



Business Reform Action Plan 2016 Response by Government of Maharashtra

Area 4a: Construction Permit Enablers

69: Define mandatory qualifications for architects, structural engineers and contractors

Response: **Yes**

Remarks:

MIDC:

MIDC Development Control Regulations 2009 (Part 1: Section 15.2, 15.3 and 15.4) specifies the mandatory qualifications for accredited architects, structural engineers and contractors.

MIDC DCR 2009 could be accessed at :

<http://www.midcindia.org/documents/20182/29054/DSR+new.pdf/a764317d-6490-4171-82ec-50da9c756b68>

UDD:

The Development Control regulations 2013 (Appendix C) for the regional plans in Maharashtra by the Urban Development Department, has mandatory qualifications for architects, structural engineers and contractors

DCR 2013 could be accessed at :

https://www.maharashtra.gov.in/site/upload/WhatsNew/ABCDCR_RP_03122013.pdf

MCGM:

The DCR 1991 (Section 5.1) defines mandatory qualifications for architects, structural engineers and contractors

DCR 1991 is available at :

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

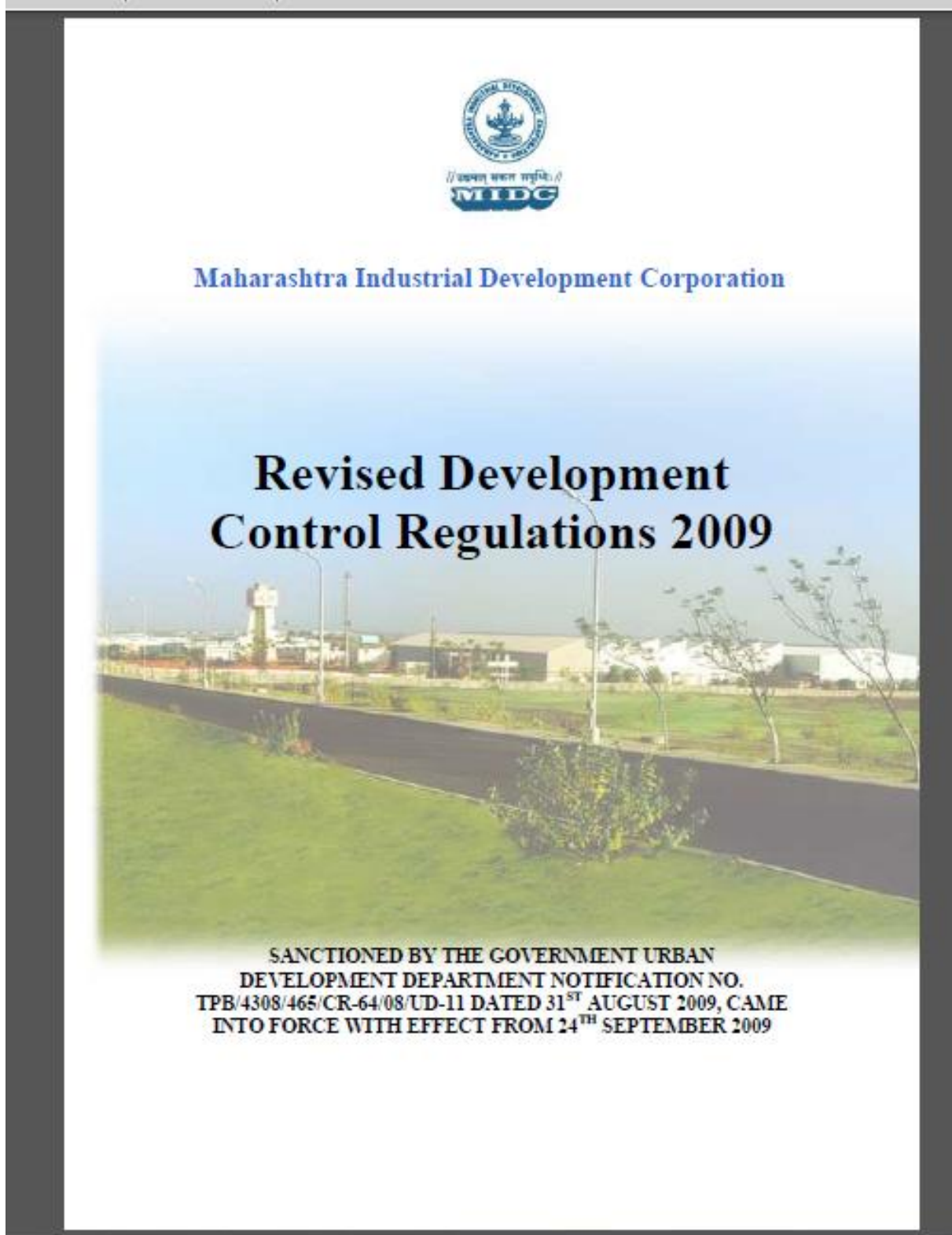


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Supporting Documents:

MIDC:





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13. Unsafe Buildings

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 by the owners of such buildings as otherwise directed by MIDC.

14. Clearances from other Authorities

Specific approvals/clearances shall be obtained from authorities like Maharashtra Pollution Control Board, Director of Industries, Chief Controller of Explosives, Inspectorate of Boilers and Smoke Nuisance, Civil Aviation Department etc. as may be applicable and the same shall be submitted to MIDC at the time of obtaining development permission.

15. Procedure for fast track Approval

15.1. The MIDC may permit to undertake development on fast track, without obtaining prior permission if the same is undertaken/supervised by an empanelled Accredited Architect/Accredited Town Planner, subject to the following:

15.1.1. Any person intending to undertake any construction on his land/plot shall inform in writing to MIDC of the intension to carry out such development along with the following documents:

- a) Document showing ownership of the land.
- b) Undertaking to be given by the Accredited Architect as per the format given in Appendix IX.
- c) One set of drawings showing site plan, building plans and one cross section.

15.1.2. The applicant/owner may, thereafter, commence the work at site and carry out the work up to plinth level. However, under no circumstances, further work shall be undertaken by the applicant/owner without first obtaining formal development permission as required under these Regulations.

15.1.3. The works undertaken under this provision shall be in conformity with these Regulations and the Accredited Architect shall be held personally responsible in case of any violation and shall be liable for such action as may be decided by MIDC including termination from empanelment.

15.2. Eligibility criteria for empanelment of Accredited Architects:

- a. The Architect shall have the minimum qualification as prescribed under the Architects Act, 1972.
- b. The applicant shall be a registered member of the Council of Architecture.
- c. He shall have at least ten years experience as a Practicing Architect.



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- d. He shall have an excellent track record in designing and supervising buildings and shall have executed projects worth Rs.5 crore per annum for the past three years.
- e. The applicant shall deposit and keep deposited an interest free amount of Rs. one lakh with MIDC throughout the period of empanelment. The deposit amount is liable to be revised from time to time

15.3. Eligibility criteria for empanelment of Accredited Town planners:

- a. The applicant shall be a registered member of the Institute of Town Planners, India.
- b. He shall have at least ten years experience as a Professional Planner.
- c. He shall have an excellent track record in planning and supervising development projects and shall have executed projects worth Rs.5 crore per annum for the past three years.
- d. The applicant shall deposit and keep deposited an interest free amount of Rs. One lakh with MIDC throughout the period of empanelment.

15.4. Procedure for empanelment of Accredited Architects / Town Planners.

MIDC shall empanel accredited Architect / Town Planners, in the months of January and July of each calendar year. Application for Empanelment as Accredited Architect / Town Planner Shall be in Form No 15 Given in Appendix IX.

16. Discretionary Powers

- a. *"In specific cases, where clearly demonstrable hardship is caused, Chief Executive Officer may for reasons to be recorded in writing by special permission, permit any of the dimensions prescribed in these rules to be modified except those relating to Floor Space Indices from margin parking requirements unless otherwise permitted under these rules, provided that the relaxation will not affect the health, safety fire safety, structural safety & public safety of the inhabitants of the buildings and the neighborhood"*
- b. The Chief Executive Officer may, from time to time, add or alter or amend Appendix I except where same are prescribed in the MR. & TP Act, 1966 or in the MID Act, 1961.



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UDD:

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APPENDIX 'C'
**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 the technical personnel and their competence to carry out different jobs for building permit and supervision for the purpose of licensing by the Authority shall be as given in Regulation No. C-2 to C-6. The procedures for licensing the technical personnel is given in regulation No.C-6.
C-2	ARCHITECT
C-2.1	Qualifications- The Qualifications for licensing of Architect will be the Associate Membership of the Indian Institute of Architects or such Degree or Diploma which makes him eligible for such membership or such qualifications listed in Schedule XIV of Architects Act, 1972 and shall be registered under the Council of Architecture as per Architects Act, 1972.
*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 building on plot upto 500 sq. m. and upto 3 storeys or 11 m. height and (c) Certificate of supervision and completion for all building.
C-3	A)ENGINEER-1
C-3.1	Qualifications- 1)The qualifications for Licensing Engineer will be the corporate membership (Civil) of the Institution of Engineers or such Degree or Diploma in Civil or Structural Engineering; 2) Diploma In Civil Engineering or Equivalent, having experience of 10 years in the field of land and building planning.
*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 for building on plot upto 500 sq. m. and upto 5storeys or 16 m. height, and (c) Certificate of supervision and completion for all building.
C-4	STRUCTURAL ENGINEER
C-4.1	Qualifications- Qualifications for Licensing of structural engineers shall be in the following with minimum 3 years experience in structural engineering practice with designing and field work; (a) Graduate in Civil Engineering of recognised Indian or Foreign University and 'Chartered Engineer or Associated Member in Civil Engineering Division of Institution of Engineers (India) or equivalent Overseas Institution; and



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	(b) Associate member in Civil Engineering Division of institution of Engineers (India) or equivalent Overseas: Institution possessing exceptional merits. The 3 years experience shall be relaxed to 2 years in the case of Post-graduate degree of recognised Indian and Foreign University in the Branch of Structural Engineering. In the case of doctorate in Structural Engineering, the experience required would be one year.						
* C-4.2	Competence - To submit the structural details and calculations for all building and supervision.						
*C-4.2.1.	Complicated buildings and sophisticated structures, as decided by the Chief Officer, which are not within the horizontal areas and vertical limits under C-2.2 (b), C-3.2 (b) & C-5.2 (a) (I) shall be designed only by Structural Engineer.						
C-5	SUPERVISOR:						
C-5.1	Qualification (a) For Supervisor 1 :- (i) Three years architectural assistantship or intermediate in architecture with two years experience, or (ii) Diploma in Civil engineering with two year's experience. (b) For Supervisor - 2:- (i) Draftsman in Civil Engineering from ITI with five year's experience under Architect / Engineer.						
C-5.2	Competence (a) For Supervisor-1: To submit - (i) All plans and related information connected with development permission on plot upto 200 sq. m. and upto 2 storeys; and (ii) Certificate as supervision of buildings on plot upto 200 sq. m. and upto 2 storeys and completion thereof. (b) For Supervisor-2 : To submit - (i) All Plans and related information upto 50 sq. m. built up area and upto 2 storeys, and (ii) Certificate of supervision for limits at (i) above and completion thereof.						
C-6.	LICENSING-						
* C-6.1	Technical Personnel to be licensed:- The Qualified technical personnel or group as given in regulations; No C-3, C-4, C-5 shall be licensed with the authority and the license shall be valid for three calendar years ending 31 st December after which it shall be renewed annually over every three years.						
* C-6.2	Fees for Licensing- The annual licensing fees shall be as follows:- <table border="1" style="margin-left: 40px;"> <tr> <td>For Engineer and structural Engineer</td> <td>1000 p.a.</td> </tr> <tr> <td>For supervisor (1)</td> <td>500 p. a.</td> </tr> <tr> <td>For supervisor (2)</td> <td>300 p. a</td> </tr> </table>	For Engineer and structural Engineer	1000 p.a.	For supervisor (1)	500 p. a.	For supervisor (2)	300 p. a
For Engineer and structural Engineer	1000 p.a.						
For supervisor (1)	500 p. a.						
For supervisor (2)	300 p. a						
* C-6.3	Duties and Responsibilities of Licensed Technical Personnel: The duties and responsibilities of licensed technical Personnel shall be as follows:- (1) It will be incumbent on every licensed Technical personnel, in all matters in which he may be professionally consulted or engaged, to assist and co-operate with the Chief Officer of the Municipal Council and other Officers in carrying out and enforcing the provisions of Maharashtra Regional & Town Planning Act, 1966 and of any regulations for the time being in force under the same. (2) Every licensed Technical Personnel shall in every case in which he may be professionally consulted or engaged, be responsible, so far as his professional						



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connection with such case extends, for due compliance with the provisions of Maharashtra Regional & Town Planning Act, 1966 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 and of any regulations for the time being in force under the said Act, 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 Maistry or Inspector of Works is constantly employed and present on the work to 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 Personnel is professionally concerned in connection with any building or work upon any premises, in respect of which a right to require a set-back has accrued or is about to accrue to the Chief Officer under the provisions of relevant Acts or any of them it will be incumbent on such Licensed Technical Personnel to ascertain whether " the regular line of the street" has been prescribed under the provisions of relevant Act; and whether any portion of the said premises is required for the street and no Licensed Technical Personnel must, on any account or under any pretence whatever, be a part 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 Personnel is professionally concerned in connection with any building or work upon any premises designed or intended to be used for any purposes in respect of which the written permission or license of the Chief Officer is prescribed by the said Act at a necessary condition to the establishment or use of such premises for such purpose, it shall be incumbent on such Licensed Technical personnel, so far as his professional connection with such case extends, to see that all conditions prescribed by the said Act, or by any rule for the time being in force there under, in respect or premises designed or intended to be applied to such use, are duly fulfilled or provided for.

(5) A Licensed Technical Personnel 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 Council in contravention of any term or condition of the lease or agreement for lease.

(6) When Licensed Technical Personnel ceases to be in the employment for the development work, he shall report the fact forthwith to the Chief Officer.



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MCGM:

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

- (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 -
- 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.
 - take suitable action against the licensed technical person or the architect concerned.



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ANNEXURE 1

**(Part of Appendix X-Item 5)
Particulars of Development**

- 1.(a) (i) Applicant's Full Name
(in block letters)
(ii) Applicant's address
- (b) Name and address of Licensed Surveyor/Engineer/Structural Engineer or Supervisor / Architect employed
- (c) No. and date of issue of license .. valid upto (2) Is the plot affected by any reservation or road lines? If so, are these correctly and clearly marked on the block plan ?
3. * (a) What is the total area of the plot according to the document ? *(b) Does it tally with the Collector's record ?
*(c) What is the actual area available on site measured by the licensed surveyor/architect/engineer/structural engineer/supervisor or architect ?
(d) If there is any deduction in the original area of the plot on account of road lines or reservation ? Please state the total area of such deductions.
(e) If so, what is the net area ?
(f) Is the clearance under Urban Land (Ceiling and Regulations) Act, 1976 obtained ? If so, what is the area allowed for development ?
*Permission will be based on the minimum of areas in (a),(c) or (f) above.

- Note.-INDICATE DETAILS ON THE SITE/BUILDING PLAN AS IN FORM 1.
(4) Are all plans as required under Regulations 5(3) enclosed?
5(a) Is the plot part of a city triangulation survey number, revenue survey number or hissa number or a final plot number (city survey number) of a Town Planning Schemes or a part of an approved layout ?
(b) Please state sanction number and date of sub-division/layout.
- 6(a) In what zone does the plot fall ?
(b) What is the permissible Floor Space Index of the Zone ?
(c) What is the number of tenements per net hectare permissible in the zone?
7(a) Is the use of every room in the proposed work marked on the plans?
(b) Is it in accordance with the Regulations?
- (c) Does the building fall in the category of-
(i) Special building as defined in Regulations 2(3)(11)(m) ?
(ii) Multi-storeyed building or high rise building as defined in Regulations 2(3)(11)(i)?
- 8 If the work is in connection with an industry-
a) Please briefly describe the main and accessory processes.
b) Please state the maximum number of workmen and the total KW likely to be employed per shift in the factory.
c) Under what industrial classification does it fall ? (Reference to relevant Regulation should be given).
d) Is the proposal for relocation of an existing industry ? If so, give the name and address of the existing industry.

Note.- The permission will be based on the area which is minimum.



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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) andC-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