

FORUM FOR GOOD GOVERNANCE (REGD.)

हमारा ध्येय-नागरिक अधिकारों की रक्षा

Ref. No. FFGG/125/2011

Dated: Dec. 16, 2011

REGD. OFFICE:
 AE-148, Shalimar Bagh,
 Delhi-110088

GOVERNING BODY

CHIEF PATRON
 Subhash Chadha
 Mobile: 9810233811

PRESIDENT
 A.L. Makhijani
 Mobile: 9810509428

VICE PRESIDENT
 D. Ganguli
 Mobile: 9811805185

GENERAL SECRETARY
 Ashok Sachdeva
 Mobile: 9953209115

ORG. SECY. & TREASURER
 Jawahar Madaan
 Mobile: 9811323239

MEDIA ADVISER
 J.K. Arora
 Mobile: 9891553499

EXECUTIVE MEMBERS

1. A.K. Puri
 Mobile: 9211334841

2. Jagdish Malhotra
 Tel. 27486274

3. Dharam Pal Nasa
 Mobile: 9873353940

OFFICE OF UDM
 Dy. No. 4619
 Date 21/12/11

Master Plan Law
 20/12
 RS to UDM
 (Secy)

To:
 Shri Kamal Nath
 Hon. Minister of Urban Development
 Government of India
 Nirman Bhawan
 New Delhi-110011

Sub: **Simplified Building Regulations - Practical Solution to control Corruption and ensure structural safety of buildings in Delhi**

Dear Sir,

Every day, we hear complaints of rampant corruption in building activities in Delhi. Of late, the issue of structural safety of buildings has also acquired serious dimensions. As explained in this letter, simplified building regulations can tackle both the issues of corruption and structural safety of buildings, to a great extent.

2. We are suggesting below, for your consideration, broad features of proposed simplified building regulations:-

Language regulations	The regulations should be couched in very simple language so as to (a) ensure their easy comprehension by general public (b) minimize discretion/arbitrariness by officials and thereby corruption.
Aspects to be regulated by the Municipal Corporation	
No. of Floors	(i) Maximum number of floors for various categories of plots to be specified by appropriate authority in simple language. (ii) Extra floor(s) to be demolished without any exception. (iii) Additional floors in existing constructions may be regularized by an appropriate scheme on the basis of Structural Safety Certificate from recognized Engineers/Architects.
Encroachment on Public Land	(i) All encroachments on Public Land to be demolished without exception. No regularization of encroachments under any circumstances. (ii) Strict action to be taken against officials who ignore encroachments.

F.A.R.	<p>(i) FAR for various categories of plots to be decided by the appropriate authority</p> <p>(ii) All construction within the plot, over and above FAR, to be compounded and regularized provided it (a) conforms to permissible number of floors and (b) there is no encroachment on public land.</p>
Chhajjas (Projections)	To be compounded subject to reasonable restrictions guided by considerations such as safety, obstruction to public utilities, etc.
Structural Safety	<p>(i) Every building should require a Structural Safety Certificate from a recognized Engineer or Architect. This certificate may be required to be submitted after basic structure is completed.</p> <p>(ii) For ensuring that the buildings conform to the Structural Safety requirements, it should be made mandatory for the plot-owner to engage recognized Structural Safety Engineer or Architect for the construction. The particulars of the engaged Engineer or Architect, along with his consent, would be required to be intimated by plot holder to the Municipal Corporation at the time of submission of building plan. This Engineer/Architect would ensure structural safety of the structure and furnish certificate to MCD.</p>
Requirements to be followed by plot holder at the time of submission of Building Plan	<p>(i) Building Plan, prepared by recognized Architect and conforming to permissible no. of floors to be submitted by plot owner to Municipal Corporation.</p> <p>(ii) Recognized Structural Safety Engineer or Architect to be engaged by plot-holder for ensuring structural safety requirements. Evidence to this effect to be given by plot owner along with building plan.</p>
Role of Municipal Corporation while approving Building Plan	Role of Municipal Corporation at the time of consideration of building plans would be restricted to ensuring that (a) the number of proposed floors is within permissible limits (b) recognized Structural Safety Engineer or Architect has been engaged for the proposed construction and (c) proposed construction is not on encroached public land. Based on these three requirements, MCD would approve the building plans.
Role of Municipal officials during construction	(i) Municipal officials will not be empowered to interfere with the construction in cases where there is no encroachment on public land and no. of floors under construction is within permissible limit.

	(ii) It will be mandatory for municipal officials to take action in case there is encroachment on public land or additional unauthorized floor(s) are under construction.
Completion Certificate	(i) It should be mandatory for plot owner to submit to the Municipal Corporation Completion Plan, duly certified by the Structural Safety Engineer or Architect. (ii) Completion Certificate to be granted by Municipal Corporation mandatorily if (i) there is no encroachment on public land (ii) no unauthorized extra floor has been constructed (iii) Chhajjas are covered by guidelines (iv) structural safety certificate is submitted and (v) compounding fee has been paid.
Electricity & Water connections	Electricity and water connections to be given only after Completion Certificate is granted by the Municipal Corporation.

6. The aforesaid scheme of simplified building regulations would achieve the following objectives:-

- (A) The mandatory requirements to be followed in case of construction will be laid down in very simple and easily understandable language which will (i) facilitate awareness and compliance by Delhi citizens (ii) improve enforcement by Municipal Corporation in an effective and transparent manner and (iii) fix accountability of concerned Municipal officials for encroachment on public land. In brief, the proposed scheme will de-mystify the Building Regulations and considerably reduce the chances of harassment and corruption.
- (B) Mandatory requirements of appointment of Structural Safety Engineer or Architect and submission of Structural Safety Certificate will effectively check the structural safety of buildings.
- (C) Approval of Building Plans will be greatly facilitated as at the time of consideration of such plans, Municipal Corporation would only check aspects pertaining to (i) number of proposed floors (ii) appointment of Structural Safety Engineer or Architect and (iii) encroachment on public land. It should be possible for the Municipal Corporation to issue the approval within 2-3 days of submission of plans.
- (D) Municipal Corporation officials will not be able to interfere with the on-going construction provided the number of floors is within

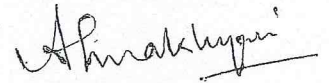
permissible limit and there is no encroachment on public land. This will effectively check harassment of Delhi citizens.

(E) The Municipal Corporation would get additional revenues in the form of compounding fee.

7. It is sincerely hoped that your Ministry will seriously consider the above scheme of simplified building regulations and work for its implementation so that the rampant harassment and corruption in the construction activities of Delhi could be effectively checked.

A line in reply would be greatly appreciated.

Yours sincerely,



(A.L. Makhijani)
President