REGULARISING DELHI'S UNAUTHORISED COLONIES

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India's capital is marked by different settlement types, defined by diverse degrees of formality, legality, and tenure. As part of a larger project on urban transformation in India, Cities of Delhi seeks to carefully document the degree to which access to basic services varies across these different types of settlement, and to better understand the nature of that variation. Undertaken by a team of researchers at the Centre for Policy Research (CPR), New Delhi, the project aims to examine how the residents of the city interact with their elected representatives, state agencies, and other agents in securing public services.

Through three sets of reports, the project provides a comprehensive picture of how the city is governed, and especially how this impacts the poor. The first is a set of carefully selected case studies of slums, known as jhuggi jhopri clusters (JJCs) in Delhi, unauthorised colonies, and resettlement colonies. The second set of studies explores a range of different processes through which the governing institutions of Delhi engage with residents. The third focuses on selected agencies of governance in Delhi. All reports are made public as they are completed.

Unauthorised colonies (UACs) in Delhi

The unauthorised colony (UAC) is one of the seven types of 'unplanned' settlement designated by the Government of National Capital Territory of Delhi (GNCTD). UACs are residential settlements built in contravention of zoning regulations, developed either in violation of Delhi's master plans or on 'illegally' subdivided agricultural land. The literature on unauthorised colonies sets out two distinguishing features: one, these areas have been 'illegally' subdivided into plots, and; two, the buyers of plots in these settlements posses documents (mostly in the form of a general power of attorney (GPA)) which prove some form of tenure, characterised by some as 'semi-legal'. UACs in Delhi have often stood for more than two or three decades and include semi-pucca (semi-permanent) two or three storey brick structures. Living in an unauthorised colony has two significant consequences for residents: they do not own the land on which they live—and they cannot legally transfer it—and service provisioning is generally insufficient.

There is no clear understanding of how many people live in Delhi's UACs; estimates vary wildly. On the high end of official numbers, the GNCTD counts 4 million people, or about 25 per cent of Delhi's population (Census 2011 data) in unauthorised colonies. On the other hand, the 2008-2009 Economic Survey of Delhi estimated that only 740,000 people (5.3 per cent of Delhi's population at the time) lived in UACs. The real number is certainly closer to the GNCTD estimate. Sangam Vihar alone, the neighbourhood with the largest agglomeration of unauthorised colonies in Delhi, is estimated to house one million people.

UACs are often confused with jhuggi jhopri clusters (JJCs). These are, however, two distinct types according to the seven categories of 'unplanned' settlement defined by the GNCTD. Unlike a UAC, a JJC is located on "public land"—land owned by a public agency such as the Delhi Development Authority (DDA), the Railways, the Central Public Works Department, or a department or agency of the GNCTD or the MCD. A UAC, on the other hand, is located on land zoned for a non-residential purpose. Residents of UACs enjoy slightly more secure land tenure than those of JJCs. It might be said that UACs exist in a liminal legal space: while they are not perceived as "encroachments" like JJCs, they are also not considered to be part of the 'planned' city.

Current Policy

In the last decade, a framework of policies has emerged, designed to move these settlements into the 'legal' realm. This policy of 'regularisation' is set out in a series of two documents: "The Revised Guidelines 2007" for regularisation of unauthorised colonies in Delhi, and a March 2008 DDA notification titled "Regulations for Regularisation of Unauthorised Colonies" under Section 57 of the 1957 DDA Act, which was addended in June 2008. Together, these documents outline the following: criteria for application for regularisation of UACs; procedure by which a UAC can apply for regularisation; procedure to be followed by the local body, DDA, or GNCTD for regularisation; and parameters and bases for regularisation. The June 2008 addendum allows for the issuance of "Provisional Regularisation Certificates (PRCs)".

Criteria

A UAC must satisfy two temporal conditions to be considered for regularisation: (i) it must have been "in existence" as of 31 March 2002; and (ii) at least 50 per cent of the colony should be built up by the date of formal announcement of the regularisation scheme. A UAC is excluded if it meets any of the following conditions: (i) it is on land reserved as forest area; (ii) it poses hindrance to provision of infrastructure; (iii) it violates regulations of the Archaeological Survey of India (ASI); or (iv) it is inhabited by "affluent sections". The policies also define successful regularisation as achieving four things: title of land (a separate process), planning norms, mixed use of land and recovery of cost of land, and receipt of development charges.

Steps for Regularisation of Unauthorised Colonies in Delhi

Step	Agency	Timeline
1. Complete scrutiny of the layout plan.	Local body or DDA	Within two months of receipt of layout plan submitted by RWA
2. Finalize the boundaries of identified colony.	GNCTD	Within three months from last date of submission of layout plan
3. After fixing the boundaries on the layout plan, formally forward the layout plan to the local body or DDA for approval.	GNCTD	None
4. Approve layout plan of the colony.	Local body	Within one month of receipt of layout plan after fixing of boundaries by GNCTD
5. Refer the case to the GNCTD for regularisation and to the DDA for land use change.	Local body	None
6. Formal orders of regularisation to be issued only after completing all formalities: land use change and payment of all requisite charges.	GNCTD	None
7. Overall, the entire process of regularisation except change in land use is completed.	GNCTD	Within six months of submission of layout plan by RWA
8. Overall, the entire process of formal regularisation after change in land use is done.	GNCTD	Within nine months of submission of layout plan by RWA

Process

Before qualifying to apply for regularisation, an unauthorised colony must establish and register a residents' welfare association (RWA). In addition, the colony must prepare a layout plan of the colony and a complete, detailed list of residents who are plot or flat "owners". The layout plan has to include information such as boundaries of the colony, names of streets, and neighbouring areas. This plan must be accompanied by documents including land details and undertakings by the RWA stating, (i) that they shall abide by the layout plans as may be approved with or without conditions, and (ii) that they shall transfer any available land to the DDA or the MCD/New Delhi Municipal Council (NDMC) free of cost so that the government might provide social infrastructure. Once the application for regularisation is submitted, a series of steps are to be carried out by the local body in whose jurisdiction the UAC sits, the GNCTD, and the Delhi Development Authority (DDA) within specified timelines. (See table on preceding page.)

Action

By 2007, 1639 UACs had applied for regularisation. In 2008, 1218 of them received "Provisional Regularisation Certificates (PRCs)". Then, in September 2012, a GNCTD order found 895 of them to be "eligible for regularisation". Of these 895, 312 UACs—those on private land—stood regularised on the date of the order. The remaining 583 UACs, partly or wholly on public land, would only stand regularised after the cost of the public land on which they were built had been recovered by the GNCTD on behalf of the land-owning agency.

Results of regularisation

Neither the 2008 Regulations nor the 2007 Revised Guidelines articulate what regularisation should look like on the ground. The Master Plan of Delhi 2021 does offer some definition, stating that regularisation must result in physical and social infrastructure, as well as minimum necessary services and community facilities. According to the 2008 Regulations, however, "GNCTD may commence the development works and augmentation of infrastructure facilities in colonies soon after the receipt of layout plan if it is satisfied that the colonies or part thereof fulfil the general principles contained in the Revised Guidelines 2007". It follows, therefore, that the GNCTD can provide services to a UAC even if it has not yet completed the process of regularisation. In the past, however, the government has often cited regularisation as a necessary step before it can extend services to a UAC.

In interviews, UAC residents cite two benefits that they expect to receive after regularisation: (i) development projects in the UAC to improve levels of basic services, and (ii) clear land title. Current policy on regularisation, however, only leads to settlement-level regularisation; the registration of individual plots remains a separate process. In other words, the regularisation of a UAC does not necessarily mean that residents have improved title on individual plots.