

EDIT PAGE

Zones of contention

By SUDHIR VOHRA

The focus on urban laws, urban planning and municipal governance is a welcome development. In some ways, it is sad this focus was a result of the spate of demolitions in the capital of the country. Perhaps this is the only option left, now that the abuse of our urban laws has begun to hurt the common man. It is a tribute to our democracy that the courts have stepped in to order execution of the laws again, yet a shame that the courts' valuable time should be spent on something so simple and trivial as following zoning regulations.

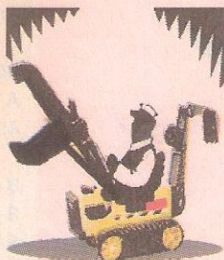
But in all this hullabaloo, let us examine dispassionately what the Master Plan of Delhi 2021 has to offer; what is meant by terms like mixed land use, freehold, setbacks, development control rules, and so on — terms which are used the world over and have stood the tests of time, but which are now being twisted and confounded by our petty politicians in a last-ditch effort to save their skins.

To begin with, mixed land use (MLU) is a term often heard now. MLU is a town planning term which defines where and how a building may be zoned to allow different activities in it. Both Mumbai and Chandigarh and New Delhi, have MLU areas. Connaught Place, laid out in 1922 by the British, was a MLU zone — commercial activity on the ground floor, residences on the upper floors. So was the case in the Walled City. When Chandigarh was built a half century ago, the SCF (shop-cum-flat) zoning was again used. Practically all cities of the world have MLU. Paris and London even now use the provision in their zoning regulations.

But MLU does not give a citizen the right to multiple activities anywhere, it cannot be used randomly to convert the ground floor into a shop. It is only allowed in some specific zones which have adequate parking and other infrastructure facilities to handle the demands and pressures of trade.

Freehold is perhaps the most abused and misunderstood urban term of recent times. Freehold does not mean

free to do what you want to with the land. It is a financial tool, which makes the land easier to mortgage, pledge, and trade — that is the intention. During the British Raj, all land vested with the King Emperor, and he leased the land out to his subjects for purposes he deemed fit. The system is followed even now, in the name of the President of India — thus the leasehold system. Most development agencies now prefer the freehold system because it makes it easier for the user to get loans against the land, to mortgage, and so on. But that does not mean the user of the land is free to twist the development control rules, zoning regulations, or building byelaws to build whatever he wishes to, and to use it for whatever purpose he wants.



The Draft Master Plan 2021 is at best a vision document — it contains no plans at all, and conveniently remains loose and open-ended on issues concerning urban governance today. While it is being bandied about as a ray of hope for violators of the law, has anyone had a close

look at it, to check where such rays come from? I am afraid not. The Master Plan process of participation and Public Notice has been the most abused process — there is no peer review, and no professional examination process. It is still using the principle of we'll-tell-you-what's-good-for-you, the top-downwards approach to town planning which has led us into the current mess. Besides, there is no established institutionalised process of determining the demands and needs of the community. How many shops? How big? How many banks? Nursing homes? Guest houses? Neighbourhood facilities?

We have neglected town planning and urban governance for too long. Now it is beginning to hurt — a lot. So, this is the time for some out-of-the-box thinking, and not for twisting and contorting accepted planning terms and concepts. Such thinking shall not emerge from the minds of politicians who have spent their lives abusing them, but, perhaps, from the professionals trained in the job.

The author is an architect, based in Delhi.