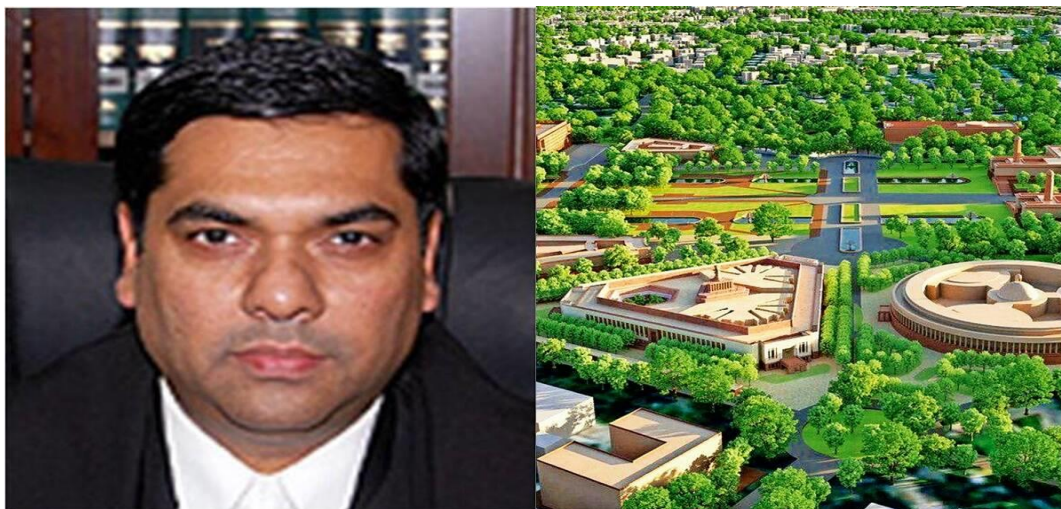


Dissenting Judge laments lack of pulice consultation



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Justice Sanjiv Khanna

BA His Hons 1988 St Stephen's

LLB CLC 1991

Judge

Supreme Court of India

Justice Sanjiv Khanna delivered a dissenting judgment on Tuesday 05.01.2020 regarding **approval of the Central Vista Redevelopment Plan**, raising questions over whether the Government fulfilled its duty to consult citizens and accord them the right to participate in a project of national importance.

Even as he agreed with the majority view of justices AM Khanwilkar and Dinesh Maheshwari on the issues of inviting the bid for consultant for the project, and award of tender, he differed on more fundamental aspects of change in land use, inadequate consultation and public participation.

The arguments by the Centre did not convince Justice Khanna with respect to the authorities' compliance with the laws in letter and spirit for a project, which he said, involved the right to participate and the duty to consult.

"I have agreed on the aspect of notice inviting bid, award and order of Urban Commission with the opinion of respected Brother Justice Khanwilkar. However on the aspect of change of land use, I have held that the same was initiated as being bad in law," he said.

While the majority held that it was not incumbent upon the government to give each and every detail of the project while issuing the public notice of the proposed modification in the master plan, Justice Khanna said that it was necessary for the authorities to put the redevelopment plan and layouts in public domain with explanatory memorandum relating to their need and necessity, as well as studies and reports.

The Judge highlighted that the Delhi Development Rules, 1959, required authorities to furnish summary of the proposals to enable the public to raise informed objections.

"To ignore their salutary mandate as to the manner and nature of consultation in the participatory exercise, would defeat the benefic objective of exercise of deliberation. Public participation to be fruitful and constructive is not to be a mechanical exercise or formality, it must comply with the least and basic requirements," he said.