

BY HAND/DDA WEBSITE UPLOAD

Director (Plg) MPR,
DDA, 6th Floor, Vikas Minar,
LP Estate New Delhi-110002
Dear Sir,

OFFICE OF THE DIR (Plg.)
PR/TC, D.D.A. N. DELHI-2
Ty. No. 3612
dated 30/5/12

29TH May 2012

REG: - SUGGESTIONS FOR REVIEW OF MPD-2021

At the outset I would like to point out that MPD-2021 made applicable in February 2007 was drafted in haste and with sole aim to get around the sealing orders passed by Hon'ble Supreme Court of India orders in IA no 22 in WPC 4677/1985 and with a motive to protect illegal commercial establishments and unauthorized constructions carried on by some violators who had bribed the local authorities. Our association has made numerous representation/suggestions to DDA and approached Hon'ble Supreme Court of India in last few years with an aim to have a balanced MPD-2021.

RAJOURI GARDEN IS A DLF COLONY PROMOTED IN EARLY 1950's ALONGWITH OTHER COLONIES LIKE KAILASH COLONY, GK-1 & GK-2 & SOUTH EXT-1 & 2 etc. IT IS NOT A REFUGEE COLONY RATHER A PRIVATE COLONY

CHAPTER WISE SUGGESTIONS

CHAPTER 4

Clause 4.4.3 Terms & Conditions

(i) Additional dwelling units upon payment of some charges should be PROHIBITED as it is congesting the already congested residential areas of Delhi. Moreover what is the point in giving extra dwelling if there is no civic infrastructure to support it.

(ii) Total coverage & FAR permissible should not This condition should be removed as it is discriminatory and gives unequal coverage to plots falling in higher category. Further if such a condition was to stay then there was no point in giving 40 % coverage to category 1000-1500 as plots sizes between 1001 to 1249 are getting coverage more than 40% due to this condition even though coverage prescribed for them is 40% .

(iv) Sub-division of plots should be allowed but total FAR & coverage should be as allowed for undivided plot size.

(vii) and (viii) :- Stilt and basement parking should be made compulsory for all plot sizes as government cannot develop parking for every house hence parking has to be culled out from the plot itself. Further parking norms should be increased and it should be minimum 2 ECS for every 100 Sqm of area. Cars are now necessity and not luxury anymore in Delhi. Parking norms should not be compoundable in any circumstances.

CHAPTER 7 Read with para 15.12.3 clause iv) read with Chapter 5

Annexure II: - Certain industries have been made permissible in "commercial centres"

Commercial centres have been defined in Chapter 5 under table 5.1 and includes local shopping centre as well. Now para 15.12.3 clause iv) says that roads notified as commercial streets under chapter 15 shall be deemed to be local shopping centres as defined under chapter 5.

Notified commercial streets= local shopping centre(chapter 15)= commercial centre(Chapter 5)=Annexure II industries permitted (chapter 7)

This means that Annexure II industries can operate from commercial streets which are situated in residential areas. This is obnoxious and illegal

MPD-2021 review should remove this situation/anamoly.

Contd...2/-



CHAPTER 12.13 PARKING

1. Parking should be made compulsory for all plot sizes and ECS norms should be doubled.
2. HEAVY PENALTY SHOULD BE IMPOSED FOR BUILDING WHICH VIOLATE PARKING NORMS AND BUILDING SHOULD NOT BE ALLOWED TO BE USED INCASE OF VIOLATION OF PARKING NORMS.
3. ANY NEW COMMERCIAL STREET OR MIXED LAND USE STREET SHOULD ONLY BE NOTIFIED IF IT HAS EXISTING PROVISION FOR PUBLIC PARKING IN ITS IMMEDIATE VICINITY.
4. PARKING LOTS SHOULD NOT BE CONSTRUCTED IN PRIMARY SCHOOLS.
5. PARKING LOTS SHOULD ALSO BE CONSTRUCTED UNDER FLYOVERS AND UNDER PARKS.
6. Proposed multi-level parking sites in Annexure -I should not earmarked to a particular local body as in case of Rajouri Garden it is mentioned that MCD shall construct multi level parking whereas in Rajouri Garden MCD is not the owner of suitable vacant land where it can construct such parking. In Rajouri Garden it is the DDA which is in possession of about 2 acres of suitable vacant land where parking can be constructed.
Therefore instead of allocating multi-level parking sites to particular local agency it should be mentioned that local bodies shall construct multi level parking in these prominent sites/colonies.
7. PARKING SHOULD BE CONSTRUCTED IN CONSULTATION WITH STAKEHOLDERS.
8. WHEREVER POSSIBLE FIRST PRIORITY SHOULD BE GIVEN TO SURFACE LEVEL PARKING IN AVAILABLE OPEN SPACES.
9. PARKING PROJECTS UNDER PPP SHOULD BE GRANTED WITHOUT PERMITTING COMMERCIAL SPACE TO DEVELOPER IN THE PROJECT. THIS IS BECAUSE THE PARKING SPACE AVAILABLE IN THE FACILITY WILL BE GOBBLED UP BY THE COMMERCIAL OUTLETS IN THE SAME BUILDING INSTEAD OF PARKING MADE AVAILABLE FOR GENERAL PUBLIC RESIDING IN ADJOINING AREAS.

CHAPTER 15

At the outset I wish to re-iterate that chapter 15 is the most controversial chapter of MPD-2021 because it is not plan rather it is a scheme to promote commercial activity, chaos , noise pollution, nuisance, loss of privacy and security at the cost of residential peace which existed prior to September 2006 notifications. This chapter starts with goodie goodie objectives of peaceful residential area, no traffic problem etc etc but when it comes to individual clauses the objective changes to how to accommodate more shops and shops and shops in every nook and corner of the Delhi without applying mind that there has to be a limit to which a colony can take so much of commercial activity. This chapter presumes that there is scarcity of approved commercial spaces in Delhi and paints the whole Delhi with this presumption. Whereas the correct position is that there are certain colonies like Rajouri Garden and Naraina where existing approved commercial spaces prior to September 2006 notifications were far in excess of prescribed norms in relation to its population. For example Rajouri Garden colony has a population of 50,000/- and before September 2006 notifications Rajouri Garden colony had 16 approved markets including one community centre(as per table 5.1 it caters to 50,000 population) and district centre(as per table 5.1 it caters to 5,00,000 population) . Without applying mind all 60 feet and more wide roads in Rajouri Garden were notified without consulting any RWA even if they were not qualifying as per the norms of MPD-2021. We had to approach Hon'ble Supreme Court. If that was not enough some more roads have been proposed by MCD to be notified. Norms of this chapter are one-sided in favour of promoting commercial shops and is a tool in the hand of corrupt local authorities/politicians to notify a road for some benefit and political mileage.



Contd....3/-

Clause 15.1: Governing principles are good but rest of the clauses in this chapter have no nexus with the principles rather the principles/preamble are restricted by clauses as to how to allow more commercial activity in residential areas rather than to maintain balance and involve major stakeholders i.e residents in deciding whether more commercial activity is good or bad for the colony.

Clause 15.2; - Differentiated approach:- this clause is the most discriminatory clause of this chapter or I would say of the whole Master Plan. This clause is in Violation of Constitution of India particularly the "Fundamental Rights" of Right to life, Right to equality and Right to carry on profession. This clause presumes that people residing in Category A & B colonies have right to better life as compared to residents residing in lower categories. This clause presumes that A & B category residents do not want commercial activity in their neighborhood and whereas residents residing in other categories want commercial activity in their vicinity. All the above presumptions have no basis and DDA or any other local bodies do not have any data to prove authenticity of the above presumption. Rather this presumption is full of bias as this presumption is lifted from Tajinder Khanna Committee Report and Mr Khanna who is a permanent resident of Category A colony (Namely Vasant Vihar) has imposed his personal opinion to protect his and other similarly placed posh colonies from chaos.

How can urban planning law discriminate between colonies in Delhi? Development/planning has to be equitable and not selective. All the previous Master Plans never divided Delhi for a particular chapter. One can charge different rates of property tax for different colonies on the basis of better infrastructure in those colonies but master plan cannot say that colonies with better infrastructure (A & B as per Dharmarajan committee report of property tax) will not have extended commercial activity and colonies with not so good infrastructure(C and below) will have extended commercial activity so that already not so good infrastructure crashes due to new commercial activity.

This approach is also against Right to carry on business/profession because a resident residing in category A & B cannot carry out extended commercial/professional activity from A & B colonies and he is forced to go to C and other lower category colonies. Constitution gives right to every citizen to carry out its business and profession without any discrimination.

This approach is also converting C and lower category colonies into commercial areas which is against the principle of homogenous development commercial areas in DELHI as a whole.

A, B, C D etc category was the basis to collect property tax and not the basis to do urban planning. Dharmarajan committee findings were to be applied for collection of tax and not to allow or disallow commercial activity.

THIS CLAUSE NEEDS TO BE TRUNCATED COMPLETELY.

Clause 15.3 – IDENTIFICATIONS OF MIXED USE STREETS

First of all a team of all stake holders (RWA's , MCD ,DDA, Traffic police Delhi police etc) should be formed for every colony by way of public notice. Then inventory of already existing approved commercial areas (existing prior to September 2006) should be taken and seen that whether existing commercial areas are in consonance with population of colony as mentioned in table 5.1 of MPD-2021. If there is scarcity then only new areas should be taken for proposed survey. Before notification important safeguards such as availability of Parking lots, objections of RWA's & Traffic authorities, new traffic circulation plan etc should be taken.

clause v) of para 15.3.1 :- All pre-1962 colonies have not been included in this ANNEXURE I. The selection basis is hidden and arbitrary. Rajouri Garden which is DLF developed pre-1962 colony has been included in the list and has been deemed as rehabilitation colony vide clause v) of para 15.3.1. The list prepared is based on "pick and chose policy" and other similarly placed pre-1962 colonies such as Gk-1 & Gk-2 , South Ex-1 & South Ex 2 and Kailash Colony (which were also developed by DLF at the same time as Rajouri Garden) are missing from the list. Either DDA should include all pre-1962 colonies or should take out Rajouri Garden from such list on the same basis as colonies such as Gk-1 & Gk-2, South Ex-1 & South Ex 2 and Kailash Colony have been kept out from the list.

Contd...4/-



Residents in Rajouri Garden firmly believe that some heavy political big wig has pressurized DDA in including RAJOURI GARDEN IN THE LIST SO THAT A FREE HAND IS THERE FOR MCD TO NOTIFY ANY ROAD STRETCH IN RAJOURI GARDEN FOR COMMERCIAL USE.

IT IS THEREFORE SUGGESTED THAT RAJOURI GARDEN COLONY BE KEPT OUT OF THE ANNEXURE –I LIST AS IT IS NOT REHABILITATION COLONY AND IT IS ALREADY SUFFERING FROM EXCESS COMMERCIALISATION.

Clause 15.3.2:- Common norms should be there for all categories of colonies.

Clause 15.3.3:-

1. What constitutes a "ROAD STRETCH" has not been defined in MPD-2021.
2. Including activities in local shopping centre as eligible for 50% plot count for the purpose of identifying mixed land use is irrational and illogical because activities permitted in mixed land use are only retail shops, other activities & offices. Whereas in local shopping centre primary and pre-primary school activities are not included whereas they are included in mixed land use activities. Vice versa in mixed land use restaurant is not permitted as it is not a retail shop but it is included in local shopping centre. Hence for 50% percent counting activities permitted under mixed land use category should be considered because no point in counting a restaurant for MLU survey when a restaurant is not permitted on a MLU road. For 70% counting activities permitted in local shopping centre should be included in the count as commercial street is deemed to be a local shopping centre.
3. All the stake holders (RWA's , MCD ,DDA, Traffic police Delhi police etc) should be consulted before local authority proposes to take up a survey as MPD/PLANNING IS A PARTICIPATIVE APPROACH AND NOT UNILATERAL APPROACH. Public hearing as done under Environment protection Act should be held before local authority proposes to take a particular road stretch for survey and forwards it to delhi govt for notification.
4. Road width should be common for all kinds and categories of colonies. Present norms are without any basis. Why 18 m has been chosen for A & B and why 9 M has been chosen for Rehabilitation colony. When problems/challenges posed by commercial activity is same irrespective of road width then why have different road width norms. Allowing commercial activity on narrow roads as well as on wide arterial roads cause trouble and chaos for road users. Which road is to be considered for a particular use should be left to stakeholders of a particular colony.

15.4 General Terms & conditions

1. Mixed land use or small shops should be allowed to be open in a plot only if the owners staying in upper floors of plot carry out such activity.
2. Number of shops on ground floor should be directly proportional to existing dwelling units (not beyond permissible) . For example if 4 MLU shops are allowed in plot size of 250 Sqmtrs then 4 dwellings should be in existence on upper floors in accordance with a valid building plan.
3. Front setback in majority of plots as per development control norms is 10 feet and no car can fit in front setback hence parking provision should be made in basement by way of ramp or by way stilt or front setback for MLU plots should be minimum 15 feet. Moreover parking in front setback is not practical in small plots as owners do not want their entry to be blocked.
4. Mixed land use activity should be permitted only after obtaining an undertaking from the owner/shopkeeper that his MLU activity will not be a source of nuisance to public at large particularly to the inmates of the upper floors.

Contd....5/-



5. As mixed land use activity allows shops on ground floor of residential plot/area and infrastructure of power, parking etc is shared between residents on upper floors (who are in majority) Hence it is important to restrict and define shop closure timings for MLU shops to 8 pm. This will also result in peaceful living conditions for residents in the night.

15.6.- RETAIL SHOPS & OFFICES

1. ONLY PARKING SHOULD BE ALLOWED IN THE BASEMENTS WHERE THERE IS NO OTHER PARKING PROVISION IN THE PLOT. WHEN BASEMENT IS UNFIT FOR HUMAN HABITATION HOW CAN IT BE FIT FOR HOSPITAL, CLINIC, GYM, OFFICE, RETAIL SHOP, OFFICE FOR A PROFESSIONAL ETC.

2. 20 Sq metres is by no standard a small shop. People are misusing this norm and dividing a big showroom into Four 20sq metre shops. S20 Sq metres should be reduced tp 10 sq metres.

15.7 OTHER ACTIVITY

- 1. Other activity should only be allowed on ground floor.
- 2. Other activity should be permitted only after obtaining an undertaking from the owner/shopkeeper that his MLU activity will not be a source of nuisance to public at large particularly to the inmates of the upper floors.
- 3. Branded or big Tuition/Coaching centres should not be allowed in residential areas. It is big source of nuisance due to huge rush of students and their vehicles.
- 4. Banquet Hall should not be allowed on commercial streets as they cause lot of problems due to parking. For eg. As per present MPD-2021 norms even a 30 feet wide road can be notified as Commercial Street in a pre 1962 colony/rehabilitation colony (clause 15.12.1). In that event as per clause 16.7.4 a banquet hall can be opened on it , hence one can imagine plight of people residing around that banquet hall (on 30 ft road). Where will all the cars of Banquet hall be parked in 30 ft wide road.

15.10 CONSULTATION WITH RWA'S (CONSULT ALL STAKEHOLDERS INLUDING TRAFFIC POLICE)

Before taking up survey of roads under this chapter local bodies should issue a public notice the way it is done in Environment Protection Act. The Notice should mention the intention of the local body and should call all stakeholders at particular date(s) for hearing objections and suggestions. The traffic police should also submit its report stating its reservation/objection/feedback for such proposal. Therefore ALL STAKEHOLDERS SHOULD BE CONSULTED (RWA's , MCD, Traffic Police, Trader associations, etc) . THE CONSULTATIONS SHOULD BE DOCUMENTED AND CONSIDERED BY LOCAL BODIES.

15.12 COMMERCIAL STREETS AND AREAS

Road width should be common for all kinds and categories of colonies. Present norms are without any basis.

Why 24 m has been chosen for A & B and why there is no minimum road width for Rehabilitation colony?

Why internal roads in A & B colony will not be notified?

When problems/challenges posed by commercial activity is same irrespective of road width and colony category then why have different road width norms. Allowing commercial activity on narrow roads as well as on wide arterial roads equally cause trouble and chaos for road users and residents. Which road is to be considered for a particular use should be left to stakeholders of a particular colony.

EVEN A 30 FEET ROAD IN REHABILITATION ETC COLONIES CAN BE NOTIFIED AS COMMERCIAL. WHAT A FUNNY PROVISION?



15.12.3 CLAUSE IV)

Upon notification of Commercial Street these will be deemed to be LSC as per Chapter 5. This deeming fiction should also be extended to building norms applicable to LSC which are contained in table 5.4. What is the purpose of deeming Commercial Street as a LSC?

PARKING NORMS FOR COMMERCIAL STREET PLOTS SHOULD BE INCREASED/ DOUBLED.

ANNEXURE I: - List of Pre 1962 colonies and Rehabilitation colonies

All pre-1962 colonies have not been included in this list. The selection basis is hidden and arbitrary. Rajouri Garden which is DLF developed pre-1962 colony has been included in the list and has been deemed as rehabilitation colony vide clause v) of para 15.3.1. The list prepared is based on "pick and chose policy" and other similarly placed pre-1962 colonies such as Gk-1 & Gk-2, South Ex-1 & South Ex 2 and Kailash Colony (which were also developed by DLF at the same time as Rajouri Garden) are missing from the list. Either DDA should include all pre-1962 colonies or should take out Rajouri Garden from such list on the same basis as colonies such as Gk-1 & Gk-2, South Ex-1 & South Ex 2 and Kailash Colony have been kept out from the list.

Residents in Rajouri Garden firmly believe that some heavy political big wig has pressurized DDA in including

RAJOURI GARDEN IN THE LIST SO THAT A FREE HAND IS THERE FOR MCD TO NOTIFY ANY ROAD STRETCH IN RAJOURI GARDEN FOR COMMERCIAL USE.

IT IS THEREFORE SUGGESTED THAT RAJOURI GARDEN COLONY BE KEPT OUT OF THE ANNEXURE -I LIST AS IT IS NOT A REHABILITATION COLONY AND IT IS ALREADY SUFFERING FROM EXCESS COMMERCIALISATION.

IT IS REQUESTED ABOVE SUGGESTIONS BE INCORPORATED IN REVISED MPD-2021.

Thanking You,

SACHHIN SAPRA, GEN SECY

