



Way out of a capital mess

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IT is a sad commentary on the times we live in that various hues of politicians are trying to confuse issues concerning urban laws as applicable in India's capital — either to confuse the common man, or due to a sheer ignorance of the law. Either way, it is a dangerous situation.

We have, on the one hand, the chief minister of Delhi, Sheila Dikshit, announcing that she has recommended that the Central government pass an ordinance condoning and regularising illegal construction and land use abuse. The Ulhasnagar model is being cited to justify this unwise step. On the other hand, the recently appointed Union minister of state for urban development, Ajay Maken, has argued that land management laws in Delhi should be handed over to the State of Delhi. Ironically, both persons are from the same political party, and both have their roots in Delhi. Both have spent their formative years here, and both are presumably familiar with its geography and problems.

Let's take the issues, one at a time. Sheila Dikshit's wishful ordinance would mean a direct confrontation between the executive and the judiciary at a time when issues of land use abuse in the planned part of the Capital are under the Supreme Court's consideration — it has only to pass its

final order. There are other similar matters being heard in the Delhi High Court. One notable plea has been filed by the law-abiding association of market stakeholders of a legal commercial centre in North Delhi, who feel that allowing illegal use of cheaper residential properties is affecting their business and profits — all because they are following the law.

What needs to be remembered is that the Bombay High Court has expressed its anguish at the Ulhasnagar ordinance, and the Maharashtra governor had to send the ordinance back, before

the Central, and not state, government. Has he got the wrong hat on? Which side does he represent — the Centre or the state?

In all this terrible confusion, it is the city that is paying the cost. It will go nowhere, despite its swanky Metro, and its promised new airport, if it doesn't get its land management right. We need to take a deep breath and understand the spirit of the court's orders. When the Delhi High Court asked the MCD to go after the high and mighty — it means all of them.

The right way to handle this mess is to prioritise the actions

illegal third floors, fourth floors, and so on — they cannot be equated with the meek covering of a balcony. You do not need a satellite to detect these extra floors. Bring these down to earth. Fourth, get the Real Estate Regulatory Act going — it is hilarious to read in the papers that the municipality does not know who owns a building under construction. If you can have your motor car ownership data online (and cars are movable), what stops you from getting information on immovable properties on to a data base?

There is lot more than can be done. Clean up the Rent Control Act so that more built stock is cleanly available in the market; bring down the stamp duty to a figure which encourages compliance; sort out the mess in property laws so that clean ownership is encouraged. The list is long, but the tasks are not difficult. The next few weeks will be interesting. How will politicians choose to play it? Will there be a confrontation between the judiciary and municipality again? Will the Centre realise that the violations are that of two Central acts, the DDA Act and the DMC Act, and therefore deserve its attention? Let us see how the situation unfolds.

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signing it. Also land laws in the capital — as in all capitals of the civilised world — come under the purview of the Central government. The municipality's laws in Delhi are mutatis mutandis to the central law — it is the job of the Municipal Commission of Delhi (MCD) to implement the law, not confuse it. Which brings us to the second issue — Ajay Maken's wishlist of handing over land management laws to the state, which he presented on TV. Perhaps he forgets that his new exalted position is that of a representative of

needed to set things right. First, the blatant violators who are cocking a snook at the law. Whether they are designers or jewellers, or politicians, they should be treated alike. The government does not realise how much appreciation it would get if this is done transparently and fairly. Second, concentrate on what is presently being built during the last one year. Pick up the sanctions accorded during the last two years (all sanctions have a five year validity), and check the violations currently underway. Third, pick on the grossly

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