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Dated. 16th Oct. 2008

To
Principal Secretary
Housing & Urban Development
Bapu Bhawan,
Govt. of U.P.
Lucknow-226001

Sub: Revision of building bye laws and housing policy of U.P.

Sir,

This is to bring to your kind notice that building bye-laws for the development areas and housing policy of U.P. are under revision. U.P. Architects Association has made a detailed study and its impact on the development of areas and hereby submits its suggestions as under-

Building bye-laws:

DENSITY:

With reference to the draft building bye-laws and G.O. no. 5136/8-3-2008-11 Vividh/08 dated 25th Sept. 2008 issued from Housing and Urban Development section-3, Under point 1 (I) the table prescribes number of units up to the plot area of 500 Sq.M and beyond 500 Sq.M. up to less than 2000 Sq.M, it has been allowed to permit one dwelling unit per 150 Sq.M of land area.

U.P. Architects Association is of the opinion that in the plotted development areas, a plot is allotted to a particular person for their own use. So there is no question of permitting number of units over these plots as it will be a parallel arrangement of group housing facility over small plots. In our opinion there should be a clear cut division between plotted development and group housing development. Such bye-laws will permit up to even 14 numbers of units (without availing the Purchasable FAR and compounding limits). Practically no Govt. or private agency is developing the plots for individual houses more than 300 Sq.M (Max.limit as per housing policy). All such plots are available only in old developed areas where infrastructure is also provided accordingly. The example can be seen in the colonies like Raj Nagar, Rajendra Nagar, Indira Puram, Vaishali, all at Ghaziabad where number of dwelling units were permitted on individual plots and the built environment effected adversely due to over burden of infrastructure. This is not only Ghaziabad but this is entire state where the cities environment is deteriorating day by day very fast due to the same reason. In such circumstances the schemes like JNURM will also not bring desired results. Hence in our opinion such provisions should not be made in revised bye-laws. However such big plots in old colonies may be su-divided for the purpose of individual houses. Aim of such provision is to avoid group housing in old areas.

Item no.1.(IV).5 of G.O.prescribes that the design of infrastructural facilities like drainage, water supply and sewerage will be provided on the basis of density and the authorities will ensure the same provisions as per the norms laid down in NBC of India. But NBC of India do not prescribe such norms of layout /colony/city planning as it is only for the buildings and prescribes the norms for buildings only. However the road width has been prescribed but it is not for the city or zonal plans or larger areas like townships etc.Hence the norms of infrastructural facilities should also be laid down simultaneously other wise this exercise has no meaning and will create confusions in the cities.

GROUND COVERAGE AND F.A.R.:

Under clause no. 4 of said G.O. permits the purchase of F.A.R. Our association opposes the sale purchase of laws. The spirit of law should not be money generation but should be made with the spirit to create a healthy and sustainable environment and should be an instrument to regulate the development and not to create a commercial platform. Conceptually more FAR is being proposed to keep the land /property prices within reach of a common man by allowing more covered area on the same land. Then concept of purchasable FAR charges fixed on the basis of circle rate is quite illogical considering the logic for land price control. These charges will also result ultimately an increased cost of the property/houses for a common man. Total cost of a property is the sum of land cost plus development cost. Here we are reducing the land cost factor by increasing the FA R and recovering the same land cost by increasing development cost. It's a kind of illusion.

PURCHASABLE F.A.R. :

Under clause 4 (3) of said G.O and clause 3.5.2 of draft building bye-laws prescribes the committee for the recommendations of granting purchasable FAR. We are making the system of development more simple in our policies and more complicated in procedures by issuing such G.O.'s. We suggest abolishing the system of sale purchase of FAR especially in already developed areas as the infrastructural facilities in these areas are already over burden and no further load can be imposed. One can not increase the road width, the diameter of entire water supply and sanitary lines and similarly one can not install new power sub-stations for increased electricity load due to non availability of land/space in built up areas. The area does not have sufficient open spaces and other facilities like Nursery schools/Primary schools/Higher Secondary schools and health facilities etc.

There is no space for parking of vehicles even at present. Hence there is no need of formation of any committee for the evaluation of capacity of available infrastructural facilities in any area as this is a subject matter of study and design of infrastructural part of the master plan/zonal plan areas as a whole and not of a small area or colony. The network of services of the entire city is inter related and can not be evaluated in isolation.

Besides all this, there is another problem of left over old built up areas which have not been shown in the master plans as built up areas. While these are the densely populated very old areas having narrow gali type road net work. In such areas building bye-laws are applicable same as for new areas. If the revised coverage and FAR in such areas will be implemented, it will create more problems and will convert in urban slum.

The master plan of a city is a city development plan which have already designed and approved for many cities of U.P. recently. Basic design data for these master plans is based on the present physical, socio-economic surveys and prevailing building bye-laws. Based on these basic data the calculation of total land requirement for different uses and population of the city has already been fixed (where master plans has been finalized). On the basis of this population and available land area and its pattern of distribution over the entire development area, has fixed the requirement and distribution of infrastructural facilities all over the city. Any change in the building bye-laws (Being a basic design data for master plans) will change the overall character of the city and its master plan. The infrastructural facilities can be broadly divided into two groups: firstly roads, water supply, sewage system, electricity distribution, solid waste etc., secondly: amenities like schools/ colleges, hospitals, police stations, fire stations, open spaces, commercial spaces etc. Hence in our opinion the change in building bye-laws ,more particularly in density , will change the population of the city. This changed population will effect the provisions of various infrastructural facilities in the master plan resulting gross changes in master plan also.

Developments of Parks:

A study of specialized persons reveals that in the absence of proper playing facilities ,children up to teen age group are spending more time on T.V., computers, Vedeo Games etc. In such circumstances they are becoming more aggressive and tendency of pschychic disorders is increasing. In the absence of group playing activities, the tendency of co-existance is decreasing. Increased density of urban areas due to

violation of bye-laws and other reasons has spoiled the quantum and quality of open spaces. In order to provide reasonable environment to grow the children, our associations are of the opinion that in the layout plans parks measuring 1000 sq. m or more in residential schemes, construction of indoor games hall should be made mandatory for all agencies and should form part of internal development. This covered area may be fixed up to 10% of park area. There should be specific provision in the bye-laws that the building can not be used for any other purpose under any circumstances.

Exemption of 300 Sq.M.plots for residential bldgs:

Presently, drawings submitted by Architects on plots measuring less than 300 sq.m in schemes developed by Development Authorities or U.P. Housing and development board are considered as sanctioned. This should also be applied to all other residential schemes whose layouts have been sanctioned by Development Authority /Prescribed Authority.

Formal receipt of Submission Drgs:

Presently bye-laws do not have any provision for the official receipts of the submission drawings/documents in the development authorities. People are taking undue advantage of this situation in hampering the sanction process. Hence it is requested to make the provision for the specific receipt of the submission drawings/ documents

Format for objections on the drawings:

It has been experienced that objections on the submission drawings are raised in a very vague way and generally are not clear in them. It becomes very difficult to understand that the objection pertains to which provision of building bye-laws. Hence it is suggested to objections should be raised in very clear language indicating the specific provision of the bye-laws. The objections should indicate the provision under the bye laws as compared to the drawing submitted. The suggested format is as under:-

S.No.	Objection as per submission drawing	Provision in the bye laws indicating bye-law no. or G.O. number.
1.		
2.		
3.		
4.		
5.		

Common wall construction:

It is learnt from the sites that in case of common wall constructions in row housing people raise the construction on half brick wall (4.5 " th)as load bearing wall due to objection by the neighbourer to leave their 4.5" space of thickness of wall. This practice is extremely unsafe from earth quack point of view. Hence any plot owner should have the right to raise the common wall of entire thickness for further construction at his own cost. The neighbor should have no right to object under such circumstances. It should be specifically incorporated in the bye-laws to promote safe constructions

Guide lines for the qualifications and competence of professionals:

Under draft bye-law no. 1.2.4 "**Guide lines for the qualifications and competence of professionals**" has been prescribed. In this regard we would like to bring to your kind notice that the competence of different professional for built environment (Including provisions of National Building Code of India) has already been challenged before Hon'ble Supreme Court of India vide writ petition no. W.P. (Civil) 58 of 2005 by Society of safe structures V/S Union of India & Others. The writ petition has been accepted by

the Hon'ble Court and the matter is subjudice now in the court of law. This writ petition includes the provisions of all state Governments also pertaining to the subject. Hence you are requested to kindly not to include this part in the proposed revision of building bye-laws.

Housing Policy:

1. Under Para 1.3.3 of the draft policy we are of the opinion that infrastructural facilities like good educational facilities, good health facilities, water supply and sanitary facilities should be developed in small and medium towns, situated on main roads, around big cities of the state. This development will create these towns as satellite towns which will automatically decongest the big cities.
2. Under Para 3.1.9 of the draft policy measures should be taken to prevent the unauthorized development by making laws pertaining to transfer of properties, sale purchase agreements, black listing of persons/developers by name (not by firm or office) including fixing the liabilities/accountability of the development authority staff. Provisions under RBO Act. 1958 and Urban Planning and Development Act. 1973 are one sided (permits action against only owner and not the concern authorities /persons of the development authorities.) and insufficient.
3. Under Para 3.1.14 of the draft policy provision, in our opinion Avas Bandhu should be made more effective by transferring the work load/responsibilities from the office of Principal Secretary / Secretary of Housing and Urban Development. State level committee of Avas Bandhu should have the representatives of Consultant Architects fraternity through their state level association.
4. Under Para 3.1.14 of the draft policy provision, we suggest to include one representative of local Architects Association in the committee for the infrastructural development from the fund of external development ,free hold income and alike
5. Under Para 3.1.25 of the draft policy, we suggest that there should be a dead line for the development of web-sites of the development authorities as still most of the development authorities web-sites are either not working or does not have useful information.
6. Under Para 3.2.11 of the draft policy, it is suggested that all buildings should be designed by an Architect abutting to the major roads (more than 18.0 M in width) of the cities having historical background to achieve this goal.

Thanking You.

Yours Sincerely

President.