

GOING TO TOWN

TIMES CITY

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Year later, no lessons learnt



IT was exactly one year ago that the Supreme Court pronounced its order on

whether the MCD had the powers to seal properties which abuse land use laws or not. Perhaps, forgotten in all the turmoil of the past year is the fact that it was the MCD, besides others, who had appealed to the Supreme Court, asking for a clarification on whether such powers existed in its Act and whether such powers could be used even if the property was in use. A good occasion, perhaps, to review what has been achieved in the past year.

Not much. One would have hoped that the year would be used to come up with better urban governance practices and plug the loopholes which exist in city administration systems all over the country. After all, orders by the highest court of the land are expected to cascade into action all over the country. Alas, what we have seen this week is far from that.

We now have the spectre of the urban development ministry in a direct confrontation with the apex court. The ministry has hurriedly announced the notification of a confused master plan; the apex court has stated that it intends to examine MPD 2021 to ascertain whether it is a document created to defy its earlier orders; and various civil society groups, including private town planners, are waiting to put forward their objections to this document before the Court.

The MCD, hassled and heckled (for good reasons), is caught between the devil

and the deep sea. As it is, it is an urban local body which does not report to the government but to the ministry of home affairs — not even to the ministry of urban development — under its Act and has no control over the city's power distribution, water supply, sewage disposal and urban planning.

omission or by commission, tend to whittle away the power to seal, the UDM is striking another blow at an already weak system of urban governance.

MPD 2021 has been notified but will it be implementable? The document is already late by seven years. What has been achieved by

and governance or is this farce going to continue for another painful year?

These and other pertinent questions are going to be asked sooner or later, either in the court or in the streets.

The Supreme Court has been both benign and dignified in its handling of the matter. The cynics who said that all would be well after the last chief justice retired have been proven wrong. The last few pronouncements of the Court have reinforced the fact that its judgements are based on the rule of law, and not on the whims and fancies of judges, certainly not on their birthdays and dates of retirement.

Benign, because the outgoing chief justice deferred the matter till he retired and thus gave the city another month of reflection and space for action. Dignified, because the new bench has politely refused to extend deadlines for implementation of the Court's interim orders and spoken its mind on the fact that the new MPD 2021 could be scrutinized in a gentle but firm manner.

But in all this mess, why is the executive branch of our democracy quiet? Where are the thinkers in our bureaucracy? Can they not come up with reforms in urban governance? Who best than them to understand the pulls and pressures of their political masters? And how to reform urban governance before it is too late.

The time is now. While we seem to be poised for change, the bright minds in our bureaucracy need to apply themselves to these vexing issues and not allow politicians to mess things up any further.



Over the past few decades, all the traditional tools of urban governance which most mega cities the world over use to deliver city governance have been taken away from the MCD — it now looks after solid waste disposal, roads, health and a few other utilities.

And now, it does not know whether to seal or not to seal.

Which brings us to the basic question. The power to seal is similar to a policeman's power to arrest. It is not a new tool; the statutes have defined this power since 1957. By bringing in confusing master plan regulations which, either by

rushing it through in just a week even while the Supreme Court has pronounced that it intends to examine the whole process of how the master plan has been formulated, and more specifically whether the new document is in conflict with its orders?

If there had been any genuine attempt to involve stakeholders in a participatory process, would the RWAs and civil society groups be litigants in a PIL before the Supreme Court? Is there any genuine desire on behalf of the urban development ministry to involve citizens in the city's planning, redevelopment

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