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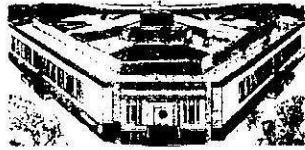
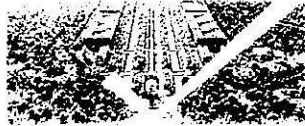
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Displacing Heritage

Weighty decisions on changing Parliament and surrounding vista merited greater public consultation

The Supreme Court clearance for the Central Vista redevelopment project that will give the country a new Parliament complex marks a big win for the government. Yet citizens will have little to cheer about the peremptory manner in which the project was cleared. Government had pitched the redevelopment citing the inadequacies of the current Parliament building and many of the "Bhawans" housing central ministries. This has failed to convince heritage conservationists and transparency activists. They are upset over the short shrift given to public consultations and in their words, the government's tendency for "rule by law rather than rule of law".

Both the majority and dissenting verdicts refused, rightly, to get drawn into non-justiciable arguments like the rationale for displacing Parliament from its current complex or the aesthetics and undesirability of redevelopment in a heritage zone and the irrevocable harm done to heritage buildings and overall architectural harmony of the area. Yet the fact that these arguments come up before a constitutional court is a reflection of governmental failure to meaningfully engage with the public at the project's commencement.



Modes like discussion by both Houses of Parliament and public hearings could have helped the government persuade concerned citizens. In the end, government's executive prerogative must prevail, but not without it having invested significant effort in due process and consensus. After all, at stake is the future of a building with an extraordinary past. This is where the Constitution was adopted besides serving as the "temple of democracy" for several decades. Countries with storied histories are known to proudly showcase their key institutions of democracy to highlight antiquity and unbroken tradition. No less contestable is proceeding with expensive redevelopment plans during an economic crisis, which offered excuses for cutting MPLADS funds and GST compensation that act as beneficial capital transfers to the grassroots.

While both judgments did highlight the importance of transparency, public consultations and environmental protection, the minority verdict goes further. It quashed the land use change and directed the central authority to put all drawings, layout plans and explanatory memoranda on its website, invite suggestions and objections, and conduct public hearings before the Heritage Conservation Committee ahead of granting permissions in accordance with the law. Liberties taken with democratic due process, even if not found to be justiciable in courts, rarely augur well in the long run. The ongoing farmers' agitation also drives home the merits of greater public consultation.