

JRC REPORT

CAG'S OBSERVATIONS

Ref	Observations:	
4	After detailed deliberation on the above issues and stakeholders consultation, the Committee observed the following:	
i.	Tamil Nadu is the most urbanised State in India with 12 Municipal Corporations, 152 Municipalities and 528 Town Panchayats. It also has 12,524 Village Panchayats.	
ii.	The character and the nature of developments of the Metropolitan cities / Towns in Tamil Nadu vary. For eg. cities like Chennai, Coimbatore are characterised by very high dense developments and commercial centres. Cities like Tirupur, Dindugal, Thanjavur are characterised by medium dense developments.	THEREFORE DIFFERENT CITIES AND DIFFERENT PARTS OF A CITY REQUIRE TO BE IDENTIFIED AND SUITABLE PARAMETERS OF PLANNING DRAWN UP.
iii.	Pressure on land due to urbanisation have resulted in various kinds of low rise and high rise buildings for varied uses like residential, commercial, industrial, institutional, etc. Many of these developments do not adhere to DR / DCR, resulting in inadequate setback spaces, higher built-up spaces, developments on inadequate road width, etc.	PRESSURE ON URBAN LAND EXISTS IN MANY CITIES ALL OVER THE WORLD. THEY DO NOT HAVE MASSIVE VIOLATIONS AND INEFFICIENT GOVERNANCE. WHAT NEEDS TO ADDRESS THIS HAS TO BE SPELT OUT.
iv.	The character of developments in residential areas varies from the commercial developments. Likewise the character of developments in CBD, CBA and planned developments also varies. Considering the complexities of these developments, there is a need to evolve the parameters for exemption of different kinds of developments with respect to the various aspects relating to planning parameters, building rules, existing level of infrastructure facilities, safety, sustainable healthy environment, etc.	"PARAMETERS FOR EXEMPTIONS FOR DIFFERENT KINDS OF DEVELOPMENTS" THAT ARE NOT TRANSFERRED OUTSIDE THE SITE AND ONTO THE CITY NEED TO BE EVEOLVED.
v.	Another important criterion that has to be considered in the exemption of buildings is the type of developments with respect to number of storeys. The DR / DCR have already classified the buildings as Ordinary Buildings, Special Buildings, Group Developments and Multi-storeyed Buildings. Therefore, necessarily the parameters for exemption have to vary according to these types of developments depending on the requirements for fire and life safety.	CMDA FOLLOWS NATIONAL BUILDING CODE. THEREFORE NUMBER OF FLOORS MUST ADHERE TO THE NBC.
vi.	The significance of FSI, setback spaces and other parameters have been deliberated in detail so as to arrive at the extent of relaxation that could be made without straining the infrastructure facilities such as road, water supply, sewerage system, electricity, etc. and without compromising the safety requirements. At the same time, it has also been ensured that the available infrastructure is utilised to its fullest potential without adversely affecting the environment and eco system.	THE SECOND MASTER PLAN BROUGHT OUT IN 2008 AND STILL IN FORCE HAS IDENTIFIED WHAT IS THE CARRYING CAPACITY OF THE EXISTING INFRASTRUCTURE FOR REGULATED PLANNING. THESE DEVIATIONS WILL ONLY STRAIN OR BREAK DOWN THE INFRASTRUCTURE.
vii.	In respect of effects of lack of setback spaces in buildings, it was observed that apart from affecting ventilation, fire safety is a factor to be reckoned with as well as the stability of the adjoining buildings.	CMDA FOLLOWS NATIONAL BUILDING CODE. THEREFORE FIRE SAFETY MUST ADHERE TO THE NBC.

viii.	While considering exemption of these buildings, the structural stability, which is influenced by the age of the building, type of foundation, life expectancy, structural designs, quality of execution and material of construction etc. have to be taken into account. Normally, buildings constructed with bricks would serve for 40 to 50 years and a RCC building would serve for 80 to 90 years; however, poor construction materials and bad construction practice would result in drastic reduction of life span of a building, so much so that even a RCC building may collapse even within 10 years whereas a well constructed masonry structures would serve even for more than 100 years.	STRUCTURAL STABILITY OF ALL STRUCTURES DEPEND ON MAINLY ON FOUNDATIONS AND PREVENTION OF WATER INGRESS. THIS IS TRUE OF BOTH BRICK AND CONCRETE BUILDINGS.THE LIFE OF BOTH TYPES OF CONSTRUCTION DEPENDS ON MATERIALS USED AND QUALITY OF LABOUR.
ix.	As far as the buildings with inadequate foundation is concerned, there is a way to strengthen the foundation through grouting / injecting with cement slurry. Though it is expensive it is lesser than the reconstruction cost. There are various technologies available for repairs / retrofitting, to make the buildings structurally safe. In view of above, the structural stability requirement is made as one of the parameters for exemption of buildings under Section 113-C of Tamil Nadu Town and Country Planning Act.	<p>1) THERE ARE SITUATIONS WHERE THE FOUNDATION DESIGN MAY NOT SUIT THE SOIL.</p> <p>2) WHILE THERE ARE WAYS OF STRENGTHENING FOUNDATIONS, IT REQUIRES TECHNOLOGY, EXPERTISE, WILL, MONEY AND COOPERATION. ALL THESE MAY NOT AVAILABLE.</p> <p>3) LACK OF ENFORCEMENT AND CORRUPTION MAY STILL MAKE THE BUILDINGS UNSAFE.</p> <p>4) CMDA FOLLOWS NATIONAL BUILDING CODE. THEREFORE STRUCTURAL SAFETY MUST ADHERE TO THE NBC.</p>
x.	To ensure the structural safety, the structural stability certificate by an empanelled structural engineer/s is to be obtained. In cases, where the height of the building exceeds 60m, the structural stability certificate to be obtained from the competent institutions like IIT, Anna University, NIT, PWD, SERC, etc.	<p>1) THIS IS AN EXCEPTIONALLY SPECIOUS SUGGESTION AS IT TAKES AWAY THE RESPONSIBILITY OF THE SAFETY OF THE BUILDING FROM THE OWNER AND PUTS IT ON THE EMPANELLED STRUCTURAL ENGINEERS.</p> <p>2) NO SELF RESPECTING STRUCTURAL ENGINEER WILL BE PART OF THIS OUTRAGEOUS SUGGESTION.</p> <p>3) THERE IS AN INBUILT LACK OF ACCOUNTABILITY BUILT IN INTO THIS APPROACH.</p> <p>4) THE CMDA WILL NOT BE ABLE TO DO EVEN ITS ROUTINE DUTIES WHEN SUCH AN APPROACH IS FOLLOWED.</p> <p>5) CMDA FOLLOWS NATIONAL BUILDING CODE. THEREFORE STRUCTURAL SAFETY MUST ADHERE TO THE NBC.</p>
xi.	A Panel of Architects, Civil Engineers, Construction Engineers, Structural Engineers, Geo-technical Engineers is to be drawn by the CMDA/DTCP to enable the applicant to utilize their services for preparation of drawings, building and site data, structural designs, proposed repairs / retrofitting, status on structural stability, etc.	AS FAR AS ARCHITECTS ARE CONCERNED, THIS VIOLATES THE RIGHT OF ARCHITECTS UNDER THE COUNCIL OF ARCHITECTURE ACT OF 1972.

xii.	Constitution of a Scrutiny Committee comprising of representatives from Planning Authorities, DFRS and experts in the field of structural and Geo-technical engineering drawn from educational institutions and Government Agencies will enable the Competent Authority (defined in Annexure-I) in scrutinising the applications on structural aspects and other data related to building submitted by the applicant.	1) AS IN POINT x, THIS IS SPECIOUS FOR ALL THE REASONS GIVEN THERE. 2) THE DUTY OF PEOPLE IN EDUCATIONAL INSTITUTIONS IS TO THEIR STUDENTS AND THOSE IN GOVERNMENT AGENCIES IS TO THEIR OFFICE WORK AND NOT TO SIT ON COMMITTEES TO SCRUTINISE VIOLATIONS. TO LURE THEM WITH FINANCIAL REMUNERATIONS FOR SITTING ON SCRUTINY COMMITTEES AMOUNTS TO FINANCIAL IMPROPRIETY.
xiii.	Constitution of a Core Committee each in CMDA and in the O/o Director of Town and Country Planning comprising of representatives from CMDA / DTCP, DFRS, PWD and a nominated structural expert, will enable the Competent Authority to examine the recommendations of the Scrutiny Committee with respect to MSBs and will give its final recommendation to the CMDA / DTCP, as the case may be, who will in turn pass final orders on the applications.	1) THE CMDA AND OFFICE OF DTCP HAVE BEEN ESTABLISHED FOR PLANNING PURPOSES. TO MIRE THEM WITH THIS ADDITIONAL RESPONSIBILTY WILL MEAN THE NEGLIGENCE AND EVEN DEATH OF THE PRIMARYWORK THEY HAVE BEEN ENTRUSTED WITH. 2) AS IN POINT (xii) ABOVE.
xiv.	The building have to comply with the fire and life safety requirements such as provision of external staircase, cut-out spaces for smoke ventilation, emergency chute, refuge area, and any other conditions imposed by DFRS.	THE CMDA RULES FOR FIRE SAFETY FOLLOW THE NATIONAL BUILDING CODE. THIS CANNOT BE WATERED DOWN.
xv.	In CMA, the DCR under First Master Plan was prevalent as on 1.7.2007 and currently the DR under second Master Plan is in force. On the issue of which rules to be adopted for exemption i.e. regulations prevailing as on 1.7.2007 or the present norms, it was considered to adopt the present regulations. In respect of DTCP area various rules / regulations / circular instructions were prevalent as on 1.7.2007 for different parts of DTCP area. Tamil Nadu District Municipalities Building Rules, 1972 were applicable to the urban areas viz., Corporations, Municipalities and Town Panchayats and whereas Tamil Nadu Panchayat Building Rules, 1997 were applicable to the Village Panchayat areas. Multi-storeyed and Public Building Rules, 1973 were applicable for both the urban and rural areas as well. Certain circular instructions of the Director of Town and Country Planning for regulating the FSI, Plot Coverage, parking and OSR requirements were also prevalent at that time. DCRs were introduced initially for Corporation areas since 16th June, 2010. Later, these regulations were made applicable for all planning areas. At present, DCRs have been made applicable to all areas falling under DTCP (both plan and non-plan areas). It was decided to adopt the present DCRs (G.O.130, H&UD Dept. dated:14.6.2010) and the directions given by the Empowered Committee in its meetings, while considering	1) THESE VIOLATIONS HAVE BEEN CONSTRUCTED WHEN FIRST MASTER PLAN WAS IN FORCE. THERE IS NO LOGIC TO BRING IN THE RULES OF THE SMP EXCEPT TO TAKE ADVANTAGE OF IT FOR BENEFITTING VIOLATIONS. 2) CMDA FOLLOWS NATIONAL BUILDING CODE. THEREFORE ALL MEASURES REGARDING STRUCTURAL SAFETY, FIRE SAFETY, ETC MUST ADHERE TO THE NBC.
xvi.	The Committee also deliberated the following:	
xvi. a)	Other statutes relevant to electricity, fire services, archaeology, aviation, etc. were studied and relevant provisions were considered for incorporation in the guidelines.	THE CMDA RULES FOR FIRE SAFETY FOLLOW THE NATIONAL BUILDING CODE. THIS CANNOT BE WATERED DOWN.
xvi. b)	Eco-sensitive areas wherein exemption of violations cannot apply like aquifer recharge area, hill area and coastal area were also considered.	ACQUIFER RECHARGE AREA, REDHILLS CATCHMENT AREA AND WATER BODIES TAMPERED WITH TO THE ADVANTAGE OF THE VIOLATOR/ VIOLATIONS.

xvi. c)	Similar exemption schemes implemented in various States like Gujarat, New Delhi, Hyderabad, Karnataka, West Bengal etc., were also studied while suggesting suitable recommendations for the State of Tamil Nadu.	THERE IS NO INDICATION WHETHER THESE BENEFIT THE CITY & CITIZENS OR BENEFIT THE VIOLATOR & VIOLATIONS.
	Considering the above the Committee has evolved the guidelines for exemption of unauthorised/deviated/violated constructions that were made on or before 01.07.2007 under Section 113-C of TN T&CP Act.	