

HC has untied Lal Dora knot, relocation can happen

SUDHIR VOHRA

DELHI High Court has cleared the confusion over the status of Delhi's urban villages (popularly known as Lal Dora abadi villages) — whether they are subject to building bylaws or not. The High Court has ruled that these urban villages fall within the ambit of Delhi Municipal Act, in so far as building bylaws and norms are concerned.

A careful study of the DMC Act of 1957 shows there is nothing in the Act which had said otherwise. About 40 years ago, it was notified that these urban villages would be exempt from the urban laws enacted for the capital. Whether that notification had any validity in law is a big question. But what this confusing state of affairs has resulted in during the past four decades is visible all over the city.



The lack of regulation has resulted in transforming these villages into ugly sores on an otherwise fairly planned development of the city. The hard fact is that these were just left to fester and ferment in a completely putrid manner while the city developed all

around them. Their character slowly changed with market forces and demands created by the orderly neighbourhoods around them — some of them supplied the hovels and cheap accommodation to house the masses of people which were needed to service the new developments that were created by the acquisition and planning of the once agricultural lands which these villages comprised of.

So some of them grew into industrial spaces servicing the nearby industrial estates while most converted themselves into tiny hovels of four-storeyed residential and commercial buildings. The 1952 experience of the planning of Chandigarh had seen 18 villages shifted lock, stock and barrel to new dwellings built in the new capital of Punjab. The population had been accommodated with jobs in the Chandigarh Administration and their lands — both agricultural and lal dora abadis — were

levelled out to create the space for proper planning of the city. That was done with the clear realization that ownership of land is not an individual's sovereign right. Similar examples of relocation when large projects are undertaken abound.

The result now is that after building beautiful engineering marvels like the AIIMS fly-over, the transport spine leading southwards to the suburbs hits a choking bottleneck like Yusuf Sarai, and a few yards away Adchini, and then Neb Sarai etc. The list is long.

Not too well known is the fact that this very subject is being adjudicated upon by the Supreme Court of India in the famous M.C. Mehta case which has resulted in the cleaning of Delhi's air and many other issues.

(Sudhir Vohra, a prominent architect, writes on civic issues. He is also involved in the rewriting of Delhi's building bylaws.)

'By-laws applicable in abadi areas'

Municipal Commissioner Rakesh Mehta passed an order on September 20 that building bylaws will be applicable in the extended abadi area. This was based on a High Court interpretation last month. "The High Court has observed that the 1963 notification provides a list of the original villages where building bylaws are not applicable. It has also observed that all extended abadi areas are not listed under the notification and are therefore subject to sanctioned building plans and implementation of building norms," says Mehta. The MCD had sent a demolition notice to 1 MG Road, which falls under the extended abadi area of Sultanpur village, and not in the original village. Mehta says the Lal Dora provision has been used by builders, who have "got areas included in abadi areas as extended abadi areas" for getting around the law.

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