

NDMA Guidelines Leaves Critical Grey Areas for Earthquake Protection

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Contrary to the perception of most in real estate the national disaster management guidelines issued by the National Disaster Management Authority (NDMA) on 16May2007 are Law with immediate effect. The issuance of guidelines has already seen the approval of both houses of the Parliament when the Disaster Management Act was passed in 2005. All building structures whose completion is after 30Jun2007 will have to mandatorily be adhering to earthquake resistant design. This is legally enforceable with the Builder, Architect and Structural Consultant liable in case of non compliance.

Non compliance can be proved on two counts, first incase of an earthquake, the building gets damaged, the responsibility of damage and human casualties will be that of the people connected. Second in case the occupants get a structural audit of their building and the results show that it is seismically deficient even then the Builder, Architect and Structural Consultant will have to answer in the court of law.

The policy contains two other provisions related with banking and insurance that are sure to have far reaching consequences. The guidelines dictate that 'Insurance companies will be encouraged to introduce innovative insurance schemes in moderate and high earthquake risk zones'. The document also spells out that banks and financial institutions will 'consider the compliance of seismic safety before offering housing loans including those for construction of multi-storeyed complexes'. NDMA has sent copies of the guidelines to the Finance Ministry to issue supplementary orders to the Reserve Bank of India and ensure compliance. Both the banking and insurance community have welcomed the move as it gives strength to their collateral thereby reducing their risk profile.

Various articles and expert opinions in the last month have brought out the inadequacies of the Seismic Building Code IS-1893 issued by the Bureau of Indian Standards (BIS) to live up to the expectations of the policy or the Indian public at large. BIS codes are by far nowhere near the modern seismic codes which have already been adopted by most countries lying in the seismic belt. The modern codes are performance based relying on a displacement approach where as the Indian codes rely on a few empirical equations. By religiously following the Indian code in case of a major quake, only a total building collapse can be prevented, the building will be so severely structurally damaged that it would be unsafe to be occupied and hence will have to be demolished (view attached sketch). Similar to what took place in Ahmedabad in 2002. The aim of Banks and Insurance companies of save guarding the collateral will nowhere be achieved.

It is envisaged that the Banks and Insurance companies are going to dictate to the building community to better the codes and follow internationally accepted safety standards i.e. Immediate Occupancy and Operational. These standards would ensure that the building does not sustain structural damage even in the event of a major earthquake.

For consumer to avail of bank loan they would probably have to produce a certificate from the builder that the building has been such designed that it can withstand a magnitude 6.5 earthquake on the Richter scale for all cities which lie in Zone 3, without sustaining structural damage. This would imply that much higher code provisions than what exist as on date are required for the policy to take effect.

It is difficult to fathom that the National Disaster Management guidelines issued by NDMA under the chairmanship of our Honourable Prime Minister Dr. Manmohan Singh does not cover the basics like defining what 'earthquake resistance' implies, resulting in the term being misquoted by one and all. The answer that a common mans seeks is 'will the building he is staying in be suitable and safe for living incase an earthquake of magnitude 6.5 on Richter scale strikes a Zone-3 city/ magnitude 7.0 in Zone-4 city?'. The guidelines fail in all these aspects. Issues like what is the legal liability of Bureau of Indian Standards who are issuing the seismic codes is also an grey area. Can you hold the Builder/Developer liable for the follies of BIS? Most highrises in the metropolitans are 20 storeys and more, are the provisions of the BIS seismic code by themselves sufficient to design these buildings? It would be next to impossible to legally implement the guidelines unless these questions are adequately answered.

The issues of earthquake resistance, insurance and real estate loans will again come up for discussion in forthcoming monsoon session of the Parliament when the Real Estate Management and Regulation bill is debated.

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For more information, Please contact:

Sandeep Donald Shah

Director - Taylor Devices India Pvt. Ltd.

+91-124-4377411

9810257911

You can also visit www.taylordevicesindia.com for more information.