

FRIENDS OF HERITAGE SOCIETY

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J.D.A. Vikas Minar N. DELHI-2
Dy.No. 3320
Dated: 21/5/12

Ref : PLANNING DEPARTMENT (MASTER PLAN REVIEW SECTION).INVITING PUBLIC SUGGESTIONS FOR REVIEW OF MASTER PLAN FOR DELHI – 2021 – Open House Meet – South District - Advertisement in Times of India of 02-05-2012.

**Sub. :- Preservation & Protection of Heritage Properties – Laws to be made favorable to allow for conservation & use.
Master Plan of Delhi 2021 provision 15.1 (v) contrary to allow Reuse/ Adaptive reuse of Heritage property - must be amended.**

Dear **Sirs,**

- 1.1 In order to preserve and conserve Heritage properties in good condition it is imperative that the buildings are allowed to be reused.
- 1.2 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

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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. The Master Plan 2021 also promotes conservation as stated in Chapter 10 of the said MPD 2021.
- 3.1 While framing the Master Plan & Mixed Land Use provisions an anomaly seems to have crept in.
- 3.2 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."

- 4.1 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.
- 4.2 The provision of MP2021 seems to be in contradiction of Clause No. 23.9 of Delhi Bye-laws, which permits the commercial activity as an incentive.
5. 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.

- 6.1 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.

- 6.2 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.

7. It may also be mentioned that the Zonal Plans in respect of Various zones are also under finalization in DDA.

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.

7. 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.
8. Amendments may be made in the Master Plan accordingly

Regards,

S. Batra
Friends of Heritage Society