

# CHAPTER 1

## 1. Introduction

- 1.1 The Ministry of Urban Development by its Order No.K-12016/1/2006-DDIB dated 14 February 2006, constituted a Committee of Experts to look into various aspects of unauthorized construction and misuse of premises in Delhi.
- 1.2 The background note sent by the Ministry of Urban Development, Government of India, citing the circumstances in which the decision to constitute the aforesaid Committee was taken is hereby reproduced verbatim:

“In the context of on-going demolition action by Municipal Corporation of Delhi (MCD) pursuant to court orders, there were representations from the Chief Minister of Delhi as well as Members of Parliament from Delhi and other people representatives on more than one occasion. It was highlighted during various discussions that while action can be taken against unauthorized construction as per court directions, the magnitude of the problem is so large that it may not be possible to address all the violations in the foreseeable future. It was suggested that the entire gamut of issues need comprehensive examination based on empirical data to devise an appropriate strategy which could enable the Govt. of Delhi and local bodies to take action within the provisions of law, letter and spirit of the directions of the Court and keeping in view the logistic and administrative requirements necessary to deal with the matter.

The issues involved in the matter are many and highly complex. Some of these are highlighted below:-

- (i) The magnitude of the problem is too huge to be solved by demolition/forcible action alone. Even though no scientific survey has been carried out, it was reported that a hurried sample survey conducted by MCD recently suggests that in about 60-70% of the residential units, some portion(s) of the building could be unauthorized and/or in violation of the permissible use. On this assumption, the number of families who will be affected by this drive would be very large.
- (ii) Since action has been initiated on a large scale, there are allegations of harassment by the field staff and a genuine apprehension, nay panic in the minds of the people about the abuse of misuse of power by the field functionaries.
- (iii) It has been widely reported and can be easily assumed that there exists an unholy nexus between the builders, municipal body officials and local level political leadership, under whose patronage unauthorized constructions and misuse have continued for decades.

- (iv) While unauthorized constructions and misuse in approved and authorized - regularized colonies is being tackled in terms of the Court orders, it does not apply to the unauthorized colonies in Delhi that numbers more than 1400. Even though the question of regularization of these colonies is being separately examined, the fact remains that unauthorized construction in these colonies is not being touched. This would mean an element of discrimination in the enforcement of the law.
- (v) All unauthorized constructions in approved and/or authorized colonies cannot be equated. In terms of seriousness of the violations, these could be categorized as follows:-
- (a) Unauthorized encroachment and/or construction on public land;
  - (b) Unauthorized construction without any sanctioned building plans;
  - (c) Unauthorised commercial construction or misuse;
  - (d) Large scale commercial, industrial or institutional construction in Lal Dora areas; and
  - (e) Minor unauthorized construction or misuse in sanctioned buildings.
3. Looking at the complexities of the problems and issues involved in the matter, it was, therefore, felt that an Expert Committee may be set up to assess the extent of unauthorized construction in residential and other premises and also misuse of premises for the purpose other than permissible under Master Plan and Zonal Development Plan and to suggest the strategy to deal with the problem in an effective manner. It was, thus decided to set up a Committee, headed by an eminent person with requisite experience in the field along with professionals and experts and also two elected representatives to provide inputs from the people's perception.
4. Accordingly, a Committee was set up by the government of India, Ministry of Urban Development vide office Memorandum No. K-12016/1/06-DDIB dated 14.2.2006. The Committee comprises of the following:-
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|----|---|----------|
| 1. | Shri Tejendra Khanna,<br>Former Lt. Governor of Delhi   | Chairman |
| 2. | Sayed S. Shafi,<br>Former Chief Planner, TCPO   | Member   |
| 3. | E.F.N.Ribeiro,<br>Director, Association of Urban<br>Management and Development<br>Authorities | Member   |
| 4. | Dr. S.C.Vats,<br>M.L.A., Delhi  | Member   |
| 5. | Dr.Harsh Vardhan,<br>M.L.A., Delhi  | Member   |

6. Dr.M.M. Kutty, IAS, Secretary  
Additional Commissioner, MCD

5. The Terms of Reference of the Committee are as follows:-

- (i) To make an assessment about the magnitude of the problem of unauthorized constructions and misuse of premises;
- (ii) To assess various types of violations and put them in broad categories in terms of the nature and extent of these violations;
- (iii) To identify the underlying causes leading to these violations;
- (iv) In the light of the above, suggest a feasible strategy to deal with various issues involved in the matter;
- (v) To recommend policy guidelines and development control norms for regulating construction activities in Lal Dora and extended Lal Dora areas of Delhi.
- (vi) To recommend measures to prevent recurrence of such violations in the future, including the structure and accountability of the enforcement machinery; and
- (vii) To consider any other matter incidental or related to the Terms of References mentioned above.

6. The Committee has been requested to finalize its recommendations within a period of three months.”

**1.3** In pursuance of its mandate, the Committee decided to invite written representations from all interested persons and groups on the matters comprised in the terms of reference and also invited Representative Groups to place their points of view before the Committee through personal hearing. Advertisements, in this behalf, were published in several leading English and vernacular language newspapers. Communications by e-mail were also enabled at Committee's E-mail address: ([tkc-mud@nic.in](mailto:tkc-mud@nic.in)). The English version of the Advertisement published is appended hereto as **Annexure-I**.

**1.4** In response to the advertisements issued, over 1500 written representations were received by the Committee. Leaving aside the representations from individuals, those received from various Groups and Associations have been listed at **Annexure-II**.

- 1.5** As a part of the process of face to face interactions with interested groups, the Committee held 20 sittings and heard 86 such Groups. The List of Groups met by the Committee appears at **Annexure III**.
- 1.6** The Committee held meetings with the Chief Minister of Delhi, the Leader of the Opposition in the Delhi Legislative Assembly, Hon'ble MPs from Delhi (Lok Sabha & Rajya Sabha), the Mayor of the Municipal Corporation of Delhi, Chairman of the Standing Committee and Leader of the Opposition in the Municipal Committee, as well as elected Members of the DDA Advisory Board. The Committee also met important officials, viz., Chief Secretary, NCT of Delhi, Commissioner of Police, Vice-Chairman, DDA, Commissioner, MCD and the Special Commissioner, Delhi Police, Dr. (Mrs.) Kiran Bedi. The Chairman also called on Shri P.K. Dave, former Lt. Governor of Delhi and presently Chief Executive, Common Cause, to elicit his valuable views.
- 1.7** Though every effort was made to accommodate the maximum number of requests for public hearing, on account of the limited time available and the necessity of submitting the report within the period assigned to the Committee, it has not been possible to entertain all such requests. Nevertheless, the Committee has been able to identify the key issues and take on board important views and suggestions placed before it, both in person and in writing.

## CHAPTER 2

### 2. Basic Approach

2.1 In addressing the complex problem of large scale infringement of Building Bye-laws and Development Control Norms (referred to as the Building Code) and non-conforming uses of land, the Committee has been guided by the following broad considerations :-

- (1) Promoting and safeguarding the welfare of citizens, has to be the primary objective of all public policy making and implementation;
- (2) Public policies and regulations should not only be transparent, simple, and easily understandable but should be framed, taking into consideration the views and legitimate interests of all stake-holders, in an open, interactive manner;
- (3) If any set of regulations result in a majority of people being categorized as violators/offenders, the Regulations themselves need to be carefully reviewed, rather than being regarded as inviolable and cast-in-stone.
- (4) Delhi, the national capital, is home to people, belonging to many different socio-economic groups. Their ways of life and genuine needs cannot be catered to by “a one size fits all” solution. Carefully differentiated policies have to be formulated to safeguard their distinctive needs. For example, while some people may prefer full segregation between their place of residence and place of work, others may prefer to live and work from the same premises both out of economic compulsion and habit.

- (5) The urban planning paradigm including land-use policies should reflect special sensitivity to the needs of lower rungs of society, with particular reference to workers, small entrepreneurs, traders, service- providers, etc.
- (6) The planning process, including plan implementation, is meant to anticipate future needs and cater to them adequately. If planning exercises leave large gaps relative to the actual needs of the people by way of residential, commercial and institutional areas etc., and no effective institutional mechanisms are provided to bridge such gaps, the people cannot be held entirely responsible for adopting “rough and ready solutions”.
- (7) Once realistic and people-friendly policies/regulations have been laid down, they should be effectively and honestly enforced, with stringent penalties for violators. The Enforcement machinery should function independently and should be insulated from extraneous pressures. Its performance should be closely monitored. A general public perception should be created that Government is serious in its intent and anyone indulging in violations will be required to pay a heavy price.

## CHAPTER 3

### 3. Delhi – General Scenario

3.1 Delhi, as the capital city of a growing and developing nation, has witnessed a massive increase in population since Independence. Starting with just about 7.0 Lac people at the time of partition, the National Capital's current population has crossed 14.5 million (145 Lacs) reflecting a nearly twenty-fold increase. During the same period, the country's population which was just over 350 million in 1947, has risen to 1.1 billion at present, corresponding to a three-fold increase. Delhi, apart from being the seat of the Central Government and the Delhi U.T. Government, shelters diverse entrepreneurial activities including many small scale and cottage industries, a gamut of trade and commercial activities ranging from wholesaling to retailing and a host of services including education, healthcare, transport, etc. The 1982 Asiad Games brought in a surge of construction activities including setting up of new hotels and high-rise commercial and office buildings and drew in a large number of construction workers. In the absence of any pre-arranged housing facilities, the workers who were employed in the factories established in the designated industrial areas, as also those working in household-based small-scale and cottage industries, started living in unauthorized jhuggi-jhopris (slum clusters), set up on vacant public lands. It is estimated that nearly a quarter of Delhi's population is living in slum-clusters on government lands in different parts of the city. From time-to-time, the Slum and JJ Wing of the Municipal Corporation of Delhi has relocated segments of such residents to outlying peripheral areas by allotting them small plots in their resettlement colonies. However, these efforts have not made any pronounced difference in the situation. In addition, under pressure of continued in-migration from other parts of the country, unauthorized colonies have been established both on privately owned lands falling in the Agricultural land-use Zone, as also on encroached Government lands. No planning norms have been adhered to in such settlements.

As can be expected, the pattern of non-differentiated land also exists in such colonies. Likewise, within the “Lal Dora” areas of villages which have come within the zone of urbanization, various mixed land-use activities have been undertaken, inter alia, under the umbrella of the 1963 Notification exempting persons living in Lal Dora areas from the requirement of obtaining prior approval of Building Plans.

- 3.2** Under the Delhi Development Act 1957, the DDA was not only charged with the task of preparing a Master Plan for Delhi but was also designated as the sole custodian and developer of land acquired for urbanization. Private builders/real estate developers were deliberately left out of the urban development process. The land policy of urbanisable land in Delhi, was enunciated by the Government of India under which it was declared that all such land will be acquired and placed at the disposal of the DDA for the purpose of planned development.
- 3.3** The initial Master Plan framework for Delhi was developed by the erstwhile Town Planning Organisation of the Government of India in the shape of an Interim General Plan (1956). It was followed by a comprehensive Perspective Plan, the first Master Plan (1962-81). It was developed by a Planning Team which included Sayed S. Shafi, a distinguished Member of the present Committee. Base data for that Plan were gathered through a number of surveys and studies conducted by the erstwhile Town Planning Organisation set up in parallel to the establishment of the Delhi Development Authority under an Act of the Indian Parliament in year 1957. The work studies and surveys covered the entire city. Besides several towns around Delhi in its metropolitan region, later defined as the National Capital Region (NCR).
- 3.4** It is evident that the failure of the public land-owning agencies like DDA, MCD and L&DO to protect the lands under their control gave an opportunity to encroachers to establish and expand their settlements on such lands. Elements of the land-mafia and builders-mafia also took full advantage of the apathy, if not collusion, of the public land-

owning agencies. The enforcement machinery, whether of the DDA or the MCD, could not effectively perform the duties envisaged under the DD Act, 1957 in an alert and effective manner. In the meantime unscrupulous colonisers took advantage of the lax atmosphere and engaged in doing things as they pleased resulting in the proliferation of un-authorised colonies and unplanned developments in areas proposed for future development in the national capital.

- 3.5** That the DDA has not been able to cater adequately to the expanding needs for residential, commercial and institutional space, is an undeniable fact. Applicants who had applied to the DDA for allotment of housing flats or plots have had to wait for 15-20 years, or even longer, for their turn. A presentation made to the Committee, based on DDA's published Reports, by the Chairman and Managing Director of HUDCO, has brought out the stark fact that, since DDA started its activities, it has only been able to provide 16% of the targeted built-up area designated for commercial purposes.
- 3.6** Apart from the spread of unauthorized colonies, steady increase in migration to Delhi over the decades since 1960 has imposed a severe burden on the civic infra-structure of the city, with particular reference to adequacy of water supply, sanitation services, drainage, sewerage, etc. The per capita water availability has been coming down sharply and the shortage has been exacerbated by the reluctance of neighbouring states to release more water to meet the needs of Delhi's growing population, mainly through large scale escalation in-migration to Delhi from the States of UP, Punjab, Haryana and Rajasthan stretching the basic infra-structure for waste disposal, including drainage/sewerage has been under severe strain meanwhile the augmentation projects as well as effluent treatment facilities could not keep pace with the cumulative increase in requirements. The highly degraded condition of river Yamuna which has been noticed by the Hon'ble Superior Courts as well as environmental groups bears a sad testimony to the serious inadequacy of the city's effluent management facilities.

- 3.7** It is also a matter of persisting concern that administrative arrangements for the National Capital Territory of Delhi (NCTD) are badly fragmented. While, the final responsibility for coping with Delhi's problems, it being a Union Territory, rests with the Union Ministries concerned, the splintering of powers between the Lt. Governor, the Government of Delhi headed by the elected Chief Minister and the Municipal Corporation of Delhi comprising 134 elected and 10 nominated members along with the nominated New Delhi Municipal Committee (NDMC), has made the work of effective policy formulation and its implementation, both diffuse and difficult.
- 3.8** It is an anomaly that while Delhi Government gives a substantial chunk of funds by way of budgetary support to the MCD, but it has no voice in determining the priorities of projects intended to enhance the capacity and quality of civic services. The Delhi Government established in 1993 cannot, as of now, issue any mandatory advice/direction to the MCD even in matters of over-riding public interest, though, logically, MCD should function under the control of the Delhi Government, on the pattern of Urban Local Bodies in other states.
- 3.9** Likewise, in the matter of interfacing with the Delhi Development Authority for the preparation and updating of the Master Plan for Delhi(MPD), the Delhi Government, as also the MCD/NDMC have had only a marginal role to play. As mentioned to the Committee during personal hearing MCD's suggestion, that DDA should carry out a ground-reality survey of the situation prevailing in 2001 vis-à-vis the actual prevailing nature of land use, population density, presence of absence of basic infra-structure requirements, etc. before undertaking the Plan review and its future projections, was not taken on board by DDA. The grievance of the elected Government of Delhi is that they are not kept in the picture about overall land-use planning and land-allocation for different purposes in the NCT of Delhi, by the DDA, which is the designated planning authority.

## CHAPTER 4

### 4. Salient views placed before the Committee

- 4.1** As already mentioned, a large number of delegations representing various interests have interacted with the Committee during personal hearings. This wide spectrum has covered Resident Welfare Associations, associations of traders, architects and town planners, farm house owners, representative bodies of professional institutions, such as Delhi Medical Association, whose members are engaged in running clinical laboratories, diagnostic centers, imaging centers, Institutions providing educational services including computer courses, language courses, etc. and specialty trade bodies dealing with the marble trade, furniture trade, timber trade, trade in iron and steel required for construction activity, Associations of goods transporters, Authorized dealers and service agents for motor vehicles, Associations of banquet hall proprietors and Associations representing the interests of residents living in Lal Dora/extended Lal Dora areas as well as persons representing socio-cultural and religious institutions.
- 4.2** The Committee also received useful professional inputs from the Chairman and Managing Director of Housing and Urban Development Corporation (HUDCO), Prof. K.T. Ravindran of the School of Planning and Architecture, Shri K.P.Singh, Chairman DLF Group and Shri Dunu Roy of Hazards Centre, a Social Activist representing the interests of residents of JJ Clusters.
- 4.3** While delegations representing people from the more densely populated parts of the city including the walled city of Shahjahanabad, Shahdara, Rehabilitation Colonies established after Partition and the plotted colonies established in the 1960's and early 1970's (where commercialization/mixed land-use activity by way of running of shops, cottage and small scale industries and other

commercial establishments, etc. has been part of daily life for over 30 years), have urged that their normal activities should not be disrupted, those living in the more well-to-do plotted colonies are stoutly opposed to any type of commercialization of residential premises under the garb of mixed land-use. The latter have drawn attention to the threat of creeping commercialization, etc. on account of the increase in non-residential activities, which have resulted in congestion on roads, noise pollution and qualitative decline in their peaceful living environment, which should normally be a feature of a residential neighborhood.

- 4.4** People have spoken about the inadequacies of DDA, as a planning agency, because of its apparent disconnect with ground realities and its practice of adopting a “top-down” planning approach, with little real consultation and debate with external independent professionals on the one hand and with society’s other stake-holders, on the other.
- 4.5** Serious shortages in DDA’s supply of planned housing, commercial and institutional spaces/amenities, relative to the demand, have been underscored. The housing shortages have led to the emergence of unauthorized colonies and slum clusters, while that of commercial and institutional spaces have resulted in the use of a portion or whole of residential premises for commercial/institutional activities.
- 4.6** At the same time, the representationists have spoken about the high levels of ecological stress imposed by Delhi’s growing population, vis-à-vis, inter alia, the shortage of water and serious inadequacy of waste disposal facilities. The reduction of the green cover, loss of natural water bodies, failure to maintain the sanctity of the Ridge, and serious pollution of river Yamuna, have been cited as important concerns bearing on Delhi’s sustainability as an urban habitat.
- 4.7** It has been pointed out that Delhi’s problems cannot be looked at or addressed in isolation and can only be dealt with meaningfully in the larger context of the National Capital Region, with other neighbouring

towns providing economic opportunities as well as social infrastructure, for arresting the daily stream of urban migrants.

- 4.8** The problem of weak enforcement of relevant regulations by Government Agencies particularly, the MCD, DDA and Police, on account of lack of serious intent, rank dishonesty, extraneous interference, etc. has been under-scored as one of the principal reasons responsible for creating a general perception that laws and regulations can be flouted with impunity.
- 4.9** Barring representatives of some of the Residents Welfare Associations (RWAs) from the relatively well-to-do colonies, who expressed serious apprehensions about gradual commercialization entering their colonies and making them unlivable, the view projected by a large majority of other interlocutors was that they were quite comfortable with their pattern of mixed land use, and they should not be made the victims of an impractical, segregated land use policy, having little correlation with socio-economic ground realities. It was pointed out that, in the absence of an adequate number of planned commercial and institutional sites, people have taken recourse to using either their own or hired residential premises for undertaking commercial and institutional activity, including the provision of services connected with education and healthcare. By and large, these activities have not adversely affected the interests of other residents. However, if any independent audit by the city's planners and regulatory authorities comes to the conclusion that running of such establishments from residential houses was actually causing serious public inconvenience, they would be willing both to co-operate in creating necessary facilities to safeguard the interests of the other residents, or to shift to designated commercial or institutional areas, as the case may be, provided such sites were allotted to them at reasonable rates and they were not expected to bid for them in open auctions. Several of these interlocutors emphasized before the Committee that, not to provide adequate alternative commercial/institutional sites on the one hand and to

disallow such activities from existing “residential” sites on the other, would be tantamount to infringement of their Fundamental Right under the Constitution to “practice any profession or to carry out any occupation, trade or business”.

- 4.10** Many of the trade associations representing areas, which first developed as post-partition rehabilitation colonies, said that the practice of undertaking commercial activities from their residential premises had been the norm from the first day. Over the years, in some areas, commercial activities had got extended to virtually the entire premises, such as in parts of Karol Bagh, Lal Quarter Market, Krishna Nagar, East Delhi, Lajpat Nagar Phase II, Chandni Chowk, Sant Nagar Market, Kamla Market, etc. Not to recognize this reality and to try to force the people back to using only their ground floor for commercial activity under the so-called Mixed Land Use policy, envisaged in the MPD 2001-2021 Draft would have serious negative consequences for a very large number of people in these areas.
- 4.11** It has also been submitted before the Committee that along major roads and Metro corridors, houses directly abutting on such roads and corridors are no longer suitable for residential use because of noise pollution, poor air quality and lack of privacy. As such, any stretches where substantial commercialization has already taken place over the preceding decades should be formally designated and recognized as a commercial strip. The persons concerned have readily offered to pay land use conversion charges to the appropriate authorities. For new areas covered by such major roads and metro corridors, specific proposals may be considered on merits by the proposed Delhi Urban Regulatory Authority.
- 4.12** The Association of Timber Traders from Vikas Marg, East Delhi, who had established a timber market a few decades ago by buying agricultural land in that area from farmers, offered to voluntarily release land from their present commercial premises for widening the

carriageway along their market, as may, as may be required by the public authorities concerned.

**4.13** In general, the Committee got the sense that the concerned trade associations were willing to abide by any reasonable conditions which may be imposed by the Regulatory authorities to safeguard general public interest and convenience, on the understanding that their ongoing activities would not be shut down.

**4.14** Some other note-worthy suggestions made to the Committee either in writing or during personal hearings are as follows:

- (1) A full-fledged and empowered NCR Development Authority should be established with sufficient funds to encourage development of housing and related infra-structure in satellite towns of NCR Region along with rapid and affordable multi-modal transport links between Delhi and the satellite towns, which could come under the control of a Unified Metropolitan Transport Authority (UMTA).
- (2) DDA should be allowed to buy and hold land in the NCR Region in modification of its current statute, to create low cost housing.
- (3) Zonal and sub-Zonal maps of Delhi should be put on Digital Data-base by DDA on the pattern of what has been done by the Bangalore Development Authority.
- (4) A comprehensive land inventory along with ownership details should be drawn up at the earliest for the whole of NCT of Delhi and put on a Digital Data-base. In the absence of this, public land ownership has been a grey area with the buck being passed between L&DO, DDA, MCD and other such agencies and the land-mafia taking full advantage of the lack of clarity on the subject.
- (5) Private Developers should be allowed to set up approved Colonies on vacant lands, which have been earmarked for urbanization, in accordance with the land-use zoning guidelines. Monopoly in this behalf should no longer remain with the DDA.
- (6) Separate Building Code regulations are needed for different areas of Delhi, viz., Walled-City, Lutyen's Bungalow Zone, pre-1958 Colonies and post-1958 colonies, etc.

- (7) For disposal of commercial plots/flats and sites by DDA, the principle of fixing the reserve price followed by draw of lots should be the modality, rather than the auctioning of such sites, which artificially pushes up prices due to the scarcity factor.
- (8) Until now, DDA had been deliberately restricting the supply of commercial sites, in order to artificially push up the auction bids.
- (9) Since its inception, DDA has only constructed 3.3 lac housing flats, whereas the population of Delhi has risen from about 15 lacs to nearly 150 lacs during the same period.
- (10) Along major roads and DMRC Metro Corridors, commercialization of the entire strip abutting on the road/corridor should be permitted.
- (11) The policy of giving 21 sqm plots to slum dwellers for their re-location should be reviewed, since it has indirectly rewarded encroachers and encouraged fresh encroachments.
- (12) The land vacated by the shifting of polluting industries from inner industrial areas may be allowed to be put to commercial/institutional/residential use on the basis of redevelopment plans to be approved by DDA.
- (13) RWAs should be empowered and accorded legal recognition.
- (14) Building Code regulations should be substantially simplified by prescribing only "external" controls while freeing internal lay-out details. The latter should be made subject to certification by qualified registered architects that the overall building norms vis-à-vis health, safety and development control are being complied with.
- (15) Individual Village Development Plans should be prepared in consultation with the residents, for all Lal Dora and Extended Lal Dora areas.
- (16) In Unauthorised colonies, the door should be opened for land-pooling and re-development through the agency of private developers, who may be allowed to build high-rise flatted accommodation, etc. based on plans to be approved by DDA and MCD.
- (17) Urban Panchayats should be set up for every 1,000 or so families. They should be allowed to elect 2-3 members who would be their designated representatives. The Urban

Panchayats should be consulted in matters concerning development of Local Area Plans, issues concerning land-use, priority for undertaking local development projects, monitoring of local development works and surveillance over building and land-use violations and encroachment on public land.

- (18) DDA should act as an Enabler – Planner – Facilitator and should not get bogged down in actual construction activities whether for housing or for other infra-structure.
- (19) All whole-sale markets should be moved out from within the city to the periphery. Alongside such markets, Goods Transport Yards should be built to facilitate movement of freight carrying vehicles.
- (20) Strict action should be taken against builders who violate Building Codes. All of them should be compulsorily registered and the registration of defaulters should be cancelled.
- (21) Since building materials, such as marble, timber, steel etc. are needed in all parts of the city, the concerned traders may be allowed to ply their trades from existing locations under a flexible land use policy, as long as they are not seen to be causing inconvenience to the general public.
- (22) Institutions providing professional and vocational learning on a decentralized basis may be allowed to operate from residential areas. Since, India aims to become knowledge super-power, institutional facilities for providing value-added education should be allowed to operate from residential areas, subject to general public convenience not being jeopardized.
- (23) While urbanizing the remaining agricultural areas to cope with Delhi's future needs, pre-existing cultural-religious institutions, which serve an important social purpose in preserving the country's ethos and basic values, should be recognized and accommodated, in-situ.
- (24) There is a need for a "grass-roots-up" planning system for the city rather than a "top-down" system. The inter-active planning process should actively involve the local community.
- (25) The role of DDA should shift from development to planning and regulation.

- (26) Private developers should be allowed to construct residential, commercial and office premises, to improve the supply side of the equation.
- (27) Cable Service providers should be allowed to operate from residential areas, since their services are provided either for a particular Colony or a part thereof and they cannot run their cables over long distances from any commercial complex.
- (28) In the absence of a sufficient number of venues for weddings and the restrictions on the use of Farm Houses and Public Parks for holding such functions, a great dearth of such venues is being experienced. Hence, sites for Banquet Halls should be earmarked all over the city through the Planning process.
- (29) Special fast track Courts should be established for settling cases of Building Code violations and stringent punishments should be accorded.
- (30) An overall Central Parking Authority should be created for overseeing development of parking complexes throughout the city.
- (31) Building Code regulations may be liberalized in accordance with the recommendations of Prof V.K. Malhotra Committee Report of 2000.
- (32) Use of Ground floor for commercial purpose should be allowed on "as is where is" basis, irrespective of the width of the road.
- (33) DDA markets should be re-developed with additional floors.
- (34) Additions and alterations may be allowed in DDA flats as long as they do not affect structural stability, subject to the payment of compounding fees.
- (35) Basements may be permitted for professional use, from other than merely for parking and servicing the building.
- (36) No registration of immovable property transactions should be permitted without full verification of title.
- (37) Keeping in view the paucity of accommodation for tourists, Guest Houses and Offices of Registered Tour Operators, may be permitted to operate from residential zones as long as they do not cause any public nuisance.

- (38) Keeping in view the water shortage, water harvesting should be made a compulsory element of building regulations, for plotted accommodation above a certain size.
- (39) High capacity Bus Zones and Metro corridors could be declared commercial.
- (40) A 300M stretch around Lal Dora should be included as “extended Lal Dora” keeping in view, the increase in population and natural growth of the village abadi since 1908, when the original Lal Dora had been demarcated.
- (41) No planning provision has been made for siting of Automobile Authorized Workshops. Since they require sufficient area, they may be allowed to work from the present agricultural land-use zones by paying the necessary conversion charges.
- (42) Delhi’s current situation has arisen from multiple failures including those of –
- (i) Planning;
  - (ii) Governance; and
  - (iii) Implementation.
- (43) Artificial sanitization/division between places of dwelling and work is not natural, being a legacy of the Industrial Revolution in UK, which had witnessed high levels of pollution in the vicinity of factories.
- (44) DDA’s planning process is highly flawed. An outside body of experts should be asked to examine DDA’s planning process failures and deficiencies, since the current planning has not taken adequate care of three important elements, viz.,
- (i) Nature;
  - (ii) Built heritage; and
  - (iii) Poor.
- (45) DDA’s plans have not taken into account the far-reaching technological and economic changes brought about by the IT revolution and globalization.
- (46) Institutional plots meant for education and medical services should not be auctioned but should be allotted to qualifying organizations on the basis of draw of lots.
- (47) 200 houses on both sides of the Vikas Marg have been improperly commercialized and are making the lives of residents in the neighbouring planned colonies miserable. Such institutions should be relocated to designated

commercial markets in these areas, which still have a number of un-allotted shops.

- (48) DDA's inherent planning capacity has not kept pace with the modern developments and has been sub-optimal.
- (49) DDA has not involved stake-holders in a meaningful way, while evolving its plans for the city.
- (50) The estimated shortfall in housing in NCT of Delhi is 72% and that in respect of authorized commercial spaces is 84%.
- (51) The large scale acquisition of private lands by the DDA for the purposes of city development and its non-use for many years encouraged large scale encroachments and construction both of innumerable jhuggi clusters as also unauthorized housing colonies. [Common Cause]
- (52) Management and overall control over the Administration of Delhi should be concentrated in a single Department, preferably in the Ministry of Urban Development. [Common Cause]
- (53) Residents' need for essential services can be met by selective commercialization for obtaining daily necessities, dispensaries, doctors' clinics and nursing homes limited to the requirements of each locality, determined in consultation with the RWAs. [Common Cause]
- (54) Highest priority should be accorded to the rehabilitation of Jhuggi clusters through autonomous Housing Corporations in the public sector. [Common Cause]

## CHAPTER 5

### **5. Magnitude of Unauthorized Construction and Misuse of Premises in Delhi**

- 5.1** In assessing the magnitude of the problem of unauthorized construction and misuse of premises it has to be recognized that during the period 1961 up to mid 1970's when the city's development proceeded more or less on planned lines as per MPD (1961-81), DDA developed land for a number of housing colonies and other facilities. However, for the last nearly 3 decades, the city's development has spilled over into large unplanned areas with associated unauthorized construction. According to the note submitted to the Committee by MCD, as against the 438 regular and approved colonies on 1.1.1994, there were as many as 1641 unauthorized colonies awaiting regularization. There are also 60 Re-settlement colonies established by the Slum & JJ Wing of MCD, inhabited by nearly 15 Lac people. The unauthorized colonies account for a population of nearly 35 Lacs. Over and above these, there are another 30 Lac persons estimated to be living in 6 Lac Jhuggies spread over 1200 Jhuggi-Jhopri (JJ Clusters). If these three components are added, it can be seen that over 55% of Delhi's residents are living in colonies other than in regular ones.
- 5.2** Persons living in the unauthorized colonies and JJ Clusters, etc. have obviously not gone in for any sanctioned building plans. Hence, the units in which they presently reside, fall entirely in the unauthorized construction category.
- 5.3** Even in the regular colonies, a substantial number of violations of Development Control Norms and Building Bye-laws have been noticed. Such violations cover one or more of the following breaches:-
- (1) Excessive Ground coverage without leaving mandatory set-backs;

- (2) Excessive Floor Area Ratio coverage (FAR);
- (3) Violation of height restriction;
- (4) Extension of Building over public streets and other open spaces meant for public utilities;
- (5) Construction of unauthorized balconies, etc. in DDA flats as well as in Group Housing Society flats, leading to building-safety concerns;
- (6) Construction of additional floors in Lal Dora and Extended Lal Dora Buildings, without reference to safety issues.

**5.4** With the heavy pressure on finite land resources and high land prices, people living in the smaller plotted colonies and also Group Housing Flats have tried to enlarge their living spaces in one way or the other. Many representatives who met the Committee in public hearings including those from urbanized villages spoke about the practical compulsion to accommodate their growing families, comprising children and grand-children. The Committee's perception is that many of the violations occurring in these areas have been driven by genuine need.

**5.5** On the other hand, in the more well-to-do colonies, where flats fetch very high prices, Builders, who have bought plots from individual owners and constructed Apartment Buildings, are believed, in several instances, to have violated restrictions regarding ground coverage and FAR, to secure additional saleable, floor area. In their case, the Development Control and Building Bye-law violations have been prompted more by the intention of making hefty profits.

**5.6** The statement furnished by MCD regarding unauthorized constructions booked by them between 1.1.2001 up to 31.12.2005 ( copy at **Annexure-IV** ) shows that against the total of 20,080 cases booked, 2046 (10.29%) pertain to unauthorized additions and alterations in DDA Flats while 3035 cases (15.1%) pertain to those where extra floors have been constructed beyond the permissible limits. In about 60% of the cases, deviations have been made vis-à-vis the Sanctioned Plans, either by way of excessive coverage or infringement of

mandatory set-backs or both. The Committee's view, based on the feedback received by it is that the actual number of development Control and Building Bye-laws violations on the ground are much more numerous, than the 20,000 or so violations booked by the MCD. If a Voluntary Disclosure Scheme, followed by a policy of Regularisation, wherever feasible, as suggested in Chapter 8 of the Committee's Report is notified, it is expected that many more cases of violation will be disclosed through self-declaration.

- 5.7** Coming now to the "misuse of premises" as presently defined, this has occurred on an even greater scale, because of the wide gap between the supply and demand for commercial and institutional spaces as well as the unnecessarily restrictive and impracticable land-use policy contained in the Master Plan. The fact that about 75%-80% of Delhi's inhabitants live in unauthorized settlements and small plotted colonies and are engaged in trade, industry and service-related activities including self-employment and further that they cannot afford the luxury of living and working from segregated premises suggests that a flexible land-use policy alone can meet their genuine needs. Furthermore, keeping in mind that DDA has only been able to provide 1/5th or 1/6th of developed commercial sites during the first 40 years of the City's planned development under its aegis, it would be reasonable to say that the tenability of the charge of "misuse of premises" is itself highly questionable. If 5 lac shops are operating in Delhi as mentioned in some submissions to the Committee of which only 1 lac shops have been officially provided by DDA, then by inference it would appear that the remaining 4 lac shops are presently operating from "unauthorized" residential premises.
- 5.8** Likewise, in respect of other institutions, such as, Schools, Nursing Homes, Diagnostic Labs, Imaging Centers, Banquet Halls, Vocational and Professional Training Institutes, Social-Welfare Institutions, Offices, corporate offices, guest houses, etc. the wide gap between planned institutional spaces and actual needs have led to many of such institutions operating from residential areas.

- 5.9** In almost, all such cases of “misuse of premises”, there has neither been any attempt by the users to get their non-conforming use regularized from the land-use regulating authority nor has there been any attempt by DDA authorities responsible for land use planning and development of appropriate commercial/institutional sites, to either to make the land-use policy more realistic or to substantially augment the supply of such sites, thereby rectifying the sharp imbalance which has been subsisting for several decades between Demand and Supply.
- 5.10** Another type of “misuse of premises” which is quite widespread relates to the use of basements for purposes other than parking and servicing of the building as per current regulations.

## CHAPTER 6

### 6. Types of Violations - Broad Categories, Nature and Extent

- 6.1** In Para 5.3 of the Report, various types of Building Code violations which have occurred in many parts of the city have been listed. In the case of construction carried out in unauthorized colonies, rehabilitation colonies and slum clusters neither have any building bye-laws been applied, nor complied with. In these cases, the solution to the problem lies in first bringing them within some workable ambit of basic planning and then deciding whether the individual structures can be regarded as safe from structural angle and also tenable from the general standpoint of Building Code. Regulations. In all likelihood, special norms and bye-laws may have to be applied to such colonies in order to regularize structures which are not unsafe and also not completely out of line with essential Building principles.
- 6.2** If one goes by numerous oral representations as well as documentary submissions, it could be inferred that 70-80% of all structures presently standing in NCT of Delhi are in one way or another, violative of Building and Development Control Regulations. Even in respect of buildings constructed in approved colonies, it has been mentioned that the paper work and formalities required to be completed for getting Building Plans sanctioned or for obtaining a Completion Certificate are so tedious that the building owners prefer to take unethical short-cuts.
- 6.3** As regards misuse of premises, these fall particularly into the following categories:-
- (1) Use of either a part or whole of the residence for commercial activity;
  - (2) use of whole or part of residential premises for institutional purposes, such as, running a School, Nursing Home, Guest House, Office, Professional Teaching Institutions, including computer courses, language courses or other specialized professional courses, etc.

- (3) Use of residential premises as Banquet Halls;
- (4) Use of Plots falling in industrial areas from where polluting industries have been shifted out, for establishment of Show rooms, Banquet Halls, Offices, Banks, etc.
- (5) Use of Basements for purposes other than parking and servicing of the building.

**6.3.1** In relation to the first type of misuse cited above, this further falls into the following distinct categories :-

- (i) Use of Residential premises either partly or wholly for commercial purposes when these are situated along major roads, such as, Ring Road, zonal roads, peripheral inter-colony roads, etc.
- (ii) Running commercial establishments along roads within residential colonies either in the immediate proximity of designated market centers or otherwise.
- (iii) running of commercial establishments from residential premises situated in the Lal Dora or extended Lal Dora, without reference to any minimum road width stipulation;
- (iv) Running of shops/commercial activities on all floors in certain areas even though they have not yet been declared commercial and still fall under the category of "mixed land-use".
- (v) Running of shops from premises having plot size less than 100 sqm and road width less than 9M, in several densely populated areas.

**6.3.2** As regards use of residential premises for institutional purposes, considering the fact that legally allotted sites for Hospitals and Nursing Homes, etc. may hardly be covering 25% of such institutions actually operating in NCT of Delhi, it will not be an over-estimate to infer that 75 to 80% of such institutions are, in practice, operating from residential premises. Besides, Diagnostic Centers and Imaging Centers which also provide health care – related services are also working from residential areas.

- 6.3.3** In addition, a large number of professional training institutions like National Institute of Information Technology (NIIT), Akash Tutorials, In-Lingua (Languages Training Institute) etc. also operating from residential areas, keeping in view the ease of access and convenience of such locations for students attending the courses, before or after normal school/college hours.
- 6.3.4** The paucity of budget hotel rooms in the city has also generated a considerable demand for Guest Houses, many of which, duly licensed by Delhi Police, are operating from residential areas. A delegation of Guest House proprietors met the Committee and requested that a recent Order of DCP Licensing not to allow Guest Houses having more than 15 guest beds to function from residential areas, has caused consternation, keeping in view the paucity of alternative approved sites.
- 6.3.5** In a submission made to the Committee during public hearing, the Banquet Halls Association stated that presently 248 such banquet halls are operating in Delhi, 18 from commercial areas, 46 from industrial areas, from where polluting industries have recently been shifted out, and the balance 184 from residential areas. They fulfill an essential community need, considering the absence of other alternatives and the restrictions on using public parks and farm houses for hosting weddings. It has been urged that the minimum permissible area for the establishment of banquet halls should be reduced from 330 sqm to 200 sqm, because in many of the newer colonies, the maximum plot size has been reduced by DDA to 200 sqm. On the other hand, some RWAs have protested against running of Banquet Halls in residential areas because of the high level of noise pollution, public nuisance, parking congestion and creation of insanitary conditions, caused by such Halls.

- 6.3.6** A large number of corporate offices, offices of NGOs and smaller/personal business offices are also operating from residential premises. Representatives of such users have urged before the Committee that neither are there enough alternative sites nor can they afford to buy or rent formal office spaces to carry on their day-to-day work. They have stated that they are ready to take care of any genuine complaints regarding public inconvenience, if they are allowed to continue to work from their current locations.
- 6.3.7** In regard to the use of erstwhile plots/flats in industrial areas from where polluting industries have been shifted out in recent times because of Supreme Court orders, representatives of the Confederation of Indian Industries (CII) and PHD Chambers have urged that the vacant premises may be allowed to be used by the allottees for commercial purposes, such as, running of Show Rooms, establishment of financial services outlets, Departmental stores etc. Other types of service providers should also be allowed to operate from such premises.
- 6.4** It has been urged before the Committee that, in practice, basements are now being widely used for purposes other than parking and servicing, viz., as part of professional working space by lawyers, doctors, consultants, architects, etc. These premises are well lit and ventilated, and are covered by adequate fire-safety precautions. Hence the ground reality should be recognized and the basements allowed to be used for a broader range of purposes other than solely for parking, etc. as per current regulations. Since the area of the existing basements had not been debited against the permissible built-up area of the Building as per FAR restrictions, the use of the existing basements should not be regarded as amounting to an FAR violation, as long as adequate conversion charges are levied. However, for new basements constructed hereafter and meant for general use, its inclusion within the permissible FAR ceiling may be provided for.

## CHAPTER 7

### 7. Underlying Causes leading to violations

7.1 The large number of violations involving unauthorized construction and misuse of premises can be attributed to five distinct causes :-

- (1) Failure of the planning and implementation process to take account of ground realities.
- (2) Supply-Side shortages in terms of legitimate spaces for residential, commercial and institutional use.
- (3) Unrealistic and cumbersome regulations including complex Development Control Norms and Building Bye-laws and long drawn approval procedures.
- (4) Absence of a proper standing institutional mechanism for seeking justifiable modifications/relaxations vis-à-vis the existing Building Code and land-use regulations.
- (5) Weak Enforcement.

7.2 In so far as the overall planning exercise taken by DDA is concerned, by its own admission, the actual population increases both during the period 1961-81 Plan and the period 1981-2001 exceeded the plan projections by substantial margins. While a detailed house-to-house Civic Survey had evidently been undertaken as a part of the first MPD exercise (1962), to ascertain the then land-uses and dispositions, in the subsequent exercises in the 1980's and now in connection with the 2001-21 MPD up-date, actual ground-level surveys as envisaged under section 7 of the Delhi Development Act, 1957 were not undertaken, in extenso. Some well-known professional town planners, who met the Committee, observed that there is substantial divergence between the base-line land uses assumed by the DDA while formulating its 2001-21 Draft update of the Plan and the actual position obtaining on the ground. For example, many areas shown as falling in the agricultural zone and available for further urbanization, have actually been under JJ Clusters for the last 2 decades, or more. The overall macro-plan for Delhi in 1990 was also meant to be disaggregated into 15 Zonal Plans.

Though we are already in the year 2006, only six Zonal Plans have so far been published (two are understood to be under submission to the Ministry of Urban Development), while the rest are yet to be worked out in the required detail. What is even more striking is the virtual absence of Ward and Local Area Plans (Lay-out Plans contemplated in the Delhi Development Act, 1957), which are to be prepared for each of the sub-areas falling in each zone.

- 7.3** It has been pointed out that in the spirit of the Constitution (Seventy-Fourth Amendment), Ward Plans are meant to be prepared in consultation with the elected representatives of the urban area, through an open, participatory process. The 74<sup>th</sup> Amendment has not been fully extended to the Union Territory of Delhi. However, there seems to be no plausible reason to exclude Delhi from the scope of its provisions through the formulation of Ward Plans and a Series of LAPs of the local areas that constitute the Ward.
- 7.4** If the DDA's Planning processes had paid greater attention to "Bottoms-Up" planning, focusing on the preparation of LAPs with the underlying objective of catering, as best as possible, to the "felt needs" of the people living or working in those local areas, many practical deficiencies could have been identified and taken into consideration while developing the plans at the aggregation levels, viz., for the zones and for the city as a whole. An ideal planning structure, in the Committee's view, would be per the schematic diagram at **Annexure V**.
- 7.5** DDA's planning exercise also appears to have suffered from lack of transparency and pro-active interaction with many different classes of stake-holders from the lowest level of Jhuggi-Jhopri dwellers and Rehri/Patri-walas on the one hand to reputed town Planners, professionals and other representatives of civil society on the other. The planning concepts and assumptions were not shared with the public at the formulation stage. It is only when the Draft Plan had already been worked out, that it was published in October 2005 to elicit public comments or objections. Though thousands of objections were

filed, the Committee was told that no objector was sent a response setting out reasons why the suggestion made by him was being turned down. There could have been a series of open “plenary” meetings in different areas of the city to let people know the implications of the proposals made in the Plan document. Thereafter their opinions and comments could have been elicited and taken on board, where justified on merits.

- 7.6** To compound these planning deficiencies, the actual implementation of certain components falling within the exclusive province of the DDA as the developer of basic infra-structure in the “Development Areas” as well as the provider of planned housing, commercial and institutional spaces, has fallen well short of the targeted goals, by DDA’s own reckoning.
- 7.7** In a presentation made to the Committee by the Chairman-cum-Managing Director, HUDCO in his concurrent capacity as Sr. Vice President, Indian Buildings Congress, it was pointed out that in respect of 15 District Centers which had been proposed in MPD 1961-81, against the proposed floor area of 24.12 Lac sqm. the floor area actually constructed had been only 5.18 Lac sqm., corresponding to barely 20%. Likewise for the 22 District Centers proposed in MPD 1981-2001, against the proposed floor area of 96.13 Lac sqm., what was actually constructed was 15.34 Lac sqm., corresponding to 16%. A copy of the relevant data provided in the written Note of CMD, HUDCO, may be seen at **Annexure VI**.
- 7.8** In the matter of providing developed housing sites and built-up flats also, there has been a substantial shortfall on the part of DDA. This is evidenced by the fact that against 438 approved colonies catering to about 40% of Delhi’s population, since the commencement of the planning process and 670 privately developed unauthorized colonies (which were regularized in 1970’s), there are as many as 1641 more unauthorized colonies which have come into existence, to house Delhi’s growing population. Besides this, there are nearly 1200 J.J.

Settlements housing nearly 30 lac settlers. Resultantly, over 50% of Delhi's population is now living in unauthorized colonies or slum clusters.

- 7.9** In retrospect, the roots of this massive supply shortage can partly be ascribed to the exclusion of private developers in both the housing and commercial sectors, since the monopoly for land development and land disposal was vested in the DDA through the Government of India Land Acquisition, Development and Disposal Policy of 1961.
- 7.10** It has been suggested to the Committee that on the pattern of NOIDA, Greater NOIDA and Gurgaon, private developers should be encouraged to construct flatted residential accommodation as well as multi-storied office and commercial complexes by allowing them access to the land market on reasonable terms. Once land use zones have been earmarked by the Planning Authority, viz., DDA, private developers may be permitted to acquire land above the minimum prescribed size, to undertake approved building activities. This may, however, need an amendment of the Government of India Policy of 1961 referred to in Para 7.9 above.
- 7.11** It may be pointed out that of the total land brought under urbanization by the DDA since its inception, against a target of developing 5.75% of the land for commercial use, as per MPD 1961-81 and the reduced level of 3 to 4% for such purposes visualized for the urban extension area in the MPD version 1981-2001, the actual development thereof has been barely 0.98%, i.e. less than 20% of the total. In the meanwhile, the increase in disposable incomes of Delhites arising from economic development as well as the increasing diversification of their consumption basket, in terms of goods and services, clearly suggest that the number of shops and service – delivery institutions would necessarily have to be much more numerous than heretofore.
- 7.12** Another major shortfall in DDA's planning and implementation process has been the failure to provide low cost housing sites/units meant for

lower income groups, who constitute the lower rungs of the socio-economic pyramid. Low cost housing sites were not provided for in DDA's plans in the vicinities of residential, institutional and commercial centers. Resultantly, people serving these areas settled down in JJ Clusters in open spaces, belonging to various government agencies.

- 7.13** Likewise, there has been a pronounced paucity of planned institutional space for health care and value-added educational institutions, and community halls, etc. for meeting the socio-cultural needs of the people.
- 7.14** The Committee has received feed back from many of the representationists that existing Building code Regulations (Bye-laws and Development control Norms) are unduly cumbersome and involve interminably long procedural hassles. The Completion Certificates or Occupancy certificates are very difficult to obtain. Even though the building has been constructed strictly in accordance with the sanctioned building plan, under-the-table gratifications are demanded for issuing such Certificates. In many developed countries, Building Regulations concern themselves with the outer envelope, i.e. prescription of coverage, set-backs, height restrictions and FAR restrictions, along with provision of adequate window space for adequate light and ventilation. Presently, in Delhi, complete floor plans have to be approved. Likewise, the land-use Regulations are unduly restrictive by specifying the floors and floor areas which may be put to a differentiated/flexible land-use.
- 7.15** It has also to be recognised that there is no proper institutional mechanism in place at present to allow interested parties to formally approach the authorities for seeking modifications/relaxations vis-à-vis existing building codes and land-use regulations, from time to time on justifiable grounds. Had there been such a mechanism, persons who have taken up commercial activities along certain stretches of major roads or the residents of flatted Group Housing Schemes, who have constructed balconies, additional room and additional toilets, etc. could

have approached the Competent Authority for obtaining legally valid authorization before undertaking their activities. It is in this context, that in Chapter 11 of the Report, a recommendation has now been made by the Committee to constitute the Delhi Urban Regulatory Authority (DURA), to be vested with regulatory powers under the Delhi Development Act, the MCD Act as well as the NDMC regulations.

- 7.16** As regards the issue of weak enforcement, up to the present, the enforcement machinery to check the unauthorized constructions, encroachments, mushrooming of the unauthorized colonies, land-use violations, etc., has been by and large ineffective and corrupt. Accountability of the authorities concerned has been practically zero. Delhi being the seat of power for all the three tiers of governance, viz. Union, State and Local Body, the relevant powers and responsibilities of these organs are splintered, with no unified point of overall control.
- 7.17** The covert and overt patronage of persons in power has also been cited as a crucial reason for the present crisis. For short-term gains and vote bank politics, the laws and regulations have been allowed to be violated, besides encouraging/condoning encroachments on public land.

## CHAPTER 8

### 8. FEASIBLE STRATEGY TO DEAL WITH THE VARIOUS ISSUES INVOLVED

#### (A) Unauthorised Constructions

- 8.1 As per the terms of reference, the violations to be looked into by the Committee fall into two categories:-
- (1) Unauthorized constructions
  - (2) Misuse of Premises.
- 8.2 Un-authorized constructions are largely spread-over the following residential categories:-
- (1) Plotted colonies of DDA including plotted co-operative colonies
  - (2) DDA's flatted accommodation
  - (3) Flatted accommodation constructed by Co-operative Group Housing Societies
  - (4) Unauthorized colonies
  - (5) Unauthorized "Regularized" colonies
  - (6) Re-settlement colonies (created by the Slum Wing of MCD)
  - (7) Village Lal Dora areas and extended Lal Dora areas
  - (8) Farm Houses built on agricultural land
  - (9) Pre-DDA Colonies, including post-partition rehabilitation colonies
  - (10) Walled City
- 8.3 The Building Code violations encompass extra FAR, extra coverage, violation of height restrictions, infringement of mandatory setbacks, additions/alterations to flats, shortage of parking space and undertaking construction without sanctioned Building Plans, and non-obtaining of Occupancy or Completion Certificates.

- 8.4** In many cases, violations include encroachment on public land as well as construction of balconies over public streets.
- 8.5** In certain cases, public streets and public sewerage and drainage lines have also been encroached upon and incorporated into the covered area of the unauthorized structures.
- 8.6** Violation of height restrictions and other development control norms in Builders' Apartment Blocks have also taken place in different colonies.
- 8.7** Since, for practical reasons, it will be difficult to go in for large scale demolitions on the ground of violation of the relevant building codes, the Committee is of the view that the following modalities/principles could be adopted to deal with such violations :-
- (i)** Encroachments on public land should be got vacated.
  - (ii)** Where the above is not practically feasible, cost of the land encroached along with penalty for unauthorized usurpation of the land should be recovered from the defaulter.
  - (iii)** For extra coverage of floor area, reasonable Compounding fee can be imposed.
  - (iv)** For violation of height restrictions and building an additional floor or part thereof, a severer scale of penalty/special compounding fee can be imposed on the violator.
  - (v)** Where the Building is found to be structurally unsafe, formal notice should be given to the owner to rectify the structural weakness within a stipulated period, failing which the building has to be declared unsafe and marked for demolition.
  - (vi)** A date should be publicly announced under a Voluntary Disclosure Scheme to enable the violators to self-declare their violations of the Building Code Regulations or encroachment over public land, if any, or both. Thereafter, each of the 12 MCD Zones under the Deputy Municipal Zonal Commissioners should be asked to undertake a special drive to deal with such self-declarations in accordance with the standard policy for recovery of special compounding charges/penal charges to be prescribed by the Commissioner of the MCD. A note regarding illustrative special compounding charges provided by Commissioner, MCD is at **Annexure VII**.

- (vii) In the voluntary disclosure made, the applicant should also attach a copy of the Building Plan, as it actually exists, at site, certified by a Registered Architect.
- (viii) The structural safety aspect has to be particularly kept in mind in relation to Cooperative Group Housing flats, DDA Flats and any constructions above two storeys in unauthorized colonies, re-settlement colonies, walled city and Lal Dora and extended Lal Dora areas, while considering requests for regularisation.
- (ix) As far as Farm Houses are concerned, most of them fall in the Green Zone meant for agricultural use. Practically, all of them have built up areas well in excess of the current permissible limits of 100 sqm/150 sqm, for a one/two hectare farm or above. As per (MPD 2001-2021) Draft, barring one peripheral village at the boundary, most of the other Green area is expected to come within the ambit of urbanization by 2021. The question to be considered is whether the existing Farm houses should continue to be treated as illegal because of construction well beyond the present permissible limits or should be regularised under appropriate conditions, for the intervening period. The Committee feels that it will be appropriate to bring them within the legal framework by re-designating them as 'Country Homes' and permitting construction up to 5% of the plot area per floor, with the restriction of a maximum of two floors i.e. 7 meters. By continuing the status of the present farm houses in the "Grey Zone" (having excess covered area), the practice of paying "hush-money" to enforcement officials is being indirectly encouraged. Notwithstanding this revised norm, regularization of existing farm houses may be permitted by recovering special compounding and penal charges for their entire existing built-up area. Each farm house should maintain at least fifty full trees in order to improve Green-cover in the area.
- (x) The revised norms for permissible built-up area should be made applicable to future constructions of Farm Houses/Country Homes, as well. Minimum plot size of a farm-house/country-home may also be reduced to two acres, for greater convenience.

**8.8** After the recovery of the Compounding charges, etc. a copy of the regularized Building Plan reflecting the actual position after compounding, should be made available to the owner for record, while retaining its copy with the Regulatory Agency concerned.

**8.9** It has been represented to the Committee that in view of the severe housing shortage in Delhi, existing owners may be permitted to add an additional floor to their buildings to accommodate their increasing family requirements subject to structural safety being ensured. The Committee supports this proposal subject to the building height not exceeding 15M, beyond which special fire safety and anti-earthquake precautions have to be taken. However, while doing so the Committee is firmly of the view that the practice of owners selling their plots to Builders for construction of Apartment Buildings which has led to intensification of residential densities and heavy additional load on the civic infrastructure, including water supply, drainage, sewerage, parking, etc. must not be permitted. Hence, the above concession for building the extra floor should be limited to only the original allottees/owners who wish to build additional accommodation for their personal and family use.

## **(B) MISUSE OF PREMISES**

**8.10** Before discussing the proposed course of action, vis-à-vis Misuse of Premises or land-use violations, it will be appropriate to briefly discuss the issue concerning segregated land-use versus flexible land-use. This matter has been the focus of lot of public attention in the last few months and needs to be looked at with great care and objectivity.

### **Perspective**

**8.10.1** A study of the evolution of human habitations over the millennia would show that wherever people have lived together, they have engaged in economic activities to produce goods and services, which are exchanged in the market place. Survival of individuals depends on their ability to acquire sufficient purchasing power to afford necessities of life, by engaging in economic activities whose outputs command value in the market.

**8.10.2** Since the beginning, our villages and small towns have maintained the practice of mixed land-use within their areas of habitation. In general, people have lived in one portion of the house, either a back room or an upper floor, and used the front portion of the house abutting on a lane or a street for undertaking economic activities. Artisans and petty traders have traditionally operated from their residential premises. This natural tendency of “Mixed Land use” continues today in thousands of our towns.

**8.10.3** Even in a city like London, apart from the main shopping centers in the down-town areas where commercial activity is carried out from segregated premises, along the many roads leading to the down

town area from the outlying parts of the city, mixed land use is a continuing practice to this day, with institutional and commercial activity subsisting alongside residential use of premises.

**8.10.4** Delhi, being the country's capital and a hub of political, administrative and economic activity, is home to both the country's highest public dignitaries, as well as to the humble and poor jhuggi-dweller who lives with a family of 3 or 4 other dependents on a 20 sq yd. plot of land in a makeshift temporary shelter. Between these two extremes live a large number of other people belonging to lower, lower-middle and middle income groups.

**8.10.5** At the same time, in Delhi, there are people belonging to higher income groups and professionals, including serving and retired civil servants and members of the Defence Forces, who fervently wish to preserve the more or less exclusive residential character of their colonies and neighborhoods. In the circumstances, a differentiated policy approach for dealing with these different categories of stakeholders would be fully justified.

### **Nature of the Problem**

**8.11** The Committee is of the view that in order to encourage plot owners to provide adequate Parking within their plot areas, if a building is constructed leaving the Ground floor for parking purposes, such as in Delhi Curzon Road Apartments on Kasturba Gandhi Marg and Sagar Apartment on Tilak Marg, etc. the permissible number of residential floors should be reckoned from the first floor upwards, within the prescribed FAR and height ceiling. The parking area should not be counted towards the FAR, whether constructed in the basement/semi-basement or on the ground floor.

**8.12** Misuse of premises by and large fall under the following categories :

- (i) Use of a portion of the residential premises for running commercial or industrial activities.
- (ii) Use of residential buildings for running institutions like Schools, Nursing Homes, diagnostic laboratories, Imaging Centers, Professional and Vocational Institutes, such as, Computer Classes, Language Classes, etc.
- (iii) Misuse of basements
- (iv) Misuse of vacated industrial premises for commercial/office use.

**8.13** The serious paucity of legitimate commercial and institutional areas to the extent required has been a principal reason for diverting residential buildings for commercial/institutional uses. Any objective study of the supply/demand imbalance in this behalf will readily confirm and underscore this conclusion.

**8.14** Formulating a policy for dealing with such instances of misuse of premises or non-conforming land uses has thrown open many complex questions. On the one hand, it has to be acknowledged that the expansion of commercial and institutional activities has taken place only in response to the growing needs of the people themselves. For example it has been highlighted before the Committee that while there are over 5 Lac Shop-keepers in Delhi, DDA has at best been able to provide only 1 Lac shops in the District-Community/Local Shopping Centers. This means that nearly 80% of the shops are presently operating from areas not formally designated for this purpose. Likewise, there is a huge shortfall in terms of institutional sites. The Delhi Medical Association has pointed out that as per the MPD 2001-2021 Draft itself, Government Hospitals are only catering to 20% of the hospital beds to cope with required Delhi's needs. The task of bridging this large gap of 80% has fallen on private Nursing Homes and private Hospitals. Since, the Plans have not provided for an adequate number of such sites, many Nursing Homes, Clinics, Clinical Laboratories, Diagnostic and Imaging Centers are operating from residential areas.

While 584 registered Nursing Homes are operating under the Delhi Nursing Homes Act 1953, apart from many others which are not registered, in total the DDA has so far allotted only 54 sites for hospitals and nursing homes. Though permitted by MPD 2001, Draft MPD 2021 has now excluded such institutions from operating from residential areas. It has been stressed before the Committee that such Nursing Homes, etc. serve a very useful purpose for local communities and provide valuable health care services to the people on a day-to-day basis, at their doorsteps. Likewise, the availability of Diagnostic Centers, Imaging Centers, etc. in the vicinity of the Nursing Homes, within residential areas, provide these networked services to the patients/doctors living in the respective local areas. Furthermore, representatives of professional teaching institutions like NIIT which run computer courses, others teaching language courses and yet other groups engaged in other types of vocational training, have also appeared before the Committee with the request that their operating from residential areas provides easy access to a user-friendly and secure learning environment for young boys and girls living in the residential colonies and does not, in general, cause any inconvenience to residents from enjoying a normal peaceful environment.

- 8.15** On the other hand, certain active Citizen Groups, including RWAs, have urged the Committee, that they do not want the character of their residential areas to get irreversibly compromised by permitting non-conforming, non-residential activities.

### **The Approach**

- 8.16** The Dharmarajan Committee which classified 2025 colonies falling within the jurisdiction of Municipal Corporation of Delhi between Categories A to G for the purpose of the Unit Area System of Assessment of Property Tax, adopted a 9-point criteria matrix to carry out the classification. These criteria included the level of social infrastructure, physical infrastructure, size of plots, general socio-economic

conditions of the area, etc. A copy of the classification criteria is annexed as **Annexure VIII**.

- 8.17** Of the 2025 Colonies, 28 colonies were placed in Category A, 51 in Category B, another 51 in Category C and 244 in Category D. The remaining 1651 colonies fall into Categories E, F and G. For the purpose of adopting a differentiated policy approach regarding flexible land use, the 79 colonies falling in Categories A and B may be termed as “Tier-I” colonies, the 295 colonies falling in Categories C & D, as “Tier-II” Colonies and the remaining 1651 colonies falling in Class E, F and G as “Tier-III” colonies. A copy of MCD’s listing of 2025 such colonies along with their classifications may be seen at **Annexure IX**. The living conditions in these colonies range from those obtaining in smaller towns, up to the one hand to those which would be typical of better class urban residential neighborhoods.
- 8.18** The classification of colonies into Tier-I, Tier-II and Tier-III categories, based on the present MCD Unit Area Classification is illustrative and could, in future, undergo changes on account of significant shifts in the underlying socio-economic conditions.
- 8.19** In the Committee’s view, while a more flexible land-use policy should be applied to Tier-III colonies with a negative list of non-permissible activities which can cause serious environmental pollution, noise pollution, etc., a much more stringent/segregated land-use policy would be appropriate for Tier-I colonies. Tier-II colonies falling in between these two categories may be extended some limited land-use flexibility, based on a “positive list approach”. **In all such colonies, maintenance of a peaceful living environment for residents should invariably be assigned high weightage and priority.**

## **Recommended Course of Action**

8.20 Keeping the diverse socio-economic backgrounds of people living in different parts of the national capital, the Committee after careful application of mind and consideration of all relevant issues and balancing the conflicting interests of these various groups, recommends as under:-

8.20.1 For Tier-III Colonies, more flexible land-use should be permitted. There should not be any prescription of minimum plot size or minimum width of Road for permitting partial, non-residential activities. It can, however, be stipulated that for roads less than 6 M wide, if some commercial activity is undertaken, the entire street or section of the Street should be designated as a Pedestrian Shopping Street (PSS). A person living in such colonies, who wishes to use a part of his residential premises for non-residential purposes whether commercial, industrial or institutional will be, prima facie, deemed to be free to do so, unless the Regulatory authority finds, on an enquiry, either taken up suo moto or at the instance of Community Representatives/ Residents' Welfare Association, that such use may be causing or may cause general public disruption/inconvenience. In the Committee's view, it is highly unlikely that all streets will get converted to such flexible land-use, as customers have a natural preference to access shops/establishments situated along wider roads. Hence, market forces and consumer choice will, in general, not favour commercial activity being taken up on smaller streets, and thus a market-based "equilibrium state" will emerge where demand for and supply of space for commercial/institutional uses will come into balance.

**8.20.2** For Tier-II colonies, a limited flexible land-use pattern on a “positive list” basis should be adopted. Here, the onus to justify the proposed land use change should be deemed to shift to the Applicant seeking such flexible use and careful watch has to be exercised by the Regulatory Authority, in consultation with RWAs and neighbors, etc. to ensure that the land-use shift does not cause general public inconvenience. In the case of premises, which have been under any non-conforming, use prior to 1.1.2000, as per the municipal records, the general approach can be to let the change in land-use continue, except in cases where such change is found by the Regulatory Authority, either, suo moto or on the representation of the relevant Resident Welfare Association/Community Groups, etc., to be significantly detrimental to public convenience and welfare. An applicant living in a Tier-II colony wishing to undertake any non-residential activity permitted by the “Positive List” should first disclose his intent to the local RWA/Representative Community Group and get their general consent for the proposed activity. Thereafter he should apply for the required permission to the proposed Delhi Urban Regulatory Authority. DURA after getting the report of the Local Regulatory Team comprising of a representative each of MCD, DDA and a professional Town Planner, should conduct an open hearing and after having heard the different interests concerned, record a Speaking Order, granting or refusing the permission being sought. For example, in the matter of location of Banquet Halls in residential areas, it has to be ensured at all costs that such facilities do not cause serious public nuisance either to the neighbour or to the other residents. The

practice of using loudspeakers late into the night and creation of insanitary condition in the area surrounding the Banquet Hall have to be strictly prohibited and enforced.

- 8.20.3 Finally, in line with the recommended differentiated approach, in relation to the better-off Tier-I colonies, non-residential use of residential buildings should be permitted only to the extent of professionals, such as Doctors, Architects / Chartered Accountants / Lawyers, Computer Specialists etc. using a portion of the premises self-occupied by them as residence, not exceeding 50% of the covered area, as home-based professional work stations.

For any other existing or proposed non-residential use, the onus to justify such use should be much stiffer and should be cast on the Applicant. While applying to the proposed Delhi Urban Regulatory Authority, the Applicant should simultaneously notify the RWA/Local Community Group concerned of such application. The aspect of public inconvenience or nuisance to neighbors should be gone into very carefully by the Regulatory Authority concerned before grant of permission. Even if the Local Regulatory Inspection Team, consisting of a representative of DDA, MCD and an External professional Town Planner recommends grant of permission, it should be open to neighbors/members of the RWAs concerned local citizen groups to contest the proposal before the Authority. Going by this “Zero-base” principle, all existing institutions which are of a non-residential character, operating from Tier-I colonies, irrespective of the length of time that they have so operated, should be asked to seek fresh

approval from the Regulatory Authority for continuing such non-residential use. Such a stipulation should, however, be made applicable only to colonies established after the coming into force of Master Plan of Delhi (MPD) 1962.

8.20.4 In addition to the issue of flexible land-use or compatible land uses in different residential areas, keeping in view their differing socio-economic conditions, the Committee is of the view that commercial and institutional utilization of buildings abutting on National Highways, Arterial and Sub-arterial roads and along Metro-corridors may be considered in suitable stretches, keeping in view their relative unsuitability for residential use, in the light of heavy traffic flows and resultant air and noise pollution. However, appropriate caveats, such as, the existence of service roads and suitable parking facilities, either within the compounds of the establishments concerned or by way of a common facility parking infrastructure, may be prescribed by the proposed Delhi Urban Regulatory Authority. Commercial and institutional development along major roads is a worldwide phenomenon and there is no reason why, such development, with suitable attendant conditions required to safeguard general public interest, should be disallowed in Delhi. For allowing such usages, appropriate charges may be imposed, with a view to finance the additional infrastructure facilities required. Suitable facilities including parking can also be developed, in cooperation with and with the financial participation of the traders or other institutional beneficiaries, as the case may be.

- 8.20.5** In the light of the above, certain stretches which have been practically fully commercialized along the inner Ring Road, such as, South Extension-I and II where non-residential use has been in existence for many years, may be formally designated as a commercial stretch/strip. The same treatment may be extended to other similar stretches along the major roads which have got substantially commercialized over the last many years. At the same time, appropriate conditions to safeguard public convenience should be imposed on the owners/users of such premises. In the event of their failure to meet those conditions within a reasonable time, the permission for change in land use could be revoked.
- 8.20.6** Flexible land uses functioning from residential areas of pre-MPD 1962 vintage should, in general, be allowed to continue their activities as heretofore, without unduly rigid restrictions regarding the floors from which they operate, or the minimum size of the plot and minimum width of appurtenant road, etc., except in cases of serious public inconvenience noticed by the proposed Delhi Urban Regulatory Authority.
- 8.21** For all current uses of residential accommodation for non-residential purposes, in Tier II and Tier I colonies, a self-declaration should be filed by all such users by a certain cut-off date with the proposed Delhi Urban Regulatory Authority. Such applications should be subjected to initial scrutiny by Joint Regulatory Teams comprising representatives of MCD/DDA and well-reputed External Professional Town Planners registered with the Institute of Town Planners (India). Based on the recommendations of such Teams and after further hearing Community-based NGOs /Citizen-Groups /Residents Welfare Associations, DURA may record a speaking order containing its

decision. On completion of the exercise, wherever such uses are allowed to continue, a formal letter of approval should be permitting the change in land-use, either on a temporary or permanent basis, subject to the payment of suitable betterment and conversion charges. If it is decided to disallow continuance of such non-residential activities, the party concerned should be allowed reasonable time of 3-6 months to close down the activity and relocate to some other permissible area.

- 8.22 Until such time as the Delhi Urban Regulatory Authority has been able to apply its mind to all related aspects and has arrived at its decision, non-residential activities from residential areas along the category of roads referred to in Para 8.18.4 falling within residential zones may be allowed to continue for the time being, subject to such safeguards as may be prescribed, in the interim, by DURA. However, where the premises being so used involve both major violations of the Building Code as well as misuse of premises, the interim permission may be withheld by DURA.
- 8.23 Funds collected by way of compounding and penal charges for regularization of buildings as well as for conversion of premises in part or full from one land-use to another, should not be credited entirely to the general revenues of the concerned Agency but should be spent in good part within the area of the concerned colony to upgrade civic infra-structure, etc.
- 8.24 In so far as misuse of basements is concerned, it has been suggested to the Committee that though basements are at present meant to be used only for parking or for servicing the building, in many cases they are being used as professional working space. The Committee's view is that subject to the proper ventilation and indoor lighting, as also observance of fire-safety precautions, such flexible use of basements may be permitted. However, in such a situation, the floor area of the basement would have to be

counted towards FAR. In case of existing basements, the owner would have to pay prescribed compounding charges.

- 8.25 The last point in this Section concerns the use of industrial premises which have got released by the shifting of non-polluting industries, for non-industrial uses, such as, Show Rooms and offices. In the Committee's view flexibility should be allowed to the original allottee to undertake such uses. However, appropriate charges required to be paid for permitting such conversion should be recovered from the allottees.

## CHAPTER 9

### **9. Policy Guidelines for Lal Dora and Extended Lal Dora Areas of Delhi**

- 9.1** Delhi has in all 362 villages, of which 135 are currently classified as Urban Villages and 227 as rural villages. In 1908, when the Revenue Settlement was done for the first and only time, the abadi of these villages were included within a well-defined “Lal Dora area” outside which the agricultural produce was assessed for purposes of Land Revenue. Thereafter, the exercise of consolidation of Land Holdings in Delhi villages began in the year 1952 and is still continuing. Since the village abadi had undergone natural expansion between the settlement of 1908 and the commencement of consolidation operations, the extended village abadi was enclosed within the new peripheral boundary known as “Phirni”, the area between the original Lal Dora and the post consolidation “Phirni” being treated as “extended Lal Dora”.
- 9.2** On 24<sup>th</sup> August, 1963, a Delhi Administration notification stated that within the village abadis comprised in the Lal Dora or the “Phirni”, for construction of a house if required by the owner residing on that plot for his own needs, no building permission was required. The order of 1963 debarred, in particular, the construction of factories, warehouses, cold storage and slaughter houses within village abadis (Lal Dora).
- 9.3** The farmers of Delhi whose agricultural lands were acquired have, in general, been put to a great disadvantage. Firstly their lands were acquired for a pittance, at the rate of about Rs.3000 per Acre in 1957. Subsequently in 1966-68, the acquisition rates were revised to between Rs.25,000 to Rs.30,000 per acre. The per acre rates was raised to Rs.5 lacs in 1981 to Rs.8 lacs in 1993, to Rs.16 lacs in 1998, and to Rs.24 lacs in the year 2004.

In the initial stages of acquisition of land, the farmers were given an alternative piece of land measuring 400 sqm by way of a residential plot and one person from the farmer's family was offered Government employment. With the passage of time, the size of the alternative residential plot was reduced to 250 sqm and the practice of giving employment to a member of the farmer's family, was done away with completely. Even though the villagers were assured that integrated development of the so called "urbanized villages" will go hand in hand with the urbanization in their neighborhood, no such planned village development has actually taken place.

**9.4** It is a clear and unanimous view of the Committee that the interests of the Delhi villagers which have suffered in the past should be dealt with sympathetically. Three separate types of developments which have taken place in the Lal Dora or extended Lal Dora areas need to be carefully considered:-

- (1) Construction of additional storey beyond two and a half storeys normally permissible in the city under the MCD Building Bye-laws or allowed in Lal Doras without MCD permission in rural villages.
- (2) Some Lal Dora premises have been sold to commercial buyers who have established show rooms, eateries, etc.
- (3) Some Guest Houses/Show rooms/Factory outlets have been established in the Lal Dora areas abutting on major highways, such as NH-8, viz., in the area of Village Mahipalpur.
- (4) Commercial activity of non-village origin, such as Fashion designer outlets are being conducted within the Lal Dora areas even along smaller streets.

## **Recommendations**

**9.5** After careful consideration, the Committee's recommendations regarding the issues connected with Lal Dora are as follows:-

- (1)** Future construction and land use in Lal Dora and Extended Lal Dora areas have to be brought within an appropriate framework of regulations, to accord with public safety and convenience. However, Special Building Bye-laws will need to be framed for village Abadis (Lal Dora and extended Lal Dora) keeping in view the peculiar nature of the abadis and absence of sufficient land for leaving set-backs etc. In addition, in order to accommodate the heavy population pressure and dearth of alternate residential sites, a height authorization up to 4 storeys (15 M) on plots abutting on the "Phirni" and upto 3 storeys (11.5 M) on other interior plots may be permitted.
- (2)** Individual Micro-Plans (Local Area Plans) for proper development of all urban villages should be carefully drawn up in consultation with the village community. Sufficiently wide access roads to enable fire tenders and ambulances to reach premises which may require such assistance should be provided for, with the cooperation of the villagers and other current users.
- (3)** Complete property ownership records should be developed and maintained on a digital data base. All existing properties should be surveyed/evaluated from the standpoint of structural safety. Any building generating safety concerns should be earmarked for remedial action by the owners/occupants within a time bound period, failing which they should be got vacated

and marked for being dismantled, if no other structural remedy is available.

- (4) Commercial activity may be permitted on narrow streets below 9M or 6M width provided such streets are designated as Pedestrian Shopping Streets (PSS).
- (5) All existing Show Rooms or Guest Houses abutting on major public roads may be regularized, in view of the general policy recommendation to allow non-residential activity along such roads, subject to the availability of service road and some additional parking facilities. There is no reason why villagers who happen to have plots within the Lal Dora abutting on a major road should be denied the opportunity of exploiting the favourable location to their advantage, in the same way as an owner of similar premises outside the Lal Dora area.
- (6) All the above facilities meant for the Lal Dora area should be equally extended to land falling in the extended Lal Dora i.e. between old Lal Dora and the new "Phirni", demarcated at the time of Consolidation of land holdings by the Land Revenue authorities.
- (7) Plots in the extended Lal Dora area should also be allowed to be used for running educational and health care institutions, professional training institutes, etc., subject to availability of parking space and adequately wide access roads.

**9.6** Besides the above, it has also been urged by representatives of Delhi's villagers that even in the surrounding agricultural belt around their abadis, institutions connected with education, health care, religious and cultural charitable organizations should be allowed to run their institutions where they are presently located and necessary land use

conversion should be allowed to them in the larger interests of the welfare of the villagers themselves.

- 9.7** As and when a policy permitting private colonisers / developers to develop housing/commercial/institutional facilities in areas earmarked for further expansion of the urban area of Delhi is put into effect, farmers owning sufficient land, as per prescribed norms for this purpose may be permitted to participate in such a development process, on merits.

## CHAPTER 10

### 10. PREVENTION OF FUTURE RECURRENCE OF VIOLATIONS AND IMPROVING ENFORCEMENT / ACCOUNTABILITY

- 10.1** An important pre-requisite for preventing the recurrence of violations will be the recasting of the Building code and Regulations regarding land-use to make them more flexible, transparent and people-friendly. Involving stakeholders and independent professionals in this exercise under the umbrella of the proposed Delhi Urban Regulatory Authority (Para 11.2.2) may be appropriate in this context. An illustration of how Zone-wise Development Control Norms can be depicted in a readily understandable format may be seen at Annexure X. The format could be further improved for the convenience of stakeholders.
- 10.2** Effective steps must also be taken to improve the supply side of the equation by opening up the land market, including land developed by DDA, to reputed private developers. Incomplete DDA commercial complexes should also be completed in a time-bound manner and existing ones re-developed. The suggestion made to the Committee that DDA should hereafter concentrate more on planning, land-use zoning and monitoring and should no longer enjoy a monopoly over development of all urbanisable land, needs to be carefully considered.
- 10.3** The need for creating a standing institutional mechanism to entertain requests and grievances regarding land-use issues and Building Code Regulations, in both the general and specific contexts, cannot be over-emphasized. When such a window is available, people can seek formal decisions from the Competent Authority, before undertaking any activity which may not be falling strictly within the existing provisions. Such an arrangement will help

to cope with changing ground conditions in a growing metropolitan city like Delhi.

- 10.4** The large number of violations of the Building Code and permissible land use as well as encroachment on public lands is glaring proof of the fact that the enforcement machinery currently in place under the control of different agencies like DDA, MCD, etc. has fallen woefully short of the requirements. Their weakness has encouraged a general climate of lawlessness and laissez-faire. In its representation, the well-known NGO “Common Cause” has bemoaned the absence of an effective enforcement machinery, due to the multiplicity of agencies and lack of a single point of control over their functioning.
- 10.5** The Committee is unanimous in its view that while, violations which have already taken place, ought to be dealt with in a pragmatic and equitable manner, going forward, enforcement measures should be both stern and effective.
- 10.6** Since the enforcement staff of the MCD stands badly discredited and MCD has jurisdictional control over 90% of the area of NCT of Delhi, future responsibility for enforcement needs to be immediately shifted to another Agency. In the Committee’s view, such responsibility over all areas of NCT of Delhi should now be vested in the Executive Branch of Government, comprising of 9 Revenue Deputy Commissioners assisted by their 27 Sub-Divisional Magistrates. These Executive officers should be supported by necessary complements of Delhi Police or another dedicated Urban Enforcement Corps and obtain technical support, from MCD/NDMC/DDA, as required.
- 10.7** A 24-hour Central Control Room (CCR) should be established for reporting any violations connected with land use/building bye-laws/encroachments on public lands. This Control Room should function under the overall supervision of a Chief Enforcement Officer, who

should be of the rank of Financial Commissioner of the State Government (Additional Secy., to Govt. of India) reporting directly to the LG or the Chief Minister, as may be decided. An easy to remember, special 3-digit Number should be assigned to the Control Room so that any one observing a violation could phone in the relevant details. Disclosure of the identity of the complainant need not be insisted upon, since the complainant may not wish to get his identity disclosed for fear of invoking the offender's hostility. The Control Room should maintain a complete Log Book containing chronological entries of the information received. The Central Control Room (CCR) should pass on information at the earliest during working hours to an Enforcement Control Room in the Deputy Commissioner's office, which should, in turn, promptly notify the concerned field units headed by the Sub-Divisional Magistrates. Each SDM should have at his disposal one or more Multi-Utility-Vans (MUV) which could be a Gypsy, Sumo or Qualis, etc. equipped with Wireless and a roof-mounted Video Camera, on a 360-Degree rotating platform. The SDM can depute one of his Executive Magistrates in the MUV along with a half-Section or full Section Police or Urban Enforcement Corps Unit to go to the site where the illegal activity is alleged to have taken place or is in progress. In case the spot visit reveals that a violation has actually taken place or is being committed, the person concerned should be ordered to desist from such activity and a case recorded against him for undertaking activity prejudicial to public order. In case, the "Cease and Desist" orders are not complied with, the offender may be taken into custody, with provision for obtaining bail.

- 10.8** To enable the above action to be taken, the commission of serious building code and encroachment-related violations would have to be legally declared as bailable offences under Criminal Law and the necessary legislation put in place. Builders and Architects conniving at such offences would also have to be booked as

accessories to an offence prejudicial to the maintenance of public order and to public respect for laws and public regulations.

- 10.9** A Daily Action Taken Report (DATR) should be sent by every Deputy Commissioner to the Central Control Room so that the Chief Enforcement Officer can keep full track of the situation, on an on-going basis.
- 10.10** The task of effective enforcement will be facilitated if certain other concomitant steps are also taken by the Government/concerned authorities. These are as follows:-
- (1) Based on surveys by the National Remote Sensing Agency (NRSA), an aerial map of all built up properties and vacant areas of Delhi should be developed. This should be up-dated every six months to detect changes, if any.
  - (2) Using the Remote Sensed information as initial data, lists of all existing built-up areas as well as non-built up areas including jhuggi-Jhopri clusters should be prepared by undertaking extensive ground level surveys.
  - (3) All urban maps, disaggregated up to Ward levels and constituent Local areas sub-maps and property records should be stored in a Central Digital Data Base.
  - (4) All Builders undertaking construction activity on plot sizes of 200 Sqm or more should be subjected to compulsory registration before being allowed to take up building work in the NCT of Delhi. While granting such Registration, the antecedents of the builder should be carefully gone into. Only such builders should be registered, who do not have any past record of committing major Building Code violations. This work may be entrusted to the proposed Delhi Real Estate commission. Urban Property Records should also be maintained by this Commission.
  - (5) All Architects providing architectural services for buildings being constructed / proposed to be constructed in NCT of Delhi should be required to register themselves. At the time of granting registration, apart from checking their professional qualifications, their past record should also be scrutinized to see whether they had been associated with unscrupulous builders.

(6) All Property Dealers working in NCT of Delhi should also be required to get themselves registered. They should be asked to provide a sworn undertaking that they will not engage in transfers of property whose ownership is either not legally valid or under the shadow of doubt. In the past, such Property Dealers have allowed many transactions to take place involving encroached public land as well as other land whose title was not clear in the hands of the transferor. They should also be warned that in the event of their undertaking dubious activity they would be blacklisted and would not be allowed to practice their trade in the NCT of Delhi, apart from being liable to criminal prosecution.

- 10.11** If the enforcement exercise undertaken by the executive Branch reveals any slackness or collusion on the part of either officials of the MCD, NDMC, DDA or police in-charge of the area, stringent action must be taken against defaulters.
- 10.12** To bring about a climate of effective enforcement, it will be appropriate to establish dedicated Fast-Track Courts, so that all offences connected with violations of Building Code Regulations and unauthorized land-use changes can be promptly lodged for judicial scrutiny and deserving punishments meted out to the defaulters.
- 10.13** No enforcement effort can succeed without involvement of individual citizens, citizen groups and community-based NGOs. In matters connected with surveillance against any suspected Building Code or land-use violations, inputs received from such alert individuals/groups should be promptly acknowledged and the actions taken intimated to them, to demonstrate the responsiveness and earnestness of the government machinery.
- 10.14** The above measures will give a clear signal to the people that Government is serious in enforcing its regulations and no one can any longer take the liberty of indulging in violations, at his will and fancy.

## CHAPTER 11

### 11. OTHER MATTERS INCIDENTAL TO THE TERMS OF REFERENCE

#### A. Change in the Role of Delhi Development Authority

- 11.1** To deal with a whole range of issues of policy and implementation pertaining to urbanization-related problems of NCT of Delhi, it is evident to the Committee that the present institutional arrangements are inadequate.
- 11.2** Since its inception under the Delhi Development Act, 1957 (D.D. Act, 1957), the DDA came into being as the successor agency to the Delhi Improvement Trust (DIT) for both planning and land assembly (development). It thus functioned as a monopoly agency which was assigned the responsibility of developing all nazul lands as handed over to it or acquired under the Land Acquisition Act, for sale / allocation for residential / commercial / institutional / industrial / recreational and other relevant uses. Under the Land Acquisition Development and Disposal Policy of Government in 1961(LAD-DP-61), private builders and developers were excluded from the scope of undertaking residential, commercial or other developments by entering the land market on their own.
- 11.3** By the early 1970's, house building for the EWS, LIG, MIG and SFS was added to DDA's functions. By its own admission, DDA has fallen far short of developing housing units as well as commercial spaces required to cope with the surge in Delhi's population over the last several decades.
- 11.4** On the planning side, DDA has now acknowledged that there has been an important missing link in the planning process by way of absence of Local Area Plans (LAPs). The need for developing LAPs in consultation with people and their representatives living in different

local areas has now been recognized and cited in the 2021 Draft Master Plan of Delhi (MPD-2021).

- 11.5** Even in terms of macro planning for the city as a whole, the planning methodology and process adopted by DDA has not been dynamic enough to deal with the pressure of population caused by in-migration and the natural growth of the existing population. The areas required to accommodate the increased demand for residential, commercial, institutional and other purposes, have not been acquired and developed in time to cope with such demand. Resultantly, a large component of the migrant population, has spilled over into the so-called unauthorized colonies which have an unregulated pattern of Land Use involving a mix of residential, commercial , institutional and industrial activities.
- 11.6** At the next level of disaggregated planning, i.e. Zonal Development Plans (ZDP's), out of 15 zones identified in MPD-2021 into which Delhi has been sub-divided, ZDP's are understood to have been drawn up for only 8 zones so far. LDPs have not yet been prepared for any of the new zones identified in MPD-2001. This demonstrates the inadequate attention to elaboration of ZDP's by the DDA.
- 11.7** It has also been observed by outside experts that in developing the Master Plan updates and its ZDP's, DDA has not been able to tap the best expertise available in the country. Since the evolution of Delhi, which can rightfully claim to be one of the world's great heritage cities, should reflect the realization of a worthy vision which will blend India's cultural heritage and civilizational values with modernity in terms of aesthetics, urban design and technology-enabled infrastructure and systems, the planning exercise, particularly at the macro-level and supported by the ZDP's should be undertaken by bringing the best minds to bear on the subject. Undertaking this function as a closed-door exercise, with DDA's own in-house planning resources, will certainly not be able to deliver the desired objectives.

- 11.8** Furthermore, it is amply clear that simply preparing an updated plan and making it valid for the next 20 years will not be able to address the changing ground level requirements caused by both population growth and population shifts, e.g. with the mandated closure of a number of polluting industries and their relocation to a new industrial zone, lands released from such relocation would become available for redevelopment. Likewise, urbanization of some areas under the present non-urban land use, i.e. agricultural use, would require new sub-area plans to be drawn up, earmarking portions thereof for different land uses including residential, institutional, commercial, etc. Laying out of new roads or metro corridors would also throw up new opportunities for development of commercial, institutional and residential spaces and assets. Planning inputs would be pro-actively required to deal with such proposed developments.
- 11.9** Similarly, freeing up presently encroached land under slum-clusters by undertaking in-situ low-cost redevelopment through low-rise housing comprising ground floor plus three floors accessible through stairways, could create opportunities for fresh developments on the land so released.
- 11.10** As already noted, there are over 2000 unauthorized colonies including the 670 regularized unauthorized colonies, which have been developed in Delhi over the last few decades, and all of these are required to be brought within some kind of a planned framework in order to facilitate extension of municipal services and ensure minimum standards of public health, sanitation and safety. The activity of drawing up regularization plans for each of these colonies in an interactive manner with the people residing in the colonies, to cope with their felt needs as well as the difficult ground conditions, will require micro-planning inputs which could be provided by the Planning Wing of DDA. Perhaps, such an exercise can be carried out by the DDA in conjunction with the Planning Wing of the MCD/NDMC, as the case may be, as also any Town Planning professional

registered with the Institute of town Planners, India, who may be retained by the residents of the particular colony themselves. Thus, a three-pronged expertise could be brought to bear on the problem of developing workable Local Area Plans for each colony.

- 11.11** Similarly DDA's micro-planning inputs could be tapped for the development of Village Level Plans for all of Delhi's urbanized villages.
- 11.12** It has also been correctly mentioned in course of the Committee's interactions with various interest groups that not only should the DDA be involved in the development of the Master Plan and its ZDP's but should also provide professional guidance and inputs for the development of Local Area Plans and which would be ideally fit into Municipal Ward Plans.
- 11.13** The update of the Delhi Master Plan now being done every 20 years, would need to be revisited at least once every five years to make such changes as may be justified by the changing ground realities.
- 11.14** A further important point to be recognized is that Delhi by itself cannot solve the problem of migration from villages and small towns and that simultaneous development of towns in the Central National Capital Region (CNCR) and the rest of the NCR with efficient transport links inter se have to proceed, along side. Clearly, in this context, the National Capital Region Planning Board (NCRPB), which presently has only a planning and coordinated development advisory role and consists of Chief Ministers of surrounding states and the Chief Minister of Delhi, under the Chairmanship of the Union Minister for Urban Development, should be accorded more teeth and provided with a good corpus of development funds. Such funds could be used to induce other states in the NCR outside the NCTD itself, to strengthen urban infrastructure including housing and associated civic services in order to provide the opportunity to people presently drifting into Delhi to live and work outside Delhi under reasonable

conditions. The DDA could provide greater planning inputs than heretofore, to the NCRPB for serving the larger goal of dispersal of urban populations into the towns of the NCR.

- 11.15** The role of the DDA as a planning and land assembly authority seems to have gone out of gear when it added Housing to its functions in the early 1970's. Apart from its core function of planning at different levels mentioned in the foregoing paragraphs, the DDA could continue to manage sports and recreational complexes created by them, which constitute a great boon for the citizens of Delhi. However, its current housing activities can be hived off into a public sector Housing Corporation or Board with a focus on low-cost housing. Much work has to be done on this front considering the deficit of nearly 6 lac low-cost housing units in the city.
- 11.16** DDA should also institute an effective monitoring mechanism to see that the plans are properly implemented on the ground in terms of timely completion of supply-side projects, whether undertaken by public or private agencies, vis-à-vis residential, commercial, office and institutional accommodation as well as other urban and institutional infrastructure.
- 11.17** DDA's regulatory role inter alia under Section 11A [ in Chapter III-A of DD Act, 1957 ] should be transferred to the proposed Delhi Urban Regulatory Authority.

## **B. Other Institutional Arrangements**

11.18 Besides the recommendations regarding the change in DDA's role, the Committee has come to the conclusion that the following special institutional arrangements will prove relevant and meaningful :-

### **11.18.1 The Delhi Vision Group**

The Delhi Vision Group should comprise of eminent Town Planners, Architects, Chairman, Delhi Urban Art Commission, and Chairman INTACH, reputed persons from the field of Archaeology, Culture & Environment and leading Real Estate Developers, under the Chairmanship of Lt. Governor of Delhi and Vice-Chairmanship of Chief Minister (Govt. of NCT of Delhi) with some eminent Members from Parliament / State Legislature representing Delhi and Invited Members from DDA, MCD and NDMC. This group should meet at least once in six months to reflect on Delhi's future evolution and also on the ways by which the transition from the present condition to the realization of its future vision can be achieved. All Members of the Delhi Vision Group other than those representing Government Agencies should receive an Annual Honorarium.

### **11.18.2 The Delhi Urban Regulatory Authority**

The Report has emphasized the need to establish a standing Institutional mechanism to deal with matters concerning changes in the development control norms, changes in land use under the DDA Act, 1957 and changes in Building Code Regulations. The Delhi Urban Regulatory

Authority should be constituted as an apex body with representatives drawn from professional Town Planners, Structural Engineers, the DDA and MCD. It should be vested with appropriate powers both under the Delhi Development Act, 1957 and the Municipal Corporation of Delhi Act, 1958. The Authority should also be empowered to decide cases of regularization of unauthorized construction beyond normal margins of compounding and to permit changes in land-use, wherever considered justified, on imposition of suitable conditions. The powers presently vested in DDA u/s 11-A of the Delhi Development Act, 1957 should get transferred to this Authority. The Authority should prescribe standard procedures to be followed for considering requests for change in land use including eliciting the views of the local communities concerned, and evaluating all relevant aspects of public safety, environment and convenience. The likely impact of the proposed land-use change on the civil services infrastructure should also be taken into consideration. After a first stage inquiry to be conducted by a Joint regulatory Team consisting of representatives of DDA, MCD and one or two reputed external professional town Planners, DURA should hear the interested parties including community representatives and NGOs. Thereafter, it may issue a Letter of Intent, setting out conditions, on the fulfillment of which proposed land-use change, etc. could be permitted. In some cases only “a temporary land-use change” permission may be accorded i.e. to a doctor to run a small Nursing Home at a residential

location, as long as the Doctor himself is residing there. However, in some other cases, e.g. along certain sites which have got almost fully commercialized, “permanent land-use change” authorization could be granted, subject to appropriate caveats.

11.18.3 The Regulatory Authority should also be empowered to lay down standard norms and rates for compounding Development Control and Building Bye-law violations. Any appeals against the Compounding orders issued by the concerned Local Authority, viz., MCD/NDMC, etc. in any particular case, may also lie with this Authority. The establishment of such a mechanism will provide a standing forum for seeking redress and resolution in matters connected with Building Code and land-use regulations, including complaints connected therewith. If a complaint is found to be valid, appropriate enforcement action can be recommended by the Authority to the Chief Enforcement Officer.

11.18.4 The Delhi Real Estate Commission

Hundreds of builders, real estate agents, brokers and property dealers, etc. are functioning in Delhi without any license or any kind of regulation. They hardly know about the laws relating to properties and misguide the public and sell unauthorisedly constructed properties, disputed properties, etc. to innocent buyers. Further, they charge up to 4% commission from buyers and sellers which are also unregulated and not taxed. Therefore, there is an urgent need to establish a

Real Estate Commission for Delhi, which will prescribe regulations and a code of conduct for the property dealers/real estate agents and issue them licenses after due scrutiny and after obtaining sureties from them. The Real Estate commission will also entertain complaints against these property dealers/real estate agents, etc. to protect the interests of the consumers. This measure will go-a-long-way in dealing with unauthorized constructions in Delhi because the real culprits involved in this game can then be brought to book.

- 11.18.5 One more function of the Delhi Real Estate Commission would be to maintain a complete Digital Data-base of all urban properties in Delhi including urban law and to issue/authenticate Urban Property Ownership Certificates. In Delhi, there is no authenticated, comprehensive record of urban properties maintained by any single designated agency. If a person wants to buy a plot or a built up property in urban area, he cannot find out who is the real owner of the property. He has presently to rely on the seller and on the documents available with the latter. Due to this confusion, unauthorized constructions are not only carried out on government land, Gaon Sabha land, Custodian property and acquired DDA land or agricultural land, but such unauthorized properties are sold to innocent buyers who are unaware of the legally untenable status of the property. Therefore, to create a baseline urban property record, a one time house-to-house survey of the entire NCT Delhi has to be

undertaken and whatever documents are in possession with regard to a particular property with any Agency, have to be brought on record. On that basis only, can authentic urban property records be created. If such a data base is established on a digital, electronic platform, the problem of unauthorized construction followed by illegal sale/purchase, evasion of stamp duty, property disputes, etc. can be effectively checked.

**11.18.6 High Power Enforcement Agency**

In order to enforce a zero-tolerance regime for anyone indulging in unauthorized construction or unauthorized land use changes in future, a High Power Enforcement Agency should be established for NCT of Delhi, headed by a Chief Enforcement Officer of the rank of a Revenue Financial Commissioner or Additional Secretary to the Govt. of India. Details of this proposal have been elaborated in Chapter 10 of the Report.

**11.18.7 Empowered Special Task Forces for Key Infrastructure Projects:-**

It is widely acknowledged that the work culture in MCD and DDA, both of which have large staff complements, leaves much to be desired. At present, civic infrastructure projects badly needed for the NCT of Delhi are spread over a number of different agencies without a single fulcrum of oversight and control. Cost over-runs and time slippages are common occurrences. For efficient planning and execution of special projects having importance for the whole city or a

part thereof, it will be desirable to constitute special project task forces having representation from the concerned Ministry of the Union Government, the Delhi Government, the Municipal Corporation of Delhi and DDA along with some well-known outside experts having demonstrated expertise in the specific project field. Such Special Empowered Task Forces (SETF) could take all the required decisions, including cost sharing by the different agencies, selection of the execution agency, modalities of project monitoring, etc., up to the final stage of completion. Since, some of the projects would require environmental clearance, representation of the Ministry of Environment & Forests in such Committees would be appropriate. The power to constitute such empowered special task forces could be vested in the Lt. Governor (LG), as the representative of the Union Government, acting in consultation with the Chief Minister, Delhi, and decisions of such an Empowered Committee would be binding on all the agencies concerned. The salutary experience of such Empowered Task Forces in multi-purpose hydro-electric projects like the Bhakra Dam, Beas Dam and the Thien Dam on the Ravi River in Punjab, suggests that this modality could be very highly beneficial for putting through important infra-structure projects, which are necessary for the coping with the city's pressing current and future needs.

## **C. Issues concerning Master Plan Delhi**

**11.19** There is a need to recast the Delhi Development Act, 1957 or even to replace it by a new plan enabling legislation, in tune with the new paradigm of planning and emerging realities that are currently being encountered. The following considerations should be addressed :-

- 1) Need to undertake Delhi's planning in the larger context of its metropolitan region, the National Capital Region
- 2) Need to create a planning process which provides for a high degree of consultation with the local communities and genuine stake-holders and dovetailing the same with the overall macro planning.
- 3) Need to incorporate in the planning vision, the changes created by shifts in life styles, technologies and other dynamic factors.
- 4) The need to separate the planning function from regulation and development.

**11.20** As pointed out earlier in the Report while the DDA has been engaging in preparation and updation of the Delhi's overall Master Plan at the macro-level, it has not done the planning at the Zonal dis-aggregation level for all the 15 Zones into which the NCT of Delhi had been divided. Such elaboration still remains to be done for 7 zones. Two further levels of dis-aggregation which have altogether been missing from the planning angle are :-

- (i) Ward Plans for each of the Municipal Wards;
- (ii) Local Area Plans (LAPs) for the individual communities falling within each Ward.

These 4 levels of planning may be classified as Levels-I, II, III and IV. Both Levels III & IV should necessarily involve a high level of consultation and inter-action with Local stake-holders.

**11.20** Ideally speaking, before the 2001-2021 update of MPD was developed by DDA, grass-root-upward planning processes should have been taken in hand, from Levels IV and III, going broadly up to the Level-II as well.

- 11.21** A schematic depiction of how the two-way planning process ought to be conducted may be seen at **Annexure V**.
- 11.22** The existing MPD contains a serious weakness in that no special provisions have been made for catering to the needs of people belonging to lower income categories living in the city. As of now, there is no greater flexibility in land-use allowed in the areas largely inhabited by people from these categories. On the other hand, a common “mixed land use policy” has been sought to be extended to all residential areas across the board. Besides, earmarking of land for meeting the housing needs of people from the lower income groups has also been highly inadequate.
- 11.23** It is also recommended that planning for NDMC areas should be undertaken in close co-operation with NDMC planners and the unique requirements of this part of the city should be duly accommodated.
- 11.24** Sanctity of the “Ridge” which is a valuable natural feature, should be preserved in the Plan.
- 11.25** More recreational and leisure areas also need to be provided for in the Master Plan, keeping in view life style changes among urban youth and the demographic shift towards the younger age groups, in recent times.
- 11.26** While urbanizing the remaining agricultural areas to cope with Delhi’s future needs, pre-existing cultural-religious institutions, which serve an important social purpose in preserving the country’s ethos and basic values, should be recognized and accommodated, in-situ. It will be relevant to note that both in Canada and USA holding of religious congregations on the premises on Farms, viz., in barns, etc. is a permissible activity.
- 11.27** Since India aims to be a leader in the global knowledge society, more learning centers have to be created for the youth, apart from the normal facilities for imparting school and college education. For this purpose, many more sites need to be earmarked for institutions providing such learning opportunities.

Smaller such institutions could be allowed to operate from residential areas, with certain safeguards while the larger ones would have to be sited in appropriate Institutional Zones.

- 11.28** Since people are now living longer and some of them may not be finding it conducive to live with the next generation of their own family members, there is an emerging need for the establishment of "Old Age Homes". Such institutions could also be permitted to operate from residential areas, as long as they do not have too large a number of inmates.
- 11.29** It has also to be appreciated that home-based elderly people will command more respect in the family when they are able to keep themselves mentally and physically occupied and, if possible, also generate some income through their activities. For example, an elderly lady who has a flair for interior decoration should be able to operate a small consulting office for potential clients from a section of her house or even her garage. Since such innocuous activities do not harm anyone in the neighbourhood, there is no reason why they should be prohibited under inflexible land-use regulations.
- 11.30** Planning for Delhi should always have a 'Human Face' and should be sensitive to the needs of different sections of the people and different age groups, including both the young and old.
- 11.31** In the future planning of new residential zone habitations, ab-initio provision should be made for varying degrees of flexible land-use, depending on the broad income group for which these colonies are planned.
- 11.32** While it is being suggested that the MPD review and updation should now be done on a rolling basis every five years, in the intervening period, the powers for permitting land-use changes, etc. wherever justified as per Section 11 of the Delhi Development Act, 1957 should be exercised by the proposed Delhi Urban Regulatory Authority. The decisions taken by this

Authority should be appropriately incorporated in future updations of the Master Plan.

**11.34** In addition to the above, the Committee feels that certain other suggestions which have been received by it concerning the Master Plan should be carefully evaluated:-

- (1) DDA's MPD 2001-2021 planning exercise did not take into account the existing land use in different areas at the start of the new planning period.
- (2) The Master Plan has not addressed the issue of below poverty line needs of low income elements of the population.
- (3) Flexible land use should be permitted in all pre-1962 colonies and, based on ground surveys, wherever a large majority of premises has already been fully commercialized, the area should be declared commercial, viz., Karol Bagh.
- (4) Many more areas should be brought under special Zones keeping in view their high degree of commercialization, such as, Lajpat Nagar, Tilak Nagar, etc.
- (5) Lajpat Nagar-II, Pushpa Market should be declared as fully commercial keeping in view its usage, as such, since for the last over 20 years, there being no objection from the RWA in this behalf.
- (6) South Extension Part-I, Main Ring Road Market may be declared as fully commercial, considering that many of the same buildings facing the road were being used for long since 1960's as offices of public sector undertakings, such as, BHEL, BALCO, FCI, etc.
- (7) Settlement patterns in Delhi are different in different areas and no single yardstick for land-use or building bye-laws and Development Control Norms can be applied.
- (8) Some specific areas off or near roads may be earmarked for street-vending for Rehri-Patri-walas and they may also be accommodated in Special Janta Markets.

- (9) For all unauthorized/regularised unauthorized colonies, separate Local Area Plans (LAPs) should be prepared in consultation with the representatives of residents. Unauthorised colonies should be regularized after recovering betterment and development charges.
- (10) Village Development Plans by way of Local Area Plans (LAPs) should be prepared in consultation with the residents, for all Lal Dora and Extended Lal Dora areas, in each village.
- (11) Delhi should, in general, maintain a policy of 'high density – low rise urbanization' rather than 'low density - high rise urbanization'.
- (12) Delhi lacks in pro-active planning for incoming migrants since there are no planned holding areas with elementary dormitory type of accommodation, etc.
- (13) The plan should provide adequate sites for Cremation Grounds and Cemeteries.
- (14) Zonal and sub-zonal Maps of DDA / Ward level Maps of MCD should be put on Digital Data-base by DDA on the pattern of what has been done by the Bangalore Development Authority.

## CHAPTER 12

### **12. Recommended follow-up Actions**

**12.1** In the light of the recommendations made in different Chapters of the Report, the following urgent actions may be considered by the Government :-

- (1)** Creation of new institutional mechanisms, such as, the Delhi Vision Group, Delhi Urban Regulatory Authority, Delhi Real Estate Commission, High Powered Enforcement Agency and Empowered Special Task Forces for key urban infrastructure projects.
- (2)** Necessary changes will have to be made to the Delhi Development Act, 1957 for addressing with various Master Plan issues, including providing for a differentiated land-use policy to deal with the diverse socio-economic realities of Delhi, as also the vestment of necessary powers in the proposed Delhi Urban Regulatory Authority.
- (3)** The High Power Enforcement Agency should be brought into operation with minimum loss of time. What is required is the issue of certain orders and provision of required logistical support by the Government, to the Executive Wing of the Administration, comprising the Magistracy and the Police.
- (4)** The Delhi Urban Regulatory Authority should be constituted expeditiously to deal with several issues proposed to be entrusted to it.
- (5)** A legal framework for establishment of the Delhi Real Estate Commission should be put in place and the Commission constituted expeditiously, with a clear Charter of duties and powers.

- 12.2** Several of the over 1500 written representations received by the Committee have cited matters/issues which would need to be referred either to the Enforcement machinery or to the proposed DURA (Delhi Urban Regulatory Authority) for time-bound action. These documents should be subjected to careful sifting and the relevant ones sent to these Agencies for urgent follow-up action. The representationists may also be appropriately advised about the outcome of their representations.
- 12.3** The Committee is of the unanimous view that the climate of laxity in enforcing urban laws and regulations should not be allowed to continue in the National Capital hereafter. A fool-proof system, on a zero-tolerance principle, accompanied by stiff action against violators should be put in place with immediate effect. Firm directions in this behalf at the political level followed up by vigorous action at the executive level will be needed to achieve this objective.