

PERSPECTIVES

DEBATE

Tackling unauthorised

Unauthorised construction and abuse of land—
Are the laws to blame? Or corruption?

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THE last two weeks of 2005 have brought urban laws into attention yet again, now because the judiciary is ordering demolitions of unauthorised constructions in the Capital of the country as well as on the outskirts of its commercial hub — Mumbai. The malaise of unauthorised construction and abuse of land use laws is commonplace in almost all our towns and cities. Perhaps, this is the right opportunity to suggest new ways to implement urban laws in India.

Firstly, encroachment on government-owned land. This is purely a result of connivance with local body officials who allow such encroachment to take place for monetary or political gain. On most occasions, such government lands are those that have been acquired for the purpose of development of the city, but have not been properly protected against encroachment. The delay in the process of acquisition and in implementing developments schemes is so much that the market requirements invariably change, and the objectives become redundant. Of course, the lack of protection of these lands is one huge issue, as is connivance by local officials.

How do we fix this malaise? Perhaps by bringing in legislation which makes the local officials personally accountable for the lapses, and by creating a police force for municipal governance — a force which can be accountable to the head of the municipal body. An utopian idea? Perhaps not! Remember, we have shifted the duty of protecting our airports from the local police to the CISF because the local forces had proved themselves incapable of delivering the job! So what is wrong with a small municipal police force in the city, answerable to the municipal head, and for the specific purpose of implementing urban and land-related laws?

The second common malaise is unauthorised construction — building in the setbacks of a plot, building more floors than allowed etc, and generally violating develop-

ment-control rules. The root of this malaise is greed — and is a simple monetary issue. We need to leverage our country's newest strength — IT — to develop systems that can bring in more transparency and help in implementation. Here are some simple tips:

One, ensure that unauthorised building stock is untradable, and unrentable. As soon as a municipal violation is booked, such an offence should be recorded with the relevant registrar of assurances, and the property should not be allowed to be either rented out or traded in. Both the data concerning the

municipal violation(s), and that recording sales, purchases, mortgages, and rentals should be in the City Server. Ensure that only clean legal property is a tradeable commodity. Such a check and balance, with data available on the web, shall ensure immediate compliance. I am suggesting the concept of the City Server, as it shall also ensure that very little human contact is encouraged — thus reducing corruption, and encouraging transparency.

The Server could also monitor municipal tax, payments, have web-ready accounts to monitor spending on municipal services, and maintain an online balance sheet of assets, violations, corrections, sales and purchases, and a lot more. If we can IT-enable our income-taxes, service taxes etc, why not extend the logic to the city. Why should we continue to depend on the

corruptible JE or inspector, and why should we not make municipal illegalities a liability. Such a procedure shall encourage legal construction, and perhaps clean up some of the mess through a systemic change.

Secondly, transfer the responsibility of compliance to registered professionals — architects, structural engineers etc, and let them work on behalf of the municipal body to effect compliance of laws. The inspector Raj is going from most spheres of life, so why not from municipal and urban laws also?

Thirdly, implement the law from the top. Make the large offenders pay for violations first. This shall send a message to the smaller ones — that we are moving towards a law-abiding civil society. Don't knock down the Ulhasnagars first — heel in the big fish; the smaller shoals shall follow suit themselves.



*Legislate to make
local officials
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municipal
governance*