GOING TO TOWN

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SUDHIR VOHRA

Modifications that hurt

The government seems to be all set to wave the magic wand once again and promulgate a revision in Master Plan for Delhi 2001, ostensibly to solve the problems of land use and abuse in the Capital. The process of "public consultations" (as mandated by DDA Act 1957) has been rushed through and completed last week.

Sweeping changes are to be notified in the Master Plan for Delhi 2001. These include allowing commercial activity in all colonies which fall in the C, D, E, F and G categories, as well as permitting extra construction in most small plots of land.

If this were to happen, it would be a sad day for urban planning in the country. Though the master planning process of Delhi is not the best example of urban planning, though it has failed to deliver on its mandate over the past three decades and though it needs urgent repair and reprocessing, such an attempt at reverse engineering of an existing master plan is fraught with dangers.

All the issues are before Supreme Court. Whether the rule of law shall prevail, whether we as a people can expect justice to be delivered to us by the judiciary and whether prosecuting agencies are doing their jobs honestly are being fiercely discussed at all fora this week.

For the past six months, the government has tried time and again to issue notifications and public notices which seem to be aimed only at rewarding those few citizens who have broken urban laws for financial gain.

Few, because in most colonies, the percentage of violators who have built commercial establishments in residential neighbourhoods is not above 5%. In some select areas, mainly the MOR (Ministry of Rehabilitation) colonies, this percentage is higher — examples are Lajpat Nagar, Malviya Nagar, Rajouri Garden and Karol Bagh. It is true that these MOR colonies were hurriedly laid out in the early 1950s and perhaps lacked the planned spaces necessary for trade and commerce. But, a decade later, when the first master plan was created in 1962, a balance was struck between various kinds of land uses needed for healthy neighbourhoods to develop — the results are some of the better parts of the city which the RWAs are now trying to protect.

Also true is the fact that there was little or no application of mind, in later years, to create another planning process so that the demands of a growing economy for re-

development are addressed. This, plus the lack of governance, has led us to the mess we are in today.

The DDA's audacious move to allow what it calls mixed land use in all colonies except the posh rich one which fall in the A and B categories sends out other dangerous signals: the environment in the A and B colonies shall improve while it shall deteriorate in the other neighbourhoods creating social divides on another plain. The move shall also create confusion among RWAs and a flurry to create more such bodies in the same neighbourhoods — a typical political ploy to divide and rule. The difference between consent and consultation has been cleverly disguised in the public notices issued by the DDA and MoUD about six weeks ago these shall lead to a bigger mess in urban governance.

This is not the first attempt made by the DDA to modify the MPD 2001 — in 1998 it proposed similar extra coverage to be allowed. This was shot down by Supreme Court which allowed certain concessions if the number of dwelling units were nor increased. The issue of enhanced FAR has on earlier occasions failed to move the Supreme Court.

Apart form the planning issues and the fact that the DDA has perhaps outlived its mandate, the burning question today is whether the Government should so often send out signals that law-breakers shall be rewarded with changes in master plan which shall condone their violations whether or not they reside in Category A and B colonies or in more humble abodes.

The fact that Tejinder Khanna (who can be complemented for rushing through a just-as-we-wanted-it report in the specified time) lives in the poshest of Category A colonies cannot be overlooked. At the same time, one of his neighbours, P K Dave, who is one of the petitioners mentioned in the apex court's interim order last month, has challenged the constitutional validity of the special law created by the government in May.

The Supreme Court has also set up a seven-member bench to look into the question of how our parliamentarians can use their powers under the Ninth Schedule of the Constitution to create laws and to decide on whether laws which are designed to overrule the judiciary can be created under this proviso or not. One can only hope that the mandarins in the Ministry of Urban Development are aware of this issue being adjudicated in the apex court.

This is not the only case where the executive branch of our democracy is showing an unholy hurry to make pronouncements which lead to a direct confrontation with the courts. The judiciary is constrained by the dictum that justice must not only be done but also shown to be done and therefore moves slowly but carefully. On the other hand, the legislative branch seems to be blundering recklessly into a direct confrontation with the judiciary.

The DDA's announcements are bound to create more confusion in the minds of the citizen who is now struggling to figure out what is legal and what is not; what will be sealed and what will be ignored; and whether he should respect urban laws or throw them to the wind. It remains to be seen whether the Central government allows such destruction of a planning process and of the Master Plan of the country's capital or better sense prevails.