

Can't LAP up ambiguous proposals

Who Decides Where To Allow Mixed Land Use? Where Is The Relevant Data?

By Sudhir Vohra

The Mixed Land Use notification issued by the government late on Tuesday night needs to be carefully analysed from a legal perspective as well as from the point of view of city planning.

Will it solve the problem of the mismatch between supply and demand of commercial space in various parts of the city? Will such a broad brush amendment in the Master Plan steer the city towards improvement or lead to doom? Will this notification stand the scrutiny of Supreme Court? Which establishments will MCD seal now? Will it encourage corruption?

From the planner's point of view, the notification is ambiguous. In Section 10.1, it explains that mixed land use has positive and negative environmental and socio-economic effects. Unless properly regulated, it could have an adverse effect in terms of congestion, pollution and general inconvenience to people.

Further, it says that non-residential activity in residential premises should be allowed selectively and carefully, taking into consideration community needs, environmental impact and provision for safe and easy traffic circulation and adequate parking.

Nice Vision Statement, How Will it Be Implemented?

It's a nice vision statement but how shall it be implemented? Who will decide where mixed land use will be permitted? And on the basis of what data or facts? Who will identify community needs?

We do not have any institutionalised system of community participation in Delhi though we do have a planning body — the DDA. Will this open another chapter of confusion and litigation?

Secondly, the notification states that in post Master Plan (1962) residential plotted schemes, mixed land use shall be permissible on the basis of local area plans (LAPs) to be prepared by the local body, in consultation with residents' societies/resident welfare associations. Mixed use may be restricted to roads/streets which are external to the colony/residential scheme.

LAP is not defined anywhere — neither in the DDA Act — nor DMC Act. It has no legal sanctity. Neither is there any statute which defines how the urban local body would recognize the RWA (In some colonies, there are more than one RWA).

What is the process of community consultation? There is no system in place to create LAPs in the local body



OUTCRY: As traders gathered on Arya Samaj Road, MCD stayed away from Karol Bagh on Wednesday.

— in this case the MCD — nor do they have the wherewithal to execute such plans, show them to the public and come to any conclusions.

The local body works in a data vacuum, without adequate number of planners, and the DMC Act, as it exists today, does not mandate the MCD to do any planning. The authority to plan the city vests with the DDA under the DDA Act. As it is, there is a great amount of confusion between the roles of the DDA and the MCD with each pointing a finger at the other for the mess in which the city is today. Will this notification add to the confusion?

Why Will Illegal Shops Next To Markets Get Preference?

In Section 10.7 (ii) of the notification, there is another para which smells of trouble: The layout plans would clearly earmark areas for mixed use, preferably located opposite/adjointing designated commercial areas.

Most of the illegal commercial activity being carried out today is at

places adjoining the older (legal) marketplaces — that is the nature of all urban sprawl. Now this notification prefers such illegal places to become lawful without looking at the mess they have already created in the

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local traffic and other infrastructure. Surely, this is a way of rewarding law-breakers with a cleverly worded direction on how to plan layouts to suit.

In Section 10.4, the notification lays down conditions to be fulfilled before mixed land use is allowed. It says this shall be subject to a payment of conversion charges; that a

certain number of cars must be parked within the plot; and that roads shall not be encroached upon.

But there is nothing to suggest where the land will be found to create such parking space, nor how the funds collected from such conversion charges will be used to augment parking facilities. Quite conveniently, it states that when parking space is not available, the cost of development of parking shall be payable to the local body concerned (MCD). How will the local body use

these funds to create land out of thin air? Is this another ploy to fill the coffers of the local body without giving anything back to the city?

While LAP is the only logical answer to the mess, the processes for such planning interventions shall need to be institutionalised, standards and examples set and then implemented.

In all LAP exercises, accurate drawings and assessments are done; views of locals taken in a process of recorded transparent meetings and workshops; and solutions designed by professional planners. At the same time, issues of urban economics are solved — how to collect funds from the residents, how to apply these funds so that the objectives are achieved in as quick a time-frame as possible, and how to gain the faith and credibility of the residents so that they feel they own the plan. The whole process involves knowledge of working with communities and building them into a family.

These concepts and methods are new to the old guard of planners, those trained in the top downwards approach. In this approach — we shall tell you what to do — such steps shall not succeed.

These methods need urban planning expertise — mere political promises shall not suffice.

(The writer is a prominent architect and a commentator on urban chaos. He was on the panel which rewrote Delhi's civic bylaws)