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Land Encroachment in Govindpuri and Sangam Vihar

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SCIENCE

Introduction

Land encroachment is the unlawful entering upon property, other possessions, or the rights of another (gradually and without permission).

However, the definition of land encroachment should now be looked beyond just illegal occupation of someone else land or illegal extension of boundary limits because if people are using another's property (may be public or private) for dumping waste or open defecation, then also it is a sort of encroachment. Earlier the growth of slums and vending activities on footpaths and roadsides were seen as the most common types of encroachment. But as urbanization has increased, **new sorts of encroachment** can be seen like creating ramps in front of houses, making constructions on drains, protruding balconies, illegal mining, illegal sand excavation, and using roads for illegal parking purposes and dumping of waste matter on vacant land. The construction of religious structures has also become a way to encroach over land.

Land and abandoned houses in India are most vulnerable to encroachment. Land in India is usually purchased for investment and then left unattended which is why it becomes an easier target. Houses too, particularly for older people without primary support or NRIs, are prone to become soft targets. And later, the legal way of eviction is also cumbersome and time-consuming.

Land encroachment is a very common phenomenon in both rural and urban areas. But the problems due to encroachment are **more apparent and acute in urban areas** where the rising population and decreasing natural resources like water, land and clean air, are posing challenges to sustainable urban development.

Housing and occupational needs are **key factors** for rising cases of land encroachment in urban areas. Urban slums are the best example to show how the urban poor are fulfilling their housing needs by encroachment in areas which are vulnerable to health and life.

Urban poor do encroachment because urban housing is costly and unaffordable for them but the **urban non-poor** who can afford to house are looking toward real estate builders, private colonisers, housing societies and government housing schemes.

The advent of real estate builders, private colonisers and housing societies in urban areas and the areas adjoining urban centres has changed the whole scenario of urbanisation because they are capitalizing on gains by targeting people of middle and upper-income groups.

Even the government is also accruing huge capital by **regularizing the new colonies** (even unplanned ones) and new schemes for residential, industrial and commercial purposes, which is the main reason for the expansion of old city limits and the development of new satellite towns. But this expansion is also taking place at the cost of **encroachment on natural resources** like community land, forest land and catchment area of water bodies.

Till now urban slums are defended as an inevitable phenomenon of urbanisation but how can one defend the regularization of encroachment on natural resources for monetary gains?



International Status

Throughout human history, there are numerous examples of one person encroaching on the territory of others. Territorial encroachment has often been fundamental to the foreign policies of countries: Russia's recent concern at the encroachment of NATO, Britain's concern in the 1900s at the encroachment of the Boers on neighbouring lands in southern Africa, the unwanted foreign encroachment experienced by China (including Russian encroachment into Manchuria, 1899-1900), etc. In international law, the principle of non-intervention between states specifically excludes all kinds of territorial encroachment, including temporary or limited operations (so-called "in-and-out operations"). Anytime one nation attacks another without direct provocation, the attacking nation is guilty of territorial encroachment, thus transgressing all international law.

National Status

The problem of land encroachment in India is very alarming. There are various cases of encroachment in various states. For example, the case in Bangalore, Maharashtra etc. In the case of Maharashtra, even the government was not able to provide data about how much of government land is under encroachment. Forest encroachment is on rising too. Nearly 1.9 million hectares of India's forest land have been encroached upon and Madhya Pradesh alone accounts for around 30% of such encroached forest area, said Union environment minister Prakash Javadekar (then), while replying to a query in Parliament. As per the records of the ministry of environment and forests, a total of 1,899,358 hectares of forest land is under encroachment in 36 states and Union Territories.

This comes even as India is striving to achieve the target of having 33% land under forest cover. According to the India State of Forest Report 2015 released in December 2015, India's total green cover has reached 24.16% of the land mass. Madhya Pradesh is followed by Assam with 317,215 hectares, Telangana with 183,465 hectares, Maharashtra with 183,171 hectares and Chhattisgarh with 118,494 hectares.

Local Status

NEW DELHI: Over 2,200 kilometres of streets and footpaths have been encroached upon in the national capital, whose length is almost like travelling from Kanyakumari, the Supreme Court said on September 08, 2018, observing it reflected the magnitude of the problem.

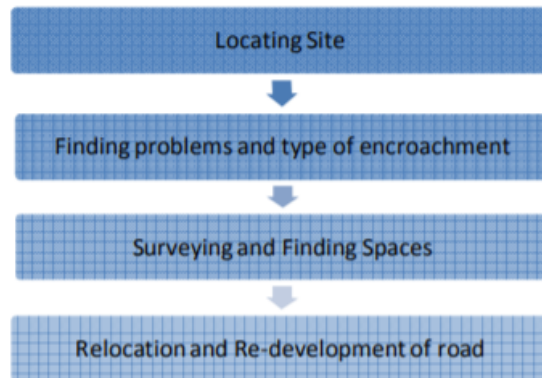
The observations came after the bench was informed that 844.33 km, 811.01 km and 601.2 km of encroached roads and streets were cleared by the North Delhi Municipal Corporation (NDMC) and those in South and East Delhi respectively as on August 31. In areas less developed the problem of encroachment is more. In Govindpuri the encroachment happens on roads, and in the construction of buildings.

Sangam vihar is an unauthorised colony built on government land. That is the major cause of land encroachment.

Objectives

- 1. Understanding the impact of land encroachment on international, national, and local levels.**
 - 2. To discuss the causes of land encroachment**
 - 3. Problem created due to encroachment.**
 - 4. Suggestions that can be used to curb encroachment.**
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METHODOLOGY



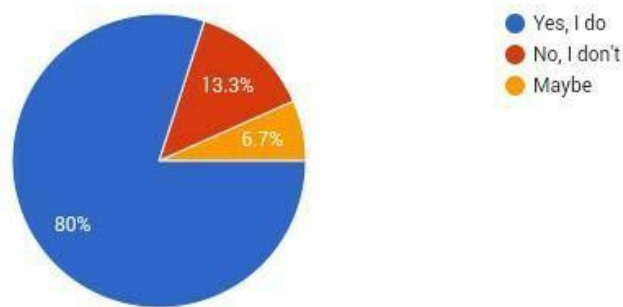
Problems created due to encroachment.

1. Problems for pedestrian: Street vendors that include a commercial system of stalls of tea shops, and fast food hawkers, encroaches the road pavements and creates a problem for the pedestrians.
2. Pedestrians cannot use the pavements which are exclusively made for them; they are bound to use the roads for walking. As now the roads are being used by pedestrians, the movement of vehicles gradually becomes slower, resulting in congestion on roads. Thereafter increasing road accidents.
3. Hawkers encroach upon the roads and lead to immense traffic congestion.
4. Shopkeepers display most of their items outside the shops which sweep away some portion of roads like utensils shop, mannequins on display.
5. No proper Parking, it becomes difficult in the areas where the roads have encroached.
6. Loss of amenities, including the planting of trees as well as pleasantness, coherence and harmony of the street space caused by encroachment.
7. Public common law right of unimpeded movement and access to the property is violated.
8. Safe and efficient functioning of roads is affected and movement of pedestrians and vehicles is affected.
9. Public assets of the road turning fragile due to encroachment.
10. Encroachment also results in obstruction of views and results in the appearance of the place to be in excessively built form.

Analysis

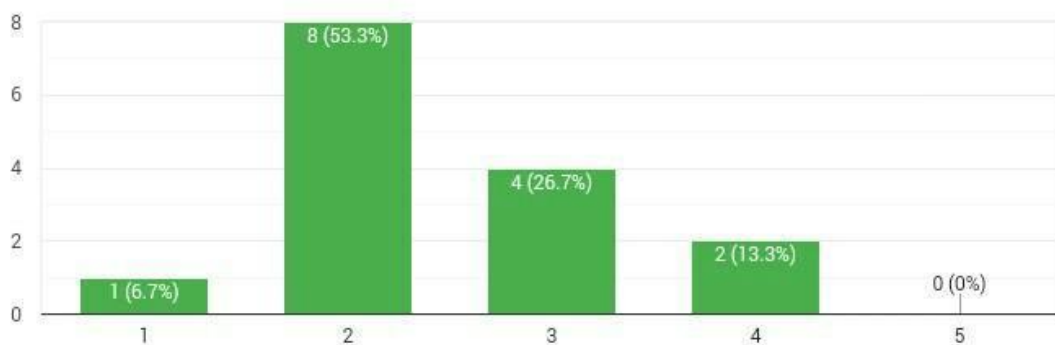
1. According to the response we can see that majority of people who took part in our survey knew about the term land encroachment and are aware of the situation.

Do you know about the term Land Encroachment?



2. Around 53.3% of people said the problem is below average. 26.7% consider it average, while 13.3% consider it above average and 6.7% of respondents consider it at minimum. So overall according to the primary data the land encroachment in areas of Govindpuri and Sangam Vihar is moderate.

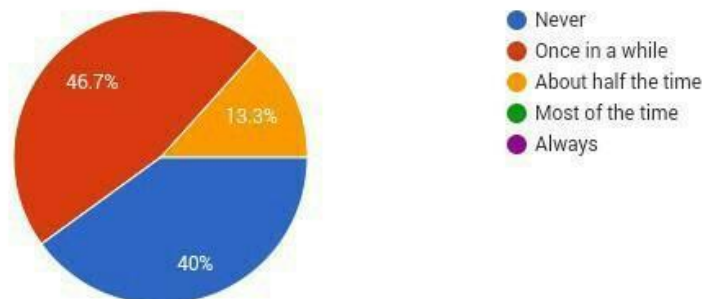
Rate the amount of land encroachment in your area from 1-5



3. When asked about whether they have faced any problems in social life due to land encroachment 60% of people replied affirmatively with 46.7% of people facing them once in a while and 13.3% of people facing them almost

half of the time.

Have you faced any problems in your social life due to land encroachment?



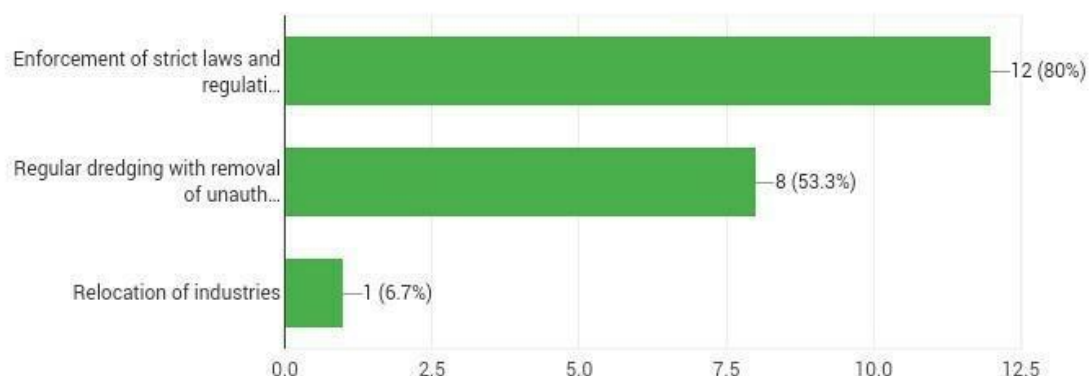
When asked about the kind of problems they face, they listed a variety of issues like sanitation problems due to dumping of waste or open defecation.

Vehicle crashes because of the ramps in front of houses, breathing problems due to construction on drains, illegal mining, and illegal sand excavation.

4. In the survey, when asked about what is the best method to reduce land encroachment, the responses were as follows:

- 80% of the respondents agreed with the enforcement of strict laws and regulations.
- 53.3% of those respondents also agreed that we must regularly remove unauthorised establishments.
- Few even suggested that we must educate people about the consequences of land encroachment so people don't act in the wrong way.

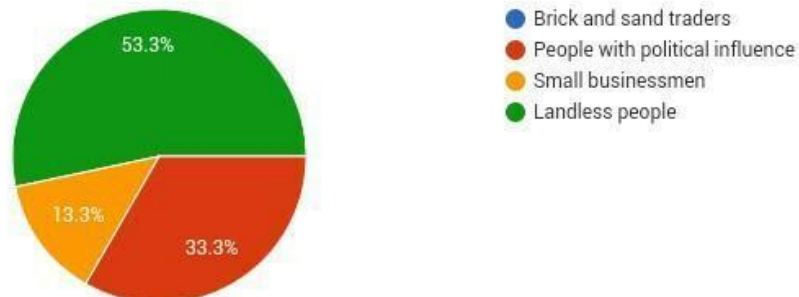
What according to you is the best method to reduce land encroachment?



5. When asked about who occupies most of the encroached land in Govindpuri and Sangam Vihar, 53.3% opted for landless people, 33.3% of respondent told political influence causes government land to go to a

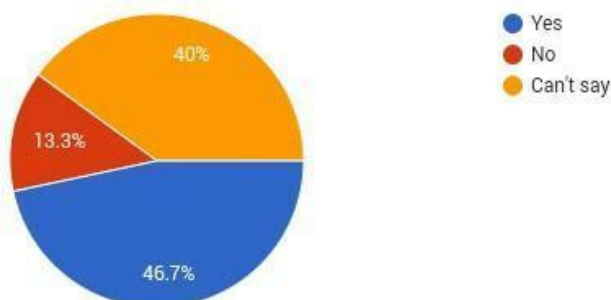
private entity and 13.3 % population told small businesses to create land encroachment, especially alongside roads etc.

Who according to you occupy most of the encroached land?



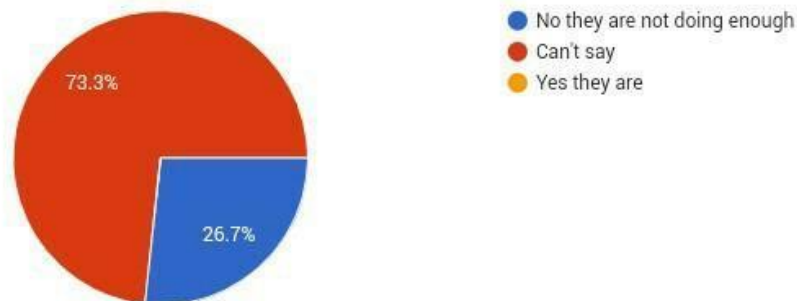
6. In the survey, when asked about the prospect of the Delhi government's move to legalize unauthorised colonies will encourage people towards encroachment 46.7% of respondents said yes, 13.3% said no, and 40% replied can't say. This indicates that most consider this the wrong step. It will further create a feeling that land encroachment is no big deal.

Do you feel Delhi government's move to legalize unauthorised colonies will encourage people towards encroachment?



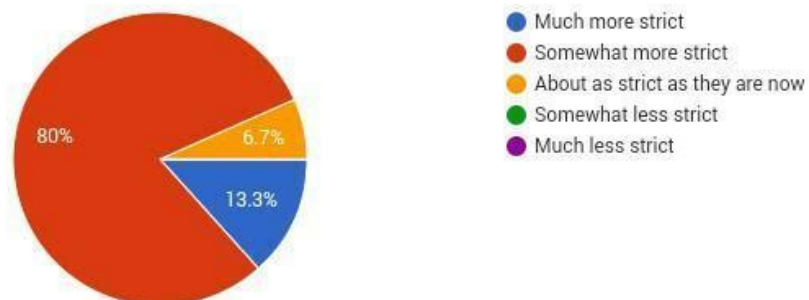
7. When asked about the involvement of the government in curbing land encroachment whopping 73.3% were not in a position to answer. Around 26.7 % of respondents told no they are not doing enough. This shows that either people are not aware of the initiatives taken by local authorities or the government is not responding to the situation at all.

Do you think the government is taking initiative to curb land encroachment in your area?



8. When asked about the condition of Indian laws towards land encroachment 93.3% of people asked for the laws to be stricter. Among them, 80% of people asked for the laws to be somewhat stricter whereas 13.3% of people asked them to be much stricter. On the other hand, 6.7% of people feel the laws should be as strict as they are now. Thus most of the residents of Govindpuri and Sangam Vihar feel the government laws restricting land encroachment should be stricter.

Should the Indian government laws restricting land encroachment be more strict, less strict or about as strict as they are now?



Reflecting the same concern, on February 9, 2018, Delhi High Court dismissed the plea of a person who had claimed that the land on which his house was built was never in possession of the government.

The high court made it clear that if the land has been acquired by the government and it has not yet taken its possession, still the land is vested with the state under acquisition proceedings.

Suggestions to curb land encroachment

Survey before planning & a diagnostic approach can be the primary act. Surveying the area with the encroachments and preparing a complete list of problems and conditions of the roads, going to the roots of problems and coming to the solutions and conclusions.

- 1- Encroachment-Free Pavements and Footpaths Most important point is that we should strive to provision encroachment-free pavements for pedestrians, it is a crucial measure. The main objective is to provide suitable walkways for pedestrians, so that they may not require to walk on the roads that are meant for vehicular movement, causing a hazard to themselves and vehicular traffic also. Not only pedestrians will get benefited from it, but it can make less congestion on roads and vehicular chaos can be reduced to a large extent.
The roads should have a free flow of traffic.
- 2- Redesigning of Roads Vehicles plying on street parking has to be removed or they can be relocated to the nearby parking lots or open spaces. Effective on-street parking results in less traffic jamming and safer roads.
- 3- By properly keep a check on encroachment in local areas and implementing the punishment for the defaulters.
- 4- Last but not least educating people about how it is creating problem and what are consequences of it.

Some measures suggested by people on how to spread awareness amongst people of the society are as follows:-

- Educate the educated first.
- A large proportion of people think that awareness through digital media platforms shall help people understand land encroachment.
- Educating young people can help to an extent as they can further educate their family and friends and help sensitize people regarding this issue.
- Conducting awareness seminars in schools and colleges, and organizing various nukkad natak in the streets is yet another innovative suggestion.

By making people aware of the consequences that it can bring in future people will take this seriously.

Conclusion

Land encroachment has become a lively example of poor governance, selfish interests, public negligence, and irresponsible citizen behaviour because the value of land is not realised beyond housing and commercial purpose, while it is equally needed for playground, parks, parking, public transportation etc. It is pitiful that this problem is still not dealt with seriousness in our country. Country need to come out strongly against urban encroachment, before working upon the idea of 'Smart cities'.

The impact of urban land encroachment is enormous because it has given rise to issues in each sphere, whether social, political, health, economic, administrative or judiciary. The social, educational and economic status hardly matters in encroachment cases because people have their own excuses for trespassing into someone else property. How to control encroachment is a challenge because once it happened then its removal provokes widespread unrest and retaliation. Inclusion and exclusion of urban land encroachment in urban planning is a big issue because sometimes it has social, political and economic consequences. But the issue is very serious because unplanned growth of the cities is not just wastage of natural resources but also the public money.

Survey

Survey on Land Enroachment

Example survey to be used as a model

Name

Bhavya Singh

Age Group *

(in years)

☐ 10-20

☒ 20-30

☐ 30-40

☐ 40-50

☐ Other: _____

What is your average household income? *

(in lakhs per annum)

☐ Less than 2.5

☐ 2.5-5.0

☐ 5.0-7.5

☐ More than 7.5

☒ Prefer not to say

Occupation

Electrical Contractor

Do you know about the term Land Encroachment? *

- ☒ Yes, I do
- ☐ No, I don't
- ☐ Maybe

Rate the amount of land encroachment in your area from 1-5 *

- | | | | | | | |
|----------------------|-----------------------|-----------------------|----------------------------------|-----------------------|-----------------------|---------------------|
| | 1 | 2 | 3 | 4 | 5 | |
| NOT AT ALL
LIKELY | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | EXTREMELY
LIKELY |

Have you faced any problems in your social life due to land encroachment? *

- ☒ Never
- ☐ Once in a while
- ☐ About half the time
- ☐ Most of the time
- ☐ Always

How concerned are you about land encroachment?

- ☐ Extremely concerned
- ☒ Very concerned
- ☐ Moderately concerned
- ☐ Slightly concerned
- ☐ Not at all concerned

Please state your agreement for the following statement *

Land encroachment is hampering the progress of our country

- ☐ Strongly disagree
- ☐ Disagree
- ☐ Neutral
- ☐ Agree
- ☒ Strongly Agree

At personal level have you taken any steps to curb land encroachment?

- ☒ Never
- ☐ Once in a while
- ☐ Most of the time
- ☐ Always

What according to you is the best method to reduce land encroachment? *

- ☒ Enforcement of strict laws and regulations
- ☐ Relocation of industries
- ☐ Regular dredging with removal of unauthorised establishment
- ☐ Other: _____

Who according to you occupy most of the encroached land? *

- ☐ Brick and sand traders
- ☐ People with political influence
- ☐ Small businessmen
- ☒ Landless people
- ☐ Other: _____

Do you think the government is taking initiative to curb land encroachment in your area? *

- ☐ No they are not doing enough
- ☒ Can't say
- ☐ Yes they are

Should the Indian government laws restricting land encroachment be more strict, less strict or about as strict as they are now? *

- ☐ Much more strict
- ☒ Somewhat more strict
- ☐ About as strict as they are now
- ☐ Somewhat less strict
- ☐ Much less strict

Do you feel Delhi government's move to legalize unauthorised colonies will encourage people towards encroachment?

- ☐ Yes
- ☐ No
- ☒ Can't say

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Google Forms

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