

## CHANGING CHANDIGARH-I REGULARISATION: A CURSE ON URBAN LIFE

If hills have been denuded, you can plant trees. But how do you save a city scarred forever, asks SUDHIR VOHRA

# A licence to kill

**L**OOK up the Oxford dictionary for the word "regularisation", and the answer you will find is: to condone what is condonable. In India, this word has been misused to the hilt.

Compounding is another concept created by our governments and, again, misused to the utmost extent. The word compounding has grown to mean that the law can now be broken, then compounding charges paid, and the offence condoned.

The Voluntary Disclosure of Income Scheme (VDIS) took this absurd concept to its zenith. The only benefit it accrued for the Government was that it generated some revenue — that too, only from those sections of society who had broken the law earlier on.

Compounding, however, as implemented in the urban sense, by the laws which our municipalities apply, does a permanent damage to the town or city's fabric. Compounding charges are levied now because the regulatory authority either does not perform its function (as a watchdog of the laws) or more often, connives with the offender and shows him how to break the law, and then, conveniently, charges him a "compounding fee" for condoning the offence.

In the process, we end up with a "regularised" urban mess, where street setbacks are encroached upon, buildings built higher than what the development laws allow, and a whole host of other urban offences. Offences which are permanent, and which cannot be undone. Offences which permanently change the fabric of urban life, make it worse, and worse still, encourage the next person to further break the law with utter impunity. Compounding sets off a chain reaction which is irreversible. And does permanent damage.

Condoning or "regularising" most other laws which the executive arm of our democracy has not been able to implement do not do such a permanent damage — if taxes have not been collected, you could charge interest. And then condone the offence. But regular-

ising illegal construction, illegal land use, construction beyond permissible limits etc are permanent damages which are absolutely irreversible. Even cutting trees and denuding hillsides, or drawing out too much groundwater is reversible — the afforestation of the Musourie hills, and recharging groundwater aquifers is possible to do.

Even cleaning up the air is possible — as Delhi's citizens will agree. When the courts removed all stone merchants from the Qutub Minar area merely five years ago, and when the sanctity of the greenbelt was restored, the jungle quickly took over the land, and the vines grew over the ugly scars that had been left behind. But when you have rampant unauthorised construction and when the face of the earth, the natural drainage and land slopes, and all the other irreparable damage to Mother Earth is done, how can it be rectified?

The 'Regularisation Virus' has now spread to other cities as well. To one of our best cities — Chandigarh. Fifty years ago, when the New City was being designed by Le Corbusier, the Punjab New Capital (Periphery) Control Act (1952) was enacted, meant explicitly to control the possible unauthorised construction which, it was feared, would take place around the new capital. The object of the Act was to control such activity. Now, a half century later, the very government that is charged with the responsibility to execute the act (and to prevent unauthorised construction) — the Government of Punjab — does the reverse of what is its duty: it issues a Public Notice inviting the law breakers to pay a measly amount of money to "regularise" the unauthorised construction that has been allowed to go ahead quietly while the government has

kept its eyes shut. And is audacious enough to threaten that (henceforth) any further violations of the law shall be dealt with severely.

Jagmohan is removed from the Central Ministry of Urban Development, and silently the builders' lobby takes over — it is reported that the V.K. Malhotra Committee report is to be implemented (of course after the new minister has applied his mind to it), and that now Delhi can be allowed to grow in built-up area without an iota of public services added on — no power, no more water, and lots of more sewage.

Is regularisation legal? Are governments meant to execute the law, or are they permitted to abuse the very law they are meant to protect?

The Punjab government's public notice says it is invoking its powers to "regularise" from the very same Act that prevents illegal construction — the Punjab New Capital (Periphery) Control Act (1952)!!!

Can such blatant misuse of power be legal? Unfortunately, our courts are slow and tardy. Chandigarh shall not be able to grow in the manner planned for by Le Corbusier, as it shall be hemmed



Haphazard construction at Naya Gaon, part of the proposed Anandgarh project. Express photo

in by overgrown slums — much like Delhi is.

*Le Corbusier had applied his mind to this and other problems. He had envisaged that the city he designed would have such problems. He had also envisaged the "moral problems" our administrators would face. In 1957, he wrote to the secretary to the government of Punjab (Capital Project), Chandigarh (vide memo no: DO no. 330-Arch-57/2863; dated 4th May, 1957):*

*"We have had a conversation on the very important problem of the next metamorphosis of the City. At a glance, the next metamorphosis will follow this way: Because the City is a very low one with a thin density, each owner one day or another will have the idea that the small piece of land which he has at his disposition can be employed to construct something new and that he has one, two or three neighbours with the same idea. They will pool their ground together and may want to build a four-storeyed house. If they do not think so, somebody will say there is ground available somewhere (private or not private) so that the feeling will one day be imperative "to make some-*

*thing". If you have no precise intention and provision, the catastrophe can gradually take charge of the city like a flood.*

*My idea is as follows:*

*Question: Is it possible to make a second step to cater for a higher density? That is an authority question and problem. Authority must prepare the answer. But before that, the technical people must have an idea, and submit it.*

*You have asked me to materialise this problem by the study of the sectors 20 and 30, in connection with the recent decision to build 4,000 new flats or dwellings. I have accepted to make this study without making a change in the conception of V2. It is indeed, on the contrary, useful to put this problem of the 8 V2s in order. For the theory itself, but more so to prove that you will be able to assume the doubling of the density with the same system of circulation that was conceived and built (partially) hitherto.*

*I will make this study, if you will confirm this for me."*

That was half a century ago. Most of us had not even been born at the time Le Corbusier had conceived all this ideas, and penned down his fears. But he also, probably, feared that the "somebody" he mentions would be the government — the very same organisation that is meant to protect the law shall find innovative ways to break it.

Regularisation. A curse on Urban Governance. A curse so big, and with so much money power behind it, that it shall consume our cities, and reduce us into the squalour of urban anarchy. A squalour that we shall not be able to pull ourselves out of for many generations. A squalour that shall grow like a cancer from New Delhi to Chandigarh, and then to every other town and city. The cancer has probably already spread its tentacles.

Do our courts have the guts to correct it? Do our executive and our polity have the courage to correct it?

Or should we assume that our children's children shall only read about clean air, quality living, street setbacks, footpaths, playgrounds, and healthy living in their history books?

(A Delhi-based practising architect and the son of late Balbir Vohra who was the Secretary, New Capital Project, Government of Punjab, at the time Le Corbusier was building Chandigarh)