

This 'regularisation' is all about money

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THE raging controversy concerning the change in land use (from industrial to commercial) by the DDA needs to be seen from a larger perspective.

Firstly, there is this great new word — regularisation. It keeps cropping up every few months in public notices, advertisements and the media. What does it mean? Going by the dictionary it's "to condone what is condonable", but our bureaucracy has conveniently given it another meaning. A meaning that shall, if allowed to gain currency, become a cancer which shall destroy our society's urban, and ultimately legal, fabric.

This meaning is very simply put — Break the law, we will keep our eyes shut. Then pay some minor penalty, and we'll let you do it again. We will scold, cajole, threaten and promise action against you as per law but (don't worry) we shall never enforce the law. We shall only threaten.

What the L-G and the Minister for Urban Development do not understand is that there is no such concept as a temporary change in land use. Once a residence is converted into a shop/showroom, it suits the developer to use the place as a shop. Once an industrial area is "temporarily permitted" to change to commercial use (did we

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hear for seven years?), it would need Herculean will power to push it back to industrial land use.

All this is all only about money. It suits the owner of an industrial plot to change it to commercial land use because he could make more money out of it.

Such a change in land use — if allowed to go through — would become the model all states. We all know that whatever the Delhi Sarkar does becomes the norm for all the states to follow. The result shall be catastrophic.

Officials will just shut their eyes to a law being broken and usurp the power given by the Constitution to the legislature to make laws. He shall condone, regularise, forgive and ultimately forget his job. And in the process, he might make some money.

If the L-G is serious about implementing the law he is charged by the Constitution to protect and to govern within, this is what he could do:

■ First, terminate the leases

of the violating lessees. And stop the illegal land use.

■ Take action only as per law and then ensure that there are no further violations of land use laws.

The executive arm of our democracy is authorised only to execute the law and not to create the laws. That is the job of the legislative arm. Nor to interpret the law, condone or forgive.

It is the judiciary's job to judge whether a violation of law may be condoned or not. Whether and what kind of penalty/reprimand should be levied. And how such penalty is to be collected.

If the DDA feels such changes in land use need changes in the law — the DDA Act in this case — so be it. The DDA could change the Act of Parliament.

There is a process spelt out by the Constitution for such changes. A process which is legal, constitutional and civilized. A process laid out by a democracy.

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