

Status Paper

Implementation of Master Plans and Changing Land Policies: Delhi

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INTRODUCTION

Delhi has seen an influx of population during the 1941-1951 decade primarily due to the partition of India. The Government, Co-operative and private sector developed residential colonies through large scale acquisition of land, to accommodate increased population. The land was acquired under the provisions of the Land Acquisition Act 1894.

The Ministry of Health, Government of India, formulated and notified a Master Plan for Delhi in 1962, for a period up to 1981. The Plan proposals were based on the policy - "Large-Scale Acquisition, Development and Disposal of land in Delhi, 1961". The Master Plan for Delhi - 2001, notified in 1990 continued to follow the same land policy.

The implementation period of Master Plan 1981-2001 witnessed maximum changes such as liberalisation of economic policies, increase in urban land value, increased role of private sector etc. Thus, the Master Plan for Delhi 2021, notified in 2007, advocated modification in land policies, as per the changing economic scenario and needs of the society.

During the implementation of Master Plans, it was observed that, large land parcels are continued with private ownership, and it was not possible for DDA / Government to acquire them due to various reasons. The owners of such land have been given opportunity, to develop through "Regulations for Enabling the Planned Development of Privately owned Lands" notified in 2018.

The Land Policy for Delhi, as a Chapter of MPD - 2021 was first notified on 26/09/2013. Subsequently, based on problems of implementation, and lack of coordination between stakeholders, the revised chapter was notified on 11/10/2018. Pooling of land under

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this Policy will be done on the basis of sectors as delineated in the Zonal Development Plans. The Policy is open to all landowners who own land in the areas notified by the DDA / Government under the Policy. Landowners with any size of land may register and express their interest to participate as per the application process specified in the Regulations.

This paper deals with provisions in the Master Plans for Delhi and changing land policies: Public Sector oriented "Large Scale acquisition of Land" to "Land Pooling" where Private Sector plays an important role.

HISTORY OF DELHI

The history of Delhi dates back to the Mahabharata period, around 1400 BC. The capital city of Indraprastha was founded by the Pandavas, and was located between the present Purana Quila and Humayun tomb. The Mughal dynasties created a number of cities, during 12th to 16th century between slopes from the Aravali ranges to the river Yamuna. These cities are located between Wazirabad and Mehrauli and are known as i) Lal Kot ii) Siri iii) Tughlakabad iv) Jahanpanah v) Ferozabad vi) Purana Quila and vii) Shahjahanabad. The walled city of Shahjahanabad with Red Fort and Jama Masjid, was founded in 1638 on the bank of the river Yamuna. The city was planned for population of 60,000, covering an area of about 569 hectares.

British Rule Period

The British Government shifted the pre-Independent India's capital to Delhi in 1911 due to the age old tradition - "*He rules India, who rules Delhi*". Initially the capital started functioning from the present Vidhan Sabha in Civil Lines on Alipur Road. Across the ridge, Viceroy Palace was constructed, where presently Delhi University is located.

A committee was formed to suggest a new site for the capital with Patrick Geddes as one of the members. The British Government selected the best suitable site on the west of Purana Quila up to Raisina hills, covering about 1300 hectares. The site abuts the Grand Truck Route providing connectivity with Lahore in the west and Kolkata in the east. The second best site, on the other side of Raisina hills was selected for the Delhi Cantonment.

Sir Edwin Lutyens planned the New Delhi in a geometric pattern with a visual link between Parliament Building - Connaught Place - Jama Masjid, through Parliament Street and Minto Bridge. The land for New Delhi, Cantonment, Safdarjang Airport and Golf Course was implemented through large scale acquisition of land from the villagers. The New Delhi, capital city was inaugurated in 1931.

Development Prior to Master Plan 1962 (MPD- 62)

The shifting of the capital of India from Kolkata in 1911 resulted in an influx of population, which Delhi, was unable to accommodate within the Walled City of Shahajanabad. Thus in 1935, Arthur Parke Hume was commissioned by the British Government to submit a report on the relief of urban congestion in Old Delhi. Based on Hume's report, the Delhi Improvement Trust (DIT) was formed in March 1937. DIT prepared and implemented schemes like Western Extension (Karol Bagh), Darya Ganj, Jhandewala, etc.

Delhi witnessed another influx of population after India's Independence, due to the partition, which is reflected in the population figures of Delhi. The population of Delhi in 1951 was 10,26,000 (59 per cent migrants), and it increased to 16,38,000 (62 per cent migrants) by 1961. The migrant population was provided temporary tent accommodation in refugee camps in various parts of Delhi.

The Government of India created the Ministry of Rehabilitation and assigned the work of planning and development of residential colonies for the migrants. The major colonies subsequently developed are - Lajpat Nagar, Tilak Nagar, Kingsway Camp, Geeta Colony, Chittranjan Park, etc.

Simultaneously, other agencies undertook development in different directions by direct acquisition of land. The major areas developed during this period are:

<i>Developer</i>	<i>Areas Developed</i>	<i>Use</i>
Government agencies	R.K. Puram, Timarpur, Police Lines at Model Town	Residential
Private Developers	South Extension, Model Town, Kamla Nagar, Rajouri Garden	Residential
	Najafgarh Road	Industrial
Cooperative Societies	Friends Colony, Defence Colony, Gujranwala	Residential
	Rajasthani Udyog Nagar, GT Karnal Road	Industrial

Until 1962, the post-Independence development was primarily neighbourhood / local level planned development, with spot zoning. These areas were along the existing road network, without any blue print for connectivity, or adequate physical and social infrastructure.

However, these areas are now central areas and are facing problems

such as unintended non-conforming activities, increase in population due to increase in Floor Area Ratio (FAR), lack of infrastructure, poor structural stability, etc. Crucially, they are now in need of an upgradation of infrastructure through redevelopment.

DELHI DEVELOPMENT ACT, 1957

The Delhi Improvement Trust formed was with a limited objective, at a time when the population of Delhi was only around 500,000. The Central Government felt the need of an agency, that would be responsible for Planned Development of the National Capital. In order to check unplanned and haphazard growth of Delhi, the Delhi Development Act was notified in December 1957 with the approval of the Parliament of India. Some of the major provisions in the Act relating to planning, land and implementation are reproduced below:

Section 6: *Objects of the Authority*

The objects of the Authority shall be to promote and secure the development of Delhi according to plan and for that purpose the Authority shall have the power to acquire, hold, manage and dispose of land and other property, to carry out building, engineering, mining and other operations, to execute works in connection with supply of water and electricity, disposal of sewage and other services and amenities and generally to do anything necessary or expedient for purposes of such development and for purposes incidental thereto:

Section 12: *Declaration of development areas and development of land in those and other areas.*

- (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) ...
 - (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 authorised 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 subject to the provisions of section 53A amend those regulations in their application to such area.

Section 14: *User of land and buildings in contravention of plans*

After the coming into operation of any of the plans in a zone, no person shall use or permit to be use any land or building in that zone otherwise than in conformity with such plan:

PROVIDED that it shall be lawful to continue to use upon such terms and conditions as may be prescribed by regulations made in this behalf any land or building for the purpose and to the extent for and to which it is being used upon the date on which such plan comes into force.

Section 22A: *Power of Authority to develop land in non-development area*

Notwithstanding anything contained in sub-section (2) of section 12, the Authority may, if it is of opinion that it is expedient to do so, undertake or carry out any development of any land which has been transferred to it or placed at its disposal under section 15 of section 22 even if such land is situated in any area which is not a development area.

As per provisions in the act, Delhi Development Authority (DDA) was established in 1957.

LAND POLICY FOR DELHI - 1961

The land policy of Delhi came into force from mid 1961, integrated with the first comprehensive land use development plan called the Master Plan for Delhi 1962 (MPD-62).

The policy of “large-scale acquisition, development and disposal of land in Delhi, 1961” envisaged:

- (i) Large-scale acquisition of land;
- (ii) Release of the same to users on a perpetual ninety nine year lease system; and
- (iii) Using the Land Acquisition Act of 1894, already in force as the legal tool.

The policy of large scale acquisition had the following aims:

- (i) To offset the speculative land prices;
- (ii) Stabilize land values;

- (iii) Prevent concentration of urban land in the hands of a few; and
- (iv) Ensure adequate supply of land for phased urban development.

The salient features of the policy were as follows:

- (i) Under the policy, land to be acquired by the Delhi Government and handed over for development and disposal to the DDA (for general development purpose), to the Ministry of Housing (mainly for government employee housing) and to the cooperatives.
- (ii) Land remained under public ownership. The developed plots or underdeveloped land sites were to be leased out to individuals and cooperative societies on an equitable basis, so that the benefits of planned growth accrue to the common man.
- (iii) The main advantage of notifying large chunks of land for acquisition was to pay cost (compensation to the farmers) at market value as on date of the initial notification, then acquire the land in stages over a period (sometimes 15-20 years) as per actual development requirements and availability of funds to pay compensation. This way, the Central Government could also have a share in the future rise in the value of the notified land.
- (iv) A Revolving Fund, provided by the Central Government was adopted as the method of financing the initial development of land. The operation of the land policy started in 1961 with an initial seed capital of Rupees 12.30 crore. This was mainly in the form of Government land, i.e., Nazul land.
- (v) Revolving fund basically meant to revolve the initial working capital in such a way that it yields a handsome return on investment, which along with the working capital is again ploughed back with a view to secure increasing returns in each cycle of investment.
- (vi) Thus, the Central Government sought to facilitate plan implementation by enunciating a progressive policy for the socialization of urban land through public acquisition of the entire area proposed to be urbanized by the year 1981.

Source: Delhi Development Authority, 1999, Background Paper on Shelter.

Alternate Allotment of Developed Plots

Scheme of Large Scale Acquisition, Development and Disposal of Land in Delhi, envisages the allotment of alternative plot to the persons whose land is acquired under the scheme. As per the policy, the allotment of alternative plot is made on the recommendations of the Land & Building (L&B) Department, Govt. of NCT of Delhi. The scheme for allotment of alternative plot lays down certain guidelines in this regard.

Salient Features of Policy of Alternative Allotment

- (i) Allotment of alternative plot is made on the basis of recommendations of the L&B department and by random draw of lots subject to number of plots available for allotment and based on seniority of the recommendee. However, the recommendations issued by L&B department have no legal binding effect for allocation of an alternative plot. It is purely based on the availability of plots.
- (ii) Plots up to 400 sq. yds. were provided to the farmers based on the quantum of land acquired. However, the policy was revised after 1986 due to rise in land value of the developed plots. In case of families affected due to acquisition of land for road widening, removal of encroachment on public land etc., DDA flats were allotted.
- (iii) The current policy as per DDA website is as follows:

Size Norms

For awards announced before April 3, 1986

- (a) 40 sq. yds. for acquired land between 150 sq. yd. and one Bigha.
- (b) 250 sq. yds. For land between 1 to 10 Bighas.
- (c) 400 sq. yds. For land above 10 Bighas.

For awards announced after April 3, 1986

- (a) No plot for less than one bigha acquired land.
- (b) 40 sq. yds. for land acquired 1.00 bigha.
- (c) 80 sq. yds. for land acquired between one to five bighas.
- (d) 150 sq. yds. for land for five to 10 bighas.
- (e) 250 sq. yds. For land above 10 bighas.

Cost of Land

The cost applicable was the Pre-Determined Rate (PDR) announced by the Ministry of Urban Development, Government of India, as applicable on the date of draw. Demand letters were issued on provisional PDR pending decision of final PDR by the Ministry of Urban Development.

Source: (http://119.226.139.196/lands/alternate_allotment_residential.htm)

MASTER PLANS FOR DELHI (MPD) - 1962

A. MPD-1962 (1962-1990)

The Government of India, formed the Delhi Development Authority to promote and secure the development of Delhi in a planned manner. Accordingly, DDA, with the help of Town Planning Organisation, prepared the plan and the Central Government notified the Master Plan for Delhi in September 1962.

The implementation of the plan, was envisaged through large scale acquisition and development of land. The objective was to ensure that the public agencies should be able to plan for a projected population of 4.56 million by 1981 with adequate infrastructure. Recognising this requirement, the Government of India notified the acquisition about 35,000 acres of land, as an extension of present built up areas. The major areas developed during this period are:

<i>Policy</i>	<i>Areas Developed</i>	<i>Type of Housing</i>
Large Residential Schemes	Ashok Vihar, Shalimar Bagh, Pitampura, Vivek Vihar, Paschim Vihar	Allotment of plots and flats to individual by DDA (HUDCO, SFS schemes)
Resettlement Colonies	Trilok Puri, Shakurpur, Madipur, Jahangirpuri	Allotment of plots (21 sqm) for EWS by DDA
Allotment of land to Co-operative House Building Societies	Preet Vihar, Pitampura, Paschim Vihar	Societies to plan, develop and allot plots to members
Allotment of land to Group Housing Societies	Pitampura, Paschim Vihar, Vikas Puri, ROHINI	Societies to construct Flats for members
ROHINI Sub city Project	Sectors 1 to 19	<ul style="list-style-type: none"> Allotment of plots (21 to 90 sqm) and flats to individual by DDA Allotment of land to Slum wing for JJ Colonies

Review of MPD-62 - The basic policy frame for guiding Delhi's development using large-scale acquisition brings to fore the performance gaps in the large scale acquisition, development and disposal of land in Delhi.

- (i) MPD-62 was the first attempt of development through comprehensive urban planning for the Union Territory of Delhi, now called NCTD. The total area of NCTD is 1,48,300 hectares.
- (ii) Of this, the total urbanized area at the start of MPD-62 was 17,290 hectares and the same was proposed to be extended to 44,777 hectares by 1981.
- (iii) The land acquired through the bulk acquisition policy was mostly to be developed by DDA and disposed off to the actual users after development, only on a long-term lease basis, i.e. 99 years.
- (iv) The urban population at the start of MPD-62 stood at 2.30 million. The projected population by 1981 as per MPD-62 was 4.60 million, later revised to 5.30 million.
- (v) As per 1981 census, the urban population was 5.7 million (excluding Nazafgarh and Narela).

Status of land acquired, developed and disposed from 1961-81:

- (i) The total land proposed to be acquired during the plan period (1961-81) was 27,487 hectares.
- (ii) Of the total area notified for acquisition, only 15,540 hectares was acquired by March 1981.
- (iii) On an average, only 777 hectares of land was acquired annually instead of 1372 hectares as intended to meet the targets of the development set in the plan.

B. MPD-2001 (1990-2007)

The MPD 2001 was notified on 1/8/1990 for a projected urban population of 12.173 million (0.637 rural) by 2001. During its preparation period, DDA announced registration for residential plots in the Rohini scheme for a population of 0.85 million. Thus the policy of public sector led to growth and development process, through large scale acquisition of land continued. The type of housing and areas developed are given below:

<i>Policy</i>	<i>Areas Developed</i>	<i>Type of Housing</i>
Dwarka Sub city Project	Sectors 1 to 26	<ul style="list-style-type: none"> • Allotment of land to Group Housing Societies to construct flats for members • DDA Housing • Allotment of land to Slum wing for JJ Colonies
ROHINI Sub city Project	Sectors 20 to 28	<ul style="list-style-type: none"> • Allotment of plots (21 to 90 sqm) & flats to individuals by DDA • Allotment of to land to Slum wing for JJ Colonies
Resettlement Colonies	Bawana, Ghevra	Allotment of plots (21 sqm) to EWS by Slum Wing / DUSIB

C. MPD-2021 (2007- onwards)

Implementation of Master Plan

The implementation period of Master Plan 1981-2001 witnessed maximum changes in global economy, liberalisation etc. Thus, the approach towards Master Plan and land policy was modified, as per the changing needs of the society. The major changes observed were:

- Increase in land value and thus huge investment in land, by public sector agencies to continue large scale acquisition policy for planned development;
- Lack of enforcement to check unplanned development leading to unauthorised colonies in areas proposed for urbanisation;
- Increased air, noise and water pollution levels;
- Formation of Delhi Metro Rail Corporation and the introduction of MRTS;
- Increase in densities and FAR without simultaneous up gradation of infrastructure; and
- Sudden rise in real estate prices, due to inflation not matching with the average household income.

Considerations and Highlights of MPD 2021

The MPD-2021 was prepared on the basis of extensive consultations, and public participation. Land acquisition and development related experience from earlier Master Plans, considered while preparing MPD-

2021, presented at point 5 and 6 under Review of Past Experience are as follows:

5. The MPD-62 set out the broad vision for the development of Delhi and, with a view to realise the development plan underlying this vision, a scheme of Large Scale Acquisition and Development of Land was also formulated. The aim of the latter was to ensure that the spatial pattern of development and use of land could conform to the development plan and infrastructure and services could be laid out to match the same. At that early stage, the process of planned development was envisaged as a public sector-led process with very little private participation in terms of development of both, shelter and infrastructure services. The philosophy of public sector led growth and development process continued in general till the process of economic reforms was initiated in the early 90's. Therefore, the Master Plan for Delhi 2001 (MPD-2001) also substantially reiterated the planning process, which had been outlined in MPD-62. These plans could be seen mainly as land use plans with a three level hierarchy, i.e. Master Plan, Zonal Plans and Layout Plans for specific development schemes within each zone.
6. The population of Delhi in 2001 was 138 lakh as against the MPD-2001 projection of 128 lakh. This had its inevitable implications and impact in terms of shelter, including squatter settlements, and other infrastructure facilities. Some issues that arise for consideration and are also directions for policy include:
 - (i) Review of the scheme of large scale development and acquisition and its relevance in the present context;
 - (ii) Alternative options for development of areas identified for urbanization in MPD- 2021;
 - (iii) Evolving a system under which planning for, and provision of basic infrastructure could take place simultaneously with reference to (i) and (ii) above; and
 - (iv) Involving the private sector in the assembly and development of land and provision of infrastructure services.

Major Highlights of the Plan

The Master Plan incorporates several innovations for the development

of the National Capital. A critical reform has been envisaged in the prevailing land policy and facilitating public - private partnerships. Together with planned development of new areas, a major focus has been on incentivising the recycling of old, dilapidated areas for their rejuvenation. The Plan contemplates a mechanism for the restructuring of the city based on mass transport. The population of Delhi in 2001 was 138 lakh as against the MPD-2001 projection of 128 lakh. This has had its inevitable implications and impact in terms of shelter, including squatter settlements, and other infrastructure facilities.

The following critical areas have been the focal points of the Plan:

(a) Land Policy

The land policy based on the optimum utilisation of available resources, both, public and private in land assembly, development and housing.

LAND POLICY DELHI 2021

The Land Policy for Delhi, as a Chapter of MPD 2021, was first notified on 26/09/2013. Subsequently, based on problems of implementation, and lack of coordination between stakeholders, the revised chapter was notified on 11/10/2018. The relevant provisions at 19.1 with sub-heading 'Guiding Principles' and 19.4 with sub-heading 'Norms for Land Pooling and Development Control Norms' are reproduced below:

Guiding Principles

- (i) Pooling of land under this Policy will be done on the basis of sectors (as defined in the Regulations) and as delineated in the Zonal Development Plans.
- (ii) The Policy is open to all landowners who own land in the areas notified by DDA / Government under the Policy. Landowners with any size of land may register and express their interest to participate as per the application process specified in the Regulations.
- (iii) In order to ensure unified planning, servicing and subdivision/ share of the land in a sector as per Land Policy and Regulations, a minimum of 70 per cent contiguous land of the developable area within the sector, free of encumbrances, is required to be pooled to make the sector eligible for development. When such minimum contiguity is achieved in a sector, DDA will intimate all the constituent landowners forming part of the contiguous land in the sector to form a consortium as defined in the Regulations. Isolated land

parcels of 2 ha and above falling in a sector, that are not a part of 70 per cent contiguous land shall also be eligible for being part of the Consortium based on feasibility of the layout plan.

- (iv) Of the pooled land, the Consortium will retain 60 per cent and hold the remaining 40 per cent on behalf of DDA, to be surrendered (free of encumbrances) as and when required to DDA/ service providing agencies for development of city level physical infrastructure, recreational and public/semi-public (PSP) facilities as per the ZDPs and layout plan of a sector. Each landowner will surrender land proportionate to the area of land pooled, irrespective of land uses assigned to their original land in the ZDP.
- (v) The 60 per cent land shall be utilized by the Consortium for development of residential, commercial, public and semi-public facilities as per the Policy.
- (vi) The Consortium will mutually decide a formula for redistribution of developed land/ built space, or any other form of fair exchange as part of an "Implementation Plan" and convey the same to DDA with the consent of all landowners.

Norms for Land Pooling and Development Control Norms

The proposed land pooling and development by DE/Consortium shall be based on the following norms:

- (i) The Land Use distribution at the city level for the urbanizable areas in the Urban Extensions adopted for this Policy is as under:
 - Gross Residential: 53 per cent
 - Commercial: five per cent
 - Industrial: four per cent
 - Recreational: sixteen per cent (does not include green areas within the various gross land use categories)
 - Public and Semi- Public Facilities (PSP): ten per cent
 - Roads and Circulation: twelve per cent
- (ii) The above land use distribution will split on a 40:60 basis. A minimum of 40 per cent of pooled land in every sector shall be reserved for city level infrastructure (surrendered as and when required to DDA and service providing agencies for provision of infrastructure). A maximum of 60 per cent of

pooled land in every sector shall be available to Developer Entities (DE) / Consortium for development.

Development control norms

- (i) FAR for Residential, City Level Commercial and City Level PSP shall be as per prevailing Master Plan.
- (ii) Residential FAR for Group Housing to be applicable on Net Residential land.
- (iii) Net Residential land to be a maximum of 55 per cent of Gross Residential land.
- (iv) For the purpose of providing EWS housing, the DE/ Consortium shall utilize a mandatory FAR of 15 per cent over and above the maximum permissible residential FAR. The resultant increase in density shall be considered over and above the permissible density as per Master Plan.
- (v) EWS Housing unit size shall range between 30-40 sq.m.
- (vi) Adequate parking shall be provided by the DE/ Consortium as per MPD. In case of the EWS housing component, a norm of 0.5 ECS/100 sq. m of BUA shall be followed.
(<https://online.dda.org.in/landpooling/AppForm/docs/Notified%20Land%20Policy%2011.10.2018.pdf>)

OTHER LAND RELATED POLICIES

Surrender of land by Extensive Industries

During the pre-Independence period, large scale industries dealing with textiles, vanaspati, steel, chemicals, etc. were established, mostly in the then fringe areas of Delhi, located along G.T. Road, Rohtak Road, Najafgarh Road, Loni Road, etc. Additionally, thermal Power Plants were operational along the river Yamuna at Rajghat and Indraprastha Estate.

Master Plan for Delhi 1962, classified these as Extensive Industries. All the noxious industries, which are now located in residential areas, were to be relocated in areas meant for Extensive Industries. The vacated sites were proposed to be developed for flatted factories. Master Plan for Delhi 2001 policy for such areas is reproduced below -

Hazardous and Noxious Industries

- (i) The Hazardous and Noxious Industrial units are not permitted in Delhi.

- (ii) The existing industrial units of this type shall be shifted on priority within a maximum time period of three years. Project report to effectuate shifting shall be prepared by the concerned units and submitted to the Authority within a maximum period of one year.
- (iii) The land which would become available on account of shifting as administered in (b) above, would be used for making up the deficiency, as per the needs of the community; based on norms given in the Master Plan; if any land or part of land, so vacated is not needed for the deficiency of the community services, it will be used as per prescribed Land Use; however the land shall be used for light and service industries, even if the land use according to the Master plan / Zonal Development Plan is extensive industry.
- (iv) Action shall be taken by Delhi Administration to prepare a list of individual noxious and hazardous industrial units to be shifted and depending on the pollution / hazard, administration may force these industrial units to shift within a maximum prescribed period of three years.

Heavy and Large Industries

- (i) No new heavy and large industrial units shall be permitted in Delhi.
- (ii) The existing heavy and large scale industrial units shall shift to Delhi Metropolitan Area and the National Capital Region keeping in view the National Capital Region plan and National Industrial Policy of the Government of India.
- (iii) The land which would become available on account of shifting as administered in (ii) above, would be used for making up the deficiency, as per the needs of the community; based on norms given in the Master Plan; in any land or part of land, so vacated is not needed for the deficiency of the community services, it will be used as per prescribed Land Use; however the land shall be used for light and service industries, even if the land use according to the Master plan / Zonal Development Plan is extensive industry.

Guidelines for Surrender of land

The Supreme Court of India, vide its orders dated 10.05.96, 08.07.96, 04.12.96 and 28.04.2000 in Writ Petition (Civil) 4677/1985 titled as

M.C. Mehta vs. Union of India and Others, gave directions regarding surrender of land by Industries in view of provisions in MPD 2001 referred above. The guidelines based on various orders are given below:

- (i) Approved a scheme, for relocation / shifting of certain industries from Delhi and the surrender of the land used by such industries by their owners so that it could be developed and be put to use for the community at large, the owners having been given the liberty to retain, to an extent, part of such land.
- (ii) The land which would become available on account of shifting / relocation of hazardous / noxious / heavy and large industries from the city of Delhi shall be used in the following manner:

<i>Extent</i>	<i>Percentage to be dedicated / maintained as Green (through tree plantation)</i>	<i>Percentage to be developed by the owner as a remunerative component in accordance with these regulations</i>
Up to 2000 sq. mts. i.e. 0.2 ha. (including the first 2000 sq.mts. of the larger plot)	Nil	100
0.2 to 5.0 ha.	57	43
0.5 to 10.0 ha.	65	35
Over 10 ha.	68	32

- (iii) The owner shall be entitled to one and a half times of the permissible FAR under the Master Plan, on land to be developed by the owner as a remunerative component in accordance with these regulations.
- (iv) These lands are now to be developed into green belts without any compensation. Where the land is acquired or used for any other purpose under extreme necessity, the land owner would be entitled to get 50 per cent of the compensation or consideration for the use of such land.

Regulations for Enabling the Planned Development of Privately owned Lands

The land policy for Delhi was notified in 1961 and the Master Plan for Delhi restricted the development of unacquired land. DDA, especially after the 1990s could not acquire land due to high land values. The acquisition of land for Rohini Phase iv / v, for registrants in 1980, was

possible only after interventions by courts. The Policy for private lands followed in Delhi is given below -

- (i) Building Plans not part of approved lay out plans are not sanctioned by urban local bodies;
- (ii) The change of land use of privately owned land was not processed in the absence of any policy; and
- (iii) Absence of regulations like Transferable Development Rights. Even circle rates notified by Government of Delhi are based on type and period of development. These are not feasible for TDR where land value is important criteria.

The private land owners, in view of above, under following categories started demanding permission to develop private land:

- (i) Lands with recreational land use in developed area as DDA failed to acquire land;
- (ii) Isolated pockets in built-up areas, away from DDA projects, as extending infrastructure was expensive;
- (iii) Land vacated by prohibited industries which are not covered in the Supreme Court order dated 1996 onwards;
- (iv) Old Farm houses, now part of urban area;
- (v) Land around monuments; and
- (vi) Disputed / unacquired land in approved colonies.

Delhi Development Authority, with the approval of Government of India, notified the "Regulations for Enabling the Planned Development of Privately owned Lands" on 4th July 2018. The relevant provisions of these regulations in context of applicability; pre-requisites and planning provisions; and development control norms are as follows:

Applicability

These regulations shall apply to the following types of privately owned land parcels:

- (i) "Private Land / Privately Owned Land" means any unacquired / freehold land or property, which is not open to the use and enjoyment of the public and the ownership of the said land vests with an individual owner or a company or a society or a group of land owners voluntarily agreeing to participate pursuant to an agreement. This is subject to applicability set out in Clause 3.1 of these Regulations.

- (ii) Land parcels having activities / uses that were already in existence before the notification of MPD 1962.
- (iii) Land parcels that were left out and could not form a part of any layout plan / planned development during the implementation of the MPD.
- (iv) Land parcels that could not be acquired by DDA because:
 - (a) Acquisition proceedings were challenged by the land owners and quashed by the courts.
 - (b) Acquisition lapsed as per sub-section 2 of section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.
- (v) Land parcels assigned 'Recreational use' in the layout plan, resulting in restricting their development are also included (except for notified or reserved forest area, Regional Park and Monument Regulated Zones as per MPD2021).

Pre-Requisites and Planning Regulations

- (i) Development on the privately owned land shall be in consonance with the land use as notified in prevailing MPD / ZDP or land use / use premise mentioned in already approved layout plans / schemes of that area, if any or as specified in these Regulations.
- (ii) DDA (in the 'development area') ULB (in the 'non-development area') shall take up the master planning for external development of the plots, i.e. roads and linkages required for provision of infrastructure and services (subject to payment of applicable external development charges by the landowner).
- (iii) Where any land is required for providing governmental or public semi-public use of the private land, the same shall be acquired by the concerned implementing agency either by mutually agreed rate or under the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and appropriate compensation to be paid accordingly by the agency concerned.

Development Control Norms

- (i) Land owner shall abide by the development control norms as prescribed in the prevailing MPD and UBBL or specifically mentioned in these regulations, if any.

- (ii) Privately owned lands with pre-MPD 1962 activities / use, can choose to continue with the same activity / use provided that all provisions specified in the Regulations are met. The landowner can also opt to develop as per the use specified in the prevailing MPD/ ZDP/ approved layout plan subject to payment of requisite charges.
- (iii) Owners of the privately owned land parcels assigned 'Recreational use' in the approved layout plan shall be permitted to utilize their land as per the following provisions:

<i>Extent</i>	<i>Percentage to be dedicated / maintained as Green (through tree plantation)</i>	<i>Percentage to be developed by the owner as a remunerative component in accordance with these regulations</i>
Up to 2000 sq. mts. i.e. 0.2 ha. (including the first 2000 sq.mts. of the larger plot)	nil	*100
0.2 to 5.0 ha.	57	43
0.5 to 10.0 ha.	65	35
Over 10 ha.	68	32

*Open spaces within the plot to be maintained as 'green'.

CONCLUDING REMARKS

Master Plan for Delhi 1962 was backed by Land Policy for the projected population in 1981. The Plan proposed green belts beyond urban limits. These policies were not backed by enforcement mechanism as these areas were mostly under the Municipal Corporation of Delhi. As a result, unplanned development took place across planned areas.

The progress of acquisition of land up to early 1990s was reasonably satisfactory. The process slowed down mainly due to increase in land value, and the formation of Government of National Capital Territory of Delhi. DDA has to submit request to acquire land to GNCT of Delhi, as it has no powers to acquire land on its own. The problem increases in case the Central and State Governments have separate political parties with different ideologies.

In view of large-scale acquisition of land policy, the Master/ Zonal Plans, and Sub-City Plans (land use) are mostly based on physical features and not on revenue maps. Updating notified Zonal Development Plans, for Land Pooling Zones, on revenue maps is a major challenge for DDA planners. This requires full cooperation between

DDA and the Government of NCT Delhi. This is also applicable in case of implementation of Regulations for Enabling the Planned Development of Privately owned Lands.

DDA will have to ensure no development within floodable areas of Najafgarh and other drains in land pooling areas, by private developers. Thus, the Irrigation and Flood Department of Government of NCT of Delhi needs to identify them, based on 25 year's flood data.

The Master Plans are formulated in consultations with all stake holders in Delhi and National Capital Region of Delhi Plan. The services providing agencies are fully aware about projected population and proposed urban limits. However, it is observed that the agencies plans are not matching with the Master Plans. This leads to delay in the implementation of planned development. The service providing agencies are also forced to divert the services to unplanned areas due to vote bank considerations.

As per the proposed land pooling and development policy the Developer Entities / Consortium shall be responsible for assembly, planning and development. The success of policy will mainly depend upon cooperation between DDA (different department), revenue department, service providing agencies (DJB, TRANSCO, I&F) under State Government and Municipal Corporations (South & North).

The land use enforcement, protection from unauthorized construction and monitoring of acquired land is a major problem in Delhi since MPD 1962. All agencies will have to work and coordinate for success of land pooling policy. Otherwise, delay may lead to unplanned development of fringe areas with like colonies along Vikas Marg (MPD62), Budh Vihar (MPD2001), and Uttam Nagar (MPD2021).

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ANNEXURE- 1

URBANIZATION TREND OF DELHI DURING 1901-2011

No.	Census Year	Total Population	Urban Population	Per cent of urban Population to Total	Decadal Growth (per cent)	AEGR
1	1901	405,819	214,115	52.76		
2	1911	413,851	237,944	57.50	11.13	1.1
3	1921	488,452	304,420	62.32	27.94	2.5
4	1931	636,246	447,442	70.33	46.98	3.9
5	1941	917,939	695,686	75.79	55.48	4.4
6	1951	1,744,072	1,437,134	82.40	106.58	7.3
7	1961	2,658,612	2,359,408	88.75	64.17	5.0
8	1971	4,065,698	3,647,023	89.70	54.57	4.4
9	1981	6,220,406	5,768,200	92.73	58.16	4.6
10	1991	9,420,644	8,471,625	89.93	46.87	3.8
11	2001	13,850,507	12,905,780	93.18	52.34	4.2
12	2011	16,787,941	16,368,899	97.50	26.83	1.92

Note: AEGR means Annual Exponential Growth Rate.

Source: Census of India Provisional Population Tables, NCT of Delhi Series 8, Paper 1 of 2011.