GOVERNMENT OF WEST BENGAL
DEPARTMENT OF MUNICIPAL AFFAIRS
WRITERS' BUILDINGS, KOLKATA

NOTIFICATION

No. 105/MA/O/C-4/3R-14/2015 **Dated, Kolkata, the 26th day of February, 2016**

In exercise of the power conferred by section 417 of the West Bengal Municipal Act, 1993 (West Ben. Act XXII of 1993) (hereinafter referred to as the said Act), the Governor is pleased to make, after previous publication as required by sub-section (1) of section 417 of the said Act, the following amendments in the West Bengal Municipal (Building) Rules, 2007, published under notification No. 67/MA/O/C-4/3R-8/2002, dated the 14th day of February, 2007 (hereinafter referred to as the said rules):-

Amendments

In the said rules, -

(1) In sub-rule (1) of rule 2, -

(i) for clause (33), substitute the following clause: -

"(33) "Geo-Technical Engineer" shall mean a Geo-Technical Engineer Class I and Geo-Technical Engineer Class II having qualification mentioned at sub-rule (4) of rule 15 and empanelled either with the Municipal Engineering Directorate, Government of West Bengal, or with the Kolkata Municipal Corporation under rule 14;"

(ii) after clause (39), insert the following clause:-

"(39A) "Kolkata Municipal Corporation" or "KMC" shall mean the Kolkata Municipal Corporation constituted under the Kolkata Municipal Corporation Act, 1980 (West Ben. Act LIX of 1980);";

(iii) for clause (41), substitute the following clause:-

"(41) "Licensed Building Surveyor (LBS.)" shall mean the Licensed Building Surveyor Class I and Licensed Building Surveyor Class II, having qualifications mentioned at sub-rule (4) of rule 15 and empanelled either with the Municipality or with the Municipal Engineering Directorate, Government of West Bengal or with the Kolkata Municipal Corporation under rule 14;"

(iv) for clause (70), substitute the following clause:-

"(70) "Structural Engineer" shall mean Structural Engineer Class I and Structural Engineer Class II having qualification mentioned at sub-rule (4) of rule 15 and empanelled either with the Municipal Engineering Directorate, Government of West Bengal, or with the Kolkata Municipal Corporation under rule 14;" and

(v) after clause (70), insert the following clause:-

"(70A) "Structural Reviewer" shall mean a person having qualification of Structural Reviewer mentioned at sub-rule (4) of rule 15 and empanelled either with the Municipal Engineering Directorate, Government of West Bengal, or with the Kolkata Municipal Corporation under rule 14;";

(2) in sub rule (6) of rule 12, for the number and sign "14.5", wherever it occurs, substitute the number and sign "15.50";

(3) In rule 14, -

(I) In sub rule (1),-

(a) after the words "Every person", insert the words "/ Private Organization/ Institution/ Public Sector Unit/Local body/ Trust etc. unless otherwise specified in any other Law";

(b) for the words and signs "designed and supervised by an architect or structural engineer or licensed building surveyor", substitute the words "designed and supervised by an architect or structural engineer or geo-technical engineer or structural reviewer or licensed building surveyor";

(c) for the words and signs "the architect or licensed building surveyor or structural engineer shall certify", substitute the words "the Architect or Structural engineer or geo-technical engineer or structural reviewer or licensed building surveyor shall certify";

(d) for sub-rule (2), substitute the following sub-rule:-

"(2) In all such cases, structural engineer, geo-technical engineer, and structural reviewers shall have to be empanelled either with the Municipal Engineering Directorate, Government of West Bengal, or with the Kolkata Municipal Corporation, and the licensed building surveyor empanelled with the Municipality.";

(II) for sub-rule (3), substitute the following sub-rule:-

"(3) The name, address, cell phone Number, e-mail ID, and license or empanelment number of the person so employed, either empanelled with the Municipality or the Municipal Engineering Directorate, Government of West Bengal, or the Kolkata Municipal Corporation, as the case may be, and serial number or registration number in the case of architect shall be stated in the application in respect of preparation of plan and designation of structural work under sub-rule (1):

Provided that the structural engineer, geo-technical engineer and structural reviewer shall be empanelled with the Municipal Engineering Directorate, Government of West Bengal, under this rule, in the manner as may be specified by the Chief Engineer, Municipal engineering Directorate, Government of West Bengal. This empanelment shall remain valid for a period of five years from the date of issuance of empanelment certificate, and the validity of the empanelment shall automatically lapse after the date of expiry or at any time on cancellation of empanelment by the Municipal Engineering Directorate. Cancellation of empanelment shall be made by the said Directorate, for poor performance of the empanelled structural engineer or geo- technical engineer or structural reviewer on the basis of written recommendation of the respective Municipality, and after enquiry by the Municipal Engineering Directorate, by a reasoned order to be issued after giving an opportunity of hearing to the person involved."

(4) In rule 15 of the said rules, -

(i) for sub-rule (1), substitute the following sub-rule:-

"(1) Every person or private organization or Institution or Public Sector unit or Local Body or Trust etc., unless otherwise specified in any other law for the time being in force, if any, intends to erect, add to or alter any building shall, subject to the provisions of the Act and these rules, engage the technical personnel mentioned in column II of the Table below in respect of the building mentioned against each in column I of the Table below:

Table

Sl No.	Building Height	Technical personnel to be engaged
(I)	(II)	(III)
1.	Upto 10 meters (not involving deep foundation or underground structure)	Licensed Building Surveyor Class II
2.	From above 10 meters upto 15.5 meter (not involving deep foundation or underground structure)	Licensed Building Surveyor Class I and Geo Technical Engineer Class II
3.	Upto 15.5 meters (involving deep foundation or underground structure)	Structural Engineer Class II, Architect and Geo-Technical Engineer Class II
4.	From above 15.5 meters upto 20 meters	Structural Engineer Class II, Architect and Geo-Technical Engineer Class II

5.	From above 20 meters upto 25.5 meters	Structural Engineer Class II, Architect and Geo-Technical Engineer Class I
6.	Above 25.5 meters	Structural Engineer Class I, Architect, Geo-Technical Engineer Class I and Structural Reviewer

Provided that the licensed building surveyor, the architect, the structural engineer, structural reviewer and the geo-technical engineer, as required to be engaged under this sub-rule, will work in association with one another and they will be individually or collectively responsible for ensuring the safety of the building structure and its foundation.

Note I :- Any technical personnel of the higher class may be engaged for lower category of buildings. However, in all cases, Certificates shall be issued in all drawings by the empanelled licensed building surveyor, structural engineer, geo-technical engineer, and structural reviewer, as the case may be, in the similar manner as specified in sub-rule (2) of rule 53 for empanelled engineers in compliance of the relevant clauses of IS Code of Practice related to the structure and National Building Code.

Note II : - In case of any building irrespective of height, the owner or lessee, as the case may be, of the building shall engage Structural Reviewer on recommendation of the competent authority if so required.".

(ii) in sub-rule (2), for the words "Geo-technical Engineer or Licensed Building Surveyor, as the case may be,", substitute the words "Geo-technical Engineer, Structural Reviewer or Licensed Building Surveyor, as the case may be, or in the case of any change in the empanelled technical personnel employed by the owner or lessee, ".

(iii) in sub-rule (3), for the words "a Geo-technical Engineer, with the lapse of empanelment, or in the case of a Licensed Building Surveyor, with lapse of the validity of license", substitute the words "a Geo-technical Engineer, a Structural Reviewer with the lapse of empanelment, or in the case of a Licensed Building Surveyor, with lapse of the validity of license, or in the case of any change in the empanelled technical personnel employed by the owner or lessee".

(iv) for sub-rule (4), substitute the following sub-rule:-

"(4) The technical personnel, mentioned in column (II) of the Table below, for the purpose of rule 14 under these rules, the eligibility criteria shall be as mentioned in column (III) against each in the Table below:

Table

Sl. No.	**Nomenclature of Technical Personnel**	**Minimum required qualification**
(I)	(II)	(III)
1.	Licensed Building Surveyor Class II	(a) A bachelors Degree in Civil/ Construction Engineering from a Government recognized University or an equivalent engineering qualification recognized by the Government and shall have not less than two years experience in planning, design and execution of building works including sanitary and plumbing works related to the building in areas other than the Municipalities in hill areas; or (b) A Diploma in Civil Engineering or Architecture from a Government recognized University or an equivalent engineering qualification recognized by the Government and shall have at least five years experience in planning, design and execution of

		building works including sanitary and plumbing works related to building in areas other than the Municipalities in hill areas.
2.	Licensed Building Surveyor Class I	(a) A bachelors Degree in Civil/ Construction Engineering from a Government recognized University or an equivalent engineering qualification recognized by the Government and shall have not less than five years experience in planning, design and execution of building works including sanitary and plumbing works related to building in areas other than the Municipalities in hill areas; or (b) A Diploma in Civil Engineering from a Government recognized University or an equivalent engineering qualification recognized by the Government and shall have at least ten years experience in planning, design and execution of building works including sanitary and plumbing works related to building including sanitary and plumbing works related to building in areas other than the Municipalities in hill areas.
3.	Structural Engineer Class II	(a) A post graduate degree in Structural Engineering from a Government recognized University or an equivalent engineering qualification recognized by the Government and shall have at least three years experience in structural design and execution of work of different classes of buildings in areas other than the Municipalities in hill areas; or (b) A bachelor degree in Civil/ Construction Engineering from a Government recognized University or an equivalent engineering qualification recognized by the Government and shall have at least five years experience in structural design and execution of work of different classes of buildings in areas other than the Municipalities in hill areas.
4.	Structural Engineer Class I	(a) A post graduate degree in Structural Engineering from a Government recognized University or an equivalent engineering qualification recognized by the Government and shall have at least five years experience in structural design and execution of work of different classes of buildings in areas other than the Municipalities in hill areas; or (b) A graduate degree in Civil/ Construction Engineering from a Government recognized University or an equivalent engineering qualification recognized by the Government and shall have at least ten years experience in structural design and execution of work of different classes of buildings in areas other than the Municipalities in hill areas.
5.	Geo-Technical Engineer Class II	(a) A post graduate degree in Geo Technical Engineering from a Government recognized University or an equivalent engineering qualification recognized by the Government and shall have at least three years experience in experience soil exploration, investigation and recommendation of type of foundation and execution of such works in areas other than the Municipalities in

		hill areas; or (b) A bachelor degree in Civil/ Construction Engineering from a Government recognized University or an equivalent engineering qualification recognized by the Government and shall have at least seven years experience in the field of soil exploration, investigation and recommendation of type of foundation and execution of such works in areas other than the Municipalities in hill areas.
6.	Geo-Technical Engineer Class I	(a) A post graduate degree in Geo Technical Engineering from a Government recognized University or an equivalent engineering qualification recognized by the Government and shall have at least five years experience in the field of soil exploration, investigation and recommendation of type of foundation and execution of such works in areas other than the Municipalities in hill areas ; or (b) A bachelor degree in Civil/ Construction Engineering from a Government recognized University or an equivalent engineering qualification recognized by the Government and shall have at least ten years experience in the field of soil exploration, investigation and recommendation of type of foundation and execution of such works in areas other than the Municipalities in hill areas.
7.	Architect	Registered as an Architect by the Council of Architecture under the Architects Act, 1972 (20 of 1972)
8.	Structural Reviewer	A post graduate degree in Structural Engineering from a Government recognized University or an equivalent engineering qualification recognized by the Government with at least ten years experience in structural design and execution of work of different types of buildings, having adequate knowledge in different type of software used to analyze and design the high rise buildings and conversant with all the provisions of the I.S. Codes.

(5) after rule 18, the insert following rule:-

"**18A. Duties and Responsibilities of Structural Reviewers.** – Duties and responsibilities of the Structural Reviewers shall be as follows:-

(a) to review and certify compliance of these rules together with drawings and design prepared by the Structural Engineer as may be required under these rules; and

(b) to submit addendum to the certificate or to issue a new certificate in case of subsequent changes in the structural design.";

(6) in rule 34, -

(a) omitt sub-rule (4); and

(b) for sub rule (7), substitute the following sub-rule:-

"(7) The Board of Councillors shall not permit connections to be made to municipal water mains and municipal drains—from any new building in respect of which Occupancy Certificate has not been issued;

Provided that the Board of Councillors may permit connections to be made in respect of a building where Partial Occupancy Certificate or Block wise Occupancy Certificate has been issued as per provision of rules 34A and 34B.

Provided further that the Board of Councillors may order disconnection of such connections if he is of the opinion that the conditions of the Partial Occupancy Certificate or Blockwise Occupancy Certificate are being violated or if further erection of the building or execution of the work is proceeding contrary to the sanctioned plans.";

(7) after rule 34, insert the following rules:-

"**34A. Partial Occupancy Certificate.** - (1) Upon a written request made to the Board of Councillors for issuance of Partial Occupancy Certificate consequent upon Occupancy of a part of a building which is under construction, the Board of Councillors, on being satisfied that the construction of the specified portion is complete in all respects; that the remaining construction cannot be completed as per sanction plan within a reasonable period of time and that circumstances exist for allowing partial occupation of the building, may issue Partial Occupancy Certificate valid for a specified period, in the form as specified in Form 'H' .

(2) A written request under sub-rule (1) shall be accompanied by—

(a) a notice of Occupancy in the form as specified in Form 'G' for the portion of the building which is stated to be complete, along with all enclosures as per rule 33 as applicable,

(b) structural stability certificate for the portion of the building which is stated to be complete.

(c) an indemnity bond/undertaking to indemnify the Municipality against any risk, danger or damage to any person, whether an occupier or not, and an undertaking to ensure, in such manner as the Board of Councillors may specify, public safety,

(d) an undertaking that no person shall occupy or shall be allowed to occupy any portion of the building for which Occupancy Certificate has not been issued,

(e) an undertaking that in the event of violation of the terms of the Partial Occupancy Certificate, the Board of Councillors shall be entitled to disconnect municipal water mains and municipal drains for the entire building without any notice,

(f) any other documents or undertakings that the Board of Councillors may deem necessary.

(3) When the erection of the building or the execution of the work is completed within the period or extended period provided for in section 211, the applicant shall apply for conversion of the Partial Occupancy Certificate for issue of Occupancy Certificate and such certificate may be issued in accordance with the provisions of these rules.

34B. Block wise Occupancy Certificate. - For building proposal containing more than one building on a plot. - (1) Upon a written request made to the Board of Councillors for issuance of Block wise Occupancy Certificate consequent upon Occupancy of one or more of number of buildings out of a block of buildings (where the proposal consists of more than one building), the Board of Councillors, on being satisfied that the construction of the particular block is complete in all respect and that circumstances exist for allowing occupation of the particular block of building shall issue Block wise Occupancy Certificate for that particular block of building in the form as specified in Form 'H'.

(2) A written request under sub-rule (1) shall be accompanied by—

(a) notice of Occupancy in form as specified in Form 'G' for the particular block of building which is stated to be complete along with all enclosures as per rule 34 as applicable,

(b) structure stability certificate for the particular block of building which is stated to be complete,

(c) an indemnity bond undertaking to indemnify the Municipality against any risk, danger or damage to any person, whether an occupier or not, and an undertaking, to ensure, in such manner as the Board of Councillors may specify, public safety,

(d) an undertaking that no person shall occupy or shall be allowed to occupy any other block of building or any portion for which Occupancy certificate has not been issued,

(e) an undertaking that in the event of violation of the terms of the Block wise Occupancy Certificate, the Board of Councillors shall be entitled to disconnect water mains and municipal drains for the entire block and other buildings in the plot without any notice,

(f) any other documents or undertakings that the Board of Councillors may deem necessary.

(3) The applicant shall, however, within the validity period of the sanction, apply for and obtain full Occupancy certificate for the rest of the blocks of buildings."

(8) for rule 36, substitute the following rule:-

"36. Prohibition for use of building without Occupancy Certificate. - Subject to other law, rules and regulations for the time being in force, no person shall occupy or be permitted to occupy a building erected or re-erected or altered under the Act in respect of which a Occupancy Certificate under rule 34 or a Partial Occupancy Certificate under rule 34A or Blockwise Occupancy Certificate, under rule 34B has not been issued by the Board of Councillors."

(9) in sub-rule (3) of rule 46, omit the words "mercantile buildings (retail) and assembly";

(10) after rule 48, insert the following rule :-

"48A. Permissible Floor Area Ratio (FAR) of building in areas other than the Municipalities in hill areas. – (1) For every building in areas other than the municipalities in hill areas, the Floor Area Ratio shall be as specified in the Table Below:-

Table

Maximum Permissible Floor Area Ratio (FAR)

Sl. No.	Width of Means of Access (m)	Use Groups of Buildings			
		Residential Buildings	Educational Buildings	Industrial, Storage and Hazardous buildings	Assembly, Institutional, Business, and Mercantile Buildings including Mixed use buildings.
1.	Upto 2.4	Nil	Nil	Nil	Nil
2.	Above 2.4 to 3.5	1.25	Nil	Nil	Nil
3.	Above 3.5 to 7.0	1.75	Nil	Nil	Nil
4.	Above 7.0 to 9.0	2.00	2.00	Nil	Nil
5.	Above 9.0 to 14.5	2.25	2.25	2.00	2.00
6.	Above 14.5 to 20.0	2.50	2.50	2.00	2.25
7.	Above 20.0 to 24.0	2.75	2.75	2.00	2.5
8.	Above 24	3.00	3.00	2.00	2.75

Provided that the width of means of access mentioned in the table above is to be taken as the average road width abutting the entire length of the plot.

Provided further that all steel towers above 15.5 meter height should be ground based ones. Minimum access to such structure should not be less than 5 meter on any part. No such structure should be constructed on the mandatory open spaces of any existing building.

(2) While calculating the floor area under this part, the following shall not be included :—

(i) stair cover not exceeding 3.0 meters in height and stair case with landing up to the extent of the width of the stairway in each floor including ramp, if there be any;

(ii) lift machine room as per latest edition of the National Building Code. Lift Landing lobby with a maximum area of 3 sqm for every lift in each floors including roof, if any;

(iii) roof tanks and their support, the height of support not exceeding 1 meter;

(iv) chimneys, ventilating, air-conditioning and service equipment attached to the building :

Provided that the aggregate area of these structures mentioned at (i) to (iv) shall not exceed one-third area of the roof upon which these are erected;

(v) the actual area under covered car parking space and area of basement used for car parking only in accordance with the table in rule 52(B)(1) subject to a maximum permissible limit for one car parking space as 25 sq.m for ground floor and 35 sq.m other than ground floor inclusive of all circulation spaces and ramps. However, the area actually covered by the car parking space may be allowed even if the same is more than mandatory requirement. But the covered car parking shall be within the permissible ground coverage;

(vi) areas of loft, ledge or tend and areas of cupboards or wardrobes up to a maximum extent of 3% of total floor area but shall include the area of mezzanine floor;

(vii) area of service floor as permitted in rule 67;

(viii) the areas for garden covered with permeable material, pergola, expanded or similar other materials at the roof level, up to 5% of the total roof area or 10 sq.m whichever is more, subject to adoption of adequate structural safety measures;

(ix) in addition to the above provision, the exemptions in calculation of FAR shall also be permissible as per provision in rule 51.";

(11) in sub-rule (3) of rule 49, -

(i) for the table, substitute the following table:-

Table

"Width of Means of Access (in meter)	**Maximum Permissible height (in meter)**	**Permissible height of the building (in meters)**
		In case of gifting of strip of land having a width of 2.5 m throughout the frontage of the entire plot.
(i) Above 2.4 upto 3.00	7.0	Nil
(ii) Above 3.0 upto 5.0	10.0	12.5
(iii) Above 5.0 upto 7.0	12.5	15.5
(iv) Above 7.0 upto 9.0	20.0	25.5
(v) Above 9.0 upto 12.0	40.0	-
(vi) Above 12.0 upto 15.0	60.0	-
(vii) Above ***15.0***	No restriction	-"

(ii) In note 1, -

(a) for the words "as per prescribed street alignment", substitute the words "having a width of 5 meters or as per street alignment, whichever is higher"; and

(b) for the number "30", substitute the number "15";

(iii) in Note II, for the Explanation, substitute the following Explanation:-

"Explanation. – This Table shall be read in conjunction with rules 45 and 48A.".

(12) in rule 50, -

(i) in sub-rule (2), -

(a) for the table under the heading "(a) For residential use :", substitute the following table:-

(a) For residential use

"Height of building	**Front Open space**	**Open space on side - 1**	**Open space on side - 2**	**Rear Open space**
Upto 7.0m	1.2 m	1.2 m	1.2 m	2.0 m
Above 7.0m up to 10.0 m	1.2 m	1.2 m	1.2 m	3.0 m
Above 10.0 m up to 12.5 m	1.2 m	1.2 m	1.5 m	3.0 m
Above 12.5 m up to 15.5 m	2.0 m	1.5 m	2.5 m	4.0 m
Above 15.5 m up to 20.0 m	3.5 m	4.0 m	4.0 m	5.0 m
Above 20.0 m up to 25.5 m	5.0 m	5.0 m	5.0 m	6.5 m
Above 25.5 m up to 40.0 m	6.0 m	6.5 m	6.5 m	8.5 m
Abov3e 40.0 m up to 60.0 m	8.0 m	8.0 m	8.0 m	10.0 m
Above 60.0 m up to 80.0 m	10.0 m	15% of the height of building or 11.0 m whichever is less	15% of the height of building or 11.0 m whichever is less	12.0 m
Above 80.0 m	12.0 m	15% of the height of building or 14.0 m whichever is less	15% of the height of building or 14.0 m whichever is less	14.0 m"

(b) for the table under the heading "(b) For educational use :", substitute the following table:-

(b) For educational use

"Height of building	**Front Open space**	**Open space on side - 1**	**Open space on side - 2**	**Rear Open space**
Upto 10.0m (land area upto 500.0 sq. m)	*2.0 m*	*1.8 m*	*4.0 m*	*3.5 m*
Upto 10.0m (land area above 500.0 sq. m)	*3.5 m*	*3.5 m*	*4.0 m*	*4.0 m*
Above 10.0 m up to 15.5 m	*3.5 m*	*4.0 m*	*4.0 m*	*5.0 m*
Above 15.5 m up to 20.0 m	*5.0 m*	*5.0 m*	*5.0 m*	*6.0 m*
Above 20.0 m	*20% of the height of building or 6.0 m whichever is more*	*20% of the height of building or 5.0 m whichever is more*	*20% of the height of building or 5.0 m whichever is more*	*20% of the height of building or 8.0 m whichever is more"*

(c) for the table under the heading "(c) For Institutional, Assembly, Business, Mercantile and Mixed Use Building :", substitute the following table:-

(c) For Institutional, Assembly, Business, Mercantile and Mixed Use Building

"Height of building	Front Open space	Open space on side - 1	Open space on side - 2	Rear Open space
Upto 10.0m for land area upto 500.0 sq. m	*2.0 m*	*1.2 m*	*4.0 m*	*4.0 m*
Upto 10.0m for land area above 500.0 sq. m	*3.0 m*	*3.5 m*	*4.0 m*	*4.0 m*
Above 10.0 m up to 20.0 m	*4.0 m*	*4.0 m*	*4.0 m*	*5.0 m*
Above 20.0 m up to 25.5 m	*5.0 m*	*5.0 m*	*5.0 m*	*6.0 m*
Above 25.5 m up to 40.0 m	*6.0 m*	*6.5 m*	*6.5 m*	*9.0 m*
Above 40.0 m up to 60.0 m	*8.0 m*	*9.0 m*	*9.0 m*	*10.0 m*
Above 60.0 m up to 80.0 m	*10.0 m*	*15% of the height of building or 11.0 m whichever is less*	*15% of the height of building or 14.0 m whichever is less*	*14.0 m*
e 80.0 m	*12.0 m*	*15% of the height of building or 14.0 m whichever is less*	*15% of the height of building or 14.0 m whichever is less*	*14.0 m"*

(d) for the table under the heading "(d) For Industrial and Storage Building :", substitute the following table:-

(d) For Industrial and Storage Building

"Height of building	*Front Open space*	*Open space on side - 1*	*Open space on side - 2*	*Rear Open space*
Upto 12.5 m	*5.0 m*	*4.0 m*	*4.0 m*	*4.5 m*
Above 12.5 m up to 20.0 m	*6.0 m*	*6.5 m*	*6.5 m*	*10.0 m*
Above 20.0 m	*20% of the height of building or 6.0 m whichever is more*	*20% of the height of building or 6.5 m whichever is more*	*20% of the height of building or 6.5 m whichever is more*	*20% of the height of building or 6.5 m whichever is more"*

(ii) in sub clause (v) of clause (a) of sub rule (3), for the numbers and sign "14.5","24.0" and "36.0", wherever they occur, substitute the numbers and sign "15.5","25.5" and "40.0" respectively;

(iii) for sub-rule (4), substitute the following sub-rule:-

"**(4) Joint Open Space**. –Subject to the provisions of clause (a) to (d) of sub-rule (2) of rule 50, joint open space shall be provided in between two buildings, if the height of one of such buildings exceeds 15.50 m. whether or not both buildings belong to the same owner, as follows: -

(a) 7.00 m – if height of both the buildings exceed 15.5 m;

(b) If one of the building exceeds 15.5 m in height -

(a) 5.00 m – if height of the other building is more than 12.5 m. but less than 15.5 m.;

(b) 4.00 m - if height of the other building is more than 10.0 m. but less than 12.50 m.;

(c) 3.50 - if height of the other building is more than 7.00 m. but less than 10.00 m.;

(d) 3.00 - if height of the other building does not exceed 7.00 m.;

Note I - The sub rule shall not be applicable in case the adjoining structure is not exceeding 5.00 m. in height.

Note II - In case of multiple blocks of buildings connected with each other, the open spaces between the two blocks will have to be 15% of the height of the lower block or 7.00 m whichever is more.".

(13) in rule 52, in the table under sub clause (1) of clause (B) with the marginal note "Parking Space requirement for motor cars", in the third column against Sl. No. 1, -

(i) in point (a), for the number "150", substitute the number "130";

(ii) in point (b), for the number "140", substitute the number "120"; and

(iii) in point (c), for the number "130", substitute the number "110";

(14) for rule 53, substitute the following rule: -

"53. Certificates to be submitted with the Building plan.—(1) In the case of any building, the Board of Councillors may sanction the building plan of buildings, if not otherwise provided in any law for the time being in force, on the basis of Certificate(s) given by the Architect, empanelled LBS, Structural Engineer, Geo-technical Engineer, Structural Reviewer, as the case may be, as specified in rule 15, and also in consultation with the Land Use and Development Control Plan, if any, of the concerned municipal area before giving such approval.

(2) The certificates of the technical personnel, as specified in sub-rule (1) shall be given in the following form :—

Certificate of Building Plan

I/ We do hereby certify that plans, elevations and sections and other structural details of the proposed building on Plot No. _____. Street _____ Ward No. _____ under the jurisdiction of _____ Municipality/ Notified Area Authority/ Industrial Township Authority have been prepared in conformity with all relevant provisions under the West Bengal Municipal (Building) Rules, 2007. This also to certify that all relevant 'No Objection' Certificates from the respective Authorities such as, Fire and Emergency Services Department, Airport Authority, Pollution Control Board, Telecommunication Department etc. as applicable in this regard, are also enclosed with the application for seeking approval of the plan to construct/ reconstruct/ addition to/ alteration of the building on the said plot.

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Signature of Licensed Building Surveyor or Architect

(Name, Address and Empanelment No./ Registration No.)

Certificate of Structural stability

I/ We hereby certify that the foundation and superstructure of the building proposed for construction on plot ..... Street ..... Ward No. ..... under the jurisdiction of _____ Municipality/ Notified Area Authority/ Industrial Township Authority have been personally inspected and so designed by me/us will make such foundation and super structure safe in all respect

including the consideration of bearing capacity and settlement of soil and other conditions, if any, conforming to all stipulations of all relevant IS Code of Practice and National Building Code.

....

Signature of Structural Engineer
(Name, Address and empanelment No.)

Signature of Geo-technical Engineer
(Name, Address and Empanelment No.)

Certificate of Structural Reviewer

I/ We do hereby certify that the building site proposed for construction at Plot No. _____. Street _____ Ward No. ._____ under the jurisdiction of _____ Municipality/ Notified Area Authority/ Industrial Township Authority has been visited by me/ us and all the designs, drawing (specify the drawing number serially), Soil Test Report and Load Test Results for foundation and superstructure have been duly reviewed conforming to stipulations of all latest relevant IS Code of Practice and National Building Code and it is found that everything is completely in order and the proposed foundation and super structure are safe in all respect.

.....

Signature of Structural Reviewer
(Name, Address and Empanelment No./ Registration No.)

Note.—(I) All such technical personnel, excepting the Architect registered under the Architects Act, 1972, are required to be empanelled as per provisions of rule 14.

(II) For the protection, provisions of rules 76 to 80 and provisions of rules 169 to 174 in all cases wherever applicable are to be ensured.

(III) All steel towers above 15.5 meter height should be ground based ones. Minimum access to such structure should not be less than 5 meter on any part. No such structure should be constructed on the mandatory open spaces of any existing building.".

(15) in clause (d) of sub-rule (1) of rule 54, for the Table, substitute the following Table:-

Table

Width of Means of Access (m)	Maximum length of internal road (in meter)	
	For internal roads closed at one end	For internal roads ***open*** at both ends
3.5 meters or above but not more than 7.0 meters	25.00	75.00
Above 7.0 meters but not more than 10.00 meters	50.00	150.00
Above 10.00 meters	No Restriction	No Restriction

(16) in rule 55, in clause (d) of sub-rule (2), for the number and sign "14.50", substitute the number and sign "15.50";

(17) in sub-rule (1) of rule 58, after the number and words "width of 2.10 meters", insert the number and words "Floor to Floor height of all building shall be at least 3.05 meters";

(18) in rule 63, for the number and sign "14.5", substitute the number and sign "15.5";

(19) for sub-rule (3) of rule 70, substitute the following sub-rule: -

"(3) Outer walls of a basement may be extended below ground level upto a maximum of 5.00 m from the property line only for one level of basement for use of parking only. In case of more than one basement is required, the depth of the basement shall not exceed the distance between boundary line and outer periphery of basement in all sides.";

(20) . (a) in rule 80, for the number and sign "14.50", wherever it occurs, substitute the number and sign "15.5";

(b)in sub-rule (2), in the 'Table II', omit the word "(Retail)";

(21) for sub-rule (2) of rule 86, substitute the following sub-rule:-

"(2) For earthquake protection, a Structural Engineer in consultation with Geo-technical Engineer shall design the structure taking into consideration the latest edition and amendments of the Indian Standard Codes as given below:-

(I) IS 1893 (Part I): Criteria for Earthquake Resistant Design of Structure;

(II) IS 13920 : Ductile Detailing of Reinforced Concrete Structures subjected to Seismic Forces;

(III) IS 13988 : Seismic Evaluation and Strengthening of Existing Reinforced Concrete Building – Guidelines;

(IV) IS 4326 : Earthquake Resistant Design and Construction of Buildings – Code of Practice;

(V) IS 13935 : Seismic Evaluation, Repair and Strengthening of Masonry Buildings – Guidelines;

(VI) IS 13828 : Improving Earthquake Resistance of Low Strength Masonry Buildings – Guidelines;

(VII)IS 13827 : Improving Earthquake Resistance of Earthen Buildings – Guidelines:

Provided that the provisions of National Building Code is also to be taken into consideration for design purpose.".

(22) for rule 155, substitute the following rule: -

"155. Certificates to be submitted with the Building plan.—(1) In the case of any building, the Board of Councillors, for reasons to be recorded in writing, may sanction the building plan of those buildings, if not otherwise covered by any law for the time being in force, on the basis of Certificate(s) given by the Architect, empanelled LBS, Structural Engineer, Geo-technical Engineer, Structural Reviewer, as the case may be, as specified in rule 15, and also in consultation with the Land Use and Development Control Plan, if any, of the concerned municipal area before giving such approval. In such cases, the following shall be applicable in addition to other rules under the Act.

(2) The certificates of the technical personnel, as specified in sub-rule (1) shall be given in the following form:—

Certificate of Building Plan

I/ We do hereby certify that plans, elevations and sections and other structural details of the proposed building on Plot No. _____. Street _____ Ward No. ._____ under the jurisdiction of _____ Municipality/ Notified Area Authority/ Industrial Township Authority have been prepared in conformity with all relevant provisions under the West Bengal Municipal (Building) Rules, 2007. This also to certify that all relevant 'No Objection' Certificates from the respective Authorities such as, Fire and Emergency Services Department, Airport Authority, Pollution Control Board, Telecommunication Department etc. as applicable in this regard, are also enclosed with the application for seeking approval of the plan to construct/ reconstruct/ addition to/ alteration of the building on the said plot.

.....

Signature of Licensed Building Surveyor or Architect
(Name, Address and Empanelment No./ Registration No.)

Certificate of Structural stability

I/ We hereby certify that the foundation and superstructure of the building proposed for construction on plot ..... Street ..... Ward No. ..... under the jurisdiction of _____ Municipality/ Notified Area Authority/ Industrial Township Authority have been personally inspected and so designed by me/us will make such foundation and super structure safe in all respect

including the consideration of bearing capacity and settlement of soil and other conditions, if any, conforming to all stipulations of all relevant IS Code of Practice and National Building Code.

....

Signature of Structural Engineer
(Name, Address and empanelment No.)

Signature of Geo-technical Engineer
(Name, Address and Empanelment No.)

Certificate of Structural Reviewer

I/ We do hereby certify that the building site proposed for construction at Plot No. _____. Street _____ Ward No. ._____ under the jurisdiction of _____ Municipality/ Notified Area Authority/ Industrial Township Authority has been visited by me/ us and all the designs, drawing (specify the drawing number serially), Soil Test Report and Load Test Results for foundation and superstructure have been duly reviewed conforming to stipulations of all latest relevant IS Code of Practice and National Building Code and it is found that everything is completely in order and the proposed foundation and super structure are safe in all respect.

.....

Signature of Structural Reviewer
(Name, Address and Empanelment No./ Registration No.)

Note.—(I) All such technical personnel, excepting the Architect registered under the Architects Act, 1972, are required to be empanelled as per provisions of rule 14.

(II) For the protection provisions of rules 76 to 80 to be ensured.

(III) Parking Space (off street); should be as per provisions laid down in rule 52 for all categories of building on plot area 4K and above.

(IV) For the protection provisions of rules 76 to 80 and provisions as per rules 169 to 174 in all cases wherever applicable are to be ensured.

(V) All steel towers above 15.5 meter height should be ground based ones. Minimum access to such structure should not be less than 5 meter on any part. No such structure should be constructed on the mandatory open spaces of any existing building.".

(23) in rule 160, -

(i) for sub-rule (2), substitute the following sub-rule:-

"(2) In all such cases, the Licensed Building Surveyor, Structural Engineer, Geo-technical Engineer and Structural Reviewer shall have to be empanelled as per provisions of rule 14.

(ii) for sub-rule (3), substitute the following sub-rule:-

(3) Subject to the provision of any law for the time being in force, in case of site plans or building plans submitted by the Central Government or the State Government or by organization controlled by the Central Government or the State Government, the plans prepared and submitted under the signature of a Government engineer or Government architect, who are employees of the Central Government or the State Government or the organization controlled by the Central Government or the State Government, sub-rule (1) shall not be applicable."; and

(iii) omit sub-rule (4);

(24) in rule 161, -

(I) for sub-rule (1), substitute the following sub-rule:-

"(1) Every person/ Private Organization/ Institution/ Public Sector Unit/ Local Body/ Trust etc, unless otherwise specified in any other law for the time being in force, if any, which intends to erect, re-erect, add to, or alter, any building shall, subject to the provisions of the Act and these rules, engage technical personnel mentioned in column III of the following Tables in respect of the buildings having heights mentioned against each in column II of the Tables below:-

Table

Sl No.	Building Height (in meter)	Technical personnel to be engaged
(I)	(II)	(III)
1.	Upto 6.50 meters	Licensed Building Surveyor
2.	From above 6.50 meters upto 13.50 meter	Architect, Structural Engineer, Geo Technical Engineer and Structural Reviewer

Provided that the Licensed Building Surveyor, the Architect, the Structural Engineer, Structural Reviewer and the Geo-technical Engineer, as required to be engaged under this sub-rule, will work in association with one another and they will be individually or collectively responsible for ensuring the safety of the building structure and its foundation.

Note I :- Any technical personnel of the higher class may be engaged for lower category of buildings. However, in all cases, Certificates shall be issued in all drawings by the empanelled Licensed Building Surveyor, Structural Engineer, Geo-technical Engineer, and Structural Reviewer, as the case may be, in the similar manner as specified in sub-rule (2) of rule 53 for empanelled engineers in compliance of the relevant clauses of IS Code of Practice related to the structure and National Building Code.

Note II : - In case of any building irrespective of height, the owner of the building shall engage Structural Reviewer on recommendation of the competent authority if so required.";

(II) after sub-rule (1), insert the following sub-rule:

"**(1A) Engagement of Technical Personnel for the purpose of this Part**. - The technical personnel, mentioned in column (II) of the Table below, for the purpose of this chapter, empanelled under rule 14 of these rules, shall have the eligibility criteria as mentioned in column (III) against each in the Table below:

Table

Sl. No.	Nomenclature of Technical Personnel	Minimum required qualification
(I)	(II)	(III)
1.	*Licensed Building Surveyor*	*(a) A bachelors Degree in Civil/ Construction Engineering from a Government recognized University or an equivalent engineering qualification recognized by the Government and shall have not less than two years experience in planning, design and execution of building works including sanitary and plumbing works related to building under geo-technical conditions similar to that in hill areas; or* *(b) A Diploma in Civil Engineering from a Government recognized University or an equivalent engineering qualification recognized by the Government and shall have at least five years experience in planning, design and execution of building works including sanitary and plumbing works related to building including sanitary and plumbing works related to building under geo-technical conditions similar to that in hill areas.*
2.	*Structural Engineer*	*(a) A post graduate degree in Structural Engineering from a Government recognized University or an equivalent engineering*

		qualification recognized by the Government and shall have at least three years experience (including two years in hill areas) in structural design and execution of work of different classes of buildings; or *(b) A bachelor degree in Civil/ Construction Engineering from a Government recognized University or an equivalent engineering qualification recognized by the Government and shall have at least seven years experience (including five years experience in hill areas) in structural design and execution of work of different classes of buildings.*
3.	*Geo-Technical Engineer*	*(a) A post graduate degree in Geo Technical Engineering from a Government recognized University or an equivalent engineering qualification recognized by the Government and shall have at least two years experience in soil engineering and foundation engineering under identical soil/ slope/ geo-technical conditions in hill areas; or* *(b) A bachelor degree in Civil/ Construction Engineering from a Government recognized University or an equivalent engineering qualification recognized by the Government and shall have at least seven years experience (including five years experience in hill areas) in the field of soil exploration, investigation and recommendation of type of foundation and execution of such works.*
4.	*Structural Reviewer*	*A post graduate degree in Structural Engineering from a Government recognized University or an equivalent engineering qualification recognized by the Government with at least ten years experience (including five years experience in hill areas) in structural design and execution of work of different types of buildings, having adequate knowledge in different type of software used to analyze and design the high rise buildings and conversant with all the provisions of the I.S. Codes."*

(III) in sub-rule (2), after the words "geo-technical engineer", insert the words ", Structural Reviewer, and any change in the empanelled technical personnel of any person or company engaged for the purpose"; and

(IV) in sub-rule (3), -

(a) for the words "with the municipality" substitute the words "as in Rule- 14 of these rules"; and

(b) for the words "will be governed by rules 16, 17, 18 of these rules", substitute the words "Structural Reviewer will be governed by rules 16, 17, 18 and 18A of these rules";

(V) after sub-rule (5), insert the following sub-rule: -

"(6) In the case of any building, the Board of Councillors, for reasons to be recorded in writing, may sanction the building plan of those buildings, if not otherwise provided by any law for the time being in force, on the basis of Certificate(s) given by the Architect, empanelled LBS, Structural Engineer, Geo-technical Engineer, Structural Reviewer, as the case may be, as specified in rule 53, and also in consultation with the Land Use and Development Control Plan, if any, of the concerned municipal area before giving such approval. ".

(25) for the proviso to sub-rule (1) of rule 162, substitute the following proviso:-

"Provided that in case a building is 11.50 meters or above in height or for erection involving piling works, deep foundation or construction of basement or any other underground structure thereto, prior approval of the State Government shall be required.";

(26) in sub-rule (4) of rule 168, for the number and sign "1:2 meters", substitute the number and sign "1.2 meter";

(27) in form 'G',-

(a) for the words, numbers and signs "See rules 33, 151(3)', substitute the words, numbers and signs "see rules 33, 34A, 34B and 151(3)";

(b) for the numbers and signs "33/151(3)", substitute the numbers and signs "33/34A/34B/151(3)" shall; and

(c) after the words "occupancy certificate", insert the words and signs "/Partial Occupancy Certificate/ Blockwise Occupancy Certificate";

(28) in form 'H', -

(a) for the words, numbers and signs "See rules 34(2)', substitute the words, numbers and signs "see rules 34(2), 34A & 34B";

(b) in the heading for the words "Form of Granting Occupancy Certificate", substitute the words and signs "Form of Granting Occupancy Certificate/ Partial Occupancy Certificate/ Block wise Occupancy Certificate";

(c) for the word "Subject: grant of occupancy certificate under sub-rule (2) of rule 34" , substitute the following words:-

"Subject: Grant of Occupancy Certificate/ Partial Occupancy Certificate/ Block wise Occupancy Certificate under sub rule (2) of rule 34/ rule 34A/ rule 34B."; and

(d) for the words "this building is certified to be fit for occupation", substitute the words and signs "this building/ block is certified to be fit for occupation /partial occupation/block wise occupation".

By order of the Governor,
Sd/- M.Chatterjee
Jt. Secy. to the Govt of West Bengal.

No.105/1(165)/MA/O/C-4/3R-14/2015 **Dated, Kolkata, the 26th day of February, 2016**

Copy forwarded for information and necessary action to the, -

(1) Mayor/Chairman/Chairperson, _____ Municipal Corporation/Municipality/ Notified Area Authority, P.O. _____, Dist. _____.

(2) Chief Executive Officer/ Executive Officer, Nabadiganta / Golden City / Sector – VI Industrial Township Authority, _____, P.O._____ , Dist. _____ .

(3) Chairman, State Level Building Committee, ILGUS Bhaban, HC-Block, Sector III, Salt Lake City, Kolkata-700106.

(4) District Magistrate, _____, P.O. _____, Dist. _____.

(5) Director of Local Bodies, West Bengal.

(6) Chief Engineer, Municipal Engineering Directorate, Government of West Bengal, Bikash Bhawan, Salt Lake, Kolkata – 700 091.

(7) Private Secretary to the Minister-in-Charge, Municipal Affairs & Urban Development Department.

(8) Pr. S to Principal Secretary, Municipal Affairs Department.

(9) Cell – _____ of this Department.

(10) Guard file of Cell – 4 of this Department.

26/2/16

Joint Secretary.