

**ANDAMAN AND NICOBAR ADMINISTRATION
SECRETARIAT****NOTIFICATION**

Port Blair, dated the 11th February, 2021.

No. 28/2021/F. No. 3-53/2018-UD.— Whereas, the draft Port Blair Municipal Council Building (Amendment) bye-Laws, 2019 was uploaded in the Administration's website www.and.nic.in & www.andaman.gov.in and the notice was published in "The Daily Telegrams" dated 28-07-2020 inviting suggestion/objection from those likely to be affected before the final publication of the said bye-laws, giving a period of 30 days for filing suggestions and objections vide Notification No. 3-53/2018-UD dated 24.07.2020.

And, whereas, no suggestion and objection has been received from any person with respect to the said bye-laws.

Now, in exercise of powers conferred on him under Section 202 of the A&N Islands (Municipal) Regulation, 1994, the Lt. Governor (Administrator), A&N Islands hereby make the following amendment in "Port Blair Municipal Council Building Bye-Laws" published in the A&N Gazette vide Notification No. 161/99/F. No. 3-53/97-LSG dated 13.10.1999, as A&N Islands Energy Conservation of Building Code Rules, 2019 and A&N Islands Energy Conservation Building Code 2019 have come into force vide Notification No. 154/2019/F. No. EL/NRSE/Tech./7-5 (ECBC)/ 2017-18/PF dated 22-08-2019 and Notification No. 155/2019/F. No. EL/NRSE/Tech./7-5 (ECBC)/2017-18/PF dated 22-08-2019. (The ECBC-C shall be applicable on all building or building complexes intend to be used for commercial purposes that have connected load of 50 KW/60 KVA and above), namely :-

1. SHORT TITLE AND COMMENCEMENT:-

- (i) These Bye-Laws shall be called the Port Blair Municipal Council Building (Amendment) Bye-Laws, 2020.
 - (ii) They shall come into force with immediate effect.
2. The Definition Clause of the Port Blair Municipal Council Building Bye-Laws, 1999 (hereinafter called Principal Bye -Laws) shall be substituted as under:-

"DEFINITION:-

In these bye -laws unless the context otherwise requires:

- 2.1 **A person** is said to erect or re-erect a building who makes any material alteration or enlargement of a building or any part thereof.

EXPLANATION: Any alteration in a building shall be deemed to be material, if it:-

- (a) affects or is likely to effect prejudicially the stability or safety of the building or the condition of the building in respect of drainage, ventilations, sanitation or hygiene; or
- (b) increases or diminishes the height or cubical capacity of, or the area covered, by the building or reduces the cubical capacity or any room in the building below the minimum prescribed in any Bye-Law; or
- (c) converts into a place for human habitation a building or part of a building originally constructed for other purposes; or
- (d) involves the addition of any rooms, out-houses or other structures to any building; or

- (e) involves the construction; in a wall adjoining any land not belonging to the owner of the wall, or a door opening on to such land; or
- (f) is in alteration of any kind which has been declared by any bye-laws to be a material alteration.
- 2.2 **“Act”** means the Energy Conservation Act, 2001 (52 of 2001).
- 2.3 **“Appendix”** means an appendix to these bye-laws.
- 2.4 **“Approved”** means approved by the authority having jurisdiction.
- 2.4 (a) ‘Authority having jurisdiction’ means the Port Blair Municipal Council for the purpose of administering the bye-laws or any part thereof, any committee or an official authorised by the Port Blair Municipal Council to act on its behalf hereinafter called the authority.
- 2.5 **“Balcony”** means a horizontal projection including a hand rail balustrade or parapet to serve as a passage or sitting out place, if roofed becomes balcony verandah.
- 2.6 **“Basement Storey” or “Cellar”** means any storey of a building which is under the first storey and any portion of which is below the level of the adjoining pavement of the surrounding ground.
- 2.7 **“Building”** means any structure for whatever propose and of whatsoever materials constructed and every part thereof whether used as human habitation or not and includes foundation, plinth, walls, roofs, plumbing and building services, fixed platforms, verandahs, cornice, projection, part of the building or anything affixed thereto, stair-case, doorsteps attached to, or any wall enclosing or intended to enclose and any land or space and signs and outdoor display structures, monuments memorials, well or any contrivance of permanent nature/stability built under or over ground or any existing building or construction on the ground which is to be the site or compound to the projected building.
- 2.7 (a) **“Registered Architect/Registered Engineer/Licensed Supervisor”** means ‘an Architect’ Engineer or Licensed Supervisor in the jurisdiction of the Port Blair Municipal Council having the qualification as mentioned in theses bye-laws 3.5 (i) to 3.5 (iii) and Registered with the Port Blair Municipal Council.
- Note:** The Chairperson of Port Blair Municipal Council with the approval of the Council shall issue license to the persons on request, having qualification as mentioned in bye-laws 3.5 (i) to 3.5 (iii) for designing and supervising every building work for which permission is sought under the Bye-Laws.
- 2.8 **“Building Height of”** means the vertical distance measured, in the case of flat roofs from the average level of the centre line of the adjoining street to highest point of the building adjacent to the street wall, and in the case of pitched roofs upto the point where the external surface of the outer wall insects the finished surface of the sloping roof and in case of gable facing the road, the midpoint between the eaves level and the ridges architectural feature serving no other function except that of decoration shall be excluded for the purpose of taking heights and if the building does not abut on a street the height shall be measured above the average level of the ground around and contiguous to the building.

- 2.9 **“Building line”** means the line upto which the plinth of the building adjoin the street or an extension of street or on a future street may lawfully extend and includes the line prescribed, if any, in any scheme, provided that the space between the building line and the street alignment. The following structures only are allowed:
- (a) A plinth, slope and other similar structure not being above the lower floor level of the building.
 - (b) A fence not exceeding 1.50 m in height.
 - (c) Any chajja, balcony, canopy, eaves or other similar projecting portion of the building above a height of 2.75 m measured from ground level, if no pillar, wall or other structure is erected in the open space for support.
 - (d) CARPET AREA – The covered area of the usable rooms at any floor level (excluding the area of the wall).
- 2.10 **“Best Practices”** means those measures that allow for optimization of efficiencies in the identified components and systems to enhance the energy efficiency of the building:
- (i) reduce the cost of construction having regard to the safety, stability of the building structure, health and environmental provisions of Central Laws or Andaman & Nicobar Islands Laws.
 - (ii) includes energy conservation measures approved by the Andaman & Nicobar Islands Energy Conservation Building Code Implementation Committee or Andaman & Nicobar Islands Energy Conservation Building Code Complaint Technical Grievances Redressal Committee or National Energy Conservation Building Code Implementation Committee.
- 2.11 **“Building Complex”** means a building or group of buildings constructed in a contiguous area for business, commercial, institutional purposes or assembly of buildings under the single ownership of individuals or group of individuals or under the name of a co-operative group society or on lease and sold as shops or office space or space for other commercial purposes.
- 2.12 **“Ceiling Height”** means vertical distance between the floor and the ceiling.
- 2.13 **“Chajja”** or sun shade means a sloping or horizontal structural over hang usually provided over openings on external walls to provide protection from sun and rain not exceeding 60 cms.
- 2.14 **“Chimney”** means an upright shaft containing and encasing one or more flues.
- 2.15 **“Cornice”** means a horizontal ornamental projection on roof level protecting not more than 60 cms.
- 2.16 **“Courtyard”** means a space open to the sky, enclosed or partially enclosed by building, boundary walls or railing and may be at ground floor level or another level within or adjacent to a building.
- 2.17 **“Covered Area”** – ground area covered by the building immediately above plinth level, but does not include the space covered by:-
- (a) Garden, rockery, well and well structures, plant nursery, water pool, swimming pool (if uncovered) platform round a tree, tank, foundations, bench chabutra with open top and unenclosed sides by walls and the like.

- (b) Drainage, culvert, conduit, catch pit, gullypi, chamber, gutter and the likes and Compound wall, gate unstoried porch and portico, slide, swing, uncovered staircases, ramps, areas covered by chajja and the like.
- (c) Watchman's booth, pumphouse, garbage shaft, electric cabin or sub-stations, and such other utility structures meant for the services of the building under consideration.
- 2.18 **"Cross-Wall"** means an internal wall, built into an external wall of which it forms the limiting factor for the purpose of deciding its thickness.
- 2.19 **"Conversion"** means the change of occupancy or premises to an occupancy or use requiring additional occupancy permit.
- 2.20 **"Code"** means the Andaman & Nicobar Islands Energy Conservation Building Code, 2019 or the latest framed by the State under the Act.
- 2.21 **"Compliance Documents"** means the forms specified in Appendix D of the Code and includes certificates from Empanelled Energy Auditors (Building) to conform compliance with these rules.
- 2.22 **"Connected Load"** means the total of the rated wattage of all equipment, appliances and devices to be installed or installed in the building or part of the building or building complexes in terms of kiloWatt (kW) that will be allocated to all applicants for electric power consumption in respect of the proposed building or building complex, as the case may be, on their completion.
- 2.23 **"Construction Documents"** means drawings or documents containing information pertaining to building construction processes and approvals, building materials and equipment specification, architectural details required by the authority having jurisdiction.
- 2.24 **"Contract Demand"** means the maximum demand in kilowatt (kW) or kilo-Volt Ampere (kVA) (within a consumers sanctioned loan) agreed to be supplied by the electricity provider or utility in the agreement executed between the user and the utility or electricity provider.
- 2.25 **"Commercial Buildings"** building or building complex or building complexes are classified as commercial, if it is used any of the following purposes:
- (a) Hospitality
 - (b) Educational
 - (c) Health Care
 - (d) Shopping Complexes
 - (e) Business
 - (f) Assembly
- 2.26 **"Damp Proof"** means a course consisting of some appropriate water proofing material provided to prevent penetration of dampness of moisture from any part of the structures to any other part at a height of not less than 150 m above the surface of the adjoin ground.
- 2.27 **"Detached Building"** means a building where walls and roof are independent of any other building- a building detached on all sides.
- 2.28 **"Drainage"** means act, process, method or means of drainage, more of discharge water, the system of drains.

- 2.29 **DWELLING/UNIT TENEMENT** - An independent housing unit with separate facilities for living, cooking and sanitary requirements.
- 2.30 **"Existing Building" or "Use"** means a building, structure or its use as sanctioned/ approved/ regularized by the competent authority, existing before the commencement of these Bye-laws.
- 2.31 **"External Air" or "Open Airspace"** means space open to sky.
- 2.32 **"External Walls"** means an outer wall of a building not being partition wall eventhough adjoining to a wall of another building and also means a wall abutting on an interior open space of any building.
- 2.33 **"More Resisting Material"** includes any of the following material and things, namely :—
- (a) Brick work constructed of good, hard, sound, well burnt brick, fire-bricks, stone and other hard and incombustible material, properly bonded and solidly put together with mortar well composed of not less than one part of good fresh burnt lime and not more than two parts of clean sharp sand or with good cement mixed with sand;
 - (b) Iron and steel encased in cement concrete or asbestos sheet;
 - (c) Slate, tiles, brick and terra cotta when used for covering or corbels;
 - (d) Flagstones when used for floors over arches, but not exposed on the underside and not supported at the end only;
 - (e) Concrete not less than 100 mm in thickness, composed of broken bricks stones chippings or ballast and lime, cement or calciness gypsum when used for filling in between join of floors;
 - (f) Reinforced cement concrete and other incombustible cement products; and
 - (g) Any article made of asbestos and cement.
- 2.34 **"Empanelled Energy Auditors (Building)"** means a firm consisting of the Certified Energy Auditor certified under Bureau of Energy Efficiency (Certification Procedures for Energy Auditors and Energy Managers) Regulations, 2010 and Certified Energy Auditor Building and Empanelled with the bureau.
- ECBC Rule:** Refer to the Andaman and Nicobar Islands Energy Conservation Building Code Rule, 2019 or the latest framed by the State/Union Territory under the act.
- 2.35 **"Energy Conservation Measures"** means the measures incorporated in the building design for saving energy, or enhancing comfort in peak electrical or thermal demand, or reducing cooling or heating load covering any element of a component with any other element of the same or other component of the Code and includes any such measures incorporated in the said building design of the proposed or existing building.
- 2.36 **"Energy Performance Index"** means annual energy consumption of a building in kilowatt-hours per square meter of the area of the building which shall be calculated as per the following formula :
- $$\text{Energy Performance Index} = \frac{\text{Annual energy consumption in KWh}}{\text{Total Built-up area (Excluding storage area and the parking in the basement) in m}^2}$$
- 2.37 **"Energy Performance Index Ratio"** means the ratio of the energy performance index of the proposed building to the energy performance index of the standard base line building.

- 2.38 **Floor** – The lower surface in a storey on which one normally walks in a building. The general term 'floor' unless specifically mentioned otherwise shall not refer to a 'mezzanine floor'.
- 2.39 **"Floor Area Ratio or F.A.R."** means the quotient obtained by dividing the multiple of the total of the covered area on all floors and 100 by the area of plot i.e.
- $$\text{F.A.R.} = \frac{\text{Total covered area of all floor} \times 100}{\text{Plot area}}$$
- 2.40 **"Flue"** means a confined space provided for the conveyance to the outer air of any product of combustion resulting from the operation of any heat producing appliance or equipment employing solid liquid or gaseous fuel.
- 2.41 **"Footing"** means off set portions of an foundations to prove a greater bearing area.
- 2.42 **"Foundation"** means that part of a structure which is below the lower most floor and which provides support for the superstructure and which transmit load of the superstructure, the bearing materials.
- 2.43 **"Gallery"** means the raised portion of a room which remains open to the room and the floor of the gallery may be either level or sloped.
- 2.44 **"Garage"** means building or out-house designed or used for the storage of vehicles.
- 2.45 **"Habitable Room"** means a room occupied or designed for occupancy be one or more persons for study, living, sleeping, eating, kitchen if, it is used as a living room, but not including bathrooms, water closet compartment, laundries, serving and storage pantries, corridors, cellars, attic and spaces that are not used frequently or during extended period.
- 2.46 **"Load, Dead"** means the weight of all permanent stationary construction becoming a part of the structure.
- 2.47 **"Load, Live"** means load dead that may be imposed on a structure; and wind loads shall be considered as live loads.
- 2.48 **'LOFT'** – An intermediate floor between two floors on a residual space in a pitched roof, above normal floor level with a maximum height of 1.5 m and which is constructed or adopted for storage purposes.
- 2.49 **"Masonry"** means the form of construction composed of brick, stone, structural clay, concrete blocks, gypsum; or other similar building units or materials or combination of these materials laid-up unit by unit bonded together and set in mortar.
- 2.50 **MEZZANINE FLOOR** – An intermediate floor between two floors, above ground level, accessible only from the lower floor.
- 2.51 **"Non Combustible"** means such material which neither burns nor gives of inflammable vapours in sufficient quantity to ignite at a pilot flame.
- 2.52 **"Occupier"** means a person for the time being holding any land by license, grant of otherwise under the provisions of the LR and LR Regulations, 1966 and any other person claiming any interest thereon through or under him.
- 2.53 **"Open Space"** means an area forming an integral part of the plot left open to the sky.
- 2.54 **"Parapet"** means a low wall built along the edge of a roof or floor not more than 0.9 m in height.

- 2.55 **"Parking Space"** means an area enclosed or unenclosed sufficient in size to park vehicles together with a drive/way connecting the parking space with a street or ally permitting ingress and egress of the vehicles.
- 2.56 **"Partition"** A interior non load bearing barrier, one storey or part storey in height.
- 2.57 **"Plinth Area"** The Built up covered area measured at the floor level of the basement or of any storey.
- 2.58 **"Plinth Level"** means the level of the ground floor of a building above the surrounding ground.
- 2.59 **"Porch"** means a covered surface supported on Pillars or otherwise for the purpose of pedestrians or vehicular approach to a building.
- 2.60 **"Service Lane"** means a lane provided at the rear or side of a plot for service purposes.
- 2.61 **"Shop"** means a building or part of a building where articles or food and of personal and domestic household use and consumption are sold and goods of any kind and goods that are ordinarily retailed but does not include a workshop.
- 2.62 **"Site (plot)"** A Parcel (piece) of land enclosed by definite boundaries.
- 2.63 **"Storey"** means the portion of a building including between the surface of any floor and the surface of the floor next above it or if there be no floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.
- 2.64 **"Structure"** means something constructed or built having a fixed base on or fixed connection to the ground or other structure.
- 2.65 **"Street"** means any road, bridge, footway lane square, alley or passage in the Municipal area along which the public or any part of the public has a right to pass and include the drains or gutters on either side and the land up to the defined boundary of any abutting property, notwithstanding the projection over such land of any verandah or any Super Structure.
- 2.66 **"Street Line"** means a line defining the side limits of a street.
- 2.67 **"To abut"** means to abut on a street such that any portion of the building is on the street boundaries.
- 2.68 **"Unsafe Building"** means a building which is structurally unsafe, in sanitary or not provided with adequate means of egress of which constitutes a fire hazard is otherwise dangerous to human life or which in relation to existing use constitute to safety or health or Public Welfare, by reason of inadequate maintenance dilapidation or abandonment.
- 2.69 **"Water Closet WC"** A Water flushed plumbing fixture designed to receive human excrete directly from the user to the fixture. The term is used sometimes to designate the room or compartment in which the fixture is placed.
- 2.70 **"Window"** means an opening to the outside other than a door which provides all or part of the required natural light and ventilation or both to an interior space.
- 2.71 **"Yard"** means an open space at ground level between a building and the adjoining boundary lines of a plot unoccupied and unobstructed except the structures specifically permitted by these bye-laws, on the same plot with a building.
- 2.72 **"Yard Front"** means a yard extending across the front of a plot between the side yard between the side yard lines and plot being the minimum horizontal distance between the street line and the main building or any projection thereof other than steps enclosed balconies and enclosed porches.

- 2.73 **"Yard Rear"** means a yard extending across the rear of a plot measured between plot boundaries and being the minimum horizontal distance between the rear plot boundary and the rear of the building or any project or other than steps, enclosed balconies or enclosed porches. In a corner plot, the rear yard shall be considered as parallel to the street upon which the plot has its least dimension in both the corners and interior plots the rear yard shall be at the opposite end of the plot from the front yard.
- 2.74 **"Yard Side"** means a yard between the building and the side line of the plot and extending from the front line to the plot and being the minimum horizontal distance between a side boundary line real line of the and the sides of the building of any other projection other than steps, unenclosed balconies, unenclosed Porches.
- 2.75 **"Size of Plots" Residential** – Each plot shall have a minimum size/frontage corresponding to the type of development as given below: -

Type of Development	Plot Size m ²	Frontage m
Detached Building	above 100.00	above 12
Semi-detached Building	50.00 to 100.00	8 to 12
Row-type building	upto 50.00	4.5 to 8

- 2.76 **"Row Housing/Row Type Building"** A row of buildings, with only front, rear and Interior open space where applicable.

✓3. **Between Clause 3.7.(A) and Clause 3.8 of the Principal Bye-laws the following shall be inserted as under:**

"3.7(B) Building or building complexes that have a connected load of 50 KW or greater or a contract demand of 60 KVA or greater and are intended to be used for commercial purposes must comply with the latest version of Andaman & Nicobar Islands ECBC".

Building intended for private residential purposes only are not covered by the code. As per the code, a building is classified as "Commercial", if it is used for any of the following purposes:

- (i) Hospitality: Star Hotel, No Star Hotel & Resort
- (ii) Educational: College, University, Institution & School
- (iii) Health Care: Hospital & Out-patient, Health Care
- ✓(iv) Shopping Complex: Stand-alone Retails, Shopping Mall, Open Gallery Malls & Super Markets
- (v) Business: Daytime Use & 24-hours Use
- (vi) Assembly: Multiplex, Heater & Building used for Transport Services.

The applicable building systems under the latest version of Andaman & Nicobar Islands ECBC are: (a) Building envelope, (b) Mechanical systems and equipment, including heating, and air conditioning, service hot water heating, (c) interior and exterior lighting, and (d) Electrical power and motors and renewable energy systems.

The provisions of this code do not apply to plug loads, and equipment and parts of buildings that use energy for manufacturing processes, unless otherwise specified in the code.

The compliance of energy performance of a building with the latest version of Andaman & Nicobar Islands ECBC shall be ensured by the owner by following the mandatory requirements of the code and by following either Prescriptive Method, Building Envelope Trade-off Method or Whole Building Performance Method specified in the Andaman & Nicobar Islands ECBC.

Compliance with the latest version of Andaman & Nicobar Islands ECBC are verified at:

Stage 1: While obtaining the commencement work permit from ULBs, which is also a design level clearance of the building under ECBC purview. (Verified by Empanelled Energy Auditor (Building)).

Stage 2: At the time of obtaining construction completion/occupancy certificate from ULBs post verification of construction documents, achievement of compliance forms and certificates from Empanelled Energy Auditor (Building).

Note: This Chapter must be read along with "Andaman & Nicobar Islands Energy Conservation Building Rules, 2019" or the latest version & "Andaman & Nicobar Islands Energy Conservation Building Code, 2019" or the latest version.

(a) Andaman & Nicobar Islands Energy Conservation Building Code : Compliance Requirements

Renewable Energy in Buildings.

"3.7(C) Building or Building Complex being considered as new building/re-construction/ demolition and reconstruction that have an estimated/sanctioned load of 50 kW or contract demand of 60 kVA and above should have"

- a) A dedicated Renewable Energy Generating Zone (REGZ) equivalent to atleast 25% of roof area or area required for generation of energy equivalent to 15% of total peak demand of connected load of the building whichever is less shall be provided in all buildings.
- b) The REGZ shall be free of any obstructions within its boundaries and from shadows cast by objects adjacent to the zone.

4. **After Clause 3.19 of the Principal Bye-laws, the following shall be added:**

Temporary Occupancy.

"3.19(a) For buildings under ECBC purview, temporary OC is valid for 1 year. Permanent OC will be issued after compliance to Andaman & Nicobar Islands ECBC 2019 & ECBC Rules, 2019 or latest version published by Bureau of Energy Efficiency".

Occupancy Certificate.

5. **Clause 3.21 of the Principal Bye laws shall be substituted as under:**

"3.21 Within a period of 30 days after receipt of the notice of completion referred to in bye-laws 3.18, the Authority shall communicate in the form setforth in appendix-F.

The requisite permission to occupy any such building or to use any building or a Part thereof effected by any such work".

"3.21.1 (a) Permanent OC received by owner shall be in compliance also to Municipal bye-laws and (JERC-ESC) for electrical apart from code & ECBC Rules".

(b) "Buildings under purview of Andaman & Nicobar Islands ECBC 2019 shall follow the guidelines stated in 3.19, 3.21.1 and also 3.21.2".

"3.21.2 The holder who has obtained the certificate of completion/occupancy certificate shall not be allowed to extend the building built-up area without the approval of sanctioning authority / Port Blair Municipal Council".

6. **After Sub-Clause 30 (v) of Clause 30 in Part IV of the Principal Bye-laws, the following shall be added –**

"30 (vi) All commercial buildings covered under ECBC-C i.e. having connected load/contract demand of 50 KW/60 KVA and above shall have a dedicated Renewable Energy Generating Zone (REGZ) equivalent to atleast 25% of roof area or area required for generation of energy equivalent to 15% of total peak demand of connected load of the building whichever is less shall be provided in all buildings".

**Lieutenant Governor,
Andaman & Nicobar Islands.**

By order and in the name of the Lt. Governor (Administrator),
Andaman & Nicobar Islands.

Sd./-

Deputy Secretary (UD)