

20.7.2006

TOI-4

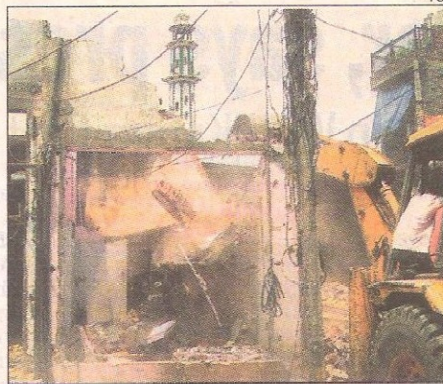
# Rule of law giving way to rule by law

By Sudhir Vohra

**T**he confrontation between the Union Government and Supreme Court on the issue of constitutional validity of Delhi (Special Provisions) Act, 2006, is a sad reflection on our times. That this should happen on a simple issue of whether the law of the land should be followed in a matter related to municipal governance is of concern to professionals working in the urban sector and also to people who are slowly watching the rule of law in our daily lives eroding fast.

For this, really, is the crux of the issue. Are we moving towards a throbbing vibrant democracy where the normal concerns of the common man are important or are we slipping into anarchy when the elected representatives decide to twist and tear all norms?

The case being adjudicated by Supreme Court is about a decade old. And it's quite simple. The RWAs are saying please implement the law and allow us to live with dignity in the space we have chosen to exist in. We have paid for residential plots and neighbourhoods and deserve to bring up our families in a safe and clean environment. Don't



**RWAs take the plea that they have paid for residential plots and neighbourhoods.**

allow the greedy trader to buy up the plot next door and build a swanky showroom on it. Respect land use laws. As simple as that.

And since the law since 1957 has provisions to empower the municipality to seal, close down and demolish illegal buildings, please implement the law. Please do not collude with the law-breaker to help mess up my neighbourhood.

Our leaders only chose to muddy the wa-

ters even as orders were being pronounced by the Court. The Delhi (Special Provisions) Act, 2006, passed after just four days of hectic activity, states (in Section 2) that the judiciary shall have no jurisdiction for a year!

For a student of urban affairs, the worry is much greater. The ramifications of what happens finally in this case shall be felt in all municipalities and planning departments all over the country. And our towns and cities are already in such a mess that within a few decades of becoming a republic, we need a National Urban Renewal Mission and a slew of schemes to help redevelop them.

Perhaps, the ministry of urban development should see these issues from a larger perspective — what signals are we sending out to the 5000-odd municipalities which are struggling to renew themselves all over the country? Are not Supreme Court orders interpreted all over India? Do the babus in the ministry have such a myopic vision?

The drama will unfold in the next few weeks and one cannot predict which way the wind shall blow. One thing, however, is clear — the rule of law seems to be giving way to rule by law.

*(The writer is a prominent architect and a leading commentator on urban mess)*