public sewer where feasible and if the drain has not been provided to main outlet/jhora or if the septic tank/soak pit has not been properly built/connected/ventilated.
- (iv) Prior clearance of Fire Department shall be required before issue of occupation Certificate.

14. ISSUE OF FORMS

- (i) *Forms I, II, V and VI shall be obtained from the office of the Urban Development and Housing Department on production of Bank receipt of such amount as may be fixed from time to time by notification on this behalf by the Government.*
- (ii) *The applicant shall enclose the Receipt of such amount as may be fixed by notification on this behalf by the Government from time to time alongwith the applications.*

Health, Sanitation and other Requirements

15. Minimum ceiling height of rooms:

The minimum height of all rooms likely to be used for habitation shall be as follows

Altitude	Minimum ceiling height
a) above 4.500 feet..	9ø(9 feet)
b) below 4500 feet.	10ø(10 feet)

16. Minimum size of habitable room:

No habitable room shall have a floor area of less than 90 sqft, except in case a hostel or hotel meant for the residence of single person where the minimum area may be 80 sqft. The width shall in no case be less than 8 ft.

17. Maximum height of building:

(i) *The maximum height of the buildings constructed in allotted sites or private holdings within a notified area shall be in accordance with the suitability and profile of the location based on the stability map of the area as prepared by the Mines and Geology Department from time to time which shall be as follows:-*

Category	Admissible No. of floors.
1.	3 storey or 30 fret
2.	
3.	2 storey or 20 feet below.
4.	
5.	1 storey or 10 feet.
6.	No construction is allowed.

(ii) *The maximum height of the building in other bazaars shall be accordingly restricted as per stability of the area as identified by the Mines and Geology Department and the land profile.*

Provided that the structural design and specifications of the foundation and the super structure given in the approved Blue Print Plans are strictly followed during the execution of construction.

(iii) *Notwithstanding the provision contained in sub-regulation (i) above, a building proposed to be constructed on the valley side of a road shall have a maximum of one storey only above the road level depending upon the stability of the location and structural foundation of the building but the total number of floors of the building shall not exceed 4 (four) storeys or 40 feet.*

(iv) *In case of a building coming up around a Defense Cantonment, the height shall be as recommended by the Defense Authorities only irrespective of approval given if any, to the Blue Print Plan.*

(v) *All buildings constructed on the road side shall compulsorily have a garage for parking of vehicles at the road level or below.*

18. Permissible covered area and set back:

The permissible covered area and set back shall be applicable only for area above 2700 sqft. as given under:

1. (a) i) Above 2700 sqft but not exceeding 5400 sqft. ô 70% - of the area of the plot.
- ii) Above 5400 sqft. but not exceeding 10,000 sqft. ô 50% - of the area of the plot.
- iii) Above 10,000 sqft ô 40% - of the area of the plot.

(b) In case of attached plots/sites where two plots/sites are joined on one side minimum gully of 6' on the opposite free site of these plots/sites shall be

provided. In case of detached single plots/sites a minimum gully of 6' each shall be provided between the plots/sites.

2. (i) *All sites/plot/areas below 2700 sqft shall maintain set back as given under:*

Minimum 27 feet away from the centre of the road to be measured vertically whether such road reserve has been acquired or not by the Government or any other authority unless a broader road reserve has been acquired specifically, or as indicated in the approved Master plan of the area.

- (ii) **All new buildings with plot areas exceeding 2700 sqft shall maintain set backs as follows:**

Minimum set back
from road's outer edge.

Minimum open area to be left
on the side and rear.

10 feet (or as indicated in
approved Master Plan of the area) 5 feet.

19. Lighting and ventilation of rooms:

Every habitable room shall have for the admission of light and air, one or more aperture such as windows, french windows, clear storey windows, sky lights etc. opening directly to the external air or into an open veranda and this aggregate area inclusive of frames shall not be less than 20 per cent of the floor area of the rooms. The areas of doors shall not be included for this purpose. The minimum 5 per cent of floor area of the room shall be for the purpose of ventilators alone. All windows shall have a section of the area for ventilators to afford cross ventilation. Kitchen shall have a chimney and to a minimum of 2' above the ridge level of the highest point of the building.

20. Regular line of streets:

No portion of any building shall project beyond the regular line of any street, road, and gully.

Other Conditions for Construction of Buildings.

21 No rain water/waste water from a building to be allowed to fall on any road/footpath:

Every building or part of building from which there is a danger of rain/water falling on to any public street or footpath shall be provided with a gutter drain and a down pipe made of suitable materials of such design and capacity that the water will neither spill out of them nor leak through them, and shall be constructed to the storm water plinth protection drain of the building.

22. Responsibility for quality/workmanship/safety/stability:

Every person who undertakes construction work in connection with a building shall ensure that the building materials used are of sound or good quality. The responsibility for the structural stability of building shall be that of the owner. Stacking/dumping of building materials without permission and spoils on Public Street, road, drains, gullies and jhoras shall be strictly prohibited. Any person(s) contravening this regulation shall be penalized and the materials shall be seized and auctioned without notice. Person(s) found dumping loose soils/spoils as mentioned in this regulation shall pay a fine of Rs.500/-(minimum).

23. Demolition of Houses/buildings found unsafe for human habitation:

All houses/buildings found in a dilapidated condition and found unsafe for human habitation shall be demolished by the Government in pursuance of section 9 of the Act.

24. No permission/approval for minor repairs:

No permission approval is required for carrying out minor repairs to existing building/structures. “MINOR REPAIRS” means and include

- a) Plastering and patch repairs on walls and floor.
- b) Renewing windows, ventilation or doors of opening the properties of others and openings without door leaves on the ground floor towards public land.

25. Sewers and septic tank/drains/staircases

- (i) The domestic sewerage shall be treated in septic tanks built within the site of the allottees or owner's private holding and effluents discharged without causing any odor, discomfort or unhygienic conditions.
- (ii) In case where a public sewer is available it will be incumbent upon the owner to connect the affluent to such sewers. Permission to dig up access to the sewer line shall be applied for in writing to the concerned authority and a written approval received prior to starting connecting work.
- (iii) Buildings which have been completed but have not incorporated the requirements as provided under sub-clause (i) (ii) of this regulation shall incorporate them on direction issued on this behalf by the competent authority.
- (iv) Drains: Pucca storm water/plinth protection drain shall be provided leading to the road side drain or to adjoining permanent drains or khora to drain off the surface water.
- (v) Septic tanks shall be constructed (minimum distance of 400 from the outer wall of the building) and situated as instructed by the authority. All septic tank shall have a ventilating pipe of minimum of 10 diameter rising to a height of minimum of four feet from the top of the septic tank. Soak pit shall be constructed as per standard specification.

26. Penalties:

Any construction, building, work, development carried out in contravention of these regulations and or without obtaining prior approval will be considered as without valid approval and be liable to be demolished at the cost of the person concerned in pursuance of section 8 and 9 of the Act after issuing notice of 15 days.

Explanation: For the purpose of regularization of any construction undertaken in contravention of:-

- (a) *If the construction of building either in private or allotted sites has commenced without the approval of Blue Print Plan, the regularization shall be made on payment of such amount as may be fixed in every five years by notification on this behalf by Government per sqft. of the constructed area.*
- (b) *If the construction has taken place beyond the approved Blue Print Plan but within the person's own private holding, the same shall be regularized on payment of such amount as may be fixed in every five years by notification on this behalf by Government per sqft. for every floor of structure whether completed or not.*
- (c) *If the construction is beyond the approved height the unauthorized structure shall be demolished at the cost of the defaulter.*

27. Feasibility report on land stability and size.

Before any Blue Print Plan is prepared by the Civil Engineer or Architect and submitted by the owner to the department for any type or of construction whether in Government or private land, the proposed site should be invariably inspected by a qualified and experienced Civil Engineer or Architect and a site plan should be submitted to the Town Planner of Urban Development and Housing Department. The Town Planner then shall examine and see whether the site in question is stable and can accommodate all basic utility requirements like steps, staircase, septic tank, soak-pit drain and setbacks besides bed rooms, dining, kitchen, toilet etc. and if the site plan is satisfactory then the authority will give necessary approval for preparation of Blue Print Plan of the house/building.

28. Garbage Chute.

Every building or house which has more than 1 (one) storey shall have a garbage chute for disposal of garbage and solid waste to the ground floor. The chute shall be preferably on the back side of the building/house and they shall have separate garbage bins for bio-degradable and non-biodegradable garbage/waste.

29 Painting / colouring of House

All houses within a Notified area shall be painted in such colour as may be notified by the Government from time to time.

30. Prohibition of erection of compound wall.

- (i) No building/house, shop or structure constructed along the National Highway or any other road or bazaar yard shall erect any compound wall or barricade or keep a garden so that the free movement of pedestrians from one shop/building to another through the front yard or the building/house, shop is not obstructed.*
- (ii) No part of the set back maintained between the buildings shall be utilised on the ground or above the ground by any person for any purpose. The set back shall be maintained vertically.*

31. Hood (Chhaja) to be within allotted site.

No Chhaja or hood should extend beyond the allotted or private site over any public thoroughfare, drain or setback etc.

32. Salami for space utilized for purpose other than building.

Where it has been necessary to construct a private foot path to connect the building/house to the Government footpath/road etc. or where land is required for construction of the footpath on the site allotted by the Government or otherwise, the allottee shall pay such rate of site salami as may be notified by the state Government from time to time for such an area. No structure whatsoever, on such areas shall, however, be permitted.

33. Regulation of construction in private holdings within the notified area.

Sizes of sites in case of sales transaction of land in private holdings and Construction in such sites within the notified area shall be in accordance with the Master Plan/Area Plan of the location concerned.

34. Utility connections not permitted in unauthorized building/house.

No buildings, house or structure shall be permitted to have any electricity or sewerage connection or water connection or trade license etc. unless the buildings or houses are constructed or area regularized in all respects as per the approved Blue Print Plan and a no objection certificate issued by the Urban Development and Housing Department allowing such service connection or issue of such trade license.

35. Construction in sinking/landslide prone areas.

No allotments shall be made or illegal occupation regularized in any sinking area, landslide prone or in areas having scars of old landslides or in slope exceeding or around 70 (Seventy) degree.

36. Compound wall.

In case of attached sites no common wall shall be allowed. Each allottee shall have his own wall even where the boundary is common.

37. Additional Site and Cantilever

Where any vacant space is available on the periphery of the site proposed for allotment and if such an area can be added to the aesthetics of the building and convenience of the allottee the allottee can apply for such space before the Blue Print Plan is approved but under no circumstances any additional space and cantilever shall, be granted after the approval of the Blue Print Plan and commencement of the construction.

38. Summarily demolition of unauthorized structure.

Any construction beyond the approved Blue Print Plan shall summarily be demolished as and when detected.

Form III clause 15:

- 15.** *The person whose Blue Print Plan is approved shall have to deposit a sum of Rs.5000/- as security deposit in the form of TDR (refundable) in favour of the Town Planner to meet the expenses for lifting of building materials/spoils etc. clumped at road side including drain or any other public premises if the person or his representative does not lift the building materials/spoils etc. immediately after dumping and also effect repair to damages to the road including drainage system etc. The security deposit shall be automatically forfeited without any notice of the defaulter.”*

FORM VII APPENDIX – I

Appendix 6 I
(See Regulation 11)

SITE INSPECTION BOOK

- a. Date of Approval of Blue Print Plan:-
- b. Date of Issue of Construction Order:-
- c. Date of Approval of B.P. Plan:-
- d. Date of Issue of Revised Construction Order:-

Remarks of the inspecting staff or Assistant Town Planner or other higher officers.

By Order

**Secretary
Urban Development & Housing Department
Government of Sikkim**