

# Study of Urban Land Management Techniques Followed in India



Avinash Satashia<sup>#1</sup>

<sup>#1</sup>Assistant Professor, Civil Department, SSASIT

Surat, Guajrat, India.

## ABSTRACT

Land is a resource and at the same time, it is non-renewable. So it should utilize very carefully. The constitution of India grants the right to acquire hold and dispose of property to every Indian citizen. It, however, allows the state to impose restrictions on property and its acquisition in public interest. Different states like Haryana, M.P., U.P., Punjab and Tamilnadu have formulated Land Supply Models Keeping in focus the land requirements for urban poor. In this paper, different urban land management techniques used in different region of India are study by urban land management models.

**Keywords** - Urban land, Land Policy, Land Banking, Land Assembly, Land Acquisition.

## ARTICLE INFO

### Article History

Received: 12<sup>th</sup>, September, 2015

Received in revised form :

12<sup>th</sup> September, 2015

Accepted : 15<sup>th</sup> September, 2015

**Published online :**

16<sup>th</sup> September 2015

## I. INTRODUCTION

The most common means of public control on urban land is through zoning, density and building regulations. These provisions are spelt out in master plans prepared for each city. In contrast to the acquisition of small parcels of land, in a few Indian cities, the local authorities have resorted to large-scale acquisition of land. In the city of Delhi, and for New Bombay, bulk land acquisition was resorted to by public agency.

In many states, especially Haryana and Gujarat, public agencies have guided private and development through licensing scheme or land readjustment schemes. The urban Land Ceiling and Regulation Act, 1976 aimed at reducing the concentration of urban land holdings by imposing ceiling on urban land holdings in 72 major cities and regulating transfers of land.

## II. PRACTICES IN INDIA

In India, urban land management is done with using of following basic three land management techniques: Land Acquisition: Compulsory acquisition of land through Land Acquisition Act is the conventional approach to land acquisition but it has, even for public purpose, become a time consuming process.

Sometimes it leads to unending litigation and encourage speculative tendencies. Land pooling/Readjustment: The concept of land readjustment is to assemble small land

parcels into a large land parcel, provide it with infrastructure in a planned manner and return the reconstituted land to the owners, after deducting the cost of the provision of infrastructure and public spaces by the sale of some of serviced land.

Guided land development: Guided land development uses the provisions of infrastructure as a mechanism to guide urban development. It is done in partnership with landowners who pay for the cost of serving their land through donation of land for public infrastructure and payment of a betterment levy.

## III. LAND SUPPLY MODELS

In the recent past, several urban development authorities and state governments have applied checks and balances and used the regulatory framework to make land available to the poor while allowing the market to operate. Different states like Haryana, M.P., U.P., Punjab and Tamilnadu have formulated Land Supply Models Keeping in focus the land requirements for urban poor. They have succeeded to certain extent and some of them are listed below:

- (i) T.P. Scheme: The Gujarat Model
- (ii) Haryana Joint Development Model
- (iii) Madras Model (GUD)
- (iv) TDR Model

#### IV. T.P. SCHEME: THE GUJARAT MODEL

The Town Planning Scheme is being followed as an alternative method to assemble the land for urban development activities in a faster and financially affordable manner without taking recourse to compulsory acquisition of land. Town Planning Scheme (TPS) is in operation in some of the states of Indian Union in the form of plot reconstitution. It is an area planning technique patterned on the concept of land readjustment.

In the state of Maharashtra, which is a pioneer in the field of TPS, it is implemented under the Maharashtra Regional and Town Planning Act, 1966. In Gujarat, it is implemented under the Gujarat Town Planning and Urban Development Act. -1976.

Gujarat adopted the Town Planning Scheme (TPS) to expedite the process of land development, which was constrained by the then existing method of land acquisition and development as it was both time consuming and expensive because of legal problems and the heavy compensation the local authorities has to pay to land owners. To overcome such difficulties the state adopted the technique of land pooling (followed in Eastern Asia by Japan, South Korea and Taiwan), whereby irregular plots of land are pooled together, serviced and reconstituted into systematic plots before returning a proportion of improved land to the owners.

It was believed that with less of financial transactions, this technique of land development would work out to be faster and cheaper. For the satisfaction of the land owners, the method involved a kind of community participation in which the judgment of the owners was sought at all stages of development.

#### V. HARYANA JOINT DEVELOPMENT MODEL

The Haryana Development and Regulation of Urban Area Act (HD RUAA), 1985 provide for certain planned areas to be specially designated to allow private developers to assemble parcels of land that exceed the limits set by the Urban Land Ceiling Act (ULCER).

In designated areas, the act provides for the licensing of private developers to assemble land directly from landowners and develop such land for residential purposes according to stipulation which include (financial contributions to the development authority for attributable off-site infrastructure costs); and the reservation of a portion of the developed land for lower-income housing to be allotted through the development authority.

Haryana State, with the enactment of the Haryana Development and Regulation of Urban Areas Act (HDRUAA) in 1975, became the only State in India to formally involve the corporate private sector in the acquisition, development, and disposal of urban land. The act and its 1981 bylaws stipulate that private developers must first apply for a license from the State Director of Town Planning, stating the details of the land.

The land must be within a township/city development scheme, which has been prepared by the Haryana Urban Development Authority (HUDA) and sanctioned by the State. The developer must also prove that he is bonafide and

“has a good track record”. The license granted has mandatory provisions, such as:

The developer must pay external development charges to HUDA on a gross area basis (net m<sup>2</sup> bases for water) to cover the off-site infrastructure costs.

1. The developer must reserve an additional 25 percent of created plots to be sold on a “no-profit no-loss” basis.
2. The developer must pay other servicing/administrative costs to HUDA on a net m<sup>2</sup> bases.
3. The developer must build certain community facilities and / or provide land for such free of charge.
4. The developer must put 30 percent of the proceeds of land sales into a separate account to be used for development.
5. The developer must maintain the completed colony for five years.
6. The developer must return any excess profit to the state (a ceiling of 15 percent profit on total project costs is imposed).
7. To ensure compliance with these conditions the developer must take out a bank guarantee in favour of HUDA.

#### VI. MADRAS MODEL (GUD)

Prior to the concept of guided Urban Development, the MMDA (Madras Metropolitan Development Authority) undertook its land development schemes through compulsory acquisition under the Land Acquisition Act (1894). However, due to various reasons given below MMDA has not been particularly successful in providing access to land for a wide range of socio-economic groups.

Significant quantities of urbanizable land are registered as agricultural land, and thus not covered by the ULCA until a change of use is requested.

Developers do not perceive the ULCA’s EWS exemption as sufficient incentive to develop for lower-income groups.

Surplus land potentially available for lower-income development is tied up for years in court litigations.

- Partnership Typology
- Public Sector
  1. Formulating GUD guidelines and physical development standards that are patterned on those used on prior sites and services projects.
  2. Advertising, evaluation and selection of private developers based on a predetermined set of criteria.
  3. Providing essential off-site infrastructure such as roads, water supply and access to electricity.
  4. Purchasing the EWS and LIG plots from the developers at a fixed price, and marketing and allotting these plots to the target group.

- Private Developers
  1. Carry out land assembly.
  2. Provide performance bond not to exceed 10 percent of on-site development costs to guard against default.
  3. Provide on-site services including water supply, sewerage, roads, drainage, street lighting, etc.
  4. Handover project roads and open space to the MMDA.
  5. Provide free of charge all land reservation for institutional use.
  6. Construct primary schools specifically for EWS households.
  7. Dispose of all non-LIG and EWS plots at prices fixed by the developer.

Planner, Town & Country Planning Organization, Government of India, New Delhi, India, 2003.

[4] Dr. Khurana, "Need for National Urban Land Policy", National cooperation housing federation of India, New Delhi, 2003.

[5] The Government of Gujarat, Gandhinagar, "The Gujarat Town Planning and Urban Development Act – 1976".

[6] Management Models & Practices in India," CED, SVNIT, Surat.

## VII. TDR MODEL

The Municipal Corporation of Greater Mumbai has been adopting the practice of Transferable Development Right (TDR) under Regulation 34 of the Development Control Regulations for Greater Bombay, 1991.

Under the TDR concept, the development potential of a plot of land partly or fully reserved for public purpose can be separated from the land itself and be made available to the owner of the land by way of TDR in the form of Floor Space Index. Such award entitles the owner a Development Right Certificate (DRC), which he may himself use or transfer to another person.

If the FSI granted cannot be used on the land not covered by acquisition, the landowner is free to use the additional FSI on the lands located in other parts of the city. This way the exorbitant costs of acquisition of urban land for public purpose can be met by a system of compensation in kind rather than in cash.

## VIII. CONCLUSION

From the study of national ULM models, it is concluded that all national urban land management models are satisfied in some proportion according to their local, environmental & political situation. In CIDCO model based on TDR (Transferable Development Rights) mechanism is also used for metro cities existing in India.

For mega cities & for those cities, which is in under, develop conditions, which have a sufficient land than T.P. Scheme mechanism is also good in present condition. Haryana model & Madras model are also satisfy all urban development condition for fast growing cities. TDR model is generally used when land availability is very less and city development done in vertical direction.

## IX. REFERENCES

- [1] Mistry D., "The Land Market Assessment – Surat City Context", SVNIT, Surat, 1995.
- [2] Jain A.K., "Urban Land Policy and Management Reforms", ITPI Journal, India, 2008.
- [3] K.T. Gurumukhi, "Land Pooling Technique : A tool for plan implementation - An Indian experience", Chief