

COMINT (PLG) Office
 Delay No. A-3165
 Date 12/11/11

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Comm. Con Secy

- i. The Commissioner-cum-Secretary
Planning Department
(MPR Section)
Delhi Development Authority
Vikas Sadan
New Delhi

Same as
1456

2. The Director (Plg)
Delhi Development Authority
6th Floor
Vikas Minar
I.P. Estate
New Delhi - 110002

Commr. (Plg) - II
Dairy No. 498
Date 21/11/71

सचिव कार्यालय
SECRETARY'S OFFICE
हायरी रॉ. 141MP
Dy. No. 17-45-14
दिनांक
Date

Ref: Amendment to Master Plan for Delhi 2021

Sir,

This is in reference to your notice dated 04.10.2011 inviting suggestions/views of the public for Mid-Term Review of Master Plan for Delhi 2021.

We have been continuously running a play school/ day care centre school for children between 2-4 years of age named “Learning Tree Play School” (“**the Play School**”) from B-13, Sujan Singh Park, New Delhi – 110003 (“**Premises**”), since 1995 without any objections or hindrance whatsoever from any authority including the New Delhi Municipal Corporation (“**NDMC**”) or Delhi Development Authority (“**DDA**”). The Premises are comprised of ground floor of a residential building admeasuring approximately 3100 sq. feet (not part of play school), with an enclosed garden admeasuring 111570 sq. feet (play school), which is a part of a larger plot admeasuring about 7 acres (27000 sq. mtrs approximately).

The Play School was established in 1995, by a partnership named M/s. The Learning Tree Play School comprising of Mrs. Deepak Chopra, Mrs. Tara Chopra and Mrs. Kiran Singh as its partners, and has been continuously running since then.

The Play School is engaged in providing day care to the children and a part of the day care program, engage the children in various activities ranging from art, music, creative expressions, basic science, environment awareness, cultural awareness etc. and the number of

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O.S.D. (PLG)
Diary No. 220
Date 21.11.2011

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children there have grown from 5 (five) children in 1995 to approximately 180 (one hundred and eighty) children in 2011, most of whom are from the neighborhood area of the Play School. The Play School has successfully established a leading name for itself in the area of day care activities and providing basic education through their play school and has been successfully and continuously running since 1995 till date.

However, of late, a view is being taken by the **Monitoring Committee** appointed by the Hon'ble Supreme Court of India vide order dated 26.03.2006 in M.C. Mehta Vs. Union of India & Ors, W.P. (C) No. 3677 of 11985 ("**the Monitoring Committee**") that our Play School falls within LBZ and in view of para 15.1 v of MPD-2021, which prohibits mixed use in LBZ, our Play School cannot be allowed to operate as such. We have already made representations before the Ld. Monitoring Committee and their decision is awaited.

In the meanwhile, the notice dated 04.10.2011 has been published and we are giving our suggestions/views on para 15.1v of the Master Plan of Delhi, 2021, which in our submission is not only ultravires the Constitution of India, but is also oblivious to the social and educational needs of LBZ. In this regard it is submitted that:

1. Chapter 15 of MPD-2021 deals with 'Mixed Regulations' and according to para 15.2.2(ii) of MPD-2021, "other-activities" broadly in nature of 'public and semi-public' facilities as listed in para 15.7.1 and carried out in plots abutting roads of minimum ROW prescribed in para 15.3.2 as per conditions specified in para 15.7, is one of the three broad types of mixed use permissible in residential premises.
2. Further, paras 15.3.2(1) and 15.3.2(2) clearly state that "other activities", including pre-primary schools defined in para 15.7.1, are permitted, subject to conditions mentioned in para 15.7 of MPD-2021, in plots abutting roads of minimum 18 ROW in regular plotted development. Further, according to paras 15.7.1 (a) under the Mixed Use Regulations of MPD-2021, the activity of 'pre-primary school (including nursery/Montessori school, crèche.)' is permitted in the residential plots abutting roads of maximum ROW prescribed in para 15.7.2, whether or not the road is notified as mixed use street. The highest minimum ROW prescribed in para 15.7.2 is 18 mtrs and the Play School, which is a pre-primary school within the meaning of para 15.7.1(a) and is situated on the Premises, which are situated on the Subramoniam Bharti Road having a ROW of over 18 mtrs, is clearly covered by paras 15.7.1(a) and 15.7.2.

3. Also, according to para 15.7.3 (vi) of MPD-2021, the pre-primary schools should be restricted only to the ground floor up to the permissible ground coverage. The Play School is admittedly carrying on its activities only on the ground floor of the Premises and it fulfils this condition also.
4. In view of the foregoing, it is understood that under the Mixed Use Regulation of MPD- 2021 a pre-primary school (whether providing day care facilities or not) can legally run and operate in residential colony also.
5. It is pertinent to note that Premises falls within a colony, Sujan Singh Park which falls within the jurisdiction of NDMC, where there is no categorization of colonies. However, Sujan Singh Park, is for the purposes of MPD-2021, in pari material with any category 'A' colony of Municipal Corporation of Delhi("MCD"). The Premises from which the Play School is running is abutting a road having width of more than 18 mtrs. Also, it is pertinent to note that the Play School has been running on the ground floor of the Premises since the time of its establishment.
6. Therefore, the Play School fulfills all the requirements as mentioned in 'Mixed Use Regulations' contained in Chapter 15 of the MPD-2021 for running a play-school/ pre- primary schools in a residential colony.
7. It is highly pertinent to note that according to the earlier Master Plan of Delhi-2001 ("MPD-2001"), which came into effect on 01.08.1990, under the provisions of 'Mixed Use Regulations', a pre-primary school/nursery school was permitted in a residential colony provided the residential premises was situated on plot of a minimum size of 200 sq. mtrs facing a minimum road of width of 18 mtrs. and further, there was no restriction on the zones where the property was situated and it was applicable all over Delhi.
8. The same was applicable to areas falling under NDMC as well. It is pertinent to mention herein that the reason why the same was permitted was to cater to the "need" of the society, as it was felt that the limited resources of the State could be utilized elsewhere and in order to entice the private sector to come forth to meet the "need" of the society, mixed land use of residential land was permitted.
9. It is further pertinent to mention herein that Early Childhood Development has globally been recognized as critical for human resource development. The first few

years of a child's life are very crucial to his/her mental and physical development. Early Childhood Development includes two main aspects, i.e, care and education. The 'education' component includes pre-school education programmes aimed at 3-6 year old children.

That even the Constitution of India recognizes the importance of early childhood care and education for all children below the age of 6(six) years vide Article 45 of the Constitution of India.

It is humbly submitted that Article 45 of the Constitution of India comes under the aegis of the Directive Principles of State Policy, and must necessarily be kept in mind by the Government authorities.

It is further humbly submitted that the intention of the Parliament vide Article 45 of the Constitution of India is crystal clear, and that is to among other things require the various State Governments to realize the importance of primary education (Pre-primary class and Pre-school class) and to provide adequate infrastructure to provide Pre-primary class and Pre-school class education.

10. It is further pertinent to mention herein that the said duty placed on the State Government's by the Parliament vide Article 45 of the Constitution of India, must necessarily be kept in mind while providing for dealing with any subject which has a bearing on Pre-primary class and Pre-school class education.

It is further pertinent to mention herein that vide the 86th Amendment to the Constitution of India, the Right to Education for children between the age of 6 to 14 years, was added as a fundamental right by way of insertion of Article 21 A to the Constitution of India. It is humbly submitted that the said fundamental right could only fully be realized if there is adequate infrastructure for children to receive Pre-Primary education (Pre-Primary class and Pre-School class).

11. In view of the mandate of Article 45 of the Constitution of India since MPD-2021, seeks to lay the guidelines/law/norms for the development of a global city which also happens to be the capital our country, it is imperative that the MPD 2021 should provide for adequate facilities, to provide Pre-primary class and Pre-school class educational infrastructure which is also legally required.

OFFICE OF THE DIR (Plg.)
15. MBB/TC, D.D.A. N. DELHI-2
Dy. No. 1452
To: Dated 22/11/11

COMMR. (PLG) OFFICE
Diary No. A-3165
Date 18/11/11

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Comm. Secy

1. The Commissioner-cum-Secretary
Planning Department
(MPR Section)
Delhi Development Authority
Vikas Sadan
New Delhi

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2. The Director (Plg)
Delhi Development Authority
6th Floor
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New Delhi - 110002

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SECRETARY'S OFFICE
डायरी नं० 141MP
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1. Chapter 15 of MPD-2021 deals with 'Mixed Regulations' and according to para 15.2.2(ii) of MPD-2021, "other-activities" broadly in nature of 'public and semi-public' facilities as listed in para 15.7.1 and carried out in plots abutting roads of minimum ROW prescribed in para 15.3.2 as per conditions specified in para 15.7, is one of the three broad types of mixed use permissible in residential premises.
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12. It would also be worthwhile herein to mention that it is stated in Table 2.4 of the MPD 2021 that by the year 2021, there would be approximately 49.9 lakh children in Delhi. It therefore implies that the Government of National Capital of Delhi must ensure that all children between the age of 3-6 years, must have access to quality Pre-primary class and Pre-school class education, so that a particular section of society does not feel left out. Therefore a specific case is made out to give extra attention to provide for sufficient educational infrastructure to provide for Pre-school class education as the same cannot be provided for within the set up of a regular school.
13. It is pertinent to note that the Premises comprises of a ground floor residential unit having a huge garden adjoining to it and is having an area of approximately 1075 sq. mtrs. The Premises are a part of the building spread over a plot of approximately 7 acres. The Premises admittedly abuts a road having ROW of more than 18 mtrs. Therefore, even according to the MPD-2001, the Premises fulfilled all the conditions to run a pre-school in a residential colony.
14. It is pertinent to note that MPD-2001, as it stood with effect from 01.08.1990, was over-night amended by the Government of India due to various political compulsions of the Government arising from the wide-spread sealing of the premises which were being put to misuser in various parts of Delhi. This clearly shows that such step of amending the MPD-2001 was taken by the Government without due application of mind and also in a hasty and arbitrary manner. Further, direction of the Government for making Mixed Use Regulation applicable to all residential premises situated all over Delhi except for the premises situated in LBZ, without providing any reasonable explanation to the same and without providing any alternatives/ options in the MPD-2001 with respect to existing mixed user in LBZ, is discriminatory, unjust and unfair for all those who have been earning their livelihood by carrying out mixed used activities in residential premises situated in LBZ, which were permissible under the MPD-2001, before the said amendment came into effect in as much as all the pre-existing mixed user situated outside LBZ in Delhi are allowed to do so under the Mixed User Regulation captured in the amended MPD-2001 and, thereafter, under the MPD-2021. In this regard, it is relevant to point out that:
 - i. In the PIL matter titled M.C. Mehta Vs. UOI and Ors., being W.P (C) No. 4677 of 1985 filed before the Hon'ble Supreme Court of India with respect to

misuser of premises in Delhi, the Hon'ble Supreme Court of India gave as many as ten directions on 16.02.2006 and as per those directions, the violators were called upon to stop misuse on their own within the given time period and file an affidavit stating that the misuser has been stopped. On 24.03.2006, in the same matter, the Hon'ble Supreme Court of India appointed the Monitoring Committee in order to oversee the sealing of offending premises and further directed that the sealing shall continue notwithstanding any order passed by any court and no other court will have any jurisdiction to make order of de-sealing of the premises under the orders of the Court.

- ii. Thereafter, in the same matter, on 07.05.2006, the Hon'ble Supreme Court of India directed that due to difference of view as to how sealing can be carried and whether to be carried out by DDA or MCD, the Court directed the Monitoring Committee should carry out sealing in the presence of functionaries of MCD and DDA and thereafter, the sealing was carried out all over Delhi by the Monitoring Committee in the presence of the functionaries of MCD, NDMC and DDA till August, 2006.
 - iii. In view of the wide-spread sealing, over-night notifications were issued by the Central Government, Government of NCT of Delhi and MCD on 07.09.2006, which included Notification No. SO1456(E) dated 07.09.2007 issued by the Government of India, whereby it amended the MPD-2001 to include new Mixed Used Regulations in para 10 thereof.
15. While formulating MPD-2021, the Mixed Use Regulations contained in para 10 of MPD-2001 (as amended vide notification dated 07.09.2006) were verbatim incorporated in the MPD-2021, which came into effect on 07.02.2007.
16. One of the views(which is the view taken by the Monitoring Committee is that in view of para 15.1.v the Mixed Use Regulation contained in MPD-2021, no pre-primary school (as defined in the Mixed Use Regulation of the amended MPD-2001 or the MPD-2021) like the Play School or any other mixed use activity can be carried out in any premises in LBZ. This would lead to a situation where on one hand, a pre-primary school (which has to function at a walking distance from the children homes) cannot operate in LBZ and on the other hand, it cannot shift to another non residential premises within the LBZ as none are available and even if they were available, there

are no development controls for buildings of pre-primary school. Neither, the amendment in the MPD-2001 nor MPD-2021 provides for any alternatives for all the existing pre-schools being run in the LBZ prior to the amendment of MPD-2001. The Government of India presumed that all pre-schools will continue to run under the new amendments made in the MPD-2001 regarding the Mixed Use Regulations and thereafter, under the Mixed Use Regulations in MPD-2021, however not realizing the fact that on one hand, the Mixed Use Regulations have been made inapplicable to LBZ meaning thereby with effect from 07.06.2006, no playschool/pre-schools can run in LBZ under the Mixed Use Regulation and the Mixed Use Regulations do not apply to premises situated in LBZ. Therefore, as on date, MPD-2021 does not cater to play school-pre-primary schools in the LBZ except for the day care centres being run from the residential premises (as already explained earlier in this representation). If a view is taken that though the play school/ pre-primary school (which is not in the nature of a day care centre) is ordinarily allowed to operate from residential premises under the MPD-2021 but as the Play School operates from the Premises which is within the LBZ, it cannot do so, such a view in the absence of availability of any alternative plot of land being demarcated for a play school/ pre-primary school within the LBZ and also in the absence of provisions of development controls of building of schools coupled with the fact that as per the Ganguly Committee Report made applicable from 01.04.2007 by the Hon'ble High Court of Delhi vide its order dated 07.03.2007 in W.P (C) No. 19401 of 2006, the play school/pre-primary schools cannot operate from the same premises as a regular schools and the play schools/ pre-primary schools have to be at a walking distance from the homes of the children, would, in effect, deprive the owners of the Play School of (i) their fundamental right of running a school under Article 19(1)(g) of the Constitution; (ii) their fundamental right of livelihood guaranteed under Article 21 of the Constitution, (iii) their fundamental right of equality guaranteed under Article 14 of the Constitution, and (iv) their legal rights under various other enactments and laws of the land and would also deprive the children and their parents of (i) their fundamental right of running a school under Article 19(1)(g) of the Constitution; (ii) their fundamental right of equality guaranteed under Article 14 of the Constitution, and (iii) their legal rights under various other enactments and laws of the land.

17. i. It is also submitted in this regard that all schools in Delhi are governed by the Delhi School Education Act, 1973 (hereinafter referred to as "**the Delhi Education Act**") and the Delhi School Education Rules, 1973 (hereinafter referred to as "**the Delhi School Education Rules**"). Under section 2(u) of the Delhi School Education Act, "**school**" has been defined, which includes a pre-primary, primary, middle and higher secondary school, and also includes any other institution which imparts education or training below the degree level, but does not include an institution which imparts technical education.
- ii. Further, according to the Delhi School Education Rules, the term "**Pre primary stage**" a stage of school education previous to the primary stage and the term "**Primary stage**" means a stage of education from classes I to V (both inclusive).
- iii. Upon perusal of the Delhi Education Act, it becomes clear that the term '**school**' includes pre-primary schools. However, the Delhi Education Act is silent as to the setting up and regulations of pre-schools.
- iv. Moreover, PIL matter bearing no. CM No. 2293/2007 in W.P (C) 12490/2006 titled **Social Jurists Group Vs. Union of India** was filed before the Hon'ble High Court of Delhi, wherein the Hon'ble High Court of Delhi, vide its order dated 07.03.2007, directed to set up the Ganguly Committee and directed the said committee to give its recommendations with respect to, inter-alia, a pre-primary school in Delhi and further directed that the said recommendations be given latest by 31.03.2007 so that the same are implemented by all concerned with effect from 01.04.2007. True copy of the said order dated 07.02.2007 has been annexed herewith and marked as **Annexure P-5**. The Ganguly Committee so set up submitted a report dated 31.03.2007 containing recommendations in Chapter 5 thereof, more particularly those provided in para 5.05, which are reproduced below:

"Facilities for Children below Four (Pre-school Class/Classes)

As mentioned earlier, the one year class of early childhood education that is offered by all recognized schools immediately prior to Class I shall be known as Pre-primary class. Facilities such as Child Day Care Centre, Nursery, Kindergarten, Crèche etc that parents avail of, depending on their needs, shall

come under the term: 'Pre-school Class/Classes'. The Committee recognizes the need for such facilities for the children who are below the age of four. However, such Pre-school classes shall not be part of main schools. Such facilities should be provided by the residents of the community as neighborhood play-schools/day care centres so that children below the age of 4 are not forced to commute long distances. Presently exclusive play-schools, nurseries, day care centres and crèches are functioning without any regulation and supervision by the government.

It has also been observed that the infrastructural facilities offered by these establishments vary depending on the fee structure, the management, the locality and other factors. Besides the appropriateness and adequacy of physical facilities, what is transacted in terms of activities for the children is also a matter of grave concern. Many of these nursery schools are teaching the curriculum of Class I and even Class II in an effort to get a head start leading to a flourishing 'Alphabet industry'. This is a very unhealthy trend. Hence, efforts should be made to correct it. The Committee recommends that there shall be no school bag for carrying any prescribed books in all such pre-school class(es). The children will carry only tiffin box and play materials etc. from home to school and back home.

To effectively implement this, the Committee recommends the setting up of a monitoring mechanism that may be evolved by the Government of Delhi to regulate the establishment and supervision of such play-schools for children below the age of four."

A copy of the said report has been annexed herewith and marked as **Annexure P-1**.

v. In the said order dated 07.02.2007, the Hon'ble High Court of Delhi also held that:

"18. We feel that the role of the play centers is very important and vital in the development of the child. Play-centers for small children between the age of 3-5 years should be situated at a walking distance as children invariably at this stage attend play-centers for 2-3 hours and

sending them to far off places keeping in view the traffic congestion would hardly be conducive. Commuting time itself in some cases will be equal or marginally lower than the total time spent by a child in the play-school. In fact it is not uncommon to see even pre-primary children taking heavy school bags with books to schools. Therefore there is need to have early childhood pre-schools in neighborhood and to protect infants from dose of over-education. Moreover, we all know that there is shortage of good primary schools. These schools have not been able to expand because of space constraints and thus several deserving students/children are deprived of quality education. With middle-class expanding, extra space for primary and secondary schools is required. It is obligatory on the part of the State Government to take all possible steps to ensure that an equilibrium and balance between the demand and supply is maintained so that every child gets quality pre-primary education and higher education."

vi. As mentioned in the first chapter of the Ganguly report there is much divergence and variation in the name given to pre-school facilities provided by both the government and private sectors in Delhi. At present pre-school classes are variously called Nursery, Montessori, Kindergarten, Pre-primary, Play-school, Prep-school etc. It is relevant here to point out that the committee's earlier report had followed the court's directive and used the nomenclature of 'Nursery' while making recommendations for a common admission procedure and criteria for admission to the pre-primary class. Some schools had created a little confusion with reference to the connotation of the term 'nursery'. There is also some ground for suspecting willful misinterpretation by a few institutions so as to exempt themselves from implementing the Committee's recommendation in this regard. So it is necessary to agree upon a name to be applied to the pre-school classes for which this committee has been entrusted with the responsibility to make recommendations. Another aspect that emerges from the Court's order also deserves attention. The Court seems to make a distinction between pre-primary and pre-school in its order. While dwelling on the issue of duration of pre-primary class, the Court's order observes: "Therefore, there may not be any objection if it is decided that pre-primary section will be of one year duration only and a child completing the age of four years on or before 31st of March

of the said academic year will be eligible for admission into the said pre-primary class. In that event, if any child is admitted to the class prior to the said age, the same could be in the nature of pre-school class and would not be considered as pre-primary class".

vii. In a sense, the court's order has spelt out the distinction between 'Pre-school class' 'Pre-primary Class'. Pre-primary class is the one year of schooling of a child immediately before the child enters Class-I and pre-school class/classes constitute that section of schooling which precedes the pre-primary class. The committee would adhere to this nomenclature and the rationale is that the one year of schooling before primary education in Class I does become pre-primary and will be part of a regular school. What precedes pre-primary class will not be part of a school and hence it will be treated as pre-school. Though pre-primary would be part of a regular school, it would still be in an informal setting, differentiated from the classroom organization that begins at Class-I. There cannot be any prescription of a standard nomenclature for pre-school classes because such facilities would, to a large extent, derive their names from the system they follow such as Montessori, Kindergarten etc and also from their purpose and function, such as crèche, nursery and day care centre. etc. What is important is that pre-primary education as described above will be called only by the name, 'Pre-primary class.' The recommendations of the committee, accordingly have dealt with the former, i.e., pre-school classes.

Accordingly, as stated earlier, in para 5.05. of the Ganguly Report , it is specifically stated that:

"Facilities for Children below Four (Pre-school Class/Classes):

As mentioned earlier, the one year class of early childhood education that is offered by all recognized schools immediately prior to Class I shall be known as Pre-primary class. Facilities such as Child Day Care Centre, Nursery, Kindergarten, Crèche etc that parents avail of, depending on their needs, shall come under the term: 'Pre-school Class/Classes'. The Committee recognizes the need for such facilities for the children who are below the age of four.

However, such Pre-school classes shall not be part of main schools. Such facilities should be provided by the residents of the community as neighborhood play-schools/day care centres so that children below the age of 4 are not forced to

commute long distances. Presently exclusive play-schools, nurseries, day care centres and crèches are functioning without any regulation and supervision by the government."

viii. Further, according to the abovesaid orders of the Hon'ble High Court of Delhi, which accepted the Ganguly Committee Report dated 31.03.2007, the pre-school cannot be part of the main school and pre-school facilities should be provided by the residents of the community as neighborhood play-schools/day care centres so that children below the age of 4 are not forced to commute long distances.

ix. It is pertinent to note the Play School for the last 15 years has been providing day care facilities to children living in Sujan Singh Park, Khan Market, Lodhi Estate, Pandara Road, Rabindra Nagar, Bharti Nagar, Amrita Shergil Marg Golf Links, and Defence Colony, most of which places are situated at a walking distance from the Play School.

x. Therefore, it is mandatory for pre-schools to be situated within the walking distance, therefore, by restricting the pre-schools from operating within the LBZ and not providing for any alternatives for children living in LBZ, the Government is violating the fundamental right of children of Right to Education and Right to livelihood both guaranteed under Article 21 of the Constitution.

18. In this regard, is also submitted that according to the MPD-2021, all preschools/nurseries/play schools have to adhere to the conditions laid under the Mixed Use Regulation in order to run the same in a residential colony and the Mixed Use Regulations are inapplicable to LBZ. The conditions laid in MPD-2021 other than those mentioned in the 'Mixed Use Regulation' are applicable for running a primary school (a school playing facilities for students up to V standard), middle school, senior secondary school, which are inapplicable to the Play School.

19. So even if the Play School decides to move out of the Premises to another location which has to be within LBZ as the Play School has to be situated within walking distance from its existing location), it is not permissible to do because:

- (i) as per the MPD-2021, play school related activities cannot operate from the residential premises in LBZ;

- (ii) as per the MPD-2021, no plots for play schools are available in LBZ in accordance with the Mixed Use Regulations;
 - (iii) as per the MPD-2021 and the building bye laws of NDMC, there are no development controls prescribed for play schools as it has been assumed that the play schools can function on ground floor of residential premises under the Mixed Use Regulations and the development criteria for residential premises are already provided for in the MPD-2021.
20. That in view of the factual position as narrated above, it is humbly submitted that:
- i. It is imperative for the framers of the MPD- 2021 to have given due weightage to the mandate of the Parliament expressed vide the 86th Amendment to the Constitution of India, by amendment of Article 45 wherein a direction has been given to the State Governments to work towards providing Primary education (Pre-primary class and Pre-school class) to the children below the age of six years.
- It is further pertinent to mention herein that while framing the MPD 2021, the framers ought not to have neglected the bonafide “need” of the residents living in the LBZ to have Pre-school class educational set up, as the said bonafide “need” is not only limited to the residents of non-LBZ but is in the nature of a universal “need”.
21. That a joint reading of MPD 2021 and the report of the Ganguly Committee on Pre – primary class and Pre – school class education raises the following questions
- a. The MPD 2021 bars the Play School to continue to meet the “need” of the residents of the LBZ to have Pre-school class educational infrastructure, and there is no other place where the Play School could relocate with its 180 students within the LBZ. Then under these circumstances, is the Play School to close down and hence again open up the void in regard the bonafide “need” of the residents of LBZ area to have a world class Pre-school class educational set up?
 - b. Since the Ganguly committee recommends that small children should not be made to travel long distances to get to a Pre – school class set up, as the same

is not conducive to their overall development, then are children enrolled with the Play School (in the eventuality that it is closed) be required to sit back and hence lose out at a very early age to the children who are similarly placed but residing in non-LBZ areas that comes under the MCS or in the alternative, should they be forced to travel longer distances as compared to similarly placed children residing in non-LBZ areas and in the process, sabotage their overall development?

- c. That in view of the fact that once the MPD 2001 was notified, allocation of separate sites for running a Pre-school class educational set up were no longer marked as it was thought that the private sector, would taking note of the mixed use regulations, set up such schools in residential areas to fill the “need” of the society to have Pre- school class educational set up in their localities. If in view of the above areas coming under the LBZ be excluded as per the MPD 2021, then where would the parents living in LBZ take their kids to receive world class Pre-school class education?
 - d. That if no Pre-school class educational set is allowed to run from residential buildings in LBZ, then are children living in LBZ areas required to sit at home while similarly placed children in non-LBZ areas have access to Pre-school class educational facilities in their residential neighbourhood?
22. It is pertinent to note that all other permissible activities Mixed Use Regulations like banks, fitness centres, guest houses, etc. have the option of running the same outside the residential colonies, as separate land plots have been allotted to them and also separate building bye laws have also been provided, in order to build a new one, but there are no such options available for running a play-school.
 23. Therefore, the MPD-2021 ought to be reviewed by amending chapter 15, particularly para 15.1.v, thereof and thereby permitting running of pre-primary schools and play schools from residential buildings in the LBZ in the same manner as the residential buildings situated in non-LBZ areas.
 24. However, MPD 2021 permits residential plots in the LBZ to be used for other “public and semi –public” purposes such as banks, fitness centres, guest houses, nursing homes, coaching centres etc.

That in view of the aforesaid, it is humbly submitted that appropriate steps should be taken by the Review Committee, by amending chapter 15, particularly para 15.1.v, thereof and thereby permitting running of pre-primary schools and play schools from residential buildings in the LBZ in the same manner as the residential buildings situated in non-LBZ areas.

For-

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