

# Why is DDA in such a tearing hurry?

## All Mixed Up On Mixed Land Use, Authority Has Not Been Able To Deliver On Mandate

By Sudhir Vohra

In an order pronounced on the issue of misuse of residential premises for commercial purposes all over Delhi on Tuesday, Supreme Court became a little lenient towards offenders who would promise by Tuesday next to shut down their non-conforming commercial establishments.

Within a few hours, DDA officials seemed to have let it be known that the planning authority intended to issue a notification announcing what they call a liberalised mixed land use policy for the entire city.

While such noises confuse people further on a matter where much dust has arisen over the past few months, the DDA's role in this sordid affair needs to be discussed.

Firstly, the legal position. A not too well-known fact is that the DDA has been a respondent in this case which Supreme Court has adjudicated upon during the past four years. Even on Friday, when the latest order was pronounced, the DDA's lawyers were present in the courtroom.

Whether such pronouncements by the DDA amount to contempt of court or not is for their lordships to decide.

The other point of law is that the DDA Act lays down in Section 11 A a procedure by which changes in the Master Plan of Delhi can be made. This statute mandates (in sub-section 3) that any changes proposed by the Authority shall be done through a statutory system of public notice and hearing and that the DDA shall hear all objections before making any



changes. When this is part of the law, why should the DDA be in such a tearing hurry to announce its policy changes? And would such actions bear the scrutiny of law?

Also, what is the hurry to rush this through the existing MPD 2001 when the new Master Plan 2021 is under preparation and discussion? Is the DDA trying to thwart the Supreme Court's orders by such rushed decisions on mixed land use?

What exactly is mixed land use (MLU)? It's a standard urban planning tool used to define plots of land which may have a mixture of commercial and residential use permitted on them. Connaught Place, Khan Market, parts of Basant Lok and Pandara Market are examples of MLU. But MLU does not mean

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that anyone can be allowed to convert his ground floor into a commercial establishment — it is not freedom to change land use arbitrarily.

On the other hand, even when cities are redeveloped, changes in land use are done through participation of stakeholders (in our case, perhaps, the RWAs) and e ange.

In the past few months, thanks to a series of High Court and Supreme Court orders, the term Mixed Land Use has been thoroughly abused by all hues of politicians, traders and others.

But that a seasoned body like the DDA would try to confuse people with such announcements — particularly when it has been a party to all the Supreme Court hearings — is

indeed a matter of concern.

While MCD has been in the line of fire, the DDA has been getting away all these years. From a planning perspective, it has failed miserably in fulfilling the mandate set out in the parliamentary Act of which it is a creature.

It has not been able to hold and retain lands which it was mandated to protect for proper planning of the city — hence, the proliferation of unauthorized colonies. Neither has it been able to plan for the city's growing population.

As the only planning authority of the capital, it has failed in establishing any system for projection of demands for commercial, industrial and other lands. The end result of poor compliance of land use laws is evident. The present burning issues being adjudicated upon by Supreme Court — residential premises being used for other purposes — are the result of this failure of the DDA.

The week ahead shall be interesting from the point of view of urban law, city management and urban planning. Will the DDA be under fire for its acts of omission and confusion? Or will it be allowed to get away with this audacious move? Time will tell.

(Sudhir Vohra is a prominent architect and a commentator on issues of urban chaos. He was on the panel which rewrote Delhi's municipal bylaws)



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