

# 15. LAND ASSEMBLY

## 15.1 INTRODUCTION

A city typically requires 40% to 50% of its area for variety of public purposes. Where land is owned by the state as in Punjab, Chandigarh or Delhi & Navi Mumbai, it is easier to allocate land for public purposes. However where private land market is active, how to ensure land for public purpose it is a major challenge in preparing Master Plans. Conventional master planning relied on the powers of compulsory acquisition of land designated for public purposes. However, limitations of this approach have been painfully exposed. At the same time not addressing the question of land for public purposes may limit the utility of the master plan itself.

With this background, a wide menu of strategies to obtain land for public purposes is examined in this chapter. The land required for public purpose can be divided into four-fold classification as illustrated in diagram below:

	A. Specific Location	B. Flexible Location
A. Positive impact on land prices	AA Arterial Road network	AB Parks, play grounds, schools etc.
B. Negative price or environmental impact Involving NIMBY response.	BA Sewage Pumping Stations and treatment plants	BB Solid waste disposal sites

(In many cases necessity of a particular activity at the city scale is recognized e.g. solid waste disposal site or a slaughterhouse, but they are locally undesirable and invoke “Not in My Backyard” response.)

No single option can be used uniformly throughout the city. It has to be contextual, considering the location and the local issues including core areas v/s outlying areas. Similarly different alternatives may be suitable for different types of public purposes. The possible options for securing land for public purposes such as roads, educational, health, parks, water supply, sewerage, social and religious institutes, old age homes, community centers etc with their limitations are listed below.

## 15.2 OPTIONS FOR LAND ASSEMBLY

### 15.2.1 O.U.V.G.L Scheme

The Optimum Utilization of Vacant Government Land (O.U.V.G.L) is a scheme for identifying vacant government land (including municipal land) and using it as source for providing land for public purposes. However given the need for using government land for generating financial resources, entire stock of government land need not be assigned to non-remunerative public purposes. In fact government land would offer many opportunities for PPP where part of the land could be used for public purpose. For example a plot of government land could be allocated for an intercity bus terminal with a budget hotel. Rationalizing obsolete uses of public lands could be another way of putting public land to more relevant public purpose. Old jail or an agricultural produce market in the congested part of the city is common example. But for relocation of these activities requires availability of adequate and suitable public land at other locations. In order to rationalize the land demand and supply, specific designations of land for different uses in the master plan has to be made before proceeding with compulsory acquisition of land. Impracticability of this option is too well known to be recounted here. But this may be unavoidable in certain cases – particularly 'A' category public purpose. However, the use for these lands

shall be as determined by the State Government, irrespective of the use shown on the proposed land use plan. In case of Panchayat land of villages falling in local planning area, these lands shall be used for creating public utilities, services, physical and social infrastructure including parks, open spaces, community facilities etc. and not for any other purpose. Similarly, in case of the land owned by the RRDA, its use shall be as determined by the RRDA/State Government, notwithstanding the provisions of these regulations/proposals shown in the Proposed Landuse Plan.

### 15.2.2 □ T.D.R. Scheme

Alternative to monetary compensation could be award of Transfer of Development Rights either to remainder of the land or to a distant location. This could be in three generic cases viz.

Roads and Road widening: Development rights calculated at the FAR permissible in adjoining area may be allowed to be used in the remainder of the plot up to a limit. Development rights that cannot be so consumed can be transferred elsewhere in receiving areas. If FAR is related to width of the road, resistance to widening may get reduced.

Public purposes on open land or exclusive plots: Lands required for parks and playgrounds or exclusive uses like secondary school, fire station etc can be obtained by providing TDRs in lieu of compensation. However, price differentials in originating and receiving zones could be considered as an incentive in such cases.

Public purposes that require built-up space but not necessarily exclusive plot: Examples of this could be municipal vegetable market, library etc. In such cases, landowner may be permitted to use the full potential of development in terms of FAR over the plot provided he offers the built up space required for the public purpose to the local body.

### 15.2.3 □ Land Pooling or Town Development Scheme

Under this scheme the Planning Authority can pool or assemble lands for the purpose of implementing town planning schemes and to reconstitute them in accordance with the Scheme. The reconstituted plots of land are allotted to the owners. Under this scheme, landowners in a contiguous identifiable area within the jurisdiction of a Municipality / Development Authority may be permitted to develop their lands into a residential colony. Land could be assembled, on the basis of a town planning scheme, through voluntary pooling by its owners, which could be consolidated thereby permitting the local agency to develop infrastructure according to a layout plan. About one-third of the land may be reserved for the provision of services, open spaces and roads while the rest may be developed into residential plots to be distributed among the owners as per their share in the pooled land. The higher value of the developed plots would compensate the lesser area and payment of betterment charges.

However, this process needs to be promoted and augmented by providing appropriate policy framework in order to promote planned development in the state and to make available land for public purposes without involving any compulsory acquisition of land.

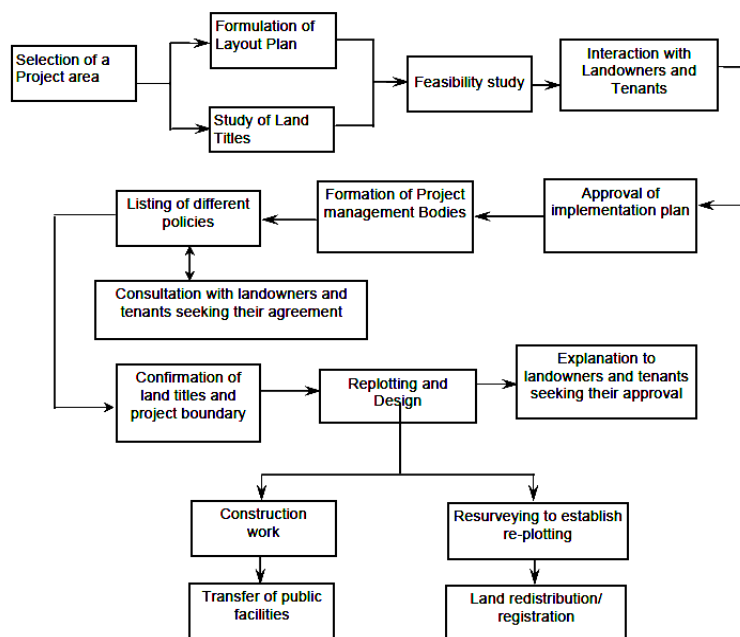


Figure No. 15-1: Flow Chart of Land Pooling Procedure

Given the details included in the Master Plan, it is not possible to specify which of the above techniques will be used for obtaining land for public purpose. This issue has to be addressed in detail by the authorities.

### 15.3 STRATEGY FOR OBTAINING LAND FOR PUBLIC PURPOSE

Alternative	Land Acquisition through 1894 Act	TDR	Land Pooling	Govt. / Panchayat / Wakf Board lands
<b>Plan Proposal</b>	Land designated for public purposes	Land designated for public purposes	Land designated for public purposes	Land designated for public purposes
<b>Regulation</b>	No separate regulatory provision necessary	Regulation about use of TDR on receiving plots is necessary	This requires a separate legal process to be followed for reconstitution of plots along with evaluation of compensation and betterment as provided in Chapter XII of the 1995 Act.	No separate regulatory provision necessary
<b>Means of securing land</b>	Compulsory acquisition by paying monetary compensation	Monetary compensation substituted by Transfer of Development Rights (TDR)	-As Above-	Land can be made available through transfer of ownership from one department to another. No monetary

Alternative	Land Acquisition through 1894 Act	TDR	Land Pooling	Govt. / Panchayat / Wakf Board lands
				compensation is involved.
<b>Limitations</b>	Lack of finances for compensation	Lack of finances for compensation	Comprehensive Land Pooling Policy is required to be framed.	Locational disadvantages in Certain cases.
	Landowners' resistance	Landowners' resistance	Difficulty in pooling of land of large number of owners.	Minimum area requirement may not be fulfilled
	Iniquitous distribution of costs and benefits. Cost borne by those who lose land and benefits enjoyed by surrounding landowners	Iniquitous distribution of costs and benefits. Cost borne by those who lose land and benefits enjoyed by surrounding landowners	Time consuming and complicated process	Source of revenue for Panchayat Bodies / Board get depleted
		But where real estate prices are high particularly where land price is several times the		

Alternative	Land Acquisition through 1894 Act	TDR	Land Pooling	Govt. / Panchayat / Wakf Board lands
		construction cost, chances of success are high		
		Could also be used for heritage conservation.	Equitable distribution of costs and benefits to different share holders.	
		New concept difficult to be implemented.	New concept difficult to be implemented.	



# Annexure



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