

Land Pooling Policy of MPD 2021: Vision for Smart Delhi

Conference Report



Organised By
New India Initiative Foundation



Supported By
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Lé Méridien, Windsor Place, Janpath, New Delhi - 110 001



Lamp lighting by Shri. Udit Raj, Member of Parliament from North West Delhi



Lamp lighting by Shri. Shankar Aggarwal, IAS, Secretary MoUD



Lamp lighting by Shri. Balvinder Kumar, IAS, Vice Chairman DDA



Lamp lighting by Organizers: Mr. Raman Mangla, Advisor, NIIF; Mr. Sudhir Malik, Chairman, NIIF; Mr. Manoj Misra, Director, GroundTruth (L to R)

1. INTRODUCTION

Honorable Prime Minister, Shri. Narendra Modi announced setting up of 100 Smart Cities and renewal of 500 existing cities including Delhi to address fast growing urban population. By 2021, more than 70 per cent of the world population would be living in cities putting huge pressure on urban infrastructure and services. Indian cities especially Metropolitan and two-tier and three-tier cities are drawing large migration of people owing mainly to the economic growth, employment opportunities and quality of life that they offer. Delhi too is facing huge influx and has caused significant constraints on the developed areas despite reasonable construction activity happening in NCR.

Existing legislations in Delhi Development Authority (DDA) are unable to provide land for housing and development purposes. DDA in a well thought-out plan has adopted a policy of assembling and pooling of land at the state level under Master Plan Delhi 2021 (MPD 2021) to augment burgeoning demand and balance the imbalanced land & housing distribution. MoUD on 5 September, 2013 announced Land Pooling Policy (LPP) to augment the availability of land for the creation of necessary real estate, especially housing for general public, including the economically weaker section.

Broadly, the scheme aims to provide a mechanism for land owners and developers owning certain size of land in specific notified areas to hand over the land to DDA and in return get certain percentage of developed land, having infrastructure like road network, markets, parks, schools, hospitals, commercial and institutional areas and other allied facilities such as electricity, water supply and sewage. This Policy aims addresses the acute housing shortage of Delhi providing housing for all and empowering people by providing them the opportunity doing away with tedious and time consuming process of land acquisition to bring in a world class city.

Similar policies have been experimented before in many states like Andhra Pradesh, Gujarat, Maharashtra, Punjab and Tamil Nadu and also overseas. Now it is Delhi's turn to follow the path. However, there are few questions that we have to address before getting into the action.

- Is Delhi ready for such a makeover?
- Will a common man get a house at affordable price?
- How will land owners in different parts of Delhi, developers, infrastructure providers, service providers and DDA covert to deliver a workable solution under the Policy to create Smart Delhi?

New India Initiative Foundation (NIIF) supported by **Delhi Development Authority (DDA)** organized a daylong Conference titled “**Land Pooling Policy of MPD 2021: Vision for Smart Delhi**” on **13 December, 2014** at Le-Meridian, New Delhi to deliberate about the policy and its regulations that will govern real estate developments in Delhi in times to come.

Shri Udit Raj, Member of Parliament from North West Delhi inaugurated the Conference, **Shri Shankar Aggarwal, IAS, Secretary MoUD**, delivered Key Note Address while **Shri Balvinder Kumar, IAS, Vice Chairman DDA**, Guest of Honor and Key Speaker presented brief about the policy. **Shri Durga Shankar Misra**, Additional Secretary gave the Valedictory Address. Eminent speakers drawn from the **Delhi Development Authority (DDA)**, Town Planning Departments, Consulting Organizations, Law Firms, Government Departments, NGOs, Corporates, Media and academia dealing in housing and urban infrastructure shared their views and vision about the policy. More than 400 Delegates representing landowners, developers, investors and prospective house owners attended the conference.

This Conference report summarises the day long deliberations by the eminent speakers about provisions of a Land Pooling Policy, barriers and potential solutions for planning and implementation using innovative technological solutions to develop cities with smart, congenial, intelligent and sustainable environments. Queries raised and suggestions given by the delegates were addressed by the eminent speakers.

Log on to https://www.youtube.com/channel/UCFSarbee6_kWXyZLEcwMwgcg for live conference coverage.

2. EXCERPT FROM PRESENTATIONS

2.1. Chief Guest: Shri Udit Raj, Member of Parliament from North West Delhi



Mr. Udit Raj inaugurated the Conference attended by senior dignitaries from Ministry of Urban development and DDA. He hoped that policy will bring necessary development and basic amenities in the urban area lying in the periphery of Delhi. He invited national as well as international investors to come forward to make the policy a success and ensured all possible assistance in this regard. Policy shall not be unfair to the farmers or land owners and they shall be part of the development process. The policy will ensure organized development unlike unauthorized colonies which are unable to provide basic amenities like water, electricity, roads etc. to its residents. It is our duty to provide housing and basic infrastructure to all citizens including poor people and to remove slums and JJ clusters. He appreciated the leadership of Secretary, MoUD, Shri Shankar Aggarwal, IAS and Vice Chairman, DDA Shri Balvinder Kumar, IAS and assured his support for implementation of the policy.

2.2. Key Note Speaker : Shri Shankar Aggarwal, IAS, Secretary MoUD



Mr. Shankar Aggarwal laid road map for city planning and stressed upon inclusive growth while planning for city's overflowing with burgeoning urban population due to migration. He shared his vision about the need to create residential spaces in the vicinity of commercial areas enabling people walk to the work area cutting down travel time, pollution and congestions on roads.

Lack of precision in land valuation for acquisition and paying compensation has prompted the policy makers to explore partnership with landowners. He laid emphasis on planned development to contain pressure on utilities if more FAR is allowed. Energy efficient buildings, decentralized/localized sewage treatment facilities, efficient public transport and increased pedestrians were suggested to be part of new initiative. He invited suggestions from the delegates and assured full backing and support of the government in making Delhi a Smart City.

2.3. Guest of Honor: Shri Balvinder Kumar, IAS, Vice Chairman DDA



Mr. Balvinder Kumar spoke at length about the policy and challenges it is facing. There is huge demand for affordable houses due to spurt in number of families and rising population. Master plan 2021 envisages additional 24 lakh houses. Besides housing, there is a huge pressure on DDA to provide land for social infrastructure, educational institutions, hospitals, dispensaries and physical infrastructure like roads, sewerage, landfill sites etc.

He stated that draft Regulations are being looked into by the Ministry of Urban Development and hoped that the regulations will be notified with or without amendments shortly and implementation of the pooling policy will begin.

Summarizing about the policy delved into some of the salient features of the policy:

- The policy is based on the concept of *Land Pooling* wherein the land parcels owned by individuals or group of owners are legally consolidated by transfer of ownership rights to the designated Land Pooling Agency, which later transfers the ownership of the part of land back to the land owners for undertaking of development for such areas.
- The policy is applicable in the proposed urbanisable areas of the Urban Extensions for which Zonal Plans have been approved.

- Efforts are being with Delhi government to declare whole area i.e. K, L1, P1, P2 as development area and declares the villages as urban villages (*when villages are declared as urban villages then the revenue laws cease to exist.*)
- Exemption from stamp duty is sought for avoiding double stamp duty -Once while transferring land to DDA and then again at the time of handing back developed land to DE.
- Each Zonal plan will be divided into sector plans.
- *Minimum of 60%* of land in each Sector/Zone must be pooled under the policy else it would be difficult for DDA to go ahead.
- The most important challenges in land pooling policy will be un-acquired pockets. DDA has taken approval from authority to purchase private land.
- DDA has already announced policy of TDR, due to which farmers can sell their FAR to developers.
- DDA will try to develop world class infrastructure, smart mobility, smart infrastructure, smart intelligence transport system and good governance. He assured that transit oriented development policy to ensure there is no much distance to home to work in place will be applied, 100% safety for women and children.

To incentivize re-development of other parts of Delhi not falling under Land Poling, he stated that a maximum overall FAR of 50% over and above the existing permissible FAR on individual plots subject to a maximum of 400 shall be permissible. Higher FAR shall however not be permissible in re-development of Lutyens Bungalow Zone, Civil Lines Bungalows Area and Monument Regulated Zone.

2.4. Mr. Getambar Anand, Vice President, CREDAI



Mr. Getambar Anand in his opening remark congratulated the organizers for such a large attendance on chilly Saturday and welcomed farmers, landowners and delegates to be part of the very important policy initiative. He presented Industry's view about the policy and welcomed Smart City concept introduced by the Government. There are two ways to take this forward: One is to make existing cities smart and second is to take up green field projects. Most important stakeholders are the land owners, who will get developed lands that will command value much higher than the current underdeveloped land parcels they have. Such projects and policies are not possible without private participation. Farmers and landowners must understand this policy, its benefits and implications. Their participation and co-operation is most important for success of the policy Citing an example of Magarpatta near Pune where similar city with cooperation of villagers was developed resulting into benefit for all stakeholders, he welcomed the policy and the initiatives taken by DDA.

2.5. Mr. R K Jain, Commissioner (Planning), Delhi Development Authority



Mr. R K Jain made a brief introduction about the policy. The Policy is based on the 'equity' so that all the participants in the policy get justice. The Policy is in favor of landowners who get developed land, and TDRs to those who are not willing to be themselves part of Land pooling process. He told the audience that under this policy DDA will also act as a buyer of lands for such land owners who find difficult to deal with big developer/s.

He replied to the queries raised from the floor of the house. Some of the important clarifications given are as follows:

Q: I am farmer. In what way do I surrender/ transfer my land? Should I surrender land under the name of welfare society or under the name of company?

A: Any land owner, or group of land owners, developer can pool his/her land to DDA. Land will be accepted by DDA and developed land will be returned as per the policy and regulations.

Q: I am a developer. In what capacity can I participate?

A: A developer can also buy land and participate in the policy.

Q: If I do not have resources to build, what should I do?

A: Those who don't have resources to build can get TDR.

Q: Logic behind fixing returnable land ratios like 48 % and 60% etc.

A: Rest of the land will be utilized by DDA for providing city level services. Smaller plots require more land for providing such services in comparison to bigger land parcels.

Q: What would be the status of the land consolidated by the private developers and group housing societies under the collaboration of the joint development agreement with regard to land pooling policy? Please spell out any agreement, procedure etc.

A: All land owners are eligible to participate. The regulation (yet to be notified) will clarify this further.

2.6. Ms. Alka Arya, Dy. Director (Planning), Delhi Development Authority



Ms. Alka Arya started with a quote from Prime Minister Shri Narendra Modi's speech at Madison Square: ***'Vikas Ek Jan Andolan Ki Tarah Liya Jaye'***. That is what exactly Mahatma Gandhi did in 1940 when he connected entire nation with call for freedom and now it is call for 'development' where each and every individual must take part for making it a success.

Land Pooling Policy is step in the same direction where development will take place through participation of landowners in partnership with government to address acute housing shortage of Delhi. It is in the interest of farmers to understand and appreciate the policy and take benefit. Role of DDA will be like process facilitator. Other stakeholders would be equally responsible for the success of the policy. If policy fails, then Delhi is glaring at sprawling horizontal slums and unauthorized colonies by squatters. Dealing with nuts and bolts of the policy for creating healthy and safe environment in the city, she explained land pooled and land returned ratios, land earmarked for residential, PSP, commercial and industrial use, plan for allocation of commercial and the PSP component along the designated district centers / facility corridors whereas the residential component as close as possible to the original land holding.

2.7. Mr. P L Sharma, Chief Town Planner, Government of Gujarat



Mr. Sharma delved about Land Pooling policy in Gujarat being in vogue since last 18 years.

The policy is implemented under the Gujarat Town Planning & Urban Development Act, 1976 in Gujarat and under the Maharashtra Regional and Town Planning Act, 1966 in Maharashtra. They have two levels of planning one is macro level development plan and other is micro level Town Plan (TP) scheme:

- It is a form of land readjustment for expanding urban infrastructure without compulsory land acquisition
- Area is first designated for urban expansion in the city's development plan then divided into TP schemes of ~100-3000 hectares covering ~100-2500 parcels
- Government pools the land, uses 25-50% for roads, open space, other public purposes, including 5-10% for sale.
- The remaining 50-75% is returned to original owners, whose land value has increased due to development
- Urban land use is allowed on these parcels
- Landowner consultation at various stages, regarding their individual parcels
- 1126 TPS are in process and about 600 more TPS to be taken up in next 5 years
- Earlier 20 % deduction was made but now it is raised to 40%
- Till Date 100125 Ha of land is planned through TPS

He stated that their land consolidation concept is efficient, sustainable and equitable for development of green field and brown field area, redevelopment/revitalization and consolidation of land for infrastructure.

2.8. Mr. Ajay Pradhan, Managing Director, CH2MHill



Mr. Ajay Pradhan dealt with Smart City Concept and talked about the need for digital infrastructure beside physical infrastructure and sustainable infrastructure. Cities need to be converted into digital Smart Cities which shall be largely dependent on information and thus increasing political and economic significance of GIS. While GIS are (in principal) as old as human culture, opportunities provided by recent development in information and communication technologies provide a wealth of new possibilities and opportunities. The Smart City projects need global knowledge linkages and the developer, constructor and planner need to be in closer relationships with ICT companies to work on the innovations to build holistic and sustainable environment.

In the cities like Delhi which have infrastructure and system; which can make dwellers more productive consuming less time. ICT is core for such cities' development to move them to the next level by meticulous, professional and scientific planning of infrastructure.

2.9. Mr. Vishnu Chandra Deputy Director General National Informatics Centre (NIC), Department of Electronics & Information Technology (DieTY)



Mr. Vishnu Chandra spoke about the smart cities. Delhi to be a “Smart City” needs “Smart, Innovative, Intelligent Infrastructure & Services” using ICT and Geo-enabled platform to plan, develop and manage city’s critical infrastructure with participation of citizens. Smart City uses ICT to develop physical infrastructure, responds more effectively and promptly to changing circumstances, engages effectively with local people in local governance and decision making. ICT as a primary supporter for e-governance programmers and ‘Digital India’ is a program to transform India into a digitally empowered society and knowledge.

He then talked about the features and components of the National Cloud set up by NIC. National Cloud is a state-of-the-art secured Government Cloud providing services over the ICT Infrastructure spanning its National Data Centers.

2.10. Mr. S. N. Bansal, CEO, L&Q Surveys Pvt. Ltd.



Mr. S N Bansal told that policy is quite good and is workable. To make it a success all concerned would have to ensure that:

- Planning and layout match world class smart cities concept
- DDA has a very crucial and important role to play in management and implementation of the policy
- Involvement of experienced developers, consultants and service providers would be essential for making it world class
- The policy shall operate in defined time period ensuring its completion within reasonable time frame.
- Smaller landholders shall be educated and involved in the process by addressing their needs within overall framework.

2.11. Mr. Kamlesh Kumar, Former Add. General Director, Ministry of Road, Transport & Highways



Mr. Kamlesh Kumar dealt with “Essentials of Smart Cities”. He told that most of the smart cities need to be in satellite towns. Brownfields projects need to be re-developed and remodeled into the smart cities.

Most critical infrastructure of any smart city is good connectivity and transport. Smart city cannot be in isolation and needs to be interconnected with national highways, state highways and other modes of transport like rail, metro etc. He maintained that all villages should be connected with highways for faster and smooth movements of resources and development.

He listed important infrastructure required to build a smart city. Such as:-

- Water,
- Electricity,
- Educational institutions/ universities,
- Health centers/ Hospitality,
- Work Places/ institutions,
- Vehicle Parking,
- Development of villages is must and

- Essential to be developed.

Beside re-development of the infrastructure, he also emphasized on the 'smart management' aspect of these infrastructure.

2.12. Mr. Anil Sharma, Chief Legal Advisor, DDA



Mr. Anil Sharma chaired the Session on Investment/Legal Aspects of Land-pooling policy. He discussed legal aspects of the policy and assured resolution of issues within the framework of the policy for successful implementation.

2.13. Mr. Ajay Verma, Legal Advisor, DDA



Mr. Anil Sharma gave broad over view of the Land Pooling policy. He explained that the Land Pooling Policy is not another form of Land Acquisition, but is a novel concept. Developer entity (DE) shall be the responsible entity for interacting with the land pooling agency i.e. DDA. DE would also be responsible for carrying out the construction development of the project on the land. He also felt that all issues bothering the stakeholders must be removed before its implementation.

He also replied to some of the queries from the audience:

Q: Status of Joint ownerships, Co ownerships of land and its assimilation in land pooling?

A: Land Pooling Agency (DDA) will deal with Developer Entity / Owner of the land /and group of owners. Requirement and eligibility is ownership. If you are not an owner, you cannot be a developer entity. If you are group of owners, then each one of them must have own land. Group of owners can bring together their holding, make equal to 2Ha or more and offer for pooling under the policy.

Q: If co-owners do not come forward for land pooling, whether other individual / joint owner will get TDR certificate?

A: A person will get a TDR certificate only if:

- a. He is the owner of the Land and
- b. His land is less than 2 Ha.
- c. And if land is needed for one of infrastructure projects of DDA.

2.14. Mr. Vijay Risbud, Architect & Town Planner, Advisor & Consultant Habitat Planning



Mr. Vijay Risbud explained the journey behind the policy and key features of similar policies pursued by other States.

- In 1992 first committee was formulated under the principle commissioner DDA to evolve a policy for private participation in land assembly and development.
- DDA studied policies of Gujarat, Haryana and many other models and put them together to arrive at best alternative for Delhi suitable to its conditions.

- In both Vijayawada and Raipur, there is no EDC (External Development Charges) and there is no charge of any nature in Raipur. Landowner can sell the land whenever he/she wants.
- Punjab has recently announced the land pooling policy. Other states are in the process to formulate similar policies.

2.15. Mr. Saurav Kumar, Partner, Amarchand Mangal Dass Group



Mr. Saurav Kumar dealt with legal angle Land Pooling Policy may encounter. He said Land Pooling policy is a novel concept to replace the shortcomings of the earlier Land Acquisition Act, but 40%-52% of the original land being taken by the DDA is also like land acquisition. He cautioned that lessons should be learnt from success and failure of other cities/ states where such policy is being implemented while bringing the policy in Delhi. Provisions relating to payment of compensation and recovery of contributions are vital to the successful implementation of the scheme. The owner of the reconstituted plot who gets the benefit of the scheme must make contribution towards the expenses of the scheme and at the same time the owner who loses his property must similarly be compensated.

He listed some of the issues and challenges that the Regulations of the Land Pooling Policy may face:

- Collaboration with land owners
- Transfer of ownership to land pooling agency/DDA
- Registration and Stamp Duty since legislation (Registration Act and Stamp Act) cannot be overridden by policy and regulations
- Title disputes may delay implementation
- Fair compensation could be a point of dispute
- Conversion of land use

2.16. Mr. Alok Kumar Pandey, General Secretary, Jansewak Welfare Society



Mr. Alok Kumar Pandey welcomed the policy for giving role to many new stakeholders to become developer entity like Individual land owners, group of persons, welfare societies, cooperative group housing societies, multistate cooperative group housing societies etc. Societies being formed by many investors and house aspirants will have to compete with the big builders/ developers but will offer cheaper development by being more efficient and effective.

2.17. Mr. Ramesh Menon, Certes Realty Ltd.



Mr. Ramesh Menon raised some basic and important aspects about the operationalisation and implementation of the policy, like:

- Issue about ancestral land parcels having large number of joint owners
- Revenue Act and Delhi Land Reform Act which prohibits the urbanisation of the agricultural lands.
- Conversion of land parcel from lease hold to free hold before including the same under land pooling policy.

He stressed the importance of single window clearance for the various approvals and smooth implementation of this policy.

Importance of communication in local language with farmers and land owners at grass root level for working and implementation of this policy may be used. He suggested that DDA should appoint some organisation/s or team/s to spread awareness amongst the farmers and local land owners about this policy.

2.18. Mr. Manoj Misra, Director, GroundTruth



Mr. Manoj Misra dealt with impact of land pooling policy on real estate market. He said there is lots of momentum in the real estate market as there is very less land which is with the farmer. Most of the land is already in the market for the investment and transactions.

He talked about the K2 Zone which according to him will be affected by the Dwarka habitation. He said if this zone comes under the Land Pooling Policy, this area will get developed at rapid pace. Similarly he talked about the L-zone which is surrounded by the Dwarka and Dwarka Express Way and will be impacted by the development happening there. Gurgaon and Noida will either be stable or fall.

**2.19. Ms. E Jayashree Kurup, Research Head, Content & Research
MagicBricks.com**



Ms. E Jayashree Kurup dealt with supply and demand based impact on the prices due to brown field and green field projects.

- Brown Field development cycle- where one have land which is sold historically. There is big demand but low supply as a result value of such land goes up. Planned redevelopment happens and the new stock is created and thus new values.
- In green field development the land is newly aggregated. Big supply but low demand. Once development cycle begins the livability goes up and then only value goes up.

Thus Green Field cycle starts with low demand while Brown Field starts with high demand.

When one looks at new established areas in the city, the quality of life goes up, the values go up and the occupancies are high. As these establishments gets older, quality of life start decreasing like in West Delhi, Janakpuri, Punjabi Bagh, Greater Kailash, These area are of high value but the area are facing problem of aging infrastructure, parking spaces, commercialization due to which occupancies start decreasing and people start moving towards areas with better quality of life.

This way Demand of the infrastructure can be assessed. The plot prices are going in linear direction. The premium areas are high at value and as we go farther from that periphery, the prices start decreasing except some local factors affecting the prices. This affects the preference of the consumers also and so the people start moving towards areas far away from the city like near highways. As they know the price of lands near these arterial roads will be increasing with time.

2.20. Mr. Hardeep Lamba, Head Land Vertical North, JLLM



Mr. Hardeep Lamba gave the JLLM's perspective of buyers, landholders, developers and private equity firms. He told that the announcement of Land Pooling Policy brought a ripple in the infrastructure market which was going in some pattern in last few years. Now the land owners are holding back their lands and exploring the modes of investment in market. JLLM does analysis based on two things: redevelopment and Land Pooling Policy for investment. Redevelopment broadly classified as residential/commercial etc. in industrial areas. In this category there is no need to aggregate the land to re-distribute but we have to re-allot by constructing over the existing plots only.

Comparatively, the Land Pooling is more time taking and this policy is creating lots of ripples in areas like Gurgaon and Noida. He said as the policy is yet not final and has lots of uncertainties. The institutional investors are finding it less interesting for following reasons::

- It is very ambitious policy,
- Approval is a big road block
- Ambiguity on resettlement and redevelopment
- Re-development process is a small time frame process and Land Pooling is a long time horizon process to go for 5-7 years.

2.21. Valedictory Address: Mr. Durga Shankar Mishra, IAS, Add. Secretary, MoUD



Mr. D S Mishra, congratulating the organizers for successful conference, delved with various aspects of the policy. He informed the house that such type of policy is already in use in some states like Chhattisgarh, Gujarat, Madhya Pradesh, Andhra Pradesh etc. Gujarat has a fairly good framework for urban planning as compared to other states in India. Actual implementation of any policy is much important as formulation. He told that there are so many law and policies formed for the land acquisition failed due to many different reasons. Thus now it is being thought to bring Land Pooling policy. He agreed that land for cultivation is also required but so is the urbanisation. In a reply to a query raised by a participant, he quelled misgivings that urbanisation alone is the reason for all ills like pollution and quality of life. Rather living in unmanaged and uncivilized way is far worse.

Many areas of Delhi have very bad infrastructure and need re-development. This policy needed to change and develop the Delhi as better city. Government alone is not responsible, but also all the citizens of Delhi for its success. People need to give their views on the terms of the policy with the reasons and DDA will consider and discuss the reasons and justifications.

3. Land Poling Policy : Making Delhi A ‘Smart City’

Delhi is the Capital of the largest democracy and one of the fastest growing economies. With an area of 1484 Sq. Km, Delhi is third largest city in the country and biggest commercial hub of Northern India making it one of the key drivers of the Indian economy. It has perfect blend of diverse culture and ethos with a population of staggering 16 Million growing with a rate of 1.39% in 2011. New policy initiatives are set to accelerate real estate development. It is projected that investment flow will be the highest amongst the Indian cities. DDA plans to develop Delhi into a World Class Metropolis - SMART CITY leveraging land pooling policy.

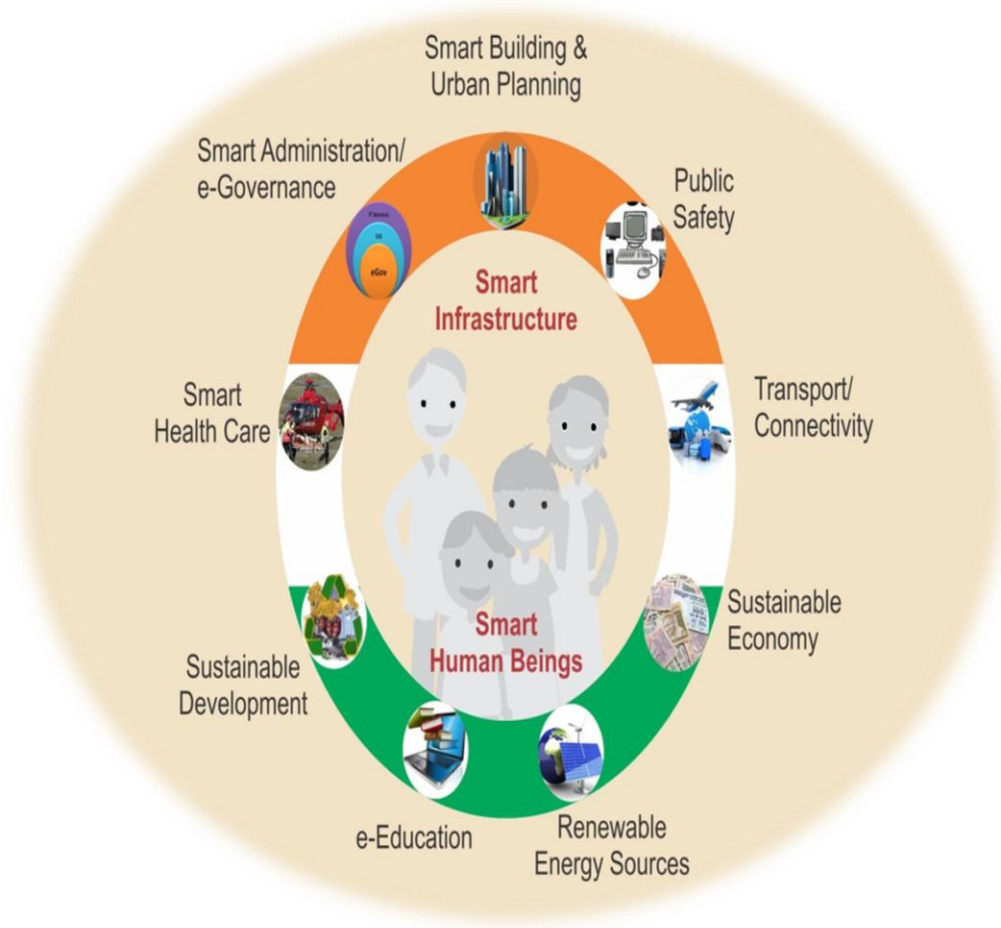
3.1. What is a Smart City?

A smart city can be defined in many ways:

- ✚ Smart City is a well-performing city in a forward-looking way in economy, governance, mobility, environment and livelihood and built on the smart combination of endowments and activities of self-decisive, independent and aware citizens.
- ✚ A City that leverages data gathered from smart sensors through a smart grid to create live able, workable and sustainable City.
- ✚ A Smart City uses digital technologies to enhance performance and well-being, to reduce costs and resource consumption, and to engage more effectively and actively with its citizens.
- ✚ A Smart City is just not sensors, broadband infrastructure, hot spots, water and sanitation solutions and smart grids. At the heart of smart city are smart inhabitants, smart governance, smart lifestyle and the smart economy driven by innovation.
- ✚ Smart City is a Healthy City where:
 - Members are physically, mentally and emotionally healthy
 - One member's needs are met by fellow members
 - Have a sense of ownership and belongingness
 - Community takes care of its footprints in a sensitive manner
 - Able to address disasters and crisis situations
 - Healthy level of employment to all
 - Conserve the resources for the community so that all can use equally
 - Members follow a socially acceptable behavior
 - Members participate in development and execution of activities

- Members feel a safe and secure environment
- Respond faster to local and global challenges
- Uses physical infrastructure (roads, built environment and other physical assets) more efficiently.

3.2. Essentials of Smart Cities



Smart Buildings, Smart Urban Planning, Smart Public Safety, Smart Transport Or Connectivity, Smart Health Care, Smart Administration by use of Smart Technology or ICT, e-Education System, E-Governance and renewable energy sources make Smart City where all the people would be engaged in productive work with a better quality of life, living in a sustainable environment.

Homes or rather Smart Homes are the underlines assets on which a Smart city or township is built. DDA is the nodal agency dealing with housing and city development in Delhi. It is responsible for:

- + Provision of adequate housing, particularly for the weaker sections of the society
- + Addressing the problems of small enterprises, particularly in the unorganized informal sector
- + Dealing with the issue of slums
- + Up-gradation of old and dilapidated areas of the city
- + Provision of adequate infrastructure services
- + Conservation of the environment
- + Preservation of city's heritage and blending it with the new and complex modern patterns of development.
- + Sustainable development

An issue that is a serious hindrance for timely implementation of most of the projects or facilities proposed during the Master Plan Period (2005-2024) is land acquisition. Though India has **Land Acquisition, Rehabilitation and Resettlement Act, 2013**, the acquisition of available land is immensely difficult due to 'Right to Fair Compensation and Transparency' in Land acquisition, Rehabilitation and Resettlement Act, 2013. It is worthwhile to know salient feature of this law as prevailing today.

3.3. What may happen without Land Pooling Policy

- a) Housing stock shortage continues to grow
- b) Unplanned development
- c) More slums, more squatter settlements
- d) More unauthorized colonies
- e) Overcrowding and congestion
- f) Unhealthy and unhygienic living conditions to people
- g) City lacking competitive edge with outside world
- h) City missing opportunities for investment
- i) Property prices continue to grow
- j) Pressure on NCR
- k) Constraints to government agencies to planned development
- l) Compulsory acquisition fraught with problems
- m) No breathing pockets for the city
- n) Increased level of pollution

4. DDA's Land Law & Policy

4.1. Current Law : Right to Fair Compensation and Transparency in Land acquisition, Rehabilitation and Resettlement Act, 2013

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 became effective from September 27, 2013. The provisions of the Act make it difficult, cumbersome and time consuming to acquire land for projects like Smart Cities. Acquisition, resettlement, rehabilitation etc. become the expensive process. Social impact assessment and environmental impact assessment often lead to delay and denial.

From a macro perspective, this Land Bill is a negative for the private sector, as it increases land costs significantly and extends the acquisition process.

- **Condition of application of this Act**

Cons:

The first problem here is with the fact that this act will apply only when a private project developer acquires or purchases land more than 100 acres in rural areas or 50 acres in urban areas through a private negotiation with the landowner, or when a private project developer asks the government to acquire land on his/her/their behalf. So if a private project developer wants to escape this clause, he/she will take land in multiple parcels instead of one-time acquisition, which helps him or her escape the application of this Act.

The other deficit in this Act is that if land has been acquired under sixteen previous acts, this act will not apply. These include SEZ Act (2005), Atomic Energy Act, Cantonments Act, Damodar Valley Corporation Act, Land Acquisition (Mines) Act, National Highways Act, Electricity Act and many others. This list is under 4th Schedule of this bill, and other acts can be added to this bill with just a Central govt. notification. If the intention was to ensure that acquisitions in the name of Special Economic Zones, electricity projects or mining projects should be safeguarded from the impact of this bill, what is the use of such a limited Act?

- **Requirement of consent:**

In the original Land Acquisition Act (1894), there was no requirement of any consent from the original landowner in acquiring his/her land. But as per this bill, consent of 70%

of the landowners is required prior to acquiring land for a "public-private partnership" project, while consent of 80% of the landowners is required prior to acquiring land for a "private" project. Land can be acquired for "public purpose" only, where public purpose refers to a number of development projects: mining, infrastructure, defence, roads, railways, ports etc.

Pros: This is an improvement upon the original act, since if the majority of the landowners do not agree to the project to be established on their land, a majority of them can unite and oppose the project by not giving their consent. Hence, a major demand of the protesters has been met to a certain extent. The other big achievement is that the definition of "public purpose" is much clearer and is related to development unlike in the past, where the government could acquire land on any pretext while terming it "public purpose".

Cons: There are some major lacunae even in the kind of provisions put up. For one, a large amount of land is acquired even today by public sector units like NTPC, BHEL or others. Yet, no public consent is required by public sector units in acquiring land, be it for mining, for power projects, for highway building or for any other purpose. This is still a failure of this act and the demand of those protesting against the previous act has still not been met in totality.

- **Adequate notice period for acquisition of land**

Pros: Under the Land Acquisition Act (1894), an "Urgency Clause" could be used to acquire land overnight without any basis. However, a proper procedure is designed under this bill for both the procedure of acquisition of land and of awarding compensation and rehabilitation and resettlement award by an authority as designated by the government under the bill.

- **Compensation for those affected by land acquisition:**

As per the Land Acquisition Act (1894), nobody affected by the land acquisition process, be they the landowners or those whose occupations were dependent on the land originally or even those whose lives or livelihoods were to be affected by the project for which land is acquired in future for a variety of reasons (such as land, water and/or air pollution) would be compensated. This bill provides a monetary compensation of up to four times the market value in rural areas, and up to two times the market value in urban areas for farmers/landowners. Compensation is also to be provided for the market price of the buildings standing on the land, and also a solatium amount is to be

provided to farmers in case they are losing standing crops on account of the acquisition process.

Pros: The bill also makes an attempt at providing non-monetary compensation such as land-for-land for many cases, such as for a landowner when his/her land is acquired for an irrigation project, those who are SC/ST landowners and who lose land due to land acquisition for any project, and those whose lands are taken away for the process of urbanization (20% of their land acquired, at a price commensurate with price of acquisition + price of developing the land). Landowners avail of these provided they are ready to forego a part of their compensation amount in lieu of these facilities.

Pros: The bill allows for land to be not only acquired but if required, leased by the landowner so that the landowner can continue to retain ownership while earning money from the project developer, such as in case of renewable energy projects.

Cons: First, market prices of land have already been rising. By providing a compensation package that is a multiple of the current market price, the bill can raise the cost of land acquisition significantly,

Summary of the problems: Changes included in the Act include doing away with the consent clause for public private participation (PPP) projects, removing the requirement for mandatory social impact assessment (SIA) study and relaxing the retrospective clause. Experts say that holding a social impact study involving public hearings - procedures that industry executives say would have dragged the acquisition process for years. And litigations followed by this act.

4.2. Proposed law/Policy: “LANDPOOLING POLICY”

- Notified by MoUD (S.O. 2687 (E)) dated: 05/09/2013
- Regulations (for smooth implementation) approved by Authority on 07/11/2014

i. Concept

“Land parcels owned by individuals or group of owners is legally consolidated by transfer of ownership right to the designated Land Pooling Agency, which later transfers the ownership of the part of land back to the owners for undertaking of development for such areas”

ii. Salient Features and Advantages

- Paradigm shift from large scale land acquisition and cash compensation based regime to land barter and development rights regime.

- Ensures planned development of the Capital of India as world class **Smart City**
- Makes landowner a partner in the development of city
- Voluntary Assembly of Land.
- Ensures optimum and efficient use of land
- Transform irregularly shaped cadastral parcels to appropriate plots to be used in more economical and planned manner.
- Offers fair and equitable return to the land owners
- Incorporates efficient, smooth and fast mechanism to avoid delays
- Conducive market for investment
- Policy is not only for big fishes but also for farmers/original owners.
- Encourages private sector participation
- Offers level playing field for co-operative and community participation
- Acquisition of left out land pockets in a time bound manner shall only be taken up wherever the persons are not coming forward to participate in development through land pooling.
- While embarking upon the new policy of land assembly and development, it is necessary to keep in view the overall planning needs of the city and social responsibility for reservations of EWS /LIG housing, greens, social infrastructure/facilities and transport /parking infrastructure. This should form the backbone of the new policy. Inclusive Planning and Design
- Sustainable Urban Growth
- Affordable Housing
- Effective and Efficient Transportation and Mobility
- Efficient, sustainable and equitable land development through co-operative public participation.

iii. **Nuts - n - Bolts:**

- **“Land Pooling Agency”** means the Delhi Development Authority, designated to implement the Land Pooling Policy for integrated planned development as per the Master Plan/ Zonal Development Plan Provision.
- **“Competent Authority”** means the vice chairman, Delhi Development Authority and in the matters relating to Land Pooling Policy, the decision of the Competent Authority is final.
- **“Development Entity”** means an individual land owner, or a group of land owners (who has grouped together of their own volition/ will for this purpose) or a developer, permitted to pool the land in an identified area or otherwise for unified planning, servicing and subdivision/ share of the land for integrated development as per prescribed norms and guidelines.
- Besides DDA, other agencies shall also be responsible for development.
- Actual development work on ground with coordination of service providing agencies – like DJB, NDPL, PWD, NDMC, MCD etc.

- International level service consultants
- Optimum utilization of scarce resource “Land” through PPP.
- Declaration of development area and urban villages
- Reconstitution of Land by DDA (as facilitator) as per approved MPD & ZDP

iv. Role of DDA/Government.

- a. Declaration of areas under land pooling and preparation of Layout Plans and Sector Plans based on the availability of physical infrastructure.
- b. Superimposition of Revenue maps on the approved Zonal plans.
- c. Time bound development of identified land with Master Plan Roads, provision of Physical Infrastructure such as Water Supply, Sewerage and Drainage, provision of Social Infrastructure and Traffic and Transportation Infrastructure including Metro Corridors.
- d. DDA shall be responsible for external development in a time bound manner.
- e. Acquisition of left out land pockets in a time bound manner shall only be taken up wherever the persons are not coming forward to participate in development through land pooling.

v. Role of Development Entity

- a. Assembly and surrender of land as per policy in the prescribed time frame to be specified in the Regulations.
- b. Preparation of the layout plans/detailed plans as per the Provisions of Master Plan and the Policy.
- c. Demarcate all the roads as per Layout Plan and Sector Plan and get the same verified from the concerned Authority within the assembled area and seek approval of layout plans/detailed plans from the DDA.
- d. Develop Sector Roads/Internal Roads/ Infrastructure/Services (including water supply lines, power supply, rain water harvesting, STP, WTP etc. falling in its share of the land.
- e. DE shall be allowed creation of infrastructure facilities, roads, parks etc. at city level subject to approval of Competent Authority
- f. Return of the prescribed built up space/ Dwelling Units for EWS/LIG Housing component to the DDA as per the policy.
- g. Timely completion of development and its maintenance with all the neighborhood level facilities i.e. open spaces, roads and services till the area is handed over to the Municipal Corporation concerned for maintenance. The deficiency charges if any shall be borne by the DE at the time of handing over of the services to the Corporation.

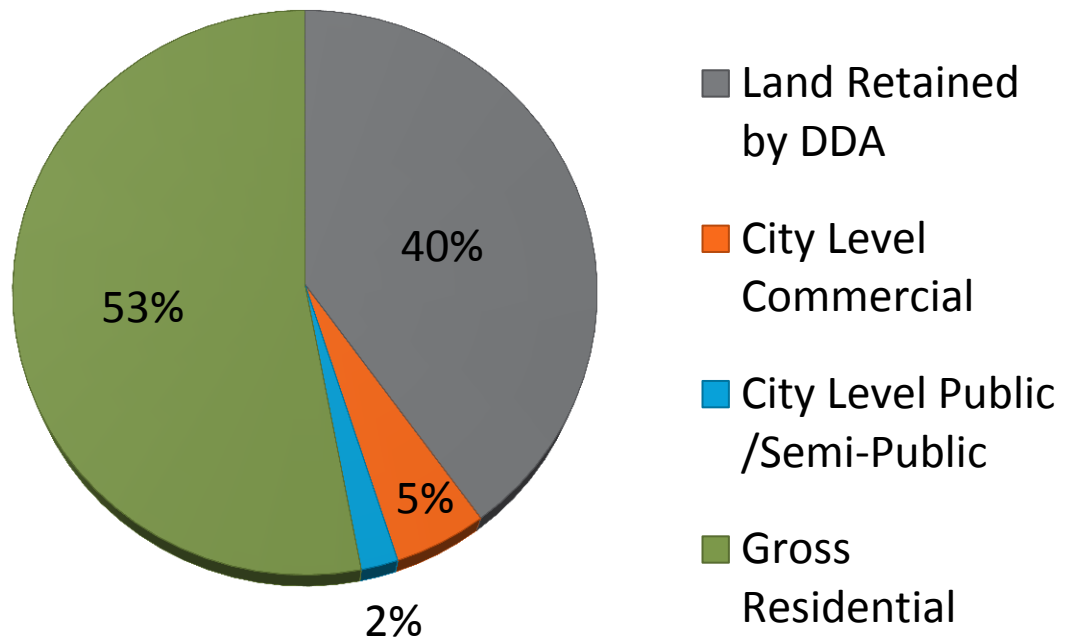
vi. Land Assembly

- DDA to return 48% for land in case where land parcel is 2ha and less than 20 Ha DDA to return 60% for Land in case of land parcel more than 20 Ha
- The land pooling categories of land assembly & development for Developer Entity (DE) are:

S. N o.	Category of land assembly	Surrendered to Govt.	To be used by DE	Land Returned to Developer Entity (DE)		
				Gross residential	Commercial (City level)	PSP Facilities (City level)
1	20 Ha & above For 20 Ha Land Pooled (100%)	40% (8Ha)	60% (12Ha)	53 % (10.6 Ha)	5% (1.0 Ha)	2% (0.4 Ha)
2	20 Ha – under 2 Ha For 02 Ha Land Pooled (100%)	52% (1.02) Ha	48% (0.96 Ha)	43% (0.86 Ha)	3% (0.06 Ha)	2% (0.04 Ha)

- City level Land Use distribution for urbanisable areas in the urban extensions has been adopted, as max. **53% land for Gross Residential use, 5% commercial, 4% Industrial, 16% recreational, 10% PSP & 12% for roads and circulation.**
- Minimum area for Land assembly under pooling policy is 2 Ha
- Basic concept of policy is that commercial and the PSP component shall be allocated along the designated district centers/facility corridors whereas the residential component shall be returned as close as possible to the original land holding.
- As per the notified policy, In category 2-under 20 Ha, at city level, 43% gross residential, 3% city level commercial component & 2 %PSP land use distribution is considered for returned land to DE.
- In second category 2 Ha & above, 53% gross residential, 5% commercial use and 2% of PSP is considered.

Plot Area under policy more than 20HA



- Commercial and the Project Structure Plan (PSP) component shall be allocated along the designated district centers/facility corridors whereas the residential component shall be returned as close as possible to the original land holding.

vii. Enhanced FAR

- Residential FAR of 400 for Group Housing on Net residential land with additional 15% FAR reserved for Economically Weaker Section (EWS) Housing. Net Residential land to be a maximum of 55% of Gross Residential land.
- FAR for City Level Commercial and City Level PSP are 250.
- Max. Ground coverage has been enhanced to 40%.
- Density of 15% FAR for EWS population shall be considered over and above the permissible Gross Residential Density of 800-1000 pph
- Adequate parking as per norms of 2 ECS/100 sqm of BUA to be provided for Residential development by the DE. In case of EWS, the norms of 0.5 ECS/100 sqm of BUA to be provided
- Incentives for Green Building norms as per MPD-2021 to be applicable to Group Housing developed under this policy
- Basement below and beyond building line up to setback line may be kept flushed with the ground in case mechanical ventilation is available. In case not prescribed, basement up to 2 mts from plot line shall be permitted
- Sub-division of gross residential areas and provision of facilities (local and city level) shall be as per MPD 2021
- Local level facilities to commensurate with the density specified

viii. Transferable Development Rights (TDR) Certificate

- TDR is a market based technique encouraging voluntary transfer for development from giving/sending zones to receiving zones to decongest giving/ sending zones. Giving/sending zones are the zones having Land under master plan roads and other important infrastructure facilities. Receiving zones are the zones having land for residential development with DE.
- TDR concept at international level was in NY, USA in 1968. It is already introduced in MPD 2021 for redevelopment and planning of saturated, existing areas of Delhi.
- In Land Pooling Policy, TDR shall be for only Land <2 Ha (yet under the consideration of Ministry) on ZDP roads & other infrastructure facilities and applicable in the same development Zone.
- Issuance of Transferable of Development Rights @ 150 FAR

- Transferable of Development Rights shall be transferable only to a Developer Entity having an eligible FDL In the residential area of the same zone in which such land is situated.
- It shall be applied simultaneous to applying for pooling

TDR certificate shall be valid for a fixed period (yet to be finalize by Ministry) with limited no. of renewal (yet to be finalized by the Ministry). Thus TDR certificate shall lapse after a fixed time period in respect of such land provided:

ix. External Development Charges/ Penalties

- There shall be EDC @ fixed amount (yet to be finalized by Ministry) per sq.m. in installments as:
 - 1st Installment 20%, and
 - 80 % lump sum within
 - 90 days, or
 - 8 bi-annual installments (over 4 years) @ 12% interest/annum.
- **Validity of Final Development License:**
 - 8 years (for original plot 2-20 Ha)
 - 10 years (for original plot >20Ha)

(Inclusive of 2 years of approval period)

- Renewal or Extension charges
30 days before expiry of FDL
3 times for 3 years each time
Application + fee + reason for delay +payment of prescribed charges (EDC at FDL):

Extension	Amount to be paid
First	05 % of EDC
Second	10 % of EDC
Third	15 % of EDC

***Further delay @ 15% EDC every year.**

5. Procedure



5.1. Receipt of Application:

As a first step to start with Land Pooling Policy, DDA shall invite applications from Interesting Land owners to pool their lands. This process of submission of application shall go till four month of time period.

5.2. Land Share Certificate (LSC):

Based on the Applications received in first step, DDA shall scrutinize the applications and issue the Land Share Certificate irrespective of the area where land return would be, to all the applicants within 2 months of closure of First stage.

5.3. Provisional Development License (PDL):

After issue of LSC, designing of the land pooled area shall be done with below mentioned information:

- a. Laying of zonal plan roads on assessed and pooled land and basic infrastructure by engineering wing, DDA & service providing agencies (on available/pooled land) as per ZDP
- b. Preparation of layout plans/ sector plans
- c. Simultaneous action to acquire the left out pockets through Compulsory acquisition / negotiation/agreement /exchange.

After this finalization of the layout plans of qualifying sectors includes actual land location of **FINAL PLOT**, residential, commercial, PSP stage of actual handing over of physical possession of surrendered land (**ORIGINAL PLOT**) (free from any encroachment, encumbrance or construction of any nature whatsoever), DDA shall issue **Provisional Development License** within 2 months of time period.

5.4. Final Development License:

After receipt of Provisional Development License, there will be Final Development License for which applicant will have to apply for FDL along with below mentioned pre-requisites within period of 12 months:

- a. One set of the layout plan (concept plan)
- b. Undertakings by DE
- c. Scrutiny / processing fee
- d. Bank Guarantee (25% EDC)
- e. 1st EDC (20%)
- f. Financial capability @ Rs. 4000/ sqft (CPWD)
- g. Copy(ies) PDL, LSC
- h. A guide map (neighbourhood areas)
- i. A survey plan (scale 1: 1000), contours, access etc.
- j. Layout plan (concept plan) (scale1: 1000)
- k. Explanatory note
- l. Proposed development phases
- m. Location and extent of the land

- n. Conformity with the land use and development controls
- o. Proposed layout plan of the area with respect to the Master Plan
- p. Proposed plan regarding infrastructure development works to be executed

With submission of all the above details, DDA shall issue Final Development License to the applicant.

5.5. Final Layout Plan Level And Premise Level Building Plan Approval:

After receiving FDL, there will be time to have final layout plan level and premise level building plan approval which shall be done in coordination with the approving authorities like DJB, DFS, DFO, DUAC, AAI. It is being estimated that approvals shall be taken in the maximum of 2 years of time frame.

5.6. Single Window System.

Applicant shall submit application for layout plan level approval from DJB, DFS, DFO, DUAC, AAI and premise level approval having the following information:

- a. location and extent of the land
- b. conformity with the land use and development controls
- c. proposed layout plan of the area with respect to the Master Plan
- d. proposed plan regarding infrastructure development works to be executed
- e. plans showing the cross-sections of the proposed roads
- f. services plans (sewers, storm water channels water supply and any other public health services)
- g. detailed specifications and designs of sewerage, storm water and water supply schemes with estimated cost of each
- h. solid waste management and disposal plan
- i. detailed specification and designs for electric supply including street lighting
- j. fire-fighting scheme; and
- k. Such other information/document as may be prescribed.

To make this whole process online, a consultant shall be appointed to make the whole process IT enabled, transparent and quick.

5.7. Land Return Criteria (to be approved shortly...)

i. Planning and Design Criteria

- Final plot within qualifying sectors as per approved ZDP
- Qualifying Sector (60% participation with 5% variation).
- In non qualifying sectors, detailing shall be taken up after assembly of land by alternate means.
- Planning & design of qualifying sectors as per land available, eligible applications, norms specified in the Land Policy, Master Plan and these Regulations.
- Placement of carved out plots as per Master Plan norms, on minimum width of 18 m ROW. Plots>10 Ha, possibility on zonal development plan roads /access from two sides.
- Modular concept, minimum size module, its multiples .
- Neighbourhood commercial & PSP according to Master Plan norms + allowing amalgamation (PSP) as per norms .

ii. Other Criteria

- Effectuate planning , laying of infrastructure services, right of LPA in its discretion to resize/exchange the final plot given to a Developer Entity provided no construction has taken place thereon.
- Fragmented land holdings : final plot in vicinity of largest holding, same zone (fragmented land holdings are within a radius of 5 kilometress within one zone).
- Land on ZDP roads , infrastructure facility : TDR@ 150 FAR (residential) same zone (utilised as per MPD norms).
- DE can dispose 50% of the EWS housing component to the Apartment owners, at market rates, to house Community Service Personnel (CSP) and the remaining EWS Units shall be sold to DDA at fixed rate. The unit size of EWS Housing to range between 32-40 sqm.

iii. Grouping and allocation of unique id (Draw of lots)

- Applicants grouped chronologically month-wise with a unique identity number.
- For uniformity, grouping may be adopted (maximum 10% variation) in final plot size. However, FAR on eligible land return irrespective of size of final plot.
- Draw of lots in same and respective category (as far as possible,at the original location; failing which in the closest sector to the original plot; failing which,

within a distance of not more than five kilometres from the original plot.). PDL with exact location of residential plot, commercial plot, PSP plot

- Status of Land Share Certificate/Provisional Development License shall be updated regularly on the Website.

6. Pre-requisites for Implementation of policy

A. Finalization of section 57 of The DELHI DEVELOPMENT ACT, 1957

- **Section 57. Power to make regulations.-**

(1) The Authority, with the previous approval of the Central Government, may, by notification in the Official Gazette, make regulations consistent with this Act and the rules made thereunder to carry out the purposes of this Act, and without prejudice to the generality of this power, such regulations may provide for -

(a) the summoning and holding of meetings of the Authority, the time and place where such meetings are to be held, the conduct of business at such meetings and the number of members necessary to form a quorum there at;

(aa) the summoning and holding of meetings of a committee constituted under section 5A, the time and place where such meetings are to be held, the conduct of business at such meetings, and the number of members necessary to form a quorum there at and the fees and allowances payable to the members for attending the meetings or any other work of the authority;

(b) The powers and duties of the secretary and chief accounts officer of the Authority;

(c) The salaries, allowances and conditions of service of the secretary, chief accounts officer and other officers and employees;

(d) The procedure for the carrying out of the functions of the Authority under Chapter III;

(e) The form in which any application for permission under subsection (I) of section 13 shall be made and the particulars to be furnished in such application;

(f) The terms and conditions subject to which user of lands and buildings in contravention of plans may be continued;

(g) Omitted

- (h) The manner of communicating the grounds of refusal of permission for development;
- (i) The form of the register of applications for permission and the particulars to be contained in such register;
- (j) The management of the properties of the Authority;
- (k) The time and manner of payment of betterment charge; and
- (l) Any other matter which has to be, or may be, prescribed by regulations.

(2) Until the Authority is established under this Act, any regulation which may be made under sub-section (1) may be made by the Central Government; and any regulation so made may be altered or rescinded by the Authority in exercise of its powers under sub-section (1).

- B. Declaration of Development Area of Land Pooling under section 12 of DD Act, 1957 which is mandatory for undertaking any development activity.**

12. Declaration of development areas and development of land in those and other areas.

- ¹[(1) As soon as may be after the commencement of this Act, the Central Government may, by notification in the official Gazette, declare any area in Delhi to be a development area for the purposes of this Act.

PROVIDED that no such declaration shall be made unless a proposal for such declaration has been referred by the Central Government to the Authority and the Municipal Corporation of Delhi for expressing their views thereon within thirty days from the date of the receipt of the reference or within such further period as the Central Government may allow and the period so specified or allowed has expired.]

- (2) Save as otherwise provided in this Act, the Authority shall not undertake or carry out any development of land in any area which is not a development area.
- (3) After the commencement of this Act no development of land shall be undertaken or carried out in any area by any person or body (including a department of government) unless,-

- (i) where that area is a development area, permission for such development has been obtained in writing from the Authority in accordance with the provisions of this Act,
- (ii) where that area is an area other than a development area, approval of, or sanction for, such development has been obtained in writing from the local authority concerned or any officer or authority thereof empowered or authorized in this behalf, in accordance with the provisions made by or under the law governing such authority or until such provisions have been made, in accordance with the provisions of the regulations relating to the grant of permission for development made under the Delhi (Control of Building Operations) Act, 1955 (53 of 1955), and in force immediately before the commencement of this Act:

PROVIDED that the local authority concerned may ²[subject to the provisions of section 53A] amend those regulations in their application to such area.

- (4) After the coming into operation of any of the plans in any area no development shall be undertaken or carried out in that area unless such development is also in accordance with such plans.
- (5) Notwithstanding anything contained in sub-sections (3) and (4), development of any land begun by any department of government or any local authority before the commencement of this Act may be completed by that department or local authority without compliance with the requirements of those sub-sections.

C. Declaration of 89 Villages as urban villages under section 507 of MCD Act, 1957 to nullify the Delhi Land Reforms (DLR) Act, 1954 which prevents urban development in Delhi through Land Pooling. So that urban activities can be taken up where Agriculture activities have seized.

As per Ms. Alka Arya, Dy. Dir. (Plg.), Land Pooling Cell, DDA is going to declare areas and urban villages where the DLR Act of 1954 and revenue act will be ceased and then urban activities can be performed on those lands and areas.

D. Superimposition of Revenue maps on the approved Zonal plans shajra maps.

Section 19.2 of the land pooling policy

Time bound development of identified land with Master Plan Roads, provision of Physical Infrastructure such as Water Supply, Sewerage and Drainage, provision of Social Infrastructure and Traffic and Transportation Infrastructure including Metro Corridors

Shujra / shujrah is a detailed village map that is used for legal (land ownership) and administrative purposes

A *shujra* maps out the village lands into land parcels and gives each parcel a unique number.

Delhi State Spatial Data Integration (DSSDI) project of GNCTD has developed a detailed spatial database for Delhi in collaboration of Survey of India, which has 29 line departments rendering services and public utility. This spatial data is very essential for planning of Delhi as it shows the ground realities. This will determine the planning of Delhi.

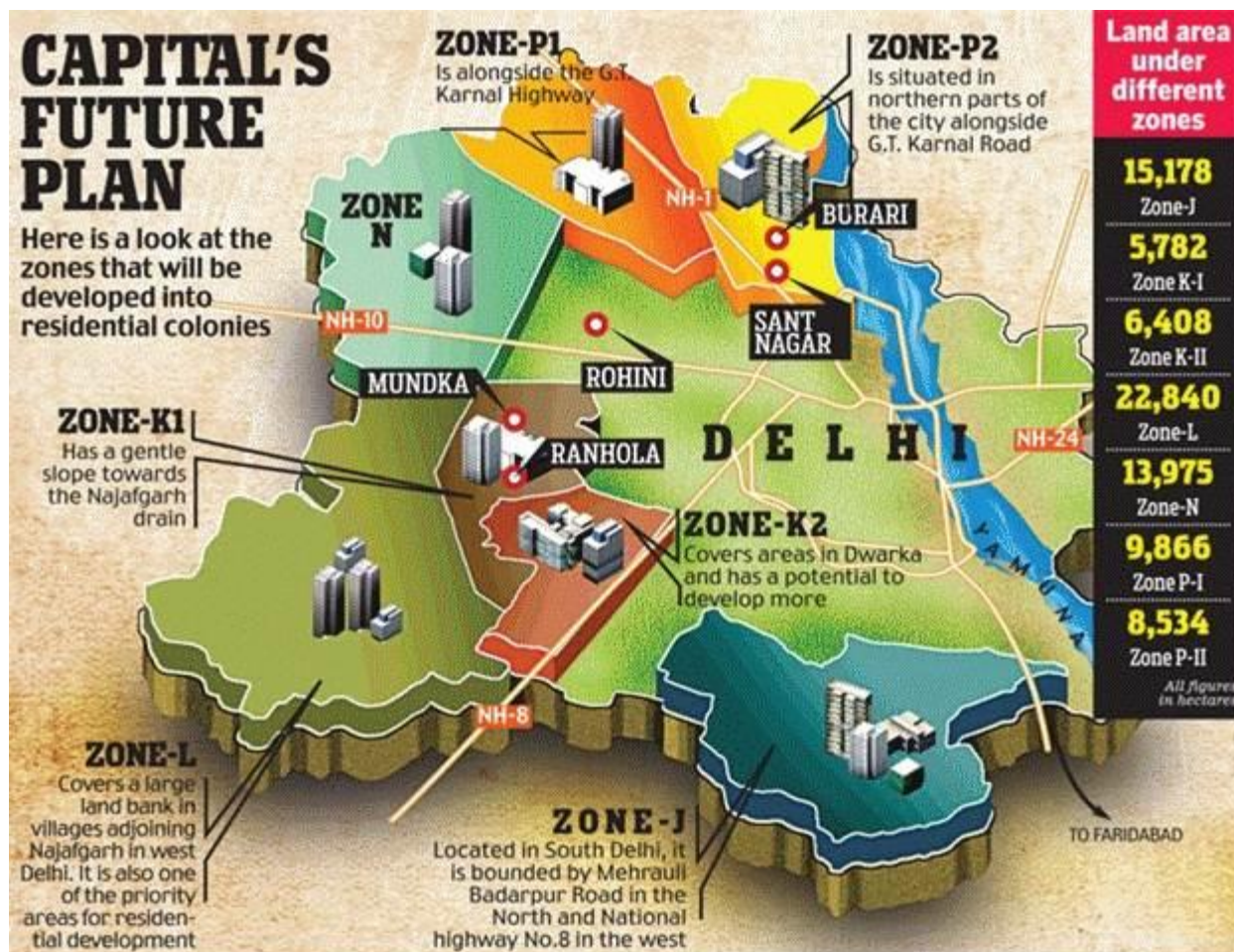
b. The proposed land use at zonal plan level may be drawn on DSSDI maps for reference. All the approved Zonal Plans of Urban Extension Area and the copy of the MPD-2021 have already been handed over to DSSDI Project for initiating the work of super imposition of the Zonal Development Plans on 29.11.2011.

E. Preparation of layout Plans/sector plan as per notified ZDPs (Zone K-I, L, N, P-II) to Identify Gram Sabha Land, delineation /updating of Built up area with existing road networks to be initiated in consultation with Government of National Capital Territory of Delhi (GNCTD).

For detailed layout of plans as per DDA plans the DDA will appoint various Consultants to provide details and development models of the particular zonal plans.

7. Demarcated Area for Land Pooling

Applicable in proposed urbanisable areas of Urban Extension zones of K-I, L, N & P-II for which Zonal Plans have been approved in year 2010.



Except:

- LDRA, Green Belt.
- Unauthorized colonies
- Built up abadi areas, notified extended Lal Dora of Villages,
- Lands under Litigation,(under acquisitions proceedings)
- Government approved schemes
- Lands under notified forests/government land (use undetermined)
- Lands under natural drains, natural water bodies, Heritage sites, flood and irrigation department, railways and Airport.

8. Answers to the FAQ's raised at the Conference on Land Pooling Policy

8.1 FAR & TDR

Q: Land Owners who gives their lands directly to DDA and take TDR, can they trade their TDR with any developer who is developing over 2 hectare?

A: Yes, But in case of residential use, tradable FAR can only be transferred to another DE in the same planning Zones having approval/ license of projects more than 20 Ha.

Q: TDR issued is only the development rights, what about the land on which these development rights will be used?

A: TDR rights can be used on either same piece of land or on another of same size in the same planning Zone.

Q: Will it be developer's gets extra 150 FAR purchased through TDR?

A: YES, the developer will get extra FAR (Sq. mts) to the extent of purchased TDR (in sq. meters) only

Q: Will extra 150 FAR be on a separate piece of land issued by DDA?

A: Refer section 4.2 (viii).

Q: If I have 3000 Yards Lands less than 1 Acre even then I will get 1.5 FAR?

A: Yes only if your land is required by DDA for any DDA project or any infrastructure project.

Q: How much FAR in (sq. feet) land owner will get out of plot allotted by DDA under category 1 (60%)/ What is FAR in Category 1?

A: FAR in category 1 for residential purposes will be 400 on the net residential land with extra 15% FAR for EWS and for City Level commercial and City level public & semipublic will be 250.

Q: FAR is less than Noida & Gurgaon. Why?

A: FAR values mainly determine the density or intensity of development of an area. Hence different FAR values are prescribed for different locations in development plans. Therefore, no comparison can be made between different planning authorities.

Q: Why there are different norms for up to 20 ha and above 20 Ha, FAR being the same, why low area participant's being penalized to the benefit of large land owners?

A: The percentage of land required for planning of common essential facilities such as roads, PSP, etc. is more in case of smaller plots as compared to bigger plots due to access requirement.

8.2 Land Related Queries

Q: If the land is joint, but registered in my name, with some alteration in demarcation of my land. Can I pool this piece of land?

A: Any Land with clear title and with minimum required parcel size (2 Ha) can be pooled.

Q: First come first serve policy sounds capitalistic in favour of large builders like the telecom policy?

A: The policy is same for all land holders. DDA is also planning to have this policy implemented in the area or zone where at least 60% of land is being pooled by the landowners under the land pooling policy in any planned sector for implementation.

Q: I am a farmer in what mode do I surrender my land and welfare society under compulsory form; I don't have money to invest but have only land.

A: You can take TDR which can be sold later on or you can pool land under this policy and collaborate with a developer to invest and develop the land.

Q: What about the societies who have bought land in low density area? Will they be allowed to trade their land in some high density sector?

A: No.

Q: What will be the Future of low density area in Zone P1, P2?

A: LDRA is not covered as of now under this policy.

8.3 Policy Related Queries

Q: When will DDA start receiving the applications for surrender of land?

A: After release of Policy notified by the MoUD.

Q: As an owner of I don't want to sell my land or contribute it in land pooling, is it possible?

A: Land owner initially has option to pool his land under land pooling policy or abstain from pooling. If the land is falling in such an area where **60%** of the owners have given their consent then the owner of that parcel of land has to give his land under land pooling scheme or under land acquisition.

Q: If three people want to join as DE then what kind of arrangement will be between those three persons?



A: The nature of associations will depend upon mutual understanding and contribution of each developer.

Q: What will be the purchasing Rate of DDA to purchase the land?

A: No statement regarding purchasing rate of DDA in the policy.

Q: What is the amount of External Development Charges (EDC) Sq.mt? What is the mode of payment? Is there any other development charges incurred?

A: Refer Section on External Development Charges/ Penalties.

8.4 Law Related Queries

Q: Does Gram Sabha land falls under land Pooling Policy? Can the farmers who are the owners of that land can apply.

A: Policy is silent about the Gram Sabha land. The land pooling policy will also be applicable to the Grama Sabha land only after necessary amendments and changes in the land and revenue Acts. Discussions are being taken up with GNCTD w.r.t Gram Sabha Land.

Q: What about multiplicity of authorities?

A: Single Window Counter is being proposed.

Q: Land records and modernization?

A: Whole process of Land Pooling shall be IT enabled to have transparency and accuracy.

Q: Role of revenue department

A: No details in Policy.

Q: Discretionary powers?

A: Discretionary powers exercised by administrative and legal authorities are permissive, and not binding. These powers are granted to these officials by statute or delegation. Discretionary powers do not impose an obligation on a decision-maker to exercise them or to exercise them in a particular manner.

Administrative agencies must exercise discretionary powers in accordance to legal requirements. Discretionary power must be used reasonably, impartially and avoiding oppression or unnecessary injury.

9. Land Pooling adopted in India & Other Cities

9.1. Other cities in India

City	Purpose	Institution	Strategy
a) Raipur	<ul style="list-style-type: none"> • Organize & regulate city expansion in planned manner. • Regulated planned city growth on a self-financing model. • To enhance quality of urban life. • development of slums and unorganized / unapproved constructions • Infrastructure development works in the city's peripheral area 	<ul style="list-style-type: none"> • RAIPUR DEVELOPMENT AUTHORITY • Land owners & associations • the department of Town and Country Planning 	<ul style="list-style-type: none"> • The Developed Land to be returned has been worked out on basis of different size of land holding. • No EDC in Raipur
b) Vijayawada	<ul style="list-style-type: none"> • To secure about 30000 Acres of land in order to construct a Greenfield riverfront capital city on the southern side of the Krishna River. 	<ul style="list-style-type: none"> • Andhra Pradesh government • Land owners & associations 	<ul style="list-style-type: none"> • Farmers owning dry land will be given 1000 square yards of residential plot and 200 square yards of commercial plot as compensation for every acre given to the Andhra Pradesh government.

			<ul style="list-style-type: none"> • Owners of wet land will be given 1000 square yards of residential land and 300 square yards of commercial plots in the proposed zone closer to their existing lands. The assigned land owners will be given 800 square yards of residential and 100 square yards of commercial plot against one acre of land. • Besides, owners of dry land will also be paid 30000 rupees per annum as compensation for ten years with a 10 percent hike every year who give away one acre of land, while those owning wet lands will get 50000 rupees as well as a 10 percent
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			hike per annum.
c) Gujarat	<ul style="list-style-type: none"> • promote efficient, sustainable & equitable land development • achieve planned & sustainable growth through Co-operative public participation • Development of greenfield & brownfield areas • Redevelopment / Revitalization of down towns • Consolidation of land for Infrastructure (addition & improvement) • transform irregularly shaped cadastral parcels to appropriate plots to be used in more economical manner • efficient, sustainable & equitable land development through Co-operative public participation 	<ul style="list-style-type: none"> • Govt. of Gujarat • ULBs • Land owners & associations • Town Planning Department 	<ul style="list-style-type: none"> • percentage of each land parcel calculated to determine a contribution to public areas & roads • percentage depends on objective of the development, size of the subject area & required public-uses • Public & Personal Hearing under statute of Law • Government pools the land, uses 25-50% for roads, open space, other public purposes, including 5-10% for sale. • The remaining 50-75% is returned to original owners, whose land value has increased • Land Value Capture –

			Incremental Contribution
d) Punjab	<ul style="list-style-type: none"> • Planned Urban Development • Avoid Complexities of Land Acquisition • Make Land owners as stakeholders in urban development and to share benefits of these development 	<ul style="list-style-type: none"> • Punjab Urban Development Authority (PUDA) • Govt. of Punjab • Land owners & associations 	<ul style="list-style-type: none"> • Minimum 1 Karnal (=0.125 Acre) can be pooled. • The compensation per acre of land offered for land pooling shall be as below :- <ol style="list-style-type: none"> I. Half of developed residential land II. Half of developed commercial land • Compensation in terms of commercial land shall be given only when the land area is more than 3 Karnals.

9.2. Other Countries

Country	Japan	South Korea	Taiwan	Australia
Purpose	<ul style="list-style-type: none"> • War damage area • Rehabilitation • Earthquake • Fire disaster area • urban expansion • First implemented in the 1870's in Kobe 	<ul style="list-style-type: none"> • 1930- for rural area • 1936- for urban LP first project in Seoul, 60% urban expansion • 35% of the urban expansion by LP of S. Korea (1990) 	<ul style="list-style-type: none"> • Industrial Development • Squatter settlement • High density • Poor Housing condition 	<ul style="list-style-type: none"> • Authorized by Town planning & Development Act 1928 • Small metropolis of 1Mn person in western Australia
Institution	<ul style="list-style-type: none"> • Local Govt. • Land owners association 	<ul style="list-style-type: none"> • Local Govt. • Land owner • Ministry of construction • 3 national govt. dev. Corporations 	<ul style="list-style-type: none"> • 1930- Authorized by land law & administered by central & provincial govt. • 1960- city Govt. carried out projects 	<ul style="list-style-type: none"> • Main infrastructure network by State govt. • Local infra network by land subdivides
Strategy	<ul style="list-style-type: none"> • 70% of the urban LP is carried out by local Govt. 	<ul style="list-style-type: none"> • Very less financial support from National 	<ul style="list-style-type: none"> • Avg. 5% land sold for the cost of infrastructure& other 	<ul style="list-style-type: none"> • Land owners share



	&land owners associations. • 300 LP projects covers maximum built up area in past 95 years	Govt., so land owners share was calculated on the basis of market price	project cost. • 30% Govt. land taken for roads &other purpose plots	based on the market value
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