

HOUSING: UNAUTHORISED COLONIES

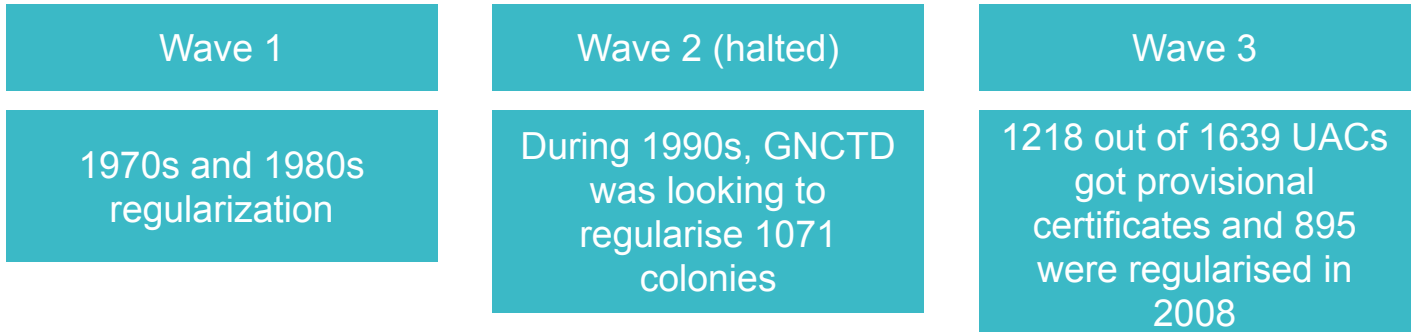


Photo from Rajeev nagar, a provisionally regularised - unauthorised colony, in East Delhi, where water pipelines are largely absent, and borewells are the predominant source of water. However, quality concerns mean that most residents utilise private pay-for-use bottled water for cooking and drinking purposes.

A part of the housing thematic, this factsheet is on unauthorised colonies in Delhi. An unauthorised colony is built on land which is either not zoned for residential purposes (and is mostly zoned for agricultural purposes) or does not fall under the ambit of the development area of the master plan. Unauthorised colonies are a form of informal settlements which are inhabited by 40% of the city's population. Unlike other informal settlements however, unauthorised colonies are demographically and spatially heterogeneous and host the poor as well as the elite. This factsheet sheds light on the issues faced by the residents in unauthorised colonies and explores the issues around apprehension towards the PM UDAY scheme and its procedural ambiguities and complexities.

UNAUTHORISED COLONIES IN DELHI

Placeholder: Map (spatial locations of unauthorised colonies)



The NCT of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Regulations, 2019 issued by DDA makes provisions for the granting of property rights to 1731 unauthorised colonies, accommodating 40 lakh citizens in Delhi. The notification grants a cut-off date of 1st June, 2014, and requires a built-up area of 50% by 1st January 2015. The notification also provides a timeline for the completion of the process (within 180 days of receiving the application), and suggests the formation of online portals, both of which will provide residents the opportunity to monitor the process and seek remedial action (within 90 days of filling the representation against rejection), where required.

Recognising the notification, Parliament passed the NCT of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Act, 2019 which provides a framework for recognising the property rights of persons living in unauthorised colonies in Delhi by granting rights of ownership or transfer or mortgage on the basis of Power of Attorney, Agreement to Sale, Will, Possession Letter, or any other document evidencing payment of consideration and to provide one-time relief to the residents of these UACs from Registration Charges and Stamp Duty.

The notification and legislation make provisions for property rights and grant opportunities in the pursuit of infrastructure services, housing finance, as well as the right to sell, rent, and mortgage. Such provisions also provide a heightened sense of social and economic security. DDA has commenced the process of online registration through a portal.

KEY ISSUES

Delineation of Settlement Boundaries

- About 1300 UACs have been delineated as per a notification by PTI (dated April, 20) . Maps of only 800 delineated UACs have been uploaded. Objections from 10 UACs have been filed.
- Identification of the boundary of remaining UACs and objections to be addressed.
- Solutions will have to be found for colonies which are partially eligible and partially ineligible

Land use & Building norms

- Master plans fail to mirror 1731 UACs that illegitimizes any kind of repair, reconstruction in UACs and residents cannot apply for loans.
- Difficult to get clearances for layout plans

Lack of Women's Ownership Rights

- Majority of documentation in unauthorised colonies such as General Power of Attorney (GPA) is solely in the name of male members of the family.
- Lack of ownership rights for women adds a greater risk of domestic violence as well as oppression by family and society. This is a key barrier to women's economic empowerment and agency.
- During the pandemic, their vulnerability to displacement and to cope with accumulating debt due to loss of employment and income has been exacerbated.

Unauthorised colonies

Timeline

- Slow pace of policy implementation; no proper timelines defined.
- Agencies lack the capacity for large-scale surveys
- Status of UACs regularised or issued PRCs in 2008
- About 3.4 lakh registrations done so far and about 15k applications out of the expected 40 lakh population residing in UACs

Procedural Issues with Registration

- Lack of awareness among residents regarding policy.
- Technological inaccessibility
- Language barriers
- Inadequate helpdesks
- Clarity on development charge and inspection charge

Lack of Basic Amenities and Services

- Lack of basic infrastructure services like water, road, drainage, waste collection etc in low income unauthorised colonies.
- Residents bear additional cost to avail basic services like drinking water, waste collection etc.
- Women as the primary caretakers spend additional time in filling water, cleaning clogged drains, disposing waste etc leading to reduced working hours and economic productivity.

WHAT CAN MPD '41 DO FOR UNAUTHORISED COLONIES?

1 USER FRIENDLY POLICY

- Registration form should be bilingual. (preferably hindi)
- Email ID should not be made mandatory.
- Establish more help desk centers partnering with civil society organisations working in various UACs
- Objections and conflicts should be resolved within a dedicated timeline.

2 PROMOTE WOMEN'S OWNERSHIP

- Priority to be given to facilitate women's land ownership by mandating women's ownership or joint ownership registration within the policy framework as well as the application process.
- Reduced charges for women in the application process

3 FLEXIBLE AND RELAXED DEVELOPMENT/BUILDING NORMS

- Flexible Development control norms and building bye-laws should be assigned for areas eligible for regularisation for the upcoming MPD 2041.
- Existing built morphology should be taken into consideration while deciding the building norms.
- Relax development control norms for existing UACs for layout plan clearances.

4 IMPROVEMENT OF AMENITIES IN EXISTING UACs and RUACs

- Delinking regularisation process from improvement and availability of infrastructure.
- Prioritise complete provision of basic infrastructure and social amenities in existing colonies.
- Effective provision of basic physical infrastructure viz. electricity, water, sanitation, waste disposal.
- Provision of public amenities within reasonable distance of UACs/RUACs Location viz. hospital, schools, anganwadi, PDS, dispensaries.
- Integrated public transport.

7 RECOGNISE UACs IN THE MASTER PLAN and RECATEGORYIZATION OF LAND-USE

- Land use of all eligible UACs should be immediately updated for the upcoming MPD 2041.
- Land use should be updated considering the mixed use nature of existing settlements rather than the single used categories of residential or commercial.
- Post regularisation, the categorisation of regularised-unauthorised colonies should not be used and these settlements should be categorised as planned.

References:

- 1 Bhan, Gautam. "Planned Illegalities: Housing and the 'Failure' of Planning in Delhi: 1947-2010 " Economic and Political Weekly 48(24): 2013.
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- 3 Shahana Sheikh and Subhadra Banda, 'The Thin Line between Legitimate and Illegal: Regularising Unauthorised Colonies in Delhi'. A report of the Cities of Delhi project, Centre for Policy Research, New Delhi (April 2014).
4. SEWA BHARAT - regularization of unauthorised colonies, 2020