

# A proposal for a revised Akrama Sakrama

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*Akrama Sakrama must have as its objective that – “Law breaking is the exception and not the general rule and not the other way around”*

It is not the first time that such a legislation has been attempted – to legalize the many illegal constructions that have sprung up around Bangalore over the last several years and it's not the first time that a large number of people have joined the debate on this – either opposing it or supporting it. Even the very highly respected former Lok Ayukta Justice Santosh Hegde has joined the debate and opposed it.

Akrama Sakrama is proposed as a program to legalize – the many illegal constructions that have come up in and around Bangalore – with the ostensible objective of helping the poor householders who have built some/most of these illegal homes.

However, there is a misconception and a deliberate misleading view that all such illegal constructions pertain to the Urban Poor and lower Income class residents. There are many illegal constructions by crooked real-estate developers, crooked Middle and high income home owners in Bangalore city and in the outskirts that will also be direct beneficiaries of Akrama Sakrama. There's clearly no justification at all for this group that includes crooked real-estate developers and other violators (apart from the very poor) to be benefited at all, at the cost of the good law abiding citizens and residents of the city.

Currently there are following types of violators in our City

1. Those that build on land that doesn't belong to them E.g. Government /City land. (Encroachments)
2. Those that build in zones that are not designated for development in the CDP/RMP and therefore do not have any building plan approval. (Illegal layouts etc)
3. Those that build on their owned land , without any building plan approval
4. Those that build on their owned land, in excess/violation of their approved building plan

## **Moral risks/hazards of condoning illegalities and violation**

No modern city can grow without adequate and strong zoning regulations and strong oversight of these zoning and building planning. Otherwise, there will be chaos. Also no government or city can or should send a message that it's better to be law breakers and law abiding citizens.

It cannot be the case of anyone (and if it is then it's untenable and indefensible) that all violators have to be allowed to go scot free / allow going scot free by paying a fee.

It also cannot be the case that regularizing such violations is a way to generate revenue for the city. That is a dangerous argument –because it's like saying legalizes smuggling and criminals because by taxing them, governments can make money.

Modern cities and civilized society are built on living by rules and off course helping the poor and destitute with deliberate and directed assistance. So there is a clear need to make sure any legislation or program such as this has a clear and narrowly defined objective of ensuring that the poor get their homes and rich and others don't get away scot free. Therefore if an Akrama Sakrama is to be proposed – it has to clearly focus only on the poor and strong qualification criterion that ensures that beneficiaries are only the poor and deserving.

## **How to REALLY help the Poor**

The argument being made by some is that regardless of the nature of the violations, it's important to help the poor get some homes. The fact is this argument has some merit because the state and city has done very little to create habitation and housing capacity for the poor in the last many years and the poor have had to resort to creating housing for themselves - which in many instances tend to be illegal in one of the four categories above.

Therefore the criterion that will ensure that only the poor will benefit from this

- (a) The housing/dwelling in question should be 350 sft or smaller.
- (b) The family must be living in that for some period (i.e. it didn't come up in the last few weeks or years) – Evidence of living there like Water and Electricity bills for last 4 years etc.

- (c) These must be on owned land and must be either violation 3 or violation 4 from above.

For all violations 1 and 2 for all types of residents, there cannot be any condoning. But the poor that have created habitations (350 sft or less) under violations 1 and 2, should be supported by a longer term solution - of being provided a Government backed Housing credit program, entitling them to credit/loan towards purchase of a home by a private developer or a government layout. They should be given a period of 18 months to relocate. This will cost the government and taxpayers – but that's the cost of many years of negligence to the problem of housing for Urban Poor that we have to pay.

### **Other Aspects that must be included in Akrama Sakrama**

- (a) A Comprehensive Zoning and Development plan and a strong enforcement framework for the future.

#### Akrama Sakrama must include as an integral part.

- a. A comprehensive zoning and land use plan.
  - b. A complete published inventory of Government land in Bangalore that will be protected against encroachment.
  - c. A comprehensive section/law on enforcement from the Cutoff date. The enforcement section must create punitive penalties for all those who build in violation of rules. Inspectors must be given enforcement and demolition powers that are strong in law. The penalties must apply to violators and at the same time the Cities Government officials who are responsible for enforcement of zoning and building rules/regulations.
- (b) Continuous Home building for Poor -

In addition this revised Akrama Sakrama must have a program of home building for the Poor through home credit for poor and directly building layouts that addresses the increasing need for habitation capacities in our city.

This revised legislation would address the issues of housing for Poor (past and future), ensure a strong compliance regime for the future and also ensure that crooked developers and home owners don't wrongly benefit at the cost of all law abiding residents of our city.