



Business Reform Action Plan 2016 Response by Government of Maharashtra

Area 4a: Construction Permit Enablers

64: Ensure that the building code/building bye-laws includes accreditation programs and clear responsibilities and liabilities for professionals including architects and engineers engaged in the construction process.

Response: **Yes**

Remarks:

The Development Control Regulations includes accreditation programs and clear responsibilities and liabilities for professionals including architects and engineers engaged in the construction process.

<http://www.mcgm.gov.in/irj/portal/anonymous/qldecreg>

The screenshots are made available below.

Supporting Documents:

Accreditation program : Appendix XII Regulation No 5(4) (ii)

APPENDIX XII (Regulations No. 5 (4) (II))

Qualification Competence, Duties and Responsibilities etc. of Licensed Technical Personnel or Architect for preparation of schemes for Development Permission and supervision

C-1. General :

C-1-1 The qualifications of technical personnel and their competence to carry out different jobs for development permission and supervision for the purpose of licensing shall be given in Regulations C-2 to C-6. The procedure for licensing technical personnel is given in Regulations C-6.

C-2. Architect :

C-2.2. Competence of Architect.-To carry out work related to development permission as given below and to submit,-

- (a) All plans and information connected with development permission;
- (b) structural details and calculations for buildings on Plot upto 500 sq.m. and upto 3 storeys or 11 m. height; and
- (c) Certificate of supervision and completion for all buildings. C-3.
Engineer.



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C-3.1. *Qualifications.*-Corporate memberships (Civil) of the Institution of Engineers or a Degree or Diploma in civil or Structural Engineering which makes him eligible for such membership.

C-3.2. *Competence.*-To carry out work related to development permission as given below and to submit,-

- (a) All plans and related information connected with development permission;
- (b) Structural details and calculations of buildings on plot upto 500 sq.m. and 5 storeys or 16 m. height; and
- (c) Certificate of supervision and completion for all buildings.

C-4. *Supervisor :*

C-4.1. *Qualifications.*-(a) For Supervisor I :

- (i) Three years' architectural assistantship or intermediate in architecture with two years experience ;or
- (ii) Diploma in Civil engineering with two years' experience.

(b) For Supervisor II :

- (i) Draftsman in civil Engineering from I.T.I. with five years' experience under architect/engineer.

C-4.2. *Competence.*-(a) For Supervisor I.-To submit-

- (i) All plans and related information connected with development permission on plots upto 200 sq.m. and upto two storeys; and
- (ii) Certificate of supervision of buildings on plots upto 200 sq.m. and upto two storeys and completion thereof.

(b) For Supervisor II. To submit-

- (i) All plans and related information upto 50 sq.m. built-up area and upto two storeys ;and
- (ii) certificate of supervision for limits at (i) above and completion thereof. C-

5.1. *Structural Engineer :*

C-5.1. *Qualifications.*-Three years' experience in structural engineering practice with designing and field work, and

- (a) A Degree in Civil Engineering of a recognised Indian or Foreign University and Chartered Engineer or Associate Memberships in the Civil Engineering Division of the Institution of Engineers (India) or equivalent overseas Institution ; or

- (b) Associate Membership in Civil Engineering Division of the Institution of Engineers (India) or equivalent overseas institution possessing exceptional merit.

Three years' experience will be reduced to two years for those with a post-graduate degree of a recognised Indian/Foreign University in the branch of Structural Engineering and to one year for those with a Doctorate in structural Engineering.

C-5.2. *Competence.*-To submit the structural details and calculations for all buildings and supervision.

C-5.2.1. Complicated buildings and sophisticated structures, as decided by the Commissioner which are within the horizontal areas and vertical limits under C-2-1(b),C-3-2-(b) and C-4-2-(a)-(i) shall be designed only by structural engineers.

C-6. *Licensing :*

C-6.1. *Technical personnel to be licensed.*-The qualified technical personnel or group referred to in Regulations C-3, C-4 and C-5 shall be licensed with the Municipal Corporation and the licence shall be valid for one calendar year ending 31st December after which it shall be renewed annually.

C-6.2. *Fees for Licensing.*-The annual licensing fees shall be as follows:-

For Engineers and Structural Engineers	.. Rs. 250 per annum.
For Supervisors S-I	.. Rs. 100 per annum.
For Supervisors S-II	.. Rs. 50 per annum.

C-6.3. *Duties and Responsibilities of Licensed Technical Personnel or Architect.*-

- (1) It will be incumbent on every licensed technical person or architect in all matters in which he may be professionally consulted or engaged to assist and co-operate with the Commissioner and other Municipal Officers in carrying out and enforcing



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the provisions of the Mumbai Municipal Corporation Act and Maharashtra Regional and Town Planning Act and of any Regulations or rules for the time being in force under the Acts.

(2) Every licensed technical person or architect shall in every case in which he may be professionally consulted or engaged be responsible so far as his professional connection with such case extends, for due compliance with the provisions of Chapters IX, X XI and XII of the Mumbai Municipal Corporation Act, the Maharashtra Regional and Town Planning act and of any rules or Regulations for the time being in force under the said Acts, or such of them as may respectively be applicable to the circumstances of the particular case and in particular it will be obligatory on him to satisfy himself that a qualified and competent site supervisor with qualifications prescribed by the Commissioner is constantly employed and present on the work supervise the execution of all work and to prevent the use of any defective material therein and the improper execution of any such work.

(3) In every case in which a licensed technical person or architect is professionally concerned with any building or work upon any premises, in respect of which a right to required a set-back has accrued or is about to accrue to the Commissioner under the provisions of sections 291,297 to ascertain whether "the regular line of the street" has been prescribed under sections 291, 297 and whether any portion of the said premises is required for the street and no licensed 298 and 299 of the BMC Act, or any of them, it will be incumbent on such licensed technical person, or Architect must, on any account or under any pretence, be a party to any evasion or attempted evasion of the set-back (if any) that may be required.

(4) In every case in which a licensed technical person or architect is professionally concerned with any building or work upon any premises designed or intended to be used or any purpose for which the written permission or licence of the Commissioner is prescribed by the said Act as necessary condition to the establishment or use of such premises for such purpose, it shall be incumbent on such licensed technical person or Architect, so far as his professional connection with such case extends, to see that all conditions prescribed by the said Act, or by any rules or Regulations for the time being in force thereunder, are duly fulfilled or provided for.

(5) A licensed technical person or architect shall not carry out any work in connection with any building or other erection on a plot of land leased or agreed to be leased by the Municipal Corporation in contravention of any condition of the lease or agreement for lease.

(6) When a licensed technical person or architect ceases to be in employment for the development work he shall report the fact forthwith to the Commissioner.

Responsibilities and liabilities:



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For the purpose of this Regulations, 'Commencement' shall mean as under: -

(a)	For a building work including additions and alterations	Upto plinth level
(b)	For bridges and overhead Tanks	Foundation and Construction work upto the base Floor.
(c)	For Underground works	Foundation and Construction work upto floor of underground Floor.
(d)	For lay-out, sub-division and amalgamation proposals	Final demarcation and provisions of Infrastructure and services upto the following stages: (I) Roads : Water bound macadam complete. (II) Sewerage, Drainage and water supply excavation and base concreting complete.

6. Procedure during construction.-

- (1) **Construction to be in conformity with Regulations.-** Owner's liability.-Neither the grant of permission nor approval of the drawing and specifications nor inspections by the Commissioner during erection of the building, shall in any way relieve the owner of such building from full responsibility for carrying out carrying out the work in accordance with these Regulations.
- (2) **Notice to start of work :-** The owner shall give notice to the Commissioner of his intention to start work on the building site in the form of given in Appendix XV. The owner may start the work after 7 days have elapsed from the date of the service such notice to the Commissioner or earlier, if so permitted.
- (3) **Documents at site :-** (i) **Results of tests:-** Where tests of any material are made to ensure conformity with the requirements of these Regulations, record of the test data shall be kept available for inspection during the construction of the building and for such period thereafter as required by the Commissioner.
(ii) **Development permission :-** The person to whom a development permission is issued shall during construction, keep-
 - (a) posted in a conspicuous place, on the site for which permission has been issued, a copy of the development permission; and
 - (b) a copy of the approved drawings and specifications referred to in Regulations 5 on the site for which the permit was issued.
- (4) **Checking of plinth columns upto plinth level :-** The owner through his licensed surveyor, engineer, structural engineer or supervisor or his architect shall give notice in the form of Appendix XVI to the Commissioner on completion of work upto plinth level to enable the Commissioner to ensure that the work conforms to the sanctioned plans. The Commissioner may inspect the work jointly with the licensed technical personal or architect within fifteen days from the receipt of such notice and either give or refuse permission for further construction as per the sanctioned plans in the form in Appendix XVII. If within this period, the permission is not refused, it shall be deemed to have been given provided the work is carried out according to the sanctioned plans.
- (5) **Deviation during constructions :-** If during the construction of a building, any departure of a substantial nature from the sanctioned plans is intended by way of internal or external additions, sanction of the Commissioner shall be necessary. A revised plan showing the deviations shall be submitted and the procedure laid down for the original plans heretofore shall apply to all such amended plans. Any work done in contravention of the sanctioned plans, without prior approval of the Commissioner, shall be deemed as unauthorised.



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- (6) **Completion certificate :-** The owner, through his licensed plumber, shall furnish a drainage completion certificate to the Commissioner in the form in Appendix 'XIX'. The owner through his licensed surveyor/engineer/structural engineer/supervisor or his architect, who has supervised the construction, shall furnish a building completion certificate to the Commissioner in the form in Appendix XX. These certificates shall be accompanied by three sets of plans of the completed development. The Commissioner shall inspect the work and, after satisfying himself that there is no deviation from the approved plans, issue a certificate of acceptance of the completion of the work in the form in Appendix XXI.
- (7) **Occupancy certificate :-** On receipt of the acceptance of completion certificate in the form in Appendix XXI, the owner, through his licensed surveyor/engineer/structural engineer/supervisor or his architect shall submit to the Commissioner a development completion certificate in the form in Appendix XVIII with three copies of the completion plan, one of which shall be cloth mounted for record. The Commissioner may inspect the work and after satisfying himself that there is no deviation from the sanctioned plans, issue an occupancy certificate in the form in Appendix XXII or refuse to sanction the occupancy certificate within 21 days from the date of receipt of the said completion certificate, failing which the work shall be deemed to have been approved for occupation, provided the construction conforms to the sanctioned plans. One set of plans, certified by the Commissioner as the completed plans, shall be returned to the owner along with the occupancy certificate. Where the occupancy certificate is refused or rejected, the reasons for refusal or rejection shall be given in intimation of the rejection or refusal.
- (8) **Part occupancy certificate :-** When requested by the holder of the development permission, the Commissioner may issue a part occupancy certificate for a building or part thereof, before completion of the entire work as per the development permission, provided sufficient precautionary measures are taken by the holder to ensure public safety and health. The occupancy certificate shall be subject to the owner's indemnifying the Commissioner in the form in Appendix XXIII.

7. Amendment/modification to Appendices :-

Except where the same are prescribed in Mumbai Municipal Corporation Act, 1888, or Maharashtra Regional and Town Planning Act, 1966 or the rules or bye-laws framed thereunder, the Commissioner may, from time to time, add to, alter or amend Appendices X to XXIII.

8. Inspection of

- (1) **Inspection at various stages:-** The Commissioner may at any time during erection of a building or the execution of any work or development make an inspection thereof without giving previous notice of his intention so to do.
- (2) **Inspection by Fire Department:-** For all multi-storeyed, high-rise and special buildings the work shall also be subject to inspection by the Chief Fire Officer, and the Commissioner shall issue the occupancy certificate only after clearance by the said Chief Fire Officer.
- (3) **Unsafe building :-** All unsafe buildings shall be considered to constitute a danger to public safety, hygiene and sanitation and shall be restored by repairs or demolished or dealt with as otherwise directed by the Commissioner.
- (4) **Unauthorised development :-** In case of unauthorised development, the Commissioner shall -
- (a) take suitable action which may include demolition of unauthorised works as provided in section 53 of the Maharashtra Regional and Town Planning Act, 1966 and the relevant provisions of the Mumbai Municipal Corporation Act, 1888.
 - (b) take suitable action against the licensed technical person or the architect concerned.