

JRC REPORT**CAG'S OBSERVATIONS**

Ref	Recommendations:	
6.	The Committee also recommends the following for the future course of action:	
i.	With regard to unauthorised / deviated/violated developments in George Town in Chennai, the High Court have already directed to carryout a survey on the violations of planning parameters / building parameters. Chennai Corporation and CMDA at present are carrying out a detailed survey on this. The data from completed survey reveals that most of the constructions have been made without any regard to planning parameters i.e. with nil setbacks, encroachments on to the public roads, aerial encroachments, average FSI of around 5 (as against the maximum permissible FSI of 2.5) etc. Further most of these constructions have outlived their life. The structural stability of these buildings is also at stake. In view of above, the Committee recommended that the area redevelopment is the only feasible solution. The guidelines for redevelopment may be worked out by CMDA.	THIS IS PART OF MASTER PLANNING FOR THE CMA. DOES NOT COME UNDER SEC 113C.
ii.	Height of a Special building is restricted to 15.25m in respect of CMA and whereas in DTCP areas it is up to a height of 15m. It is observed that due to technical requirements and for certain aesthetic aspects, the height needs to be allowed up to 17m. Already, the CMDA has submitted a proposal to Government for suitably amending the DR provision. Therefore, it is recommended to take action for similar amendment in the DCR of DTCP areas also.	THE TECHNICAL REQUIREMENTS THAT NECESSITATE THE HEIGHT INCREASE ARE NOT SPECIFIED.

iii.	<p>Parking is one of the major problems in Metropolitan Cities and Tier-I Cities especially in the Commercial Business Districts. The parking needs of the Commercial areas may be accommodated by developing the multi-level parking complexes. In Chennai, T. Nagar, the MTC Bus Terminal the Broadway Bus Terminal, Adayar and Thiruvanmaiur Bus Terminals, area adjoining Panagal Park are some of the areas that have potential to be developed as a multi-level parking complex. The Second Master Plan for CMA/Chennai Comprehensive Traffic Study have identified T.Nagar Bus Terminal.MTC and SETC Bus Terminal at Esplanade, MTC Bus Depot at Anna Nagar East, Garbage Truck Parking Site at Nugambakkam, MTC Bus Terminal at Velacherry, Panagal Park, T. Nagar, MUC Ground, Adyar Bus Terminal for development of multilevel parking in CMA. Expeditious action may be taken for the development of multi level parking in these locations. Such locations may be identified especially in the Commercial areas in other Cities of Tamil Nadu by the respective local bodies. Wherever lands belonging to Government/ local bodies, the same shall be handed over by the land owning departments to the local bodies for developing multi level parking.</p>	<p>1.PUBLIC LAND TO PROVIDE CAR PARKING (BY UTILISATION OF BUS TERMINALS AND LAND BELONGING TO GOVT/LOCAL BODIES) CANNOT BE USED TO BENEFIT THE VIOLATIONS. 2.THIS WILL ALTER TRAFFIC PATTERNS AND MOST LIKELY CAUSE GREAT MISERY TO NORMAL TRAFFIC AND USERS OF PUBLIC TRANSPORT. 3.SUCH SUGGESTIONS APPEAR TO BE IN THE NATURE OF FINDING EASY SOLUTIONS FOR VIOLATORS.</p>
iv.	Such multi-level parking complexes shall be developed by the respective local bodies in partnership with the Traders Association of the area on BOT basis.	TRADERS ASSOCIATIONS CANNOT HAVE GREATER RIGHTS OVER PUBLIC PROPERTY THAN OTHER STAKEHOLDERS.
v.	Wherever feasible, in future developments, the mechanical multi-level parking may be encouraged to fulfill the parking requirements.	DETAILS OF THE MECHANICAL MULTI LEVEL PARKING HAVE NOT BEEN PROVIDED AND AS SUCH CANNOT BE ACCEPTED.
vi.	Multi-storeyed buildings have to be periodically inspected and certified by the Fire Service Department for which necessary personnel have to be deployed by the DFRS. If manpower is inadequate, third party inspection through outsourcing may be resorted to.	<p>1) ALL NORMS MUST FOLLOW NBC. 2) INCREASING THE HUMAN RESOURCES IN DFRS MUST ARISE FROM THE NEEDS OF THAT ORGANISATION. BY SUGGESTING IT UNDER SEC 113C, IT APPEARS THAT ADDITIONAL COSTS ARE TO BE BORNE BY GOVT. AGENCIES TO ASSIST VIOLATORS.</p>
vii.	Fire fighting equipments are recommended to be fitted in conspicuous locations in all those categories of buildings, as required by DFRS.	THIS IS TO BE ASSESSED BY DFRS FOR GENERAL GOOD. BY RECOMMENDING THIS MEASURE UNDER SEC 113C, IT APPEARS THAT THESE MEASURES ARE BEING GIVEN TO ASSIST VIOLATORS THAT HAVE MADE THESE MORE VULNERABLE TO FIRE.
viii.	It is observed that at present there is no mechanism to license the vendors of fire fighting equipments by the DFRS. There must be a regulatory mechanism in place. This should be addressed and sorted out by DFRS.	<p>1)THIS IS TO BE ASSESSED BY DFRS FOR GENERAL GOOD. BY RECOMMENDING THIS MEASURE UNDER SEC 113C, IT APPEARS THAT THESE MEASURES ARE BEING GIVEN TO ASSIST VIOLATORS THAT HAVE MADE THESE BUILDINGS AND INDEED THE NEIGHBOURHOOD MORE VULNERABLE TO FIRE. 2)THE PUBLIC IS FORCED TO PAY FOR PRIVATE GREED.</p>

ix.	Number of basements and usage for glazed facades are increasing and therefore automatic smoke ventilation and mechanical ventilation system for fire protection shall be insisted.	1)THIS IS TO BE ASSESSED BY DFRS FOR GENERAL GOOD. BY RECOMMENDING THIS MEASURE UNDER SEC 113C, IT APPEARS THAT THESE MEASURES ARE BEING GIVEN TO ASSIST VIOLATORS THAT HAVE MADE THESE BUILDINGS AND INDEED THE NEIGHBOURHOOD MORE VULNERABLE TO FIRE. 2)THE PUBLIC IS FORCED TO PAY FOR PRIVATE GREED.
x.	Usage of water mist technology instead of sprinklers for commercial, institutional, public assembly and high value computer institutions shall be insisted to save water consumption.	1)THIS IS TO BE ASSESSED BY DFRS FOR GENERAL GOOD. BY RECOMMENDING THIS MEASURE UNDER SEC 113C, IT APPEARS THAT THESE MEASURES ARE BEING GIVEN TO ASSIST VIOLATORS THAT HAVE MADE THESE BUILDINGS AND INDEED THE NEIGHBOURHOOD MORE VULNERABLE TO FIRE. 2)THE PUBLIC IS FORCED TO PAY FOR PRIVATE GREED.
xi.	Very Early Warning Aspirating Smoke Detection System (VESDA) may be used in heritage buildings, high value commercial buildings, computer installations, data centers and electronic equipment installations.	1)THIS IS TO BE ASSESSED BY DFRS FOR GENERAL GOOD. BY RECOMMENDING THIS MEASURE UNDER SEC 113C, IT APPEARS THAT THESE MEASURES ARE BEING GIVEN TO ASSIST VIOLATORS THAT HAVE MADE THESE BUILDINGS AND INDEED THE NEIGHBOURHOOD MORE VULNERABLE TO FIRE. 2)THE PUBLIC IS FORCED TO PAY FOR PRIVATE GREED.
xii.	Buildings should be provided with additional fittings/ materials to make the building to comply with two hour fire rating and necessary atrium with a minimum of 2.5% of the floor area to the satisfaction of DFRS should be provided for smoke management as per NBC recommendations. These kinds of measures may be made applicable for commercial and public buildings.	1)THIS IS TO BE ASSESSED BY DFRS FOR GENERAL GOOD. BY RECOMMENDING THIS MEASURE UNDER SEC 113C, IT APPEARS THAT THESE MEASURES ARE BEING GIVEN TO ASSIST VIOLATORS THAT HAVE MADE THESE BUILDINGS AND INDEED THE NEIGHBOURHOOD MORE VULNERABLE TO FIRE. 2)THE PUBLIC IS FORCED TO PAY FOR PRIVATE GREED.
xiii.	The floors at every 39m height in a multi-storeyed development may be kept vacant for buffer zone for fire safety (for those buildings whose total height exceeds 60m). The height of the buffer floor will not be counted for the calculation of total height and FSI of the building.	1)THIS IS TO BE ASSESSED BY DFRS FOR GENERAL GOOD. BY RECOMMENDING THIS MEASURE UNDER SEC 113C, IT APPEARS THAT THESE MEASURES ARE BEING GIVEN TO ASSIST VIOLATORS THAT HAVE MADE THESE BUILDINGS AND INDEED THE NEIGHBOURHOOD MORE VULNERABLE TO FIRE. 2)THE PUBLIC IS FORCED TO PAY FOR PRIVATE GREED.

xiv.	Seismic zoning of Tamil Nadu has changed over a period of time. Certain areas like Chennai and its suburbs, Coimbatore, Tirunelveli and Kanyakumari districts have been brought under Zone-III now. Other areas of the State are under Zone II. Earlier, the entire State was under Zone II which is a less vulnerable zone than the present classification of Zone III. Therefore, in these Zone-III areas, retrofitting may be insisted for all life line buildings to the satisfaction of empanelled structural engineers.	THIS IS TO BE ASSESSED BY THE COMPETENT AUTHORITIES FOR GENERAL GOOD. BY RECOMMENDING THIS MEASURE UNDER SEC 113C, IT APPEARS THAT THESE MEASURES ARE BEING GIVEN TO ASSIST VIOLATORS THAT HAVE MADE THESE BUILDINGS AND INDEED THE NEIGHBOURHOOD MORE VULNERABLE TO BUILDING COLLAPSES.
xv.	The Local bodies have to ensure that all the buildings in the Zone-III area which were constructed prior to 2002 have to comply with the BIS code No1893-2002. The owners of the building have to retrofit their building by complying with the above code within a specified time.	THIS IS TO BE ASSESSED BY THE COMPETENT AUTHORITIES FOR GENERAL GOOD. BY RECOMMENDING THIS MEASURE UNDER SEC 113C, IT APPEARS THAT THESE MEASURES ARE BEING GIVEN TO ASSIST VIOLATORS THAT HAVE MADE THESE BUILDINGS AND INDEED THE NEIGHBOURHOOD MORE VULNERABLE TO BUILDING COLLAPSES.
xvi.	Most of the unauthorised constructions are happening in areas where demand for land is high. These unauthorised constructions strain the existing infrastructure facilities and there is a need to upgrade the infrastructure facilities by the concerned statutory bodies/departments to provide better quality of environment.	1)THIS IS TO BE ASSESSED BY CONCERNED STATUTORY BODIES/DEPARTMENTS FOR GENERAL GOOD. BY RECOMMENDING THIS UNDER SEC 113C, IT APPEARS THAT THESE MEASURES ARE BEING GIVEN TO ASSIST VIOLATORS THAT HAVE MADE THESE BUILDINGS AND INDEED THE NEIGHBOURHOOD BETTER FOR THEM. 2)THE PUBLIC IS FORCED TO PAY FOR PRIVATE GREED.
xvii.	The Penalty charges collected through this scheme shall be credited to I&A Fund to augment the infrastructure needs of the State.	THIS CANNOT BE PUT INTO ANY GENERAL FUND TO AUGMENT THE INFRASTRUCTURE NEEDS OF THE STATE. IT MUST BE USED TO ALLEVIATE THE SPECIFIC PROBLEMS OF NEIGHBOURS AND THE NEIGHBOURHOOD WHERE THESE VIOLATED BUILDINGS HAVE BEEN CONSTRUCTED.
xviii.	DFRS may send proposals for purchase of adequate number of modern fire fighting equipments. This expenditure shall be met from I&A Fund.	1)THIS IS TO BE ASSESSED BY DFRS FOR GENERAL GOOD. BY RECOMMENDING THIS MEASURE UNDER SEC 113C, IT APPEARS THAT THESE MEASURES ARE BEING GIVEN TO ASSIST VIOLATORS THAT HAVE MADE THESE BUILDINGS AND INDEED THE NEIGHBOURHOOD MORE VULNERABLE TO FIRE. 2)THE PUBLIC IS FORCED TO PAY FOR PRIVATE GREED.
xix.	In future for all developments excepting the Ordinary Buildings, at plinth, first storey, middle storey in case of MSBs and last storey, the progress certificate has to be submitted by the applicant through the Licensed Surveyor duly signed by Registered Architect/Registered Engineer/Registered Structural Engineer/Registered Construction Engineer along with the structural inspection report. The Competent Authority have to cause inspection of the buildings and issue Continuance Certificate. The construction shall be continued only after the competent authority issues construction continuance certificate.	THIS IS EX POST. BY RECOMMENDING THIS MEASURE UNDER SEC 113C, IT DIVERTS ACTION ON VIOLATIONS & VIOLATORS.

xx.	The Committee felt that stringent measures have to be taken to curtail further development of unauthorised constructions in future and continuous monitoring of constructions even after issue of planning / building permission is necessary to ensure the compliance of rules and safety aspects. To carry out the above tasks, the manpower in the Local bodies may be strengthened. As an immediate measure the above task may be carried out by outsourcing through empanelled professionals at the owner's cost. The officers at the CMDA/ DTCP in respect of SBs,,GDs and MSBs, and the Local Bodies in respect of OB who are responsible for the failure to enforce the planning laws are liable for prosecution and/or disciplinary action.	EX POST. DIVERTS ATTENTION FROM VIOLATIONS AND VIOLATORS. GENERAL STATEMENT WITH NO TEETH.
xxi.	At present, there is a system of insisting on the necessary certifications from the competent professionals. The responsibilities of these competent professionals have to be fixed. The draft TNCBR have prescribed the manner of registration of professionals by prescribing the necessary qualifications and their responsibilities. The Government shall expedite the approval of the TNCBR redrafted in March 2015	EX POST. DIVERTS ATTENTION FROM VIOLATIONS AND VIOLATORS.
xxii.	At present, there is a system of insisting on the necessary certifications from the competent professionals. The responsibilities of these competent professionals have to be fixed. The draft tncbr have prescribed the manner of registration of professionals by prescribing the necessary qualifications and their responsibilities. The government shall expedite the approval of the tncbr redrafted in March 2015.	EX POST. DIVERTS ATTENTION FROM VIOLATIONS AND VIOLATORS.
xxiii.	At present the Village Panchayats lack the manpower to examine the planning permission applications. CMDA has a system of deputing their staff to the Town Panchayats and Panchayat Unions to strengthen their manpower. Similarly, DTCP may consider deputing their officials to local bodies for this purpose.	EX POST. DIVERTS ATTENTION FROM VIOLATIONS AND VIOLATORS. GENERAL STATEMENT WITH NO TEETH.
xxiv.	The builder who carried out the unauthorized / deviated/violated constructions may be suitably penalized.	EX POST. DIVERTS ATTENTION FROM VIOLATIONS AND VIOLATORS. GENERAL STATEMENT WITH NO TEETH.
xxv.	It is reported that the Panchayat Presidents are approving the lay outs and buildings without obtaining the Planning Permission from DTCP as required under the law. In such cases, stringent action shall be taken on erring Panchayat Presidents.	EX POST. DIVERTS ATTENTION FROM VIOLATIONS AND VIOLATORS. GENERAL STATEMENT WITH NO TEETH.
xxvi.	The TNT&CP Act does not have a deemed provision for disposal of the planning permission applications prescribing time limit. Therefore 90 days time period for disposal of planning permission may be considered by suitably amending the TNT&CP Act.	

xxvii.	At present in CMA the unauthorized lay out laid prior to 31-12-1989 are considered for regularization. Under Regularisation Scheme the plots and buildings in an unauthorized development laid prior to 28-02-1999 are also considered for regularization in CMA. The cut-off date prescribed dates back to more than 25 years, CMDA has proposed to Government separately, for extension of the cut-off date for regularizing individual plots in these unauthorized layouts made after 31.12.1989. Government has to consider the proposal for extending the cutoff date for regularization of plots in an unauthorised lay out.	ALLOWS FOR MORE CATEGORIES OF VIOLATIONS TO BE INCLUDED IN EXEMPTIONS.
xxviii.	To curb the further development of unauthorised layout, registrations of plots in an unauthorized layout have to be discouraged. The Government in G.O.Ms.No.150/CT department dated 22.9.2000 have ordered that registration of certain categories of documents is opposed to public policy, which includes the registration of documents relating to house sites in an unauthorized layout. This G.O. is yet to be notified in Government Gazette. Expeditious action to be taken to notify the above G.O. in Government Gazette.	THESE MEASURES ARE WELL BEYOND THE SCOPE OF SEC 113C.
xxix.	In many instances the Presidents of Panchayats have exceeded their delegated powers and issued planning permissions both for layout and buildings which have caused hardship to the public. Government may consider delegation of powers to BDOs	IS IN CONTRADICTION OF 74TH AMENDMENT.
xxx.	With regard to the evidences to be submitted by the applicants that the construction has been completed on or before 1-07-2007, the committee observed that the property tax assessment order with the detailed working sheets, Caution /Demolition notices of Planning Authorities /Local Bodies, Inspection Report of the Planning Authorities /Local Bodies /other Government Departments, Electricity Board Service Connection, Bank, Hypothecation Certificate and Bank loan sanction orders based on the inspection report of the Licensed Surveyors are the possible credible evidences that could be accepted as a valid proof.	
xxxi.	The heritage buildings are of great value and it is an important asset which needs to be preserved, The DR for CMA prescribe for grading of heritage buildings, allows intervention in the exteriors and interiors depending on the grades, adaptive reuse, award of TDR to compensate the loss of development rights etc, To enable the good maintenance of the heritage buildings, the owners have to be incentivized and international experiences and the best practices may be studied and similar provisions may also be adopted to suit the local conditions.	MERE EYEWASH. DIVERTS ATTENTION FROM VIOLATIONS AND VIOLATORS.