

# A Study on Urban Land Management Tools of India

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## Abstract

Land resources are limited. It is constant and cannot be created. In India most of land is used in agriculture but due to rapidly growing urbanisation the agricultural land is curtailment day by day; so that the proper management of land is most demanded. This paper focuses on different urban land management techniques followed in different region of India are study by urban land management models.

**Keywords:** Urban land, Land Policy, Land Pooling, Land Acquisition, Consolidation through Land Pooling.

## INTRODUCTION

The name of urban land management is different in different parts of the world, basically they all are land management tools. In India land is managed by the policies of Economic Liberalization (1991) and Democratic Decentralisation (1993) together with ever increasing shortage of urban land.

In many states, especially Gujarat, Haryana, Kerala land managed by Land Pooling model/Land Acquisition Act; while cities like Delhi, Bombay land management is done by Transfer Development and Regulation Act (TDR).

### A. Objectives

The purpose of this paper is as follows:

- To understand current urban Land Management policies in Indian Cities.
- To propose an implementable new model and recommended the modification in current land management method for better sustainable development.

### B. Need to Effectively Manage Growth

In India most of land is used in agriculture and the urban population is increase rapidly. For this the transformation of cities and towns are imperative and pressure of new growth are dealt with so that they are more livable, efficient and environmentally sustainable.

It needs effective urban coming up with protocols, processes, and establishments underpinned by effective legislation. To effectively manage the new growth notifies that the agricultural land at the outer boundary of the cities and towns or smaller settlements that aren't nevertheless "urban" is remodelled to be created appropriate for urban or non-agricultural uses. For this the irregular landholdings and plots can got to tend regular shapes; they need to have to be ordered and every plot should tend access; infrastructure services should be provided; land must be condemned for providing roads, parks, social amenities, and low-income housing, however most importantly; this all area unit should happen during a timely manner and such it's acceptable to the "landowners" to avoid conflict within the growth management method.

## LAND POOLING AND RECONSTITUTION

In LPR, variety of little holdings are pooled along, a neighborhood of land is taken from every plot for provision of infrastructure and public facilities and also the rest came back to the original land owners. It's primarily a land management tool and is employed everywhere the globe underneath different names with slight modifications in their operating. "Fig. 1," shows the land pooling characteristic.

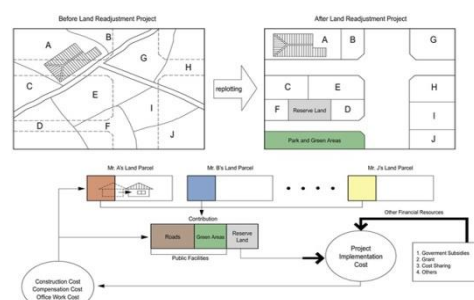


Fig. 1. An illustration of the Land Pooling process

Source: Renato Saboya, 2008

Extensively used internationally, LPR will trace its roots to Netherlands and Germany within the 1890s and quickly unfold across the world together with Europe (e.g. Sweden, Finland, France and Belgium), Asia (e.g. Japan, South Korea, Thailand, Indonesia, India and Nepal), the Middle East (e.g. Israel, Lebanon and Palestine) and Australia (“Table 1”). It’s used primarily for peri-urban enlargement.

Table I. International Experiences on Land Readjustment and Other Techniques

Country	Related Regulations	Term / Technique applied
Germany	Former Lex Adickes, Land Consolidation Act (LCA) 1902; Also Referenced Baugesetzbuch (BauGB) 1986 and Law on Adjustment of Agriculture (LAA) 1990	Baulandumlegung
India	Bombay Town Planning Act 1915	Plot Reconstitution
Australia (Western)	Western Australian Town Planning and Development Act 1984	Land Pooling
Indonesia	Basic Agrarian Law No 5, Spatial Use Management Law 1960, Law on Housing and Settlement 1992	Land Consolidation
Thailand	Land Readjustment Act BE- 2547 2005	Experience with Land sharing before Land Readjustment

Source: Author compiled

Urban land management could be a difficult method. It involves variety of parameters also as legal backbones it's unacceptable for anybody skilled to know this and artistic movement aspects, practices for the state. Asian nation could be a nation divided into twenty nine states and seven union territories. From these all states having a distinct standing of urbanization, policy and acts. A lot of over land management could be a state subject and that they are measure currently unfit for provision of big parcel of urban land. Sadly property aspects were neglected from last 3 decades. Therefore, to know the complexity of the difficulty following methodology was adopted.

1. Leading consultants were known from government sectors also as professionals.
2. Property parameters were known supported legal and body procedures.
3. Known parameters were quantified through and opinion ire for assessment.

## URBAN LAND MANAGEMENT PRACTICE IN INDIA

Land assembly and development mechanism are undertaken for achieving the optimum social use of urban Land and also to confirm adequate convenience of land to public authority and people. There are following basic three urban land management techniques in India: Land Acquisition, Land pooling/Readjustment and Guided land development.

### I. Land Acquisition

“Land Acquisition” means that the acquisition of private land for the purpose of industrialisation, advancement of infrastructural facilities and provides compensation to the affected land owners and their rehabilitation and resettlement by the administrative body.

The practice of land acquisition by public entities in India goes back to 1824 and the Land Acquisition Act was altered in 1894. It provides the right for state authorities to accumulate parcels of land for the implementation of development projects. It harmonious and consolidated previous laws into one single act, applicable among the entire British India. After India’s independence in 1947, the Indian Government started exploitation this act as a tool to buy land at a lower cost than that on the regular market, because it was meant to be employed in the general public interest. Till 2013, land acquisition was ruled by Land Acquisition Act of 1894 but in 2013 right to fair Compensation & Transparency in Land Acquisition, resettlement and rehabilitation Act is introduced. whereas the bill was passed in Lok Sabha and it still wants approval from the Rajya Sabha, wherever the present government doesn't have a majority, for the projected amendments to become effective. Nevertheless, if it's enforced, land will solely be acquired approvingly of the 70 percent of the land house owners for PPP projects and 80 percent for the non-public entities. Public Private Partnership (PPP) and private companies will need to obtain the agreement of 80 percent of Land pooling & redistribution families affected by the project to acquire land; while at present agreement from 70 percent of the landowners only is required. Besides, compensations to owners will increase, both in rural and urban

areas. Moreover, a Social Impact Assessment being required for every land acquisition, this is likely to further delay the process. It should thus become more and more difficult for developers to acquire land, even for a legitimate public purpose.

## II. Land Pooling and Readjustment

Land Pooling could be a conception that where very little chunks of land are owned by cluster of landholders who meet for the infrastructure development as per the provisions of the Delhi Development Act 1957. After the land development, the Land Pooling agency decentralized the land after curtail some portion of land as compensation. It can be done to develop housing and provision of infrastructure to minimize the load on the present congested situation.

Land Pooling & Readjustment approach is involves Public Participation. Land re-adjustment could be a process whereby a public authority assembles various little parcels of raw land while not paying compensation to the house owners. The authority then sub-divides such assembled lands for urban use returning most of the building sites to the original house owners in proportion to the worth of their land contribution and allowing them the right of antagonistic such sites. The authority retains some of the assembled lands, applying them partially to supply civic amenities such as roads, parks and gardens or colleges, and also the remainder land for public sale to recover the value of development. Thus, land re-adjustment acts as tool to attain unified management over giant areas of land and as an instrument of funding public service installations within the method of planned urban growth.

## III. Guided Land Development

Guided land development uses the availability of infrastructure as a mechanism to guide urban development. It's done in partnership with landowners. They get the price of servicing their land through donation of land for public infrastructure and payment of a betterment levy.

This was created attainable for the first time in India underneath the Haryana Municipal and Regulation of urban area Act, 1975. The Act permits developers to barter direct purchase from farmers for big scale land assembly for urban development. This land is usually placed on the fringes of existing cities and also the negotiated costs are 3 to 6 times more than the government rates. The house owners are, therefore, happier commerce the land to personal colonizers instead of having to cope with public agency underneath the Land Acquisition Act. Land assembly is additionally completed comparatively easily. The conception of guided Urban Development (GUD) emerged in response to unplanned, uncontrolled urban development with no relevance infrastructure services. It conjointly aims to secure a restricted accessibility of urban land for economically weaker sections. GUD had been applied in Chennai underneath the world Bank-assisted Tamil Nadu Urban Development Project by Chennai Metropolitan Development Authority (CMDA).

## DIFFERENT LAND SUPPLY MODELS

In the recent past, many urban development authorities and state governments have applied checks and balances and used the regulative framework to create land offered to the poor whereas permitting the market to control. Totally different states like Haryana, M.P., U.P., Punjab and Tamilnadu have developed Land supply Models Keeping focussed the land requirements for urban poor. Few of them are listed below:

1. T.P. Scheme: The Gujarat Model
2. Haryana Joint Development Model
3. TDR Model

### 1. T.P. Scheme: The Gujarat Model

The town planning scheme is another methodology to assemble the land for development activities in a quicker and reasonable manner. Town planning scheme (TPS) is operating in a number of the states of Indian Union within the kind of plot reconstitution. It's a neighbourhood planning technique patterned on the conception of land readjustment.

In India, the Bombay town planning Act of 1915 allowed the employment of Land Pooling and Reconstitution within the kind of town planning schemes (TPS) within the erstwhile Bombay Presidency. Later, it became the premise of the TPS legislative act in Gujarat - the Gujarat Town Planning and Urban Development Act (GTPUDA), 1976.

Town planning schemes is adopted by Gujarat especially after the 1986 & 1999 reclamations to the GTPUDA. But to expedite the process of land development, that was strained by the then existing methodology of land acquisition and development because it was both time overwhelming and costly due to legal issues and also the serious compensation which the native authorities needs to pay to land owners. To overcome such difficulties some states adopted the land pooling technique (followed in eastern Asia by Japan, South Korea and Taiwan). In land pooling technique, irregular plots of land are pooled together, serviceable and reconstituted into systematic plots before returning a proportion of improved land to the house owners. it absolutely was believed that with less of monetary transactions, this method of land exploitation would work out to be quicker and cheaper. For the satisfaction of the land owners, the tactic concerned a form of community participation during which the judgment of the house owners was wanted in any respect stages of development.

For example, in Ahmedabad, total 456 town planning schemes are prepared by Ahmedabad Urban Development Authority (AUDA) and Ahmedabad Municipal Corporation (AMC).

In this technique; maximum 40% land can be acquired for residential and other public and private facilities. While 100% land acquired for airports, emergencies, electric towers.

Apart from Gujarat and Maharashtra, a number of alternative states, notably Andhra Pradesh, Karnataka, Punjab and Kerala are using this mechanism.

## 2. Joint Development Model: Haryana

Haryana Development and Regulation of urban area Act (HD RUAA), 1985 give certainly planned areas to be specially designated to permit personal developers to assemble parcels of land that exceed the boundaries set by the Urban Land Ceiling Act (ULCER).

The act provides for the licensing of personal developers to buy land directly from land owners and develop such lands for residential purpose consistent with the conditions which include:

1. Reservation of 20% of the developed residential plots for EWS and LIG class and their allotment as per prices and norms set by HUDA (Haryana Urban Development Authority).
2. The developer should pay alternative servicing/administrative prices to HUDA on a net m<sup>2</sup> bases.
3. The developer should build bound community facilities and / or offer land for such freed from charge.
4. Sale of another 25% plots on no profit no loss basis; and Remaining 55% plots to be priced and sold-out directly by the developer.
5. The developer should maintain the finished colony for 5 years.
6. The developer should return any excess profit to the state (a ceiling of 15% profit on total project prices is imposed).
7. To confirm compliance with these conditions the developer should take away a bank guarantee in favour of HUDA.

Initially, the model started with the planned development, however over time it's shifted to residences. The joint development approach has been extensively applied in Gurgaon and alternative cities neighboring city.

## 3. TDR Model

In decisive the 'fair value of land' to be acquired, Governments usually attempt to believe the past records of sales transactions. These are seldom reported or recorded properly since dealing taxes are high and therefore the role of 'black money' within the economy is massive. Today, native Bodies or the State Governments don't have adequate funds to accumulate the required land even at the recorded low rates. A practical resolution to the present drawback may be the utilization of 'Transfer of Development Rights'.

Under the TDR conception, the development potential of a plot of land partially or absolutely reserved for public purpose are often separated from the land itself and be created accessible to the owner of the land by method of TDR within the type of Floor space Index.

If the FSI granted can't be used on the land not coated by acquisition, the landholder is liberated to use the extra FSI on the lands situated in alternative parts of the town. this manner the outrageous prices of acquisition of urban land for public purpose are often met by a system of compensation in a similar way instead of in cash.

Mumbai is that the 1<sup>st</sup> town in India, that has adopted the TDR conception in an exceedingly regulated manner as an alternate mechanism for land acquisition for providing the essential amenities in accordance with the development plan proposal, for slum improvement and urban renewal through reconstruction of ramshackle buildings.

## RECOMMENDATIONS

This study tries to search out the deficiencies within the current Land pooling and reconstitution methodology and providing sustainable solutions. As per the analysis studies land pooling is best performance techniques for provide of urban land however at a same time it's did not provide titled urban land to the end users additionally this method isn't concern about environment and climate change. due to this some of the modification in land pooling methodology and acts are needed. For this land pooling and reconstitution is now replaced with Consolidation through land pooling. Some basic modifications in methodology are highlighted below.

- Instead of temporarily pooling the land, it ought to be acquired underneath the land acquisition act 1894.
- Where there's a shortage of land additional Floor space index [F.S.I.] is offered as compensation.

- Land pooling techniques ought to be connected with environment and climate change considerations (such as provision of green infrastructure, rainwater harvest, sustainable designs, and energy efficiency, to name a few).
- Open space in land pooling areas should be increased so that all and majority of plots have access to open spaces also the future expansion for the development is easily possible.

Few changes in acts and combination of techniques can provide free hands to planners for a lot of infrastructural space. Original land owners are going to be satisfied because of applicable compensation this can be the primary step of towards sustainable infrastructural planning and inclusive development in India.

## CONCLUSIONS

According to the 1991, only 25 percent of population lives in urban areas which are increasing in 2001 by 27.8 percent. By 2050 half of the population will be living in its cities and towns. Due to these; Number of metropolitan cities are increasing gradually. So that the optimum usage of land in a developing city is obvious. In India history of land planning are started back since 1824. Presently it's managed by Bombay Town Planning Act 1915.

From the study of different ULM models it is concluded that every ULM models are satisfied in some proportion consistent with their native, environmental & political scenario but none of them is holistic to produce sustainable development due to these new effective tools and some modifications can be applied by taking positives of existing policies according to expert's views.

Land pooling, reconstitution and plotting are land management tools that must be effectively formed to realize a planned development. In CIDCO model supported TDR (Transferable Development Rights) mechanism is additionally used for metro cities existing in India. For mega cities & for those cities, that is in underneath, developing conditions, that have an ample land than T.P. scheme mechanism is additionally sensible in present condition. Haryana model is additionally satisfying all urban development condition for quick growing cities. TDR model is usually used once land accessibility is extremely less and city development drained vertical direction. The success of TPS in Gujarat shows that similar schemes with modifications may be applied to any different Cities in India.

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