

GOING TO TOWN

SUDHIR VOHRA

End of the affidavit raj



The Supreme Court has given a breather of six weeks to the city's administrators, asking them to produce a roadmap for urban reforms. This has to be stated in an affidavit and provides a golden opportunity for making a U-turn which could pull us out of the mess.

A significant development has gone unnoticed. The affidavit is finally being given the importance it deserves. Till now, the word affidavit has been synonymous with writing something on a stamp paper and filling up the court's files. The general impression was that one could get away with practically every misdemeanour by filing an affidavit. And affidavits have been the means to state all kinds of lies in pompous and obscure jargon that required constant re-interpretation by another series of court cases. Perhaps, now that the relevance of the 45,000-odd affidavits which were filed earlier in the year by shopkeepers has been underlined, the actual value of a statement made on oath shall become more real.

It would be relevant to point out here that the affidavit syndrome is constantly used by the MCD to deflect responsibility. For example, whenever any building plan is sanctioned, the owner signs an affidavit swearing that he is not entering into any collaboration with a builder/developer and that the owner shall be responsible for complying with municipal laws. So, very conveniently, the blame shifts to the owner and the hidden hand of the law-breaker stays hidden behind another affidavit. There are many such instances of affidavit abuse in the city.

In response to the apex court's orders, the city's municipal body published the exact language to be used for sworn affidavits in which law-breakers

would promise to abide by the court's orders, as and when they are issued. This time, the number of responses have been fewer; perhaps more cautious.

If this is the only way in which we can move towards becoming a law-abiding civil society, then so be it. This is not about the plight of the traders, who are victims of DDA's abdication of its responsibility for creating commercial space, but about the majesty of the law.

Justice of India retires in mid-January. It is being said that the Government shall notify Master Plan 2021 around that time, perhaps with all its confusing clauses, and all the city's ills would be written off. However, not enough informed debates have taken place on this magic lamp which the ministry of urban development is now waving to solve the city's problems.

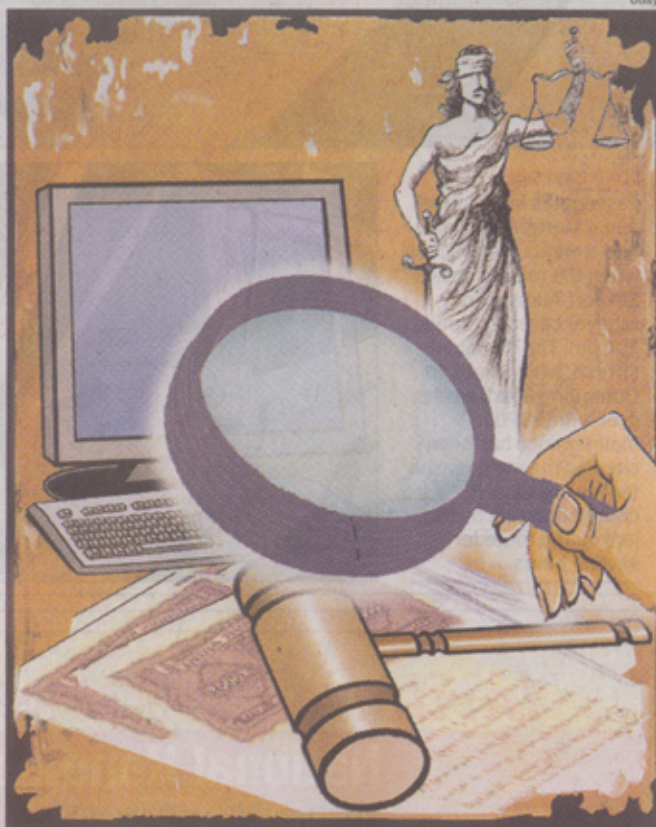
Such a cynical response to the year-

long series of orders pronounced by the Supreme Court is not a good omen. The Central Government needs to realise that constant court-bashing, which the UDM indulged in all these months, till some sense was drilled into the ministers' heads from the top, does no one any good.

One can only remind the Government that this is the time to look for better practices of urban governance and not to protect the corrupt system which has brought us to this sorry state. In many other areas of governance, reforms have been initiated by the Government and appreciated by people. So why can the ministry not begin to get its act together. And if the answers cannot come from within, can it not open its windows to the outside world?

There is already a churning going on in municipal governance. There has been a standoff between the executive

and the legislature in the MCD on issues which till now were considered mundane. This has exposed the fissures and faults that exist in the municipal laws: Are the councillors empowered to interfere in executive affairs? Or to work out which roads need to be allowed commercial activity, clearly an urban planning assignment? These issues of urban governance should exercise the mind of our government during the next few weeks. This is perhaps the best time to review archaic planning and municipal laws and to usher in reforms without fear or favour.



The word perjury has also been mentioned prominently in the draft affidavit vigorously advertised by the MCD to goad other offenders into promising to follow the law and to shut shops operating out of residences. The offence of perjury has been taken very lightly till now and most citizens believe they can get away by signing false statements and affidavits. This fresh batch of affidavits could prove to be an eye-opener for the cynics who believe that justice is all about reams of paper.

Rumours are now being spread that all will be well after the current Chief