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FRIENDS OF HERITAGE SOCIETY

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Director (Plg.) MPR/TC,
D.D.A. Vikas Minar N. DELHI-2
Dy.No. 1359
Dated. 28/8/12

17/08/2012

The Principal Secretary (UD),
Government of National Capital Territory of Delhi,
Department of Urban Development,
9th Level,
Delhi Secretariat,
I.P. Estate,
New Delhi.

Director (Plg.) MPR/TC,
D.D.A. Vikas Minar N. DELHI-2
Dy.No. L-295
Dated. 26/12/12

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24/8/12
Vikas Minar
Stamp

Reg. :- 2nd Review meeting of Management Action Group (MAG) for Review of MPD-2021 on Heritage Conservation to be held on 21/08/2012.

Sub. :- Introduce & State Planning Norms for 'Serai Hotels' in Master Plan of Delhi - 2021.

Dear Sir,

We refer to the above. We have the following suggestions :-

Introduce Planning Norms for 'SERAI HOTELS' in Master Plan 2021

1. We request you to introduce & State Planning Norms for 'Serai Hotels' in Master Plan of Delhi-2021.

In this connection, it is submitted as under :-

1.1 The DDA Master Plan 2021 shows that -

- (A) Preservation & Protection of Heritage Properties & allow reuse is part of DDA's Objectives & Chapter 10 of the Master Plan 2021 is devoted to this.
- (B) The DDA also has initiated Heritage Awards for Best Maintained Heritage Properties & those that do adaptive re-use.

1.2 Heritage Buildings - Preservation & Reuse - Part of Delhi Buildings Bye-Laws.

Specific rules for preservation of Heritage Buildings & Re-use also exist. In the Gazette of India, Extraordinary, Part-II, Section 3, Sub Section (ii), Published by Authority, No. 157, New Delhi, Thursday, February 12, 2004/MEGHA 23, 1925, the law on- CONSERVATION OF HERITAGE SITES INCLUDING HERITAGE BUILDINGS, HERITAGE / PRECINCTS AND NATURAL FEATURE AREAS" was enacted.

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- 1.3 On Page 5 at Clause 23.9 it is stated as under :-

Incentive Uses for Heritage Buildings

23.9 "In cases of buildings located in non-commercial use zones included in the Heritage Conservation List, if the owner/owners agree to maintain the listed heritage building as it is in the existing state and to preserve its heritage state with the repairs and the owner/owners / lessees give a written undertaking to that effect, the owner/owners/lessees **may be allowed with the approval of the Heritage Conservation Committee within permissible use zone to convert part or whole thereof of the non-commercial area within such a heritage building to commercial/office use/hotel.** Provided that if the heritage building is not maintained suitably or if the heritage value of the building is spoiled in any manner, the commercial / office / hotel use shall be disallowed."

- 1.4 Thus, once there is a policy on usage of Heritage Buildings as Serai Hotels & the Heritage properties know & then conform to a particular policy, it would be possible for the Heritage Conservation Committee to designate such a adaptive Re-use in a sustained manner.
- 1.5 The Heritage laws have also been incorporated as part of the Delhi Building Bye-laws 1983.
- 1.6 The virtue of this Act / Clause, the Heritage Conservation Committee has the powers to convert even buildings in non- commercial use zones to commercial use as commercial/office use / Hotel.
- 1.7 Various Zonal Plans have been now Notified – Also to protect Heritage.
- 1.8 Taking the case of -

The Zonal Plan - 'F' under the Delhi Master Plan 2021 has been notified on 08/06/2010 . Attention is invited in particular to –

(i) **Clause 2.10 CONSERVATION OF BUILT HERITAGE** : *According to the Archaeological Survey of India there are number of monuments in Delhi which have been notified as protected. It is envisaged that the extent of areas of heritage and declared protected monument under the ancient Monument and Archaeological Sites and Remains Act, 1958, be reserved for conservation for which conservation schemes may be prepared by the concerned organization/local authority. Use of Heritage Building shall be put as per recommendation of the Heritage Conservation Committee.*

- 1.9 In order to ensure that all such Heritage Properties designated by The Heritage Conservation Committee (HCC) a uniform nomenclature of 'Serai Hotels' be framed & stated to bring the Planning Norms in to the Master Plan 2021 itself and go a long way to ensuring that the Heritage Properties are protected and used uniformly in New Delhi.

2. **Master Plan of Delhi 2021 provision 15.1 (v) contrary to allow Reuse/ Adaptive reuse of Heritage property - must be amended.**

- 2.1 In the Gazette of India, Extraordinary, Part-II, Section 3, Sub Section (ii), Published by Authority, No. 157, New Delhi, Thursday, February 12, 2004/MEGHA 23, 1925, it states that – CONSERVATION OF HERITAGE SITES INCLUDING HERITAGE BUILDINGS, HERITAGE / PRECINCTS AND NATURAL FEATURE AREAS” at Clause 23.9 – it is stated that:

Incentive Uses for Heritage Buildings

23.9 "In cases of buildings located in non-commercial use zones included in the Heritage Conservation List, if the owner/owners agree to maintain the listed heritage building as it is in the existing state and to preserve its heritage state with the repairs and the owner/owners / lessees give a written undertaking to that effect, the owner/owners/lessees may be allowed with the approval of the Heritage Conservation Committee within permissible use zone to convert part or whole thereof of the non-commercial area within such a heritage building to commercial/office use/hotel. Provided that if the heritage building is not maintained suitably or if the heritage value of the building is spoiled in any manner, the commercial / office / hotel use shall be disallowed."

- 2.2 The Master Plan 2021 also promotes conservation as stated in Chapter 10 of the said MPD 2021.
- 2.3 While framing the Master Plan & Mixed Land Use provisions an anomaly seems to have crept in.
- 2.4 The governing principles of Mixed Use regulation stipulated in MPD – 2021 and in the Govt. of India notification No. S.O. 1456 (E), dated 7.9.06 are applicable to 2183 streets notified under Mixed Use Regulation vide notification dated 15.9.06 issued by the Govt. of NCT of Delhi as stated above. One of the governing principles applicable to these streets as per Clause No. 15.1 (v) read as under :-

"Mixed-use, (including small shops as per para 15.6.3) shall not be permitted in the Lutyens Bungalow Zone, Civil Lines Bungalow Zone, government housing, institutional / staff housing of public and private agencies and buildings / precincts listed by the Heritage Conservation Committee."

- 2.5 This above provision of MPD-2021 does not allow the listed Heritage Residential Buildings to be allowed for commercial re-use/adaptive re-use even if they are located on a notified road. This is counter productive. Once a list is notified, it will disallow heritage buildings to take advantage of this provision. This needs to be avoided & must simultaneously be asked to be modified.



- 2.6 The provision of MP2021 seems to be in contradiction of Clause No. 23.9 of Delhi Byelaws, which permits the commercial activity as an incentive.
- 2.7 To allow re-use, adaptive re-use & conservation of properties it is necessary that Heritage Buildings be allowed to be used/reused/adaptive use be allowed/ commercially with a view to provide comfort / amenities & facilities especially to tourists.

Pre – 1962 Buildings be given easier permission for use.

- 3.1 It may also be stated that DDA on its own, can allow Pre 1962 buildings to continue working as before in any use zone in terms of proviso to section 14 of DDA act.
- 3.2 Invariably in practice however this permission is difficult to come by. All heritage buildings are admittedly Pre 1962 & this provision must be made more accessible.

Heritage Buildings in all use zones be allowed to continue existing uses.

- 4.1 It may also be mentioned that the Zonal Plans in respect of Various zones are also under finalization in DDA.
- 4.2 Preservation & use of Heritage/Old buildings is an important part of DDA's objectives & this would be served well if **ALL Heritage/Old Buildings in any Use Zone must be allowed to continue the existing uses in all Zonal plans.** In fact if the use in these Heritage / Old buildings to allow to use for Tourist Accommodation is also incorporated it would help the heritage buildings. Its important that our unique heritage is saved & put to good use.
- 4.3 We specifically mention that continuous usage/ reuse/adaptive reuse of heritage property as commercial outlets must be allowed to keep the Heritage Buildings in good preserved condition or else they will crumble & fall.

Amendments may be made in the Master Plan accordingly

Regards,


S. Batra
Friends of Heritage Society

✓ CC: **Ms. I.P. Parate,**
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