

Necessity for Having a Comprehensive Motor Parking Policy in Delhi Metro with Legal Sanctity and Enforcement at Law for the Citizen's Welfare

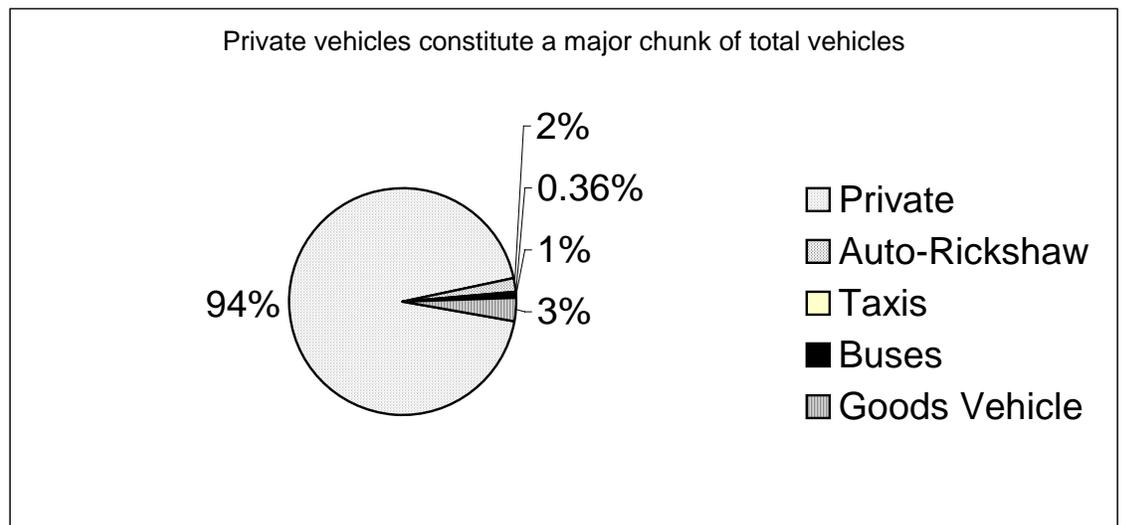
(Sanjay K Lalit, Company Secretary)

It's crystal clear that the ultimate purpose of Legislature, Judicial System and related Statutory Agencies like various Courts, Government Agencies, Police Department, Municipal Corporations etc. is to maintain the Law & Order, Social Equilibrium, Balanced Life of the Society, Peaceful Existence, Peaceful Living of the citizens and create Human Values and Ethics. But when these efficient Government Agencies fail to take corrective action for the welfare of society in time, then that need to be taken care of by Judicial System, like crucial role played by our Delhi High Court and Supreme Court in the Sealing of unauthorised commercial establishment in residential area.

In the Democratic set up, any unreasonable activity of any agency, individual, group of individuals or even Government Agencies which acts against the principle of maintaining Law & Order & Social Equilibrium of the citizens must be avoided or removed with the help of Government Machinery by use of all kind of avenues available with the Government with effective and proper usage of Judicial System, Quasi-Judicial Agencies and Police Force.

As per Statistical Data of Government Agencies, the number of Motor Vehicles in Delhi Metro are more than 46 lacs and further the number of Motor Vehicles in Delhi are more than Motor Vehicles in other 3 major Metros Mumbai, Kolkata and Chennai collectively. Further the circumstantial evidence of Regular Traffic Jams and Parking Problem in various part of Delhi proves the fact that in order to boost the Sales of Motor Vehicles/ Cars, through the implication of the Motor Vehicle Companies, Delhi Metro has deregulated sales of Motor Vehicles which is creating and going to create Massive Parking Problem. The Government attention too towards the prevailing Parking situation and related problems is adhoc without a clear focus. There is no denying fact that growing number of motor vehicles sales is adding to the congestion and creating acute shortage of parking space in the city. Adhoc, unplanned parking and inappropriate parking space are leading to misuse and congestion of available public places. Delhi has witnessed rapid motorisation, much faster than the rest of the big cities. There has been an increase of about 90 per cent in overall growth of registered vehicles during 1991-2001 at an average annual compound growth rate of about 6.7 per cent. Though buses constitute only 1.2 per cent of the total number of vehicles, cater to 60 per

cent of the total traffic load. Personal vehicles – cars and scooters -- though more than 93 per cent of the total number of vehicles, cater to only around 30 per cent of the travel demand. It is not surprising that the current parking crisis is blamed on the increasing number of private vehicles in the city. Private vehicles constitute a whopping 94 per cent of the total registered vehicles in Delhi as on March 31, 2004. Percentage share of other categories of vehicles are insignificant. Such a huge share of private vehicles in the total registered vehicular fleet of Delhi obviously exerts tremendous pressure on the limited parking space available in the city. A brief chart of various categories of vehicles is stated as under:-



Note: Private vehicles include, cars, jeeps/station wagons and two-wheelers

Source: Department of Transport, Government of Delhi

By inference, all these Motor Vehicle Companies are selling their Motor Vehicles with the permission of Governmental Agencies because Registration of Motor Vehicles by R.T.O. [Road Transport Office] amounts to permission of Governmental Agencies. But consequent failure of provision of adequate Parking Place by Delhi Development Authority, Municipal Corporations, Private Builders is creating a Massive Parking Problem and the said Parking Problem is going to aggravate in the coming months which will indeed disturb the maintenance of Law & Order, Social Equilibrium, Balanced Life of the Society, Peaceful Existence, Peaceful Living.

In Delhi Metro, instead of enforcement of strict regulations on Parking of Motor Vehicles, by implication Governmental Agencies are providing free

open parking with free access to all. Secondly, wherever Governmental Agencies are planning for parking, Governmental Agencies are planning for creating Additional Parking, which will defeat the purpose. No city has been able to provide “adequate” parking for its vehicles. The problem is accentuated by the growing fleet of private vehicles. In Delhi 93 to 94 per cent of the total registered vehicles are privately owned vehicles. Cars, which needed more space than 2-wheelers, are growing in number in this category. It is estimated that 95 per cent of the time, private vehicles are immobile. Public transportation vehicles spend far more time moving. It is also known that free parking or creation of parking spaces in cities leads to the decline of public transportation systems. Governmental Agencies still does not consider the principles of restricting the supply of parking, which eventually would limit the number of vehicles in the city. The parking policy should restrict the demand for parking, and should not try to accommodate the increasing demand.

Further with densification of residential areas – increasing density of flats and number of vehicle owners occupying these – the problem of parking will grow. Already, there are regular skirmishes between house owners over parking. It is important to take remedial steps to regulate parking in these areas. The current initiative of Governmental Agencies fails to address the parking problem in residential areas. Residential Parking Policy is a critical element in the overall parking policy for the city. In the context of residential parking, Government has failed to come up with a plan to control and regulate residential parking effectively, however some housing societies at their own initiative have begun to charge parking fee from the residents. Accordingly, the Government should take initiative to encourage other residential colonies to replicate these models and also develop its own model for residential parking.

As on date, there is no specific Legislation, Regulation, Notification or other Statutory Pronouncement regarding Parking of Motor Vehicles either in front of one’s Homes or by the side of one’s Home on Common Roads and Streets. Absence of abovesaid Legislation, Regulation etc. disrupts the Social Equilibrium, Balanced Life of the Society and also create nuisance while Parking of Motor Vehicles by general masses on Common Roads and Streets. Further in absence of Government Recognised/ Regulated Parking Place, for the last number of years the residents of Delhi are Parking their Motor Vehicles either in front of their Homes or side of their Homes without any obstruction and blockage from any agency, individual, group of individuals or even Government Agencies. While framing any Composite Parking Policy, usage & practice of Parking Facility uninterrupted enjoyed by the resident which is prima-facie not unlawful or illegal in nature should be fairly considered and provide a preferential right to its USERS.

Unrestricted usage & practice of above said facility of Parking of Motor Vehicles/ Cars on the side of Roads and Streets without any obstruction and blockage from any agency, individual, group of individuals or even Government Agencies, by estoppels also create Easement Rights or License in favour of The First User in comparison to The Second or Subsequent Users.

Broadly it can be estimated that the following are key causes of Parking Problem :

- Unprecedented growth in registered motor vehicles;
- Non-availability of efficient and reliable public transport system;
- Misuse of residential buildings for commercial uses;
- Misuse of organised parking spaces, especially basements for commercial purposes resulting in Reduction in planned parking capacity; Additional parking demand due to addition of commercial space in basements;
- Encroachments in parking areas and lack of enforcement by authorities;
- Loss of wayside parking due to widening of roads;
- Absence of comprehensive approach/policy for parking regulations, restrictions and parking charges;
- Higher occupancy, which is workers/square metres than envisaged in Master plan in commercial areas due to increase in cost/square metres floor space;
- Not allowing to park the vehicles in the parking area earmarked in the approved building plans/lay-outs especially in the case of Group Housing pockets and Institutional plots;
- Misuse of mixed land use policy.

The unprecedented growth of commercial places and problem of Parking in Residential Area have been totally due to government apathy. Delhi Development Authority, Municipal Corporations and Private Builders collectively should have the responsibility to ensure that residential areas retain their residential nature. A look around Delhi reveals the extent of their failure. Over a number of years, the common citizen has had to put up with incredible problems - problems of parking next to their homes, safety problems due to eateries and other such shops being open in residential areas attracting undesirable elements, and so on.

In order to overcome the problem of Parking in Residential Area, the appropriate Governmental Agency must evaluate the importance of restricting Motor Vehicles/Private Cars numbers in Delhi, design a Parking policy to manage travel demand in Delhi and submit its report to the State Government. The report should critically analyse the current parking crisis

in Delhi and recommend a composite parking policy. Till submission of this report, the Delhi government shall not clear any new Housing or Commercial Project as the aspect of the parking policy would be a relevant consideration for clearance of the projects.

Without further delay, Governmental Agency should examine the gravity of Parking Problem in Extreme Public Interest and consider the implementation of following steps for its citizens:

- (a) to frame a composite and comprehensive parking policy for Delhi and link it with the mixed land use policy and Master Plan.
- (b) all commercial development in residential areas must be immediately stopped. All further sale of residential flats in tight Parking Place may also be stopped or suspended;
- (c) to work on modalities for regulating parking in residential areas in consultation with Resident Welfare Organisations;
- (d) to set deadlines for implementation and monitoring of the plan alongwith requisite enforcement from MCD and Delhi Police;
- (e) before purchase of Motor Vehicles/Cars the Buyer must arrange for suitable Parking Place in the vicinity of his Residential Address;
- (f) Motor Vehicle Companies/Dealerships of Motor Vehicle Companies must not sell the Motor Vehicles to any one unless the Buyer of Motor Vehicle produces the Certificate of Availability of Parking Place obtained from appropriate Governmental Agency. The appropriate Governmental Agency must be directed to initiate the new practice of issuing of Certificate of Availability of Parking Place with suitable fees for the purpose;
- (g) appropriate Governmental Agency must submit its report with reference to the necessity of restricting vehicle numbers in Delhi;
- (h) careful, close monitoring and coordination must be ensured between MCD and Delhi Police to ensure that Parking is regulated;
- (i) till provision of Government Recognised/ Regulated Parking Place and further to maintain Law & Order and Social Harmony and avoid regular skirmishes between house owners over parking, any Individual or Group of Individuals who are Parking their Motor Vehicles either in front of their Homes or side of their Homes without any obstruction and blockage from any individual, group of individuals or even Government Agencies, for the last three or more years, then those residents will have a restricted licence to park their Motor Vehicles/ Cars in front of their Homes or side of their Homes;

- (j) That further, the First User will have a priority & Preferential Licence to Park their Motor Vehicles/ Cars, at the earlier earmarked Parking Place of First Users, in comparison to the Second/Subsequent User, nearby New Residents/ New Neighbours who come to stay in the respective locality at a latter date.

Across the world, parking management is seen as an important strategy for combating air pollution. Government Agencies must realised that parking is best managed by ensuring that space for parking is restricted and strictly regulated. Therefore, parking is not about creating more space for cars, but limiting it, so that it induces people to shift to other forms of transportation or pick-ride systems.
