



INTERNATIONAL WORKSHOP ON 'LAND POOLING POLICY: PARADIGM FOR SUSTAINABLE DEVELOPMENT'

28–29 November 2019 | India Habitat Centre

Preeti Jain Das, Ph.D
Senior Fellow
The Energy and Resources Institute (TERI)
Darbari Seth Block, India Habitat Centre,
New Delhi – 110003
Phone: 9650173999 (M)
011-24682100, 011-41504900 (O)
Email: Preetijain.Das@teri.res.in

Ankita
Project Associate
The Energy and Resources Institute (TERI)
Darbari Seth Block, India Habitat Centre,
New Delhi – 110003
Phone: 8860912291 (M)
011-24682100, 011-41504900 (O)
Email: ankita@teri.res.in



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Dear Friends,

Land pooling, as a mode of land procurement for urbanization, industrialization, and infrastructure development in India, has gained salience in recent years. The voluntary participation of landowners with assurance of shared prosperity makes land pooling a sustainable option for land aggregation.

While Maharashtra and Gujarat have, for long, relied on land pooling as a policy instrument for urban growth, Assam, Delhi, Haryana, Punjab, Rajasthan, and Uttar Pradesh have enacted the land pooling policies in the past few years. The ambitious plan of building Amaravati, the new capital of Andhra Pradesh, on pooled land has generated considerable enthusiasm for testing its efficacy across various sectors and at different geographical sites. The success of this tool of public policy will depend not only on the nature of the legislative structure, the institutional mechanism and the land-sharing ratio but also on the extent of the benefits accruing to the livelihood-dependent families, marginalized communities, and women.

TERI organized a two-day international workshop to confer on the approaches and strategies for an inclusive land pooling policy. I sincerely hope that the suggestions that emerged during the workshop will be a useful guide to policymakers, practitioners, and researchers working in the area.

Best wishes,

A handwritten signature in black ink, appearing to read 'Ajay Mathur', written in a cursive style.

Dr Ajay Mathur
Director General, TERI



AGENDA OF INTERNATIONAL WORKSHOP ON 'LAND POOLING POLICY: PARADIGM FOR SUSTAINABLE DEVELOPMENT'

(28–29 November 2019)

Day 1 – November, 28th Jacaranda Hall, IHC

Time	Agenda
9.00 – 9.45 am	Registration
9.45 – 10.55 am	Inaugural Session
9.45 – 9.55 am	Welcome Address by Dr Ajay Mathur, Director General, TERI
9.55 – 10.15 am	Inaugural Address by Dr Bina Agarwal, Professor of Development Economics and Environment, University of Manchester and former Director, Institute of Economic Growth, Delhi
10.15 – 10.45 am	Keynote Address by Dr Ashok Dalwai, CEO, National Rainfed Area Authority
10.45 – 10.55 am	Vote of Thanks by Dr Preeti Jain Das, Senior Fellow, TERI
10.55 – 11.15 am	Tea break
11.15 am – 1.30 pm	1st Session
	Challenges of Implementing The RFCTLARR Act, 2013
11.15 – 11.45 am	Keynote Address by Dr Anita Chaudhury, former Secretary, Department of Land Resources, Ministry of Rural Development
11.45 am – 1.15 pm	Panellists:
	Mr N Manjunath Prasad, Principal Secretary, Department of Revenue, Karnataka
	Mr Dnyaneshwar B Patil, Secretary, Department of Revenue, Government of Madhya Pradesh
	Mr Dilip Das, Secretary, Department of Revenue and Disaster Management, Assam
	Mr V K Thakur, Assistant Director, Department of Revenue and Land Reforms, Bihar
	Moderator: Dr Anita Chaudhury, former Secretary, DoLR

1.15 – 1.30 pm	Q&A Session
1.30 – 2.15 pm	Lunch
2.15 – 5.30 pm	2nd Session
	Land Pooling in India: Lessons Learnt
2.15 – 2.45 pm	Keynote Address by Mr Tarun Kapoor, Vice Chairman, Delhi Development Authority
2.45 – 4.00 pm	Panellists:
	Dr M K Bimal, General Manager (Land Management), Airport Director, Safdarjung, Airports Authority of India
	Dr L Narasimham, Commissioner, Andhra Pradesh Capital Region Development Authority
	Mr Pankaj Dugar, CEO, IREO Management Pvt. Ltd.
	Dr Jignesh Mehta, Adjunct Associate Professor, Faculty of Planning, CEPT University, Ahmedabad
	Moderator: Mr R R Rashmi, Distinguished Fellow, TERI
4.10 – 4.30 pm	Tea break
4.30 – 5.15 pm	Q&A Session
6.45 – 8.30 pm	Badminton court, 5th Floor, TERI

Day 2 – November, 29th, Jacarnda Hall, IHC

Time	Agenda
9.45 am – 1.00 pm	3rd Session
	Land Pooling: Sharing Experiences of Implementation
9.45 – 10.15 am	Keynote Address by Mr Ravi Agarwal, MD, Signature Global India Pvt. Ltd.
10.15 – 11.15 am	Panellists:
	Mr P L Sharma, Chief Town Planner, Gujarat Infrastructure Development Board, Ahmedabad
	Mr Tashi Penjor, Chief Urban Planner, Bhutan
	Dr Sudha Shrestha, Head, Department of Architecture, Tribhuvan University, Nepal
	Moderator: Dr Prodipto Ghosh, Distinguished Fellow, TERI
11.15 – 11.35 am	Tea break
11.35 – 11.55 pm	Ms Parul Agarwala, Programme Manager, UN Habitat
11.55 – 1.00 pm	Q&A Session
1.00 – 1.45 pm	Lunch
1.45 – 5.30 pm	4th Session
	Group Discussions
1.45 – 2.15 pm	Keynote Address by Mr Sanjay Mitra, former Secretary, Ministry of Defence
2.15 – 2.45 pm	Mr Satish Magar, MD, Magarpatta Township Development & Construction Company Moderator: Dr Prodipto Ghosh, Distinguished Fellow, TERI

2.45 – 4.10 pm	1st group – Enabling legislative framework
	2nd group – Institutional arrangement
	3rd group – Financial benefit-sharing matrix
	4th group – Inclusivity for sustainable outcomes
	5th group –Addressing people's concerns
4.10 – 4.25 pm	Tea break
4.25 – 5.15 pm	Feedback Session
5.15 – 5.25 pm	Concluding Remarks by Dr Preeti Jain Das, Senior Fellow, TERI



CONCEPT NOTE FOR INTERNATIONAL WORKSHOP ON 'LAND POOLING POLICY: PARADIGM FOR SUSTAINABLE DEVELOPMENT'

scheduled on 28th and 29th November 2019 at IHC, New Delhi

The involuntary displacement of millions of people resulting from the unbridled exercise of the power of 'Eminent Domain' under the Land Acquisition Act, 1894 for acquisition of private land for industrialization, infrastructure development and urbanization in Independent India has generated conflicts and unrest across large parts of the country. The enactment of The Right to Fair Compensation, Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) Act, 2013, that overrode the colonial-era law, was the culmination of the long-standing demand for a fair and transparent land acquisition regime. The provision of market-linked cash compensation, social impact assessment, consent and rehabilitation and resettlement in the new legislation are intended to ensure beneficial outcomes to Project-Affected-Families. However, the steep increase in the cost of land acquisition owing to the enhanced compensation for land, coupled with the rehabilitation and resettlement package has prompted the acquiring bodies and industry to explore more economically sustainable land procurement alternatives. The need of the hour is to assess the challenges being faced by states and Union Territories in operationalizing the Central Law with a view to suggest remedial action.

In recent years, the option of land pooling has gained salience because it replaces the obligation for one-time cash payment to title holders by an arrangement wherein the land, for a project, is pooled by land owners who later receive a land parcel from the pooled land, after it is serviced. The plot of land undergoes value appreciation due to infrastructure development and can be utilized for commercial purposes for earning a regular income or monetized by the land owners. The land pooling option also addresses the critical issue of rehabilitation of PAFs, which, as studies indicate, is a major cause of the impoverishing effect of land-expropriation.

Land pooling, also known as land readjustment or land reconstitution, has a long history in India. The Bombay Town Planning Act, 1915 that allowed the use of land pooling and reconstitution in the form of town planning scheme was responsible for the urban development of Bombay Presidency in the first half of the 20th century. Similarly, the town planning scheme of The Gujarat Town Planning and Urban Development Act, 1976 aided the urban development of major cities of Gujarat, particularly Ahmedabad. Chandigarh and Naya Raipur also relied on land pooling to develop their urban infrastructure. Under the aegis of The Andhra Pradesh Capital Region Development Authority (APCRDA) Act, 2014, the Government of Andhra Pradesh has pooled approximately 33,000 acres of private land to build the new state capital at Amaravati. Between 2013 and 2019, Punjab, Rajasthan, Haryana, Uttar Pradesh and Assam have notified the land pooling policies as has Delhi Development Authority. Originally conceived as a mechanism for expansion of cities, pooling is now being applied to green-field projects, for example the Navi Mumbai airport and the proposed adjacent township, Mumbai-Nagpur Expressway and Doler Smart city in Gujarat.

Given that India's experience of land reconstitution has been confined to urban development, that too, on a limited scale, the adoption of the pooling option across varied sectors and geographical sites must be approached with caution. To begin with, concerns regarding the legal and organizational arrangements, tenancy laws and land record system, impact on local communities and environment, benefit-sharing matrix, institutional capacities, grievance-redressal and dispute resolution mechanism need to be addressed. Also, the issues related to awareness generation, confidence-building among titleholders, the sequencing of activities and

their timelines must be attended to. This calls for extensive discussions and consultations among all the stakeholders that can pave the way for the formulation of suitable laws and policies on land pooling in India.

TERI proposes to organize a two-day international workshop to bring together Central Ministries, state governments, industry,

land-acquiring bodies, project proponents, multilateral and bilateral funding agencies, jurists, international experts, practitioners, consultants, academicians and researchers to deliberate on the challenges and prospects of land pooling in India with the aim of making specific recommendations that will facilitate the drafting of a national land pooling policy.

Specifically, the objectives of the Workshop are:

1. Identify the challenges faced by states and Union Territories in implementation of The RFCTLARR Act, 2013
2. Assess the experience of land pooling in India in the last decade and identify the challenges and suggest suitable remedies.
3. Suggest appropriate regulatory and institutional frameworks for operationalizing land pooling.
4. Examine the likely impacts of pooling on livelihood-dependent communities and common property resources and suggest safeguards.
5. Deliberate on the range of financial structure of pooling policies, including the benefit-sharing packages for land- owners and other affected communities.
6. Learn from global best practices.

Expected outcomes

1. Compilation of proposed remedies to address the challenges of land acquisition under The RFCTLARR Act, 2013.
2. Initiation of wide-ranging dialogue on land pooling option for land procurement.
3. Providing a platform to all stakeholders for experience-sharing and peer-learning on specific aspects of pooling mechanism.
4. Identification of sectors in which pooling is a workable option for land procurement.
5. Compilation of suggestions for a national land pooling policy and its submission to Department of Land Resources, Ministry of Rural Development, Government of India.

BACKGROUND PAPERS



Land Pooling Policies and Practices in India

Land pooling, known variously as land readjustment/land reconstitution/land sharing/land consolidation/land re-plotting is an arrangement wherein the land for a project, is pooled by land owners who later receive a land parcel from the pooled land, after it is serviced. Land pooling is perceived as beneficial, both to the landowners as well as the development agencies by virtue of enhancing the intrinsic value of land by regularizing the plots and providing better public infrastructure; adopting a 'non-displacement strategy' whereby landowners retain their 'rights to return' or sell off lands after project completion; reducing the financial burden of servicing the land. It creates more opportunities for revenue generation and fosters collaboration between public and private actors in their pursuit for sustainable land development.

In the early 20th century, Germany was the first country to create a legal framework to carry out land pooling in urban areas. In Europe, it has been widely used for urban regeneration to decongest the cities and expand its boundaries. In the Asian context, Japan has been a forerunner in the application of this method, while South Korea, Taiwan, Thailand, Nepal and Bhutan have followed suit.

India's urban planning has long association with land pooling through the colonial town planning schemes. In 1915, The Bombay Town Planning Act initiated the Town Planning Scheme (TPS) in erstwhile Bombay Presidency. TPS made use of land pooling and redistribution process for planned urban development of large parts of Maharashtra and Gujarat. In 1976, the Gujarat Town Planning and Urban Development Act led to urban transformation in major cities of Gujarat (Surat & Ahmedabad), by integrating town planning and development plan at city level. The Punjab Regional and Town Planning and Development Act, 1995 also includes town planning scheme for implementation of its Master plan or provision of amenities *The Chattisgarh Nagar Tatha Gram Nivesh Adhiniyam*, 1973 and the Naya Raipur Development Plan-2031 have adopted town development scheme for urban expansion to accommodate the growing population of Raipur. The total area under TDS 1, TDS

4 and TPS is 6697.24 hectares. Mohali has also resorted to land pooling mechanism to supply lands for managing their housing shortages and other urban infrastructures.

The Bombay Town Planning Act, 1915 initiated land pooling started in Gujarat when it was a part of erstwhile Bombay Presidency. The urban planning legislation enshrined macro-level planning activities called 'Development Plans' as well as micro-level planning for smaller areas (about 100 Ha) called 'Town Planning Schemes' (TPS) by the local authorities. Further, to control development beyond the city limits, in 1976, the Gujarat Town Planning and Urban Development Act was framed. There are provisions for TPS in the Act that comes closer to land pooling. The local authority and the owners of land, enter into a joint venture to redistribute regularized plots after carving out areas for roads and streets, public and semi-public spaces. The manner, in which TPS has to be carried out, has been stipulated in the Gujarat Town Planning and Urban Development Rules, 1979. Essentially, there are three stages: preparation of draft scheme, preliminary scheme, and final scheme.

The Act was amended in 1999 to empower the appropriate authority to retain 50% of land pooled in the entire TPS area.

Percentage of allotment of land from the total area under the scheme:

Roads	15%
Parks, playgrounds, greens and open spaces	5%
Social infrastructure, e.g. schools, dispensary, public utility place	5%
land retained by appropriate authority for sale	15%
<ul style="list-style-type: none"> ▶ percentage of allotment may differ, though variations in ii) & iii) can be made only for public purpose, else they have to remain the same. ▶ proceeds from the sale shall be used to finance the cost of providing infrastructure in the notified area 	

The Urban Development Authority of Ahmedabad (AUDA), under the BTPA, 1915 built the entire city of Ahmedabad with

the first TPS being made for Jamalpur in 1925. Since then, TPS have been used to provide road connectivity (e.g. the Bus Rapid Transit System-BRTS, Sardar Patel ring road of about 76 km, build in 2002-2006), infrastructure- sewerage, storm water drainage, street lightning etc. Naroda that lies on the periphery of Ahmedabad witnessed haphazard growth due to the establishment of Gujarat Industrial Development Corporation in 1970s. Later, this periphery was brought under the Ahmedabad Municipal Corporation (AMC) which developed a total area of 87.45 Ha by using TPS in 2006. The GTPUDA Act, 1976 even allocated 10% of the total land area to construct houses for the socially and economically backward classes. The city's experience with TPS shows that it can be used to initiate development in an entirely new area as well as in informal contexts where unauthorized colonies have to be brought under the ambit of planned urban development. TPS have proved to be a useful tool for the reconstruction of the walled city of Bhuj. From 1978 to 1999, Ahmedabad has successfully implemented Town Planning Schemes in over 12724.2 ha of area. Even as the Gujarat Town Planning Schemes have been lauded for being 'participatory, democratic, equitable, inclusive, transparent, non-disruptive and non-coercive', they have come under the scrutiny for lack of meaningful public participation in design-planning and for neglecting the low income housing.

The renewed interest in land pooling and readjustment mechanism is evident in the framing of land pooling policy by number of states and urban Development Authorities for eg. Punjab (2012), Haryana (2013), Kerala (2014), Assam (2015), Rajasthan (2016), Tamil Nadu (2018), Andhra Pradesh (2018) DDA (2018) and HSVP (2019). Each Policy specifies the institutional mechanism, procedural timeframes, returnable developed land, provisions for affordable and low-cost housing, allocation of facilities (roads, parks, open spaces, social infrastructure) and percentage of permitted sale of developed land by the Authority. The land pooling/readjustment option is also being relied upon to build the Navi Mumbai International Airport and the adjacent township Area (NAINA) developed by CIDCO, Mumbai-Nagpur Expressway, Khalapur smart city, in Maharashtra and Dholera Smart City in Gujarat.

By far, the most ambitious application of land pooling technique is seen in the development of the city of Amravati, the new capital of Andhra Pradesh. The government of Andhra Pradesh, through the Andhra Pradesh Capital Region Development Act (APCRDA), 2014, has pooled approx. 33,000 acres of land. The Salient features of the Andhra Pradesh Capital City Land Pooling Scheme (Formulation and Implementation) Rules, 2015 are:

- ▶ Return of "reconstituted plots" close to pooled area, else, within 5 km radius of pooled land (in Schedule-II);
- ▶ All participating landowners (patta/ assigned) get alienable rights along with land pooling ownership certificate without payment of stamp and registration fees, non-agricultural land assessment and development charges (in Schedule-II);
- ▶ The land pooling model offer benefits to others residing within the area, such as one-time agriculture loan waiver; housing to homeless and those losing houses; interest free loan up to a certain limit to poor families for self-employment (in Schedule-III);
- ▶ There are provisions for assigning land to encroachers depending upon their eligibility.

The Land Pooling Scheme has an 'entitlement matrix' as shown below:

Land	Category	
	Dry (Single crop)	Jareebu (Multi-crop)
Patta (for every acre of land given)		
Residential	1000 Sq.Yds	1000 Sq.Yds
Commercial	200 Sq.Yds	450 Sq.Yds
Assigned (for every acre of land given)		
Ex-servicemen/political sufferers/freedom fighters/ purchases made before or after 10 yrs from date of assignment:	1000 Sq.Yds	1000 Sq.Yds
Residential		
Commercial	200 Sq.Yds	450 Sq.Yds
Assigned by revenue department before 18.06.1954	1000 Sq.Yds	1000 Sq.Yds
Residential		
Commercial	200 Sq.Yds	450 Sq.Yds
Assigned by revenue department after 18.06.1954	800 Sq.Yds	800 Sq.Yds
Residential		
Commercial	100 Sq.Yds	200 Sq.Yds
Alienated lands under government and being cultivated ryots (Sivajimadars)	500 Sq.Yds	500 Sq.Yds
Residential		

Commercial	50 Sq.Yds	100 Sq.Yds
Annuity	NIL	
Eligible encroachers in un-objectionable government lands as on 08.12.2014 Residential	500 Sq.Yds	500 Sq.Yds
Commercial	50 Sq.Yds	100 Sq.Yds
Eligible encroachers in objectionable government lands as on 08.12.2014 Residential	250 Sq.Yds	250 Sq.Yds
Commercial	NIL	
Annuity	NIL	
Annuity payment to all landowners (10 yrs), including those farmers who have given land which is less than an acre.	30000Rs	50000Rs
Annual enhancement	3000	5000
Additional Payment (one-time) for gardens like lime/sapota/guava/ amla and Jasmine	100000/-	
Compensation for structures/ poultries/trees	Valuation done as per department norms	
Pension to all landless families (10 yrs.) by setting Capital Region Social Security Fund	2,500 /- per month, per family	
Annual enhancement (10 yrs.)	Inflation index based on CPI for agricultural laborers w.e.f from 2016-17	
Other benefits given in addition to above:		
<ul style="list-style-type: none"> ▶ Free education and medical care ▶ Establishing old age homes and low priced food canteens ▶ NREGA limit enhanced to 365 day s/year per family ▶ Establish skill development institution, stipend based skill investment provided to cultivating tenants, agricultural laborers and others ▶ Permission to cut and sell teak trees in private lands with exemption of fees. ▶ Instead of paying compensation for standing crop, it is allowed to be harvested 		

Source: The Andhra Pradesh Capital City Land Pooling Scheme (Formulation and Implementation) Rules, 2015- Amendment –Notification in AP Gazette, Dated:17.04.2015

The Capital City Development Project (which falls under Andhra Pradesh Capital City Area) was exempted from social impact assessment study and provision to ensure food security as per The RFCTLARR Act, 2013.

The Delhi Land Policy, 2018 notified by the Government of India, applies to 95 villages which have been divided into sectors/zones and each sector/zone consists of about 200 ha of land (Zones-J, K-I, L, N and P-II).

A minimum criteria of 70% contiguous land has to be met by land owners in a sector for development of any city-level infrastructure by the DDA/service providing agencies. There is a provision to form a consortium out of those landowners who have pooled 70 % contiguous land. Such a consortium will retain 60% land for development of residential, commercial, public and semi-public facilities. The rest will be taken by DDA/service providing agency for equipping it with facilities as per the Zonal Development Plan. A single window mechanism for application, verifications, approvals, licenses etc. has been set up for the convenience of every stakeholder.

The norm for land-use plan is given in the table below:

Land-use distribution (city level)		
53%- gross residential; 10%- public/semi-public; 5%- commercial; 4%- Industrial; 16%- recreational; 12%- roads and circulation.		
*A minimum of 2 ha land has to be pooled by an individual or group of owners to be considered as Developer entity. An entity representing the group of landowners can become a developer entity if they have a minimum of 2 ha of land.		
Development of pooled land between DDA/service providing agencies		
Land use (reserved for city development and neighborhood development)	From the area of land pooled	
	Min 40% (by DDA)	Max 60%(by consortium)
Gross residential	--	53%
commercial	--	5%
Industrial	4%	--
Recreational	16%	--
Public semi-public facility	8%	2%
Road and circulation	12%	--
<ul style="list-style-type: none"> ▶ External Development charges apply on the entire land pooled for provision of city-level infrastructure by DDA/ servicing agency. ▶ sub-division of Gross Residential areas and provision of facilities (local and city level) has to be as per Delhi Master Plan. ▶ Internal development (at local/neighborhood level) to be met by Landowners/development entity ▶ 50%plots have been reserved for neighborhood level health and education facilities, within the gross residential (53%), has to be returned to DDA for allotment to government agencies/department. ▶ Vertical mix of uses (residential, commercial, PSP) within a building by consortium is encouraged. ▶ For inclusive development housing will be provided to EWS (Economically weaker Section) 		

Source: Gazette Notification of Oct, 2018. Modified chapter-19. Land Policy of MPD-2021, notification by MoHUA (Delhi Division)

A unique feature of DDA's Land Pooling Policy, 2018 is a recently launched web-based platform that implements the single window system, thus providing an interface between DDA and Landowners/DEs/Consortium. Also, a two-tiered grievance redressal mechanism has been constituted headed by the DDA, Vice-Chairman.

Haryana Shahari Vikas Pradhikaran (HSVP) previously, Haryana Urban Development Authority (HUDA) notified the Land Pooling Policy in 2019. The developed land that will be returned to the participating landowners depend on saleable area (per acre) which has to be worked out according to the table below:

<p>Residential Sites to be given</p> <ul style="list-style-type: none"> ▶ Hyper potential zone-60% of saleable area achieved per acre; ▶ High I/II zones -55% of saleable area; ▶ Medium potential zones and Low I/Low II-50% of saleable area ▶ if residential plot works out to be 90 sq. mtrs then monetary benefits are only given.
<p>Commercial benefits-size of land contributed in land pooling falls under one of the following category then the subsequent commercial benefit is given alongside the residential plot.</p> <ol style="list-style-type: none"> i. less than 999 sq. metres monetary benefits given ii. for 1000-1999 sq metres- 1 kiosk of standard size is given iii. for 2000- 2999 sq. metres- 2 kiosks of standard size iv. for 3000- 4046 sq. metres- 1 *booth of standard size v. for 4047 sq. metres and above 1 booth of standard size <p>For a fraction of land above 1 acre, entitlement of shop will be as per (i)-(iv).</p> <ul style="list-style-type: none"> ▶ If the entitlement for residential plot works out to be less than 90 sq. metres then, instead of a developed residential plot, monetary benefit is given. ▶ If land is pooled by co-sharers, then they can either keep all allotted plots (as per entitlement) jointly in name of all co-sharers, or keep separately for each co-sharer as per their share. ▶ If the plot size works out to be less than the standard size of plot/site, the co-sharers can either keep the plot in joint names or seek monetary benefits as per their share. ▶ In case the applicant is a registered Cooperative House Building Society, then a group housing site is allotted, equivalent in size to their share of entitlement. Else, residential plots will be allotted as per entitlement.

*size of booth is higher than kiosk (booth is 22.6875 sq. mtrs, while kiosk is 7.5625 sq. mtrs)

Source: Land Pooling Policy-2019, issued by Haryana Shehri Vikas Pradhikaran

The zones have been decided according to the classification made by Town and Country Planning department. The residential plot to be returned is calculated on the saleable area of the land pooled in accordance with the standard set above in the table for each potential zone. Also the commercial site received (as entitlement) is dependent on the set category under which the size of land pooled figures. Each zone falls under the development plan of regions demarcated for urban development. The Land pooling scheme applies only if 70 % of contiguous land parcel is achieved, keeping the viability of the project in mind. There is no annuity involved and benefits of R&R policy is ruled out by the scheme.

In 1993, the Magarpatta Integrated Township was built by pooling of land by land owners through a Joint Development Agreement. The Magarpatta Township Development and Construction Company Limited (MTDCCL) was set up as the Special Purpose Vehicle for development of the project. This venture turned the farmers into entrepreneurs as they became shareholders in the company. It was decided that 60% of the proceeds of sale of vacant plot and 30% of the proceeds of sale of plot with construction would be distributed among the shareholders. The Department of Urban Development, Government of Maharashtra notified Magarpatta city in 1995. In 2006, Magarpatta city was designated as a Special Economic Zone.

The land use pattern at Magarpatta City is as given below:

Residential	27%
Cyber city	25%
Open area	30%
Amenities	6%
Sports Complex	5%
Institutes	7%

Source: Comparative evaluation of integrated townships (Ghule, 2011). In Nallathiga. R, (2015) " Evolution of Satellite Township Development in Pune: A Case Study", DOI: 10.13140/2.1.3750.1768

The application of land pooling as an option for land assembly across sectors and geographical locations is predicated on its ability to take into account the interests of all the stakeholders. A national land pooling policy will be useful in earmarking the contours of an inclusive legislative, institutional and benefit-sharing framework that can be adapted to suit the exigencies of different sectors of economy and society.

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- As per notification 17.02.2016, updated Andhra Pradesh Capital city Land Pooling Scheme (Formulation and Implementation) Rules, 2015.
- As per Rules updated on 17.02.2016 (Andhra Pradesh Capital city Land Pooling Scheme (Formulation and Implementation) Rules, 2015)
- Cut-off date is 8-12-2014, so residents found living as of this date can avail free facilities offered by government.
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The RFCTLARR Act, 2013: The Experience of Implementation

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 constitutes a significant step in the country's march towards a land acquisition regime that is grounded in transparency of processes and fairness of outcomes. The implementation of the Act, over the course of the last five years, has seen the emergence of differing viewpoints over some substantive and procedural provisions of the Act. Of the four features of the RFCTLARR Act –social impact assessment, consent, market- linked cash compensation and rehabilitation and resettlement of PAFs, SIA is the most contested provision.

A brief history of legislative action on The RFCTLARR Act, 2013 by states under Article 254(2) of the Constitution is illuminative. Tamil Nadu was the first state to circumscribe the scope of social impact assessment by enacting The RFCTLARR (Tamil Nadu Amendment) Act, 2014 stipulating that the central law is not applicable when land is acquired under three state laws, except for the purpose of compensation. These Acts are, The Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978, The Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 and The Tamil Nadu Highways Act, 2001. Since four- fifth of land acquisition in Tamil Nadu is carried out under the ambit of these Acts, social impact assessment is effectively precluded from the land acquisition process in a vast majority of cases.

The RFCTLARR (Gujarat Amendment) Act, 2016 and The RFCTLARR (Telangana Amendment) Act, 2017 have empowered state governments to exempt projects related to national security and defence, rural infrastructure including electrification, affordable housing and housing for the poor, industrial corridors, infrastructure projects including those in public-private-partnerships from the conduct of social impact assessment. The RFCTLARR (Andhra Pradesh Amendment) Bill, 2017 that has received the Presidential assent in May 2018 has SIA-

exclusionary provisions for similar category of projects as Gujarat and Telangana. The RFCTLARR (Maharashtra Amendment) Act, 2018 has further added irrigation projects and industrial area or industrial estates developed by state government to the aforementioned list of SIA- exempt projects.

The RFCTLARR (Jharkhand Amendment) Act, 2018 has granted the power to state government to exempt, in public interest, infrastructure projects, including schools, colleges, universities, hospitals, panchayat buildings, anganwadi centres, rail, road, waterways, electrification projects, irrigation projects, housing for the economically weaker sections, water supply pipelines, transmission and other government buildings from the requirement of social impact assessment.

On 10th December 2018, the Supreme Court issued notices to the governments of Gujarat, Andhra Pradesh, Telangana, Jharkhand and Tamil Nadu to respond to public interest litigation (PIL) filed by a group of activists led by Medha Patkar challenging the wide-ranging amendments made FCTLARR Act, 2013. The outcome of the case will have far-reaching ramifications.

According to Article 21 of the Constitution, 'no person shall be deprived of his life or personal liberty, except, according to procedure established by law'. The Supreme Court of India has, in the case of *Olga Tellis & Ors. vs Bombay Municipal Corporation & Ors.* in 1985, interpreted the Fundamental Right to Life to include the right to livelihood by postulating that a person cannot live without the means of living. It is a settled principle of law that limitations imposed on the exercise of Fundamental Rights should be 'just, fair and reasonable', thereby placing an obligation on government agencies to disclose information about the intended action and offer an opportunity of being heard before the deprivation of the Right. The provision for social impact assessment in The RFCTLARR Act, 2013 is, in fact, a safeguard to the Right to Life as enshrined in the Constitution

of India. To be conducted by an independent agency, the study examines the 'public purpose' of the project, justification for the extent of land sought to be acquired and nature and degree of potentially adverse social land economic consequences. Further, the SIA report enumerates the project-affected-families comprising of landowners, persons dependent on the earmarked land for livelihood or those deriving livelihood from common property resources such as forests and water bodies and prepares a calculus of their entitlement for cash compensation and rehabilitation and resettlement benefits. All this information is shared at the time of public hearing organized to elicit the views of affected-families and address their misgivings. The involvement of local elected representatives in the impact study, scope for negotiations between landowners and acquiring bodies regarding cash compensation and rehabilitation benefits and the consultative basis of finalization of the ameliorative measures to address the adverse social impacts ensures that the peoples' right to be heard is upheld when social impact assessment is conducted. Instead of a mere administrative tool for benefit-cost analysis of the economic feasibility of a project, SIA is essentially a means for upholding the Fundamental Right to Livelihood by ensuring that land is acquired after careful consideration in a transparent and participatory manner. However, the preclusion of social impact assessment from the ambit of the 13 Central Laws placed in Schedule IV of The RFCTLARR Act, 2013 is discriminatory, in that, it has created a scenario in which the families affected by land acquisition under The RFCTLARR Act, 2013 are entitled to a broader spectrum of safeguards with respect to their Fundamental Right to Livelihood as compared with the 'affected persons' under the 13 Acts.

It is also a fact that there is widespread non-compliance with the provision necessitating the uploading of SIA

reports on websites of governments of states and Union Territories. While many district administration websites do carry SIA reports, a uniform practice of web-sharing of final social impact assessment reports is needed.

The Act enjoins that the transactions in land will cease w.e.f. the date of Preliminary Notification under Section 11 and the market value of land prevailing as on date will be the basis of computation of cash compensation. However, a common complaint of land- requiring bodies and land- acquiring agencies is that the incidence of land transactions as well as the land value increases substantially after the notification of SIA u/s 4. Often, this has the effect of phenomenally raising the cost of acquisition, sometimes to a point where the project becomes economically unviable.

The emphasis on monetization of the Rehabilitation package is a cause of concern among the agencies and entities working with Project-Affected-People. Studies reveal that the cash amount is often expended in a few years, and, without the creation of economic assets, the 'affected persons' become impoverished. The financial counselling of PAFs can improve the chances of prudent investments thereby, safeguarding their long term interests. Livelihood regeneration has not quite received the attention that it deserves.

Though the Act has some provisions to safeguard the interests of women, more needs to be done. The dwelling units provided to displaced families can be registration in the joint name of husband-wife to ensure the interests of women and children. Payment of cash amount in lieu of a house, even if it is deposited in the joint account of husband-wife, may not always result in the construction of a house.



Land Pooling Policy

Paradigm for Sustainable Development

November 28-29, 2019 | India Habitat Centre

EXECUTIVE SUMMARY

The Energy and Resources Institute (TERI), in collaboration with the Department of Land Resources, Ministry of Rural Development, Government of India organized a two-day international workshop to bring together policymakers, governments of states and Union Territories, urban development bodies, Public Sector Undertakings, industry, urban planners, SIA agencies, academicians, researchers, and practitioners to deliberate on the recent experience of land assembly through land acquisition and land pooling, the inherent challenges and prospects for the future.

Dr Bina Agarwal, Professor of Economics and Environment at University of Manchester, UK, in her inaugural remarks, set the tone of the workshop by asserting that land pooling should be viewed not only as an instrument for aggregating land for industrialization, infrastructure development, and urban growth but also for enhancing farm income and rural livelihoods, managing natural resources such as soil, water, and forests, and addressing the risks of climate change. Dr Agarwal stated that women and the marginalized communities must participate in the deliberative processes for land use as well as share the ensuing benefits. In his keynote address, Dr Ashok Dalwai, CEO of National Rainfed Area Development Authority underscored the need for a national land use policy to optimize the utilization of scarce land resources in India. The keystone of such a policy should be economic development with a strong focus on the agriculture sector, the social environment and the ecology. Dr Dalwai observed that a land use

regime can be sustainable only when it is guided by the principles of equity and distributive justice.

The first session was designed to gain an understanding of the state governments' experiences of the implementation of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) Act, 2013. Dr Anita Chaudhury, former Secretary, Department of Land Resources explained the background and the rationale for the main provisions of the Central Law. The officers of the Revenue Departments of Karnataka, Assam, Madhya Pradesh, and Bihar shared their insights into the working of the Act. All the states informed that since the cash compensation for land under the new Act is more than the prevailing market rate, landowners are willingly offering their land for projects now. However, states are reportedly facing difficulties in implementing a few Sections of the Act on account of the challenging ground realities, lack of clarity on some provisions leading to differing interpretations and the cumulative financial burden of cash compensation and R&R benefits. The states expressed reservations about Social Impact Assessment due to the time earmarked for its completion, difficulty in constituting the expert committee, lack of trained SIA manpower resulting in poor quality of SIA reports, and the requirement to undertake the study in cases of acquisition of even a miniscule land area. They listed the practice of fragmenting land holdings by owners to increase the number of claimants to R&R entitlements, the obligation of Acquiring Bodies to provide a job or

Rs 500,000 to each 'affected' family even for acquisition of few decimals of land, the requirement of obtaining the 'consent' of Gram Sabhas for acquiring land in Scheduled Areas under the Fifth Schedule of the Constitution, the difficulty of categorizing land on which different activities are carried out, the effect of the applicability of the 'retrospective' provision under Section 24 in cases of land acquired under the 'urgency' clause of the Land Acquisition Act, 1894, dichotomy in the Sections related to the calculation of compensation amount as some of the issues that require the immediate attention of the Legislature. The Q&A session witnessed animated discussions on the state of land records, nature of customary land rights in Northeast India, land return policy of state governments and the extent of 'willingness' of farmers for the acquisition of their land. The participants also heard the experiences of the SIA units of Meghalaya and Odisha.

The second session offered an overview of the land pooling scenario in India, the emergent challenges and proposed remedies for improved prospects of its adoption. Land pooling has largely been applied for the creation of new cities, expansion of urban spaces, and redevelopment of downtown areas in the country. However, the pooling models differ with respect to the extent of government involvement, size of the delineated area, and the nature of benefits offered to the participating landowners as evident from the land pooling policy for the development of Amravati in Andhra Pradesh, Delhi Land Pooling Policy, Town Planning Schemes of Gujarat and Magarpatta integrated township in Maharashtra.

In the period 2014–2019, the Government of Andhra Pradesh secured 32,500 hectares of agricultural land through pooling for its ambitious project of building the new capital city of Amravati. Strongly driven by the top political leadership that mobilized the entire state administrative machinery, the pooling policy offers a generous package of benefits which includes commercial and residential plots to the participating landowners, annuity for crop loss, farm loan waiver, monthly pension to livelihood-dependent people, offer of Transferable Development Rights (TDRs), plots to squatters, skill development, job opportunities,

free education, subsidized food canteens, and health facilities. In contrast, the land pooling policy notified by Delhi in 2018 envisages the role of the Delhi Development Authority solely as a facilitator of the pooling process in which the landowners and developers are entrusted the entire responsibility of aggregating land, designing and executing the sector-development plans, and formulating guidelines for the utilization of the returned land, including the distribution of plots among the participating landowners. DDA will retain 40% of the pooled land for the creation of public infrastructure. Mr Tarun Kapoor, Vice Chairman of DDA informed that this model of development may take 20–30 years, perhaps more, to urbanize the five identified Zones. The demand for upfront payment by the utility agencies, inability of landowners to deposit the development charges and stamp duty at the initial stage, uncertainty regarding the extent of participation of landowners, and misrepresentation by unscrupulous developers to cheat the public were identified as some of the challenges confronting DDA.

Gujarat has applied Town Planning Schemes, comprising land pooling and land readjustment tools, since the 1920s for urbanization. The successful completion of hundreds of Town Planning Schemes has been attributed to their pragmatic, fair, and equitable approach, robust legislative framework, limiting land deduction to 40–50% of pooled land, initiation of Schemes in areas with high business potential, manageable size of town planning area ranging mostly from 100 hectares to 300 hectares, mandatory nature of Schemes, and the presence of skilled and experienced town planners. The time span for the completion of a TP scheme is, on an average, three to five years. The participating landowners are not entitled to any monetary benefits during this period. The main challenges are delay in the return of plots, failure to address public grievances in a timely manner, heterogeneous social composition of the TP area, and inordinate time taken by urban Development Authorities in monetization of the land in their possession.

Mr Satish Magar, MD of Magarpatta Township Development and Construction Company spoke about the creation of Magarpatta city near Pune through the

initiative of farmers who pooled 400 hectares of their agricultural land in 1990s to develop an integrated township that has become an IT hub. Drawing from the experience of Magarpatta city's journey from its inception to the present day, he underscored the need for a beneficial tax policy regime to encourage landowners to launch land pooling projects at their own initiative. He favoured the idea of inclusive growth by making farmers a part of the development process through the offer of equity shares in the projects sited on their land.

The public and the private sector industry that require land for their business operations highlighted the comparative benefits of land pooling over land acquisition. The Airports Authority of India recommended the formulation of a national land pooling policy to forestall the challenges arising out of regional and local variations in policy. It was opined that a uniform policy across the country can ease the process of building airports in a time-bound manner.

The Federation of Indian Chambers of Commerce and Industry (FICCI) indicated that the private sector's engagement in land pooling schemes will be dictated by the twin considerations of financial viability of projects and risk assessment. While the financial benefits are easily quantifiable, risks are tied to delays in project execution. The industry sought the deferment of stamp duty and development charges till such time as the serviced plots are monetized. The role of the Government in building trust and acting as an arbitrator was identified as a crucial requirement for the acceptability of the policy.

The speakers emphasized the merit of a flexible approach while applying the land pooling tool in keeping with the nature of projects – linear and area development as well as the geographical settings – cities, urban fringes, and rural areas. It was further noted that the success of a pooling policy depends on three factors, namely, the replicability of the scheme, assurance of equitable benefits to landowners and financial viability to the Authority and the existence of a robust statutory structure.

The proceedings of the workshop were enriched by the speakers from Bhutan and Nepal who provided

insights into the policy and practice of land pooling in their countries. Bhutan has a well-defined policy of land pooling and land readjustment for urban growth that has been in operation for about two decades. The policy follows a participative approach in that it permits the initiation of land pooling scheme at the behest of the landowners, requires the concurrence of two-thirds of the landowners if the scheme is proposed by the Government and mandates the finalization of the scheme, including the land contribution ratio, location and size of reserved plots, and nature of infrastructure to be built, by a Consultative Committee comprising Government functionaries, officials of the technical team, and representatives of landowners and residents of the affected community.

Nepal has principally relied on land pooling as an instrument for urban development since its incorporation in the Town Development Act, 1988. The feasibility study prior to the inception of a project is designed to create public awareness and generate consensus among landowners. The policy has set the land contribution ratio to 30% of the pooled land though it can be reduced in accordance with the land availability in a given project. The policy stipulates the land-use distribution and also permits the sale of reserved plots to landowners at subsidized rates if the size of the plot being returned is below the threshold limit.

Ms Parul Agarwala, Programme Manager, UN Habitat spoke about the new urban agenda of UN Habitat that upholds the idea of 'cities for all.' It postulates that all the inhabitants of a city, not just the landowners, have the right to access the entire range of urban services and open spaces. The UN Body has devised the Participatory and Inclusive Land Readjustment (PILaR) tool to promote urban development in a transparent and participative manner so as to safeguard the social and economic networks, improve governance frameworks of local agencies, and support livelihoods and job creation.

The Q&A rounds of the second, third, and fourth sessions were centred on the various aspects of land pooling policies presented by the speakers.

The deliberations on the contours of a sustainable land pooling policy during the Group Discussions yielded

the following suggestions: a comprehensive policy framework with well-defined institutional arrangement and detailed procedural guidelines, feasibility study, including social impact assessment, prior to the launch of a scheme/project, requirement of consent of 80% of landowners, land deduction ratio to be capped at 40–50% of pooled land, Consultative Committee comprising officials and people's representatives to design the development plan, concession in stamp duty and

registration fee with respect to returned plot, benefits to non-titleholders residing in the area and/or dependent on the land for livelihood, transparent process of plot allotment, grievance redressal mechanism, and registration of the returned plots in the joint name of spouses.

The workshop concluded with a Vote of Thanks by Dr Preeti Jain Das, Senior Fellow, TERI.



INTERNATIONAL WORKSHOP ON 'LAND POOLING POLICY: PARADIGM FOR SUSTAINABLE DEVELOPMENT'

Inaugural Session

Arunima: Good morning, ladies and gentlemen. On behalf of TERI, I welcome you to the international workshop on Land Pooling Policy: Paradigm for Sustainable Development. I request Dr Ajay Mathur, Director General, TERI to welcome our esteemed guests and deliver the welcome address.





WELCOME ADDRESS BY DR AJAY MATHUR, DG, TERI

Professor Bina Agarwal, Dr Ashok Dalwai, my colleague Dr Preeti Jain Das, and colleagues, first of all, welcome, to what seems to be, the first day of winter, although, theoretically, winter started many days ago. But, Delhi in winters is always pleasant and I hope that the air pollution problems will minimize and we will have the joy of having the sun shine on the many square kilometres of Delhi. But, I think it is important to know what these square kilometres are going to be like. And, as we look at the future, we do see how the city grows, what are the mechanisms by which it grows.

When I look at Delhi now, compared to when I first moved here about 30–40 years ago, to a very large extent, the vast population lived within the outer Ring Road. Since then, we've had Vasant Kunj, Gurgaon, Noida, Dwarka and, I once counted, there are about 8 cities which together account for a population that is more than the population of Delhi in the mid-1980s. This is a particular form of urban development that we are seeing across all towns. So, metros are growing and they are growing by new agglomerations coming up. This, obviously, presents both a challenge and an opportunity.

I think, all of us in this room would agree that the old Land Acquisition Act of 1894 was, to put it mildly, contentious. It created a property right, or a property destroying right, which does not make sense for any civilized, any democratic society. It led to displacement of millions of people without adequately looking at what could be done. I was deeply involved in the kinds of displacement that occurred with the hydro projects, but I think it is true for all areas.

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) Act that was passed in 2013 addressed many of the contentious issues of the old Act. In particular, social impact assessments are now conducted, compensation is fair, and the stakeholders are involved. Nevertheless, we face challenges in making sure that the Act is implemented in the letter and spirit with which it was inked.

Consequently, I look at it as a continuing journey, in which each one of us, i.e., the various stakeholders involved, need to put our heads together in order to come up with both workable and fair, and transparent processes. One of the key things about this Act, I believe, is that it allows for the adoption of alternative methods of land aggregation and, land pooling is one of them. We have started looking at land pooling in Delhi and in other areas, since, it is regarded as a win-win arrangement. Instead of receiving a one-time compensation for the land, title-holders get a portion of their land whose value increases because of the public infrastructure that has come up there. We need to see what are the kinds of processes through which we can enable this goal to be achieved.

So, this two-day event is focused on the challenges faced by the land acquiring bodies, particularly, State governments and Union territories, in implementing The RFCTLARR Act, on the one hand, and the kind of processes which allow us to ensure that people who own the land as well as the non-title-holders, who enjoy the usufruct of the land are benefitted, on the other hand. Obviously, compensation is one part but, I think, the larger issue is that they are part of the deliberative process.

Over the next two days, we would address issues related to the contemporary land pooling mechanisms which are adopted by various development authorities and, in the process, identify the principles that should guide us as we go forward. I also believe that the good cannot be

the enemy of the best and, consequently, we need to see where we want to move in the longer term and what are the kinds of building blocks that are available. I, again, welcome all of you here and look forward to two days of deliberation at this meeting. Thank you so much.

Arunima: Thank you Dr Mathur. I now invite Dr Bina Agarwal to deliver the inaugural address. Professor

Agarwal is currently Professor of Development Economics and Environment at the Global Development Institute, University of Manchester. She has also served in an advisory capacity in several UN institutions and has contributed, for many years, to India's planning process. Among the many accolades she has amassed are the Padma Shri in 2008, and the Leontief Prize in 2010. We are happy to have you here, Professor.



INAUGURAL ADDRESS BY DR BINA AGARWAL, PROFESSOR OF DEVELOPMENT ECONOMICS AND ENVIRONMENT, UNIVERSITY OF MANCHESTER AND FORMER DIRECTOR, INSTITUTE OF ECONOMIC GROWTH, DELHI

Thank you, Dr Mathur, Dr Ashok Dalwai, Dr Preeti Das, and distinguished guests. I thank TERI for inviting me to speak on a topic which is so close to my heart. And I welcome the new angle from which the issue of land is being approached at this conference, at least as I can make out by the title, 'Land Pooling for Sustainable Development'.

There are many aspects to modern India's concern with the question of land, because it is not only the most valuable productive resource but it also remains the most important form of property. Land is not just an economic issue, it is also a highly emotive issue. That is why, people often spend years litigating over a small piece of ancestral land, spending more in the process than its economic value would justify. We must remember this when we are talking about implementing any kind of law relating to land.

Land has also, as we know, been at the centre of the growing clamour by economists for structural reforms to revive the economy. The main emphasis, of course, has been on land acquisition for industry. But, all of us who deal with land, including most of you here, know that the land question is one of the most complex questions today, because it has multiple uses and myriad claimants. Very

broadly, we need land for diverse purposes: agriculture and rural habitation, industry and infrastructure, urban development and cities. But, increasingly, the language we hear is the language of Government land acquisition, and related issues of compensation and rehabilitation. We hear almost nothing about land in the service of people and livelihoods. So, in my remarks today, I will focus on the issue of land pooling, but from a very different perspective from the concerns simply of industry, infrastructure, and urban development. I will focus on the perspective of land use for agriculture and sustainable livelihoods in rural India, where a large part of the land is located, as is a large part of India's population.

I believe, we need rural land pooling for achieving the larger goal of sustainable development and viable livelihoods. This involves three aspects. First, we need voluntary land pooling by farmers for profitable cultivation. Indeed, this could be transformative for

Indian agriculture. Second, we need land pooling for servicing the land in terms of reclaiming the fertility of our soils, reviving our waterbodies and water basins, and regenerating our forests, and not just for constructing roads or buildings. Third, we need to seriously focus on how the gains from land pooling will be shared among those who own little land but who depend on that land for their livelihoods, especially women and landless labour. Let me talk briefly about each of these aspects, in turn.

Land pooling for farming

To begin with, consider land pooling for agriculture. We know that Indian agriculture today is in a crisis. We see high levels of landlessness, growing inequality, dwindling plot sizes, and fragmented holdings. All of this is against the backdrop of climate change and limited non-farm options. Globally, 84% of all farms across 111 countries are under 2 hectares in size. Believe me, even in Europe, you have very small farms in many cases. And in India, 86% of our farmers cultivate less than 2 hectares and 70% cultivate 1 hectare or less. Small and marginal farmers also face serious constraints in terms of diseconomies of scale, and limited access to inputs, irrigation, credit, technology, and markets. Women farmers, who constitute

30% of the agricultural workforce by the latest figures, are even more resource-constrained. They own little land. Although, there is very little national-level data, my ongoing assessment covering 9 states shows that only about 14% of landowners in India are women and they own only 11% of land. Yet, 73% of rural women workers are still dependent on agriculture. So, here is where land pooling for group farming could provide an answer.

What do we mean by group farming? By this, I mean farming where farmers voluntarily pool their land, labour, capital, and skills to create a medium-sized enterprise which they cultivate jointly, sharing costs and benefits, but, without forfeiting their rights to their own land. Often, when I mention group farming, people say, 'Oh, you mean cooperative farming.' The answer is 'yes' and 'no', because cooperatives mean many things to many people. Cooperation in farming can range from, what I call single-purpose to fully integrated cooperation. There are many examples of single-purpose cooperation. Basically, they are marketing cooperatives, often in the dairy industry. In Europe, dairy cooperatives go back hundreds of years. India's Amul industry is also an example of a single-purpose marketing cooperative. It means that you produce individually, and simply come together for selling your produce. In between, one can talk about





medium-level cooperation, for instance, investing jointly in irrigation wells. India has a long history of cooperating around irrigation. Malcolm Darling's famous book on Punjab, which relates to the early part of the 20th century, gives examples of farmers pooling their resources to invest jointly in irrigation wells. However, group farming goes much beyond this. It involves collective production on pooled land and intensive labour cooperation on a daily basis.

Of course, the idea of group farming is not new. Most of you know of socialist collectivization, which was disastrous in terms of farmers' welfare and productivity in many countries, but most especially the USSR. Some of you may also know about India's experiments with cooperative farming in the 1960s. They were promoted top-down as part of agrarian reform. There are numerous documents referring to those experiments in the Planning Commission. These again failed. Why? I believe, because we had rather little idea at that point in time about how to get people to cooperate. Both large and small farmers were expected to form groups of large size within a village, without recognizing that there can be conflicting interests between the farmers.

For policy today, I am suggesting a very different approach to group farming, one in which the groups

are formed voluntarily, are small in size, and relatively homogenous economically and socially. Conceptually, we would expect land pooling and joint cultivation to bring many economic benefits to small farmers, in particular it would enlarge farm size and help achieve economies of scale. Two American economists, Andrew Foster and Mark Rosenzweig have written extensively on Indian agriculture. In one of their papers titled, 'Are Indian Farms Too Small?' they report results which show that if farm size increases from very small up to 8 hectares, and specially up to 2 hectares, profits per hectare tend to rise. Also, pooling land and cultivating together would save on hired labour; it would bring a larger pool of funds for inputs and a wider diversity of skills than found in one household. Farmers could also experiment with more high value crops; spread their losses among a greater number; and better deliver on contracts. Group farming would also help farmers get more bargaining power in markets. Moreover, group farming can reduce farmer isolation and hence the likelihood of suicides. I have written about these potential benefits in several papers.

Group farms can be formed either by leasing land jointly or pooling the members' own lands or a mix of these. But, the obvious question to ask and certainly, a question that I, as an economist would ask is: how



productive and profitable are they? So, to test this, I undertook two primary surveys in the states of Kerala and Telangana during 2012 and 2014, for a sample of group farms and individual farms. Of the individual family farms, 95% were managed by males, and the group farms were entirely composed of women. I will elaborate particularly on the case of Kerala, which has been highly successful. The programme there began in the early 2000s. The initial idea of group farming, in fact, came from village women, who had experimented with leasing land in groups because fallow land was available, but the larger programme was crafted by senior Government officials and some intellectuals. It was structured around the Self-Help Group (SHG) model but the model was adapted. The programme has been supported by the State governments' poverty eradication mission—the *Kudumbashree* mission (the K. Mission) — and implemented through autonomous community development societies, which constitute the *Kudumbashree* community network, and include elected representatives from the village to the Panchayat level.

Kerala's group farms are small and around 5–6 women lease in land mostly on a cash-rent basis. They receive subsidized credit from NABARD, and the K. Mission provides them with a start-up grant, technical information and training from experts, and crop-specific incentives. Can you guess how many such group farms there are in Kerala? Not one or two, but 64,000! They cover every district and involve over 3 lakh women. To

test the differences in productivity and profits between groups and individual farms, I compared 69 group farms with 181 small family farms of 2 hectares or less in two districts, Alappuzha and Thrissur. Alappuzha was a paddy growing area, Thrissur was much more involved in commercial farming. I collected not monthly or one-time data, but weekly data for every input and output, for every plot and every crop, and every type of input for an entire year. Collecting such detailed data every week was an enormous challenge, as you can imagine, and produced a large in-depth data set.

What did I find? I found that the annual average value of output per hectare was 1.8 times greater and the annual average profits per farm were 5 times higher on the group farms compared with the individual family farms. The women did especially well in commercial crops such as bananas and vegetables, despite depending on leased land. The per-farm income was much higher than the state average for the years that I did the study. Forming groups helped increase their farm size, brought scale economies, saved on hired labour and input costs, improved access to credit and helped women enter into deliverable contracts. I also studied Telangana similarly, but here, although the groups did well in commercial cotton, they did poorly in foodgrains, especially because most of the groups could not get irrigated land on lease. There are some lessons there.

What is also interesting is that, partly influenced by my writings and some workshops I conducted, new examples of group farming have emerged with NGO support in Gujarat, North Bengal, and Bihar. In North Bengal and Bihar, the groups include all male groups, mixed gender groups, all women groups, and youth groups. I found it very encouraging that some of the youth who used to migrate to cities have stopped doing so. They use drip irrigation for vegetable farming and make profits. The kind of land pooling I am talking about could create sustainable livelihoods and become a means of alleviating India's agrarian crises. I have written about this in academic papers and newspaper articles. I have talked about it at workshops and seminars. And we recommended it in the Report of the Working Group on Disadvantaged Farmers Including Women that I had chaired for the 12th five-year plan. However, other than

in Kerala, no other state so far has seriously promoted group farming in this way.

Land pooling for conservation and ecological gains

A second aspect of land pooling relates to our natural resources, as a way of saving our soils, our waters, and our forests. What is land pooling supposed to do in this regard? The concept note circulated for this seminar talks of land pooling 'to help service the land for the owners and to increase its value' after most of the person's land has been acquired under the Land Acquisition Act. But servicing is not just about building roads and infrastructure so that the land value rises in economic terms. In rural areas, the servicing we desperately need is reviving our soils and waterbodies. Most of our soils are depleted of minerals and micronutrients because of over-cropping and the excessive use of chemical fertilizers. Large areas are also waterlogged.

Water management is another major issue. On the one hand, even 70 years after Independence, only 44% of our irrigable area is irrigated, on the other hand, we have massive groundwater depletion due to excessive borewell use. Now, this is unsustainable. Punjab's water table has been falling at an estimated 2.3 feet per year for at least a decade. We need more irrigation for raising farm outputs, but we need that irrigation without groundwater mining. We need a range of alternative irrigation systems, but especially rainwater harvesting. This cannot be done by individual farmers working on small plots. It needs land pooling to work on an entire water basin. This would be the kind of 'servicing' that could be done via land pooling.

Then take climate change. We know that the climate does not stop on the boundaries of Delhi or on the boundaries of the Punjab. For crop planning, we should be looking at ecological zones, and ensure cropping patterns which are suitable for the land and water resources in those zones. We were talking about ecological planning some 15 years ago, but, somehow, it never moved forward.

Basically, what I am talking about is diametrically opposite to the ongoing debate on land pooling, which is about Government land acquisition for infrastructure, urban development, and industries, with farmers facilitating the process of acquisition through land pooling. In this

model, farmers are simply instrumental. Their interests are not central. I am not saying that land for industries and infrastructure is not important. Of course, it is very important. But, we should not limit the discussion only to that kind of land pooling, since that is only one form of land use.

Consent and compensation in land pooling

A third aspect of land pooling relates to land pooling for land acquisition. Here, we need to consider some issues vis-à-vis the 2013 Land Acquisition Act (The RFCTLARR Act). This Act promises transparent acquisition with the farmers' consent and fair compensation. All this sounds very good on paper, but implementing this raises some significant questions, especially for women and the landless.

First, we need to ask: whose land is being pooled? After the passing of the Hindu Succession Amendment Act in 2005, daughters have a right in family land as coparceners. But, are those rights recognized when we discuss land pooling with the farmer? We need a mechanism to ensure that all family members who have a claim to the family land are consulted, and give their consent to pool their land for Government acquisition. When we talk about consent, whose consent are we talking about?

Second, although formally very few women have pattas in their name, a large percentage of them depend on land for livelihoods and this is especially true of rural India. As I had noted, 73% of women workers in rural India are still



dependent on farming. Women working on family farms or as agricultural labourers are much more dependent on this sector than men, because they have fewer non-farm options. This has implications for compensation. Technically, the 2013 Act recognizes the rights of those who are dependent on land for their livelihood, even if they don't own it. But this is easier said than done. How do you actually prove your claims? How do we ensure that all household adults, including adult daughters are compensated, if they are dependent on the land in farming families?

Third, the form of compensation matters. We talk about cash compensation, but, we know, as with cash transfers, that the cash can be spent by men even if it goes into the joint account of both spouses. So, compensation in the form of land, or a house for resettlement is much more likely to provide protection to families. Remember, it is not just women but entire families who can get displaced under land acquisition, and often the land acquired can belong to several family members as coparceners.

Fourth, if part of the pooled land is returned to the family once it has been serviced, in whose name will it be registered? Will it have the names of all the claimants, male and female? I know, some states have been implementing this Act. What is their experience? Have they taken this joint entitlement into account? Compensating those who are landless agricultural workers is even more difficult because they don't have formal contracts to prove that they depend on the land for their livelihood. Today, even if you are farming leased-in land, you can't prove you are a farmer because you don't have a formal contract. So, mechanisms have to be provided for implementing

all that has been put on paper in this Act. And, we need to know the experience of the states who have tried to implement the Act.

Let me conclude with the three main points I have made. First, instrumental land pooling just to help the Government acquire land for some vaguely defined social purpose is not an answer, and will only cause conflicts. We need to consider all aspects of land pooling, including for agriculture itself. Second, the most important potential of land pooling lies in two aspects. One, voluntary, bottom-up pooling of land by small farmers for group farming to help them raise productivity. And two, land pooling for improving soil quality, water conservation, and ecological crop planning in order to revive our land and deal better with the climate crises. Third, where land pooling is needed for industries and infrastructure development, we must ensure that those who are dependent on the land but don't have titles, especially women, are equal partners, both in the decision to give up the land, and in receiving the compensation, be it in cash or in the form of land and housing. Thank you.

Arunima: Thank you, Professor. I think you brought out some really important points, especially, feminization of farm labour and the landlessness that we are facing right now. I now, request Dr Ashok Dalwai to deliver the keynote address. Dr Dalwai is the CEO, National Rainfed Area Authority under the Ministry of Agriculture and Farmers' Welfare, Government of India. He was the Chairman of the Inter-Ministerial Committee on Doubling Farmers' Income, and has now been tasked to supervise the implementation of the recommendations of the DFI Committee, as Chairman of the Empowered Body.





KEYNOTE ADDRESS BY DR ASHOK DALWAI, CEO, NATIONAL RAINFED AREA AUTHORITY

Dr Mathur, Dr Bina Agarwal, Dr Preeti Das, Madam Anita Chaudhury, former Secretary, and all the participants in this two-day workshop. Good morning to all of you. Thank you for giving me this opportunity. Dr Bina has, in fact, delivered the keynote speech and to that extent made my job easier, or, rather, she enables me to tide over this difficult challenge of talking about sustainability, land use planning, and pooling, etc. I will hold myself back from talking too much about agriculture. Maybe, I will deal with that in the course of my talk. I will now go back to my own experience of having handled land and land acquisition at the district level and having worked in various departments like Industries, Steel and Mines, and having served as the Commissioner of Bangalore City or as the Director of Resettlement or having worked in the Revenue Department of Land Settlement.

First, we really need to understand that land use planning is extremely important. We are the inheritors of one of the oldest civilizations – the Indus Valley Civilization. And, the core spirit of the Indus Valley Civilization was urban management, land management. I really wonder when did we lose all that skill, all that knowledge, all that commitment that we had 5000 years ago? Today, I think, land in India is one of the sad stories of land management. It is also sad that we have been talking about land measurement, land pooling, etc., at least since the 16th century. I think, most scientific land management, including land measurement today, began during the time of Birbal and Akbar. Somewhere, in the last 400 years, we seem to have lost sight of it.

We now need to apply ourselves more seriously to this aspect. The reason is, land is inelastic and land is limited, in the Indian context. India is a very vast country, we keep saying. It is seventh largest in terms of its geographical area, but it is also true that we have a very large population. India hosts nearly the highest population in the world, nearly highest, because we are about to outrank China soon. But, we are so small compared to China in terms of

area or so small compared to Russia. So, land is a scarce commodity. When there are alternate demands for a scarce resource, it calls for a scientific approach to using that scarce resource.

India has about 329 million hectares of land. It is split among different components, majorly agriculture. Forty-six per cent, i.e., 141 million hectares of 329 hectares is in agriculture. Forests, is the next important one. I am glad that we enacted the Forest Conservation Act in 1980 and we have been able to sacredly maintain 22% of the area under forests. The rest of the land has been either put to use already or there is something called culturable wasteland, non-culturable wasteland, barren lands and that accounts for about 30%. Of this 30%, we already have used nearly 26 million hectares, accounting for about 8.6%, for different purposes, including habitations. There are about 7 lakh villages in this country, there are about 5000 towns in this country, around 300 large agglomerations. We also have industry, mining sector, infrastructure, roads, ports, and so on and so forth. All this has resulted in the use of 26 million hectares. This being the story, we now need to see how the future demands can be met.

The future demand for land is going to emerge from the need to grow faster. India is still a developing country. India has a population which is still below poverty line. India is a country where still, there is malnourishment, still, people are without houses. We need to see that the purchasing power of all the people rises, (and) not just rise of purchasing power, but, also equitability, because, that alone can ensure sustainability. Many a time, we talk about sustainability in terms of ecology. Yes, ecological sustainability is foundational for ensuring economic sustainability or social sustainability. So, equitability, which is one of the foundations of our Constitution, is extremely important.

If India has to meet all these challenges, we need to build better roads, better infrastructure, we need to promote industries, we need to ensure that the living standards of the people are comparable to a dignified human existence. We also need to ensure that the organic life, the life of the animals, the plant world, the microorganisms, and other natural resources are harmonised. When we think of these different organic and inorganic forms of life, there will be contradictory demands from them. If we are talking about land use planning on a sustainable basis, we must ensure that these competing demands from different sources, which are also conflicting in nature, are reconciled. I think, that is where the real challenge lies in land use planning. If we would like to ensure that the land use planning happens while, simultaneously, meeting the demands of a growing economy or the economy that should grow, then, we will have to ensure that the land required for all these things is properly allocated.

Today, urbanization is more of an unplanned growth, a haphazard growth. When growth is unplanned and haphazard, naturally, the land is not used properly. It is, therefore, important that we focus on proper land utilization, whether, it is for habitation or economic sectors or for social environment. The three basic things to be kept in mind as we plan for a proper use of limited land is, first, how do I allocate the land required for economic development? And, when we say economic development, we must reiterate that, in the Indian context, agriculture occupies a primary place. The second one is, of course, industry, manufacturing, and service sectors.

Agriculture occupies primacy for the simple reason that, even today, 48% of the population is dependent on it, directly or indirectly, and the scope for shifting all this population to new economic activities may not be very much. Because, today, in the 21st century and the centuries to come, we will be depending more and more on emerging technologies, which will replace the manpower. So, the scope that the western societies had in the 19th or 20th century, where they could shift people from agriculture to industry or they could migrate the population to new areas like Australia and the USA, does not exist anymore for India. That being the case, we must ensure that the primary economic activity, which is agriculture, is practised and protected for sustainable growth and development and, of course, the manufacturing sector.

The second important thing is that we should also take care of our social environment because economics and sociology, sometimes, seem contradictory, that is what the Land Acquisition Act of 1894 believed. Under that Act, land could be acquired for any economic sector that was just defined as a 'public purpose' by the Collector. Maybe, he did not understand what the 'public purpose' was, with the limited understanding at that particular age. Now, we need to ensure that the social issues that relate to the tribal communities, that relate to the deprived sections of the society, that relate to the rural population, the farmers, the uneducated, the women are addressed





and, apart from that, we must respect the religious and cultural traditions of our country. There are heritage sites, there are places that are considered sacred. There cannot be a compromise on all these issues. So, when we resort to land acquisition or land pooling, we must also respect the social dimensions of our land management.

And, the third very important thing, of course, is environment. Mankind has not looked at ecology as an important aspect of the developmental story, we have the catastrophe called climate change. It is not that climate change has not happened historically. If there was no climate change, we would not have had life on this Earth. But, today's climate change is man-induced. Within a limited span of 200 years, since industrialization began, we have emitted so much of greenhouse gases. The implications of climate change are very adverse, particularly for tropical countries like India, where a rise in temperature can cause depletion of eels within the next 10, 20 or 30 years, whereas, temperate climates like (in) Canada or the USA may stand to benefit from climate change, because, they want a rise in temperature because of the cold climate.

So, there could be different implications of climate change for different people. But, for India, environment has to be protected. When we talk of environment, we mean the protection of our fragile zones, the coastal plains, for example, there are conservational hotspots, there are

biodiversity hotspots and there are waterbodies, and so on. If we do not take care of the soil, it will result in the loss of microorganisms. For example, India is home to 86,000 species of fauna, i.e., the animals. India has one of the richest diversities on Earth, in terms of animal species. But, a majority of these 86,000 (species) are microorganisms and these microorganisms are in the soil.

Due to the improper and unscientific land management or soil management, over the last 50 years, we have lost a lot of microorganisms. And, we don't know what kind of impact that it is having on the productivity of the land. Likewise, we also need to take care of our floral world. India is also very rich in terms of flora and has about 46,000 species of different plants. The diversity of this flora is basic to developing resistance to the changing climate, (and) developing resistance to the biotic pressures, abiotic pressures. We need new varieties, new plant breeding techniques. All these things can happen, provided, we enrich and sustain our rich biodiversity. So, environmental management and land use planning are very important. Therefore, these three basic factors must be kept in mind for land management and land pooling.

The next issue is, how good is India in land planning? I started off by saying that we are the inheritors of the Indus Valley Civilization, which is supposed to have done urban planning at Harappa and Mohenjo-daro. But, somewhere along the way, we have lost it. It is such a sad state that,

today, India does not have an integrated, comprehensive land-use planning system. Yes, there is land use planning in urban areas, every city has a Development Authority. Even Gram Panchayats are supposed to have some kind of a regulatory power under the 73rd Amendment. Yes, we have this kind of planning for industries, for example, or for mining sector. But, these are all so disaggregated that there is no organic linkage. We seem to think that each of these requirements for mining or for industry or for habitation building are all compartmentalised as though they are islands. When we approach land management with this isolated, compartmentalised prism of mindset, we are bound to fail. And that is what is happening in India. You can see, for example, if there is a fragile ecological zone, then the urban development will come up or the National Highway will say that I want to build a road, I need to build a tram way. Now, what does it manifest? It only manifests that each does not know what the other wants, or, each does not think what the organic linkage means, or what does land management for a country like India mean. So, what we need today is to have a comprehensive, integrated land use planning system which applies to the entire country with necessary changes at the state and regional levels. However, this comprehensive plan must keep in mind that each activity impacts the other, because, there are conflicting demands and there would be conflicting outcomes of the use of this land. We can have, for example, a reserved zone but what happens to the buffer zone around that? Can we start building high-rise, for example, around a fragile ecological zone? Can you build some high-rise flat just on the bank of a coastal belt, or by the side of the river?

All these things are damaging our land. What we, therefore, need to do is to bring people together who understand the subject, who understand what is land and land management, and build a robust science-based land use planning system. And, India has that capacity, we just need to enhance the capacity. For example, we are extremely strong in the applications of space technology. We have a national remote-sensing agency. We can build spatial maps, which would enable us to understand better at one go as to what the land looks like, and how it should look. We have people who have been trained in town planning, we have people who have been trained in land



management in the Revenue Departments. Unfortunately, all these people do not come together.

So, what we now need to do, as we build this comprehensive plan, is to, first, adopt robust policies for the country. I think there is a wide gap in the policies itself. We now need to look at what kind of policies do we have, how compartmentalised they are, how they can be harmonised into one comprehensive plan, so, policy building is the first step that we should look at. The second one, is of course, to capacitate people, i.e., build the capacities of people to do land management, town planning, industrial zone planning, coastal regulation planning, fragile eco-zone planning, all of this specialised understanding is required amongst the professionals. But they all need to work together.

And, the third thing is to build institutions. We do not have institutions. I have seen, and Manjunath would agree with me, that we work as a Commissioner of a City Corporation, there is another working as a Commissioner of a Development Authority, the two do not talk to each other. And then there is a third one, who is a Commissioner of the Regional Planning Authority. That man, his existence itself is not known. This happens in all cities, whether, it is in Delhi or in Mumbai or in Hyderabad or Bangalore, anywhere. These three people are so crowded with their own work that they do not talk to each other and they forget the permanent damage that this kind of haphazard work is doing. So, I think, we need to build institutions that will bring about convergence, collaborations, and make

people put their minds and thoughts together and see how efficiently and effectively the scarce land resource is utilized.

Last, of course, we also need to ensure that the people are involved. I think, many a time, all our policies and plans in this country are not able to deliver the desired or the targeted results only because the people are not involved. So, community participation – it cannot be a high-valued idea which is to be put as a last point, last paragraph to make our document look nice. No. In fact, I would say that it should be the first thing. After all, for whom are we doing these things? All that we do is for the people's present and future. So, I think, land use planning will require the core principle of ensuring people's participation, right from the planning stage to the implementation stage. So, these four principles should form the pillars of any kind of land use planning that we look at.

Now, let's talk a little about agriculture. Professor Bina Agarwal has already spoken, and she has made a really valid point about the state of agriculture in the last 50 years, that the Green Revolution has been both good and bad. It has been good, because, we have increased our food output. We have ensured that there is food sufficiency and surplus but, simultaneously, the growth in the agricultural sector, growth of the agri-commodities, has not benefitted the farmers.

Farmers are entrepreneurs, just like we have entrepreneurs in the industrial and service sectors. A farmer is an entrepreneur, but where does the farmer stand today? Farmers' incomes are so low compared even to the

industrial labour that their welfare cannot be ensured. The 2012–13 survey by the National Sample Survey office showed that an average agriculture household in a country earns Rs. 6446 per month. Imagine, if someone joins the Government, even at the lowest scale, he starts with Rs. 22,000 per month. And, here is a farmer who owns land, a very valuable asset, and he was earning Rs. 6446 which has been extrapolated in 2015–16 to mean about Rs. 98,000 per year. Now, is this a sustainable and dignified living facilitator? Certainly not!

So, how do we manage land in agriculture such that the farmer is able to earn a higher income? Therefore, we need to move from the productivity and production domains into income domain. We need to enable the farmer to capture maximum value through robust post-harvest management technologies. According to me, we don't really need 142 million hectares that we have, today, for agriculture. With the application of science and technology, it is possible to achieve such high levels of productivity as per our requirement that we may not need 142 million hectares. But, how do we ensure that the farmers who will continue to depend on agriculture or the landless agricultural labourers who will continue to depend upon agriculture, are able to get employment for 365 days?

So, one of the key mandates of sustainable agriculture is to generate employment and income. Today, the mandate is to grow food for the consumers. Yes, we have done enough for the consumers, now we need to do for the farmers. Therefore, agriculture has to generate gainful employment and gainful profits, and, that is possible by



bringing in new technology and, more importantly, by bringing in new management practices which will enable scales of economies, that Dr Bina was talking about. The scale of economies will come when you will pool the lands together. Of course, some baby steps have been taken by us, for example, we have drafted what is called a Model Contract and Servicing Farming Act for the State governments and we hope that the State governments will adopt this new legislation, so that the farmers, as a community, would be able to enter into an agreement with some sponsor companies for negotiating the post-harvest market risk.

Secondly, we are now aiming at establishing a minimum of 10,000 Farmer Producer Organizations by 2022. The experience, so far, has not been very good, but, we have learnt a lot from it. And, based on those learnings, we would like to go forward and see how Farmer Producer Organizations and, more particularly, the Farmer Producer Companies, that combine the flexibility of a private company under the Companies Act and the spirit of a cooperative under the Cooperatives Act, will actually blend together for more efficient and sustainable outcomes.

We are also talking about land pooling through other means, for example, establishing, what is called Gramin Agricultural Markets, which will help aggregation of produce of a lot of farmers at the retail outlets. Today, we have APMs which are at a distance of 40–50 kilometres. Farmers are not able to reach them. We would like to have aggregation platforms in a proximity of 5–6 kilometres

from the farm gate so that the farmers' produce gets aggregated. Why is it necessary? It is necessary because, today, thanks to the absence of robust agri-logistics like storage and transportation, including cold storage system, India is experiencing a loss of nearly 20% of the food grown. This food loss, which decomposes to generate greenhouse gases, is of a very high order. In fact, the world is generating so much of greenhouse gases, due to food decomposition, in the absence of green agri-logistics that it stands third, after China and the USA, if, it is counted as a country. Imagine, farmers are producing food to be wasted, because, we are not providing them with good agri-logistics. So, I think we need to go more and more for land pooling.

Let me end by talking a little about land pooling. Yes, we had the Land Acquisition Act of 1894 which, we all agreed, was not really pro-people because it simply relied on the principle of 'Eminent Domain' to give power to the states to acquire land in the name of 'public purpose'. At that point of time, we really did not look at different organic linkages that existed. We are aware that a lot of land was acquired in this country without reference to the fertility status of the land and the people who were dependent on the land were left high and dry. They got compensation, but, compensation was linked to, what is called, the registered value of land. Land registration in India itself is full of lies, as you know. Both the seller and the purchaser, they register at such a low value, artificially low value, that when we depended upon the registers that the Land Registrar maintains, then, the landowner, in the name of market value was getting peanuts despite



an addition of solatium of 30% over market rate. We all knew that the compensation amount was undervalued. And, the farmer, who did not have any education and who knew only agriculture and who did not have an opportunity to get into any kind of a service sector or industry sector, was actually an affected-family.

So, the Project-Affected-People (PAP) and the Project-Affected-Families (PAFs) have actually been ruined. They have shifted to slums of urban centres, they have become landless. So, there have been lots of problems with land acquisition. Land pooling, which has started with the

seem to be 100 years behind all these European nations in some of these modern progressive thoughts. It is time for us to move away from the colonial hangover, the feudal mindset. In fact, India has got a more feudal mindset than the colonial mindset. We need to break this feudal mindset that I own the land, that the Government owns the land, that some zamindar owns the land. It is the people's land. We need to think from the people's perspective and see how we can enable him (farmer's) to move from one occupation to another, as we acquire his land for any public purpose, and, ultimately, ensure sustainability. Thank you very much.



urban centres, has to be applied, with the necessary changes, to industries, to infrastructure like roads, for urban habitations, etc. I think, we need to develop the land pooling mechanism with much more finesse, with much more sophistication. This cannot be done only by the non-Government agencies, because, ultimately, we need some kind of arbitrator that can convince people who don't agree with land pooling.

We need an institutional mechanism by the Government which will facilitate land pooling and resolve the conflicts and, wherever there is some kind of dissatisfaction, address it. I think, it is good that we have taken the step towards land pooling. In fact, Germany started it in 1880, we are talking about this after 130 years. So, we literally

Arunima: Thank you, Dr Dalwai. The floor is now open for questions. I request Dr Mathur to please moderate this session.

Dr Ajay Mathur: Thank you. We've had two excellent presentations from Professor Agarwal and Dr Dalwai. Now, we'll open up the floor for some questions. We will start with two questions. I will request Dr Dalwai and Professor Agarwal to answer them, and then we will go in for another round. Please introduce yourself, as well.

Ms Neelanjali, Deputy Director, AMDA: Does this FRA (Forest Rights Act) anywhere fall in the realm of land pooling policy, because we keep talking about farmers? Aren't we concerned about forest dwellers?

Dr Aravind Padhee, Director, Country relations, ICRISAT: Professor Bina Agarwal spoke about land pooling for agriculture but, to my mind, we should legalise land leasing first, before land pooling.

Mr Dnyaneshwar B Patil, Secretary, Department of Revenue, Government of Madhya Pradesh: Dr Bina Agarwal wants the names of coparceners and joint account in land titles, including all the heirs. On the one hand, we are thinking about registering the title in the name of all the owners because we realized the problems faced by them in the absence of registration, on the other hand, a lot of stakeholders complain that officers delay the process of mutation and partition. When we know that there are delays, we are still insisting that all the names should be included. Thus, there are different viewpoints. I just want to clarify.

Mr Madhusudan Hanumappa, Social Development Specialist and Consultant: My question is to Dr Bina Agarwal. She was talking of the grouping policy of the farmers. Is it on line with Self-Help Groups that already exist in the villages?

Dr Bina Agarwal: Thank you for those questions. I had a small comment for Mr Dalwai which I will come to at the end. I won't go into the FRA. I will leave it to you because that's another whole conversation. First, I will take the question from Dr Padhee from ICRISAT. You see, land leasing has always been a reality since Independence, but the law did not recognize it as it should have. The state-level land reform laws, set out in the 1950s and 1960s, seriously restricted and some states even banned land leasing under the 'land to the tiller' policy. Moreover, the Land Reforms Acts of every single state were placed in the Ninth Schedule of the Indian Constitution under which none of the Acts could be challenged. (In Kerala, for instance, from where I gave the example of the 64,000 women-only land-leasing groups, leasing is banned, technically. But we also know that land leasing is a ground reality. So, the problem in dealing with land leasing is the original Acts. For instance, the moment you give tenants formal rights, the owners fear that they will lose the land because of the 'land to the tiller' policy. So, how do we reform the tenancy laws?



I know that the NITI Aayog has prepared a Model Tenancy Act. I don't know if it has been passed yet, and I understand that it is up to individual states to frame new laws based on the model. But it is not clear how existing Land Reforms Acts in the Ninth Schedule will then be dealt with. Of course, each state can amend its existing land reform laws to change the clauses on tenancy, since these Acts concerning agricultural land are a state subject. It is notable that in most countries, leasing is routine. In France, where I am also doing research in group farming, you find that people have formal leases that are for nine years and renewable. The owners do not lose their plot of land if they lease it out. But there is an authority called 'SAFAR' which mediates land use. So, if a person A owns 20 hectares, and he says, 'I know Mrs B. She is a really good organic farmer and I'd like to lease my land to her,' 'SAFAR' can say, 'No, Mr C is a younger farmer and deserves to cultivate the land. You can't just lease your land to Mrs B because she is a friend of yours. Mr C has a stronger claim'. In other words, there is actually an authority which mediates to ensure that land is used in a fair way, even where farmers own the land. At the same time, leasing is not a problem because you don't lose your land simply by leasing it out. So, you are quite right that we need to work on the question of land leasing, but in a much more complex way than the way we have been approaching it. In any case, that should not stop us from promoting group farming because farmers are leasing in land anyway. Some 64,000 groups is not something to be ignored, especially if some of these groups are producing 1.8 times the annual value of output per hectare compared with individual family farms.

Regarding the question that was raised by Madhya Pradesh's Revenue Secretary on coparceners, what you say is precisely the point. People have rights and those rights have to be recorded. If a person has 5 cents of land that can make a great deal of difference if it is irrigated as, I am sure, Dr Dalwai will tell you. So, you cannot get away from the need to actually record all the shares.

Mr Dnyaneshwar B Patil, Secretary, Department of Revenue, Madhya Pradesh: There are two types of registration, deed registration and title registration. The Government of India also insists on title registration, because there are a lot of problems in mutation in deed registration, a lot of enquiries have to be made. Even, we don't know that during deed registration, the land is immediately transferred to my name or not. Title registration has a clear title.

Dr Bina Agarwal: You see, we have to recognize what the Hindu Succession Act, which governs inheritance among Hindus, does. The Act was amended in 2005 to give daughters equal rights with sons in joint family property. It recognizes two types of property: separate property and joint family property. In unpartitioned joint family property, all the coparceners are co-owners, and the Government cannot insist on partition just to record the deed digitally. You cannot partition on behalf of the people. If I have a family of four with joint property, and one member dies, you can't say, 'you must pretend that the land has been partitioned' because that will have major repercussions on the ground. I think you have to record all the claimants as joint owners in coparcenary family property, just as when the Government gives out land to poor families today, it is jointly registered in the

names of both spouses, the man and the woman. Spouses can have joint bank accounts, so why can't several co-owners be listed as joint owners? I think, we are probably on the same page. I think you are sympathetic to the idea.

Now, Mr Madhusudan, in Kerala they decided to modify the Self-Help Group model by constituting neighbourhood groups, instead. The logic was that neighbours know each other and they are likely to get along much better if they form groups. In mixed neighbourhoods, everyone has a chance to be included. Self-Help Groups are self-selected.

Dr Ajay Mathur: But homogeneity matters.

Dr Bina Agarwal: Not in an absolute sense. They went for some degree of heterogeneity because neighbourhoods are often heterogeneous and Self-Help Groups are typically homogeneous. For instance, in Telangana, when launching the group farming project, the NGO implementing it said that they would include mostly Dalit women in the programme. But, as a result, the groups had rather little social capital beyond their community and faced difficulties in leasing in land. Kerala did much better. The groups were not heterogeneous in the sense of including both the rich and the poor, but they were heterogeneous in the sense of including people from all castes and religions and also those somewhat above the poverty line. That helped in bringing in leadership and also more social capital across communities to lease-in land. So, for instance, if you are very poor, you may not have much say or bargaining power, but if you are above the poverty line and your group has members from different communities, you will be better placed to find landowners who are willing to lease you their land.



The neighbourhood groups, therefore, are the saving-and-credit groups, and women, who are members of these neighbourhood groups take up group farming, or set up a shop, or take up another trade. You don't have to necessarily become a group farmer, you have other choices too. It is totally voluntary.

I want to add a couple of points. First, most Farmer Producer Companies/Organizations are not joint

for promoting rainwater harvesting and other ways of improving irrigation without depleting our groundwater. What are the challenges you face? Once you tell us the challenges, then perhaps people here might be able to suggest possible solutions.

Dr Ashok Dalwai: Professor Bina Agarwal has shared her comments. Let me first respond to the issue of land registration. I think all of us have failed this country. Let's



producers. They are marketing organizations. So, it is best not to call them producers because joint production means you pool in land and labour, to produce together. Let's call them marketing organizations, otherwise there is a lot of misunderstanding. Maybe, some of them are pooling land and labour to produce together, but, mostly they are not. I think FPOs are important but they are not the answer to the production problem which, I think, needs to be considered separately. Second, women's issues are not just 'social' issues, they are centrally 'economic' issues, because women are workers. If 73% of rural women workers in India are doing farming, and if they form 30% of the agricultural workforce, then they must be considered productive workers and their labour must be recognized in our national income accounts.

Let us also hear Dr Dalwai, who is the CEO of National Rainfed Area Authority, about what you are going to do

all agree on this, particularly the officers. I am sure, Madam Anita Chaudhury would agree as well as those of us who have worked in the administrative service. Land is a basic issue. All other economic activities, including people's livelihoods, depend on land. Water is rooted on land, everything is rooted on land. Now, many of the problems have been created by the fact that we do not have clean land records. We must ensure that land records are cleaned up, digitized, so that we are able to make real-time changes as they occur, because, land ownership keeps on changing. When you are talking about a land deed and mutation or title registration, a sale deed is quasi-judicial in nature. Anybody can sell anything. I can, for example, register the Parliament in Delhi in somebody else's name. You know these things have happened.

Dr Bina Agarwal: Yes, and there is also that story of a man who sold the Eiffel Tower in Paris!

Dr Ashok Dalwai: Exactly. It is important to ensure that the titles are reflected correctly. Today, we need digitization of all land records. It has happened in at least eight states, and it should happen everywhere. Second, we must ensure that continuous and immediate land mutation happens. Where we are failing is land mutation, mutations take protracted time and, because of that, the name of the real purchaser or the real inheritor is not getting reflected. So, we must clean up the mutation process and see how quickly and, in real time, the mutation happens and the land title gets changed. Not just on the Record of Rights (RoR), but, also on the maps. Today, we should be able to use proper spatial maps with GIS, etc., and the geo-reference can be done for the land boundaries. Earlier, it was all done manually.

Dr Bina Agarwal: The joint ownership of land among coparceners also needs to be recorded.

Dr Ashok Dalwai: Yes. That also has to be done. It is important to record jointness. States have amended the Land Revenue Acts according to which you have to jointly record the land in the name of the women, all adult girls and women, but many states are not doing it in practice. We must recognize that land ownership will come from the land records. Therefore, land records need to be consistently, continuously mutated and reflected properly in the Record of Rights as well as on the maps. I think we all agree that we should do it.

Now, the second issue relates to land pooling for agriculture. Certainly, I agree with you that we need land leasing. Unfortunately, we still have old mindsets. In the 1960s and the 1970s, when land reforms meant 'land to the tiller', it was good that we said, the land belongs to the tiller. Therefore, we had all the regulations that said, if you are in possession of a plot of land and if you can prove that you are continuously cultivating it for 12 years, you have got the right of adverse possession. But, today, there is also informal land leasing, we know people are leasing. In a state like Punjab, the oral lease is to the extent of 40%, and it is so in every state. Because we do not legally recognize that kind of land lease, the actual cultivator is being deprived of institutional credit, he is being deprived of the benefits of subsidies that State and Central governments provide. Imagine, we spent Rs. 3 lakh



crores on subsidies on account of fertilizers, on account of procurements, but all these tillers who are lessee or share croppers have been deprived. They constitute the poorest section. Therefore, we need to amend our state Revenue Acts to account for these things. Law is a source of power. Why should any land lessor be scared, once leasing is protected by law? I wonder why the State governments are not adopting the Model Land Lease Act that NITI Aayog had shared in 2016.

Dr Bina Agarwal: Because, as long as the owner thinks that he will lose his land if the possession of the lessee is proved, we will not go forward. That was the point I was making.

Dr Ashok Dalwai: Precisely, that is the point. Our Model Land Lease Act asks for amendment of the state Revenue Acts to legally provide for it. In the last three years, Madhya Pradesh has done it. The point is, we need reforms in agriculture. All of us must recognize that. Since the roll-out of liberalization in 1991, we have done well in the industrial sector, we have done fairly well in the financial sector, but not in agriculture. We think that agriculture is meant for the dull, illiterate, uneducated people, they are not entrepreneurs, they have been destined by God only to do that little bit of tillage. I think, all of us, particularly, officers sitting here from State governments must recognize that we need to bring liberalization to agriculture. So, the Land Leasing Act is required. To answer Professor Bina Agarwal that Farmer Producer Companies are not producers, is not true.

Dr Bina Agarwal: Maybe a few are producers, but typically they are not.

Dr Ashok Dalwai: No, I mean, we want that to happen but what has happened is a different story. What we are now talking about and also promoting and planning to set up, is a National Agriculture Value System platform. A value system platform means integration from the farm gate to the final consumption centre. The consumption centre could be an industry, could be an export house, could be a bulk purchaser, could be a processor, maybe, within India or outside India. What we want to do now is that Farmer Producer Companies or Farmer Producer Societies, whatever name they go by, should take care of both technology and extension services so that input management and output management happen more efficiently. The scale economies must operate right from pre-sowing to post-harvest management. We have also amended the Income Tax Act, wherein tax exemption (is) up to a turnover of Rs. 100 crore per annum, so that profits generated by a Farmer Producer Company would be considered an agricultural profit. So, we would like to take care of not just post-harvest management, which is very important, no doubt, but also the pre-harvest management.

Dr Bina Agarwal: This is a totally different model and it is not going to work.

Dr Ashok Dalwai: Let us see.

Dr Ajay Mathur: One of the challenges that I've personally seen is the lack of flexibility in the kinds of arrangements that you get into. So, for example, (with) the producer

organizations, there is a tendency, I am not saying your rules don't allow, but there is a tendency for 'one size rule all'. Let me give you an example, I wish I owned 20 hectares of land, but I am actually a marginal farmer in the district of Barabanki in Uttar Pradesh. One of the very interesting leasing models that started there about 6, 7, 8 years ago, was by the farmer who started doing a rotational crop. Then, he started leasing land from people around him. When he started it, the lease was only on the basis of, 'I will pay Rs. X per crop per hectare'. Very soon, those guys came back and said, 'Well, if you are doing it, what do we do?' So, he started employing them and paying them something, in addition to what they were getting for land. Now, what it has developed into is, they don't call it Panchayat, they call it something else, all of these guys sit together and discuss 'what is it that we're going to do, what is the experience we've had?' It seems, this year, 'the monsoon is not going to be good, let's see if we can do maize'.

Dr Bina Agarwal: They've been doing crop planning, jointly.

Dr Ajay Mathur: Exactly. Now the point that I am making is that this has evolved over time. It developed because people started gaining confidence in each other's abilities. As a result, their comfort in land leasing has gone up. Also, what has happened is that the income has grown, I think, by 20%. I am absolutely delighted for them and envious for myself. But the kinds of arrangements are also now much more complex. So, this one said, 'I am leasing this much but I am keeping this much amount for growing vegetable for my own use' and, then, another person says, 'I know that Thakur Sahab there wants vegetable, so I'll grow vegetable for him.' So, all kinds of complex relationships emerge. The point I want to put for discussion is, when I started all of this, I was still in the Government, I was very uncomfortable with the changing nature of relationships which were in a sense, contractual relationships. I wonder how we can apply it further. This also goes to the issue of the title deeds. You know, there is a difference between the owner of a title and the beneficiaries of the usufruct. In the legal system, we are unable to differentiate between them. The Forest Rights Act, maybe provides a way in which we can start thinking about them. I don't have an answer. We started this meeting to discuss pooling in urban and rural areas but my feeling is that we need to





start a discussion on differentiating between ownership rights and beneficial rights.

Before I end this session, ma'am, I saw you pick up the microphone, I want to ask you for your comments, but I have been warned that if I don't end the session, there will be no tea for anybody. So, ma'am, the floor is all yours.

Dr Anita Chaudhury, Former Secretary, Department of Land Resources, Ministry of Rural Development: I retired as Secretary, DoLR in 2012. When I was the Secretary, we drafted a Model Land Titling Act. As you rightly said, anybody can sell any land to anybody. Even the registration that you do today is not a guarantee that you are the owner. Anybody can come and question it. The Land Titling Act was drafted to ensure that the Government is giving you a guarantee that you are the owner, so that nobody can come and question your ownership. But, there are huge problems in enacting such an Act. You are talking about the upgradation of land records, we keep talking about the case of Bhoomi in Karnataka. Yes, they have computerized the land records but the position on the ground is vastly different from what you get from any other means of measurement. We tried different types of measurement in different states. Gujarat did a manual measuring, Andhra Pradesh tried aerial survey, some districts in Gujarat also tried satellite mapping. The demarcations from these sources are absolutely different from what exists on the ground. So, even today, when we say that we will computerize and will you give the record, it is not as per the actual facts on the ground. That is the

main reason why the Land Titling Act is not being talked about lately. We need to adopt mission mode. In Haryana, they have done a lot of land consolidation. They have actually found the pillars, which were made by the British and they have done the measurements, so the ground reality is as per the land records. But with most of the states, it is not so. This is the main problem as far as land records are concerned.

Dr Ajay Mathur: Now, I am moving to the end. A very short comment before I ask Preeti.

Dr Bina Agarwal: I will use this opportunity to make just two small points. One is that the land records really need to have a gender component, there has to be a column to record this. Some years ago, I met Dr Jena, who was then Secretary in the Department of Land Resources in Nirman Bhawan. I had several meetings with her and her staff requesting access to the digitised land data, but without success. However, I think she did send out a circular to all the states asking that they should include a column specifying the gender of the landowner. But I am not aware that this was implemented. So, I would make the request again, since many of those responsible for getting it done are present here. Second, I want to reiterate Dr Mathur's and Dr Dalwai's point that, one of the lessons we have learnt on cooperation in India and globally is not to make rules top-down, whether for a producer's company or a group farm. As Elinor Ostrom, who won the Nobel Prize in Economics, argued, and as the work of many of us also shows, you need to allow people

to make their own rules for running an institution. As for producer companies, they often just make contracts with the farmers who have little say. That is not an answer. Let the farmers come together, empower them, tell them that if you come together as a group, we are going to give some privileges. Don't go to them and say that these are the rules, if you follow these rules then you will get these privileges. If you do so top-down, farmers will not come together, it will not succeed. At least, that is what global experience teaches us. So, please, as Government officers, allow people to be innovative, given them some autonomy. And they will come up with quite complex and interesting solutions. But, please give them incentives to come together.

Dr Ashok Dalwai: See, I won't take issue with you. I take your point that we need to have people's participation, that people's view must be heard in the system. Not views, but their issues, okay. But, we certainly also need an institutional mechanism to see that there are arbitrations, there are resolution mechanisms. In fact, our Model Contract Farming Act does precisely that, it keeps it out of the Court's jurisdiction, it enables arbitration at Gram Panchayat level, at the sub-divisional, district level, so that the resolution happens by the people themselves. I take the point that we must give flexibility to the people to organize themselves the way they want to, yet, we do require a framework so that there are mechanisms for dispute resolution, not that all people are equal, there are so many inequalities in our society. There is a big man who always tries to gobble up the smaller man. So, we must keep all these things in mind. I do take your point, of course. Thank you.

Dr Ajay Mathur: You know, this is such an interesting discussion that I would like this session to go on but I have been forced to cut this short. May I now request Preeti to give the vote of thanks. Then, we move out for tea and we will come back at 11:35.

Arunima: I request Dr Das to take the floor. Dr Das is a Commissioner of Income Tax, on deputation to TERI as a Senior Fellow. She works on the area of land.

Dr Ajay Mathur: She's the one who has made all of this happen.

Vote of Thanks by Dr Preeti Jain Das, Senior Fellow, TERI



Respected Dr Bina Agarwal, Dr Ashok Dalwai, Dr Mathur, the esteemed speakers, participants, and friends, it is my privilege to thank Dr Bina Agarwal for the insightful address on the feasibility of adopting land pooling in the agriculture sector which will enhance productivity, increase farm income and also empower the marginalized people. I would like to express my deep sense of gratitude to Dr Ashok Dalwai for his brilliant exposition on the utilization of the country's land resources. In many ways, ladies and gentlemen, this workshop is a sequel to the national conference on the five-year journey of the Land Acquisition Act, 2013 that we had organized last year in October. That time, we had heard different stakeholders, this time, we will be hearing the State governments talk about their experience of the implementation of The RFCTLARR Act, 2013. Hopefully, these discussions will result in suggestions that will improve the outcomes of the Act.

As land pooling has gained currency in recent years, among policymakers and researchers, I think, it is important for all the stakeholders to come together and deliberate on the desired contours of an inclusive and a sustainable land pooling policy. I dare say that there cannot be a single land pooling policy, there are bound to be differences. We cannot have the same land pooling policy across different sectors and across different geographical locations. There will be differences in terms of the legislative framework, the institutional

arrangements, the benefit-sharing mechanism as well as the level of people's participation in the design, planning, and execution.

I look forward to the fourth session of this workshop, where we will all confer on the various possibilities with respect to each of these aspects of land pooling. And, hopefully, we will also come out with some guiding principles which, to my mind, are very important for taking care of the interests of women, of the landless,

the marginalized section of communities and, also, of the environment. So, I would like to extend a warm welcome to all the participants here. I hope you will find the proceedings of this workshop useful and I sincerely hope that you will enjoy your time at India Habitat Centre. Thank you.

I would now like to request Dr Mathur to, please, hand over a token of our appreciation to Dr Bina Agarwal and to Dr Ashok Dalwai.





SESSION 1

CHALLENGES OF IMPLEMENTING THE RFCTLARR ACT, 2013

Arunima: Welcome back. May I invite the speakers of the session to please come on the dais. Our panellists are Mr N Manjunath Prasad, Principal Secretary, Department of Revenue, Karnataka, Mr Dilip Das, Secretary, Department of Revenue, Assam, Mr V K Thakur, Assistant Director, Department of Revenue, Bihar, Mr D B Patil, Secretary Revenue, Madhya Pradesh. The keynote address will be delivered by Dr Anita Chaudhury, former Secretary, Department of Land Resources. I will also request Madam Chaudhury to please moderate this session. The floor is yours, ma'am.





KEYNOTE ADDRESS BY DR ANITA CHAUDHURY, FORMER SECRETARY, DEPARTMENT OF LAND RESOURCES, MINISTRY OF RURAL DEVELOPMENT

Good morning, friends. I was Secretary at the time when this Act, known as The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR), was being drafted. First of all, let me tell you why this name RFCT, etc. There are two–three things that we have to keep in mind about the time when the Bill was being drafted. Number one, it was 2012–13 and 2014, as you know, it was the year of the General Elections and, pardon my saying so, if there are some politicians, let it be so.

The politicians only saw what could be converted into their vote bank and that was the farmer. So, on the one hand, we had our political bosses wanting to please the farmer, as bureaucrats, yes, we had seen the sufferings of the farmers and the land oustees and we wanted to set it right but, on the other hand, how to keep a balance was a big task. We thought that having a big name like RFCT doesn't make sense, it should be LARR – Land Acquisition and Rehabilitation (and Resettlement) Act, Act for Rehabilitation. So, LARR is what we had proposed, and, even today, we often call it the LARR Act. But they said, 'No, there are three main problems with that Act'. There is no transparency, it is very opaque, it doesn't give full compensation. So, whatever are the problems, it should be reflected in the title. Therefore, sorry to say, the title became RFCTLARR. Anyway, another disclaimer I would like to make, at the time when the Bill was being drafted, yes, I was very much there. I retired in September 2012. The Bill became an Act in 2013. So, whatever are the good points, you can give it to me and whatever are the bad points, you can say it came after I left. But, anyway, I am here not as the spokesperson for the Department though I am still associated with it. I am associated with the National Council for Good Governance which has an MoU with the Government of Bangladesh which sends its civil servants for three weeks to Mussoorie for training in

which I conduct a session. Bangladesh, let me tell you, is going in a very big way for land acquisition. So, I've learnt a lot from what Bangladesh is doing and I tell them what we are doing and they are very appreciative of this Act. They feel that the Act is very good, not because it was drafted by us, but because, they think, we have given some very good points.

So, let me first tell you what happened. You all know the scenario, how in the name of development, we were actually facing a problem where one out of 10 tribals was a displaced person. And, since the displaced persons had no organized voice, nobody was demanding their rehabilitation. There was a National R&R Policy (National Rehabilitation & Resettlement Policy) but it had no judicial backing. The policy was very much there, it had been there for 10 years but nobody followed it because there was no compulsion. In such a scenario, when the Act came, obviously, as bureaucrats, we thought it is going to ameliorate the problems of the landowners. As you all are aware, some very new features were included in the Act. Number one, of course, is the consent clause. Now, everybody asks, why the consent of 70% or 80% people? Let me tell you a very interesting thing as to how this 80% came. The bureaucrats thought that in a democracy, where governments can rule on a vote of 51%, why not have 51% here? But, as I said, the farmer had to be pleased,



so, the discussion started with the idea of 100% consent from the farmers. After a round of discussions, we came to a compromise and said, 'okay, 80%'. The advisors then told the new Government, don't keep it 80%, keep it 70%. No basis for 80%, no basis for 70%. If I say 51%, I have a basis because that is the majority vote. Otherwise, there is no base. So, that is something which we were not very comfortable with. The second important thing which we had introduced is the SIA (social impact assessment), which you all know.

At this stage, let me thank Preeti for having called me here. I am very happy because I actually wanted to have an interaction with the State governments. When she told me that the State Government representatives are going to be here, I was happy to come. What has happened over the years, I will come to that, but I want to interact with the State governments and find out what the problem is. I know what the problem is, I'll come to that also, but, why so much of dilution of this Act? In the SIA, what have we done? We all know the problem with SIA. Earlier, very often, we were not even sure about the legitimacy of land acquisition, whether, we really wanted it, whether it was the last resort, whether it was the adequate area that was to be acquired. Nobody saw anything. I recall, during my younger days, we even took recourse to the urgency clause in a land acquisition case to set up a bus stand. Now, after so many years, I also realize how foolish it was to do such a thing. We didn't realize at that particular time as to what is more important, is the bus stand more important or the family living on that land is more important? But we did use the urgency clause for ousting those people

and setting up a bus stand to be inaugurated by the Chief Minister. That is the problem we all have.

So, we thought SIA will be the basic feature of the new Act. SIA is not something which we are imposing, it is supposed to be a participatory exercise in which the community will sit together with some experts to decide all these issues. That was the whole idea. If you will go through the Act, you will see representatives from so and so, there has to be, compulsorily, a public meeting, you have to listen to the public grievances, you have to publish it so that people say that it's not imposed, you have to take the people into confidence. That was the idea of an SIA. I am emphasizing this point because I know some of the State governments have done away with it.

Earlier, there was an R&R (Rehabilitation & Resettlement) policy but nobody was following it. But the R&R provision that we put in the Act was not only for the landowners, we also introduced the livelihood losers. The people living in the forest who lost their rights of gathering forest produce, the fishermen, who were fishing in the ponds that were acquired, lost their livelihood. Now, it is a real effort to find out who is the livelihood loser as far as land acquisition is concerned. How do you define who is a livelihood loser? We had some very interesting discussions. In fact, one person who was a temple priest even came and said that land is being acquired in the area where the temple is situated, 'I am the priest there, my livelihood depends on that temple, so I should also be compensated'. So, we thought let us give as much flexibility as possible to the State governments. Let them decide who are the livelihood losers and the SIA team will actually go to the spot and see who should be included in this list. So, SIA had become very important.

The fourth major pillar which we introduced was the increased compensation. As you all know, it is very difficult to arrive at a realistic land value, as Dr Dalwai had already mentioned. Because of the suppressed registration costs that we show, the real market price does not come out in India. Worldwide, they have a very robust system of gathering market information on the type of land, the assets attached to the land, the potentiality of the land. In India, we don't have all that, therefore, we only rely on the registration and, we all know that, at one time, it was

believed, that the difference between the market price and the registered price would be 40% to 60%. Now, it was a great task before us, how to get the farmer his due. Therefore, the multiplying factor came into being. Multiply the market price either by 2 or by 4. After a lot of debate, we thought it was best left to the State governments, so that they can decide from case to case, whether, the base price should be multiplied by 2 or by 4. Now, does this mean that we have increased the land cost twice or four times because, it is commonly believed that the Land Acquisition Act has actually pushed up the prices?

In fact, there was a study, in 2016, by the Administrative Staff College where they found, I am just quoting them, 'in a majority of the land awards by the erstwhile Andhra Pradesh state Irrigation Department, the compensation was 40% to 50% and, in a majority of cases, more than 100% times the traditionally arrived value'. Yes, 40% to 50% more than what would have been arrived at, was the compensation given by the Government of Andhra Pradesh. Obviously, they didn't have a problem. According to the World Bank report of 2012, in most cases of the transport projects that they financed, the land acquisition price was much higher than the base price. So, it is wrong to say that this Act has actually pushed the prices, the prices were already high, we were only trying to regularise it so that, instead of the black

money going in the pockets of the middlemen, it goes in the pocket of the farmer. That was the intention.

We also took three very progressive steps. We all know that the farmer is very unhappy because, what happens is that, you oust him and then you transfer this land at a higher rate to somebody else. So, when this Act was drafted, the idea was to make it as stringent as possible because why should we rely on land acquisition? Make it difficult for the land to be acquired. You negotiate and take the price. The idea was to see that the legislation did not give a handle to people to just go and acquire the land like the earlier Act was doing. The idea was to try and minimize land acquisition, as far as possible. So, what we did was that if the land is being transferred without any development, 40% of the increased price will go to the farmer. The Act also says that 20% of the developed land which has become more valuable post acquisition, will be distributed to the owners. Haryana, I know is already doing this, in the sense that when you acquire a particular area, one plot is given to the oustee. So, the oustee has an interest, he is willing to give you the land.

The third important thing that we did was that we allowed the Collector to have a say in deciding any other ground that may actually help the farmer. There were many other features like food security, land should be returned if it's not used in five years, whole lot of committees to be





set up. The people thought that the Act is a reformation in itself, it will bring about reform. But, of course, some say that it has a lot of shortcomings, there are people who think that the Act is a reform measure but, for some, it is an absolute stumbling block for any new project. In fact, in a recent discussion, a person said that, because of the ongoing American and China trade war, the industry that is moving out from China is not coming in India, one of the reasons being land acquisition. Instead, it is going to Vietnam where the land acquisition is easier. Now, I do not know whether that is the real reason, but this is the general thinking. It is not so. It is not that land acquisition is a problem.

At the time of drafting the Act, we were criticized. First, the critics thought that this is a misdirected generosity towards the farmers. Because so much compensation had to be given, twice or four times the market price, plus 100% solatium, plus 12% interest from the date of notification of the award. It actually added up to what was the market price prevalent but people said that it has pushed up the price and there were people who said that, already land prices in India are so high, you have made it even higher. However, one report that I read in The Economic Times said that people's opposition to

giving up land for projects has evaporated due to the higher compensation offered under the Act. People actually want to come and give their land, they say that 'you take it and give me the compensation amount that you have announced'. So, people are willing to give land because the compensation is quite good now.

But, at the same time, it is felt that the Act has added a lot of bureaucratic hurdles. It has increased the cost and it is difficult to know who the real beneficiaries of the cost of acquisition are. In the cost of acquisition, we are including not only the compensation, the cost includes the cost of the SIA, cost of the expert committee, cost of the Chief Secretaries' committee, cost of the measurement, costs of the entire thing. So, the major portion of the entire costs of the acquisition goes towards the administrative costs. The actual compensation is not so high. Of course, I agree that the land prices have gone up slightly because of the Acquisition Act but, then, for the sake of justice, it had to be done.

Of course, another criticism is why we should seek the consent of the farmers, they will never agree. Another point is why we have made the Act so stringent and so complex by setting up a whole set of institutions. Agreed,

everything we agree with. Till date, even the definition of 'public purpose' is not very clear. I remember, we discussed at great length, if somebody wants to set up a Super Speciality hospital in the private sector, should the Government acquire land for it or not? And the discussion went on for a whole day whether we should acquire land for such a project or not.

Now, what has been the experience of the implementation of this Act? You are all aware that farmers all over the country had been agitating. I have a list of cases. The Land Conflict Watch has reported that in 2018, there were 247 ongoing farmers' agitations in the country. People from Niyamgiri were protesting against the Vedanta project, in Dhenkanal district in Odisha, we had the Balarampur people who actually did away with a Rs. 102 crore brewery which was to be set up. The Himachal Pradesh farmers agitated because they wanted a say in the Shamlat land which is the village common lands. We have all heard about the expressway, the bullet train between Gujarat and Maharashtra. As per newspaper reports, out of 1400 acres of land, just one acre had been acquired and The Economic Times even said that the Gujarat Khedut Samaj (which is the GKS), is now thinking of approaching either the International Court of Justice or the courts of Japan to see that the acquisition does not take place.

Now, in the case of the RA colony in Mumbai, the people went to the High Court. They didn't want to be uprooted because of Metro phase three. Why is it that the farmers had been agitating everywhere? I believe in Tamil Nadu, the greenfield expressway between Salem and Chennai was more or less shelved, in Godda in Jharkhand, there was some acquisition for setting up a power plant which, again, is in problem. Also, in Gujarat, I don't know if it's correct or not, in Bhavnagar, the Power Corporation Limited was going to do some lignite mining to which the farmers have objected. Now, these are reports which have been quoted and they are not newspaper reports, I have picked them up from people like Bina Agarwal who is actually aware of these things.

So, what is happening now? The Act has now been diluted. We know that the Government tried to set right these shortcomings by passing an Amendment Bill but it did

not go through. The Amendment Bill had to be placed in the Joint Committee of the Parliament, the Ordinance was allowed to lapse and, after its lapse, the State governments were left to make their own changes. Fourteen states have made the changes and what are these changes? Basically, the four pillars have been attacked. State governments have tried to do away with the SIA, they have tried to do away with the consent clause, they are not talking about R&R, by giving farmers higher compensation they don't want to get into R&R and, in some places, the compensation is also not as per the Act. So, the State governments have actually targeted and tried to dilute this Act which was prepared after much effort.

I, especially, want to discuss with you the outcome of these state modifications and amendments. In other words, whether this Act has really been implemented. One such study, which I came across, was done by ASCI in Punjab on a very small piece of land which is not very representative, where they found that the timelines can be adhered to, but the cost of land will go up to 50%. No problem with that. I want to share my personal experience. I was an Independent Director on the Board of Nuclear Power Corporation and I was made the Chairperson of the Land Acquisition Committee for setting up a power plant in Kohara in Andhra Pradesh. By then, the State governments were making their own amendments to the Act. So, immediately, the State Government came up with an amendment, fixing the base price of that land from Rs. 4 or 5 lakhs to Rs. 18 lakhs per acre. State governments have the right to do it and immediately, the amendment was done.



Number two, they said that even the squatters are entitled to all the benefits. Now, they cannot do away with the squatters, anyway, the Government of India had to pay, no problem on that. Most of the owners were fishermen. Their source of income was not impacted, yet they said, under the Act, R&R provision provides for Rs. 5 lakhs per affected family, by way of employment, so, Rs. 5 lakhs per family was given. The Act says that housing has to be provided as per the PM (Pradhan Mantri) Awas Yojana but the Government set their own norms and decided to give 650 square yards to each member of the family. Obviously, things like these pushed up the price tremendously. But, since it was a nuclear plant which is very difficult to set up, we were very happy that, at least, we were getting the land and went ahead with it. Of course, this is not very representative of action usually taken under the Act.

Now, I want to give some suggestions. The first suggestion is that the consent clause should come down to 51%. The validity of the SIA is only 6 months, it should be increased to at least one year. We can't keep having SIA every 6 months. Then, for compensation, Section 30 of the Act proposes 100% solatium on the compensation amount. What is the compensation amount? The compensation amount is calculated on additives to the land, i.e., what is there on the land – trees, buildings, tube wells, etc. – they are assessed and 100% solatium is to be given on that. But, the Second Schedule of the Act says 100% solatium (is) to be given on the market price. So, what people are doing is, if the market price is, say, Rs. 20 lakhs, the compensation amount comes out to Rs. 2 lakhs, so (it comes to) Rs. 22 lakhs, instead of saying Rs 24 lakh (100% compensation), they say Rs. 42 lakhs, including the market price. That has

pushed up the prices. In fact, when we were discussing with the Andhra Pradesh Government, they said, 'we can't help it, the Act is like that'. I have brought this to the notice of the Department of Land Resources that there is a dichotomy in the Act itself, between the Second Schedule and Section 30 of the Act.

Another very important factor which we thought should be included is that after acquisition, under no circumstance should the change of land use be allowed. Haryana has suffered miserably because of this element not being there in the Act. Land which was acquired sometime back, people apply for change of land use and it has been done. Under no circumstance should we allow this, and this should actually have a judicial backing. Also, we have talked about upgradation of the land records and I agree to all that. Another factor which we wanted to include was, every land that has been acquired, allotted and not used, whether by the private sector or by the PSUs, should be re-called. We wanted this to become a part of the Act, unfortunately, vested interest didn't allow us to do that. But, even now they are thinking of doing this. I would request the State governments to consider including such a provision.

One last thing which I want to talk about is alternatives to land acquisition. As I said, initially, our idea was that you must do very little land acquisition, instead, go for direct settlement. Now, four states – Telangana, Madhya Pradesh, Uttar Pradesh, and Chhattisgarh have done what is known as a negotiated settlement arrangement. In Telangana, they have district-level procurement committees where they actually discuss with the people. In Madhya Pradesh, there is a consent-based Land Purchase Policy, Uttar Pradesh also has, something known as, mutual consent Land Purchase Policy. So, the Act is very flexible. Please don't change the basic features such as the SIA and the consent clause, try and change the things which will make a difference. I would conclude by saying that, when the Act was prepared, it scored very high as far as equity and social acceptance are concerned. Thank you so much.

Arunima: Thank you for the vibrant keynote address, Madam Chaudhury. The talk highlights the important role that ma'am has played in the formulation of this Act.



With this, we move to the panellists. I request Madam Chaudhury to please moderate the session. Our first speaker is Mr Manjunath Prasad.

**Mr N Manjunath Prasad, Principal Secretary,
Department of Revenue, Karnataka**



Respected madam, the dignitaries on the dais and my friends. I am the Principal Secretary of the Revenue Department of Government of Karnataka, and I am here to share how, by using the new Act, instead of calling it RFCTLARR, I will just call it as a new Act, 2013 Act, the state of Karnataka has acquired land, what are the challenges, what are the positive things, what are the negative things...

In Karnataka, we are acquiring land for a number of railway projects. In fact, railway lines are being constructed on 50-50 partnership, that means the State Government shares 50% cost of the construction of the railway lines. Presently, land acquisition is going on for 862 kilometres of railway line. The total land required is about 13,560 acres, and from 2014 onwards, 5850 acres have already been acquired, under the new Act. (Around) 7000 acres of land are under the process of acquisition. Now, the biggest land acquisition processes going on in Karnataka are for the irrigation projects. There are about five big projects for which the total land required is to the tune of 3,35,954 acres. By using the new

Act, till date, we have already acquired 1,80,775 acres and another 1,60,000 acres are under the acquisition process. In addition to this, we've acquired land for construction of new airports in a number of districts. Land is also being acquired for highways and metros by using the National Highways Act and some other Acts, but we follow the basic principles of the new Act only. Having worked as the Collector in a district, then as the Municipal Commissioner of urban local bodies, I have the experience of implementation of the new Act. Earlier, in the old Act of 1894, the compensation was less than the market value. Now, it is comparable to the market value of the land. In fact, the compensation that we are paying is much above the market value. This is because of the multiplier factor being applied to the market value. When we say market value, there are two things. There is one guidance value and the other is market value. Guidance value is what the Government fixes, i.e., the Inspector General of Registration in the Revenue Department fixes the value of land for registration purpose in every village, in every ward. Usually, the market value will be more than the guidance value. For example, the area in Bangalore where I am staying, the guidance value is about Rs. 6000 per square feet, whereas, the market value is about Rs. 8000. If you want to purchase any land there, you have to pay Rs. 8000 per square feet, whereas, the registration is at the rate of Rs. 6000. Usually, people will pay at the rate of Rs. 6000 per square feet by cheque and the remaining will come in cash. Whereas, in the earlier Act, compensation for land would be given at the guidance value plus 30% solatium, now, it is the guidance value and an equivalent amount has to be given as solatium. That means, in the urban areas, we are giving twice the guidance value, so, if the market value is Rs. 8000 and the guidance value is Rs. 6000, we are now paying Rs. 12,000. So, people are very happy to receive this compensation.

According to the new Act, the compensation has to be multiplied by 1.5 times in urban areas and by 2 times in rural areas. We have issued a circular explaining how this calculation has to be done. Madam (Dr Anita Chaudhury) was referring to this calculation, with the specific examples we have given. For example, if Rs. 1 lakh is the guidance value of a particular land and Rs. 50,000 is the cost of the building and other attachments, so it comes to Rs. 1.5 lakhs. Now, you add an equivalent amount as

solatium, i.e., 1.5+1.5, it comes to Rs. 3 lakhs. So, this is the process as per the Act. The people are getting thrice the guidance value by virtue of this calculation in urban areas and in rural areas, people are getting four times the guidance value. That being the case, people want to give away their land, because, even if they were to sell their land to any private body, they will not get even half of that amount. It has made land acquisition very simple and people are ready to part with land because the amount of compensation that we are giving is a very handsome amount.

Now, madam also spoke about the administrative costs. We charge the administrative cost as 10% of the total acquisition costs, because, the entire administrative machinery is involved for acquiring this land, a lot of regular work is required. So, 10% of the total acquisition cost is charged as the administrative cost.

Having applied this Act for land acquisition during the last five years, the State Government feels that it is better to do away with SIA in case of public projects. We take about six months to conduct SIA and, afterward, constitute another expert group to examine the SIA report and make recommendations in two months. Thus, eight months are lost. We do use the data in the SIA report to frame the R&R award. The State Government is competent to amend the new Act, so, in July 2019, we amended the Act to do away with Chapters 2 and 3, i.e., SIA and the expert committee, and the food security aspects in specific projects, which are of urgent nature and of high public importance. This amendment will further speed up the process of land acquisition.

In the old Act, there was a provision of acquisition by consent. This is very common in Karnataka. If the farmer is happy with whatever compensation is being offered, a consent award can be passed. But, this is done only if the farmer is willing, without being forced, to part with his land. Therefore, we have amended the new Act to include consent acquisition so that the entire lengthy process can be avoided. The compensation, as prescribed in the new Act plus a rehabilitation package, will be offered. A committee has been formed under the Collector and if a farmer comes and says that I am ready to part with my land, then, this provision is applied. Presently, it is taking

two and a half years to acquire land if you follow all the different steps of the Act. So, the State Government is keen to speed up the acquisition processes without compromising on any provisions, ensuring that the land loser does not lose out on anything. In fact, the Chief Secretary reviews the land acquisition process every month with all the District Collectors to see that this process is speeded up. And because of the regular review, large amount of land has been acquired. This, in a nutshell, is our experience. Since land acquisition is in the Concurrent List and states can bring the amendment with the President's assent, we have amended the Act and this will further speed up the land acquisition process. Thank you very much.

Dr Anita Chaudhury: Thank you very much. May I now request Mr Dilip Das to please deliver his talk.

Mr Dilip Das, Secretary, Department of Revenue and Disaster Management, Assam



Good afternoon, ma'am, distinguished panellists, TERI team here, and my dear friends. I am very delighted to be here with my colleague, Mr Phukan, who is the Joint Secretary. I have joined as the Secretary in the Revenue Department only one month back. In her speech, ma'am has already narrated the background of The RFCTLARR Act. In fact, as the name suggests, it is to ensure fair compensation and transparency in the process, which we believe that this Act has taken care of. Prasad Sir has rightly said that landowners are very much willing to part with their land in their state because of fair compensation.



Under the new Act of 2013, a landowner in rural areas is getting four times the value of his land which, in fact, if he had sold to a person, it would not have fetched that much amount. Similarly, in urban areas, a landowner is getting twice the value of land. In Assam, we have not acquired much land but, whatever we have done, it is without any hassle. In fact, in some cases, landowners are coming forward on their own with their parcel of land. In a case of acquisition of land for National Highways, a farmer's land was not acquired because it was far beyond the road alignment. He wrote an application complaining why my (his) parcel of land had been left out. So, this is how they have accepted this Act. In fact, there is no problem in acquiring land because of the fair compensation that this Act has provided.

We have fixed the factor for rural areas to 1.5 when the land is within 10 kilometres from the urban boundary and it is simply two beyond 10 kilometres, so that it doesn't give rise to confusion. Ma'am, I think, it is really pertinent to limit the 'urgency clause'. Under the 'urgency clause' of the 1894 Act, a piece of land was acquired for a bus stand. Of course, the state can acquire private property in the exercise of the power of 'Eminent Domain'. But the point is, while being dispossessed of land, a landowner should be given the opportunity to challenge or to have his say. In fact, in many cases of land acquisition under the 1894 Act, this was not done. As ma'am rightly said, there was misuse of the 'urgency clause' by dispensing with the provision of the right to file an objection before the Collector. The landowner and the farmer were not given the right to challenge the official notification. So, for the 'public purpose' of establishing a bus stand, the urgency

clause was applied, and, thus, the right of the farmers or landowners to challenge the acquisition was denied. This is not so in the new Act.

I believe that the concerns of the landowners are being very well taken care of in the new Act. Of course, it is repeatedly said that SIA is delaying land acquisition. There may be agreement or disagreement with respect to certain provisions. In Assam, we are not making any amendment so far as SIA exemption is concerned. But, I personally believe that there is scope for exclusion of SIA with respect to certain infrastructure projects or projects mainly for national security or defence. At the same time, I personally feel that land is not like a commodity that you purchase from the market, that we pay you money and, in the name of speed, we want land immediately. It is something different. There are many issues, many aspects that need to be considered before deciding (upon) acquisition of land.

I think that the 2013 Act has taken care of the issues confronting the landowners, and, from 1894 to 2013, it has been quite a long journey. It is not that this Act will remain static. In the course of implementation, many issues will come up, there will be debates, there will be discussions, there will be agreement.

So, in course of time, issues will be taken care of. Land pooling may be one option. Land acquisition and land pooling, both, should go parallelly. We cannot totally forget about land acquisition, under the power of 'Eminent Domain', state can acquire private land. The morning session was very interesting, we've learned

a lot about land pooling, although in our state, the Revenue Department has not made any land pooling policy. The Guwahati Development Authority has made a Land Pooling Act for the metropolitan area but, still, a lot remains to be done. The Assam Land Requisition and Acquisition Act, 1964 provides for requisition of land for certain purposes like transport and communication, making provisions for accommodation, providing land to landless and if these lands are needed permanently, they can be acquired later. But, even if land is acquired under the state Act, we are providing land, we are providing compensation, as given in the 2013 Act. I am very happy that TERI is organizing this two-day workshop on land acquisition and land pooling. I believe, the participants will be very much benefitted. I thank TERI for giving me the opportunity to be a part of this workshop and thank you once again.

Dr Anita Chaudhury: Thank you so much. Both, Karnataka and Assam feel that the Act is not a stumbling block as far as acquiring land for projects is concerned. Let us hear the other states. May I request Mr Patil to please deliver his talk.

**Mr Dnyaneshwar B Patil, Secretary,
Department of Revenue, Madhya Pradesh**



Namaskar. Thank you, ma'am, for inviting me here for a discussion on this issue. Manjunath Sir, Madam Chaudhury, and Dilip Das have covered most of the points, but, I want to talk about the transition period. I was the Collector in Betul in 2014, where I experienced issues in

implementing the new Act. I want to share my experience of two problems of land acquisition. In a case of irrigation project, land acquisition took place in 2011, under the old Act, but there was a delay in starting the construction. Because of the unrest by farmers, construction started in 2014. And, when the new Act was passed in 2013, the farmers realized that if they don't take compensation then the new Act will apply and they will get more money. Also, the unrest and agitation continued till 2014 end. This was the transition period and we realized that Section 24 of this Act says that if the possession is not taken from the farmers, or the compensation is not taken by the farmer then the proceedings (will) lapse under the old Act and you (would) have to start the acquisition process afresh under the new Act. So, the new law has led to difficulties for ongoing projects, where sanction has been given and the benefit-cost analysis has already been done. There are two-three decisions of the Supreme Court on Section 24. There is the case of Pune Municipal Corporation in which the Supreme Court says that compensation would be deemed to have paid when it is deposited in the court. In the case of Indore Municipal Corporation, the Supreme Court says that if the landowner is not taking the compensation, so if it is deposited in the treasury then the acquisition under the old Act will not lapse. So, there are contradictory orders of the Supreme Court. Now the matter is placed before the Constitution Bench.

The Government of Madhya Pradesh is very keen on developmental projects because our main goal is to increase irrigation from 21 lakh hectares to 41 lakh hectares. So, we took a judicious decision to adopt a factor of 1. All over Madhya Pradesh, the factor is 1, there is no 1 or 2. But, in rural areas, there is a demand to increase the factor to 2, but we are thinking on how to increase, because, there are some advantages and disadvantages in applying this factor. If we say that up to 5 kilometres of the border, the factor is 1 and beyond 5 kilometres, we say that it is 1.5, it will create a lot of problems. So, we are still thinking how to adjust this factor and how to increase the factor in rural areas, remote areas, because, it is difficult to divide the scale between urban and rural combination. A lot of research is required on this factor.

I want to share that the consent policy is very successful. In Betul, we have constructed the Parasdoh Dam totally

on the consent-based policy. The Madhya Pradesh Government's consent policy is very attractive because we give two times of the market rate and we immediately transfer the money. It is a very successful policy. I think it is the first dam in Madhya Pradesh where more than 1500 hectares of land has been acquired with the consent of all the farmers. The advantage of this Act is that, parallelly, we are negotiating with the farmers, there is participation. This is the plus point.

But there is a 3rd point. This Act does not define the lease and beneficiaries of the Forest Rights Act. How do we deal with these persons? Livelihood loss is mentioned in the Act, but it is very difficult to quantify.

Dr Anita Chaudhury: SIA.

Mr D B Patil: Madam, one thing is there, the social impact assessment reports are not of good quality. I have seen the reports but their quality is not that good. So, it is not quantifiable and ultimately...

Dr Anita Chaudhury: But that depends on how much you spend on it.

Mr D B Patil: I know, ma'am. But it is a very debatable issue.

Dr Anita Chaudhury: You have to spend a good amount for a good quality report.

Mr D B Patil: But, it is very difficult, ma'am. Because, this is not a uniform society, this is a diverse society and a lot of games are played in the field, so, it is not easy to get social impact assessment done in a transparent way. It's very difficult. Even, with respect to the Forest Rights Act, we are providing money, different Collectors follow different methods. We are using the same method given in the Collectorate Guidelines, double the solatium, we have given everything to the beneficiaries of the Forest Rights Act. But there is a dichotomy. The Forest Department is opposing it by saying that, 'no, you should not provide the money because the land is from the Forest Department'.

Second is lease, one is the unofficial lease and another is the formal lease. In formal lease also, it is very difficult to pay the money to the actual lease holder. We have decided that in Madhya Pradesh, R&R will be required

in case of acquisition of 50 hectares or more in urban areas, and 100 hectares or more in rural areas. This is also a challenge. So, these are the practical difficulties. But due to this Act, new alternatives are coming out. Land pooling policy is one of them, second, is the consent policy. And, I think, it is good for the farmers because, now the agitations are lessening, people are easily offering their land and this impacts the projects also. Thank you.

Dr Anita Chaudhury: Thank you, Mr Patil. May I now request Mr Thakur to please deliver his talk.

Mr V K Thakur, Assistant Director, Department of Revenue and Land Reforms, Bihar



Good afternoon. Main District Land Acquisition Officer bhi raha hoon aur abhi main department mein policy banata hoon iske upar. Main un cheezon pe baat karunga jo hum log implement karne mein jab Act ke words ko interpret karte hain toh humhe kahan samasya aati hai. Main aur bhi cheezein bataunga.

Translation: Good afternoon. In the past, I have also been the District Land Acquisition Officer and presently, in the department, I make policies on land acquisition. I will talk about those issues which we face in interpreting the words written in the Act while implementing it. I will discuss some other things, as well.

Hum shuruat se jab kisi Act ko dekhte hain toh kisi bhi Act mein Preamble ke baad uska definition part rehta hai. Toh jo definition part mein affected family ki definition diye gaye hain ki usko bahut hi enlarge kiya gaya hai. Is mein



agricultural labours, sharecroppers, artisans' sabki baat ki gayi hai jinka affected area mein teen saal se livelihood uss par dependent hai. Lekin hume ye samajh mein nahi aata hai ki iska koi standard parameter hoga kya nahi hoga? Khaskar ke jab hum linear projects ki baat karte hain, toh hum road ka expansion karte hain. Ab road ke bagal mein hum zameen le rahe hain, ek decimal zameen hum kisi ka lete hain ya hum do decimal zameen lete hain, uss pe ye tey karna bahut mushkil hota hai hum logon ke liye ki landowner ke alava kaun iss par dependent hai?

Translation: When we look at an Act from the beginning, the definition part comes after the Preamble. The definition of the 'affected family' has been enlarged in this Act. This Act talks about labourers, sharecroppers, artisans, who have been dependent on the affected area for the past three years. But we don't understand whether it will have a standard parameter or not. Especially, when we talk about the linear projects. When we widen the road, when we take the land next to the road, say, we are taking one decimal or two decimal land, it becomes very difficult for us to decide who else, apart from the landowner, is dependent on that land.

Ye bahut hi badi samasya hoti hai, iss karan se R&R ka koi bhi plan nahi bana paate hum. Usme 'nil' hota hai. Agar hum log banate hain, Act ke mandate mein toh vo part mein hum 'nil' likh dete hain ki isme koi dependent nahi hai kyunki land ka size bahut kam hai. Dusri cheez aati hai, jis tarah 'agricultural land' ko define kiya gaya hai. Agricultural land ka definition bahut hi complex hai. Aaj ke context mein koi aadmi gaon

mein agricultural land par ek ghar bana kar, dukaan bhi kar sakta hai, uska nature badal jaega. Koi aadmi uss par koi poultry farm laga sakta hai, uss par invest karega. Different states mein ye hai ki har jagah ke land laws alag alag hain.

Translation: This is a very big problem due to which, we are unable to make any plan for R&R. It contains 'nil'. If we make it as per the mandate of the Act, we write 'nil' in that section, that there is no dependent because the land is very less. The second problem comes with the definition of agricultural land in the Act. The definition of agricultural land is very complex. In today's context, anyone can build a house on the agricultural land in a village, can also build a shop, due to which the nature of the land will change. Anyone can set up a poultry farm and invest in it. In different states, the land laws are also different.

Ab jab registration ke liye MVR fix karti hai sarkar ya Collector toh vahan par ek agricultural land ka matlab hota hai jahan par kheti ho raha ho. Agar uss par kheti ke alava koi aur activity hoti hai toh land acquisition ke MVR ke purpose ke liye uska MVR badal jaega. Toh agricultural land ka jo definition hai, vo survey records, humare Khatian ya Record of Rights mein jo land type likhte hain, uss se bhi ye contradiction mein hai. Aur jab Collector MVR fix karte hain, Bihar ke khas kar ke baat kare, toh vahan par bhi land type badal jata hai jo iss Act ki definition ko contradict karta hai.

Translation: Now, for registration, when the Government or the Collector fixes the MVR for agricultural land, the meaning of agricultural land is the land where farming is taking place. If any activity, other than farming, is taking

place on that piece of land, then it will change the MVR for the purpose of land acquisition. So, the definition of agricultural land is in contradiction to the survey records that are made, Khatian or Record of Rights mentioning the land type. When the Collector fixes the MVR, especially in the case of Bihar, even there the land type changes which further contradicts the definition in the Act.

Teesari cheez hai ki jab hum Bihar mein, family ki baat karte hain, toh is Act mein family ki definition ko bhi bahut hi enlarge kiya gaya. Har adult ko humne family ka ek individual unit maana hai. Ab agar kahin pe hum chaar decimal zameen acquire kar rahe hain kisi landowner ka toh isme land ka fraction bahut hi zyada badh jaega aur R&R ka jo amount hoga vo compensation se bahut zyada ho jaega. Aur ye practically hua hai. Hum logon ne isko dekha hai Bihar mein. Toh is pe bahut hi spasht guidelines ki zarurat hai ki isko kaise implement kiya jaye.

Translation: The third thing is that when we talk about family, especially in Bihar, the definition of the 'family' has also been enlarged in this Act. We have considered every adult of the family as an individual family unit. Now, if we are acquiring four decimal of land of a landowner somewhere, a situation will come where the amount of R&R will be much higher than the compensation amount. And this has happened in reality! We have seen this in Bihar. So, there is a need for very clear guidelines on how to implement this.

Chauthi cheez hai ye ki, social impact assessment bahut acha word hai, sunne mein bahut acha lagta hai. Ye hona chahiye mane pura impact ka analysis hona chahiye. Lekin vaastav mein kya hota hai, humare state ke pas chaar-paanch institutions hain jinko hum social impact assessment ke liye hire karte hain. Na unke paas koi trained manpower hota hai, na unke paas koi ek acha team hai, humko unki report accept karni padhti hai. Agar ek acre bhi kahin land lena hota hai toh social impact ke liye humko jana padega. Aesa hum logon ne dekha hai ki bahut chote-chote land parcel ke liye agar humko land nahi milega toh humko land acquisition ke liye jana padhta hai. Aur kya hoga ki social impact assessment ke liye institute jo humko cost batayega usse kam compensation cost hoga agar kisi remote ilake mein hum usko dekhe toh.

Translation: The fourth thing is 'social impact assessment' is a very good word. It sounds very good. It should be done, its meaning should be clear, and an analysis of the entire impact of a project should be done. But what happens in reality is different. In Bihar, we have 4–5 institutions which we hire to undertake the social impact assessment. Neither do they have trained manpower nor a good team, so whatever report they give, we have to accept. Even for acquiring a piece of one-acre land, we have to go for the social impact (assessment). Sometimes, when we are unable to get small land parcels that we need, then, land acquisition is the only option. Then, what happens is that the cost that the institutes will quote for social impact assessment will be more than the compensation amount for that land, (especially) if it is in a remote area.

Toh social impact mein hum log sochte hain ki isme koi mechanism hona chahiye jo ye bataye ki actual mein vahan impact assessment ki aavashyakata hai, R&R ki aavashyakata hai toh vahan social impact assessment hona chahiye. Ab bahut saare mamle mein hum logon ne aesa dekha hai ki court mein koi aadmi jata hai ki hum ko compensation nahi mila... Court kehta hai ki pay the compensation within six months or six weeks or eight weeks. Ab uss eight weeks mein hum kaise uss land acquisition ke process ko pura karenge? Hum kisi agency ko kahenge ki arey bahut kam zameen hai, vo kehta ki sir hum kuch bhi karenge toh humhe do mahina lagega ya ek mahina lagega, aur vahan hamare paas eight weeks ke time mein hum ko notification karna hai, declaration karna hai, market value nikalna hai, claims to interests ka notice dena hai. Sabka time Act ne fix kar rakha hai. Hum uss time frame se bahar jate hain toh hum process ko violate



karte hain. Toh ye bahut bada contradiction hum logon ke liye hota hai kabhi-kabhi, khaas karke court matters mein. Usme practically Act ko laagu karna humare liye bahut hi mushkil hota hai.

Translation: We think that in the provision of social impact assessment, there should be a mechanism which can tell if at all there is a requirement of an impact assessment, if R&R is required only then we should conduct the social impact assessment. In many cases, we have seen that when someone goes to the court saying that he did not get the compensation, the court directs

uss tarah ke jo ki uske importance ko samjhe. Expert group ka definition isme kafi wide diya gaya hai, kafi wide variety of logon ko usme rakha gaya hai. Lekin vo admi milega kahan se humko? Practically, aesa koi manpower pool nahi hai har jagah par jo ki uske importance ko samajh kar ke koi valuable input de sake.

Translation: The fifth thing is, after the impact assessment is done, we have to appoint a technical group under Section 7. There is no one in the district who understands its importance. The definition of an expert group is wide, quite a wide variety of people have been listed in it. But



us to pay the compensation within six months or six weeks or eight weeks. Now, how will we complete the process of that land acquisition in eight weeks? When we will say to an agency that there is very little land, they say that whatever we do, sir, it will take two months or one month, and, there, we have eight weeks, in which we have to notify, issue the declaration, calculate the market value, and give the notice for claims to interest. The Act has a fixed time for everything. If we go out of that time frame, then we violate the process. Sometimes, this is a very big contradiction for us, especially, in court matters and it becomes really difficult, practically, to implement the Act.

Paanchavi cheez kya hoti hai, jab impact assessment ho jata hai, toh humko ek technical group Section 7 mein appoint karna hai. Vahan district mein aadmi hi nahi hai

where will we get those people? Practically, there is no such pool of manpower available anywhere, who can understand its importance and give valuable input.

Uske baad, jo agla hum point batana chahenge, ki Section 10(3) hai, vo kehta hai ki jab bhi hum multi-crop land ko acquire karte hain, toh similar quantum mein wasteland develop kare agriculture ke liye ya equivalent amount ka paisa jama kar agriculture mein invest karne ke liye. Section 10(3) ke provision ko laagu karne ke liye koi spasht guidelines abhi bhi na Act mein hai, na hum logon ko kahin dikhayi deta hai ki Section 10(3) ko kaise hum laagu karen.

Translation: The next point that I would like to make is about Section 10(3). It says that whenever we acquire multi-crop land, an equivalent amount of cultivable



wasteland has to be developed for agriculture or an amount equivalent to the value of land has to be deposited for investing in agriculture. However, there are no clear guidelines on how to implement the provisions of Section 10(3) in the Act, nor do we know how to apply Section 10(3).

Uske baad, Section 15 mein objections ke bare mein, saat (60) din ke andar objection dene ki baat ki gayi. Lekin objection ka disposal kitne time mein ho jana chahiye, vo open ended hai. Usme koi comment nahi hai Act mein. Section 15 mein objection ke disposal ka kuch time limit hona chahiye.

Translation: After that, in Section 15, the Act has specified that the objections are to be given within 60 days. But within how much time should the objection be disposed, that matter is open ended. Nothing is mentioned (regarding disposal) in the Act. In Section 15, there should be some time limit for disposal of objection.

Section 16 par hum aate hain, jo sabse important hai iss Act ke liye kyunki vo R&R (Rehabilitation and Resettlement) ki baat karta hai. Section 16 mein word use kiya gaya hai, 'survey and census' of landless labourers and artisans. SIA karne ke baad R&R mein administrator banaya gaya hai ek alag se. Administrator ke liye koi aesa standard parameter nahi diya gaya hai ki vo survey aur census kaise karva sakey.

Translation: Now, we come to Section 16, which is the most important aspect of this Act because it is about R&R (Rehabilitation and Resettlement). In Section 16,

the word 'survey and census' of landless labourers and artisans has been used. After the SIA, provision of an R&R Administrator has been made separately. An administrator has not been provided with any standardized parameters as to how to conduct the surveys and census.

Normally, Bihar mein Additional Collectors ko R&R ka Administrator banaya gaya hai. Lekin usme kya parameter hona chahiye, kya standard tool hona chahiye survey karne ke liye ya census karne ke liye, ye kahin bhi explain nahi kiya gaya hai.

Translation: Normally, Additional Collectors are appointed as Administrators of R&R in Bihar. But what the parameter should be, or what a standard tool for conducting the survey or census should be have not been explained anywhere.

Ab hum yahan pe ek aur mahatvapoom cheez batana chahte hain ki ek word hai Section 30 mein, 'additional compensation'. Ab additional compensation ke baare mein likha hua hai, 12% of the market value decided under Section 26. Ab agar hum section 26 ke words ko padhte hain, toh Section 26(1) kehta hai ki hum market value decide karenge, 26(2) kehta hai ki hum multiplier lagayenge. Ab National Highways Authority (under Ministry of Road Transport and Highways) ne isko kaise explain kiya, unhone ek word naya coin kar diya 'basic market value'. It means unhone multiplier ko minus kar diya additional compensation ke liye. Ab ye hum logon ke liye calculation ki bahut hi badi samasya hai. Simply, ismein amount half ho jayega. Agar hum market value Rs. 100 rakhte hain aur hum multiplier ko



minus kar denge toh hum usko Rs. 12 denge ek saal ke liye. Aur agar multiplier laga dete hain uss par toh Rs. 24 denge. Toh ye abhi bhi spasht nahi hai ki ye basic market value kya hai aur market value kya hai?

Translation: Now, I want to discuss one more important thing here, in Section 30, there is the word 'additional compensation'. About the additional compensation, it is mentioned that it is 12% of the market value decided under Section 26. Now, if we read the words of Section 26, sub-section 26(1) says that we should decide the market value, sub-section 26(2) says that we should put the multiplier. The National Highways Authority (under Ministry of Road Transport and Highways) has coined a new word 'basic market value'. It means that they reduce the multiplier for additional compensation. Now, this is a very big problem for us in terms of the calculation. The amount will simply become half. (For instance), if we keep the market value as Rs.100 and we deduct the multiplier, then we will give the person Rs. 12 for one year. And, if we put the multiplier on that, then we will give Rs. 24. So, it is not clear what is the basic market value and market value?

Ab hum log isme aur deep mein jaye. Ek case mein Supreme Court ne bada hi acha kaha ki award ka teen components hota hai. Ek compensation, dusra solatium, aur teesra, additional compensation. Toh hum ye ummeed karte hain ki ispe spasht guideline hona chahiye ki additonal compensation ko kaise calculate kiya jaye ki Section 26 mein 26(1), 26(2) ya 26(3) ya sab kuch? Aur isi se relate kiya hai ki jab isko First Schedule mein likha gaya toh serial number

1 pe likha gaya, market value as per Section 26, uske niche likh diya gaya ki multiplier to be applied; toh ab kuch log isko interpret karte hain ki Section 26 ka matlab 26(1), kuch interpret karte hain Section 26 (as a) whole. Ab Bihar mein ek aur objection ho gaya, Auditor ne kaha isme Section 26(1) hi hoga. Toh ab agar hum kehte hain ki compensation milna chahiye toh kya milna chahiye? Kaise isko calculate kiya jaye? Ye bahut badi problem hai, executive instructions pe isko alag alag deal kiya gaya hai, Supreme Court ne metro mein bada spasht order kara, kaha ki ye teen components hain, iske alava agar koi aur interpretation iska hum karte hain toh vo contradictory to the Act hoga. Toh isko spasht karne ki zarurat hai.

Translation: Let us go deeper into it. In a case, the Supreme Court has very rightly said that an award has three components. One is compensation, second is solatium, and the third is additional compensation. So, we expect that there should be a clear guideline on how to calculate the additional compensation in Section 26, by considering 26(1), or 26(2) or 26(3) or the Section in its entirety? This is related to what is written in the First Schedule. At serial number 1, it is written as market value as per Section 26, below that, it is written that the multiplier is to be applied. So, some people now interpret Section 26 as only Section 26(1), and some interpret it as the whole of Section 26. Now, in Bihar, the Auditor said that only Section 26(1) should be applied. Now, if we say that compensation should be given, then what should be given? How do we calculate that? This is a big problem. We have dealt with this in different ways through executive instructions. In the metro case, the Supreme Court has clearly ordered that these are the three components. If we interpret it in any other way then it will be contradictory to the Act. So, it needs to be clarified.

Sections 26 aur 30 mein kaha gaya hai ki additional compensation ka calculation date of SIA se hoga. Agar Section 40 ke tahat urgency clause mein hum land acquisition karenge toh vahan par hum SIA toh karenge nahi, toh vahan par konsa cut-off date lenge?

Translation: Sections 26 and 30 say that the calculation of additional compensation will be from the date of SIA. If we acquire the land under Section 40, under the urgency clause, then we will not conduct an SIA, in that case, what cut-of date will we take?

Dr Anita Chaudhury: Date of notification ke base par.

Translation: Based on the date of notification.

Mr V K Thakur: Hum log vahi karte hain, madam, lekin vo Act mein likha hua nahi hai. Hum Act ke wording ki baat kar rahe hain ki Act mein likha hua nahi hai ki hum kaise usse calculate karenge. Isi se juda hua ye issue hai ki hum jab LARR Authority mein koi case reference mein jata hai toh hum Section 69 ki baat karte hain. Section 69(2) mein bada saaf likha hua hai ki additional compensation jab hum karenge toh Section 11 se karenge. Toh jab Collector compensation calculate karega, toh vo Section 4 ki notification ki date se karega aur jab Authority calculate karegi toh vo Section 11 se karegi. Toh dono ke award mein antar aayega. Toh, ye confusion hai yahan par.

Translation: We do precisely that, madam, but that is not written in the Act. I am talking about the wording of the Act, it is not mentioned in the Act as to how to calculate it. Related to this is the issue that when a case goes in reference in LARR Authority, then we talk about Section 69. In Section 69(2), it is very clearly mentioned that additional compensation should be given as per Section 11. So, when the Collector calculates the compensation, he calculates it based on the date of notification as mentioned in Section 4 and when the Authority will do it, it will calculate as per Section 11. So, there will be a difference in the award of both. So, some confusion is still there.

Ab, Section 24 ki baat aati hai. Section 24 mein do conditions ko visualise kiya gaya tha ki ek vaise mamle jin mein ki 1894 ke tahat award ho gaya, aur dusra jis mein award nahi hua. Lekin jo pichle Act ki sabse badi samasya thi public



purpose aur urgency, un cheezon ko isme dhyan nahi diya gaya ki Section 17 LA Act 1894 ke tahat jo vaise cases jin mein Government ne 80% payment bhi kar diya majority of landowners ko, jisme Government ne actual mein physical possession le liya, land Government mein vest kar gayi, aur usme technically kisi kaaran se Section 11(a) ke tahat ya Section 11 ke tahat mein award nahi hua. Unka kya hoga? Kyunki ab agar unn cases ko reopen karte hain toh Bihar mein ek bada classic example ye hai ki Bihar mein ek IIT hai Patna mein jiske liye lagbhag 700-acre land li gayi, aaj jiska compensation lagbhag 80–90 crore rupees hona chahiye tha, aaj LARR Authority ne uske compensation ko 12,000 crore rupay par pahuncha diya. Sirf iss plea par ki vahan award nahi hua Section 11(a) mein. Land Government mein vest ho gayi, land ko Government ne use kar liya aur, Supreme Court ke ek decision ka hawala de karke, naye Act ka Section 40 uss par laga diya aur land ka market price 75 times badh gaya.

Translation: Now, let us come to Section 24. In Section 24, two conditions have been visualised. One, those cases in which the award has been given under the 1894 Act and, second, cases in which the award has not been given yet. But the biggest problem of the previous Act were 'public purpose' and 'urgency clause' and due importance has not been given, in this Act, to those cases under Section 17 of LA Act, 1894 in which the Government has paid 80% compensation to the majority of the landowners, in which the Government has taken the physical possession, or the land has been vested in the Government, but under Section 11(a) or Section 11, the award has not been made due to some reason. What will happen to those cases? If we reopen the cases, in Bihar, a classic example is IIT, Patna. Approximately, 700 acres of land have been acquired for which compensation today should be around Rs. 80–90 crore, but the LARR Authority has raised that amount to Rs. 12,000 crore today. It was based on the plea that the award has not been made under Section 11(a) though the land got vested in the Government, (and the) Government has used the land. By citing a decision of the Supreme Court, Section 40 of the new Act was imposed and the market price of the land was increased by 75 times.

Toh, Section 24 mein ye jo third component tha, ispe dhyan nahi diya gaya. Aur aese cases Bihar (mein) hazaaron ki



sankhya mein honge. Usme teeno component fulfil ho gaya kyunki agar usko Rs. 100 dena tha toh humne Rs. 80 toh de hi diya. Humne actual mein possession le liya, Government mein land vest ho gayi, land ka mutation ho gaya, land records change ho gaye. Pichle Act ke tahat paisa bhi le liya. They have got the compensation, with protests, ab 2014 ke Act ke aane ke baad, they have moved to LARR Authority in the High Court. Ab jab koi maamla defence mein jata hai toh Authority ne apna decision liya. Usme Supreme Court ke ek order ka hawaala le kar, ke Bihar ke hi case ka hawaala de kar ke unhone kaha ki Section 40 iss par laagu hota hai. Pichle Act ki urgency mein hum ye maamla lete hain toh naye Act ke urgency ke component ko unhone uske compensation pe jod diya. Usse compensation itna zyada badh gaya hai ki usko laagu karna Government ke liye next to impossible hai, kisi bhi Government ke liye.

Translation: So, the third component of Section 24 has been ignored. And there will be thousands of such cases in Bihar. All the three components were fulfilled, because, if we were supposed to give someone Rs. 100, we have already given that person Rs. 80. In actual terms, we have taken the possession, the land got vested in the Government, the land got mutated, the land records changed; people have also taken money under the previous Act. They have got the compensation with protests, and now they have moved the LARR Authority. By citing an order of the Supreme Court in the case of Bihar itself, the Authority said that Section 40 of the new Act is applicable in that case because we acquired the land under the 'urgency' clause of the previous Act. So,

the Authority added the provision of the urgency clause of the new Act in the computation of compensation. Because of that, the compensation has increased so much that implementing it is impossible for any Government.

Hum logon ne iss par ek amendment kiya, amendment abhi bhi DoLR ke objection ke kaaran pending hai. Hum logon ne simply kaha ki kewal market value vahi rehna chahiye, aur saare naye Act ke jo components hain vo milna chahiye kyunki Government ne unko award time par nahi karke diya, isiliye. Usse kya hua ki agar hum kisi aadmi ko pehle Rs. 100 dete toh hum usko actual mein Rs. 160 de rahe hain, naya Act aane ke baad. Agar time par award dete toh Rs. 80 hum already de chuke thay, hum Rs. 80 fir usko de rahe hain, solatium phir naye se de rahe hain. Kewal hum logon ne amendment yahi kiya tha ki market value jo humne Section 4 mein rakha tha, vo vahi hona chahiye kyunki land Government use kar chuki hai. Toh Section 24 mein iss cheez ko kisi ne nahi dekha ki ye kya hoga, aese maamle kahan jaenge?

Translation: We made an amendment to this but it is pending because of an objection by DoLR. We simply said that the market value should remain as per the previous Act, but all the components of the new Act should be given because the award was not passed on time. If we were giving a person Rs. 100 earlier, we are giving Rs. 160 after the enforcement of the new Act. If we had given the award on time, we would have given the person Rs. 100 out of which he has already received Rs. 80. Now, we are giving him Rs. 80 including a solatium. The only thing

we did in the amendment was to take the market value that was applied under Section 4, it should be the same because the Government has already used the land. No one has considered such type of cases under Section 24. What will happen in such cases?

Act mein bada achcha ye system hua ki LARR Authority bana diya gaya. Authority ko Civil Court ke saare power de diye gaye. Ab Authority mein iska use kaise ho raha hai main iska example deta hun. IIT, Patna ke maamle mein Authority ne khud hi order pass kiya aur khud hi uske liye acquisition proceeding start kar diya. Kya uss court ko khud hi acquisition proceeding start karne ka power hai? Ye kahin nahi likha hua hai. Ultimately, Government ko High Court jana pada, matter abhi sub judice hai. Ye abhi bahut bada prashna hai ki agar Land Acquisition Authority apne hi order ko execute karna shuru karde, toh kya hoga?

Translation: The Act has done a good thing by creating the LARR Authority. The Authority has been given all the powers of the Civil Court. Now, I will give an example to show how the power is being used by this Authority. In the case of IIT, Patna, it passed the order and started the proceedings for acquisition itself. Does that court itself have the power to start the acquisition proceedings? It is not written anywhere. Ultimately, the Government had to go to the High Court, the matter is still sub judice. It is a big question about what will happen if the Land Acquisition Authority starts executing its own order?

Toh jitney Government ke officers hain, unka salary band kar diya, kisi ka salary attach kar diya. Kaafi saare maamle

aese aaye sirf isliye ki isme ye cheez silent hai. High Court ne uss per okay toh laga diya lekin High Court ne objection diya ki isme bahut hi detail mein dekhne ki zarurat hai aur iss pe Government ko decide karna chahiye. Tab tak abhi ruka hua hai. Lekin ye issues aane vale hain future mein ki aakhir LARR Authority ke order ka execution kahan hoga, kaise hoga? Sarkar nahi maanti hai toh appeal mein jati hai, lekin jahan appeal mein na jaye phir vahan kya karegi? Toh iske kaaran kya ho raha hai ki har maamle mein Government ko first appeal High Court mein file karna padh raha hai aur High Court mein bahut hi zyada cases ho gaye hain land acquisition se related. Ek-ek zila se yahan 100 cases hain.

Translation: So, the salaries of all Government officers were stopped, salaries of some people were attached. Many such cases have come up because the Act is silent on this issue. The High Court stayed the proceedings but said that the issue needs to be examined in detail and the Government should decide on it. Till then, it is on hold. But the question will arise in future about how the order of the LARR Authority will be executed? When the Government does not agree with the Authority, it goes in appeal, but when it does not go in appeal then what will it do? Now, what has happened is that in every case, the Government has to file an appeal in the High Court and there are a large number of cases related to land acquisition in the High Court. There are 100 cases from each district.

Land Acquisition Act ka jo compensation part hai vo National Highways Act pe laagu hota hai, Railways Act



pe laagu hota hai. National Highways Act ek independent Act hai, Railways Special Act ek independent Act hai. Ab usme samasya kya aati hai ki is Act mein Section 96 kehta hai ki income tax nahi lagana chahiye. Ministry of Finance, Government of India ne kaha ki Land Acquisition Act ke tahat jo compensation milta hai uss par income tax nahi lagega. National Highways Act mein iss tarah ka koi provision nahi hai; National Highways Act ke baare mein koi clarity nahi hai jab ki hum compensation dono ko ek hi pattern par de rahe hain, ek hi formuley par de rahe hain. Toh uss Act ke tahat, Income Tax (Department) notice karti hai logon ko, officers ko ki aap income tax kyun nahi le rahe hain?

Translation: The compensation part of the Land Acquisition Act applies to the National Highways Act and the Railways Act as well. The National Highways Act is an independent Act, so is the Railways Act. Now, the problem arises, because Section 96 of this Act says that income tax should not be imposed. The Ministry of Finance, Government of India, said that the income tax will not be applied on the compensation received under the Land Acquisition Act. There is no such provision in the National Highways Act. There is no clarity about it in the National Highways Act even though we are giving compensation under both the Acts on the same pattern, on the same formula. So, under that Act, the Income (Tax Department) issues notices to the officers asking as to why you are not deducting any income tax?

Toh ye coordination ke issues hain different ministries ke saath jisko spasht karne ki bahut hi zyada zarurat hai. Maine pehle bhi kaha ki employment ya paanch lakh



rupay ki annuity dene wala jo provision hai, khaas kar ke linear projects mein, isko lekar bhi samasya aa rahi hai hum logon ko. Hum log iss mein samajh nahi pate hain ki hum isko kaise laagu karen kyunki usme employment ka scope nahi hai. Agar hum har aadmi ko paanch lakh rupay dene lagein, toh jis tarah se log family ka partition karte hain toh compensation mein bahut hi zyada amount involve hoga aur future mein question uthne ki sambhavna hai.

Translation: So, these are issues of coordination among different ministries and it is very important to get clarity. As I said earlier, we are facing problems on the provision regarding employment or payment of Rs. 5 lakhs, especially, in the linear projects. We do not understand how to apply it because the project does not have any scope of employment. If we start giving 5 lakh rupees to every person, considering the way people partition the family for the compensation, a very high amount will be paid and there is a possibility of questions being raised in the future.

Ek aur cheez jo hum logon ke nazar mein aayi ki Section 46(b), usme word hai 'other than specified persons'. Abhi tak ye spasht nahi hai ki 'other than specified person' ka kya matlab hai. Isko elaborate karna chahiye ki aakhir vo kya hai. Aur main last mein ye kahunga, ki land acquisition mein samasyaen do hi kaaran se aati hain – kisaan ko ya actual farmers ko compensation chahiye aur vo chahte hain unko due compensation miley. Sahi baat hai, milna chahiye hai, welfare state hai. Lekin market value kya hai ye spasht nahi hai. Supreme Court kehta hai ki iska exact formula nahi hai ki market value kya hoga. Ek willing buyer aur ek willing seller ke beech ka contract hai vo market value hai. Iske liye koi parameter nahi hai ki kya hona chahiye; ho sakta hai kisi ke liye koi land bahut mahatvapoom ho toh vo 10 times adhik de kar khareed sakta hai lekin vo actual market value nahi hoga, kabhi bhi. Toh market value depend karta hai land ke nature aur land ke istemal par.

Translation: Another thing that we have noticed is that in Section 46(b), the word (phrase) 'other than specified persons' has been used. So far, it is not clear what 'other than specified persons' means. It needs to be elaborated for better clarification. Last, I will say that the problems encountered in land acquisition are due to two reasons – the farmer or the actual farmers want compensation

and they want compensation (which is) due to them. That's right. They should get the compensation. It is a welfare state. But the meaning of market value is unclear. The Supreme Court says that there is no exact formula on what that market value is. The contract between a willing buyer and a willing seller is the market value. There is no parameter for what it should be. Maybe, a land is very important for someone, so that person can buy it by paying 10 times more but that won't be the actual market value, ever. So, the market value depends on the nature of the land and the use of that land.

Mera apna experience hai pichle chaar saalon ka, ki Section 26 mein iss cheez ko elaborate karna chahiye ki market value ke liye Acquisition Act mein jo hum ko sales purchase ka aankada milta hai vo ya jo actual market mein sale deed aata hai vo? Kuch bhi representative nahi hota, kahin pe zyada hota hai kahin pe kam hota hai; aur vo depend karta hai nature of land par. Sau mein se nabbeey cases mein hum logon ka experience hai, pichle teen-chaar saalon ka, ya pehle ke bhi Land Acquisition Act ka ki sabse badi samasya hoti hai land ke nature ko lekar. Hum kis land ko kya nature se deal karte hain, market value uss pe depend karta hai. Isko lekar Act mein koi charcha nahi hai ki hum kis land ko kaise define karen, uska kya nature hai. Aaj jo population explosion ho raha hai, revenue village ka concept hi badal raha hai, village ka expansion ho raha hai, das saal pehle jahan agriculture land tha vahan ab aabadi bas gayi hai. Ministry of Road and Transport jo sabse adhik land acquire kar rahi hai NH projects ke liye, vo kehti hai ki hum survey record par jaenge. Survey record sau saal purana hai; survey records ko change karna, uska ek elaborate procedure hai. Toh jo conflict hai compensation calculation ka ye sabse badi samasya hai hum logon ke liye.

Translation: My experience of the last four years is that in Section 26, we need to elaborate whether the market value is to be taken on the sale-purchase basis as provided in the Land Acquisition Act or the one that actually comes in sale deed. Nothing is representative, somewhere it is high, and somewhere it is low and that depends on the nature of the land. In my experience of 3-4 years, of this Act and even the earlier Act, in 90 out of 100 cases, the biggest problem arises because of the nature of the land. The market value depends on how we deal with the nature of the land. There is no



discussion in the Act as to how we must define the type and nature of the land. Due to the current population explosion, the concept of revenue village is changing. The village is expanding, 10 years ago, where there was once agricultural land is inhabited by populations today. The Ministry of Road and Transport, which is acquiring most of the land for NH projects, says that 'we will go by what the survey records suggest'. These survey records are 100 years old, there is an elaborate procedure for changing the survey records. So, the conflict related to the calculation of compensation is the biggest problem for us.

Toh ye kuch humara experience tha aur isko solve karne ka humare paas abhi bhi koi state objective ya mechanism nahi bann paya hai. Thank you.

Translation: So, this was our experience and we do not have any definite state objective to address or solve it, just yet. Thank you.

Dr Anita Chaudhury: Thank you, Mr Thakur. Aapne bahut hi practical problems batayen hain lekin main aapko thoda suchit karna chahungi, maine apne address mein bhi kaha ki State governments ke paas ye power hai ki vo isko amend karlen. Aapne koha ki ye dikkat aati hai ki ek acre lete hain toh bhi hamein SIA karna padta hai. Ye Act mein bhi kaha gaya hai ki das acre se kam ka acquisition karenge toh state decide karegi ki SIA karna hai ki nahi karna hai.

Translation: Thank you, Mr Thakur. You have discussed many practical problems but I would like to inform you, as I had mentioned in my keynote address as well, the State governments have the power to amend the Act. You have said that it is a problem that even when you are trying to acquire a one-acre (land), an SIA has to be

conducted. This Act also says that if the acquisition is less than 10 acres, State governments can decide whether an SIA is to be done or not.

Mr V K Thakur: *Aesa kahin state nahi hai Act mein, madam.*

Translation: Nowhere is this mentioned in the Act, madam.

Dr Anita Chaudhury: Baad mein hua hai. Ye jo Amendment (Bill) bana tha, uske andar ye likha tha ki das acre se bees acre vale cases mein aap SIA ke liye sochenge. Abhi Amendment Bill is still pending with the Parliament. It has not been passed. You see, that is why State governments are making amendments.

Translation: It happened later. In the Amendment Bill, it was proposed that, in cases of acquisition of 10 acres to 20 acres, the state will decide about conducting an SIA. Right now, the Amendment Bill is still pending with the Parliament. It has not been passed. You see that is why State governments are making amendments.

Mr V K Thakur: *Ma'am, main vahi bata raha hoon ki hum ye sab roz face karte hain.*

Translation: Ma'am, I am saying precisely that, we face such issues on a daily basis.

Dr Anita Chaudhury: Thakur Sahab, I agree with you. What you're saying are the practical problems and that is why when we were drafting the Act. We said, let there be flexibility and let the State governments decide what the problems are and how to overcome that. That was the main thing. Now, you have raised very important issues. Affected families, yes, they are expanding it, we wanted special provisions for women, widow women. We specially wanted it. But if you think that it is really not required, then it is up to you to amend it. That's what I am saying, this interaction will help you tremendously. You need to identify your problems, for example, you mentioned SIA, I also agree that for a one-acre land, who's going to do an SIA? When the Amendment (Bill) was being prepared, that was the idea behind it, that you fix a limit.

Das-bees acres ke niche koi SIA ki zarurat nahi hai. Aap fix karo apna ki aapko by-and-large kahan pe SIA chahiye. Isi tarah se aapne bahut si aese cheezein batayi jiske liye State



governments ke paas power hai ki jo procedural problems hain vo aap khud solve karlen.

Translation: There is no need for an SIA below 10–20 acres of land. You have to fix that, by-and-large, where do you want to conduct the SIA? Similarly, you have spoken about many things on which the State governments have the power to solve the procedural problems themselves.

Mr V K Thakur: *Hum log kar rahe hain. Hum log executive instructions se isko solve kar rahe hain.*

Translation: We are doing this. We are solving this through executive instructions.

Dr Anita Chaudhury: Fourteen states brought their own Amendment Bills.

Mr V K Thakur: *Hum logon ne sirf ek hi Amendment Bill propose kiya tha Section 24 mein.*

Translation: We had proposed only one Amendment Bill in Section 24.

Mr Manjunath Prasad: Exemption from social impact assessment is written in the Act. It is in the Act itself.

Dr Anita Chaudhury: *Haan hai. Dekhiye. Aesi baat nahi hai. Mujhe bhi yaad hai humne banaya hua hai. Ye dekhiye aap yahan likha hua hai. Anyway, but thank you so much. Aapne bhaut hi practical problems ko raise kiya hai.*

Translation: Yes, it is. It's not like that. I also remember, we have made it. See, it is written here. Anyway, thank you so much. You have raised very practical problems.



And, I wish TERI will communicate to the Department of Land Resources that they need to take action on this. Because, there are some very genuine problems and there is no clarity even today about the 100% solatium to be paid on the market price or the compensation amount. They have to clarify that. Everybody is putting it on the market price, that is why, the prices have gone up to Rs.12,000 crore. If it was only on the compensation amount, it would not go up so high. So, we need to clarify this. And, please bring this to the notice of the State Government. Now, the floor is open for questions, please.

Dr Bina Agarwal, Professor of Development Economics and Environment, University of Manchester: I have a question, a very simple one that if it's still with the Parliamentary Standing Committee then it's not an Act?

Dr Anita Chaudhury: It is an Act. It got the President's assent on 1 January 2014.

Dr Bina Agarwal: Okay, so what is the Parliamentary Standing Committee doing then?

Dr Anita Chaudhury: You remember there was an Amendment Bill that was moved in the Parliament. That Amendment Bill never saw the light of day and then they made the Ordinance. But they realized that there is some problem with the Bill, so it was referred to the Standing Committee.

Dr Bina Agarwal: So, is it still with the Standing Committee?

Dr Anita Chaudhury: That is the latest information I have. I wish DoLR was here to inform us about the present status.

Dr Bina Agarwal: To my understanding, in a Parliamentary Standing Committee, any citizen can go and depose. You have to write to them and they can decide and call you for deposition. So, I think, considering how eloquent you have been about all the problems, you could certainly write to them and say, 'I'd like to depose before you', and point out, and so can some of the other states. I think you should certainly take advantage of that.

Dr Anita Chaudhury: In fact, the Standing Committee does call the State governments. I have attended some Standing Committee meetings. They call the State governments and ask for their problems.

Dr Bina Agarwal: But you can also volunteer to do that. I have deposed before the Standing Committee.

Dr Anita Chaudhury: Yes, you can! It would be really nice if Bihar can actually put in a claim and say, 'we want to be heard'. Yes, please, there was a question from that side.

Mr B Hajong, Joint Secretary, Department of Revenue and Disaster Management, Meghalaya:

Ma'am, I think one point has been missed out and that is, Section 41 actually relates to the Schedule Areas. Now, in Section 41(1), the text says that, as far as possible, no land acquisition shall be made in the Schedule Area. Actually, the second line and the whole paragraph reads like the Fifth Schedule. In that paragraph, they say three things: they say that as per the Fifth Schedule Areas, prior consent has to be obtained either from Gram Sabha/Gram Panchayat or from an Autonomous District Council.

Dr Anita Chaudhury: No, no. It has to be Gram Sabha.

Mr B Hajong: Or, an Autonomous District Council.

Dr Anita Chaudhury: Okay, it's equivalent.

Mr B Hajong: The 'Sixth Schedule' word is missing in the whole paragraph. Ma'am, I am from Meghalaya, and the entire state is under the Scheduled Area. Now, the issue is that the text says, as far as possible, land acquisitions shall not be made in the Scheduled Areas. I don't have non-Scheduled Areas in the state.

Dr Anita Chaudhury: No, Schedule Areas fall under Schedule 5 and 6.

Mr B Hajong: Our state belongs to the Sixth Schedule. Now, there is only one referent who is the District Council. So, under the Sixth Schedule, we have the District Council. The tricky question is that we have to obtain prior consent from the Autonomous District Council for every LA case. This is a very big dilemma, ma'am. There is also political dichotomy because if the Autonomous District Council is formed by one party and the State Government belongs to another party, then, there is a conflict of interest. It is virtually impossible to obtain the consent from the District Council, because, there are other pressure groups too. When pressure groups say something, we either accept it or don't accept it, but the District Councils have a lot of influence because they are the local Government. The railway projects in Meghalaya are not proceeding at all because the District Council is not giving the NOC. The money is being provided by the Government but still it is lying, so, this is a slightly tricky situation in the case of Schedule Areas.

Dr Anita Chaudhury: Very true!

Mr B Hajong: Of course, I appreciate what Mr V K Thakur has said. It's very practical and is quite relevant to our state, too, especially in case of Section 26. Now, we have gone strictly as per the Provision of 26 in determining the market value in the Second Schedule. There, again, the Court says that, no, the market price has been so high! I think, to some extent, there is a lack of clarity on the market price. That also has to be decided. Now, coming to the SIA study, we have to set a balance between land acquisition and also the ultimate development of the state. In the SIA study, there are many stakeholders. We involve the women groups, the head man, the social groups and all. When you expand the area of the social impact study, the number of pressure groups also increases. They try to sabotage the study due to some vested interests. So, at times, the social studies are not be completed due to the pressure groups. In the 1894 Act, it was clearly defined, who the stakeholder is. The ultimate stakeholder is the landowner but, here, in The RFCTLARR Act, 2013, beyond the landowners, there are other stakeholders too. If the stakeholders are in a positive frame of mind, then, it is fine. But, if they have a different attitude or vested interests, then, there is a problem. The SIA study is, of course, being carried out by some of the experts in Meghalaya but the



problem comes when the SIA and SIMP (Social Impact Management Plan) have to be evaluated by an expert committee. They don't understand it. Ultimately, that is one of the issues.

Dr Anita Chaudhury: In fact, my proposal was that there is no point in putting the SIA recommendations for scrutiny by an expert committee. There is no need to have an expert committee, you can save two months there. The SIA body should take the final decision and inform the Government. There is no point of having an expert committee because, in any case, you are going to get an environmental study done. You can do away with the expert committee, in fact, some of the State governments have done away with the expert committee altogether.

Arunima: May I please ask the participants to identify themselves before they ask questions?

Mr Anil Sharma, Social Development Officer, National High Speed Rail Corporation Limited: Good afternoon, everyone. I am a Nodal Officer for the Land Acquisition Act. Ma'am, I want to add that Section 41 mentions 'prior consent', but that clause is in reference to the PESA Act, 1996. The PESA Act says that we should have a consultation before acquisition. There is a huge difference between consent and consultation. And, even if the Gram Sabha disagrees with you in two consultations, the third time, the administration can take a decision depending upon the requirement of the project for development. So, we have some options. But these are bottlenecks for the project, especially, for the



linear project, as he (referring to B Hajong) mentioned about the railway projects, mine is also a railway project. We have these issues in Maharashtra, which has many PESA villages. Even after getting the consent of 45 out of 48 villages, you are still stuck.

Dr Anita Chaudhury: This Act was supposed to take precedence over all the other previous Land Acquisition Acts, that was the whole problem.

Mr Anil Sharma: Ma'am, that is the problem. When you try to amend the Act, the Scheduled Caste Department and Bodies come into the picture.

Dr Anita Chaudhury: No, all State governments have amended.

Mr Anil Sharma: No, this is the issue. This has been raised before the Maharashtra Government.

Dr Anita Chaudhury: Maharashtra also amended the Act, please.

Mr Anil Sharma: No, ma'am. They are not acting on this.

Dr Anita Chaudhury: Maharashtra has taken out at least three of their Acts from the purview of this LARR Act.

Mr Anil Sharma: Ma'am, they have amended but they are rigid on this law, this clause specifically.

Dr Anita Chaudhury: Any policy of pick and choose is left to the State Government.

Mr Anil Sharma: That needs to be corrected, ma'am, especially, for the linear projects. There, you do not have

any options, and you cannot leave the entire project because you are not getting consent from one village. You should have some alternatives for that. As far as defining the market rate is concerned, Section 26(1) very clearly says how you determine the market value. The first sentence says that the market value is one out of the three – the registered value, the circle rate, and the PPP (Public Private Partnership) project done in the region. It clearly says that's the market value, the multiplication factor comes on the market value. The market value should be considered for 12% additional benefits.

Dr Anita Chaudhury: And, the solatium?

Mr Anil Sharma: Solatium is under Section 30. That will be on the multiplication factor. See, first you determine the market value, then put the multiplication factor, add all the benefits, all the assets evaluation under Section 27, this is the compensation value and give solatium on that under Section 30. And under Section 31, the R&R award has to be given, that is very clearly mentioned there, but you have certain issues.

Dr Anita Chaudhury: But the 100% solatium is on the market value or the compensation amount?

Mr Anil Sharma: On the compensation amount that is under Section 27, Section 27 says the compensation value.

Dr Anita Chaudhury: What I am saying is that the State governments are giving 100% solatium on the market value.

Mr Anil Sharma: No, that is not correct.

Dr Anita Chaudhury: That is why the prices are going up to Rs. 1200 crore. But if you see the First Schedule, I admit that there is a defect in the Act. The First Schedule says 100% solatium on the market value. That's why, I thought they must bring it to the notice of the Ministry. The problem is very much there.

Mr Anil Sharma: As far as the SIA is concerned, yes, we have a lot of issues with SIA. But we have to consider this Act. What is this Act? Why do we need this SIA? See, this Act basically says 'the right'. This Act is a right-based Act. To establish the right of each and every affected person by a project, you need to have the study. That's why you

need SIA. Yes, you say we have a limitation, the quality is always questionable because we do not have foolproof documents available with us. The documents have not been updated in the last 50 years.

Dr Anita Chaudhury: The situation is not that bad now. Actually, representing DoLR, I can say that it's not all that bad. It may not be computerized but the records are quite updated. It's not 50 years old, please.

Mr Anil Sharma: Ma'am, in Jammu and Kashmir, they have not updated.

Dr Anita Chaudhury: In Jammu and Kashmir, this Act does not apply; it didn't apply at that time. By and large, I think you need to be a little careful of what you're saying. Fifty-year-old records are nowhere in the State governments. All State governments are here, you ask them. There is a scheme of Government of India wherein, we give huge amounts for updation of the records, we are now going for computerization. When I left, I remember, 14 states had already computerized the accounts. By now, they must all be online. So, I think your information is outdated. Nothing is 50 years old.

Mr Anil Sharma: Ma'am, I have come across it, that's why.

Dr Chhavi Ankita, Social Development Expert: Ma'am, I want to add one more thing because what he is saying is true. Recently, I went to Assam for a renewable project proposal for solar plants. And, there are 100-year-old land records in Cachar and other districts. I personally witnessed that and I am interacting with the Revenue Department and other circle officers.

Dr Anita Chaudhury: Hundred-year-old records not updated?

Dr Chhavi Ankita: They are still in the process of updating them.

Dr Anita Chaudhury: Please understand, when you go in for computerization, what do you computerize? The records as on date but you have to fill in the last records also. It may be 100 years old but you have to record them, you have to input the data. They must be doing that, if I am not mistaken. It cannot be that the records are 100 years old. Please make that distinction.



Dr Chhavi Ankita: Yes, it is so, ma'am.

Mr Anil Sharma: In West Bengal, three years, back I did a project. The revenue records were of 1957, they were not updated, the process was still underway. The Revenue Department did not have proof of availability of record after 1957. They clearly told us. So, these are some cases, not everywhere, but, yes, we are in the process of updation.

Dr Anita Chaudhury: I stand corrected, may be, you people are facing some real problems. But by and large, I think, the State governments are here, they will bear me out that the records are being updated. So, if it's 100 years old, then we will have to look into it.

Mr D B Patil: Ma'am, I agree with you. It actually varies from state to state. In Madhya Pradesh, we are continuously updating maps and even Record of Rights. Yes, there are problems like coparceners are not in the records. But updation of records is going on because the names of heirs are being entered in the RoR.

Dr Chhavi Ankita: I completely agree with what you are saying. For the last 10 years, I have been the practitioner of SIA and R&R in linear as well as the non-linear projects, renewable and non-renewable projects. Madhya Pradesh is the only state, among other mainstream states, where land records have been updated. Apart from that, the Northeast states have very obsolete records, they have still not updated them. So, I have been visiting all the circle offices, revenue offices to get this done. It will still take 4–5 years or, maybe, 7–8 years, at least, to come in the mainstream.

Dr Anita Chaudhury: Preeti, will you get this recorded and please send it to the Ministry, especially, for the Northeast. I can agree that, with the Northeast, there can be a problem but, by and large, I think, the State governments have done very well.

Dr Chhavi Ankita: Particularly, four districts, ma'am. I have personally been there.

Mr Mukut Phukan, Joint Secretary, Department of Revenue and Disaster Management, Government of Assam: Actually, in both these districts, we have Bodoland Autonomous Council. So, we are still updating the land records. She has mentioned about Cachar. Actually, in Cachar district, the resettlement process is going on. It is a lengthy process, so, until it is complete, we will not be able to go for digitization. So, there is a practical problem. But, otherwise, we are now going online end to end for the rest of the districts.

Dr Chhavi Ankita: Ma'am, Bodoland has a very unique problem.

Mr Mukut Phukan: But we are continuing with land digitization. Actually, by next year, we will be able to complete all the digital programme of four districts. It will be taken care of.

Dr Chhavi Ankita: Sir, Udalguri is in Bodoland area but, apart from that, Cachar is not the Bodoland area.

Mr Mukut Phukan: No, I have told that in Cachar, the resettlement process is going on.

Dr Anita Chaudhury: Let's not get into this. Your point is well taken. There may be some pockets where land

records are not updated but we'll try to bring it to the notice of the Ministry.

Ms Naphisha B Kharkongor, Programme Associate, Meghalaya Institute of Governance:

Ma'am, I am from the state Nodal SIA Unit in Meghalaya. And, as much as we've been bashed, I must say, that whatever work we've done, it is useful. Recently, we finished one project. It was a linear project and upon receipt of the landowner schedule and our ground survey, we found that a lot of names were missing, a lot of villages had also been skipped in the Detailed Project Report of the road. In our Social Impact Mitigation Plan, we mentioned these missing names, these areas but when the notification under Section 11 came out and was published in the newspaper, the names that we had given in the SIMP had still been omitted. As far as land records in the Northeast are concerned, I am talking about my state, it's extremely difficult because of our customary law, because we have different types of land, we have rickintwi, we have ricor, we have ricay, and we have rirait. These lands can't be measured because there are just people counting from here to there. There could be natural boundaries which move. And it is quite a task for DoLR. I must concede.

Mr B Hajong: Ma'am, in all the Northeast states, frankly speaking, there is no Record of Rights because the land belongs to the community. In such cases, the same yardsticks cannot be applied there. That's why we need to have a different standard of judging the thing.

Dr Anita Chaudhury: You should make a representation before the Standing Committee to the Ministry. We are aware of your problems but if you are not going to raise them at the right forums, then what will happen?

Mr Madhusudan Hanumappa, Social Development Specialist:

I am also a practitioner in social impact assessment area and I agree with what our colleague from Madhya Pradesh and other people were mentioning about the quality of SIA. But the problem is that we don't have a training unit or a centre across the country to address this issue. SIA has come into the Act suddenly but nobody knows how to do it. We have learnt over a period of time, on the job. It is not that we learnt some



theory to practise it in a particular way. So, that is where the gap is, that has to be addressed. We have to look at how we address it.

Dr Anita Chaudhury: If I am not mistaken, the KPMG and all these people, they conduct some training courses for SIA. ASCI also does it.

Mr Madhusudan Hanumappa: Even TERI conducts training. But it is on a very limited scale. Given the projects that are happening on the ground, it is not enough. The number of people who are available on the ground can't address all these issues. More than 100 projects or 300 projects are going on in the country with only 20 or 30 people working on them. How can they tackle all these problems? Then, every sector has its own issues, that is also a problem. They need to have knowledge about the sector only then the quality can be improved. The second problem is the funding for the SIA activity itself. It is not part of the DPR where the money is being allocated properly for this activity.

Dr Anita Chaudhury: It will form part of the cost of acquisition. Expenditure on SIA is part of the cost of acquisition.

Mr Madhusudan Hanumappa: The money allocation is so low that you don't get the quality.

Dr Anita Chaudhury: That is for the State Government to decide. The Central Government doesn't say how much to allocate.

Mr Madhusudan Hanumappa: That is okay. But what I am saying is that SIA quality is falling because of this issue also.

Dr Anita Chaudhury: It is being impacted because you would keep very little amount for that, I agree.

Mr Madhusudan Hanumappa: Because of this, they drag people for doing the SIA. So, the quality and data itself are questionable.

Dr Shivala Meher, Professor, Nabhkrushna Centre for Development Studies: I am a coordinator of Social Impact Assessment Unit in Bhubaneswar. In fact, Odisha is doing very well in this aspect. Some states

are suggesting to do away with SIA but I do not agree with this because with SIA, there is people participation. Without the SIA, there will be no people participation, only we'll speed up the process. But people's consent will not be there. So, I do not agree with this.

Dr Anita Chaudhury: Just a second, you don't agree with the SIA report?

Dr Shivala Meher: No, no, it is a good idea to do SIA.

Dr Anita Chaudhury: It's a good idea, no? Because, the SIA is not only about the landowners, it will identify who are the livelihood losers. That is very important.

Dr Shivala Meher: It will also create awareness. There will be awareness in that area, earlier, there was no awareness.

Dr Anita Chaudhury: Exactly. You see, the mandate given is huge, first of all, whether, it is for public purpose, second, whether the area is adequate, whether any alternatives were considered or not. This is the entire gamut of mandate which has been given to the SIA. That's why I am saying, it is very important.

Dr Shivala Meher: I am happy to inform you that, so far, we have completed more than 75 projects and another 70 projects are ongoing, they are all in different stages. There is no funding problem. We are collecting 10% of the total cost for our administrative purpose. So, there is no funding problem for us. And, our State Government has specifically mentioned what the criteria should be for payment for different aspects of work. For example, for investigators, what should be the remuneration, for the supervisors, what should be remuneration, for





public hearing, what should be the costs, for expert group meetings, what should be the costs? Everything is categorically mentioned and there is no problem in our state for SIA. We are also facing some problem with its quality. In our unit, we have 40 empanelled agencies and, though, most of the agencies are doing well, we are trying to improve the quality. We are also trying to conduct some capacity building programme for the empanelled agencies so that they can conduct SIA well.

As **Mr Dilip Das** mentioned, sometimes, the people are interested in giving their lands. Suppose they have two acres of land and they are interested to give that land but that is under compulsion. What we have observed is that, suppose, a farmer has one acre of land and the acquisition is taking place for 0.8 acre, so, what will he do with that 0.2 acre? So, it is not that they are not interested to keep that, but they offer the land under compulsion. We have observed this from our study.

Mr Sharad Kumar Goswami, Senior Manager (Survey) LR Division, Western Coalfields Limited: I am very delighted to be here and to have an opportunity to listen to all the panellists and the discussions. First of all, I will share something about WCL. In last five years, we have purchased or rather obtained 23,000 acres of land with the consent of the landowners after mutual negotiations. This was possible because of some policies conceptualized by our senior management. And we have very good relations with the landowners. Apart from this, we are mainly acquiring land under the Coal Bearing Areas Act, 1957 which is one of the 13 Acts covered in the Fourth Schedule of The RFCTLARR Act. Nowadays, we are facing some practical difficulties. In August 2015, these

13 Acts have come within the ambit of The RFCTLARR Act, under Section 113. As a result, the compensation and R&R (award) have to be given as per the First, Second, and the Third Schedules. Nowadays, some negative aspect has come in. Under Section 3, 'affected family' has been so defined that every adult of either gender with/without spouse is to be considered a separate family. It has been noticed that land is being bifurcated into small portions to take advantage of it. And this raises the R&R costs. It will make projects unsustainable; it will have a very negative impact on its viability. If a person who holds one acre of land divides his land in 10 parts by creating different owners and each and every family has 4–5 adult persons, either married or unmarried, each is supposed to get Rs. 5 lakhs. Then, 10 multiplied by 5, it means, you will have to pay more than Rs. 50 lakhs as R&R benefits.

One more thing, the livelihood losers have not been defined very categorically in this Act. Whether a person holds one acre, whether he holds 0.8 acre, you will have to extend R&R benefits to them. These are the practical difficulties which are being faced in the PSUs (Public Sector Undertakings). So, there should be some clarity about this.

Dr Anita Chaudhury: You see, the SIA is mandatory to do this only. One acre of somebody's land is being taken for whom it may be the only source of income. (Again), 0.8 acre may be taken from somebody else for whom it may be a portion of his holding. The SIA team has to go to the site and then decide what is to be done. That is why, I am saying that SIA is supposed to be the backbone of this entire Act.

Mr Sharad Kumar Goswami: Actually, madam, this is exactly the point of contradiction. Only the First, Second, and Third Schedules have been applied to these 13 Acts. SIA is exempted for these 13 Acts, the land acquisition process for those Acts are intact.

Dr Anita Chaudhury: Very true. They have a different Act altogether. We didn't want to include those Acts actually but we had to include some parts.

Mr Sharad Kumar Goswami: Also, there should be a specific cut-off for extending R&R benefits. The implication is very high, ma'am.

Dr Anita Chaudhury: I know.

Mr Goutam Singh, Assistant Manager, RITES Limited: Good afternoon, everyone. I have been preparing SIA reports under the guidance of Dr Sanjay Pradhan, who is present here. Manjunath Prasad Sir and Dilip Das Sir have talked about the happy farmers and, I think, we should talk about the unhappy farmers. In Agra district, land had been acquired in 7–8 villages for a thermal power project by the Government of Samajwadi Party in 2014, but the project has not been implemented. So, how are you dealing with cases across the country where land is acquired for projects but the projects have not been implemented?

Mr V K Thakur: As far as Bihar is concerned, in maximum cases, we have utilized the land. And in some (other) cases, the land has been placed into the Land Bank of the state. In some cases, after judicial intervention, the land has been returned and de-notified also. There are all types of conditions.

Mr Dilip Das: So far as Assam is concerned, it is not only in the case of acquisition but also in case of allotment of common land. If we find that the agency, after taking possession, does not utilize the land for the purpose for which the land was allotted, within three years, we take back the land and re-allocate to some other organizations.

Mr D B Patil: Actually, Section 93 and 101 deal with how to withdraw from the acquisition of land but issues are there. After declaring the award, ma'am, it is very difficult to withdraw even if you want to withdraw. There is some difficulty in the interpretation of Section 93.

Dr Anita Chaudhury: Friends, I think there are a lot of problems with the Act which, I am sure, the Ministry will be looking into but, as I started out by saying, the Act was formulated to ensure that minimum acquisition takes place and, by and large, we take the land for development purposes through negotiations, through settlements. As I had mentioned, 14 states have already done this, this is the way to go forward. Another way, of course, which we are definitely going to discuss, the land pooling system where, again, we will require land records to be updated. All the State governments will have to do that work so that the titles are clear, only then can we move ahead. I think we have come to the close of the session. Thank you so much for your interactions. Thank you.

Arunima: Thank you, ma'am. I would now like to make two announcements. We will be distributing certificates of participation during the feedback session, tomorrow. So, please confirm your spellings at the registration desk. And, dinner has been arranged from 6:45 pm on the 5th floor, TERI building. I request the guests to please confirm their presence for dinner at the registration desk.

I would now request Dr Das to please give the vote of thanks.

Dr Preeti Jain Das: Thank you very much, Madam Anita Chaudhury and all the speakers. On behalf of TERI, we would like to give a token of our appreciation for having come here and enlightened the participants about the Act and its working.

Arunima: Now, you may please proceed for lunch. We will be back by 2:15 pm.

Dr Anita Chaudhury: Thank you.





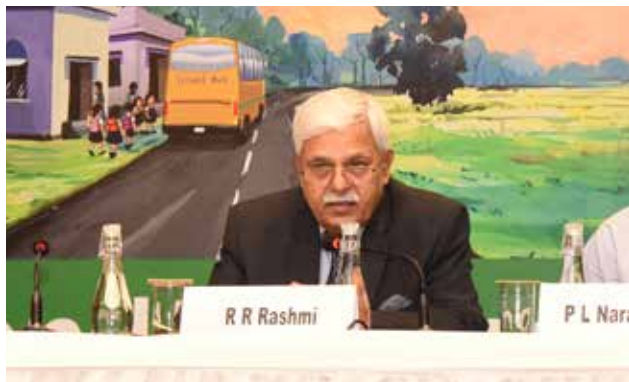
SESSION 2

LAND POOLING IN INDIA: LESSONS LEARNT

Arunima: Welcome back to Session 2: 'Land Pooling in India: Lessons Learnt'. There will be a slight change in the agenda. Mr Tarun Kapoor is caught up in another engagement and will join us later. We will start with the panel, instead. I will now request the esteemed panel to please take their seats. The panellists are Dr M K Bimal, General Manager (Land Management), Airport Director, Safdarjung, Airports Authority of India; Dr L Narasimham, Commissioner, Andhra Pradesh Capital Region Development Authority; Mr Pankaj Dugar, CEO, IREO Management Pvt. Ltd. This session will be moderated by Mr R R Rashmi, Distinguished Fellow at TERI. Mr Rashmi is a senior member of the Indian Administrative Service and has retired last year as the Chief Secretary of Manipur. He has also served in the Ministry of Environment, Forest and Climate Change for almost eight years, before and after the Paris Agreement. The floor is yours, Sir.



Mr R R Rashmi, Distinguished Fellow, TERI



Thank you, Arunima, and a very good afternoon to all of you. In this session, we will be discussing land pooling issues. In the first session, you've had exposure to what the State governments feel about how the Act is being implemented, and what the constraints are in its implementation. They brought out the fundamental issues, the implementation issues and the policies, which should be in place. In this session, we will look at land pooling. Now, land pooling is a tool of public policy to achieve a public purpose, it can be a private purpose, as well, but the social dynamics in each of these cases will be different. There are associated questions with land pooling, for instance, what do you do with the land after you acquire it, do you really put it to use, if you don't use it, do you return it to the landowner and on what terms? It is also an option available to the private developers, industrialists, investors to acquire the land under the Act either for a private purpose or a public purpose, either independently or in public-private partnership. But the issue here is that it is an option to the investor, option to the developer. It's an option to the Government, as well, if the Government acts as an investor. In the case of Andhra Pradesh – the Amravati Capital Project, the Government is the investor, the Government intends to develop a project and it uses land pooling as a policy.

So, are these policy tools effective? Are these adequate? Is there any shortcoming in the policy? How has the policy been implemented? Some are users of this policy or beneficiaries or the victims of this policy. I think, we should share the experiences of such agencies and then we will have a clear picture of how the land pooling policy, as a tool of public policy, can achieve the purposes of the Act.

I have with me three panellists at the moment, a few more are likely to join. I have Dr M K Bimal, who is the General Manager at the Airports Authority of India. The Airports Authority is looking at land pooling as an option for developing large airports. Dr L Narasimham is the Commissioner of the Andhra Pradesh Capital Region Development Authority. So, we'll be hearing the State Government's perspective as to how the land pooling policy can be a tool to further the objectives of the Act. Mr Pankaj Dugar, who is the CEO of IREO Management Private Limited will bring the perspective of the markets, the private investors, and the private players. I welcome all the panellists and the participants to the discussion. Let me first invite Dr M K Bimal.

Dr M K Bimal, General Manager (Land Management), Airport Director, Safdarjung, Airports Authority of India



My heartiest Namaskar to all dignitaries on the dais and to all the distinguished experts, our friends who are dealing with the most valuable resource, that is land. In the headquarters, we are dealing with the challenges in land procurement, land acquisitions pan-India, though, we don't directly acquire land from the farmers. We always go through the State Government. But still, there are many dimensions where we have to struggle. The Airports Authority of India, the premier organization in the aviation sector, is managing 137 airports across India. Out of these 137 airports, 23 are international airports, 10 are custom airports, 81 are domestic airports, 23 are domestic enclaves. Whenever we go for land acquisition or procurement or for adding the infrastructure to

the existing airport or building a new airport, it has a tremendous impact on that locality as well as the surrounding locality.

Whenever we add infrastructure for fulfilment of the civil aviation requirement of ICAO (International Civil Aviation Organization) which is the world body or DGCA (Director General of Civil Aviation), the Government of India regulatory body, we call it brown-field airports. When we go for new airports entirely, we call it green-field airports. Now, in accordance with the scheme of our Honourable Prime Minister, we are contributing to the Regional Connectivity Scheme (RCS). We are going for connectivity, so, even the small cities of the country can be provided with the aviation facility. Airports are the gateway to development and, as soon as it is reported in newspapers that somewhere, an airport is coming (up) or a decision is taken by Government of India to build an airport, immediately, the entire environment changes, the market value of the land becomes totally different. Not only the land rates increase manifold, but there are also multi-dimensional changes, all positive changes.

In the first session, there was a lot of discussion about the practical problems that we are facing in implementing the new Act, in completing the land acquisition process. So, I am not discussing that problem. As far as land pooling is concerned, I call it a total transformation of land management. Earlier, for all national schemes, we were applying the 'urgency clause'. But now, we have moved to a participative system and that is really very encouraging. Land pooling is such an effective tool that it is going to contribute in our development.

Suppose, there is a specific area which we want to develop, earlier, we had to go for the micro-level plans. Now, with the concept of land pooling, we don't have to concentrate only on the micro-level, we have to go to the macro-level. It means you have to consider the entire surroundings, whether it is an SIA assessment or it is the inter-dependent factors of development. It is easy to say, 'Chalo macro planning karenge, micro planning karenge' (let us do macro planning, we will do micro planning). Actually, this task requires a fine integration of art and technical skill, an understanding of the socio-economic, political factors operating in the



targeted area. Given the diversity of culture, you have to understand all the political factors, the economic expectations, level of economic development in that area. Then, you have to understand the provisions of the new Act, the processes, the role of Gram Sabha and the coordination required among all the groups of people. Again, people's expectations are high, even though, they may not be literate. So, it is a really challenging task. Land management has always been a very challenging task. Every case is like a PhD, the officers who are dealing with the land management, are doing one doctorate with each case.

This Act has brought a transformation but, now, it has to be stabilized. I have seen the struggle of State Government officers, with whom I coordinate very closely. Just to give an example, in Delhi, the residents of Nangal Dewat locality had to be rehabilitated. (A total of) 308 families have been rehabilitated but 68 cases are still pending. You see, they are still running around after 13–15 years, I don't know for how many years this will go on. There was a case of rehabilitation of around 72 families at Safdarjung where I am Director. There also, out of the 72, some 38 or 40 cases are still pending at different levels. Some are in the ADM office, some are in the Honourable High Court, some at higher level.

So, it is a difficult state of affairs and we have to be careful in implementing the new Act. As far as land pooling is concerned, it has been very successful in Japan and Korea. In our country also, it is in use in Gujarat. Other states are also talking a lot about it. The beauty of this concept is that when we pool the land in the target area,

we find that the impact on people in the surrounding area is quite high. The development of the surrounding areas also takes place. It does not lead to relocation of the entire locality to a different site. Shifting a few people is easier. So, it makes the implementation process easier.

I think, in the near future, land pooling is going to be the most effective tool for the development of land resources. A synthesis of land pooling and land acquisition has to be done to make land available, delays increase the project cost exponentially. When a project gets stalled or legal cases come up or some portion of land cannot be acquired due to land disputes or there is agitation leading to law and order problem, all these have a very high impact in terms of costs implication for the entire system of our governance. So, our system should be such that it is a fine integration of all the factors.

In my opinion, there should be one comprehensive policy on land pooling, taking into consideration the awareness among landowners, their expectations, and the social dynamics. Of course, land is a state subject. We see that there are some differences in land policies among states. There should be one policy, there should not be any confusion. The things should be planned, detailed planning is required for integration with the existing land acquisition law. Land pooling is very subjective, it is also very objective. Subjective, because you have to understand the social factors, it is always subjective. Your wisdom and how you connect with the local people, that's very important. The more deeply you will connect, lesser will be the problems. That abstract factor will be there and whenever there's this abstract factor, it is challenging.

At the same time, the framework within which this system has to work, should be defined. Land pooling is a forward-looking concept, the Airports Authority is very interested in it. It will be very good for both, who are struggling to implement, and those whose expectations we are going to fulfil. The new dimension of caring about the expectations of the people, is a welcome change that we are witnessing in our country.

We are going for transformation. It is always a big task; it needs a planned approach. With so many

experts present in this house, and, as I understand, the recommendations will be reported to our Ministry and other authorities, it should be reported that a pan-India land pooling policy should be prepared for the country. Whatever the state rules are, there should not be much difference. That, you can say, is the need of the time.

Now, I want to add some more things. I am saying this from the point of view of development of airports, but this dimension to land pooling policy will be useful to all. You see, when we develop any airport, whether it is a brown airport or a green airport, we make a master plan. You know, the master plan is a very technical plan. Suppose, there is a runway, it cannot be in any direction, it depends upon the wind speed and many other factors, and all those are fixed. Suppose, you are building a big runway, we will acquire 500–600 acres of land. Now, for the 600 acres of land you have planned, which facility has to be constructed where? You cannot put buildings here or there. We have to follow the defined rules.

When we put the demand for land to the state authorities, acquiring land in any area is a challenge for them. Every area has its problem. Land pooling will help our development plans. The Government of India has planned to develop more than 100 airports in the next five years. I also want to inform you that the growth of the Indian aviation sector is so rapid that in the next three years, we are expecting to become the third highest aviation market in the world. I can say that land resource is the only bottleneck in the high rate of growth of the aviation industry. We always feel that if there is a defined land policy with effective acquisition



process, where the time factor can be managed, so that acquisition can be quick, instead of taking years, then the sector will grow very fast.

Developing an airport is very cost intensive. Since it is a highly technical field, we cannot make deviations. The Airports Authority of India believes that land pooling will be an effective mechanism for the development of the airports. The only thing is that the process has to be defined so that it can be implemented. The rules, regulations, technical requirements, the modalities of the airport development are fixed. They do not change. You can build an airport in any part of the country but the dimensions set by the International Civil Aviation Organization have to be followed.

Suppose, we want to build five airports in five different states, but, different states have different policies and various factors influence land procurement or acquisition. So, this creates problems for us. That is why, we feel the need for an informed policy, so that, sitting at the corporate headquarters, we can plan five airports, ten airports, fifty airports in the same fashion by implementing a single policy everywhere. That is all that I have to say. Thank you very much.

Mr R R Rashmi: Thank you, Mr Bimal. It is rare for users to praise a Government policy because, normally, they get adversely affected by the Government policies and the regulations. But, for the Airports Authority to recommend this policy for adoption, it is good news. Mr Bimal feels that land pooling is a macro-level planning. He says that it can be used to the advantage of the community and society, provided, we have a uniform land pooling policy for the whole country, consistent with the state Acts. We'll discuss his recommendation, because, there are a number of issues. Each state has its own take on this Act, the way land is acquired, the way land is pooled. But we'll get to hear from the participants, as well as the other panellists on this. Let me now invite the second speaker who represents the Government of Andhra Pradesh. They are the policymakers and they are also the users of the policy. So, let's hear Mr Narasimham, the Commissioner of the Andhra Pradesh Capital Region Development Authority.

Dr L Narasimham, Commissioner, Andhra Pradesh Capital Region Development Authority



Good afternoon. I am Dr Lakshmi Narasimham, an officer of the Indian Administrative Service (IAS), presently working as Commissioner of the Andhra Pradesh Capital Region Development Authority, Andhra Pradesh, Vijayawada. I am informed by the Chairman that the group consists of private sector, public sector, and State Government. I think, it is necessary to give a small historical perspective about the land issues. In our country, the British were the first people to create a legislation with regard to land in the form of a Compulsory Land Action Act, 1894. Prior to that, it was in the informal sector, sale and purchase by the individuals on mutual basis. Now, the 1894 Act made provision for compulsory land acquisition because we have an old principle called the 'Eminent Domain', which states that the entire land in a particular state belongs to the Crown and the individuals are given rights on the land to hold as property rights. Their property rights are of three varieties – right, title, and interests. The first element is full title. It means the right to enjoy, right to inherit, and right to sell. All the three rights, including the saleable right, constitute the full title. Whereas, whenever the Government gives land to the landless poor for livelihood purpose, for cultivation, they are given land with two benefits, one is cultivation and enjoyment for life and inheritability for the family members after them. They will not have saleable right. The title will continue to vest in the Revenue Divisional



Officer. In Hyderabad, the place where I come from, the Nizam ruled the state, they exercised the right to issue 'furman' and grant land to individuals only for enjoyment during life. It will not be vested with an inheritability or saleability right. Immediately, after the demise of the individual holding the title, the land returns to the Crown. So, this is the background. The British introduced the Land Acquisition Act for compulsory acquisition on the single condition, i.e., on the payment of just compensation, because we are depriving an individual of his right to hold land – the property right, and that may lead to loss of livelihood. Because of these two reasons, they said, it should be on payment of just compensation.

The second key element is that the land should not be acquired just like that, it should be only for 'public purpose'. So, using this instrumentality, even after Independence, we continued with the Act till 2014. In our state, major projects like Nagarjuna Sagar and Srisaillam, etc., were built successfully within time, without costs overruns or time overrun, only because of the 1894 Act. Litigation was not much, awareness among the masses about their rights was not much, illiteracy was a major advantage at that point of time but, subsequently, the awareness levels have increased, communication has increased, literacy has increased, so people started filing cases before the court of law. In the 1894 Act, you have a principle that, after the passing of award, the individual

will compulsorily have to accept the money paid as compensation. If he has any grievances, he has to file an application under Section 18, before the next authority. So, by 1995–96, we had 50,000 cases in the High Court related to land acquisition matters. The state was the biggest litigant there. To ease that, we introduced the system of negotiated settlement by giving power to the Collector to give more than 50% of the award amount, additionally, as a negotiated settlement. This also acted effectively in reducing litigation.

Now, coming to the 2013 LARR Act, this Act is a rights-based Act since the rights of the landholders for resettlement and rehabilitation are recognized, because, they are uprooted from their homes and their livelihood is disrupted. The displacement created problems for the Government of India. So, they have formulated such a stringent Act. The 1894 Act was a colonial law because it recognized the absolute right of the Government. In the 2013 Act, the individual landholder has become too powerful, with the introduction of the provision of social impact assessment, etc., you will not be able to take custody of the land even after two years. In my presentation, I will give you an example of how the pooling of land has given us 35,000 acres of land in 45 days, whereas, (from) the 4500 acres of land, which we have notified for compulsory land acquisition, we could not take even one acre.

Coming back to Andhra Pradesh, we were a part of the erstwhile Madras state under the British, who ruled from King George Fort in Chennai. Subsequently, Andhra area was segregated in 1953, the State of Hyderabad was added to the nine districts of Andhra, and Andhra Pradesh was created in 1956–57. We lost Chennai which was our original capital, Chennapatnam. Then we lost Hyderabad, which we had developed over the years, after the reorganization of Andhra Pradesh in 2014. This compelled the Government to look for a quick solution to obtain some land for construction of a new capital city. That's how we have come up with this novel idea of using land pooling as an instrumentality.

Land pooling will be a success only on one premise, i.e., the people's confidence on the Government. Unless you are able to convince the people, you can't take one square inch of land. My presentation provides information on the background of the Amravati land pooling scheme, the social benefits offered to people, and the evaluation of this scheme. The planned capital city of Amravati is very strategically located in Vijayawada and Guntur, we have identified some 53,500 acres of land for the construction of a blue-green capital city. We called it 'blue-green' because we wanted to concentrate on the green aspect as well as the blue aspect to reduce the ambient temperatures. The summer temperature in that area ranges between 40 degrees and 48 degrees, it is very difficult, inhospitable to live there. Amravati is envisioned as a 'Happy City' because we wanted prosperity, we wanted old and new to coexist, (and we wanted to) create world class infrastructure, offer quality living to all the individuals and efficient management of resources for a clean and green city.

Our vision is to create a world class city for which 217 square kilometres of area has been identified for construction of the new capital. The expected cost of construction in Phase I is Rs. 53,000 crore and, ultimately, over a period of 20 years, it will be over Rs 150,000 crore. This is a huge amount which we have to invest in the construction of the capital which is expected to be ready by 2050. The city will have a population of 3.5 million. Post bifurcation, Andhra Pradesh became a revenue-deficit state. It was decided that Hyderabad would be the joint capital of Telangana and Andhra Pradesh for a period of 10 years from 2014.

So, we had to concentrate our energies on major issues like land, financing, construction, and project management. We have seen that earlier, under the 1894 Act, whenever large infrastructure projects requiring huge amount of land like Srisailem and Nagarjuna Sagar were launched, they got mired in controversies over land acquisition, court cases, and difference of opinions. To overcome these problems, we've gone for partnership with farmers who are the landholders. The area where we thought we will construct the new capital has 25 Gram Panchayats, 24 Revenue Villages, and 29 habitations with a total population of 18 lakhs as per 2011 Census. So, we have taken the people into confidence, we have assured them that the new capital is people's capital, they will not be uprooted from their residential locality and they will not lose their livelihood, etc. We will create new livelihood after the construction of the capital for all those individuals who are contributing their lands as partners in development.

By conducting awareness campaigns and interactions with people, we were able to successfully come with an





offer of land pooling. The benefits extended to the land contributors are as follows: if they have contributed one acre of dry land, they will get 1000 square yards of developed residential plot and 250 square yards of commercial plot. Similarly, (for) three crop wetlands, which are called irrigated lands, locally, they call it jareebu land, where three crops are cultivated in a year, for one acre of that land, the land contributor is given back 1000 square yards of residential plot and 450 square yards of commercial plot. For assigned landholders, i.e., landholders of Government land, who don't have saleable titles but only the enjoyment right and inheritable right, for one acre (of land), they were assured of 800 square yards of residential plot and 100 square yards of commercial plot, and for jareebu land, 800 square yards (of residential) and 200 square yards of commercial plot.

We had some issues with POT Act and POA Act as well as the Statutes which are meant to protect the assignment holders from exploitation by the landlords. In spite of our best efforts, we couldn't amend all the Acts within a short time. So, we came up with the novel method of recognizing the purchaser of the assigned lands, actually, these are illegal transactions. According to the Prohibition of Transfers of Assigned Land Act, these lands have to be re-conveyed to the original assignee, at least one time, subject to eligibility. But, in order to get the land quickly, we treated the persons who are the purchaser of these lands as siwajama holders. A siwajama holder means he is like an encroacher sitting on a land and enjoying the cultivation facility. So, by treating them as siwajama, we have extended the benefits of land pooling to them by also giving them residential and commercial plots.

Similar is the case with encroachers. The colonial law recognizes two types of encroachers. One is on objectionable lands and another on unobjectionable lands. Objectionable land means tank beds, rivers, burial grounds, etc. If encroachment is on common properties of society, it is called objectionable encroachment. These encroachers have to be evicted. In accordance with the decision of the Supreme Court in Godavarman case in 2001, we have evicted all those people and encroachments were removed. But for the construction of the capital city of Amravati, we have given small plots of 400 square yards and 250 square yards of land to people who are encroaching on Government lands in those areas.

The second benefit which we extended to farmers was in relation to crop loss. When they hand over their land for pooling, they are losing their livelihood because they cannot cultivate the land, so we treated it as crop loss. For their livelihood, we give them Rs. 30,000 per annum as annuity for a period of 10 years for one acre of dry land and Rs. 50,000 per acre as annuity for wetland. Moreover, this has an escalation factor. Every year, the annuity for dry land will increase by Rs. 3000 and for wetland, it will increase by Rs. 5000. So, after five years of this exercise, today, we are paying Rs. 45,000 for the dry land and Rs. 75,000 as annuity for the wetlands. At the end of the 10th year, the wetlands will get Rs. 1 lakh and the dry land will get Rs. 75,000 as annuity.

For gardens, some of the horticulture crops and flower gardens, a one-time payment of Rs. 1 lakh per acre was made additionally, because it is a costly land. We have provided for landless poor also. We took 34,700 acres from 28,000 farmer families under land pooling. Once we have taken away the entire land and stopped the cultivation, residents of those villages, who are dependent upon the land as wage-earners lose their livelihoods. So, in order to partially take care of them, we started paying them a monthly pension of Rs. 2500 with an inflation factor added to it. So, you see how much we have paid and will pay in the coming times.

Broadly, the three categories of benefits which we have given to the land pooling contributors are free education, jobs for the individuals, NTR Canteen is one initiative which is presently on-hold but, earlier, it was

implemented where food was served at a cheap rate of Rs. 5 for breakfast, lunch or dinner on the lines of Amma Canteens in Tamil Nadu. Then, free health camps support the old and infants. This is the social security aspect. Benefits, as I told you, are pensions, (such as) NREGA livelihoods, skill development, housing, and alternate livelihood development methodologies. The economic benefits to the land contributors are returnable plots, annuity, crop compensation, and loan waiver. The Government has liberally extended loan waivers to all the farmers who have contributed land by waiving their loans to the extent of Rs. 1.5 lakhs per acre.

As part of the process of land pooling, we first notified the land pooling scheme, which sought the consent of farmers who are landholders in the area where we wanted to construct the capital. After validation of the title, we entered into mutual agreements with individual landholders, then, we prepared a master plan for the entire 53,500 acres of land where the capital city was proposed to be constructed. This includes 34,500 acres of pooled land, 4500 acres of land proposed to be acquired under the LARR Act, as well as 15,500 acres of Government lands, which include riverbanks, hills, etc. After notifying the master plan, we developed the LPS Layouts in which we excluded land in the existing village habitations and in the 500 metres of extended area. So, residents of those villages have not been uprooted.

The second part of the scheme is, the land which is supposed to be returned to landowners after development. They requested for land allotments near the village where they are residing. The layouts have been developed in such a way that every land contributor gets the returnable plot closest to his existing residence. Then, the final LPS development plan was

notified, layouts were prepared, and we created a master plan for construction of trunk infrastructure. Actually, for processes like notification and obtaining consent, we used the instrumentality of law. We have actually enacted the APCRDA Act in 2014. As per Section 52 of the Act, we framed rules for land pooling schemes, i.e., the statutory basis for this land pooling scheme. We invited objections, suggestions from the local farmers who were the landholders, and we invited all the people to become partners in the capital city development as stakeholders.

Then, an important aspect was the farmers' confidence. They were able to believe what the State Government promised to them. Because they had confidence that the State Government will deliver what they've promised, they voluntarily participated in this land pooling scheme. Only 10% of the people holding 10–15% of the total required land did not come forward voluntarily to participate and contribute their land because each one had a huge extent of land and the land values had shot up within no time. Before the announcement of the capital in that area, per acre cost was between Rs. 7–15 lakhs. Even today, in some villages, the registration value of the land is only Rs. 7.5 lakhs per acre but, informally, the market rate has gone up to Rs. 1 crore, 2 crores, or 3 crores.

Immediately after the announcement of the capital in that area, the land value became so high that even acquisition became a headache. So much money cannot be invested on acquisition directly. Today, we are saddled with compulsory acquisition of some 2500 acres or 4500 acres of land, both for the infrastructure of roads as well as for completion of layouts, which we have designed in the entire capital city area. All the notifications that we had given under the LARR Act have gone into litigation by individuals approaching the court of law and obtaining a stay. Can you imagine, we could not take even one acre till date out of the land which we've notified under the LARR Act, even though we've passed final awards in 191 cases and money has also been deposited, they also went to the court and obtained a stay. In India, the instrumentality of court is a very nice instrumentality. The court never bothers to think for what purpose the land has been acquired. They stall anything and everything the minute somebody approaches for stay.



I am not criticizing the court, a citizen can exercise his/her right under Article 226 against the infringement of fundamental rights.

But, the problem is that the larger picture will suffer irreversibly because of the intervention of the court everywhere (as you are seeing in the coming slides). Now, the main aspect with regard to land is title. Individuals are masters at manipulating the revenue records, titles being fudged, records being thrown into gutter, new records being created, individuals without land coming in front of you with a document as general as anybody else to claim title over the land. So, in all the 24 revenue villages, we assigned one Deputy Collector cadre officer as competent authority to check the land titles, land records, and ground truthing by conducting an award inquiry in every village by taking into confidence the local population to guide us properly. He (DC) was given the assistance of 2-3 Tehsildars, Deputy Tehsildars, Revenue Inspectors, and all the required infrastructure. So, that's how we have gone about the verification of titles and land ownership aspects. That's why we have very limited litigation.

You'll be surprised to know that we spent more than Rs. 98 crores towards salaries of only revenue staff in the past four years. Now, this is the way we have entered into partnership with individuals, meetings, and extensive discussions were held. Mr Shrikant, CRDA Commissioner and Mr Venkatesh, the Additional Commissioner have gone to every village, they've held Gram Sabhas, taken people into confidence and then made them agree to, whatever terminologies the Government has used, land pooling, because, it was a new concept on that date, so they were made to accept the conditionalities and enter an agreement. So, the draft master plan notification was done, final master plan for the entire capital city area was declared, notified, after being approved by everybody.

Then, this is the plot size and models that we have created, because we have offered them as small as 30 square yards of commercial plots and 120 square yards of residential plots, to start with, and up to 2,25,000 square yards of residential or commercial plots. More than 4000 types of alternatives were provided to the individuals to choose from, the allotment of returnable plots was by

way of online lottery. We announced the layout in the villages where the land had been procured and the number of stakeholders who were there to receive the returnable plots, they were given the choice of size of the plot that they wanted, after the exercise of choice, the layout was prepared by the Planning Department, and the lottery was conducted online in their presence and allotment was done online.

Coming to the draft layout, what we see here is the LPS layout of one village called Nelapadu. This way, we've actually framed the layouts for all the villages, all the infrastructure is robust, and we have completed this exercise in consultation with local landowners. Then, this is the way we have posted entire data on the CRDA website. Anybody can approach the website and look into the details of all the plots allotted to individuals. These are the details of returnable plots given lottery-wise. We've conducted hundreds of lotteries by 27 November 2019. This is the number of lotteries we have conducted and we have allotted more than 64,000 returnable plots.

It's not out of place to mention, because our Airports Authority of India is here, in Vijayawada, we had a small domestic airport before the capital formation. We wanted to go for an international airport, we requested the Airports Authority of India. They said that the main constraint is land, if you give us land for expansion of the runway, we are ready to convert the domestic airport into an international airport. Luckily, at that point of time, our state MP was the Minister for Civil Aviation, Mr Gajapathi Raju. So, it was a smooth affair, the State Government promised to give land, free of cost, to the



Airports Authority of India. (About) 786 acres of land was acquired within a few months for the sake of the airport runway expansion and handed over to the Airports Authority of India.

The land was located in Gannavaram, which is 20–30 kilometres from the capital. We promised the landowners that if they gave their land for the airport, we would give them land in the capital city area. Attracted by the prospects of getting plots in the capital city, all the landowners voluntarily handed over their land to the Airports Authority of India. The AAI has already constructed an international airport.

After preparing the master plan and promising to return the plots to landowners, we did geotagging of the plots. Peg-marking was done by fixing stones on the plots which were allotted to the individuals. As far as the social benefits of the scheme is concerned, skill development has been undertaken and more than 1517 persons were trained, out of which, 1496 persons were able to secure jobs. Since this is mainly a rural area in which there are very few people with higher educational (qualifications), we designed courses which suited the local population, like tailoring, fashion designing, painting, decoration, gardening, electrical work, making jute bags, land surveying, beautician, construction, accountancy, etc. With the collaboration of National Academy of Construction, we provided training in real estate sector or project development, and even basic training for becoming entrepreneurs, etc., by offering a six-week training course. Three batches have already been trained.

We have given pension to 21,135 landless poor. About Rs. 175 crores have been spent on pensions. We have assured free health assistance to all the residents of the capital city. Mega health camps have been conducted (too). We have given health cards and a lot of people have utilized this benefit of free health assistance.

In our state, we have a scheme called 'Fee Reimbursement' of higher education of children (any number) of families living below poverty line. Whatever be the course in which they have enrolled including, medical or engineering courses, the entire fees is borne by the



State Government (without any upper limit). There is a fee restriction committee at the state level for all the private colleges, which fix the fees of each college and that amount gets reimbursed by the State Government when the BPL families enrol in this scheme. They are offered tuition reimbursement, hostel facilities, etc. Under NREGA, employment has been provided to wage-seekers, by designing projects for them.

The capital city has been envisioned over a total area of 53,748 acres. The land available with the State Government today is 92.7%. It comprises 14,888 acres of Government land, the private land taken under land pooling is 34,936 acres, and 3923 acres has been notified for acquisition. In fact, the preliminary notification for acquisition was issued for more than 4500 acres. However, some of the individuals came forward and handed over their land under the land pooling scheme. The intention of the Government was not to trouble people by invoking the Land Acquisition Act, but to encourage them to opt for land pooling, instead.

Even yesterday, one of the farmers came and asked me whether they can give their land for pooling. I said, 'Jolly good, they can hand over their land'. The present status is that 28,518 farmers have become partners in the development of capital city by contributing 34,385 acres of land. We have paid a yearly annuity of Rs. 148 crores in the first year, Rs. 144 crores in the second year, Rs. 154 crores in the third year, Rs. 159 crores in the fourth year, and Rs. 164 crores in the current year. The reason for changing the annuity amount, every year, is because we have taken the criteria of crop loss and loss of livelihood for the sanction of annuity. When an individual, who receives the returnable plot, either commercial or

residential, sells it to a third party and receives the full sale consideration, he loses the annuity component for the area of land that he has sold.

Till date, more than 64,000 plots have been returned. The last round of lotteries for both airport land pooling as well as the capital city land pooling is going to be conducted in the first week of December 2019. Of the 64,000 plots allotted back to the farmers, more than 42,000 have been registered. The reason some of them are not registering the plots immediately is because they want to delay the commencement date of the capital gains. Two years from the date of registration, the benefit of capital gains will be applicable. So, some of the large farmers want to delay the registration for some more time so that they can invest this money and divide the so-called capital gains tax. So, the citizens have benefitted by becoming partners in development through the land pooling scheme. Moreover, we have not uprooted a single family from the 25 villages where they are residents. They will become a part of the capital city. We have assured them that their present habitations will also be upgraded to match the infrastructure and facilities proposed for the capital city. In fact, projects worth Rs. 2500 crores are being planned for implementation over a period of time.

As far as the participation rate is concerned, more than 88% of population in the villages have voluntarily become partners in development. There are a few people who have not joined the scheme. Everywhere, there will always be a few people who will oppose any project. We are trying to persuade these people to join the scheme by telling them about the long-term benefits.

Another significant point is that there is not a single legal dispute in the land pooling scheme. Litigation is confined to the Land Acquisition Act. Taking custody of 35,000 acres of land in 45 days is, itself, a big record and failing to acquire even one acre of the 3000 acres that we have notified under the LARR Act is a big failure. It shows the superiority of the instrumentality of land pooling as a methodology for procurement of land. The only thing that you require is people's confidence in the Government and the officers who conduct the activity.

Another benefit of land pooling is the benefit of execution of project on time and at a fixed cost. Since the landowners are willing participants, there is no time and cost overrun because, there is no litigation. Once the land is available, the project can be executed mechanically with proper monitoring and by ensuring flow of cash.

Mr R R Rashmi: Thank you, Dr Narasimham. You must have noticed that the Andhra Government is following a statutory framework for land pooling policy. They have an Act for this purpose, and this is in addition to the new Land Acquisition Act. Of course, there are a number of positive features about the way they have implemented this policy for the Amravati project. The fundamental difference, as you must have noticed in any land pooling scheme is that it seeks prior consent of the landowners, unlike in the case of acquisition where, under the new Act, you have to go through a social impact assessment and then obtain consent, stage by stage. Land pooling also seeks to minimize displacement. Some displacement is inevitable but it is important to minimize it.

Dr L Narasimham: Sorry, one point which I want to add is that, after the LARR Act, we have introduced the Negotiated Settlement Policy here, we give them 5% or 10% more than the LARR entitlement, and this is given upfront. Thank you.

Mr R R Rashmi: Here, we have a case of implemented policy where we have certain positive results. The Airports Authority of India has also welcomed land pooling. Of course, Mr Narasimham has also pointed out the difficulties, which they have faced in terms of the rising prices, the fudging of the titles, increasing litigation. These are the downside of the policy problem, which we will have to factor into. I'm sure you must be having some questions on this project and we will come to them later.



To understand the market perspective, I'll request the FICCI representative, Mr Dugar to come and brief us about the whole issue.

Mr Pankaj Dugar, CEO, IREO Management Private Limited



Good afternoon, esteemed panellists, ladies, and gentlemen. I am Pankaj Dugar. I am representing FICCI and I am here to share some perspectives from the industry on the land pooling policy. It is very heart-warming to hear Mr Narasimham talk about the great success of the land pooling policy adopted by the Andhra Pradesh Capital Region Development Authority.

Land pooling, as we know, is a technique for managing the planned development of urban fringe lands where a Government agency consolidates a selected group of land parcels and then design the services and the infrastructure, and returns a part of the land to the original plot owners. As my fellow participants have mentioned, this policy's initiatives have been widely and successfully used in other countries around the world. Japan, South Korea, and Taiwan have successfully implemented it. Of course, across India also, it has been adopted in the states of Gujarat and Maharashtra. Besides, Andhra Pradesh has successfully implemented it. Other states have also undertaken land pooling policy in some form.

Gujarat has experimented with and applied land pooling, in some form, for almost 100 years, starting in 1915, when it was applied to the Salsette Island in Bombay. The

concept was used not only for green-field and brown-field projects, but also for revitalization of downtowns where the infrastructure is creaking due to the influx of population in cities. So, using the land pooling policy as a tool for brown-field and revitalization of downtown is going to be critical as we move forward.

Gujarat, in most of their schemes, has used this policy to transform irregular-sized plots to create plots, which are economical in sizes. (About) 50–75% of the land is returned to the original land farmers or the participating owners and the balance (remaining) land is used to develop infrastructure and to fund the expenditure incurred by the Government by monetizing it.

NAINA (Navi Mumbai Airport Influence Notified Area) has also successfully implemented the land pooling policy, after initial issues and challenges, across 23 villages. Soon, it will be expanded to 175 additional villages. Magarpatta (in Pune) had also used land pooling policy as a tool but it was purely voluntary. The Government acted as a facilitator, the farmers, with strong leaders, took the initiatives and accumulated 430 acres of land and developed a well-planned city. Magarpatta had also won accolades at the 2008 Sydney World Congress and many other awards including the Limca Book of Records. Haryana had introduced a land pooling policy in 2012, where, for every one acre of land that is being given by the landowners, 1000 square yards of residential plot and 100 square yards of commercial plot are returned to them. Last year, Delhi announced a land pooling policy. Since its implementation is underway, we have to wait and see the outcome.

Having seen the various formats of land pooling policy across the different geographies in India, such as the case of pure facilitation by the Government as in Magarpatta or a hybrid model as has been done in Gujarat and NAINA or the model of APCRDA, and in view of the insurmountable challenges of the Land Acquisition Act, the industry believes that land pooling is the only alternative to release land for a planned development of industries as well as for urbanization.

No one model is right or wrong, as a lot of local factors, socio-economic and geographical, govern the adoption of one scheme over the other. It is also important to



remember that land is a state subject. But, whatever method is adopted, one thing is clear that the Government has to play a crucial role in building trust and acting as a neutral party among the large number of participants. We also heard Mr Narasimham say that it was their effort to create trust among the farmers. We believe this is going to be the central theme wherever land pooling policy is implemented.

The private industry likes to operate with two main guiding matrix, one is economic viability and, second is the ability to assess the risk when they participate in a venture. Economic viability is easy to estimate as it depends upon tangible factors, i.e., the costs of land, the amount of land being returned in a given land pooling scheme, how much is the floor area ratio (FAR) that is allowed to be built on the land. Every industry respects revenue and costs. These are all very predictable and within the parameters that the industry is able to assess. Therefore, before their participation in a land pooling policy, the industry will assess the viability or non-viability of the project. Accordingly, they will decide to move forward.

But the bigger challenge is the correct assessment of risk, particularly, in terms of the time it takes, from the landowners handing over their land till the return of plots to them. Being optimistic, the industry feels that 2–3 years is a reasonable time but, in many instances, more time has been taken. As you all know, the costs of capital in India is very high. The rate of interest on

capital is around 13–15% when the industry plans for three years, from the time of starting the land pooling to the return of the land, but if it takes 6–7 years, the entire planning goes for a toss. The same is not a problem in other countries around the world because they have a low interest rate regime, whether, it is Japan or Europe or the US. So, the high cost of capital requires correct predictability in terms of the overall timeline of the land pooling policy schemes.

Therefore, the factors that can delay the land pooling policy, from beginning to the end, must be addressed whenever a national-level framework on the land pooling policy is undertaken. By this, I mean, that once the scheme is announced, the landowners and the farmers must not be allowed to leave the consortium midway. It can create a huge amount of risks.

The second important aspect that the private industry favours is the ability of the nodal agency to develop the infrastructure at the pooled land. If the plan is to complete the project within 3–5 years and the plots have been returned to the landowners, the delay in establishing the infrastructure will affect the ability of the industry to sell. If the developer is not able to exit on time, the project is (rendered) unviable in terms of the risk-assessment matrix.

Third, the industry has realized that in the consortium of farmers and landowners, not all of them have the ability to come up with the initial cash flows which are imposed

for infrastructure and the necessary external or internal development charges. Smaller landowners are often not able to meet this obligation, which is a mandatory requirement at the consortium level. The industry's suggestion is that the charges must be paid by the consortium, but these should be levied after the plots are returned to the participating owners. If the returned land is in the right location, the participating consortium can raise finances. Even the lenders want certainty of return and will, therefore, (one must) finance only after looking at the location of the returned plots.

One of the suggestions of the industry is that, de-facto, such schemes or policies should be stamp-duty neutral. It takes a lot of time to resolve this matter which, sometimes, causes delays. From the time of announcement of the scheme till the return of the land, the entire process should be made stamp-duty neutral. The Government is not losing anything, rather, once the development happens, a larger amount of revenue can be realized through the stamp-duty.

A framework for dispute redressal should be established at multiple levels. So, the process and approach of confidence building, and the redressal of the problems of the participating landowners in the land pooling policy will definitely help in the success of the policy.

The Government or the nodal agency, at the beginning of the land pooling policy, should create a kitty or a fund to acquire critical parcels of land that have not been pooled, because it is not certain that the participation will be unified across the entire region. This will address the challenges of laying the infrastructure across a large land pooling area. I am talking specifically of land pooling across large areas where nodal agencies and the Government have to come forward, otherwise, the project can be adversely impacted by not having the infrastructure built at that site.

So, we believe that if these factors are suitably addressed at the start of the land pooling scheme, private parties and the industry will come forward in large numbers. They would have proper assessment of timelines, risks involved, etc., and the same can be factored upfront in their economic viability scenario. Thank you.

Mr RR Rashmi: Thank you, Mr Dugar, for very constructive suggestions on how the scheme can be improved. We have the Vice Chairman of the Delhi Development Authority with us, Mr Tarun Kapoor and we are eagerly waiting for his keynote address. So, although the panellists have shared some of their experiences, we will be very happy to hear your views.



KEYNOTE ADDRESS BY MR TARUN KAPOOR VICE CHAIRMAN, DELHI DEVELOPMENT AUTHORITY

Thank you, Sir. I was stuck somewhere so couldn't make it to the beginning of the session. I am sure that the distinguished panellists have put forth very detailed ideas and good experiences regarding the land pooling (scheme/policy) in the country.

Land pooling, I would say, is not a new concept. It has been tried in small parcels in so many places, so, we have all these success stories like Magarpatta, Gujarat, and other places. I will start by talking about what is being done in Delhi and then go on to some issues which do crop up if land pooling is to be implemented on a large scale. So, in Delhi, there has been talk of land pooling for several years and policies were drafted and, then, probably amended. Finally, the policy for land pooling in Delhi was approved along with the regulations. So, whatever is legally required is now in place. The process



was also started about 8–9 months ago, when we opened the portal and we said that the landowners can register.

A few important facts about Delhi's land pooling policy is that it covers a very large area. We are talking of 70–80 lakh population coming in this land pooling area with an FAR of 200. Earlier, it was thought that the FAR should be 400, had we stuck with an FAR of 400, then double this population would have moved in the pooled area. That would be much bigger than most of the existing cities in the country. So, we are talking of a very large-scale development, 16–17 lakh dwelling units and commercial areas. The land pooling area spreads from the north of Delhi to the southern periphery, covering the entire outer part of Delhi. It is not confined to a circular space or contiguous spaces, it is very elongated, and will bring different kinds of development along areas which may already be developed. It means that if we are talking of some areas falling close to Rohini, then that development might be more contiguous to what has already happened in Rohini, and if we are talking of something coming up in the southern part of Delhi, then, that may be contiguous to what may be happening in south Delhi.

So, Delhi's land pooling is more of a concept. There will not be only one type of development under the policy. So far, Delhi has been unique in that, all development has happened only through land acquisition. (About) 70% of Delhi has developed by land acquisition by DDA. DDA is the only agency that is allowed to acquire land, prepare plans, and then give back land for development to the private sector, to other Government agencies, and retain some for itself. DDA has been building a lot of flats and a lot of other infrastructure also.

The major change is that, instead of acquiring land, DDA is now allowing the landowners to come together and pool the land for development. There are so many models of the way land can be pooled. It can be done if people come together to form a company and do it. People could just pool land together and then re-divide the land, and again engage in development. Or else, the Government could directly come in like it is being done in Amravati, where the Government gives the formula that 'this is the way land will go back to the farmers', and, you get one commercial plot and one residential plot. So, there could be so many models.

In Delhi, we have not even specified a model. The policy just lays the basic framework where we are simply saying, that, first, the landowners have to register, which means that they have to say that 'we are interested'. DDA has divided the whole land pooling area into sectors, about 100 sectors, there are five zones. The responsibility of DDA is to prepare a plan on a very broad level, more like a zonal plan and, thereafter, just facilitate.

So, what we have done is, number one, we have made a very broad plan, number two, we have divided the whole area into sectors, and we have taken certain steps which are required for urbanization to happen. This means that rural areas have been brought out from the Delhi Land Revenue Act and declared as development area, which means that urban development can take place. As (part of) development area, they are under the control of DDA. We have developed a portal where we asked the landowners to register, just to get an idea as to how many people are interested. Earlier, people did not understand the policy but, later, it took off and, now, a large number of people have registered. In 5–6 sectors, we have 70% people, who are interested in participating in the scheme.

Each sector has 200–400 hectares of land, so, each sector is like a small township or a small colony. We knew that all this development is not going to happen overnight, for that whole area to get developed, it may take 20–25 years or even more. The development of Rohini started about 20–25 years ago, it still has large parcels of vacant land. Similarly, Dwarka also started developing many years ago and, still, we have large parcels of vacant land. So, developing townships takes a long, long time.

We know that only a few sectors will come up if we are thinking of such large-scale development and it is going to take time. So, now, we are starting with about 5–6 sectors. As an important step in the policy, a consortium has to be formed, we have not said that the consortium has to be registered as a company or that the consortium has to become a legal entity and do the development itself. We have not said all that. We are allowing the consortium to adopt a model which they think is right for them.

Now, land pooling can happen with some large developer coming in and playing a lead role, or we could have a situation where there is someone from amongst the landowners who is able to lead them, all the landowners are equal, they are not like large business people but they are able to come together and work together and do the development. So far, we have not had a large developer coming forward and saying that he is going to develop a particular sector. Probably, these landowners will come together with some large developers also. Some large developers have a holding of some 200 acres. Land is expensive in Delhi and a lot of clearances are required, so, development is not so easy. We expect that these willing farmers will have someone who will take the leadership and a consortium will be put in place.

We are now organizing meetings with the people who have registered so that we can explain to them how the consortium can be formed and after its formation, they are supposed to prepare a plan and submit to DDA. Then, they are supposed to hand over their land to DDA for development of infrastructure and certain other things which are in the domain of DDA. (About) 60% land will go back to the owners but the location of land given back may change. It will be as per plan, because, if a road has to be built at a particular location, the owner of that land will get the land elsewhere. So, this is the role that DDA will have to play. The detailed planning of the sector will be done by the consortium. DDA just approves that plan and then the construction or actual development can start. But, the biggest issue is the infrastructure because someone has to develop it, without infrastructure coming in, very little development can actually happen.



Now, the question is, what should come first? In land pooling, the problem is that land will come only after people have pooled land and you can't build a road unless you have land with you, and if you want to construct the road first, it may take say 2–3 years or even more than that. And then along the roads, you have to plan and build all the sewerage lines and water pipes, and everything else. Providing a park is easier these days, it can happen quickly. But then roads, water and sewerage, these three things have to happen and it takes a lot of time.

And then, who all are responsible for building utilities, say PWD for roads and Delhi Jal Board for water and sewerage? They would make investment only if, either, the investment can bring returns or someone is willing to pay for that investment upfront and then take the risk. But, at this stage, there is no money because, neither land has been pooled nor has land been surrendered nor have we asked for any external development charges.

One option is that we ask for external development charges, but these farmers are not willing to pay. Because, they say, we are just farmers, we don't have money, we are looking for money. They are basically looking for money, they would be very happy to sell their land and get the money, or they would be very happy to surrender their part of the land to some developer and take at least a part of the money. But, if you tell them today that, per acre, you'd also have to pay Rs. 2 crores, they will not do it because they don't have that kind of money.

Therefore, the question as to how the infrastructure will be developed, has to be tackled. If you are doing land pooling on a small scale, if you are just building a small township like Magarpatta, you can do it. But, if you are doing a very large-scale development based on land

pooling then, the issues become quite different. Now, anywhere in the country, if you just buy a plot of land, say 500 square metres, and you build a house, you just apply to the power company and they will give you the power connection, you apply to the water company, they will give you the water connection and you get the bill – it is so easy. But, if you just scale it up and you say, 'I am building a small township or a colony with 500 dwelling units,' and you go to the power company, immediately, they will give you a large bill saying that 'now a transformer has to be installed and this line has to be augmented, so, first, you pay Rs. 20 crores.' Similarly, the water company will also come up with a large bill.

So, the whole game immediately changes when the scale becomes bigger. The system is a little skewed because, even in a large development that same utility company can charge for the services rendered in the same pattern. However, for a large-scale development, they come up with upfront demands. Therefore, any large-scale development can happen only if, whoever is developing it, has a lot of money to put upfront. It can't happen just by saying that 'we have land and we are going to pool it'. In this large-scale development, this is one issue which has now cropped up before us and we have to find a solution for it. Several other issues are also coming up before us, such as, when the land is pooled; when we allow the land to be transferred to the consortium, a stamp-duty is to be charged. If we don't transfer the land to the consortium, a person who has expressed willingness to participate in the scheme today, may, after seeing that the whole area is getting developed, start acting pricy tomorrow and demand some extra money by saying that he will 'not participate'.

Even now, there are some people who have said that they don't want to participate in land pooling and their land is surrounded by people who are willing to participate. In all that land mass, you have someone who is not willing to participate. How do you deal with that? The new Land Acquisition Act is quite tough. So, if you say that, 'okay we will acquire this land', then compensation has to be paid at four times the market value. Then, everyone will say that 'you acquire my land' because that is most lucrative today. Best is to just let your land be acquired because that gives the maximum income to any farmer. If he



participates in land pooling, his land may be valued at, say Rs. 2 or 3 crores, if he just says, 'you acquire my land', that land might get valued at four times that amount.

Therefore, we have to find ways and means to get everyone on board. There has to be some mechanism so that people who do not join the scheme realize that they will be penalized because they will not get access if their land gets landlocked or no one else will buy their land. Also, if land pooling has to be successful, then, the general rules have to be relooked such as the charges for registration of land. We are going to suggest that the transfer of land to the consortium should be without paying for that transfer.

So, if land pooling has to be done on such a large scale, then, probably, there is a need to make a little bit of concession in various Acts and in various laws also. Only then will land pooling happen in a fair manner, otherwise, some people may exploit the situation. People who are sincere and who may want to participate may end up losing and some people who are today opposed to it, may, in the long run, end up gaining. And if that happens, in a case like Delhi, where we are looking for a very large-scale development, a few sectors are coming up now, it may become a very major problem.

The other issue is the time frame, the time in which the development has to take place. In Delhi, if we are talking of a very large time frame, we would like to stagger it in such a manner that a few sectors are taken up for

development. We don't want a situation where some development is coming up in one place and another development is coming up five kilometres away, then another 10 kilometres away, and the whole area remains disturbed for the next 20, 30 or 50 years. The question is, how to concentrate and ensure that only a few sectors come up and then we move on to some other sectors. But people might become impatient and some illegal colonies might come up as has happened in Delhi on a very large scale. How to avoid that scenario is also a challenge before us.

So far, what has been happening is that DDA has been acquiring land and people have been encroaching on DDA land, so, out of the total of 1800 unauthorized colonies that have come up, there are 600 colonies which have come up on DDA land and those colonies are much bigger than the others. Maybe, more than half the population is on DDA land, and here I am also talking of population of around 50–60 lakhs living in unauthorized colonies in Delhi, which has already happened. So, in land pooling areas also, this problem could be there because someone who owns land suddenly finds that development is coming in the vicinity, some market is coming up, some other facilities are coming up, he may be very happy to divide his land into small plots and sell them off and people would be willing to buy at a price which may be one-fourth the price of what they would pay in the normal course. People might buy because they know that, later on, the Government will make

investments to build infrastructure there. So, this also becomes a great challenge. On the one hand, we are trying to stagger the development so that it happens in a phased manner, on the other hand, we fear that, in the meantime, a lot of illegal development might happen in all these areas. These are some of the issues which we are facing in land pooling in Delhi. This would be one of the biggest examples if we manage to do it well in Delhi, probably, one of the biggest examples in the world because the scale is so huge. Since it is the capital of the country, the value would also be immense.

Already, a lot of exploitation is taking place because there are a lot of people who have formed societies and they are giving advertisements, sending SMS messages. Even I keep getting SMS messages, saying that DDA has approved land pooling and, by paying a certain booking amount, 'you can get a flat'. We have been giving advertisements in newspapers warning people not to listen to such claims because, so far, people have not even acquired land, they have not even submitted their plans, approvals will happen after that and development will happen much later. We are not seeing any progress even in the sectors that have already reached the 70% threshold level. Even there, actual development may not happen for the next, say, two years, and in other sectors, where people are being sold all these dreams, development may not happen for the next 10 years. Someone who is selling flats has not even acquired land. I don't know how people behave, even very senior officers keep coming to me saying that they have also given Rs. 5 lakhs, or Rs. 10 lakhs, etc. I am told that societies have been formed, there is one society, which has collected Rs. 1000 crores.

So, such things also happen. Because, Delhi is a place where everyone wants to acquire property, all these schemes and policies are also misused. But, then, land pooling as a concept is a great concept. Land pooling can be implemented but it needs a lot of care and supervision. So, in Delhi, we are going to set up offices in the field to be able to supervise this properly, to be able to control any illegal colonization that might happen and also counter the false propaganda that some people might be making. A lot of staff will be put in these offices to manage this whole show. We will also try to get some experts with good ideas to make people understand that if proper



development takes place, even if it is time consuming, it will give them much more value than doing things which are illegal or doing things which might spoil the whole area and convert it into a slum.

At this stage, I think, we need good ideas, we need good experience-sharing mechanisms. That is why I think this

Mr Tarun Kapoor: I can stay for 5–7 minutes and take a few questions.

Mr R R Rashmi: Yes, I think it will be good if you can direct your questions to him while he is still here, take advantage of his presence. So, the floor is open to the participants now and questions are invited. Whoever



seminar is very important and very good, and it has come at the right time. And we need mechanisms to reach out to people, to all the stakeholders who would be participating in this exercise. Thank you.

Mr R R Rashmi: Thank you, Mr Kapoor. Thank you for a very enlightening and illuminating address on the plans of DDA regarding land pooling and I am sure this would clarify a number of questions or doubts that the participants may have had. As he says, this policy is a little different from the others that have been experimented with in the past, and the ones which are being implemented elsewhere. It is a very flexible kind of concept at this stage. He used the word 'concept', and not 'scheme' but a concept. But of course, there are a number of dimensions to this which will help it acquire the character of land pooling based on consent and with the objective of minimum displacement and larger stakeholder participation.

In the interest of continuity of thoughts, we should have the question and answer session now rather than break for tea.

is willing to ask a question, kindly introduce yourself, mention the panellist(s) whom you would like to answer you. Wonderful, I think everybody has understood.

Ms Gurpreet Kaur, Assistant Director (Capacity Building and Training), AMDA: Sir, are we also looking at TDR (Transferable Development Rights) facility in Delhi or, is it just the land pooling scheme we are looking at? The same question is also for Narasimham Sir. Is the TDR being given importance like the land pooling scheme has been given?

Mr Tarun Kapoor: So far, TDR has not happened in Delhi, it is popular in Mumbai. We are thinking of introducing that in Delhi also. It will be there in land pooling policy because there are certain things which you want to do but they cannot happen without allowing transfer of the FAR. We are at a stage where we are working out the details because we don't want it to be misused. So, TDR will be there.

Ms Gurpreet Kaur: And Sir, what about APCRDA?

Dr L Narasimham: In Andhra Pradesh, we are using TDR from 2012. As on date, I am saddled with that scheme because it was not properly formulated. In Navi Mumbai and Mumbai, the scheme is implemented in a different manner. They have FSI 1:1 and 1:1.5 for commercial and residential (plots) but in my state, there is no upper limit on FSI, only setback is the norm. Initially, we offered 1:2 as a multiplier but presently, it stands as 1:4. If they give us 100 square yards of land, I'll allow them 400 square yards of land worth of value either for two extra floors, subject to setbacks of constructed area, or they can take the benefit of open-land tax, etc. And, it can be sold directly in the market like carbon credits. This has created a problem for me. I am just calculating the amount of money that I lost in the form of tax that is payable to the APCRDA in the past six years. This runs into crores of rupees because even one square yard of land in a developed area will be valued at Rs. 37,000–57,000 to Rs. 1 lakh per square yard, and I have to allow four times of that. A case has come to my notice, yesterday, 4000 square yards is given for the sake of a 100-foot master plan road. Additionally, they were offered a constructed area of 41,800 square feet. So, you can understand the huge impact of it. He is selling that piece by piece and

requested my Government to revisit the policy and come up with a sound policy or abolish the TDR option. We are mainly using it for master plan roads.

Mr R R Rashmi: Any other question?

Dr Chhavi Ankita: I have been working in various projects – linear as well as non-linear. Recently, I was working on Satna Smart City project in Madhya Pradesh, which has a provision for land pooling. But, neither the Government bodies nor us, the practitioners, were aware of land pooling. Even Madhya Pradesh does not have that policy. Only a few states have been practising this.

Mr R R Rashmi: What is your suggestion or question? You are suggesting that Madhya Pradesh should have land pooling policy?

Dr Chhavi Ankita: No. I think, if State governments are proposing land pooling type of concept, they should explain it clearly so that everyone understands it. As a practitioner, I want to know whom to approach to understand the concept as well as the whole process and the proportion in which land will go to the people and be kept for developmental purposes.



earning a handsome amount. Even if I purchase the land directly, it will not cost so much to me. (The ratio) 1:4 is a very dangerous multiplier, even without FSI. So, I have

Mr R R Rashmi: Certainly, her point is valid. It is a matter of creating awareness. The State governments must be able to disseminate the information as much as possible.

Like, in the case of Delhi, you must be facing a similar problem. How to create more awareness about the intent of the Government?

Mr Tarun Kapoor: First of all, the Government has to have a clear policy on this. Then, there has to be a mechanism to reach out to people. In the states, there must be some Government functionaries dealing with this, probably you can approach them, they will be able to tell you. I am sure that in Madhya Pradesh also, something would be there.

Dr Jignesh Mehta (intervening): Sir, I am Jignesh Mehta. I am a Professor at CETP University, Ahmedabad, and we have been working with Madhya Pradesh, specifically, Bhopal for their development plan. Actually, the Madhya Pradesh state does have a provision of something called TDS, which is Town Development Scheme, in the Act. And, through that, the Government has been implementing some of the schemes in Indore and Bhopal. The only issue is that those schemes have not really been well received because the land deduction that they end up making is almost 70%, and in some cases, even 80%. So, the individual landowner will lose land worth almost 70% or 80% from his or her parcel. That is why, in general, it has not been acceptable. However, the Madhya Pradesh Government has been looking closely at their whole policy and the Act, and they are also planning to amend the Act. Already, research is going on and, I think, there is a lot of effort happening on the ground. Maybe, if you contact the director of the Town and Country Planning Department, he should be able to answer that question.

Mr Anil Sharma, National High Speed Rail Corporation: My question is that land pooling seems to be attracting attention for area development, but does any state have an idea of land pooling for linear projects which run for 500 kilometres, like the express highways, highways or the railway projects? Do we have any such system under which we have done some exercise in land pooling?

Mr R R Rashmi: Mr Narasimham, would you like to respond?

Dr L Narasimham: We have a separate Land Acquisition Act for linear projects like railway lines and national highways.



Mr Anil Sharma: That's a separate topic. That does not have the option of land pooling.

Dr L Narasimham: You can go for land pooling. In my state, we are using land pooling as an option for the sake of master plan roads. But, in one particular road which I attempted, 87 persons have taken the TDR bond and handed over their land, four fellows refused to give land, and the road is not completed even today.

Mr Anil Sharma: But, how will you hand over the developed land to them?

Dr L Narasimham: We give them the TDR bond (1:4) by quantifying the extent of land that they are surrendering and the value of that land as per the registration value. We offer them four times of that value which can be taken either in the form of extra floor space, they can add two additional floors at the time of construction, or pay the 14% open-land tax etc. benefits which they are supposed to remit to the Government. They can set off the TDR bond against the payments levied by the CRDA.

Mr Anil Sharma: Sir, actually the linear projects mainly happen in green-field areas where there is absolutely no development, as we have found in a majority of areas. We try to avoid all habitat sections. In those areas, how will you come up with these TDRs?

Dr L Narasimham: The problem with TDR is that you can take only the road-affected portion of the land of a person. You cannot announce the general area where you want to lay the road. We have attempted it near

Vijayawada town where 87 persons cooperated while four fellows refused to hand over the land. So, the entire process has come to naught. Unless I convince those four fellows with negotiated policy or some other method, it is difficult to complete the project. Unless you complete the project, the TDRs that you have given are eating away the revenue. That's why, you'd need a different approach towards linear projects by land pooling or by TDR method.

Mr R R Rashmi: Thank you. I see Dr N C Saxena in the audience. Would you like to make any comments, Sir?

Dr N C Saxena: No, I came only half an hour ago. Some years back, I had read that in Delhi, a farmer who has got less than five acres of land cannot sell his land and become landless. Has that rule been changed? Because, when you are developing Delhi, farmers should also gain. Farmers are quite educated and aware of market conditions. Why should a marginal farmer not be allowed to sell his land? The same thing was true of Uttar Pradesh also, where the limit was, I think, 3.125 acres. So, if you hold less than that, you cannot sell the land. Have all these rules also been changed or not?

Mr Tarun Kapoor: Sir, under the Delhi Land Revenue Act, eight acres is the limit, a farmer can't sell less than eight acres. But, when an area is to be urbanized, then that area is taken out from the DoLR Act and declared urban. So, when an area is declared urban, the DoLR Act doesn't apply and then the farmer can sell. We have already done that in all the land pooling areas. Most of Delhi is already urbanized, a few villages are now left.

Dr N C Saxena: What about Uttar Pradesh. Anyone from UP?

Mr R R Rashmi: In the audience, is there anyone from UP who can shed light on this? A gentleman raised his hand at the end.

Mr Sanjay Pradhan, RITES Limited: Sir, I have a question for Mr Tarun Kapoor. Sir, my question is, what social benefits have been offered by Delhi Development Authority to the farmers whose land is being acquired in land pooling schemes?

Mr Tarun Kapoor: See, first of all, under land pooling, we are not acquiring land, the landowner himself is part of



the development. So, he remains the owner of the land, only, he surrenders 40% of the land for infrastructural development. When the whole area gets developed in the form of urban area, automatically, the value of his land goes up. We don't have a fixed model also. There could be a model where the consortium, comprising all the landowners, decides that everyone participating will get back 60% of their land in the form of developed residential plots, which they can sell, or, they can decide that the consortium sells the land and the money goes to them.

There could be so many models which mean that the farmer will stand to gain economically. Currently, if he were to sell his land as agricultural land, he may get, say, Rs. 2 crores or Rs. 3 crores or Rs. 4 crores per acre but if the area gets developed, then, the return from the same land may be even up to Rs. 30 crores, Rs. 40 crores. The prices may go up 10 times, they may go much higher. It is up to the consortium to come up with a formula where the income comes over a longer period of time and the farmers don't waste their money and they are able to sustain themselves. The development of the area could also lead to employment generation for them because there would be a need for some commerce, there would be a need for certain other goods and services. That also gives a lot of opportunities to farmers. So, generally, there would be a lot of economic benefits. As far as social benefits are concerned, social benefits also come with economic benefits because the quality of life becomes better, better facilities will come, there'll be better education, good schools will come up, because, it will be planned development. So, all types of infrastructure will



be coming in that area. In our plans, we are also creating some areas where very large hospitals will come up or very big universities will come up so that the whole area will gain.

Mr R R Rashmi: Perhaps, we have time for one more question and that will be the end.

Mr Gautam Singh, RITES Limited: My question is, whether there is any scope of merging corporate social responsibility (CSR) with land pooling policy in the implementation of development projects?

Mr R R Rashmi: Anyone who would like to respond?

Dr L Narasimham: So, like this gentleman had introduced the industry angle, when the private entrepreneur will go for land pooling and do development activity of some economic nature, obviously, CSR will come in. If it is a Government initiative, the question of CSR will not come.

Dr M K Bimal: In our airport projects, of course, land pooling and land acquisition are done by the state authorities, but when we start developmental work there, we go for CSR. We are doing very specific CSR projects in nearby areas of all the airports. These are in health, education, and other sectors. It is well implemented and much appreciated.

Mr R R Rashmi: Okay, we have now come to the end of this session. We have heard the eminent panellists and we have also heard the Vice Chairman of DDA. I thank them for their contributions to the discussion. As the Vice Chairman, DDA mentioned, they have come up with this concept for the first time which allows, in a very flexible manner, the landowners to come together to develop the land for public benefit. Of course, he sounded a word of caution about the development of infrastructure there, because, unless you are able to mobilize enough public resources in advance to develop the infrastructure or levy

the external development charges on the landowners, there will be uncertainty. You have to think of either of these two options and bring a balance. So, the test of the policy lies in the ability of the public agencies to mobilize finance for the development of the infrastructure and then get the consent and (win) the trust of the landowners. Of course, there is a threat, you know, if you don't immediately use the land that has been arranged, you will invite encroachments. And then, the assets will go down the drain.

Dr Narasimham talked about the successful implementation of their land pooling project in Amravati. It is commendable that they have been able to get the land in such a short time for the development of the capital. But, of course, he did point out that there are problems. At least, there are two villages which are yet to participate and those are the islands of disputes. He has achieved 98% participation, but still, there are problems. So, in a project of this nature, you will need to find ways of smoothening the rough edges.

As the industry representative, Mr Dugar pointed out a number of improvements that are required. For example, he talked about the extra development charges and the need for a stamp-duty neutral approach. These costs have to be borne by the landowners or the industry right at the beginning of the project and it may affect the viability of the project.

Also, once the stakeholders participate, they should not be able to withdraw at will. There must be some mechanism for ensuring mandatory participation which will reduce the cost and which will bring certainty to this scheme. So, some improvements are required.

Last, but not the least, the Airports Authority representative recommended a broadly uniform nationwide policy. Obviously, you can't have a single policy across the country but it can be broadly consistent with the state requirements and different circumstances. But the basic message was that, we need to remove discrepancies and uncertainties from the scheme so that we are able to develop public trust in the scheme. That was the fundamental message which Mr Narasimham also gave at the beginning of his presentation. So, thank you very much, Tarun (Kapoor), for your presence here. You have given us your precious time and other panellists as well. Thank you.

Dr Preeti Jain Das: Sir, we will break for tea now and will assemble again to listen to Dr Jignesh Mehta.

Mr R R Rashmi: Why don't we invite him now?

Dr Preeti Jain Das: Sir, first, Mr Kapoor has to leave, and the tea is also getting cold.

Mr R R Rashmi: Once we take a break, the chain of thoughts gets broken. We may allow him to leave but I think we should have the presentation and then break for tea. Anyway, I am in the hands of the audience.

Dr L Narasimham: Once this discussion gets over, we can break for tea, ma'am. And, you are forcing Kapoor Sahab to leave immediately, even when he doesn't want to.

Mr R R Rashmi: So, what's the decision of the organizers? Do we break for tea now?

Dr L Narasimham: Not the organizers, the public.

Mr R R Rashmi: I think we should hear Dr Mehta and then break for tea.

Arunima: Definitely, this is the time for the academia to weigh in a little more.

Dr Jignesh Mehta, Adjunct Associate Professor, Faculty of Planning, Centre for Environmental Planning and Technology University, Ahmedabad



I know that I am the last speaker and you are getting ready for tea. So, I am not going to take a lot of time. First, let me thank TERI for inviting me here and also the panel members. I think, we have had a fascinating discussion. I

come from the academia, I teach urban planning at CEPT University in Ahmedabad and am the Chair for Masters in Urban Planning Programme. Just one of the quick things that I wanted to really mention is that we've been talking about land pooling, land re-adjustment model since morning.

We have heard that Gujarat has been working on the land pooling and land re-adjustment models since 1950 and this experience has been mapped by the Ahmedabad Urban Development Authority (AUDA). Almost 450 square kilometres of area has been developed through different land pooling and land re-adjustment schemes. So, this mechanism has been there for long and it has been replicated multiple times. If you really want urban India to develop in an organized manner, the land pooling approach has to be replicated. The land pooling mechanism can be used for multiple purposes. Since morning, we have been talking about linear developments like Metro Rail or High Speed Rail, which require project-based land acquisition. So, that is one area where you can adopt land pooling.

The other is urban development, which Mr Tarun (Kapoor) was talking about. Also, Mr Narasimham has been talking about how you really use the land pooling and land re-adjustment mechanisms for urban development. I think, there is a need to distinguish between these two purposes. One is use of land pooling for project purpose, the other is land pooling for urban development. And for both the purposes, your approaches may have to be a little more nuanced. Not only this, where you are doing land pooling is also an important consideration, is it in a prime urban area or is it on an urban fringe, or is it in rural area? And, based on that, your techniques, such as the way you make land deductions, how much land you take from individual owners, will vary. All this has been experimented very well in the Gujarat model.

Let me provide you with a bit of the planning context. In India, our cities have been developing in four different ways. One, you have development but absolutely no plan, market drives the development and, depending on the market, the city keeps growing, typically, along the main roads, along the areas where you see some important projects coming up. Here, the market will



drive the development. So, it is a kind of laissez-faire, there is no plan, it is market-based.

Second, some cities have some plans which are called 'master plans' or 'development plans'. These are macro-level plans where you are, essentially, creating a framework of road networks and different zones and saying that in these zones, the development will be permissible. But no one is really doing the micro-level planning within that, meaning that there is an overall vision, '*yahan par itna development hoga*' (there will be this much development here) but beyond that, what will be its impact on individual landowners? That is really done with three or four different tools. One is the zonal development plan, for example, Delhi. Delhi used a zonal plan, which is a statutory mechanism under the master plan. You are supposed to prepare different zonal plans which are sub-area plans under which you prepare different sectors and layout plans. This is very much a top-down approach where the Government, DDA are responsible to acquire the land. Historically, this is what has been happening. So, it is an acquisition-based model – urban development and urban planning through land acquisition.

Now, being the capital, the Delhi planning model has influenced a lot of other states. So, states like Madhya Pradesh, Rajasthan, Uttar Pradesh have developed like (on the lines of) the Delhi model. First, they make the master plan, then the zonal plans, the sector plans

thereafter, and assume that the authority will acquire the land, prepare the layout plans, and develop that as a developer. This is one model.

The other model, which has been adopted by Gujarat and Maharashtra, is that you make the master plan, overall plan, and then you go for town planning schemes. All areas in Ahmedabad have been developed through town planning schemes. So, micro-level planning is done through town planning schemes, where the rights of individual landowners are marked and recorded and then, they do land pooling and land re-adjustment. Let me also clarify the distinction between land pooling and land re-adjustment.

Since morning, we have been talking about land pooling. Land pooling is where you pool multiple land parcels into a single land parcel and you say that now we'll plan this area, we'll put infrastructure. There, you are not doing land re-adjustment. Land re-adjustment means that the same plot is reshaped. So, (between) land re-adjustment and land pooling models in town planning schemes, in Gujarat, (there) is land re-adjustment model which, essentially, means that you are identifying the areas where all the land parcels will be planned together. The plan will first identify where the roads will be, where the infrastructure, green spaces, public amenities will be and, based on that, the plots are reshaped. After taking 30–40% of the land, plots are reshaped in such a way that they all become regular-



sized, they all become developable. And then, those reshaped plots are given back to the individual owners. This accounts for the success of the scheme, because, now the individual landowners are getting 60–70% of their land back with provision of infrastructure, so each and every parcel gets direct access to road. They also get parks and open spaces in close vicinity and their land value goes up. Of course, they lose 30–40% of land but the land value goes up significantly, and they also get reshaped parcels, which are developable.

So, these are the development plan (DP) and town planning (TP) models. The DP and TP models in Maharashtra are driven by the Government, meaning, the Government plans the town planning schemes. Now, there is another version of that model that you have started seeing in India. The example is Magarpatta. In Magarpatta, similar land pooling and land readjustment have been done through the private sector. Now, if I just re-describe the models, one is laissez-faire, which is a market-based approach, second is the master plan or development plan-based framework, third is the master plan and zonal-level plan, and layout plan, which is the Delhi model and, fourth is the Gujarat, Maharashtra model which follows the DP, TP schemes. Another version of that is the privately done land planning schemes – the Magarpatta model. Now, in that spectrum, I will put the recent experiment that is being done in Delhi. Delhi is a very interesting case. Delhi is saying that, so far, 'we were following the master plan,

zonal plan model, where we had to go and acquire the land, but, since the LARR Act came, it has become very difficult for us to acquire land. So, let us try out another model, which is the land pooling model.' And, Delhi has really said that, no, 'we are not going to take up the same model as Maharashtra and Gujarat, which is a Government-based TP scheme, but we will be a little bit more open. We will be a little bit more liberal and allow the private sector to do the TP scheme, to do that land pooling scheme, which is, kind of, similar to the Magarpatta model.' In that sense, Delhi's model is bit of a hybrid between Gujarat and Magarpatta.

Of course, Mr Tarun (Kapoor) very rightly said that the Delhi land pooling model is an experiment and there are a lot of ifs and buts, and many possibilities and probabilities will emerge. So, it has to be seen whether the model can become really successful or not. I think, the real success of any land pooling scheme can be measured by two or three things. One, it has to be replicable. Mr Narasimham talked about the Amravati model, it will be very interesting to see if the same model can be replicated for other cities. If it can be done, then it can make a real difference on ground in planning and developing our cities. Second, whether it can give equitable benefits to the landowners and is also financially viable for the authorities. Because, you cannot give benefits to individual landowners only, it has to be financially viable so that the authorities can bear the cost of infrastructure. So, financial sustainability is an important criterion. Third, all of these have to be inserted in the Statutes, meaning that you have to look at the Acts and amend them, if required. In this context, I think, the question that came for Madhya Pradesh was very valid. Madhya Pradesh is dealing with that question right now. They are saying that we have a Town Development Scheme mechanism but that has not really been working because we end up taking 70–80% of the land from individual landowners and they are not really happy.

The other issue that the landowners are raising in Madhya Pradesh is that, after taking that 70–80% of the land, the parcels which are given back to individual landowners are divided into smaller pieces. There, the authority behaves like they are the developers, they will identify

what the parcel size should be, irrespective of whether the market there is for high-rise development or low-rise development. They may just cut off the parcels like they are cutting parcels for bungalows. In the Aerocity Scheme in Bhopal, the land being given back to the individual landowners are small in size. The landowners are saying that there, the market is for apartments and you are giving them small plots, so 'how can we really develop that'? Since the authority is required, under the Act, to give the infrastructure, they have already built the roads and laid the underground infrastructure. They have incurred all the expenses but now, the area is not developing, so, the authority is not able to generate income. So, the amendments in the Act and rules, and the guidance that is given by the Government to individual authorities become very important.

I think, I will conclude now. If you have any questions, we can continue to discuss. Thank you so much.

Mr RR Rashmi: Thank you, Dr Mehta. I wish this academic conceptual framework which you have brought was available to us right at the beginning. We would have been able to discuss the schemes from a better perspective. Nonetheless, if there are any questions you can direct them to Dr Mehta.

Dr L Narasimham: Dr Mehta mentioned about replicability. In Andhra Pradesh, we are now expanding the land pooling initiative. As I told you, the expansion of runways by the Airports Authority of India has been done using this model. Now, in all the urban development authorities, we are trying to take land by pooling method to provide 25 lakhs of houses to the landless poor by the coming New Year festival in Andhra (Pradesh), which is 5–6 months away. That initiative is on, the Government is making all the efforts, we have to wait and see how much success we'll achieve in that.

Dr Dimple Tresa Abraham, Research Associate, Centre for Women's Development Studies: Thank you to all the panellists. My question is to Narasimham Sir. I work at an organization called Centre for Women's Development Studies, so, I have worked a bit on The RFCLARR Act. There, when you give cash compensation, it is to be deposited in the joint bank account of both the spouses.



So, there is nothing in kind. Since you are giving back in kind, land pooling offers a much more equitable compensation and an inclusive form of compensation. What I want to ask is, what proportion of land was owned by women because we don't have much of land ownership by women. When you give back the developed land, do you give it in joint names? When you give Government land to a landless poor, as you are saying, it should be in the joint names for the household, landless family. In the case of land pooling, because the ownership is of a male farmer, naturally, you may have to give back in the man's name only. Do you have any provision for giving it in both the husband's and wife's names?

Dr L Narasimham: See, for 20 years, all the benefits from the Government schemes have been going in the name of the houseowner's wife. The woman is given importance, be it house sites, or house units, etc. So, in the land pooling policy for the capital city, we give three options to the land contributors to choose from. These are, either, individual patta or joint pattas with spouse or with four or five fellows, who have contributed small parts of land to have a single land parcel like 25,000

square yards. You can understand, 25,000 square yards is more than five acres of land at one place, so they can have good development by convergence method. Four or five persons, who have contributed land can, among themselves, decide to become partners for that five acres of land. So, giving land exclusively in the name of women has not happened but women have got sizeable number of returnable plots. If you want the details, I can share them with you.

Mr R R Rashmi: Okay, may be, this will be the last question.

Ms Gurpreet Kaur, Assistant Director, Association of Municipalities and Development Authorities: I have this question for Jignesh Sir. As we know, the unauthorized colonies in Delhi are being given authorization and ownership, etc. How can we think on the lines of land re-adjustment for those unauthorized colonies in Delhi?

Dr Jignesh Mehta: First, let me say that dealing with this kind of informal settlement is not directly connected with land re-adjustment. Generally, land re-adjustment and land pooling are done in green-field areas, whereas, what you are talking about are brown-field areas. Gujarat has developed different mechanisms with brown-field areas. It is called 'local area plans', the LAP scheme. Essentially, in local area plans, you deal with existing developments, understand and record the developmental rights of people and then, incentivise re-development to re-organize that area. In that case, there are different kinds of ownership. One is the formal legal ownership of individual landowners, the other is formal legal ownership of multiple owners on a single plot, such as apartments. Third is this kind of informal ownerships where you really have to get into the details of how many people have been living or occupying that area, so, basically, you do slum surveys. And then, you have to figure out whether they should be relocated exactly at the same place or should they be located at a different place in the vicinity, whether that area is liveable, because, a lot of times, the slums are in flood-prone areas. So, this is how you have to decide where they should be relocated and what kind of housing should be given to them. Schemes like PMAY (Pradhan Mantri Awas Yojana), for example, actually provide

the funding. So, you need to figure out a planning mechanism through which you can decide where they should be located and how they should be located and, then, how they will be funded. That is where the different kinds of Government schemes are generally helpful. So, it is a bit longer answer to your question and probably, it is not directly connected with land pooling but there are ways to deal with that.

Dr L Narasimham: I will add to that. We also have these unauthorized settlements in Andhra Pradesh. The purchaser will purchase small parts of land in unauthorized layouts, which don't have any kind of permission. The Registration Act of 1908 does not prohibit unauthorized layout registration by virtue of which a registrar is forced to register any document that is brought before him, whether it is in square yards or in acres. In order to counter this problem, we are contemplating bringing a legislation to prohibit unauthorized layouts being registered by the registration authority. Though the registration deed is only a deed transfer and not a title transfer, still, people blindly believe that, because they are paying the registration charges to the Government, it is a title. It is





only a presumption to the title, so, we are trying to curb the practice in the coming days.

Mr R R Rashmi: With this, we have come to the end of this session. I thank the panellists and the speakers once again, in particular, Dr Jignesh Mehta who volunteered to speak at the end. Thank you very much. And, thanks to all the participants for your patience and for having foregone your coffee break. Thank you very much.

Arunima: Before we go for the coffee break, sir, I would like you to hand over the token of appreciation to our speakers.

Mr R R Rashmi: Okay.

Arunima: With this, we come to the end of Day 1. I request the participants to assemble here at Jacaranda Hall tomorrow at 9:45 am. Dinner will be served from 6:45 pm on the 5th Floor, TERI Building. And, now, we can break for tea.



SESSION 3

LAND POOLING: SHARING EXPERIENCES OF IMPLEMENTATION

Ankita: Good morning. On behalf of TERI, I welcome you all to the second day of the international workshop on 'Land Pooling Policy: Paradigm for Sustainable Development'. We will now start with our third session, 'Land Pooling: Sharing Experiences of Implementation'. But before proceeding with our session, I would like to make an announcement. I would request you all to kindly fill the suggestion form and the feedback form that you got in the bags during the registration. Kindly give them back to us at the time of receiving the participation certificates. I now request our esteemed panellists to come on the dais. I would like to call upon stage Dr Prodipto Ghosh, Mr Ravi Aggarwal, MD, Signature Global India Private Limited, Mr P L Sharma, Chief Town Planner, Gujarat, Mr Tashi Penjor, Chief Urban Planner, Kingdom of Bhutan, Dr Sudha Shrestha, Head, Department of Architecture, Tribhuvan University, Nepal, and Ms Parul Agarwala, Programme Manager, UN Habitat. The session will be moderated by Dr Prodipto Ghosh, who is a Distinguished Fellow at TERI. He is also a member of the Scientific Advisory Council of the Cabinet and Governing Council of the Indian Council of the Social Science Research. He has earlier been a member of the National Security Advisory Board, PM's Council on Climate Change and G20 Advisory Group of the Ministry of Finance. We will start our session with the keynote address by Mr Ravi Aggarwal.





KEYNOTE ADDRESS BY MR RAVI AGGARWAL MD, SIGNATURE GLOBAL INDIA PRIVATE LIMITED

Good morning, friends. Today, we will discuss the land pooling policy of Delhi. An important decision taken by the Government, this policy has been the talk of the town. Many people are talking about its pros and cons, and then, there are some who are highlighting a few issues.

The land pooling policy has been used in several cities to acquire land for development such as Amravati, the planned new capital of bifurcated Andhra Pradesh. Delhi is doing it differently, instead of the Government acquiring the bulk of the pooled land and then contacting developers, the state will simply act as a middleman. Delhi's land pooling policy aims to provide 70 lakhs homes to the population of around 76 lakhs residents in the areas that have been marked by the Delhi Development Authority. Drafted by the Development Authority under the Master Plan 2021, the scheme is applicable in 95 urban villages. These villages have been divided into five different zones. In my opinion, this policy was much needed as many people want to have good

housing in Delhi and developers were looking for land parcels where they can come up with quality housing solutions. I would now request Dr Ghosh to take the proceedings forward. Thank you.

Dr Prodipto Ghosh: We will now have the presentations by the panellists. Mr P L Sharma has to be in the Ministry of Urban Development (this morning), so I would actually promote him up the order and ask him to speak now. We will, then, have the other speakers in the same sequence. We are supposed to have a tea break at 11:15 am. We will have the tea break irrespective of who is the speaker at that point in time. So, Mr Sharma, you have the floor.

Mr P L Sharma, Chief Town Planner, Gujarat



Good morning, friends, Dr Ghosh, dignitaries on the dais, participants from different states, and delegates. I have been working in the Government of Gujarat at different levels, of which, 12 years have been spent as the Chief Town Planner and as Joint Secretary in the Government of Gujarat. As of today, I am not with the Town Planning Country Department but with Gujarat Infrastructure Development Board. I will speak of my experiences of 30 years on what Gujarat has been doing. I will be more interested in questions because I would like to share these experiences with others.

Now, how did Gujarat manage the growth of bigger cities? About 60% of the municipal area of the eight big towns have been managed with land pooling. Presently, Ahmedabad has sanctioned schemes for 159 square

kilometres and schemes for an additional 120 square kilometres are under preparation. That will amount to almost 80% of Ahmedabad, which will be covered by land pooling. Same is the case with Surat. In Baroda, it is a bit less, almost 38 square kilometres. But, again, more steps are being taken for Baroda, Rajkot as well as Gandhinagar. Of course, Gandhinagar was built on acquired land, we are applying land pooling to the periphery of Gandhinagar. Jamnagar is a small town but schemes for almost 10 square kilometres have been sanctioned and another 20 square kilometres are under planning.

In big cities, almost 33% of the land for infrastructure, of which 60% is circulation space has been made available through land pooling. That's where the cities of Gujarat are, I mean, if you compare Ahmedabad to Bangalore (now Bengaluru) or other cities, they are quite dense, they are not widely spread. Land pooling was started in 1920–30 with four schemes but in the decade of 2010–18, almost 1438 schemes are under implementation and 420 schemes are under planning. The size of town planning (TP) schemes, under which land pooling is done in Gujarat, varies from 100 hectares to 2000 hectares. We refer to it as TP schemes so, in my talk, you will be hearing the word 'TP schemes'. In the scheme, about 25–50% land is taken for infrastructure and 50–75% is returned. The success of the Gujarat model lies in the fact that we do not intend to compensate but to cooperate. We cooperate with landowners in providing business opportunities, by giving at least 50% land back, least is 50%, we can return more land. Through land pooling, we have acquired almost 158 square kilometres for infrastructural purposes across the state.

Why is Gujarat land pooling effective? To start with, it is cooperation not compensation that is where the difference is. Compensation, basically, doesn't create trust because some gain and others lose. I mean, some people gain but there are 100% losers. And, the best part is that Gujarat has a robust legislation. In 1915, the Bombay Town Planning Act was passed, which was amended in 1955. Then, the Gujarat Town Planning Act came into existence in 1976, which has been modified almost 14 times. It is likely to be modified soon.

Why have we amended the law so many times? In 1915, we started with infrastructure development and improvement of areas, now, in 2019, we are into creating wealth and business. So, whenever required, the Government of Gujarat makes modifications. Since its inception, the law has taken care of all the three aspects – planning, planned finance, and planned implementation. Normally, planning is separated from budgetary allocation, which is separated from plan implementation. However, the Gujarat Act has all the three components, so, the authorities can deal with them more effectively. Then, there are micro-level planning and macro-level planning issues also. The building of infrastructures is taken up comprehensively. Most importantly, it is a cost-centred approach. Every TP scheme or land pooling project itself is cost-centred, I mean, whatever is earned, it is spent in those areas only.

Normally, for projects in municipal areas, some areas receive budget allocations while others are deprived of a proper budgetary allocation. But the Gujarat Act very clearly says that it is a cost-centred approach and the entire area of the project has to be developed. It is pragmatic, fair, and equitable. The property rights of every owner, including a beneficiary, are taken care of, costs are distributed and benefits are also shared. That makes it more cooperative. Of course, it is often said that the Gujarat TP schemes take a pretty long time, in many cases, it has taken almost three to four, five years also. But no issue is left out once it is completed, (be it) title issues, encroachments, or any such issues which can really put the infrastructure projects on hold.

Land pooling is a versatile tool to achieve different objects. We use it for all the cities. Typically, our cities have a population of less than 50 lakhs. Ahmedabad has a population of 60 lakhs. When Kutch was devastated in the 2001 earthquake, this tool was used to build the cities. In coastal areas, where we have cyclonic storms, TP schemes are used for reconstruction. Same is the case with southern Gujarat, which has flood-prone areas. They are also dealt with the same tool. The same tool is applied in Ahmedabad, which is a high growth area.

Through land pooling, we have constructed ring roads, smaller roads also, utility services like water

supply, treatment plants, sewage treatment plants, etc. Redevelopment and retrofitting for high density areas have also been taken up through land pooling. In the case of Ahmedabad, land pooling and local area plans have been used for retrofitting from 1.8 FSI to +5 FSI today.

In eastern Ahmedabad, there were high levels of encroachments and illegal constructions, and there were no roads. The area was developed through TP schemes. Similarly, after the earthquake in Kutch, the cities were totally shattered. Streets that were three feet wide were widened to 20 feet and new houses were constructed. Then, the Kankaria riverfront development was a result of land pooling. These are a few examples where project-specific land pooling has been done.

Then, Gujarat has also adopted land consolidation. One of the classic examples is Pandit Deen Dayal University in Gandhinagar, where the university land was carved out through TP schemes. Of course, land consolidation has also been applied in Surat and Baroda. Land pooling is also adopted for the entire housing programme in Gujarat. All the funds coming from the Government of India for housing are being spent, the land is made available through land pooling in urban areas. We do not have much experience in rural areas. Land pooling accounts for 43% of all land-related development, it is going to increase to more than 50% in a short period of time.

Now, it's not that we do not have problems. It is a demand-driven process, so we cannot have TP schemes easily in urban areas where there is no demand. We have tried land pooling in far flung areas but, ultimately, we had to withdraw those schemes. For cities, 100 to 300 hectares of land is suitable for drafting the TP schemes. So, identification of area and size are important criteria at the project level, also, attention has to be given proportionately to the beneficiaries. We also have to keep in mind the reality of the caste system. There are high-low income group communities, so the heterogeneous character of communities has to be taken into account while carving out the areas of TP schemes and the housing typology.

Another thing is that we do not incorporate railway land, defence areas or areas which are protected in the



TP schemes, though, the law does not prohibit it. Then, Gamtal, what we call downtown areas in Gujarat, and waterbodies are also left out to retain the character of the scheme. It is important to note that if care is not taken in delineating the boundaries of TP schemes, problems may arise. A lot of litigation has happened over the boundaries of TP schemes.

Then, most important is the accuracy in mapping. Inaccurate maps at the start of a TP scheme can lead to several issues and when I referred to the delay of 4–5 years, it is primarily because of mapping and cadastral maps, and ownership records. Here, I would like to clarify that TP schemes or land pooling in Gujarat do not alter any aspect of ownerships records. Whatever ownership records are there in the original land, they continue to be (so) in the reconstituted plots. If there are disputes in the original land, the disputes continue to be (so) in the final plots also. Care has to be taken to make sure no beneficiary or owner or occupier, whosoever it maybe, is left out while addressing the grievances. The owner-and-beneficiary relationship is also most important. Many times, the compensation for the loss of land, whatever one loses, goes to the beneficiary and not to the owner. So, often, questions are raised as to who gets the compensation.

It is also our experience that when a TP scheme has smaller parcels and larger parcels, there are issues. You deal with a person who is having 10 hectares of land and another who has 1000 square metres, that difference, ultimately, leads to issues which are difficult to deal with.



Now, we come to the allocation of final plots, meaning, after the 40% deduction, the layout is created in which the final plots are allocated. There are always issues here. There are charges of corruption, also, there are charges of improper parity, there are issues regarding the shape, size, and location as well. These days, we have started equitable potential deductions. The shape, size, and location, ultimately, lead to potential benefits or potential loss. We have also developed the manpower skills. The Town Planning Department of Gujarat has almost 400 planners, they are all properly trained, because, ultimately, they are the people who are going to deliver on the ground.

Normally, it is often felt that a lot of land goes to the Government. I think, in Haryana, 70–75% of land is taken by the Government. But, allocation of a large extent of land for infrastructure to the local authority is a problem. The land taken should be appropriate. We should not insist on having more land for infrastructure. In Gujarat, the upper limit is 40–50%. In no case have we exceeded 50%, except in Surat, where in one case, we have gone to 60%.

Then, inclusivity and participatory approach is required. A classic example is Amravati where the inclusivity and participatory process has been of a very high order. In Gujarat, we do not have much of that. But, we don't face trouble because we have had TP schemes for more than 100 years. So, people have accepted it. Nevertheless, in the last 5–6 years, the demand for inclusivity is increasing

and Gujarat is also learning how to bring more inclusivity from Amravati.

The most important issue is valuation. Gujarat is fortunate to have Town Planning and Valuation with one department. The Gujarat State Town Planning Valuation Department deals with valuation of Government lands as well as town planning of the cities. Valuation is important for the assessment of compensation and the enhanced value of the land, which is being returned to the owner. This is often a cause of dispute. A few cases from Gujarat are pending in the Supreme Court, where the valuation has been challenged. And, since the time the LARR Act has come into effect, land valuation is being equated to the provisions of that Act. This has given rise to the issue of land valuation. Of course, once we say that land pooling creates business opportunities then no one is interested in compensation in Gujarat. The value of the land returned is much more than the compensation received.

At present, 420 TP schemes are in place at 56 offices in Gujarat. We have strong manpower to deal with legal issues. There are more than 500 cases of land pooling which are pending before the High Court. But, our Act is quite robust, so we hardly lose any case in the High Court. But, the court usually says, the Town Planning Officers or the Government should conduct proper hearing, they should listen to the owner. Cases are going up in court because, many times, the officers do not listen to the owners. The officers at the lower level are, often, quite insensitive. This is also due to their lack of experience. Unfortunately, in Gujarat, there has been no new appointment in the last 15 years. So, on-the-job training is lacking. For states that are opting for land pooling, it is important to have adequately trained manpower. Otherwise, there will be a lot of litigation.

It is critical that schemes are finalized and sanctioned in a timely manner. Many times, it happens that, out of 300 landowners, the owner of one parcel of land keeps creating trouble till the TP scheme is sanctioned by the Government. So, you need to give proper opportunity but not so much opportunity that he (the owner) keeps pestering you till the TP scheme gets sanctioned by the Chief Minister. Many officers become too sensitive



in dealing with the owners, others are too insensitive. In both the cases, it creates problems. Manpower management is most important, at least, in the case of Gujarat, where we have TP schemes in 50 towns, these have a population ranging from less than 50,000 to more than 50 lakh people.

Then, the updating of revenue records is necessary. But in Gujarat, it is not being taken up on a priority basis. Yesterday, it was being discussed that updation of land records should be taken up by states on a mission-mode. I don't think that it will ever happen. We do not look at entire Ahmedabad, it has an area of 1200 square kilometres, we are not trying to improve the entire revenue records of the 1200 square kilometres. So, as and when you require land pooling, you update the land records of the identified area, it may be 100 hectares, 200 hectares. That is how we do it. I think, the Revenue Department has enough manpower to deliver that job. That is why it is a balanced approach.

Then, timely demarcation and handing over of the final plots is a must. If we do not implement the schemes on time, encroachment will happen. Good planning but poor implementation leads to nothing. We have the certificate of tenure-ship that is specific to Gujarat, but I will not go into the details. Timely monetization of the 6–7% land that is available to the authorities for sale is important. Experience shows that authorities, including, the Ahmedabad Development Authority, do not dispose the land quickly. Ultimately, this land is meant for

creating the infrastructure. Today, different authorities are holding almost 30 square kilometres of area that is meant to be sold. We have found in Gujarat that it is difficult to dispose Government land. The officers lack experience, so, they see to it that land is not sold during their tenure. They believe that their successor should deal with the subject. Allegations are always there but timely disposal is most important. We also have the land disposal policy.

Last, in Gujarat, authorities are holding almost 4000 plots. Almost 3000 plots are in Ahmedabad and Surat itself. So, asset management is the biggest task in land pooling. If assets are not managed well, encroachments do take place. So, this is my experience. I will now answer the questions, if there are any. Thank you.

Dr Prodipto Ghosh: Thank you, Mr Sharma. It was a very comprehensive and insightful account of the experience of land pooling in Gujarat. I'm sure the participants have many questions to ask. Please raise your hand, identify yourself, and pose your comment or question to Mr Sharma.

Ms Gurpreet Kaur, Assistant Director, AMDA: Sir, I have two questions. You said that in Gujarat, it is more about cooperation rather than compensation. So, I have a question on this point. Suppose, I have a parcel of land in an urban area, I will not give for land pooling just for the sake of cooperation. But if there is some compensation, I might consider. Yesterday, the Commissioner of

the Capital Region, APCRDA told us that they have compensated the landowners through residential plots and commercial plots as well as a (monthly) pension of Rs 2500. What is Gujarat doing for the people who are putting their land in this land pooling scheme?

Mr P L Sharma: You see, for Gujarat, land pooling is a tool, it is not a single project. Amravati is a case by itself. Gujarat has an experience of more than 100 years. And, it has been used in locations with population of different sizes. We do not give an option to individuals to join or not to join the scheme. Yes, if 75% of the owners do not want the scheme, then the scheme will not happen. It is not that 75% should come forward and say that a TP scheme should come. It is not like 5% people can vote and say that they don't want to cooperate. By law, they have to be in the land pooling scheme. The only thing is the level of contribution for the purpose of infrastructure, the ratio of land contribution can be plus and minus but no person, if his land is within the delineated boundary, has the liberty to go out of the scheme. That is what 'cooperation' is. If everyone is gaining wealth, why should a few people be a deterrent to the creation of that common wealth?

Ms Gurpreet Kaur: Sir, but what will be the compensation?

Mr P L Sharma: Every square metre of land is compensated.

Ms Gurpreet Kaur: In what form?

Mr P L Sharma: In terms of money. We do not deal with TDR. This is not a project-oriented exercise, this is a tool where it can be compensated in terms of money. For example, if a road is to be widened later, then the municipal corporation is empowered to compensate in terms of TDR but as of now, when 100% are being compensated through money, two others cannot be compensated with TDR. Yes, once the land pooling is over and the local development authority thinks that they need to widen a road, then compensation can be given. That is out of the land pooling scheme.

Ms Gurpreet Kaur: So, when we are talking about giving them money as compensation, is that based on the 2013 Act?

Mr P L Sharma: No, we have a judgement by a seven-member bench of the Supreme Court in 1969, which



clearly says that land compensation, which is assessed in land pooling scheme of Gujarat, is not to be equated with land acquisition.

Ms Gurpreet Kaur: Okay, sir.

Mr P L Sharma: If you are returning 50% land to the owner, he is getting wealth on that 50% land, so he is compensated at par with all. The Supreme Court judgement has stated clearly that the Town Planning Act of Gujarat is never to be equated with the Land Acquisition Act of 1894 and, consequently, with the new Act (of 2013).

Ms Gurpreet Kaur: Okay. Sir, my second question is regarding the re-development of downtown areas. What does downtown mean? Are we talking about the slums in the squatter settlements or something else?

Mr P L Sharma: Downtown means the organic form of development, which used to be there where the village site starts. That is what we refer to as Gamtal, the downtown area.

Ms Gurpreet Kaur: Sir, (what about) the lal dora (refers to land that is part of the village 'abadi' [habitation] and is used for non-agricultural purpose only) areas?

Mr P L Sharma: Lal dora areas, yes. It is similar to that.

Ms Gurpreet Kaur: Okay.

Mr P L Sharma: In the case of Kutch, we have dealt with



the downtown areas through land pooling.

Ms Gurpreet Kaur: I want to know about the ownership status in the downtown areas.

Mr P L Sharma: The Town Planning Act of Gujarat is very clear. You reconstitute the plots; you are not dealing with anything related to ownership.

Ms Gurpreet Kaur: Sir, so it is land re-adjustment.

Mr P L Sharma: Yes, re-adjustment. Whatever ownership is prevalent in the original plot, it continues to be there in the final plot.

Dr Prodipto Ghosh: Anyone else? Yes, please.

Dr Meena Vidhani, Deputy Director (Planning), Delhi Development Authority: I have two specific queries regarding the scheme. First, you mentioned that it is applicable in many areas. But you also mentioned that you avoid green-field areas. However, I think, TP schemes are also being used for the development of the outer ring roads, etc.

Mr P L Sharma: Green-field (areas) mean non-contiguous areas, fringe areas, which have potential for growth and ring roads. Ahmedabad is the classic example of ring roads. The schemes keep increasing, that is how expansion happens. But, in many cases, we could not implement the schemes which had been taken up 5–10 kilometres away from the developed area. It was not a fringe area. So, that is where the difference is.

Dr Meena Vidhani: Sir, the challenge that I am anticipating for our policy is of ring roads. We need continuous availability of land, it cannot happen in parts. We are

returning 50% of land, but for roads, we require 100% of the land. How do we deal with that?

Mr P L Sharma: There are two ways of doing it. In Ahmedabad, ring road was not a problem because, at that time, the confidence level of the owners of the plot with the then Chairman was very high. So, the land was made available. Once that ring road was completed, the area opened up for development. However, in the case of Surat, we planned land pooling schemes in those areas, but we had to wait for some time till the potentiality was created. So, you either create a potentiality or have land pooling and let it create the potential for development in those areas. Without business, no one is going to give you land. Now, one suggestion for Surat was that you don't build 90 metres wide ring road at one go, you may start by taking land for, maybe, 10 metres wide road, let the value increase and then implement the scheme. You don't need to acquire 100% all at once. In the case of Surat, we drafted the scheme, published it, and then waited. Now that the potentiality of the area is high, the acceptability of the TP scheme is also high.

Dr Meena Vidhani: But, in that case also, we are able to return their share of the plot. We are able to give them within the scheme and plot area.

Mr P L Sharma: Yes. The return of the final plots is possible in every case. If 75% owners do not want the scheme then the TP scheme can be withdrawn, but that is at a later stage. Upfront, no one is allowed to go out of that area.

Dr Meena Vidhani: Second, if you could elaborate on the major reasons for the court cases? What are the issues and what are the problem areas in implementing the scheme?

Mr P L Sharma: There is not a single court case in which a person wants to go out of the scheme. Second, if the plot is in a joint ownership, the owners go to the court asking that they should be given separate plots. Now, it is the business of the Revenue Department, the Town Planning Department does not deal with it. Third, almost 90% cases are those where the notice has been served but that fellow has not received it. That is the insensitivity of the officers. The poor fellow will not be able to enter the office. Many times, such people will sell the plot to someone else and, later, a developer comes in and then

bargains through a court case that his land should be given in a better location, etc. A majority of the people want the plots to be located in high potential areas.

Mr Madhusudan Hanumappa, Social Development

Specialist: I work on land acquisition and resettlement issues as a practitioner. Has the concept of cooperation been adopted for the Special Investment Region in Dholera? What problems did you face in developing SIR because it has been delayed?

Mr P L Sharma: Yes. You are right. SIR, Dholera was the first example of land pooling for projects of its kind. In my new capacity, I deal with it. It was taken up over 3–4 square kilometres, very large schemes were planned. However, the growth potential was almost zero. The flip side of the story is that many people made money out of it also, the land values shot up by almost 50–60 times. But, Dholera happens to be an area where 30% land is Government land. Of the remaining land, only 35% was taken through land pooling. Now, the marginalization of private landholding has resulted in land shortage. Ultimately, disposal of Government land is difficult. Also, the Government has to invest money in it. Whereas, reduced availability of private land has led to shortage of marketable land and that has resulted in increase in land values. Essentially, TP schemes enhance land values, over time. Land values, at least, in Gujarat, increase manifold once you declare an area to be in the land pooling scheme. That is why we don't face opposition. In case of Dholera, there was initial resistance. That is why it was decided that we will not ask the owners to pay the incremental contribution, they will be paid compensation. But, the compensation amount was big due to the increase in land value. That

is why, now, there is no resistance. Of course, the size of the landholdings has become small. By and large, Gujarat manages the land through landholding sizes. That is how the land values increase.

Ms Ankita, Project Associate, TERI: Sir, what lessons can the development authorities that are opting for land pooling learn from Gujarat?

Mr P L Sharma: First of all, Gujarat considers land pooling as a practice and a tool, it is not project-oriented. Like, we can create Amravati only once, you cannot replicate it. Gujarat has an experience of replicating it. Replication leads to the creation of better cities. Ultimately, 30–60% of land in every state is in urban areas. Gujarat is concentrating on urban areas, not dealing much with rural areas. How do we manage cities with a population of less than 50,000 and also more than 60 lakhs? We do not have the same officials for different cities. When I was in the Town Planning Department, we never used to appoint officers from Ahmedabad to a smaller town. Every city has its own experiences. I mean, the political structure in the local and small town is much more sensitive, there, the decision-making is difficult. Whereas, in the case of Ahmedabad, you take any decision, it's acceptable everywhere.

Gujarat has a varied culture. The people in Saurashtra do not believe in multi-level group housing. They believe in having their own plots. The owner will himself develop. People don't like to share the land. The character of housing and the typology of housing also change. There, if you retain 50% of pooled land, it will not work. You will have to start from 20%, 30%. That is what I meant when I said that land allocation for infrastructure should be appropriate. As an urban planner, if I insist that I require this much of land for this purpose, it will not work. In Surat, the people are more interested in delivery business. So, they have surrendered 60% land also. You have both kinds of examples in Gujarat.

For the post-earthquake rehabilitation, we have taken only 5% land. The formula of taking 40–50% land is not sacrosanct. The objectives of land pooling should be more than land allocation. Ultimately, the more land that the Government takes, it has to put in more money. It will



be better if the developer also comes forward, the sector participation should be much more.

Mr Anil Sharma, Social Development Officer, National High Speed Rail Corporation Limited: We are dealing with a lot of issues in Gujarat. When you do the town planning, you involve all the people having land in the particular area, irrespective of the nature of the land. It may be a dry land that may not be cultivated or a good land which is cultivated, maybe, thrice in a year. So, how do you do the valuation of that land? There may be grievances when you bring all the people on the same platform, because, once you develop that land, the cost of development will be almost the same. But how you deal with that?

Another thing, you mentioned that when TP schemes are announced, the land rates shoot up. We are facing a lot of problems in Surat where TP schemes were announced 10–15 years ago. These have not been implemented and the situation on ground is as it was 10–15 years back. They are still living in rural conditions. Under the new Land Acquisition Act, the multiplication factor for urban areas is one. Once a TP scheme is announced, rural area is considered as urban area, so the people are getting much lesser compensation in comparison to the adjoining villages that have not been brought under the TP scheme. How will you deal with those conditions?

Mr P L Sharma: First, you want to get an answer about land acquisition through the LARR Act valuation vis-à-vis what we have in the land pooling scheme. The valuation under land pooling is not a concern for us because, as I referred to the 1969 judgement, any valuation done in land pooling is not to be equated with the Land Acquisition Act. And, the value of, whatever 30% or 50% land you return to the owner, goes up.

Mr Anil Sharma: My question is, when you bring 10 people having land with different market values on the same table by giving the developed land, do they accept this? Do you get complaints? We are getting a lot of grievances. We are trying to deal with them.

Mr P L Sharma: Once a TP scheme is declared in a fringe area, the owner himself is not interested in retaining it for agricultural purpose. He is interested in generating wealth because of the TP scheme. That is why we have never ever



faced trouble of valuation linked with the cultivability of the land or the agricultural assets on that land.

We also have a Board of Appeal. Any landowner, if he wants, can go to the Board of Appeal instead of going to the High Court. But, in the last 10 years, there are no such cases in the Board also. So, it is just an apprehension that you will face trouble. When you acquire land under the LARR Act, a person loses 100% of his land. You have to compensate for loss of land, for loss of livelihood, you compensate for many reasons. That is why, I started my presentation by saying that we are not dealing with compensation, we are dealing with cooperation. Cooperative development is key to the success of Gujarat's TP scheme. No one ever bothers about compensation. You can ask the Ahmedabad Municipal Corporation, which has the highest number of schemes and they will tell you that they have never paid a single rupee as compensation because no person comes forward for that. In Gujarat, this is the popular view. Many officers feel that under the TP scheme, you get land free of cost. But, it is not so. You compensate but the amount of compensation is not challenged now, in view of the Supreme Court's judgement. In my career of 35 years, I have used that judgement several times and no court has intervened, till date. Because, the basic thing is that you are not compensating, you are asking him to cooperate in the scheme for the purpose of development. In the case of Amravati, it is mostly about compensation, either, in terms of skill development or livelihood improvement. Everywhere, there is the aspect of compensation but you can adopt it in a project mode. It cannot be a part of a tool that can be applied to varied cities or varied sizes of towns.

Mr Ashim Ratha Bajracharya, Assistant Professor, IOE, Tribhuvan University: Is the minimum size of the plot that can be plotted defined? And what happens, if, during the course of deduction, the new size happens to be less than the minimum threshold?

Mr P L Sharma: It is a good question. In the land pooling scheme in Kutch, I have dealt with land that was 6 square metres. Six square metres is almost one-tenth of this room. In that case, we have only deducted 3%, so that he should also be compensated. In Ahmedabad, we have set the minimum size at 1500 square metres in the zonal plan. We have given 100% compensation; the owner was not given a single square metre of land. So, we act as per the situations. The development control regulations prescribe the minimum plot size that you should give. But, it is not mandatory to deduct 40%, it can be reduced to 20%, but give him a plot. Ultimately, he is going to pay the incremental contribution, the more land he retains, the more he will pay. We have to strike a balance. In Saurashtra, we are not able to do land pooling, even though, only 40% land will be retained by the Government.

Dr Malabika Pal, Associate Professor, Miranda House, Delhi University: My question to you is regarding valuation. I have been working on the Land Acquisition Act for a long time and I found that most of the court cases are related to compensation. So, this cooperation versus compensation is quite an interesting concept in the case of Ahmedabad. I would like to know what proportion of land, in terms of square metres, has been acquired or pooled with this policy where cooperation has worked? Second, I would like to know the exact content of the 1969 judgement. It seems to be quite revolutionary that, based on that, people are not going to court. The third question is, whether there is any particular method of valuation or is it just on a case-by-case basis, as far as this pooling is concerned?

Mr P L Sharma: See, almost 80% of Ahmedabad has developed through land pooling. Perhaps, 1% or 2% of land has been acquired and that too, mostly through compensatory FSI or TDR. That is why we do not face trouble while expanding or widening the existing roads because the extent of TDR which has been given or the compensatory FSI is very less in terms of the total FSI in the market. That is why, we do not face trouble in

those cases. As I told in the beginning, the scheme is for everyone. The authority holds the land as the custodian of that area. It is a cost-centred approach, which means that the money which comes from the area has to be utilized there. That also builds confidence. The second point is that the valuation is based on the sale-instance method, the only thing is that we do not adopt the exact valuation methodology of the Land Acquisition Act of 1894 or the present LARR Act (of 2013).

Now, the 1969 judgement clearly says that if an owner has received the land, to whatever extent, (say) 40%, 50%, or 60%, he is gaining some wealth out of his contribution. It is not an acquisition – that is the difference between land pooling in Gujarat and land acquisition. A landowner is contributing for the purpose of common interest, for the cooperative development of that area. And, that is what has been specified in the 1969 judgement also.

Dr Prodipto Ghosh: I think, we will have to stop here. Thank you very much, Mr Sharma, for giving us a very insightful talk and, also, for your very careful and patient responses to these questions. I think some of these questions were excellent. I would encourage you to work with our colleagues and produce a paper on your presentation which, I think, we can publish as part of the proceedings of this conference.

Mr P L Sharma: Sure.

Ankita: Thank you, sir. I would now request Dr Ghosh to kindly give a token of our appreciation to Mr P L Sharma.

Ankita: Thank you so much, sir. I now invite Mr Tashi Penjor to kindly share his experience and insights with



the audience. Mr Penjor is the Officiating Director of the Department of Human Settlement, Ministry of Works and Human Settlement, Royal Government of Bhutan. Besides, he also works as the Chief Urban Planner for the same department. He has been engaged in the drafting of legislations, regulations, guidelines, and standards related to human settlements, preparation of national, regional, and local spatial plans, carrying out research, studies and analyses of urban development trends and issues, and providing technical assistance to the local governments on human settlement planning and development. In addition, Mr Penjor has carried out design and implementation of architectural, planning, and landscape projects of national significance. He is a Board Director of Wood Craft Centre Limited, a DHI-owned company. He also engages and works in the holistic community growth and development through the noble initiative of Tarayana Foundation.

Mr Tashi Penjor, Chief Urban Planner, Bhutan



A very good morning to all, moderator of the session Dr Ghosh, distinguished panellists, distinguished participants, ladies and gentlemen. Indeed, I am highly honoured to be able to share some of Bhutan's experiences but, at the same time, very humbled because, the scale, the magnitude, and the intensity of our experiences will not be of much importance, given the magnitude and scale in India. However, I would still share some of our experiences. In fact, our experience has been quite similar to what I have been hearing from the earlier speakers.

My presentation is divided into two sections. The first part briefly discusses the human settlement planning aspect in Bhutan and the second part is focused on the theme of this particular workshop.

Well, Bhutan is blessed with a very rich and natural environment, and we attribute this to our exemplary ethics on conservation and preservation. But, Bhutan is also experiencing rapid socio-economic development, which, if not managed properly, is going to have an adverse impact on our environment. Unlike India, Bhutan's land resource is very scarce and there are competing demands in view of the priorities set by the Government at the national level. Our national development goal is complete self-sufficiency. At the same time, the Constitution has made environment conservation mandatory. However, there is a requirement for service land in human settlement areas. Therefore, there is competing demand for land, especially, service land.

Like other countries, especially, in our region, we also experience challenges, such as rural-urban migration, increased pressure on resources, climate change-induced risk, housing shortage, and so on. The form and typology of settlement that we have in Bhutan is quite picturesque. The Bhutanese can always identify themselves with a settlement because the form and the typology are quite significant. For example, the monastery is built on the highest peak and it is surrounded by the village settlements and the farmlands.

The most productive land is always reserved for cultivation, primarily, because we are a landlocked country and we depend so much on agriculture and its produce. However, the adverse impact of socio-economic development has been quite evident. If the settlements are not managed properly, we know that it will have very undesirable outcomes in the next 10 years. To give an example, this is an image (referring to the presentation slide) of our capital city some time in 1990s, and this is what we have in 2009. So, within two decades, the socio-economic development has encroached, manifold, into the precious agricultural land with which we, as Bhutanese, identify ourselves.

The development along the slopes is an emerging trend and one of the serious challenges that we face. If we are not mindful, this could result in a similar development as on the slopes of some neighbouring states in India. Therefore, it is very important for us to follow a planning paradigm which is most suitable for Bhutanese. This paradigm is associated with the cultural landscape. When I say cultural landscape, it consists of three broad parameters – first, the spiritual landscape, second, the agricultural landscape, and third, the social landscape. We are sensitive enough to incorporate this in our human settlement planning and development. We are quite hopeful, in fact, confident that the state of the environment that we have in Bhutan can be preserved and protected to a large extent. In fact, Bhutan is also familiar to many of the planning movements and concepts starting from the Garden Cities, City Beautiful to the recent one, such as, the Smart Growth, Green Urbanism and Smart Cities. However, the most appropriate concept in the Bhutanese context, in line with GNH (Gross National Happiness) development philosophy, is to bring a mix of the four important parameters, namely, the socio-economic development, preservation of culture, conservation of environment, and the good governance structures in human settlement planning and development.

Therefore, based on this foundation, our principle is to earmark a clear delineation between settlement and non-settlement areas, preserve historic and cultural sites, and structures. Also, to ensure that no settlements are located in disaster-prone areas and, at the same time, accord utmost importance to the conservation of our agricultural land. In doing so, we must also provide opportunities for different economies, employment, and livelihood in order to build a cluster of settlements that eventually promotes cultural landscape.

The institutional and the legal frameworks that are in place at the national, the regional, and, particularly, at the local levels, are quite relevant in terms of human settlement planning and development. The legal framework is also in place, starting with the National Human Settlements Policy, which is an overarching policy for the entire nation. It is supported and implemented through strategies and legislative guidelines, and so on.



What is quite relevant to today's workshop is the land mobilization mechanisms that we deploy at the time of planning. The three mechanisms or the tools that we use to mobilize land are, land acquisition, land re-adjustment or pooling, and, in some instances, we use a model which is a combination of both.

Going to the second section of my presentation on land pooling and land re-adjustment, I would like to begin by saying that urbanization in Bhutan is quite new. It only started sometime in the 1990s, so, we have had an experience of over two decades. In the past, land acquisition, like in other countries, has been quite common but it was found to be very ineffective. In particular, this tool has been inequitable and it has, in fact, increased the gap between the rich and the poor. Therefore, in 1999, we adopted an urban planning scheme that was borrowed from our neighbouring countries, including India as well as Japan and Germany. A few towns and cities were built on this particular model, prior to having any legislation in place.

Now, with some form of legislations in place, including the Local Government Act and the Land Act of Bhutan, 2007, land pooling and land re-adjustment have been legally mandated to be deployed as planning tools. The first principle of land pooling and land re-adjustment is to facilitate reconfiguration of plots for appropriate development. The second principle is to facilitate and provide for infrastructure within a settlement. When I say settlement, it includes both urban and rural areas. The third, and the most important principle, is also to ensure that the landowners contribute during the construction



or at the time of deploying the infrastructure. However, this principle is yet to gain popularity. Throughout the nation, we have deployed the land pooling and land re-adjustment schemes. I would like to describe the steps in the preparation of the so-called structural plans and the local area plans to implement our town planning schemes.

To begin with, we carry out a feasibility study because it is important to gain support of the public, not only the landowners but all the residents of a particular community. In doing so, it is incumbent on the local Government and the central agencies responsible for planning and development to declare a land pooling and a land re-adjustment scheme through a public notice. Not less than 21 days will be given for this particular notice (to be acted on) in order to ensure that there is enough sensitization and dissemination of information about this particular scheme. A copy of the feasibility study is shared with all the landowners and the residents to gain their confidence.

Within 21 days, the residents and the landowners of the particular community have to either support or reject this particular planning scheme. This has to be communicated to the local Government or the central agency responsible for planning in that particular area, either, in the written form or through a verbal recording. The land pooling scheme will be rolled out in an area if we secure a two-third majority of votes. Thereafter, the local Government will notify the central agency or the Ministry responsible for human settlement development.

The declaration of the scheme has to be notified in all forms of media, including the print. Then, the negotiation for the land acquisition process starts with the remaining one-third people, who did not agree with the particular land pooling scheme. I would like to inform you that, in the newer urban development schemes that have deployed land re-adjustment and land pooling as a tool, there has not been a single instance where the local Government or the Ministry had to acquire land. However, a process has been established to proceed with negotiation and acquisition for the remaining one-third, who do not agree with that particular scheme. Once the area has been declared for the scheme, the most important part of the process is to place a moratorium, both on construction and transaction of land and properties, within that particular area to facilitate the planning processes.

Let me briefly take you through the feasibility study that I have indicated previously. In fact, the land pooling feasibility study can be initiated by the local Government, by the Central Government or by a group of landowners themselves for a particular scheme. Once the process has been initiated, all technical requirements, including that of landholding, land parcels, surveys and so on, have to be completed as part of the due process. In fact, the law requires that during this process of feasibility study, public hearing must be conducted in order to ensure that we gain the support of the residents. While this could be quite common, we, as Bhutanese, emphasize on the preliminary cost estimate and the preliminary financing plan even before declaring the particular scheme as a planning tool. Why preliminary cost estimate? Because, we have instances where land pooling and the land re-adjustment schemes do not get implemented, therefore, it is important to identify the resources for the implementation of the plan from the beginning. In doing so, we also take into account the, so-called, reserved plots which are pooled from the landowners to be used as part of resources during the building of the infrastructure.

It is also important to have a preliminary financing plan based on the broad area calculation. As soon as the scheme is declared for a particular area, it is then necessary to finalize the land pooling and the land re-adjustment plan through the formation of consultative committees. The legislation requires a committee to be

constituted after the declaration of the land pooling scheme to ensure that planning is done in a transparent and an accountable manner. More importantly, this consultative committee acts as a bridge between the landowners and the residents, and the technical team responsible for the preparation of the plan. It is important for the people and the residents to know that their aspirations and the dreams are being captured in the plan through this particular committee. Often, it is very difficult for a technical planner to have a one-to-one conversation with the landowners.

The legislation requires that a minimum number of public hearings is carried out with the residents and the landowners. The consultative committee consists of three members, who are appointed by the Government – not more than three or four members from the technical planning team and a maximum of five members representing the landowners and the residents. The committee deliberates on many issues, including the contribution ratio, the location and the number of reserved plots, the infrastructural needs and standards, and so on.

In Bhutan, we also indicate the contribution ratio, prior to the initiation of the plan preparation, in order to inform the residents and the landowners of their responsibility of contribution. The legislation allows a maximum of 30% land pooling contribution for the provision of infrastructure, utilities, and services. However, there are also exceptions. But, if the pooling ratio exceeds 30%, again, the consent of not less than two-third of the

landowners and the residents within that particular community is required.

The preliminary infrastructure budget that is apportioned as part of this scheme helps in determining the size and location of the reserved plots. These are later auctioned at the market rate. So, people are made aware of the reserved plots right from the beginning of the land pooling scheme. The other aspect during the land pooling process is the reconfiguration of plots and there are many principles, which are being followed during the reconfiguration process.

The first and a very important principle that we pursue is the principle of correspondence, like I heard from some of the speakers earlier, is to ensure that the people and the landowners are displaced minimally from their original location. It is also important, during the pooling process, to sub-divide the larger chunks of plots, if the landowner intends to do so. The minimum landholding or the minimum plot size is prescribed in the development control regulations or even in the legislations passed by the Parliament. A person cannot sub-divide below that limit. It is also important to consider access, not only road access. Given our terrain and the topography, many times, we are not able to provide road access even if we deploy the land pooling and land re-adjustment schemes. Therefore, even the common footpath or a common parking system has to be considered right from the beginning. So, as part of the feasibility study, we also identify the structures, in the interest of the wider community, that could be impacted through the land pooling scheme. However, utmost care is taken to avoid demolition of permanent structures.

The most important part of the land pooling scheme is to carry out exhaustive, consultative processes, meetings and stakeholder consultations with the landowners. Though the legislation prescribes only two consultative meetings, we have the practice of carrying out not less than five consultative meetings for all our plan preparation processes.

Once the land pooling scheme is approved in an area, the local Government takes full responsibility. The scheme is implemented after the land pooling plan is finalized with the contribution ratio clearly indicated. Then, the Ministry



and the minister responsible for human settlement and human settlement planning and development are notified.

Though, we have an experience of a little over two decades, we are confronted by many issues. I would like to highlight some of the issues here. The first and the foremost is the delay in the implementation of the land pooling schemes due to lack of adequate resources to do so. Second, the legislation has limited the contribution ratio to 30%. This worsens the situation because we are not able to deploy the resources contributed by the private landowners to implement the plan.

There have been instances when the estimated costs of the projects are not indicated in the plans which eventually prevents the implementation of some of the land pooling schemes. As pointed out by some previous speakers, we also have issues of land titles, of not having records, though it is not to the same extent as in India. I hope that the land pooling scheme will help Bhutan, as we continue to pursue peace, prosperity, and happiness. Thank you once again for having the patience to listen to me. While I may not have the answer to many of your questions, I will humbly try to address some of the issues if any, during the question and answer session.

Kadrinche, Tashi delek (Thank you, and good luck)!

Dr Prodipto Ghosh: Thank you, Mr Tashi Penjor for this very interesting and comprehensive presentation of the way that the land pooling system has developed in Bhutan and, indeed, Bhutan is well known in the region as having made some very interesting and far-sighted governance innovations.

Ankita: Thank you, sir. I would now like to invite Dr Sudha Shrestha to please deliver her talk. Dr Shrestha is the Head of the Department of Architecture at the Institute of Engineering, Tribhuvan University, Nepal. She has also been a consultant for several pooling projects and has prepared periodic plans for a number of municipalities and district development committees. In addition, she has an experience in developing a comprehensive 'Integrated Urban Development' plan. Ma'am, the floor is yours.

Dr Sudha Shrestha, Head, Department of Architecture, Tribhuvan University, Nepal



Good morning respected moderator, Dr Prodipto Ghosh, respected panellists and participants. I am very pleased to be here to share my knowledge. I was thinking that I will share a few insights, instead, I have gained a lot of knowledge, yesterday and today, from this workshop. Actually, after the presentations by Sharma ji (Mr P L Sharma) and also Tashi ji (Mr Tashi Penjor), I don't need to make any presentation because they have said all that I wanted to say. Anyway, I will share some of my experiences here.

I am working at the Institute of Engineering, Tribhuvan University, in Nepal. I am also the Director of one of the resource centres that is called Centre for Planning Studies. The Centre is also in Tribhuvan University and the Institute of Engineering (IOE) is a prestigious institute in Nepal. I am doing research on land pooling and the challenges and issues of land pooling in Nepal. Recently, I have done some research with Mr Ashim Ratna Bajracharya, who is also present here.

I think, I don't need to give any introduction of Nepal here in India especially, because we are very close, geographically and culturally, we are similar. The land pooling concept was first adopted in Nepal to widen a road in Pokhara. Pokhara is very beautiful tourist city. They also developed the area using this land pooling tool and it was very successful. So, this experience with land pooling was replicated in many other cities of Nepal.

Actually, Nepal is a very small country where land is scarce, also, most of the land is very steep, so, the development of settlements is very difficult. The land prices in many cities are very high. Therefore, land pooling projects are popular in Nepal and, as you may know, we have many successful stories of land pooling.

Yesterday, we heard that the Land Acquisition Act, 2013 of India, offers very good compensations to landowners. We do not have such an Act but, in 1988, a similar provision was inserted in the Town Development Act. In urban areas, particularly, Kathmandu and other big cities, there is a shortage of housing due to migration. Also, our Government is neither rich nor has an economic boom like Andhra Pradesh. Yesterday, we heard about Amravati, how well they have planned the compensation and that people have given their plots of land instead of selling them. That is very good for the landowners but we do not have such type of things.

In Nepal, the sizes of landholdings vary, which means that somebody has a very large-sized plot, somebody else has very less land and the shapes are also irregular, like, Tashi ji mentioned about Bhutan. But, we use land pooling with land re-adjustment, we pool land and then we return some land to the people. Virtually, land pooling is the only tool that we can use for housing and different developmental needs. In the past, the Government has acquired land for developmental purposes under the Land Acquisition Act, which was formulated in 1963. At that time, people were illiterate, unaware of their rights, so, the Government managed the acquisition. However, in the 1970s and 1980s, people were no longer illiterate, they had become aware of their Constitutional 'Right to Property', so, the Government could not acquire land through acquisition. Therefore, we adopted land pooling for housing and development projects. We have a number of success stories because it is a win-win situation for everyone. Like Bhutan and Gujarat, we do not pay compensation to the landowners, because, after development, the value of the land that is returned increases manifold. So, the people are also very happy. The Government is also left with commercial plots, which are then sold to pay the cost of developing the infrastructure.

Now, I will focus on Kathmandu Valley. Land is very scarce in Kathmandu and it has witnessed a very haphazard growth. People started constructing their houses without roads, without any sort of infrastructure, without electricity or water supply lines. It was very costly to construct road for one house or a few houses and, because of that, we have started land pooling for planned development. In a few areas of Kathmandu, we have now completed land pooling. Actually, in the beginning, the cities of Bhaktapur, Kathmandu, and Lalitpur were famous for their planning. They had very nicely planned the occupation of the people and, since the country is predominantly agricultural, they selected



very fertile land for agriculture. The land was properly conserved and the land that was not very fertile was used for settlement. Moreover, the settlements were compact, we did not have very large plots. But, in the 1940s and 1950s, people started constructing houses on their land in a haphazard manner. Soon, the city began developing in a chaotic manner. Our land pooling projects cover very small areas like Dallu, Naya Bazaar, Gongabu, and Chabahil. Some are 46 hectares, some are 20 hectares, some are even 7 hectares. One hectare is 2.5 acres. The land-use distribution in LP projects is 20% for roads, 5% for open spaces, and 66% for development. So, there is very little open space.

The Government has developed housing in the new towns, spread across different places in Nepal, through land pooling. I am also involved in these projects in a few places. Though the land pooling projects cover very small areas, the challenges are immense. When we seek



consent for re-plotting and redistribution of plots, people protest because they are scared. They are not aware of the benefits of land pooling. After the people give their consent, the Government collects the land certificates, which are called *laal purza*, in local terminology. People are a little hesitant to provide *laal purza*, because, then, the land certificate goes in the possession of the Government. Another big problem is that the owners of large plots oppose land pooling. In Nepal, we have the problem of land brokers. They may themselves own land or purchase land from others. They prefer to construct themselves because it is very profitable. They will provide minimal infrastructure for the housing but will collect very large amounts of money.

Then, we have the issue of boundary delineation. Yesterday, we talked about mapping. The maps do not correctly indicate the boundaries. People are engaged in farming and, often, they draw the boundaries themselves. So, the boundaries delineated on ground and in the map, often, do not match. This creates problems for planning. Then, it often happens that land was developed but people could not construct houses, so, the land remained vacant. This not only leads to speculation but also defeats the objective of solving the housing problem. In the past, feasibility studies were not carried out at the beginning of the land pooling schemes, with the result that these schemes were not very successful. Nowadays, of course, a feasibility study is a must at the start of any land pooling project. Another thing, Town Development Committees have been formed by the Ministry of Urban Development in urban areas, and their role is to plan and manage the land pooling areas. However, the officials do

not know the importance of planning and they do not understand the benefits of land pooling. For this reason, projects are, sometimes, not successful.

I was the team leader of the Pokhariya land pooling project in Birgunj City, which is very close to Raxaul. The project was pending for 30 years. The Government had already collected the land certificates and the people were waiting. The governments were not very stable at that time and there were political conflicts. After getting the project, I went there and interacted with the people. They were made aware of the project and training was also given. We completed the project and the people were happy. Earlier, the Government departments handled all the work themselves, but, from the 1980s and 1990s, consultants began to be engaged.

I will now discuss some issues of land pooling. If the land contribution ratio is high, definitely, people will protest, there will be conflict. Another consideration is the building bye-laws of the area. We have to be mindful of the local sentiments. Instead of making by-laws for the city as a whole, it may be better to have specific by-laws for different areas, according to the context. Another issue is the minimum plot size. If, after the contribution of 30%, very little land is left for construction, there will be a problem. In that case, separate negotiations are done, like it happens in Gujarat, as Sharma ji said. Sometimes, we reduce the percentage or if they need a few *annas* (one-sixteenth of a rupee) of land then they (would) have to buy from the Government from that commercial plot. They will be offered land at subsidized rates, lower than the price at which the Government is selling the commercial plots in the market. The Government does not want to displace people. And, if the plot is very small and all the land is taken, they will be provided plots at subsidized rates at another place. Another problem is the location of the returned plot. People want plots that are on wide streets or near open spaces. Those people who have their land at a prime location prefer to get the plots at the same place. We try to give them plots at the same location but, sometimes, it is not possible. So, we negotiate with them. We do not offer any compensation, because, before the implementation of the local area plan through land pooling, they did not have any facility. There were no streets, no roads, no electricity, no water,

no infrastructure. So, we have to talk to the people and they are convinced.

There is also a category of people who want to sell their plot and leave the area. In that case, the Government buys the land from them. Also, time is crucial. Our research shows that land pooling projects have taken from three years to 13 years to complete. But, even for the projects that take 8, 9, 11, 13 (years) to get complete, we do not pay any compensation for the delay. That is why, people have to wait. The plot owners whose certificates have been collected by the governments, they can sell their plots but they are not allowed to fragment the plots. Most of the people, if they have two *roopani* of land, they like to sell one *roopani* and keep one *roopani* for themselves. The Government does not permit fragmentation but the transfer of ownership is allowed. That is why, even after 11 years also, people wait. In the meantime, the prices go up.

Then, awareness and training programmes are necessary for those who are involved from the Government side, those who are involved as consultants and those who are landowners. In our country, officials who are involved in these programmes were sent for training to Japan and South Korea, where these land pooling projects were very successful. We have many engineers and architects who have gained knowledge to implement such projects (back home).

Our traditional planning system is mixed land use with space for pedestrians. We have to continue with this approach. Open spaces are very important. As a result of the big earthquake of 2015, we have learnt that open spaces can accommodate shelters for the rescued people. So, we have to design in such a way that open spaces are available, which can be used for different purposes. Also, (this way), our environment and the ecology can be preserved.

In order to encourage people to build, we need to provide facilities in LP areas. In one land pooling area in Liwali, after the project was complete, nobody came forward to construct their houses there. So, the municipality decided to construct such type of facilities that can attract people. They constructed an engineering institute, the Khwopa Engineering College. After the educational institute was

established, slowly, people started building on these vacant lands.

I have concluded my presentation. Thank you very much for listening to me. I would like to thank TERI for inviting me here to share my knowledge. I have also learnt a lot about land pooling in larger-sized areas. So, thank you, Dr Mathur, Dr Preeti, and all of you, and Ankita. Thank you.

Dr Prodipto Ghosh: Thank you, Dr Shrestha. Of course, listening to your presentation and the issues and difficulties that you face, one was struck by the fact that your experience is actually very similar to the kind of experience that we have in India. We're all part of the South-Asian culture, so, I think, it cannot be otherwise.

Ankita: Thank you, sir. I would now like to invite Ms Parul Agarwala. She is an urban development practitioner with the experience of working on strategic policy analysis, land use and spatial planning, economic development, and zoning legislations. She has worked in Afghanistan, Bangladesh, India, Palestine, Sri Lanka, and the United States. Ms Agarwala is currently working with the UN Habitat as Programme Manager and Regional Urban Expert for South Asia region. In this role, she is promoting the new urban agenda and Sustainable Development Goals into the National Policy Frameworks on urban development, housing and informal settlements. I invite ma'am to please deliver her talk.

Ms Parul Agarwala, Programme Manager, UN Habitat



Greetings everybody, to Dr Ghosh, the panellists, and the delegates present here. I will keep my presentation short. I want to focus more on the social aspects of land pooling and land re-adjustments. So, in my presentation, I will

cover the Participatory and Inclusive Land Re-adjustment (PILaR) tool that UN Habitat has used and applied in Latin America, in Bogota, and Medellín. We all know how our cities are growing. Here is an illustration of the city of Medellín in Columbia which, from being a city of merely 120,000 people in 1928, has grown to be a metropolitan city. But, the expansion of the urban footprint has occurred in an unplanned manner, it was an organic growth, which has consequences on the sustainability of future growth.

The population growth in the less developed countries has mostly doubled, but, their urban sprawl has increased by a factor of 3.5 compared to the developed countries, where the population is growing at a slower rate and the urban sprawl is growing by a factor of 1.2, which means that the cities are probably densifying more. Therefore, land re-adjustment and land pooling can benefit the urban form and also lead to sustainable development that bears more consideration to the use of resources.

Land re-adjustment, through re-plotting, can not only improve certain basic characteristics, it can also improve the access of each landowner to the public goods, and the reserved lands can be used to build a more sustainable financing model.

So, what is land re-adjustment? Though there are minor distinctions, land re-adjustment, essentially, involves pooling the land parcels in a particular area and planning them as one unit, putting in roads, sewerage and other infrastructure, and then handing a portion of the land back to the original owners. So, each owner gets a plot, which is of smaller size but the land values increase and there are other benefits. It is important because it facilitates access to public spaces, buildable plots, and public use. The lack of suitable instruments for supply of urban land at scale leads to proliferation of slums, constrains the city's extension, both vertically and horizontally. In the case of Medellín, despite the geography, a lot of development took place in the foothills and on the hill sides. This tool is important in the contexts where expropriation of land, the use of the power of 'Eminent Domain' for acquiring land are not attractive.

The land re-adjustment tool has been used to prevent urban expansion but it can also be useful in making the rural-to-urban conversion more practical. The tool



can also be used for densification, in-fill and urban renewal, particularly, to convert low density areas into high density (areas), rejuvenation of downtowns, and for rebuilding after disasters. Slum upgrading is another area where this tool can be used. An example where this tool has worked internationally is Bogota where, as you can see on the slide, before the intervention, the ratio of built up area to open space was very low. However, using the tool, the access to the public spaces increased by a fair amount and that, I think, is the benefit of using more inclusive planning. Medellín is another city where this tool has been used. You can see the contrasts in planned areas and the informal character of the areas that were, before the scheme was applied.

Conventionally, the land re-adjustment projects focus more on the reshaping functions. Others focus on a dialogue between legally interested parties. It is based on the idea that everybody wins, it recognizes the formal property rights and the public interest in the form of a collective interest.

But our participatory and inclusive land re-adjustment model has a broader mandate. It is a mechanism through which different owners and anybody who has a claim to the land is part of the process. The whole area is combined into one large area and then the re-parcelling and development of the property are done. The development includes, as other panellists also mentioned, improving access to basic infrastructure, providing serviced land back to the people, who were occupying the land in the first place, improving access to public spaces and other urban amenities. It also relies on a negotiated process between the local authorities and the stakeholders to

understand what their interests are, and to recognize the formal and socially legitimate rights. Under the new urban agenda of UN Habitat, the idea of 'cities for all' is being promoted in which it is not just the rights of the people who own the land but even people, who have been living in that area, or anybody who is part of the city, are recognized as somebody who have the right to access all the services that any urban area has to offer.

This tool has the potential to address serviced land issues by looking at the underlying land systems. The benefit of using this tool is that it is more affordable in terms of the process and infrastructure, so, even though, a lot of effort goes into building the momentum with the community, at the end, it does pay off. It offers more opportunities to reshape the neighbourhoods and cities. It supports the social capital, so, it is not about just developing the land but also about looking at the existing social, economic mix of the area, and trying to plan it in a more comprehensive way so that those networks are not broken. And, it also has an opportunity to improve the governance.

It is important to keep the process transparent and inclusive for the communities so that it can then be transferred to the larger urban management and governance frameworks of the local agencies. It also looks at supporting the livelihoods and job creation by involving the people in the development of that area, and by improving the living and working conditions, and increasing access to open spaces. Looking at the examples, globally, 40% of the area of a city is typically assumed to be dedicated towards open spaces which also includes roads and that is considered more sustainable. I think, there are opportunities to use this tool through more inclusive processes to improve access to those spaces.

It is also important here to look at the power dynamics. Throughout this process, there are certain stakeholders that have more hold or more say in the process. Typically, we see banking institutions, donors, municipalities, professionals, landowners, long-time residents, ethnic groups, and others have more say in the process. However, it is also our responsibility to make the process inclusive, to look at the interests of those who are borrowing, those who are the marginalized groups, women, minorities, the tenants, and squatter settlements. These are some of the underlying principles of the PILaR process.

In terms of the schematic of the steps, it begins with conceptualization and, parallelly, the stakeholder engagement is initiated to inform the people about the concepts at the initial stage, to gather data with the participation of the community for a draft plan and get the approval from different stakeholders. The idea at the core of this is to ensure that people engage in the process throughout.

The main outcome of this approach is that it maintains a social capital. The underlying principle is to make sure that there is least displacement, to improve the local governance. It also talks about not just looking at the property rights but also the broader definitions of what the property rights are. We are proposing that there is a continuum of property rights that goes from the occupancy of a land to a full tenure status. It is important to recognize that, sometimes, focusing only on a full and formal tenure adds more roadblocks. Recognition of the continuum of property rights can lead to a faster implementation of a complex project.

Another benefit is that it is advantageous to all the residents of the area and not just the landowners. It also focuses on including everybody in the neighbourhood in the dialogues. The main aim is to maintain the interest of the residents after the re-adjustment. That is why, it is important to map the social, economic linkages at the beginning. It is not just about compensating for the property rights but also the lost interest, so, we are talking about those social and economic networks that are, sometimes, broken during these exercises.



But this process also comes with its own risks. It depends upon the viability for future development. Financial viability also comes into play. It requires a very good momentum amongst the municipalities and communities, and this has a high transaction cost. There are also some case studies where political or other bureaucratic changes push the momentum backwards. So, it is important to see how that can be neutralized. It requires a good balance between public and private roles and, also, a careful analysis of gentrification. Often, because of the increase in property values and other improvements, under the project, it can lead to gentrification where the original property owners are displaced. I will end my presentation here. Thank you.

Dr Prodipto Ghosh: Thank you, Dr Parul Agarwala for this very concise but very informative presentation. Perhaps, you could have come earlier in the seminar so that the fundamentals of land pooling were made clear to everybody. Thank you for bringing on board the international experience with respect to land pooling. Now, the floor is open for comments, questions. The rules are that you identify yourself and pose your question or comment to one or the other of the panellists.

Ms Ankita, Project Associate, TERI: Ma'am, how much have DDA, APCRDA, and other land pooling policies in India drawn from UN Habitat principles?

Ms Parul Agarwala: We have not actively engaged in India yet but I do see that there are some fundamental

alignments, which is, to look at the basic principles of mixed use and design. But, what we do see missing in the policies here is the inclusion right from the very beginning, from the design to conceptualization. So, at this point, I can't really make any comment on how the UN Habitat principles have been adopted or adapted to the context of India.

Dr Prodipto Ghosh: Parul, the question of land for land is fraught with a number of problems, i.e., there is always the competition for the more valuable pieces of land that come up after the land pooling exercise is over. What is your view that, instead of giving identifiable parcels of land to the owners, they are given transferable development rights? Essentially, they are in the market for transferable development rights. Then, they are able to partially monetize it or get their land parcels or their apartments in the places which are more valuable, and so on.

Ms Parul Agarwala: My comment to the question will not be drawn from my experience at UN Habitat but from my other role. I have worked in New York City. There, in the land reassembly and other tools of planning, the typical strategy is to allocate land to property owners in a different bureau. That brought up the issue of social inequity and, so, the city changed their policy. The court said that we will allow for TDR but it has to be in the same geographic area, so that it would be within the same community board which would be award equivalent. The equities of access or the location within the city is maintained in terms of the benefit of their property value.

Dr Prodipto Ghosh: We have Lodhi Colony next door, let us assume that the residents have property rights over the land and you want to re-develop it and, so, you give the residents individual transferable development rights. Now, if you insist that it must be in the re-developed Lodhi Colony, then you are actually constraining their choices. They might say that they want to go elsewhere, they want to go where their friends are residing or go near their place of work. They may say, 'Why do you want to keep us stranded in the Lodhi Colony?' So, I don't know whether the options that you've talked about are more equitable or the option of letting people decide for themselves where exactly and how exactly they want to



use the TDR. Some of them might say, 'Look, we'll just sell the TDRs and go back to our home villages'. So, in what way is constraining their choice of staying in the same locality an improvement for them?

Ms Parul Agarwala: Let me add. If you have five acres of land in a, say, 10 acres or 30 acres ward that is being developed, you can use this anywhere in that 30 acres, not just within that re-development area. That was really done to fix the challenge that people often like to locate in the same area because that is where their jobs are, that is where they have been living for a long time and are part of the social and economic fabric. I won't be able to comment on the point that you have made because,

Mr Madhusudan Hanumappa, Social Development Specialist and Consultant: We have been talking about inclusive planning in all the presentations. Is there a strategy in how we take up inclusivity during planning, even before the design is prepared? Is it standard or is there a different strategy for a larger city, for different urban agglomeration or for a smaller town? Maybe, Parul Ma'am can first speak from the international experience. Then we can understand how Bhutan and Nepal look at it from a smaller town perspective or a hilly region.

Ms Parul Agarwala: In UN systems and, specifically, in UN Habitat, we talk a lot about the people's process. I want to speak from my work in Afghanistan which is transitioning



I know, in India, also, there have been cases where re-development has meant that the people are allocated outside the city boundary on the peripheries. This creates problem of access to the centre of employment. So, I don't have a wrong or right answer here. I think, it really depends on the contexts. Typically, there is more attraction to co-locating in the same or similar geography because of the concerns of access to jobs.

Dr Prodipto Ghosh: Let me ask another question. There was a talk of developing the Dharavi slum through a land pooling arrangement. I think, the plan was also developed but, my impression, is that it got stuck. Do you have any information about what exactly were the issues that have stymied the development of Dharavi?

Ms Parul Agarwala: Sorry, we have not worked in this area.

from a conflict zone into a rebuilding, reconstruction mode. And the project that I was working on was about engaging the communities and doing this envisioning for their future. We have seen that it is crucial to involve people right from the beginning itself. In the context of Afghanistan, we went the extra mile to say that let us create the Community Development Council, which is equivalent to ward in the cities in India. But, we asked for elected representatives from the community as part of this team. We then gave them basic training on what it means to do development. This meant training on procurement, on financial management, on designs, and such other things. The benefit of doing this engagement from the beginning is that there is less friction and fewer roadblocks. In a country that has been facing wars for years, there are no land records, but, through this process of engagement, we are introducing them to the idea of

what land pooling, land re-adjustment would do to the future. I think, the effort to make people understand what they could gain from it pays off very well in the end. We found, during this process, that we were not getting many women participants, because of the cultural contexts. So, we did focus group meetings only with the women, trying to understand their issues of access, accessing parks, public spaces, and so on. That really motivated people to pool in resources.

If we just associate costs to every aspect, 30% of the costs were borne by the community in kind, in the form of contribution through land and so on. If the model can be successful in a place that is torn by war, I don't see why it cannot be adopted in other places. Bigger cities like New York invest a lot of time in engaging people in the beginning so that it builds the trust with the city departments. In any project that we would do in bigger cities, we would spend at least 6–7 months on just engaging with the community, answering their questions on what the project is about.

Dr Sudha Shrestha: What Dr Parul Agarwala is saying is true in our cases also. The Town Development Committee formed by MoUD to look after the land pooling areas or planning areas is constituted through elections in local areas. So, it is a Government body. We used to form user committees, which consist of all the landowners who, then, elect 11 or 13 persons as members of the executive committee. In addition to the committees, the Government organizes awareness meetings, trainings, and public hearings. They also engage with the community mobilizers to convince people and conduct focus group meetings. Women groups, even nowadays, have separate meetings that children can also attend. Nowadays, if children are convinced, they can convince the parents. That is why, children also have group discussions. They know the value of land; land prices are rising everywhere. That is why people are very happy. In most of the places, people themselves come to the TDC and the Ministry of Urban Development asking for planning, using the land pooling tool. Even if it takes 10 years, people are neither protesting nor are they trying to get compensation for the delay. Definitely, if we involve people from the beginning, there will be no problem.



Mr B Hajong, Joint Secretary, Department of Revenue and Disaster Management, Meghalaya: This is specific to Tashi Penjor Sir. I am from a hilly state or, actually, a very small state of India. Our region is more or less similar to what is in Nepal as well as Bhutan, and it is quite interesting to know that land pooling has been there for about two decades now. We are yet to start with the process. You said that once the parcel is identified, then, at least two-third majority of the landholders have to agree to the land pooling plan. For the remaining one-third people, who have not come on board for the land pooling scheme, you go for land acquisition. Does that not give the impression that if they are not willing to come under land pooling, then land acquisition is the last resort left? So, we get the impression that there is a system in Bhutan, where the landowners do not have much say.

Mr Tashi Penjor: Sir, when you frame a law, it is also important to have a common minimum ground. So, in the legislation, the common minimum ground was to have at least two-third majority. In fact, as I said earlier, there has not been any instance of having to acquire the remaining one-third land. People are now aware of the benefits of land pooling and land re-adjustment schemes, so, there is virtually no resistance from the landowners. But, if there is any opposition, we have intense deliberation with the landowners to convince them. While he may have the right to develop his own piece of plot, he also has the responsibility to contribute



towards the larger good of the community. We believe that individual rights have to be balanced with the larger good of the community.

Dr K O Thomas, Principal, Don Bosco College: I come from Kerala. My institution is an empanelled agency that conducts SIA for the Government. My comment is inspired by what Mr Penjor has said. He said, Bhutan has certain priorities (in the areas of) – agriculture, culture, and spiritual. Only after this, they are speaking about whether it is pooling or acquisition or whatever. We face a similar difficulty on ground when we go to do an SIA at a place. We were not able to carry out the SIA for the extension of the Calicut airport because of the oppositions from the neighbourhood on these issues. I am also involved in a railway project where, again, there will be some objections on these grounds. So, I am just inspired by what he has said. How do we face the developmental pressures and also meet these priorities? Others may have similar experiences in this matter of meeting certain priorities, other than developmental pressures only.

Dr Prodipto Ghosh: I think everybody is in agreement to what he has said, so, anyone else?

Mr Goutam Singh, Assistant Manager, RITES Limited: I have a question for Sudha Ma'am. You have said that you are facing the challenge of land brokers. How are you dealing with this challenge?

Dr Sudha Shrestha: The land brokers collect large tracts of land which they, then, fragment into smaller plots and sell. And, they earn huge profits. But, if the Government takes the land and develops infrastructure, brokers do not gain. Therefore, they protest and also convince the people not to give land for pooling. In the Pokhariya project, in which I was involved, the brokers convinced the people not to give their land by saying that they were being cheated. I invited the brokers for a discussion and told them about the benefits of land pooling. I told them that they can still reap the benefit of price rise after buying the plots from the landowners and selling them. The brokers were convinced and we could complete our work. In Nepal, brokers earn 500–600 times profit over the actual price.

Mr Goutam Singh: Ma'am, you mentioned that the land brokers are already developing infrastructure like roads and market areas, and they are charging a lot of money for that.

Dr Sudha Shrestha: Yes, that is true.

Mr Goutam Singh: Is it that they are making profits for themselves in the name of development?

Dr Sudha Shrestha: Yes, that type of speculations should be minimized but it is very difficult. It is a very dangerous topic.

Dr Prodipto Ghosh: We will now have our final question.

Dr Preeti Jain Das, Senior Fellow, TERI: Parul, the State governments in India and the development authorities are coming out with land pooling policies. What is the level of engagement of Indian bodies with UN Habitat in this regard, because the principles of inclusivity that you have talked about are very useful, wherever they are applied?

Ms Parul Agarwala: Just recently, we have started engaging with the Ministry of Housing and Urban Affairs. Last year, we have worked with them on the National Urban Planning Framework, it is at the draft stage. It has gone through at least one round of public comments. I don't know if it is still online but one of the chapters is on land and that is where we have introduced a lot of the elements that I was talking about on social inclusion,



specially, the ones that are aligned with SDG 11, around safety, resilience, sustainability, and inclusion throughout the urban development policy. It is a framework at the national level, the idea is to customize it as a policy for each state, considering that ours is such a large country and we can't have one common policy that can be uniformly applied. I, too, hope that going forward, we will be able to push this more strongly.

Dr Prodipto Ghosh: Okay, let us conclude this session by thanking all the participants – Mr Ravi Aggarwal, who gave the keynote address and then our esteemed panellists, Mr P L Sharma, Chief Town Country Planner, Ahmedabad, Mr Tashi Penjor, Chief Urban Planner, Bhutan, Dr Sudha Shrestha, Head, Department of Architecture, Tribhuvan University, Nepal, and Ms Parul Agarwala, Programme Manager, UN Habitat. All the presentations have been very insightful. I think, the participants have benefitted a great deal. I would like to thank the audience for listening very patiently to all our presenters and for the very animated and engaging Q&A that followed. So, thank you very much.

Ankita: Thank you, Dr Ghosh, for moderating the session and the speakers for sharing your knowledge with us. I would now like to request Dr Ghosh to kindly give the token of appreciation to our speakers.

I now invite all the guests to proceed for lunch. We will reassemble for the fourth and the final session at 1:45 pm. Once again, I would like to request you all to kindly fill the suggestion form and feedback form and submit them at the registration desk. Also, please collect the certificates from the registration desk at the end of the day. Thank you.



SESSION 4 GROUP DISCUSSIONS

Ankita: Welcome back, ladies and gentlemen. We now move to our fourth session. We have with us Dr Prodipto Ghosh, who will be moderating the session. The keynote address will be delivered by Mr Sanjay Mitra. Mr Mitra is an Indian Administrative Service Officer of 1982 batch, who retired as Defence Secretary in 2019. Earlier, he was Secretary, Road Transport and Highways, and has also served as Chief Secretary of West Bengal. Mr Mitra has also worked as Joint Secretary in the PMO from 2004 to 2011. He was the CEO of Kolkata New Town from 2000 to 2001. Mr Satish Magar will be joining us soon. I will read out his profile upon his arrival. Now, I give the floor to Dr Prodipto Ghosh.

Dr Prodipto Ghosh: Thank you, Ankita. I see everybody has moved to the far end of the room, but I hope that the audio system will carry to your end of the room. Those of you who wish to come forward, you are most welcome to do so. The keynote address will be delivered by Mr Sanjay Mitra. So, Sanjay, you have the floor.



KEYNOTE ADDRESS BY MR SANJAY MITRA FORMER SECRETARY, MINISTRY OF DEFENCE

Good afternoon, ladies and gentlemen. It is very reassuring to have your audience far away from you. I am a little alarmed that everybody is coming forward but, anyway, I can live with that. Dr Ghosh, Dr Preeti Jain Das, members of TERI, distinguished participants. At the outset, I would like to thank Dr Preeti for inviting me. This is, indeed, a subject of great importance and I am really very happy that you have taken up this discussion at this point of time.

My experience has been mostly on land acquisition, not on land pooling, though we did make some attempt at land pooling prior to The RFCTLARR Act, 2013. Somehow, in West Bengal, we could not succeed on the land pooling issue at all. There were many reasons for it. The first case in which I did extensive land acquisition was the Rajarhat Kolkata New Town Project, where we acquired 3000 hectares. It is now quite a flourishing township. We went by conventional land acquisition because there was, then, no other model, land pooling was always going on in Gujarat. In fact, land pooling had taken place after the Bhuj earthquake (of 2001) but, somehow, we didn't adopt it. I wish I had the benefit of such a seminar that has been organized today, back in 1999–2000. We did the usual thing, we forced eviction, we had test cases of land to determine the prices, we offered generous terms. We left off homestead land and only acquired the agricultural plots and all the land losers were given developed plots and alternative flats in certain cases.

This was prior to Singur and Nandigram. After Singur and Nandigram, I think, the nation woke up and we decided to implement The RFCTLARR Act. The Act, basically, reflected all the concerns with land acquisition – the lack of people's participation, inadequacy of prices, farmers'



unrest, inadequate resettlement arrangements, etc. What has been the experience, so far, with The RFCTLARR Act? I used to work in the Ministry of Road Transport and Highways and my experience is quite strange. I had thought that, because of the owners' opposition, we would have problems with land acquisition but that did not happen. In 2012–13, the Ministry of Road Transport, including the NHAI, acquired 6762 hectares. In 2013–14, we acquired 8465 (hectares), in 2014–15, we acquired 6733 (hectares), and then, it suddenly jumped to 29,424 (hectares) in 2018–19. Of course, it has something to do with the fact that during 2018–19, (around) 10,000 kilometres of roads were constructed.

The point that I am trying to make is that the State governments and the development agencies have quickly adapted to the nuances of the new Act and have gone ahead and done the acquisition. Of course, acquisition problems still persist, in many cases, roads are not getting constructed due to local pressure. But I am pleasantly surprised by the ease of acquisition now. When I was the Secretary in the Ministry of Transport, I was a little worried that we will not be able to assemble and mobilize land. Why has this happened? I will give you some interesting data. In Varanasi, for the ring road,

the land acquisition costs came to Rs. 9.6 crores per hectare, which is a significant amount. Maybe, the entire issue was about prices because the farmers felt that they were being cheated. In contrast, the Yamuna Expressway Development Authority, much closer to Delhi, gave about Rs. 1200 per square metre. Correct me if I am wrong, that works out to about Rs. 48 lakhs an acre, and it works out to be two and a half times for a hectare. But, if you include multiplication factor, solatium, and interests, it would probably come close, but, not as much as Rs. 9.6 crore per hectare.

There is one very big caveat that I have to tell you about the roads project. We were exempt from social impact assessment. It meant that we skipped that step and went ahead with the acquisition process. The same situation prevailed in (Ministry of) Defence, where I was the Secretary. SIA is waived in the interests of national security. These are subsequent amendments to The RFCTLARR Act, which have come about, I think, in 2015. I don't know whether it is right or wrong, but, I think, the case of linear project is a little different. I use the term 'linear' green-field project, for a road that is built in the middle of nowhere. You are really unable, as Mr Sharma put it in the morning, to sell an idea of the benefits that will accrue from the project.

In a road expansion project or a brown-field project, where you are going from two-lane to four-lane to six-lane to eight-lane, it is actually easy to quantify the advantage that will accrue due to the development. But, for a green-field project, from point A to point B in rural

India, it is very difficult to quantify or even visualize what kind of benefits will arise.

There is no judicial clarity on whether the LA proceedings of 1894 will lapse or whether they will continue, whether the amendments made by states to The RFCTLARR Act are valid, whether they actually go against the basic philosophy of the Act, these questions are still open. At the national level, we have exempted roads, we have exempted defence projects but some State governments have gone a little further, they have exempted the PPP projects from the purview of SIA. We can discuss whether this is the correct thing to do or not, but the fact remains that, if you have to do a project, you will have to acquire land.

Land pooling is a wonderful concept, it happens in a scattered manner all over the country. Why it happens in Gujarat and why we couldn't do it in West Bengal, I have no answer. But, Gujarat has a tradition of cooperative development where people actually come together to do work. Dr Ghosh will bear me out, he was in the Prime Minister's Office in 2001, when the Bhuj earthquake took place. Everybody in Bhuj town got together to voluntarily pool the land to make a new planned township. This we would find hard to do in other parts of India. As I see, land pooling is highly relevant to projects of urban development and area development. Because, it is a compact contiguous area, unlike road, which is spread over and the beneficiaries are spread over a very large extent of land. Just because people live next to the road, it does not mean that they will have community





feeling. I have been listening to these deliberations and, I think, land pooling is a very good way to move ahead, particularly, for slum development and urban renewal and, even, for industrial area development like Dholera. But, as Mr Sharma said, Dholera was unique because 30% of the land in the Dholera SIR was Government-owned. That makes all the difference.

When you acquire land, using Government funds, you don't care about the costs, whether it is Rs. 9.6 crores per hectare, or whether it is Rs. 1 crore per hectare. You just get money from the budget or borrowed funds from the bank and invest. We do a little sleight of hand in that, when we actually build a road, the land acquisition cost doesn't play into the toll prices. If it did, then, no road would be affordable. So, the land is acquired by the Government, compensation is paid, and the construction cost and the operation cost are charged to the developer. So, there are clear limits on budget-driven land acquisition. I think, the limit will be reached sooner than we think.

Now, most of India's highways will be doubling from two-lane to four-lane to six-lane to eight-lane, there will also be a doubling of railway tracks. Therefore, I think, linear projects will have to move increasingly towards the land pooling model because there isn't enough land left for these kinds of expansion works. I am a little biased towards roads because I used to be the Road Secretary. It is also one of the important sectors, but it is yet to play out fully. In the case of urban projects and township development

projects, a lot of thinking and planning is going into land pooling. We heard the UN Habitat, they have a lot of literature on urban development. I am not sure whether enough work has been done in the road sector. I thought, Yamuna Expressway would have some such model but they have opted for direct land acquisition.

A couple of years ago, we were talking about land pooling arrangements for six-lane and bigger highways, but that went nowhere. Maybe, somebody from the audience can tell whether land pooling has been done for the Delhi-Mumbai Industrial Corridor, except Dholera. So, my point is, increasingly, for brown-field linear projects, we will have to go for land pooling. And here, I think, TERI needs to take lead and prepare some kind of a base paper where this issue is highlighted.

The SIA aspect, which is mandated for many categories of projects, is not an unmixed blessing. As far as the project proponent is concerned, it is a complex exercise. And, I am not sure whether we have a proper national database or proper kind of standardized mechanism to do an SIA in a time-bound manner. I was looking at some of the SIA reports on the Internet, they vary widely in content and quality. Some of them are just two pages long, some are quite detailed and elaborate. I think, the new land acquisition law went a little over board when it said that an SIA has to be done before the start of the project. Maybe, you could do it concurrently and not hold up the project till the completion of the SIA. Some of the requirements of SIA are also hard to achieve, like ensuring one-third women's participation. How exactly do you ensure that? Do you catch them and bring them to the meeting? It is so difficult to even mobilize an RWA meeting in Delhi.

I was impressed by the Ahmedabad ring road project, but I am not sure whether it is a case of expansion or whether it is a green-field project. If it is the latter, then I am very surprised by the success but, again, Gujarat has a tradition of doing land pooling and also the economic benefits of the Ahmedabad ring road are quite clear. I wonder what happened to the Hyderabad ring road project, there, also, some land pooling arrangement had been made. Unfortunately, the details have not been documented or published that people could subsequently learn from it.



So, ladies and gentlemen, I would like to make the following points. Land acquisition for linear projects seems to be the way out if you want to complete projects on time, particularly, the green-field projects. For brown-field projects, there is substantial scope for using land pooling. For all other categories of projects, land pooling can be used in a very creative manner and, I think, there is no legal bar in going ahead with land pooling, as far as The RFCTLARR Act is concerned. Both the options can be adopted, it is not like either this or that. This is about all that I have to say. I would urge TERI to prepare an SIA database across India, across projects, so that we get a clearer idea of what SIA is doing. Some of the SIA reports are clearly driven by the project proponent, so they are not very credible. We also need to have a database of how land pooling arrangements have worked, particularly, for big projects in India. Thank you very much.

Dr Prodipto Ghosh: Thank you, Sanjay. Since Mr Sanjay Mitra has to leave, so, if any questions or comments are to be addressed to him, please go ahead. Please identify yourself and ask your question.

Mr Pankaj Dhyani, AGM (R&R), NTPC: I look after R&R and land acquisition. Sir, you have correctly pointed out that SIA studies are not being carried out as per the frame given in The RFCTLARR Act. For smaller projects, some states are simply appointing an SIA committee comprising state revenue officers and the project proponent, though it is clearly written in The RFCTLARR

Act that the project proponent should not be involved in SIA studies and his only role is to provide money for the SIA study.

Mr Sanjay Mitra: I read the Barethi Super Thermal Power Plant EIA (environmental impact assessment) report and realized that it doesn't bring out the whole picture – what happened, what is going to happen, what is going to be the impact? So, I think you are correct.

Mr Pankaj Dhyani: Sir, the Barethi project was developed by NTPC. Actually, at the time of Barethi land acquisition, The RFCTLARR Act was not there. So, prior to The RFCTLARR Act, whenever a notification under Section 4 of the Land Acquisition Act, 1894 was issued, NTPC as the project proponent conducted an SIA study through an academic institute to capture the socio-economic profile of the villagers as well as the project-affected villages. Based on those studies, we framed an R&R plan and carried out community development activities for the affected villages. After The RFCTLARR Act came into existence, we have no role in conducting an SIA. The SIA has to be carried out by a designated agency (which has to be appointed by the appropriate Government, that is, the State Government).

Dr Prodipto Ghosh: I might just add here, that the question of capacity to conduct proper SIAs has long been felt in this country. For the last four years, TERI has been carrying out training programmes, essentially, for staff of PSUs and the State governments. Of course, there have been some people from the private sector to actually familiarize themselves with both the land acquisition process as well as the SIA. But the question of capacity to conduct an SIA remains a serious issue. For a number of years, I was chairing a committee under the Quality Council of India for accreditation of environmental consultants and one of the requirements was the ability to conduct an SIA, which is a mandatory part of an EIA. One would say that it is actually the heart of an EIA. We had to ensure that the companies that apply for accreditation have the necessary human resources, including the ability for SIAs. And we found that very few of these consultants had any SIA personnel and, of course, the question of training programme did come up. The only two organizations, which have actually done something in this respect are,

of course, TERI and the Administrative Staff College in Hyderabad.

Dr K O Thomas, Principal, Don Bosco College: As I said in the morning, we are doing SIA. Right now, we are doing for the Sabari Railway. There is a question whether the railway or railways project are exempted from SIA. We start doing (SIA), then, there will be some indication that it is not needed. Then, again, we will resume because we are told that it is needed. This kind of uncertainty whether SIA is needed or not in certain areas is always there. One of the difficulties on ground is that we are given a time limit, maybe, four months, it can be extended to six months. Sometimes, the ground work is not ready. For example, alignment may not be complete but the SIA unit is pressurized to complete the study on time. These are some of the ground problems that we are facing (in terms of) – the time limit, the alignment or other things (that are) not done. But the public participation is good. I have taken part in at least 5–6 public hearings, women also participate, especially in Kerala, to clarify their doubts and uncertainties with regard to this acquisition process. Normally, the SIA unit, the Revenue Department, and requiring agency are represented by their top executives in these meetings. So, I have seen good participation. This is my experience.

Mr B Hajong, Joint Secretary, Department of Revenue and Disaster Management, Meghalaya: SIA is being conducted in all the parts of the country. The notification for appointing SIA units is a state subject. We don't know the benchmark for qualifying these SIA units. States don't have any third-party accreditation of the SIA agencies that carry out SIA studies. Is there any mechanism in place to evaluate whether the studies carried out by SIA

units are in accordance with the provisions of RFCTLARR Act or no? Sir, we find that the quality of SIA carried out by different SIA units varies. Do we have a third-party accreditation for SIA units?

Mr Sanjay Mitra: I think you will have to develop your own state-level SIA experts. It is very difficult to give an all-India accreditation, because, the socio-economic condition, the nature of society, the nature of the typography vary so widely that a person, who is doing an SIA in Rajasthan will not be able to do anything in Meghalaya. So, maybe, it is not a bad idea to have the state Institute of Development or the state Institute of Public Administration or the Central University there undertake steps to develop this expertise. There cannot be an all-India perspective for SIA. It is too localized and too specific.

Mr Anil Sharma, Social Development Officer, National High Speed Rail Corporation Limited: I have also been involved in many highway projects of NHAI. I want to point out some practical problems we face when we talk about land pooling, especially, for linear projects having a length of 200–500 kilometres. As you have already mentioned that it is good for urban development projects or the regional and town development planning, but, when you talk about the linear projects, we have certain constraints. First of all, as per the new Act, the SIA is to be done before publication of Section 11. SIA allows you to enter the area for the survey. Especially, in linear projects, this survey enables you to identify the impacted persons. When we talk about land pooling, people should have a stake in that development. We have to return some land to the people but, in linear projects, the idea is to acquire only the land which is needed. Earlier, it was Right-of-Way, now it has become the corridor of impact. So, when the idea is to acquire land only to the extent it is needed, then, how can we give them a share of the land? An important point is that land acquisition is a state subject and national highways and railways are owned by the Central Government. The coordination between the executing agencies and the authority in the state is very difficult. Whenever you submit your project for approval to ministries, for example, the Environment Ministry always asks whether you are acquiring the land only to the extent you need? So, if you say that we are





acquiring additional land for developing and giving back to the people, you will face a problem. It is a conflict of interests between the agencies. Land pooling is a good option at a regional level, but, for linear projects, there is a lot to be done.

Mr Sanjay Mitra: Sir, I agree with you but linear projects are exempt, are they not?

Mr Anil Sharma: For what, Sir?

Mr Sanjay Mitra: For SIA.

Mr Anil Sharma: Yeah, it is exempted, but, many projects of MoRTH, NHAI and Railways are funded by the international agencies and this is the basic requirement.

Mr Sanjay Mitra: Anyway, many projects of MoRTH are not funded by international agencies, it must be clarified. (About) 95% projects are internally funded. Last year, we acquired 29,000 hectares. So, what's the problem? What I wanted to say is that it was essentially a price issue, you paid them the price, you paid them Rs. 9.6 crores per hectare and people gave up the land.

Mr Anil Sharma: Sir, I am talking about the land pooling policy. Acquisition, we are doing fine, but, land pooling for the linear projects is a challenge.

Mr Sanjay Mitra: The point that I am making is that land acquisition seems to work well for green-field linear projects. When you do brown-field, when you widen, then land pooling could be relevant. You already have a two-lane road, you want to make it a four-lane road, you know the area of impact, then, you can, at least, sell the dream *ki ye jab four-lane banega, aap ko isme itni badhat milegi, apka income badhega*, (when this becomes a four-

lane road, you will get this much profit, your income will increase). But, in the middle of nowhere, with the two-lane project, you really can't say anything. So, I agree with most of the things that you have said. Regarding the centre-state issue, I did not find any problem in acquiring land for any project. The State Government often wants that road, it is their sponsored road. They want the road and they will do things to get it. Earlier, Kerala had a huge issue with ROW, but, finally, everybody realized that we have to have 45 metres for a national highway because, given the mountainous terrain, you need to have slopes. It is densely populated but people agreed and it is happening now. I mean, states tend to take a very positive view.

Mr Anil Sharma: Sir, acquisition is fine but when you do land pooling, you have to return some land to them. Where and how will we return? Basically, in the town development projects, we are returning 40–60% developed land to the owner, but, here we do not have anything. We have to engage with the state agencies to develop something like this or add value to the land that is being taken.

Mr Sanjay Mitra: Okay, there was some talk that if you want to expand a four-lane or six-lane highway, you declare it as a zone of influence and hope that urbanization will happen in that zone of influence and that is where you can acquire that much land. Even UP (Uttar Pradesh) was doing something in this regard but I don't think it moved very far.

Mr Anil Sharma: I was involved in the Mumbai Express Highway (project) and, initially, the agency, the MSRDC (Maharashtra State Road Development Corporation), decided to adopt the Amravati pattern for this project. They took it to the public, they identified some nodes every 50 kilometres where developed land was to be returned to the farmers, but it failed miserably. Later, they decided to buy this land on a direct negotiation basis.

Dr Prodipto Ghosh: Okay, so, if there are no more questions then we move to the next speaker. Ankita, would you like to come and introduce Mr Magar?

Ankita: Thank you, sir. We have with us Mr Satish Magar. I welcome you here, sir. A graduate in agriculture from Pune,

Mr Satish Magar is the Managing Director of Magarpatta Township Development and Construction Company Limited, which has developed 'Magarpatta City' – a unique township project in Pune, Maharashtra. Currently, it is developing a 700-acre integrated township – 'Nanded City' in Pune itself and (has) proposed a 'River View City' – a 500-acre city – to be developed on the same principle. 'Magarpatta City' is a unique, award-winning integrated privately managed township, developed on the principle of inclusive growth, which made the landowner a shareholder in the company. It is the brainchild of Mr Magar. With around 30 years of experience in building, construction, and promotion industry, he has been the member of CREDAI (Confederation of Real Estate Developers' Association of India)-Pune Metro, since 1993. Later, he became the Vice President of CREDAI National and, now, he is the President of CREDAI National. He has been a member of Maharashtra Chamber of Commerce, Industry and Agriculture since 1998 and is currently its President. I invite sir to kindly address the audience.

Mr Satish Magar, MD, Magarpatta Township Development and Construction Company Limited



I think, this is the first session after lunch, so my apologies for coming late. Sir, I am not from the Government. I am totally private, one of the landowners of this locality called Magarpatta. I was an agricultural graduate, but gradually, I shifted to something else which I had never learned in my entire academic career. The whole idea of Magarpatta city through pooling of land by about 157 families, more than 800 beneficiaries, all small

landowners, was conceived just to protect ourselves from the growth of urbanization and land acquisition. So, that was the first motive. The whole principle behind this was of people, purpose, and prosperity. For us, it was all about people, the purpose was to use land as our raw material, convert it into a fine product and get prosperity for all. In Maharashtra, we have a lot of cooperative movements which inspired this entire aggregation of land but we did not do it under the Cooperative Act, we did it under the Companies Act because there is a lot of political interference in the cooperative system and then it could really go in a different direction.

What did we do? All these farmers who owned ancestral lands pooled their lands together into one conglomerate. We had an agreement amongst ourselves which said that we will develop this as an integrated township because this was in an urban area. Magarpatta was located in the municipal corporation limit of Pune, so, it was an urban area. We agreed that we will all be percentage shareholders in the revenue which will come, based on our holdings that we have pooled. We also formed our own company for development and became shareholders in proportion to our own landholdings. So, there was no acquisition process, there was no handing over to anybody. This was the simple concept on which it started in 1993–94. Nobody believed that so many farmers could come together, nobody thought that we had the skills, the mindset, and the support to do it. But those were the years, sir, when the whole process of liberalization and globalization had started. The Government authorities, the bureaucracy, the political system in Maharashtra thought that it is a good experiment that we can look at, so, at least, give them some encouragement that they can go forward, so that it can be an alternate model for land acquisition. And this is how we started.

We pooled our lands together, we formed our own company, we went out in the market to try and raise finances. This was extremely difficult because there was no money transaction involved as we had pooled our lands together. What was the model? The model was that a percentage of revenue on accrual will come to us as land costs, so, there was no upfront land payment, we were getting money as the process went on. The advantage of this method was that we were getting the

benefit of land value appreciation, the disadvantage was that money was not coming to the farmers who had pooled their lands together. As our entire livelihood was dependent on agriculture, we overcame this by creating a system in which a lot of backward integration was done. At least one member from each family, more than one, in many cases, was trained to become an entrepreneur. In construction, a lot of things are required to be done, a lot of non-specific things are required. A lot of training was imparted to these landowners so that they could become a part of the whole developmental system.

The idea behind this was that an idle landowner can be a disaster for any scheme, so, he has to be occupied. The second reason was to increase the pride. If you look at psychologically, if a person becomes the developer, that means he has not sold the land or parted with his land, because, farmers were extremely emotional about their land due to their deep bonding with that land. So, we started this experiment. In December 1999–2000, the Government finally gave us permission to start the work and that is when we began. It took time for people to understand that such concepts could work. The whole idea was to create wealth. The idea was to make money, we were not a charitable organization, we were not doing anything for charity.

So, an inclusive model was designed, there were no governmental policies in place for such type of schemes. The Government of Maharashtra came out with the Township Development Policy, permitting the participation of the landowners or a developer, who could do it on a large scale and, so, this entire model was developed. It took us 18 years to complete the project on 434 acres of land, about 8000 residential units, more than 8 million square feet of IT space were built. An entire city was developed with all the infrastructure of schools, hospitals, etc. It was based on the Town Planning Act of Maharashtra of that time, in which certain facilities needed to be created. The entire road network was created, it is a gated community with all facilities, all the power lines were laid, everything was done gradually, as the work progressed.

We have about 35,000 people living in Magarpatta and more than 100,000 people working on the IT parks, so,

the entire infrastructure caters to about 1,25,000 people. Everything is managed privately, the Corporation does not do anything. It is a zero-garbage, zero-discharge,



totally self-sustainable city. Even the security is managed internally. All this experiment was done by these 157 farmer families that came together and pooled their ancestral lands to develop the city. I think this was possible because:

- It was in the urban area;
- It was our own land, I mean, we had inherited that land and the whole idea was to add value to the asset which you had and convert it into a fine product;
- And also create entrepreneurs. It was very difficult for us to go 100 kilometres somewhere in some village and start agriculture all over again, because we were all city-bread and urban farmers.

But most of the farmers were marginal farmers, a majority of them had less than one-acre landholding. So, you can imagine, 800 beneficiaries for 400 acres, but, yes, they were bonded together and they could do it. We had a lot of problems because the idea that people can come together and pool their lands together, be part of the developmental process, was novel. I was listening to the entire discussion here and, in the last 20 years, I have listened to so many such discussions. Everywhere, the whole idea is to acquire land, uproot the farmer from his home, then the developmental process is done, and the Government authorities or the private authorities make their profits from it.

We thought that why not make the farmer a part of the developmental process, why should he be uprooted from his roots? And, that is how the system was laid. The first issue that came when we made the agreement was stamp duty. The amount of stamp duty which the Government asked for was so extraordinarily high that it was very difficult to pay that but, ultimately, in those days in 1999, we could find a way to pay a minimal stamp duty. When I took the second project, the authorities realized that, first time, there was a loophole, so they made it stringent with the result that, for the second time, the amount of stamp duty to be paid was much more. However, one has to understand that farmers are pooling their land, there is no intervention by a third party.

The second point was the Income Tax Department. It was a transfer, so, capital gains tax was immediately applicable. But where do you get the money from? You have pooled your land together. Why does land pooling not happen? Why did it not happen in NAINA? Same problem. The day I sign an agreement, capital gains tax is applicable. Capital gains tax is calculated not on the money which I receive but on the notional value of land which is given in circle rates. In progressive urban states like Maharashtra, the circle rates are extraordinarily high because they are linked to the Government revenue. Where do you pay the money from? I know how I have fought with the Income Tax Department for all these years on whether it is a capital gain, whether it is a business income, what is it? So, if I sell my land, I pay less tax but if I pool my land together, I am punished for pooling lands. I think, we need to change the system.

Fortunately, at that point of time in Pune, we had good assessing officers, we had good commissioners, we had good people who understood. They said, 'No, this loophole needs to be plugged.' So, when I did the second project, on day one, capital gains tax was applicable. When we did Magarpatta, not many people understood what it was in the late 1990s, so, we could sail through. In the second project, everything was plugged. Fortunately, we did the second project on a different model. Magarpatta had been built, so, we had enough resources to invest the money as investing partners. We did not own land there. Here, we had the land but there, we did not own the land. Everyone told us that, because you owned



the land, Magarpatta could be built. Why can't you do it somewhere else, why don't you go to a green-field project? So, we went to a green-field project, the second project named Nanded City has 700 acres owned by more than a thousand farmers.

The Magarpatta Company was formed by the farmers of Magarpatta area in Pune, they own 51% of the equity. The Company had the money but we did not have the land. So, they pumped in money to pay to the Government. Most of the money was paid by way of stamp duty and capital gains, which is applicable immediately, but on the minimum value of circle rates. Thereafter, when that value went up, then, it became business income. Who will pool land if we have to give so much? After two years of representation, the Finance Minister finally said, 'No, no, no, when you deliver the first house, if you are making a house, you have to pay stamp duty. So, the stamp duty was paid and capital gains tax was deferred. Now, GST has come. You have to pay 18% GST if you are taking a commercial space and 12% if you are taking a residential space withholding 5% with no input credit. This will not work, all land pooling schemes will fail if we do not incentivize them. I am speaking this out of experience, we have survived but the amount of money you pay for this is phenomenally high.

So, on the one hand, we talk about encouraging people to pool their lands, saying that the farmers should get their due but, on the other hand, we take away everything from them which leaves them with nothing. That scares the people and that is why, they opt for different ways of doing things. But we have done it. We are managing

everything, not a single paisa is spent by the municipal corporation, we also pay the tax. So, we are doing everything ourselves but paying taxes to the municipal corporation. I think, that is the bottom-line, unless and until the Government decides, different authorities decide that, yes, land pooling has to be encouraged, it has to be incentivized, this model will not become popular. We are not saying that it should not be taxed but, at least, impose tax after the income is realized. I think, only then the schemes will work.

We need a change of attitude. From the time the idea emerged in 1995 till today, in the last 25 years, I have been saying the same thing in every seminar, every session. I have always been saying that we should come out with something that will make land pooling work. Amravati is a different model but a lot of hybridization can happen in this. Somewhere, you pay some money, get some stake in equity, I don't know why we are scared. When Reliance wanted to acquire land for SEZs they called me to speak. I said that you determine the land cost, give the landowners 50% or 70% of the land cost money, (the remaining) balance you can convert into equity. They did not like the idea and they said, 'Why we should give the equity?' I said, 'You are giving equity in public, why can't you just convert it?' Let that sense of belonging or the sense of ownership come to the farmer, because it is his land. We have a history of more than 400 years at Magarpatta. So, there is some affection, there is some relationship with that land and if you are going to uproot me from there, I am going to create problems. And, because I am a farmer, I have the political will. I will have to be appeased or I will stop the project. I think this is happening everywhere. Can you imagine if I had sold

my land in 1999, I was going to get Rs. 16 lakhs an acre. Today, one acre of land will fetch more than Rs. 5 crores. I am getting a dividend income of Rs. 50,000 per month as rent of the IT park. Why should I be deprived of this? It is on my land that development has happened. I mean, development needs to be done, progress has to happen, the GDP has to increase but the person on whose land you are walking should not be trampled down. That is the only thing I wanted to speak here. Yes, it is a doable model, you need someone who can do it and you need to support this model, because, henceforth, I can tell you, as a farmer coming from a farming community, getting land is going to be very difficult.

One gentleman spoke about Samruddhi. It is in Maharashtra. I know how land acquisition happened and at what rate it happened. Because it was a prestigious project for the then-Government, the land acquisition could happen but the rate at what they acquired land, I don't think a road project would be successful. There will be no income. Same thing is happening at Purandar airport. The farmers don't want to give up land, they are asking for a stake. Now, we can give a stake to a private company to do it but we don't want to give a stake to the farmers, at least, a percentage of it, so that they feel that, yes, something is happening on my land and I am a part of this.

I think, until and unless we deliberate on this issue and we make the changes, these models will not succeed. One stray model of Magarpatta can go through because it was about our survival, because we wanted to prove that farmers can do a project, the second one happened because it is urban, we could also do a third one. But, if it has to be done across the country and if it has to be a successful model then, probably, we will have to do a lot more in that. The models which are developed by people, who have their soul in it, can be different. Last year, with TERI's help, we did a sustainability study and we know what we are generating from there. We know that we are carbon positive, it is certified as being carbon positive. We know that Rs. 12,000 crores of exports are made from Magarpatta every year, we know that more than Rs. 6000 crores is coming by way of salary. We are paying more than Rs. 40 crores as taxes to the municipal corporation but not taking anything from them.





Yes, it helps in the prosperity of the entire region. With 80,000–100,000 people working at IT parks, I think, it has changed the whole system. This model can work in airports, I think, it can happen, not in roads but in industrial areas. SIDCO, in Maharashtra, is one such model where a percentage of land was given back. I said, 'Don't give it back, make them a part of the whole process, because, if you give back land to me, I'm going to sell it to somebody, take that money and just spend it in no time'. So, my appeal to all of you here, because, you all are the people who are involved in all these things is, to create a model which makes it sustainable. Sustainability can only be created if it is incentivized by not levying taxes in the beginning. And, if we could do it in Pune, which is not a capital city, it can be done in other places also. We have gradually reached the point where 2000 acres of land is being developed using the same system of land pooling. I think, these are the points which I thought I would speak about. Thank you very much for giving me this opportunity.

Dr Prodipto Ghosh: Thank you, Mr Magar, for such a rich account of the practical realization of the concept of land pooling and how exactly, the farming community has been involved and they have been benefitted. I may mention, for your benefit, that the convener of this workshop is a Commissioner of Income Tax (Department). She has made careful notes and, so, by the time she becomes a member of the Central Board of Direct Taxes, you can be assured that the issues you have

raised will be solved forever. So now, the floor is open for questions and comments.

Dr Sudha Shrestha, Head, Department of Architecture, Tribhuvan University, Nepal: Your presentation was quite nice. In Nepal, land pooling is through the Government only. Although, we have developers who have developed lots of places and areas but that is not through land pooling. They purchase land and they construct housing and then they sell. But, the Government is also trying to encourage developers to adopt land pooling. Can you please suggest one very suitable way to promote these developers, although, you have already mentioned in your presentation that taxes should be avoided? What might be a useful way for us to start land pooling through developers?

Mr Satish Magar: The most important thing, you see, is trust. Unless and until you trust each other, this cannot happen. This is point number one. Point number two is, the larger picture needs to be told properly to the people. They have to be told that value addition will happen and how it is going to give entrepreneurial opportunities. What we did was backward integration. Whenever you are doing any development, there are a lot of things which are non-specified, in which you can train people. We did not employ anyone in the company, no landowner is the employee of the company. His mindset will always be that of the owner, he will not do any work and he will become a nuisance. They became entrepreneurs through the assistance of banks and when that happened, they had to pay back the borrowed money. As a farmer, I can get a waiver, but, as a business entrepreneur, I cannot get any waiver and I have to repay that money. Once they were trained to become entrepreneurs, their entire psychology and mindset changed. They felt that, 'we have become businessmen; from an agrarian society, we have gone to a business society.' You need to facilitate the transition. Facilitation is the key factor, which would promote people to be a part of this.

Dr Meena Vidhani, Deputy Director (Planning), Delhi Development Authority: In the case of Magarpatta, there was an agreement between the constituents and landowners, and equity was the basis of the agreement.



In your project of Nanded City, what is the arrangement between the company and the farmers of those areas?

Mr Satish Magar: In Magarpatta, equity was one part but there was a concentration of land, which was based on revenue sharing. But we were all equal holders to our land, so there was no dominant equity holder. When we went to do the second project, the Magarpatta Company became the dominant equity holder in that SPV. So, again, there was revenue sharing for the landowners so that they got the revenue on accrual basis. Plus, they got 49% equity, based on their landholdings in the company. We have been very strict that the equity is distributed only on the basis of your landholdings and not on the basis of the money you have or the muscle power you have. So, 51% stake was with Magarpatta City and the rest 49% went to all the others and, thus, the entrepreneur model continued. There also, the landowners got trained to become entrepreneurs because the landowners of Magarpatta don't require assistance now, they are on their own. But these people require assistance, so they were trained to become entrepreneurs. We are creating opportunities by tapping all the streams of revenue. So, all services, right from milk supply to landscaping are being offered to the stakeholders working as entrepreneurs. If they can provide satisfactory service, then they do it, if they cannot do it, then they move out of that.

Dr Dimple Tresa Abraham, Research Associate, Centre for Women's Development Studies: Where did you get the inspiration to guide you, to handhold you?

Mr Satish Magar: Dr (Verghese) Kurien was the inspiration from Anand, where raw material was collected and converted into a fine product. So, Amul was the inspiration. The Sugar Cooperative Societies of Maharashtra were an inspiration where the sugarcane was crushed and sugar was made and that is how the value addition happened. So, it was basically an idea that this land is the raw material and you convert it into a fine product and add value to your own assets. There was no body from outside to lead us, it was a learning process, we learnt on our own. But, as I said earlier, in the late 1990s, the Government was very positive about new ideas because, you know, the liberalization process was on. I think, we are the product of that experiment of liberalization.

Dr Meena Vidhani, Deputy Director (Planning), Delhi Development Authority: Sir, we are also working on our land pooling policy in DDA. We are at a stage where all the constituent landowners have to come together. We had referred to the Magarpatta model, we found that the company was set up under the Companies Act. I just wanted to get an idea about what would be the options, other than the Companies Act, wherein the constituents and landowners could come together effectively and take the scheme to conclusion?

Mr Satish Magar: See, when we started, we had two options, either, we do it under the Cooperative Act or we do under the Companies Act. The reason we opted for the Companies Act was, these are long-term projects, so it is important to keep people together. In a cooperative society, you can have one person who can stand up and destroy the whole thing. But, under the Companies Act, it is not possible because you have a lot of other people who are keen to make it work. That is why we went for an SPV, which could be binding. We thought that the Companies Act is a better way of doing it, so we adopted it. So, every project is a new company where the promoters' holding comes from Magarpatta and then the farmers become a part of this. I think, we did not find anything, other than the Companies Act, which we thought was safe enough.

Mr Madhusudan Hanumappa, Social Development Specialist and Consultant: You said that land pooling is possible only if it is an urban development or an



airport project or something like that. But, in Bihar, they are thinking of bringing a land pooling policy for linear projects – for a road project. They are thinking of a master plan in which they are planning to bring in the land pooling policy. So, what suggestion can you give that can be included in a policy of that kind?

Mr Satish Magar: What you will have to do is what was originally planned for the Pune–Mumbai Expressway. The idea was to create hubs and you take some extra land from the farmers, who have pooled their land, and give the farmers some land in hubs. I don't know the legal framework under which it can be done there. But in Maharashtra, we are doing it in agriculture. It is happening in the food processing sector, where the farmers are pooling together and doing it on a large scale. Earlier, it was practised in agriculture, then it gradually waned, but now, it has come back again. I think that creating hubs is the only alternative as far as roads are concerned.

Dr Prodipto Ghosh: Okay, now, we will have to close this session. Thank you very much, Mr Magar, for the inspiring address that you have given. I think the participants will reflect on the experience that you have shared. We will make sure that the message goes out to all the concerned parties.

Ankita: Thank you so much, sir. I would now request Dr Ghosh to kindly give the token of our appreciation to Mr Magar.



SESSION 4

GROUP DISCUSSIONS (SUGGESTIONS)

Ankita: We will now break into five groups to discuss the various aspects of land pooling. Group A will discuss the enabling legislative frameworks, Group B will discuss the financial benefit-sharing mechanism, Group C will discuss the institutional arrangements, Group D shall discuss sustainable outcomes, and Group E will brainstorm about addressing people's concerns. Kindly take your seats as mentioned in the list. The group session will go on till 4:15 pm. We will share the suggestion form at the end of the session. Please fill and return it.



Group A: Enabling legislative framework

Members: Ms Neelanjali (Leader), Mr Arvind Cristo, Mr Mukut Phukan, Ms G Vijaya Lakshmi, Mr Suresh Kumar, Dr M K Bimal

Suggestions

- i. Procedural structure at each level should be framed out
- ii. If there is consent of 80% of the community, then the project may be given approval
- iii. Existing provisions of policy should be implemented strictly by DAs/nodal agencies/ PIUs
- iv. Some percentage of concession in stamp duty/ registration fee should be given to the original owner of the land, retained by him in case of transfer of land
- v. Equity should be given to the farmers in proportion of the land given by the farmers in a particular project
- vi. How much percentage of developed land will be given back to the farmers, so that farmers can have their ownership back? The percentage should be very clear
- vii. EIA & SIA should be included or completed before initiation of a project but not in the line of Land Acquisition Act.



Group B: Financial benefit-sharing

Members: Mr P Selvadurai (Leader), Ms Beautiqueen Shylla, Mr Dilip K Das, Ms Nagaveni, Mr Bhupesh Hajong, Mr Goutam Singh, Mr Totak Acharya

Suggestions

- i. Financial sharing shall be based on size and nature of land as in Magarpatta model
- ii. Revenue sharing may be on 50:50 basis as has been in Ahmedabad model
- iii. Pensions to affected people (landowners)
- iv. Compensation for land shareholders as in Amravati model
- v. Benefit should also go to the non-title holders, by giving an alternative site
- vi. Livelihood component should be taken into consideration
- vii. Alternative livelihood promotion may be based on the capacity of individuals
- viii. Job opportunities may be given to the affected people during the project and post completion
- ix. Training centres for capacity building
- x. Scholarship for children's education
- xi. Medical facilities may be given for free to the affected families till the completion of the project



Group C: Institutional arrangement

Members: Ms Meena Vidhani (Leader), Mr Kamlesh Kumar Yash, Ms Naphisha B Khorkongor, Dr Shibalal Meher, Mr Praveen Kumar, Mr S Goswami, Mr Pankaj Dhyani, Dr Sudha Shrestha

Suggestions for Broad Policy Framework for Land Pooling Policy

- i. Identification of land pooling areas in consonance with the development plan of the city/project area, and undertaking of feasibility study before initiation
- ii. Stakeholder consultation required to be taken up by the Government comprising sarpanch, women representatives, minority groups, and other stakeholders in Scheduled Areas for:
 - » Arriving at consensus, building trust, and getting willingness of at least two-third on board before initiating the schemes
 - » Conducting negotiations of remaining landowners, who do not come forward of their own accord
- iii. Creation of consultative committees for initiating work in land pooling areas
 - » Committee to comprise representatives of town development authorities, district administration, development authority, 3-4 technical experts, representatives of user committees, local representatives (max. 10-12 members) including representation from STs/SCs community as well
 - » Hiring consultants to make layout plans
 - » Identifying financial strategies, if required
 - » Developing an internal grievance redressal mechanism
 - » Gaining feedback
- iv. Creation of user committee/consortium/focused group, who will be responsible for planning of the scheme area in terms of:
 - » Contribution ratio
 - » Resolution of issues of tenancy, legal disputes
 - » Convincing unwilling landholders to pool land
- v. Set up independent grievance redressal mechanism on issues not sorted by the user committee
- vi. Creation of dedicated land pooling unit of any district/authority comprising all service providing agencies to undertake:
 - » The execution of final plan
 - » Issue of all approvals, license
 - » Continued support till the entire development comes up.



Group D: Inclusivity for sustainable outcomes

Members: Ms Gurpreet Kaur (Leader), Ms Reema Bali, Mr Nawal Kishore, Mr Nand Kishore Ram, Ms Anjula Agarwal, Mr Deepak Virmani, Mr Anil Sharma, Dr K O Thomas

Suggestions

Project starts with identification of the stakeholders
Stakeholders can be:

- Executive agency
- Land pooling agency (or implementing agency)
- Planning professionals and other technical experts
- Project-affected persons, (families), etc.
- Users

For bringing inclusivity to the project for sustainable outcomes, the following options can be included in the project development phases for achieving sustainable outcomes

a. Feasibility Phase (Financial, administrative, risk assessment, vision, etc.)

b. During this phase, the steps to be followed are:

- » Identification of project-affected persons
- » Identification of implementation agency
- » Identification of unauthorized claims
- » Creation of grievances redressal mechanism by creating a committee for recording and communicating the dialogue to the masses in orderly fashion
- » Conducting periodic dialogues between all stakeholders to bring all on common consensus or on same platform

c. Planning Phase

The following steps can be adopted:

- » Micro-level planning
- » Finalizing the design with representation of the masses
- » Finalization of stakes (valuation, skill development, etc.)
- » Getting approvals



d. Execution/Implementation Phase

The following steps can be adopted:

- » Conducting periodic dialogues
- » Recording, documenting, disseminating, and communicating (for the masses)
- » Involvement of experts for special focus on particular aspects

e. O & M Phase

- » Obtain approval/certificates related to project completion
- » Transfer project to end users
- » Creation of associations/bodies/committees for maintaining sustainability of the project
- » Conducting regular consultations with end users
- » Creation of monitoring mechanism for understanding the outcomes of the project (helpful in scale up).

Group E: Addressing people's concerns

Members: Mr Amit Kumar (Leader), Ms Aparna Soni, Mr Madhusudan Hanumappa, Dr Chhavi Ankita, Mr V K Thakur, Mr Dharamvir Singh, Mr Er Sanjeev K G

Suggestions

a. Addressing people's concerns through:

- » Awareness about the project
- » Benefit/impact of the projects – socio-economic impact on the community as a whole
- » Process of public participation in the entire land pooling scheme (from chart)
- » Gentrification/relevance development v/s impact
- » Grievance redressal mechanism
- » Use of technology
- » Accountability/stability of policy
- » Marginalized section/vulnerability

b. Awareness about the project

- » Concept of the project/success stories, good practices of other relevant projects
- » Roles and responsibilities of people
- » Roles and responsibilities of Government agency
- » Awareness about project life cycle

c. Benefits/impact of the project

i. Short-term:

- » Economic benefits/impact – loss of livelihood/housing/land/common property resources
- » Regional impact
- » Environmental impact
- » Socio-cultural impact – lifestyle change, gentrification, in-migration, sense of belonging
- » Risk analysis – spreading awareness about risk analysis about the project





- » Relevance of the project in bringing the people to the mainstream, post project
 - » Skill development
 - » Holistic perspective of planning process
 - » Ensure inclusivity of marginalized sections/vulnerable groups, gender specific, mainstreaming marginalized groups
- f. Grievance redressal mechanism
 - » Ensure grievance redressal mechanism across all stages – policy framing/ planning/designing/execution
 - » Ensure platform to engage in grievance redressal
 - » Removal and penalty in case of grievance
 - » Timely redressal mechanism
- g. Use of technology
 - » Use of social media as enabler of policy, as awareness tool, as participation platform for people to come together
 - » Use of spatial technology/GIS in land pooling process
 - » Visual representation for easy understanding
 - » Grievance redressal mechanism available online
- h. Accountability/stability of policy
 - » Ensure returns to be fixed in policy
 - » Political accountability
 - » Land use policy in form of triple-party agreement between people, private and Government, where Government becomes facilitator
- ii. Long-term:
 - » Creating economic opportunities: employment generation, enhancement of quality of life, asset generation
- d. Process of public participation
 - » Appropriate representation of all stakeholders
 - » Socio-economic feasibility study to ensure impact on all stakeholders
 - » Inputs and suggestions at the level of framing of policy, planning design stage, implementation
- e. Gentrification/relevance of development v/s impact

Vision



H-Health for all (wellness way)

E-Education (quality) for all

A-Food for all (Agricultural way)

L-Livelihood for all (Lifestyle improvement, entertainment, skill development)

T-Tourism for all (Neighbourhood development way); Atithi Devo Bhava way

H-Housing for all

Y-Happiness yardstick



FEEDBACK SESSION

Ankita: Thank you, everyone, for sharing your thoughts with your group members. I am sure, based on the discussions, you must have listed down a number of suggestions. We will now commence with the feedback session. I request Dr Prodipto Ghosh and Dr Preeti Jain Das to please conduct the session.





Dr Prodipto Ghosh: Thank you, Ankita. I think, all of you have been working very hard for the last hour and a half, listing your suggestions on the assigned topics. Now, we would like your feedback about this workshop. You can go in any order and say whatever you like. Okay? So, who would like to go first?

Mr V K Thakur, Assistant Director, Department of Revenue and Land Reforms, Bihar: *Land pooling and land acquisition ke baare mein iss workshop mein jo discussion hue vo meri samajh se kafi useful hain, kyunki ye dono hi jo topic hain ye kafi debatable aur contentious hain. Khaas kar ke jab inki implementation ki baat aati hai, toh hum dekhte hain ki practically field mein jo experiences hote hain vo theory se alag hote hain. Toh meri samajh se isme Government agencies se aur representation hona chahiye tha taaki jo log policies banate hain unhe ye pata chale ki actually field mein ye kaam kaise hona chahiye aur kaise ho raha hai. Dusri cheez ye hai ki iss workshop mein ek angle jo miss kar rha tha meri samajh se, vo ye tha ki land pooling aur land acquisition ki jo policies hain, unka judicial representation kya hoga? Judiciary isko kaise dekhti hai? Kyunki ultimately jo hum policies banate hain vo uska interpretation hum jo karte hain aur judiciary jo karti hai, uss mein bahut antar hota hai. Aur jo judicial representation ka sabse bada impact padhta hai policy implementation ke final aspect par. Toh ye cheezein agar discussion mein aaengi toh future mein jab koi policy iss par banegi aur jo changes aaenge, usme nishchit roop se kafi help milegi. Thank you.*

Translation: The discussions that were held in this workshop about land pooling and land acquisition were quite useful because, both of these topics are quite

debatable and contentious. Especially, when it comes to their implementation, we see that practically, the field experiences are different from the theory. I think, there should have been more representation from the Government agencies so that those who make the policies should know how this work should actually be done in the field and how it is happening. One angle that was missing in this workshop was the judicial interpretation of the policies of land pooling and land acquisition. How does the judiciary look at this? It has often been seen that our interpretation of policies is different from that of the judiciary. The biggest impact of judicial interpretation is on the final aspect of policy implementation. So, if these issues are brought into discussions, then, whenever a policy is made on this subject, it will definitely be of great help. Thank you.

Mr E R Sanjiv, CEO, HCHC: Good evening. It was a great show. What exactly we want to say is that people's participation is a must. Talking about land pooling, we have to see that, community-wise, a system has to be developed where an agreement between the farmers or the landowners, plus the agency as well as the authority, has to be created. The authority must play the role of a facilitator for the farmers or landowners so that they can be part of the development process.

Mr Anil Sharma, Social Development Officer, National High Speed Rail Corporation Limited: Thank you so much for organizing this lovely workshop. It will be more useful if we can plan it sector-wise and understand the kind of implementation methodology that a sector has adopted. This will provide valuable learning to others and they can look at the kind of challenges in their sectors or

upcoming sectors, so they can be better prepared to look for the options. Thank you.

Dr Prodipto Ghosh: Anyone else? No one wants to give feedback?

Dr Meena Vidhani, Deputy Director (Planning), Delhi Development Authority: I take this opportunity to thank TERI for having such an exhaustive and a learning workshop. There are a lot of things that, we in DDA, will be taking back. There are a lot of answers that we are still looking for in implementing the policy. But, looking at the progress made by the various states and the experiences of outside, we are positive that we would also be able to take this forward, and very soon. We should also have a



model as Amravati or, for that matter, Gujarat. We would be very interested to hear (about) Gujarat in the future series or seminars. Thank you so much.

Mr P Selvadurai, Director-cum-Secretary, Association of Municipalities and Development Authorities: Good evening. This has been a good opportunity for us to learn, to hear about what has happened in various parts of the country, plus the neighbouring countries. Many of the participants have come from various parts of the country where this technique of land pooling has not yet been tested, because in town planning, we say that there is no single answer for any problem. There are always alternatives. In that spirit, we have been talking about the TDR and all other land acquisition (aspects) for urban development projects. We have learnt about various techniques and experiments, particularly, the success of land pooling in Gujarat. This forum provided an opportunity to hear the other success stories like (in

Pune, Amravati, and such places. Thank you very much, TERI, for this opportunity.

Mr B Hajong, Joint Secretary, Department of Revenue and Disaster Management, Meghalaya: Thank you, ma'am, TERI, and all the officials for organizing this two-day workshop. I am especially very grateful to the panellists, national as well as international. I don't know if land pooling will ever take place in Meghalaya but we are going back with full information about land pooling. We have also seen how land pooling has successfully been implemented in one or two cases. It is very interesting to know that land pooling is actually quite inclusive. We talk about inclusiveness but in reality, we don't see it happening. But I think, through land pooling, we can



achieve empowerment and also social and economic development, and there is scope for sustainable development. It is an eye-opener for a landlocked region of the country like the Northeast. This two-day event has given a lot of insight and, I think, I have gained personally. Of course, I have two other officials also from the state SIA unit, so it is really encouraging to know that this is not only a concept but it's really happening in some of the states. So, thank you, once again, TERI and all the panellists.

Mr Madhusudan Hanumappa, Social Development Specialist and Consultant: Good evening, I would like to thank TERI and the team that has organized this workshop to look at land pooling, as such. Before making a policy, we need to think of inclusiveness where we consider the aspiration, the transitions, and transformations of the people who are giving land for pooling. How do we look at that? What will we put in the policy to take care of these issues? This has to be addressed.

Dr K O Thomas, Principal, Don Bosco College: I would like to thank and appreciate TERI for specially inviting us to this workshop, not just the Government departments. I am doing SIA in the state and I have learned much from this workshop. I do not have many years of experience in this sector, so, it has helped widen my horizon in this particular area. I feel proud that we are partners in building our nation together. I thank TERI, once again, for this opportunity.

Dr Sudha Shrestha, Head, Department of Architecture, Tribhuvan University, Nepal: I would once again like to thank TERI, Dr Ghosh, Dr Preeti, and all the members of TERI for inviting us to such a wonderful workshop. We gained a lot of insight from this two-day workshop. In our country, we are applying land pooling technique to very small plots of land but, here, we have gained knowledge that we can go for larger plots and even for designing larger towns through land pooling. You are most welcome to Nepal, we are there.

Mr Dilip Das, Secretary, Department of Revenue and Disaster Management, Assam: I would like to take this opportunity to thank TERI for giving us this exposure during this two-day workshop. In Assam, we have heard about land pooling but, we have benefitted a lot from the interaction with distinguished speakers during these sessions. We have heard the success stories and we will definitely think about how it can be successfully implemented in our state. We have heard the success stories from Nepal and Bhutan also. Thank you so much.

Mr Nawal Kishore, Joint Director, Department of Consolidation, Bihar: Basically, hum log consolidation ke madhyam se iss kaam ko karte rahe hain lekin dono ka Act alag alag hai. Bihar mein abhi Land Pooling Act bann ne ja

raha hai jo bahut hi sheeghr bann jaega. Saath hi hum log iss December mein land pooling par national seminar organize karne ja rahe hain jisme Preeti Ma'am aur Thomas Sahab se bhi baat hui kafi ache se. Aur kyunki aaj ke aur do dino ke seminar mein yahan mahsoos hua ki Bhutan se jo aaye hain, Nepal se jo aaye hain jinka geographical condition alag hone ke baad bhi bahut ache dhang se iss land pooling ko aage badha rahe hain. Aur ye aane vale din mein har district level par, anumandal level par iska role badh jaega jahan tak mera anumaan hai aur ye kafi effective hoga aur sujhaav hoga ki aap log apne tarah se state-wise bhi iss kaaj ko organize karne ke liye State Government ko bhi advise karen ki uss level par bhi log expertise aayen aur vahan ke anya officers, advocates aur anya logon ko bhi iski jaankari ho. NGOs, jitney bhi log hain, maximum logon ko iske baare mein jaankari ho. Thank you.

Translation: Basically, we've been doing this work through the medium of consolidation, but both the Acts are different. The Land Pooling Act in Bihar is in the process of being made. Also, we are going to organize a national seminar on land pooling this December, on which I had a discussion with Preeti Ma'am and Dr Thomas, as well. In today's session, we found that Bhutan and Nepal, whose geographical conditions are very different, even they are advancing this land pooling policy very well. As far as I can guess, in the coming days, at every district and subdivision level, its role will increase and it will be very effective. I would suggest that you should advise the State governments to organize such conferences so that people who have expertise can come and participate along with the officers, advocates, NGOs, and other people, who should also know about it. Thank you.

Dr Prodipto Ghosh: Thank you for your feedback. Now, I will request Dr Preeti Jain Das to give the final remarks.



Concluding Remarks by Dr Preeti Jain Das, Senior Fellow, TERI



Respected Dr Ghosh, ladies and gentlemen, the two-day international workshop has come to an end. I hope you have found the proceedings intellectually engaging and,

I hope, you all have found us hospitable enough. I would like to inform you that the contact details of speakers and participants will be shared with you by next week as well as the photographs. I would like to thank my team at TERI, Ankita, Dr Ghosh, Suneetha, and the entire TERI world who have worked together to put this in place. So, thank you once again for participating in this workshop and making it a success. We will put together a report of the entire proceedings of the workshop and share it with all of you. Of course, it will take us a few months to do it. We will also be sharing the feedback and the suggestions that have come with the DoLR and the organizations, which are represented here, and also with the State governments. So, to all of you, who are travelling, have a safe trip and godspeed. Thank you.

I would like to request you all to assemble near the dais for a group photograph.





PRESENTATIONS

Dr L Narasimham: Amaravati, the People's Capital of Andhra Pradesh

Mr P L Sharma: Land Pooling and Land Reconstitution in Gujarat

Mr Tashi Penjor: Land Pooling and Land Readjustment – Bhutan's Experience

Dr Sudha Shrestha: Issues and Challenges in Land Pooling Projects of Nepal

Ms Parul Agarwala: Participatory and Inclusive Land Readjustment (PILAR) – Improving the Urban Fabric



Dr L Narasimham, Commissioner, Andhra Pradesh Capital Region Development Authority



Agenda



- Background
- Amaravati Land Pooling Scheme
- Social benefits of the Scheme
- Evaluation of the scheme

20/Mar/2018

2 APCRDA

The planned capital city "Amaravati" is strategically located close to key economic hubs.



- Strategically located to key economy generating mega cities i.e., Vizag, Hyderabad, Chennai & Bangalore
- Centrally located within Andhra Pradesh
- Multi-modal connectivity through Road, Rail, Port & Airport

20/Mar/2018

3 APCRDA

Amaravati's is envisioned a "Happy city"



20/Mar/2018 Amaravati Socio-Economic Masterplan

8 APCRDA

There have been major challenges to the State's aspirations



Vision

- The Government envisioned building a world class capital city
- The total capital outlay for building the 217sq.km capital city is approx. \$15bn in the next 20 years
- The 5 year capital outlay is approx. \$7bn



Challenges

- Post bifurcation, Andhra Pradesh was left with a huge revenue deficit of ~16,200 crores
- Hyderabad would serve as common capital for only 10 years, which means a speedy development is required

Fast paced development and low upfront expenditure was key to the success of the Capital City

20/Mar/2018

5 APCRDA

Agenda

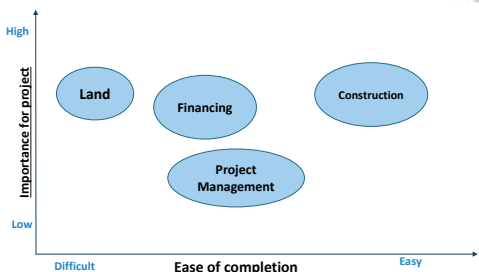


- Background
- Amaravati Land Pooling Scheme
- Social benefits of the Scheme
- Evaluation of the scheme

20/Mar/2018

6 APCRDA

One of the first aspects that was considered during the planning phase was procurement of land.



Land is considered the largest bottleneck for most large-scale developments across India

Amaravati Voluntary Land Pooling Scheme: Benefits

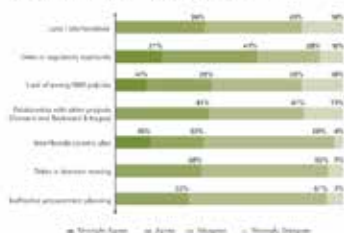
Land	Returnable land and monetary benefits per acre of land		Social benefits
	Dry	Jareebu	
Patta			<ol style="list-style-type: none"> 1. Pension of INR 2500/- pm to each of the landless poor family for 10 years 2. Debt waiver up to INR 1,50,000/- 3. Training and employment 4. Free higher Education 5. Universal Medical Insurance 6. Habitation development 7. Skill and entrepreneurial development 8. Housing 9. Old and infirmed people care 10. Limited displacement
Residential	1000 Sq.Yds	1000 Sq.Yds	
Commercial	250 Sq.Yds	450 Sq.Yds	
Assigned			
Residential	800 Sq.Yds	800 Sq.Yds	
Commercial	100 Sq.Yds	200 Sq.Yds	
Yearly payment for 10 years (Rs)	30000	50000	
Yearly increase (Rs)	3000	5000	
One time additional payment for gardens	100000		

Substantial stakeholder consultations were taken up to finalize the above-mentioned agreements

Land has always been an issue for large infra projects.

- In India, 82% of the project delays are due to delay in land Procurement and inadequacy in project planning considering the impact of deferred land acquisition
- Greenfield projects in particular, are more prone to be delayed on account of regulatory delays and larger areas to be acquired

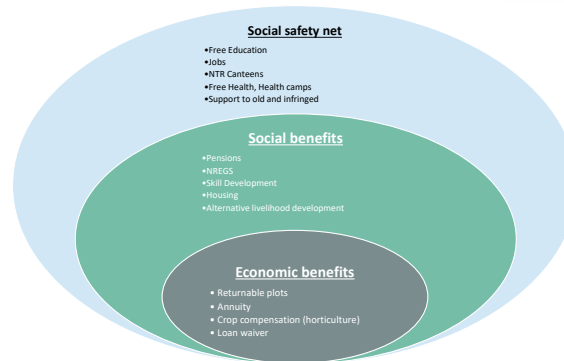
Exhibit 1: Reasons for project schedule delay or cost overruns (Phase)



82% respondents feel that delays in land acquisition lead to project schedule overruns.

Source: KPMG Study on project schedule and cost overruns

Broadly the benefits can be classified under three categories.

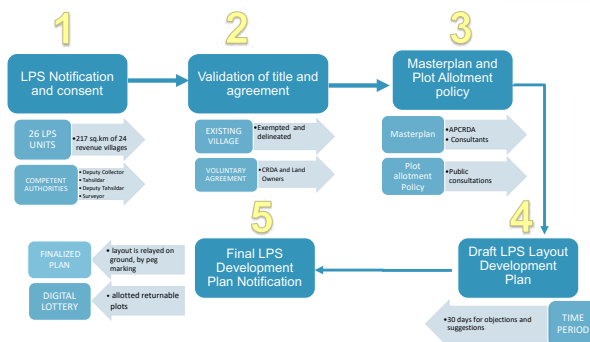


The Government entered into a partnership with the farmers...

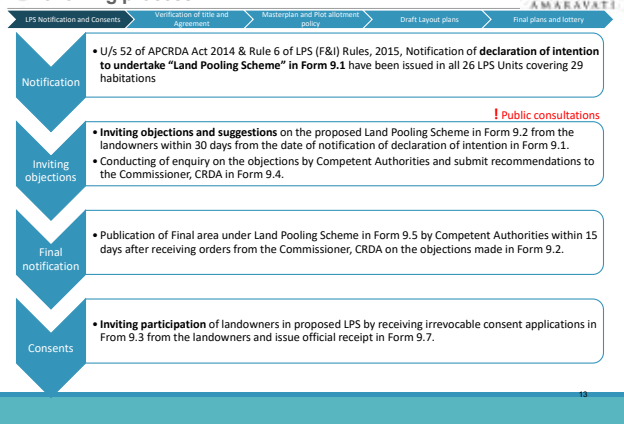
- The Land Pooling Scheme is the largest of its kind in the world
- Farmers voluntarily pool their land to the Government, in return for –
 - Residential and commercial plots in a developed layout
 - Annuity
 - Social benefits – health, education
 - Livelihood transition
- The Government made the people a partner in the development, rather than follow often coercive land acquisition
- Fastest land procurement in history of the country - over 33,599 acres from 27,365 farmers
- 60,115 plots have been handed back to the farmers currently



The following was the process followed for LPS.



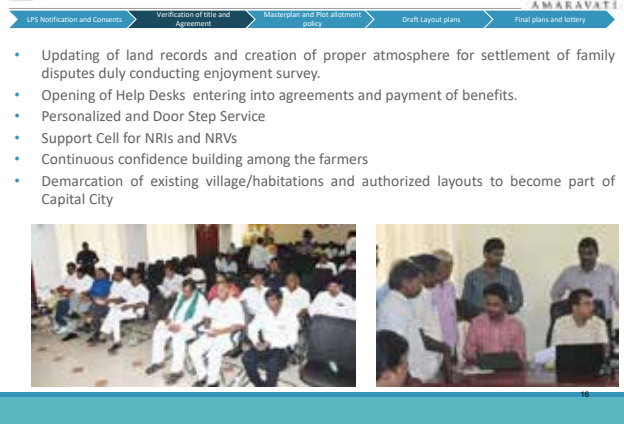
1 Notification and obtaining consents involved the following process.



The diagram shows a five-step process: LPS Notification and Consents, Verification of title and Agreement, Masterplan and Plot allotment policy, Draft Layout plans, and Final plans and lottery. The steps are detailed as follows:



- Notification:** U/s 52 of APCRDA Act 2014 & Rule 6 of LPS (F&I) Rules, 2015, Notification of declaration of intention to undertake "Land Pooling Scheme" in Form 9.1 have been issued in all 26 LPS Units covering 29 habitations.
- Inviting objections:** Inviting objections and suggestions on the proposed Land Pooling Scheme in Form 9.2 from the landowners within 30 days from the date of notification of declaration of intention in Form 9.1. Conducting of enquiry on the objections by Competent Authorities and submit recommendations to the Commissioner, CRDA in Form 9.4. **! Public consultations**
- Final notification:** Publication of Final area under Land Pooling Scheme in Form 9.5 by Competent Authorities within 15 days after receiving orders from the Commissioner, CRDA on the objections made in Form 9.2.
- Consents:** Inviting participation of landowners in proposed LPS by receiving irrevocable consent applications in Form 9.3 from the landowners and issue official receipt in Form 9.7.

2 To ensure agreements were signed, multiple steps were taken to facilitate the farmers

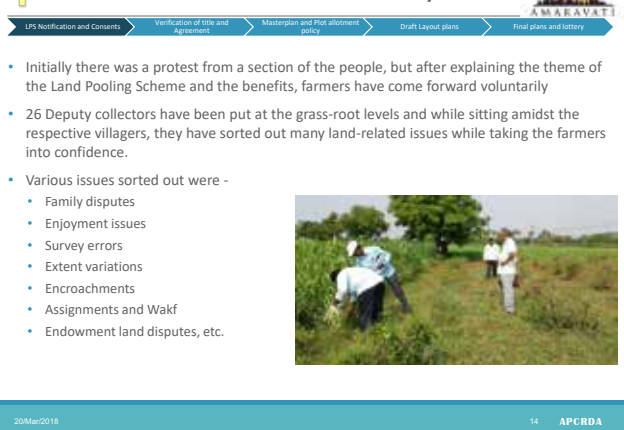


The diagram shows a five-step process: LPS Notification and Consents, Verification of title and Agreement, Masterplan and Plot allotment policy, Draft Layout plans, and Final plans and lottery. The steps are detailed as follows:

- Updating of land records and creation of proper atmosphere for settlement of family disputes duly conducting enjoyment survey.
- Opening of Help Desks entering into agreements and payment of benefits.
- Personalized and Door Step Service
- Support Cell for NRIs and NRVs
- Continuous confidence building among the farmers
- Demarcation of existing village/habitations and authorized layouts to become part of Capital City





1 Farmers confidence enabled resolution of many issues



The diagram shows a five-step process: LPS Notification and Consents, Verification of title and Agreement, Masterplan and Plot allotment policy, Draft Layout plans, and Final plans and lottery. The steps are detailed as follows:

- Initially there was a protest from a section of the people, but after explaining the theme of the Land Pooling Scheme and the benefits, farmers have come forward voluntarily
- 26 Deputy collectors have been put at the grass-root levels and while sitting amidst the respective villagers, they have sorted out many land-related issues while taking the farmers into confidence.
- Various issues sorted out were -
 - Family disputes
 - Enjoyment issues
 - Survey errors
 - Extent variations
 - Encroachments
 - Assignments and Wakf
 - Endowment land disputes, etc.



3 Draft Masterplan Notification

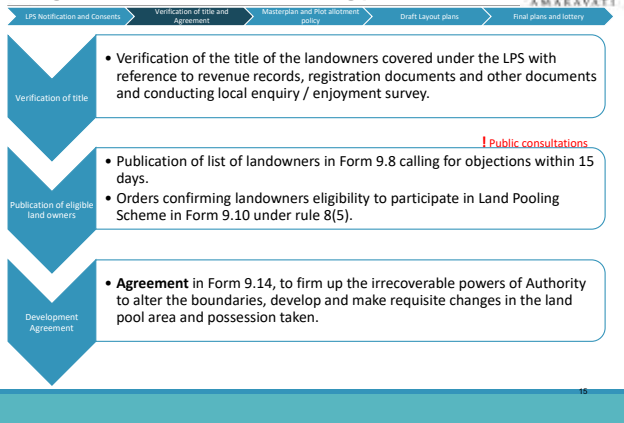


The diagram shows a five-step process: LPS Notification and Consents, Verification of title and Agreement, Masterplan and Plot allotment policy, Draft Layout plans, and Final plans and lottery. The steps are detailed as follows:

- On 26-December 2015, the draft Masterplan has been published in the respective grama panchayats and also in the official website
- Awareness program has been conducted in all the respective Gram panchayats and suggestions and objections were called for, while giving 30 days time
- Major objections are below:**
 - Changes to location of returnable residential plots
 - Roads passing through village settlements
- Over 4,000+ objections were received and disposed by a Technical committee
- Most of the roads passing through the villages were resolved



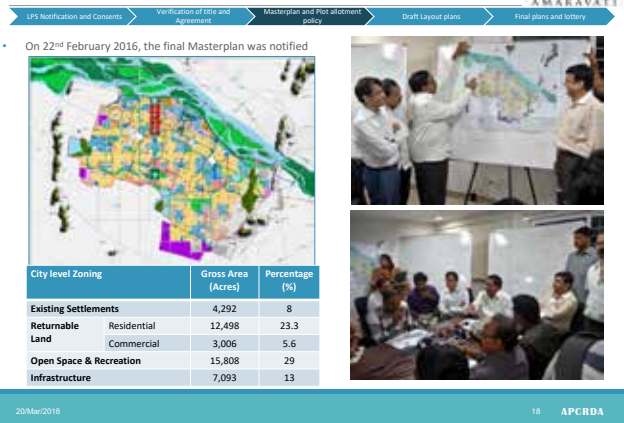

2 Validation and entering of development agreements involved the following process.



The diagram shows a five-step process: LPS Notification and Consents, Verification of title and Agreement, Masterplan and Plot allotment policy, Draft Layout plans, and Final plans and lottery. The steps are detailed as follows:




- Verification of title:** Verification of the title of the landowners covered under the LPS with reference to revenue records, registration documents and other documents and conducting local enquiry / enjoyment survey.
- Publication of eligible land owners:** Publication of list of landowners in Form 9.8 calling for objections within 15 days. Orders confirming landowners eligibility to participate in Land Pooling Scheme in Form 9.10 under rule 8(5). **! Public consultations**
- Development Agreement:** Agreement in Form 9.14, to firm up the irrevocable powers of Authority to alter the boundaries, develop and make requisite changes in the land pool area and possession taken.

3 Final Masterplan notification



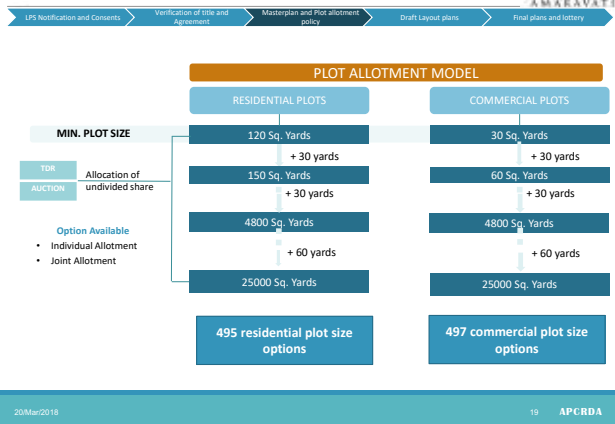
The diagram shows a five-step process: LPS Notification and Consents, Verification of title and Agreement, Masterplan and Plot allotment policy, Draft Layout plans, and Final plans and lottery. The steps are detailed as follows:

- On 22nd February 2016, the final Masterplan was notified

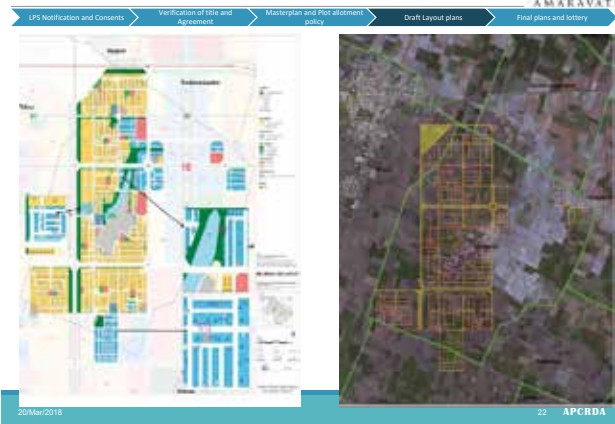




City level Zoning	Gross Area (Acres)	Percentage (%)
Existing Settlements	4,292	8
Returnable Land	Residential	12,498
	Commercial	3,006
Open Space & Recreation	15,808	29
Infrastructure	7,093	13

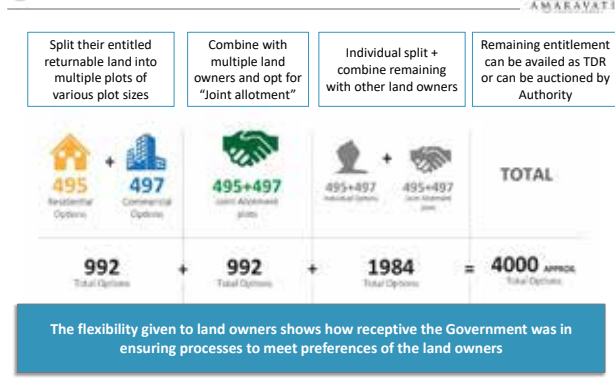
3 LPS - Plot Allotment Policy



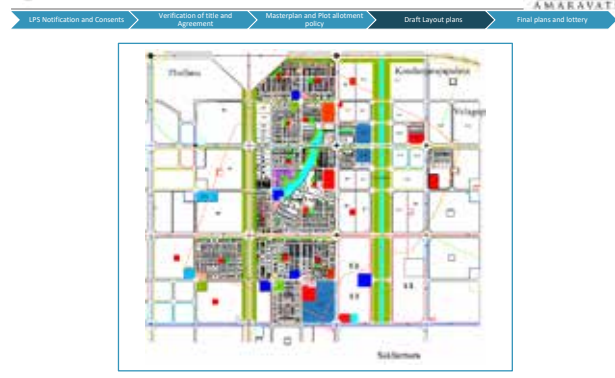
4 LPS layout for Nelapadu village



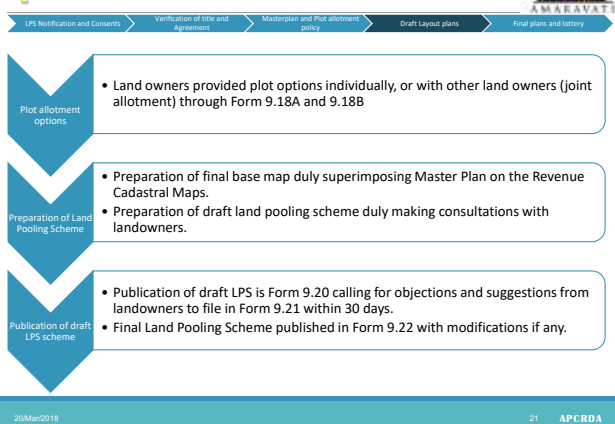
3 Approx. 4000 options were provided to the Land owners



4 Land Pooling Scheme – Infrastructure



4 Preparation of LPS Layouts followed the below process.



4 Consultation with local land owners



4 Layouts for download, made available on website.

5 107 lotteries, 26,686 farmers and 63571 returned plots

Sl No	Lottery Name	Date	Returned Plots	Farmers	Returned Plots			
25	Mandadam (3 rd Lottery)	12-May-17	208	249	0	249	205	454
30	Ananthavaram (2nd lottery)	01-Jun-17	38	29	5	34	16	50
31	Nelagapudi (2nd lottery)	01-Jun-17	15	20	0	20	14	34
32	Pichukalapalem (2nd lottery)	01-Jun-17	116	97	0	97	43	140
33	Thullur - Villa	11-Aug-17	186	0	210	210	0	210
34	Dondapadu - Villa	11-Aug-17	8	0	9	9	0	9
35	Pichukalapalem - Villa	11-Aug-17	34	0	54	54	0	54
36	Rayapudi - Villa	11-Aug-17	111	0	136	136	0	136
37	Borupalem - Villa	11-Aug-17	18	0	19	19	0	19
38	Kondamrajupalem - Villa	11-Aug-17	46	0	53	53	0	53
39	Lingayyapalem - Villa	11-Aug-17	51	0	57	57	0	57
40	Nelagapudi - Villa	11-Aug-17	44	0	45	45	0	45
41	Venkatapalem - Villa	11-Aug-17	102	0	114	114	0	114
42	Jiddandarayunipalem-Villa	11-Aug-17	20	0	21	21	0	21
43	Krishnayyapalem - Villa	11-Aug-17	66	0	102	102	0	102
44	Malkapuram - Villa	11-Aug-17	18	0	22	22	0	22
45	Mandadam - Villa	11-Aug-17	114	0	137	137	0	137
46	Jiddandarayunipalem (2nd Lottery)	08-Sep-17	83	129	0	129	91	220
47	Kondamrajupalem (2nd Lottery)	19-Dec-17	29	31	0	31	19	50
48	Dondapadu (2nd Lottery)	19-Dec-17	26	37	0	37	30	67
49	Sekhamuru (3 rd Lottery)	19-Dec-17	12	19	3	22	15	37
50	Nekkallu - 2nd Lottery	22-Dec-17	59	90	2	92	52	144
51	Nelagapudi - 3rd Lottery	22-Dec-17	13	18	0	18	13	31
52	Navolu - 3rd Lottery	22-Dec-17	6	6	0	6	6	12
53	Mandadam - 4th Lottery	26-Dec-17	32	72	0	72	46	118
54	Thullur - 2nd Lottery	08-Feb-18	37	44	0	44	29	73
55	Borupalem - 2nd Lottery	08-Feb-18	8	14	0	14	10	24
56	Abbrajupalem - 2nd Lottery	09-Feb-18	20	21	0	21	40	61

5 Process involved for lottery and registration is below.

- Lottery**
 - After final notification, digital lottery is conducted in public forum.
 - Trial rounds and final rounds are organized in public forum
 - Immediate communication of plots allocated via SMS and website
- Peg marking**
 - Physical marking of infrastructure duly earmarking reconstituted plots within 60 days from the date of notification of final LPS.
- Land Pooling Ownership Certificate**
 - 30 days for issue of Land Pooling Ownership Certificate (LPOC) in Form 9.24.
 - Incorporation of changes with Town Survey land details.
- Registration**
 - Registration of LPOCs and handing over physical possession to landowners.

5 107 lotteries, 26,686 farmers and 63571 returned plots

Sl No	Lottery Name	Date	Returned Plots	Farmers	Returned Plots			
57	Nidamaru - 2nd Lottery	14-Feb-18	165	147	0	147	124	271
58	Kurugallu - 2nd Lottery	14-Feb-18	58	0	81	81	0	81
59	Nidamaru - Villa	14-Feb-18	18	0	20	20	0	20
60	Nowlur - Villa	14-Feb-18	26	0	28	28	0	28
61	Yerrabalem - Villa	14-Feb-18	43	0	48	48	0	48
62	Krishnayyapalem 2nd Lottery	24-Feb-18	49	52	0	52	32	84
63	Malkapuram 2nd Lottery	31-Mar-18	51	63	0	63	54	117
64	Lingayyapalem 2nd Lottery	31-Mar-18	139	170	0	170	119	289
65	Kurugallu 2nd Lottery	04-Apr-18	301	425	0	425	247	672
66	Sekhamuru 4th Lottery	04-Apr-18	9	13	0	13	6	19
67	Nowlur - 2nd Lottery	27-Apr-18	149	209	0	209	118	327
68	Yerrabalem - 2nd Lottery	27-Apr-18	175	165	0	165	97	262
69	Rayapudi 2nd Lottery	18-May-18	165	171	0	171	128	299
70	Dondapadu 3rd Lottery	29-Jun-18	27	49	0	49	32	81
71	Pichukalapalem 3rd Lottery	29-Jun-18	21	40	0	40	22	62
72	Ananthavaram 3rd Lottery	29-Jun-18	34	52	1	53	34	87
73	Venkatapalem 3rd Lottery	29-Jun-18	52	63	0	63	43	106
74	Nidamaru 3rd Lottery	30-Jun-18	55	57	0	57	37	94
75	Kondamrajupalem 3rd Lottery	06-Jul-18	5	32	0	32	9	41
76	Lingayyapalem 3rd Lottery	26-Jul-18	21	15	0	15	16	31
77	Malkapuram 3rd Lottery	28-Jul-18	7	9	0	9	1	10
78	Nekkallu 3rd Lottery	21-Aug-18	1	0	0	0	1	1
79	Ananthavaram 4th Lottery	01-Sep-18	12	19	2	21	9	30
80	Mandadam 5th Lottery	01-Sep-18	24	23	0	23	16	39
81	Nidamaru - 4th Lottery	31-Oct-18	31	32	0	32	28	60
82	Thullur - 3rd Lottery	09-Nov-18	22	40	0	40	12	52
83	Navolu - 4th Lottery	23-Nov-18	12	14	0	14	3	17
84	Malkapuram - 4th Lottery	01-Dec-18	5	7	0	7	7	14

5 107 lotteries, 26,686 farmers and 63571 returned plots

Sl No	Name of the Village	Date of Lottery Conducted	No of Farmers	Residential	Villas	Total Residential Plots	Commercial	Grand Total
1	Nelagapudi	25-Jun-16	841	1060	54	1114	763	1877
2	Nelagapudi (2 nd lottery)	27-Aug-16	100	71	2	73	25	98
3	Sekhamuru	21-Sep-16	1156	1705	97	1852	1196	2998
4	Sekhamuru (2 nd lottery)	27-Sep-16	7	7	1	8	5	13
5	Pichukalapalem	27-Sep-16	368	672	0	672	441	1113
6	Dondapadu	27-Sep-16	146	203	0	203	163	366
7	Navolu	01-Oct-16	810	1274	41	1315	907	2222
8	Abbrajupalem	01-Oct-16	497	733	41	774	554	1328
9	Borupalem	19-Oct-16	297	454	0	454	341	795
10	Kondamrajupalem	19-Oct-16	476	704	0	704	540	1244
11	Nekkallu	21-Oct-16	794	1335	76	1411	899	2310
12	Malkapuram	21-Oct-16	233	347	0	347	261	608
13	Krishnayyapalem	20-Dec-16	688	1285	0	1285	859	2144
14	Lingayyapalem	24-Dec-16	450	740	0	740	512	1252
15	Jiddandarayunipalem	24-Dec-16	226	347	0	347	252	599
16	Venkatapalem	31-Dec-16	842	1192	0	1192	927	2119
17	Nelagapudi	03-Jan-17	1088	1828	0	1828	1260	3088
18	Thullur	03-Jan-17	2031	3236	0	3236	2153	5389
19	Rayapudi	07-Jan-17	1288	1910	0	1910	1451	3361
20	Ananthavaram	10-Jan-17	1208	2080	101	2181	1321	3502
21	Kurugallu	11-Jan-17	1921	2857	0	2857	2172	5029
22	Nidamaru	12-Jan-17	1589	1952	0	1952	1547	3499
23	Mandadam	19-Jan-17	1635	2644	0	2644	1946	4590
24	Nowlur-1	26-Jan-17	1487	1708	0	1708	1402	3110
25	Nowlur-2	26-Jan-17	2309	1915	0	1915	1570	3485
26	Navolu (2 nd lottery)	08-Feb-17	20	12	3	15	11	26
27	Mandadam (2 nd lottery)	08-Feb-17	66	99	0	99	72	171
28	Venkatapalem (2nd lottery)	24-Apr-17	125	137	0	137	104	241

5 107 lotteries, 26,686 farmers and 63571 returned plots

Sl No	Name of the Village	Date of Lottery Conducted	No of Farmers	Residential	Villas	Total Residential Plots	Commercial	Grand Total
85	Navolu - 4th Lottery	02-Dec-18	13	28	0	28	11	39
86	Nelagapudi - 4th Lottery	02-Dec-18	33	28	0	28	15	43
87	Kurugallu - 3rd Lottery	07-Dec-18	51	65	0	65	32	97
88	Venkatapalem - 4th Lottery	22-Feb-19	7	9	0	9	4	13
89	Nidamaru - 5th Lottery	23-Feb-19	72	41	0	41	37	78
90	Nelagapudi - 5th Lottery	01-Mar-19	7	3	0	3	3	6
91	Mandadam - Villa 2nd Lottery	01-Mar-19	10	0	15	15	0	15
92	Venkatapalem - Villa 2nd Lottery	01-Mar-19	2	0	2	2	0	2
93	Nelagapudi - 3rd Lottery	08-Mar-19	43	37	0	37	11	48
94	Sekhamuru - 5th Lottery	08-Mar-19	27	24	0	24	7	31
95	Rayapudi - 3rd Lottery	11-Mar-19	47	46	0	46	33	79
96	Kondamrajupalem - 4th Lottery	20-Mar-19	5	21	0	21	11	32
97	Krishnayyapalem - 3rd Lottery	20-Mar-19	11	13	0	13	8	21
98	Ananthavaram - 5th Lottery	26-Apr-19	50	60	0	60	36	76
99	Mandadam - 6th Lottery	26-Apr-19	49	75	0	75	33	108
100	Yerrabalem - 2nd Villa	29-Apr-19	2	0	2	2	0	2
101	Kurugallu - 2nd Lottery	29-Apr-19	15	0	15	15	0	15
102	Nowlur - 3rd Lottery	17-May-19	43	24	0	24	16	40
103	Nowlur(2/Venkatapalem) - 3rd Lottery	17-May-19	208	150	0	150	127	277
104	Thullur - 5th Lottery	17-May-19	11	21	0	21	11	32
105	Lingayyapalem - 4th Lottery	04-Jun-19	13	20	0	20	17	37
106	Borupalem - 4th Lottery	04-Jun-19	23	26	0	26	14	40
107	Kurugallu - 4th Lottery	07-Jun-19	51	81	0	81	46	127
Grand Total			26686	36022	1619	37441	25938	63571

5 Peg-marking and registrations



- After lottery, peg-marking started for residential and commercial plots
- Separate sub-registrar offices sanctioned by the Government at Thullur, Ananthavaram and Mandadam.
- Registration of the plots commenced for Nelapadu village on 06 March 2017.
- Residential and Commercial plots were registered in the name of farmers on the same day for development deed and supplementary deeds, showing separately for each plot identifying the location sketches of the plot, block and of the colony



Agenda

- Background
- Amaravati Land Pooling Scheme
- Social benefits of the Scheme
- Evaluation of the scheme

Skill Development Activities

- Skill development undertaken for over 1517 persons
- Placements and jobs provided for 1696 persons
- Courses for training – Tailoring & Fashion designing, Painting & Decoration, Gardeners, Electrical Under ground, Jute bags, Land surveying, Beautician, Construction, Accountancy etc



Aadhar linked pensions to land less poor families

- In Amaravati Capital City Area **21,135** Land Less Poor families are getting pensions @ Rs 2500/- pm (As on the month of February 2018) and distribution is being done through Aadhar based bank transfer.
- The total Amount released till date is Rs: 172 Crores, Paid up to the month of February, 2018.



4 subsidized canteens and health benefits extended.

Subsidized canteens

- Common kitchen at Rayapudi was established by the HKM foundation with an investment of 2.50 crores out of which APCRDA contributed an amount of Rs. 35Lakhs as capital expenditure.
- The NTR canteens serve the poorest of the poor by providing nutritious food at cheaper rates duly reducing the malnutrition among the poor.
- NTR canteens launched in villages of Velagapudi, Thulluru and Yerrabalem



Health

- 3 Screening Health camps and 3 Mega Health camps organized
- Amaravati Health cards are distributed 37,569 (100%) of 37,569 Residents of Amaravati
- 930 People were availed Amaravati Health Scheme (Dr. NTRVS) As on 13.03.2018 in various Network Hospitals.
- PHC, Thullur to CHC (30 Bedded Hospital) being upgraded for budget of Rs:4.34 crores sanctioned.



Other social benefits -

- Education:
 - This scheme by Backward Classes Welfare Department valid for a period of ten years w.e.f. academic year 2016-17 as per G.O.
 - The scheme is being implemented through the existing Jnanabhumi online registration system.
 - The registrations for availing Tuition Fee Reimbursement have commenced from 15th Feb 2018 and currently under process.
- MGNREGS
 - The Commissioner Rural Development had made the provisions for positioning of junior mates for all the Gram Panchayats of Amaravati Capital City.
 - No. Of Job Cards issued 16682.
 - No. Of Man days wage employment provided 50508.
 - No. Of Works completed 165.
- Tractors and local machinery are being used
 - Local Tractors were engaged to clear 10994.86 acres of land and paid Rs.71,35,331.43.
 - Addressed all the Contractors to utilize Tractors. (Total Number of Vehicles identified : 546)

Agenda

- Background
- Amaravati Land Pooling Scheme
- Social benefits of the Scheme
- Evaluation of the scheme

Benefits for the citizens

- 1. INCLUSIVE DEVELOPMENT**
 - Landowner becomes resident of the capital city having access to capital city infrastructure, access to high level of educational, medical and recreational facilities
 - The capital city inhabitant will reap the benefits of short term and long term earning opportunities and will continue to benefit for multiple generations and lifecycles by participating in LPS
- 2. PARTNERSHIP**
 - There is a paradigm shift in public policy
 - Government of Andhra Pradesh have demonstrated that the Government (through CRDA) and farmers can be equal partners.
 - That is, the Government has equal rights and responsibilities as farmers.
- 3. HIGH PARTICIPATION RATE IN LPS**
 - It is observed that the success rate is 85% under LPS at the overall project level
 - Out of the total project villages, 22 villages are having 88% of participation, while in the remaining two villages the participation rate is 58% and 24% respectively.

LPS vs LA land in capital city.



Benefits to the society and community

- 4. IMPROVEMENT IN INFRASTRUCTURE FACILITIES**
 - Existing villages are made part of the capital city without displacement and the plans to upgrade village infrastructure to city level infra encouraged participation in LPS.
- 5. SIGNIFICANT POSITIVE IMPACT ON LIFESTYLE AND LIVING CONDITIONS**
 - The LPS has made significant positive impact on the lifestyle and living conditions as the communities could become financially independent, thanks to increase in the land prices, waiver of loans and improved credit facilities.
- 6. IDENTITY, CONFIDENCE AND SENSE OF BELONGINGNESS**
 - The Amaravati LPS has resulted in a new identity to the community, confidence to the individuals and sense of belongingness and satisfaction.
- 7. SIGNIFICANT REDUCTIONS IN LEGAL DISPUTES, UNLOCKING GROWTH POTENTIAL**
 - The successful completion of the last milestone of returning the land to the farmers for over 60,000 parcels through lottery, followed by a title registration system,
 - Legal disputes are set to decrease resulting in transparent transactions which in turn will unlock huge growth potential of the economy

Current status.

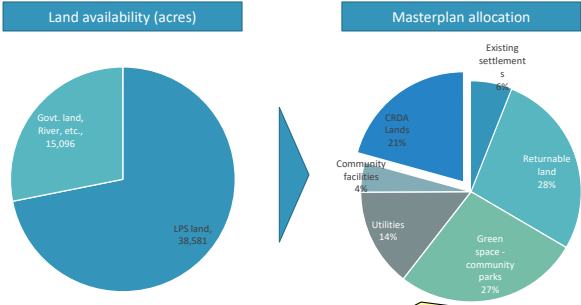
9.14 Agreement		Annuity				
Farmers	Extent (Acres)	1st year amount (INR Cr.)	2nd year amount (INR Cr.)	3rd year amount (INR Cr.)	4th year amount (INR Cr.)	5th year amount (INR Cr.)
28,518	34,385.275	148.32	144.23	154.00	159.72	164.10

- Of the 24 Revenue villages notified under LPS, plots have been returned to farmers in 22 villages
- 37,476 residential plots and 25,929 commercial plots have been returned to 26686 farmers
- Total of 8,504.79 acres have been allotted back to farmers

Benefits to the project

- 8. DEFINITIVE PROJECT COSTS**
 - Land is the key resource for any development project and the uncertainty around land availability for the project drives into unlimited liability risks
 - The Voluntary LPS process of Amaravati helped the project to make available 98% of land in shortest possible time, thereby facilitating complete control over cost overruns, overheads and project durations.
- 9. VIABLE ALTERNATIVE TO LAND ACQUISITION**
 - The Amaravati Land Pooling Scheme has demonstrated that given a win-win model, the Land Pooling Scheme is a viable alternative and can be implemented in short duration with very little legal hurdles
 - Several state and central government departments have been constantly consulting APCRDA and Govt. of AP, for advice and replicating the model in their projects.

Well-planned neighbourhoods catering to community requirements.



The 21% available with CRDA will be monetized for financing the cost of Infrastructure

Use of IT for the entire process



10. EXTENSIVE CONSULTATION AND USE OF IT TOOLS

- The key enabler in the overall success is observed to be Consultation at all levels - farmer level, family level, and village level and in every step in the process
- The Government of AP administration has mastered the art of consultation and that's how the LPS success has been made possible
- The farmer is required to sign with the Government at least six times before final consent is taken.



Mr P L Sharma, Chief Town Planner, Gujarat

Land Pooling and Land Reconstitution in Gujarat

National Workshop
Thursday, 28 November, 2019

Presented by:

Paresh Sharma
Chief Town Planner, Gujarat.

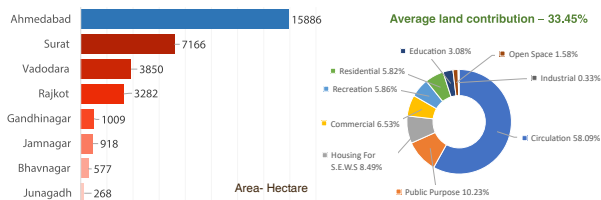
International Workshop on Land Pooling Policy: Paradigm for Sustainable Development
Tata Energy Research Institute, India (TERI)

Why Gujarat Land Pooling Tool is effective....

- Development through Cooperation not Compensation
- Creates Opportunities for Business.
- Timely Modified, Robust legislation incorporating Technical and Legal issues
- Interconnects Planning, Plan Financing and Plan Implementation
- Addresses, Micro Level Planning issues & focuses on a Comprehensive Infrastructure approach
- Cost centre approach -TPS as development Unit
- The mechanism is perceived to be pragmatic, fair and equitable
 - Property rights are respected, Costs are distributed & Benefits are shared
 - Public inputs are sought; grievances are redressed
- A versatile tool can be used for different objectives

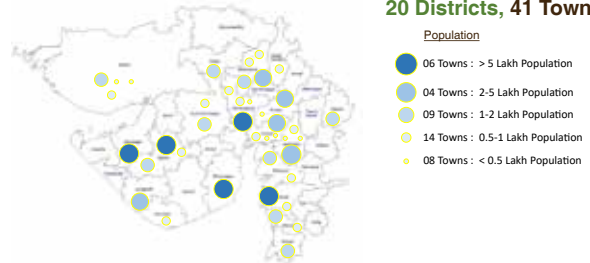
Management of bigger cities.....

Land Pooling in Metro Cities - Total Land Pooled Area 32955 Hectore (59% of Municipal Area)

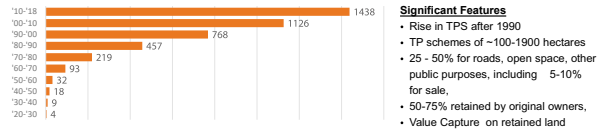


Land Pooling a Replicable tool.....

20 Districts, 41 Towns



Land Pooling practice in Gujarat – an overview



Land Reservation	Area (in Ha)
Roads	9995
Socio Economic Weaker Section Housing (SEWSH)	953
Parks, Open Spaces, Play Grounds, Gardens	2075
Social Infrastructure (School, Primary Health Centre etc)	367
Sale for Residential, Commercial & Industrial	1414
Total Land under Reservation	14804

Land Pooling a Flexible tool.....

1. City Level infrastructure - Ring road, & all other roads, Utilities & Services
2. Redevelopment of downtowns or retrofitting of high dense areas
3. Project Specific development – River front development, Kankaria lake front,
4. Land Consolidation – University (PDPU Gandhinagar),
5. Housing

An Effective & Versatile to Improve & Expand existing urban areas

Planning & Design Process & Challenges.....

Identification of Area & Size –

- o Demand Driven - Development Potentiality & Business Opportunities;
- o Usually **100 to 300 hectare**. For City level Infrastructure (stadium, convention center, sewage treatment, water treatment, city level roads..) it can be exceeded.
- o Preferred – Areas with homogeneous zone, housing typology;
- o Areas preferred to be avoided....
 - Green filed areas which may not yield value enhancement;
 - Central Government Agencies (Railway, Defence, Aviation, etc...);
 - Areas Developed by other Planning institutions including - Industrial Development Corporations (ICD's), Notified Areas, SEZ.
 - Gamtal and waterbodies.

Boundary

- o Physical boundaries railway lines, natural water courses, centreline of the existing or proposed road;
- o Complete survey numbers if TP schemes are to be taken up on both sides of the said road if no town planning exists on the other side of the road;

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Planning & Design Process & Challenges.....

VALUATION

- Sale instances used for assessment of the value should give appropriate rise to match with the market value.
- Valuation should include the existing structures or any potentiality;

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Planning & Design Process & Challenges.....

Base Mapping & Data Management –

- o Mapping – accuracy of capturing existing structures, frontages of buildings, existing infrastructures.
- o Good Cadastral Maps and Ownership Records;
- o Understanding Owner & Beneficiary Relationship.
- o Management of Small Parcels

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Implementation Challenges.....

- Appropriate manpower to manage legal issues & Court cases (575 cases in different courts)
- Timely Finalising and Sanctioning
- Guideline for the Quasi-Judicial Officer for decision making and timely completion
- After sanctioning of Scheme Updating of Revenue Records & Maps
- Timely demarcation & handing over of possession,
- Distribution of new ownership registration (CTT –Certificate of Tenure)
- Timely monetise the land and develop infrastructure.
- Proper policy of Asset Management.

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Planning & Design Process & Challenges.....

RECONSTITUTION & INFRASTRUCTURE

- Manage equity in Land allocation by...
 - Final plots to be allotted in the same original plots or in the vicinity(equal potentiality) area;
 - Proper shape, approach or location.
- Land allocation for infrastructure (40-50 %)
 - Infrastructure/ Facilities (Educational, Public Purpose, Parking, etc),
 - Maintain Greens and Open Spaces to address issues of heat islands
 - Housing for Weaker Section
 - Fund raising land (Sale for commercial etc.)
 - Land required city level Services (Ring roads, Incubator/ Catalytic Projects)
- Inclusivity & Participatory
 - o Participation of stakeholders, official & community.
 - o Urban Poor, Homeless, Project Effected persons

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THANK YOU!

**Mr Tashi Penjor, Chief Urban Planner,
Kingdom of Bhutan**



**Land Pooling
&
Land Readjustment**

BHUTAN'S EXPERIENCE



Content

1. Human Settlement Planning in Bhutan
 - 1.1 Background
 - 1.2 Planning Movements and Concepts
 - 1.3 Planning Principles
 - 1.4 Levels of Plan
 - 1.5 Land Mobilization Mechanism
2. Land Pooling and Land Readjustment
 - 2.1 Background
 - 2.2 Principles
 - 2.3 Process
 - 2.4 Finalization of Land Pooling Scheme
 - 2.5 Contribution to cost of scheme
 - 2.6 Reconfiguration of Plots
 - 2.7 Public Consultation
 - 2.8 Issues



1.1 Background

- Bhutan is blessed with a rich natural environment and a beautiful built environment which are largely intact because of the exemplary ethics on conservation and preservation.
- But Bhutan is also a fast developing and rapidly urbanizing nation undergoing unprecedented socio-economic change and progress.
- These changes result in competing demand for land, resources and infrastructure services and need to be managed carefully.
- Main challenges are rural-urban migration, increased pressure on resources, climate change induced risks, housing shortage and increased exposure to disaster risks.
- These challenges are related to and have implications for the development of human settlements and on the cultural landscape of Bhutan.





Cultural landscape = Identity



1.2 Planning movements & concepts

Concepts	Core principles
Garden Cities	Self-contained communities surrounded by greenbelts containing proportionate areas of residences, industry and agriculture, initiated in 1898 by Ebenezer Howard in the UK.
City Beautiful	Reform philosophy of North American architecture and urban planning during the 1890s and 1900s with the intent of introducing beautification and monumental grandeur in cities.
Compact Cities	Urban planning and urban design concept which promotes relatively high residential density with mixed land uses.
New Urbanism	Urban design movement which promotes environmentally friendly habits by creating walkable neighborhoods containing a wide range of housing and job types.
Urban Renewal	Program of land redevelopment in areas of moderate to high density urban land use.
Eco-Cities	Places where people can live healthier and economically productive lives while reducing their impact on the environment.
Smart Growth	Building urban, suburban and rural communities with housing and transportation choices near jobs, shops and schools.
Green Urbanism	Urban design model for zero-emission and zero-waste, which arose in the 1990s.
Smart Cities	Urban development vision to integrate multiple information and communication solutions in a secure fashion to manage a city's assets.



Practice in Bhutan

- Urban planning and development in Bhutan has been greatly influenced by the concept of sustainable development pursued in the country.
- Thimphu Structure Plan 2002 proposes a set of nine principles postulating:
 - a balance with nature, a balance with tradition, conviviality, efficiency, human scale, opportunity matrix, regional integration, balanced movement and institutional integrity
- For Bhutan, the Four Pillars of GNH provide guiding principles for its urban planning and development.



1.3 Planning principles

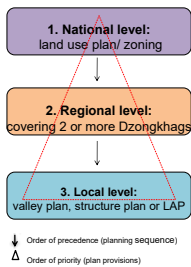
- Clear delineation between the settlement and non-settlement areas.
- Preserve the sacred, historic and cultural sites and structures.
- No settlement in the disaster risks areas (GLOF, flood, landslide, steep slopes, etc).
- Preserve the existing agriculture areas, particularly chuzhing for local food supply and cultural landscape scenery.
- Provide opportunities for different economies, employment and livelihood.
- Promote clusters of settlements scattered over the landscape (as opposed to contiguous developments).



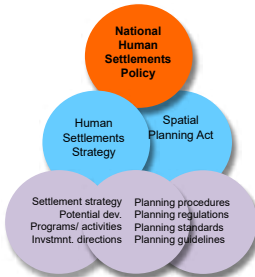
Land Pooling & Land Readjustment



Institutional framework



Legal framework



2.1 Background

- Prior to the use of land pooling, **land acquisition** was adopted to assemble land for urban development but it soon proved unpopular as it was considered to be an **inequitable** tool that displaced the original landowners and favored the business communities.



Example of land acquisition in Bago.

1.4 Levels & Types of plans

- Draft National Human Settlement Policy and the draft Spatial Planning Act propose a 3-tier planning system where a lower level plan must give due consideration to a higher level plan.
- National and regional spatial plans are strategic in nature providing overall development guidance while the local level plans, comprising of valley development, structure and/or local area plans, have regulatory effect.

Levels	Type s	Effect	Types	Description
1. National	National spatial plan land use/ zoning plan	Strategic	Valley development plan	Development plans at the valley level to ensure integrated development of an urban centre and its hinterland.
2. Regional	Regional spatial plans covering > 1 Dzongkhag	Strategic	Structure plan	Broad land use plans and regulations with the development potentials, objectives and strategies outlining the main precincts & infrastructure layout
3. Dzongkhag	Local level plans Valley development plan Structure plan Local area plan	Regulatory	Local area plan	Detailed plot level plans, ready for implementation (with implications for individual landowners especially in land pooling schemes)

- The use of **land pooling scheme** as a planning tool for urban development of Bhutan was first used sometimes in early 2000.
- **Rangjung township in Trashigang** was the first Land Pooling project undertaken in the country.



1.5 Land mobilization mechanisms

Mechanism	Description	Examples
Land acquisition	❖ Land for urban development is mobilized through acquisition, serviced with infrastructure and allotted to business license holders.	Khuruthang, Bajothang, Trashiyangtse, Tshongdu (Dagana.)
Land pooling	❖ Every landowner contributes a percentage of their land for provision of common facilities and infrastructure services and retain the remaining portions. ❖ The basic principle is that while the plot areas are reduced, the overall value remains equal or is increased after the land pooling scheme is implemented.	Rangjung, LAPs in Thimphu, Gelephu, Samdrupjongkhar & Samtse
Combined model	❖ A combination of land acquisition and pooling mechanisms, used mainly where the contribution ratio exceeds the 30% permitted by the Land Pooling Rules 2009. ❖ When a town is relocated, the eligible candidates are allotted one plot each while the remaining plots are redistributed to the original landowners in proportion to their landholdings.	Duksum, Denchi

The Local Government Act of Bhutan 2009 defines **Land Pooling** as "a planning technique to redefine ownership of land in such a way that:

- The **shape and configuration of plots** is more appropriate for urban structures and uses;
- The size of all plots is reduced by an **agreed proportion** to create sufficient **public and planned provision of roads, infrastructure, social facilities, open spaces and reserve plots** (Page 81, LGA, 2009)

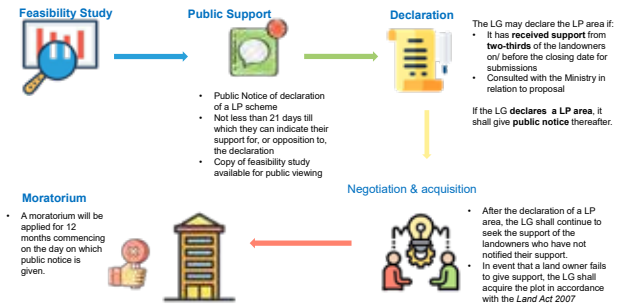
Description	Examples
❖ Every landowner contributes a percentage of their land for provision of common facilities and infrastructure services and retain the remaining portions.	Rangjung, LAPs in Thimphu, Gelephu, Samdrupjongkhar & Samtse
❖ The basic principle is that while the area of the plot is reduced, the overall value remains equal or is increased after the land pooling scheme is implemented.	

2.2 Principles of establishing Land pooling schemes

- Land pooling schemes are carried out as per the **Land Pooling & Readjustments Regulation 2018**, the main provisions of which are the feasibility study, calculation of land pooling percentage and plot redistribution principles.



2.3 Process of land pooling scheme

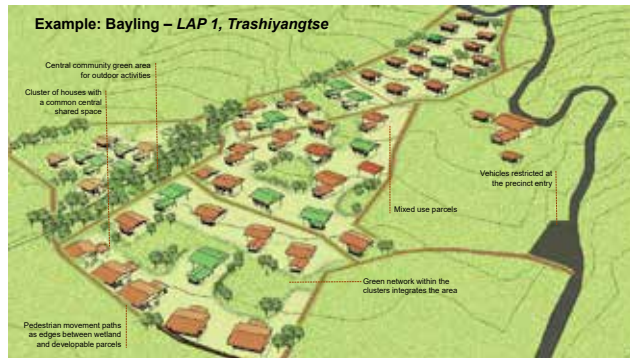
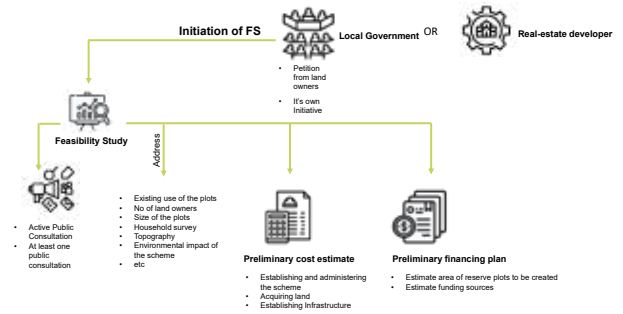


Example: Structure Plan - Trashiyangtse

- Shows the broad land uses along with the main infrastructure layout.
- 180 acres of chuzhing protected as feeding ground for the black necked cranes (total area = 705 acres).
- Development generally subdued to preserve the cultural landscape and to promote as a traditional town.



Components of Feasibility Study



2.4 Finalization of Land Pooling scheme

Consultative Committee

- As soon as practicable after the declaration of a land pooling area the local government shall establish a Consultative Committee.
- The functions of a Consultative Committee are to:
 - provide a **forum for consultation** about the land pooling scheme; and
 - consider and make **recommendations** to the local government about **issues** affecting the development of the land pooling scheme including:
 - contribution ratios, taking into consideration plot classification;
 - the number, size and location of reserve plots; and
 - infrastructure needs and standards

Example: Local Area Plan , Trashiyangtse



2.5 Contribution to the cost of the scheme

i. Calculation of Indicative Contribution ratio

$$ICR (\text{percentage}) = \frac{(\text{Infrastructure Requirements}) + (\text{Area of Reserved Plots})}{(\text{Area of Contributing Land})} \times 100$$

Where:

- ICR (%) = Indicative contribution ratio, expressed as a percentage
- IR = Infrastructure requirement, being the estimated area of land calculated
- ARP = Area of proposed reserve plots, being the estimated area of land
- ACL = Area of contributing land, being the estimated area of land

ii. Preliminary infrastructure budget

If a local government intends to create reserve plots, it shall prepare a preliminary infrastructure budget. A preliminary infrastructure budget work out:

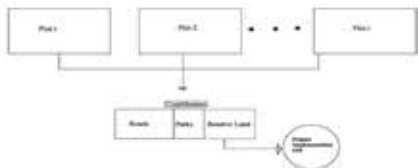
- a) an **estimate of the cost of providing infrastructure** in the land pooling area, including the cost of purchasing land needed to provide that infrastructure
- b) a description of the **number, size, location** and configuration of **reserve plots** which are to be created to generate funds to contribute to the cost of the infrastructure; and
- c) options for the **disposal** of the **reserve plots**.

iii. Reserve and residual plots

1. **Reserve plots:** A LP scheme may provide for plots, created through contribution by private land owners for the purpose of sale to generate funds.

A reserve plot which vests in the local government :

- a) is held by the **local government** for the purposes of the land pooling scheme until it is sold, and is **not community land**;
- b) may be **sold by the local government**, by private agreement or by any other process which it considers to be appropriate.



2.6 Reconfiguration of plots

i. Principles of reconfiguration

- Reconfigured plots should be located as close to the original location as possible and in areas of similar topography and soil condition (**principle of correspondence**).
- Reconfigured plots should be **sub-divisible** to the minimum permissible plot size
- Reconfigured plots should be **accessible** via road or footpath connectivity
- Plot reconfiguration should **avoid demolition** of permanent and semi-permanent structures as far as possible
- Prior corner plots should be given the priority to be relocated in a reconfigured corner location
- Reconfiguration of small plots can be done in such a way as to allow consolidation to ensure buildability and efficiency

ii. Contribution ratio limit

- As much as possible, in a land pooling area, the contribution ratio **should not exceed 30%**.
- However, a local government may implement a land pooling scheme which has a **contribution ratio exceeding 30%** if:
 - a) the topography or other characteristics of the area otherwise make it inappropriate to obtain an adequate area of land; or
 - b) additional contribution, over the limit, is required to create reserve plots.
- If a plot after reduction in accordance with the indicative contribution ratio would be **smaller than the minimum permitted size** under an applicable spatial plan, the local government may:
 - a) consolidate the plot with other small plots, and allow joint ownership to create a standard size plot; or
 - b) sell residual land or a reserve plot (or part of it) to the owner of the plot, to be consolidated with the
 - c) retain the calculated plot size with appropriate development regulations.

2.7 Public Consultation



- Two public consultation meetings of the draft LP plan
- Not less than 14 days' public notice



The Local Government shall obtain approval of the final LP plan in accordance to the provisions Of the LG Act 2009.



The local government can implement the LP scheme after making a final LP plan, with a contribution ratio which complies with the regulation; and after notifying the Minister.

2.8 Issues

1. Delay in plan implementation/revision due to lack of budget

- The cost to be obtained from reserve land but government bears all costs.
- Bhutan is dependent on donors and government funding.
- Most often, implementation is carried phase wise depending on the yearly budget from the government.
- Delay in implementation sometimes results in revision of the plans.

2) Lack of preliminary cost estimate of the project.

"A feasibility study should include a preliminary cost estimate of the scheme and its financing plan." (Rule 9, LP&RR 2018)

- However the rule is not mandatory and most often no detailed preliminary cost estimate is prepared.
- Sometimes a rough estimate is prepared when a project has to be financed under a grant or loan shown below:

Sl. No.	Description of the item to be financed	Estimated Cost (Nu.)	Percentage (%)
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100

- There are no provisions for calculation of other costs like compensation costs and demarcation of boundaries.



In pursuit of continued Peace, Prosperity and Happiness.....

Dr Sudha Shrestha, Head, Department of Architecture, Tribhuvan University, Nepal

Issues and Challenges in Land Pooling Projects of Nepal

Presented by:
Prof. Dr. Sudha Shrestha
Asst. Prof. Ashim Bajracharya

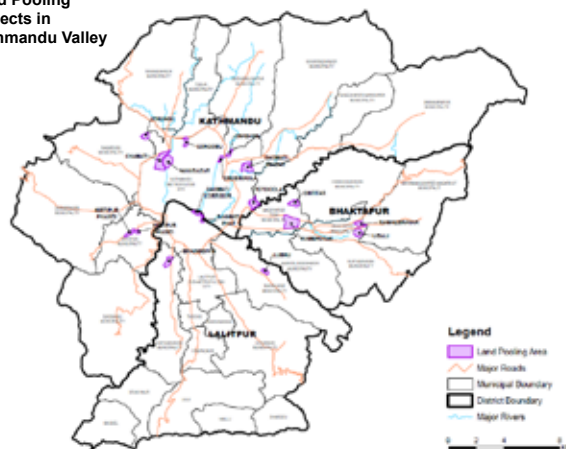
Department of Architecture
Pulchowk Campus, Institute of Engineering
Tribhuvan University

- In order to generate resources for the development of infrastructure in peri-urban areas and the construction project requiring to acquire large size of land area are now being carried out by land pooling.
- Nepal started to use land pooling program which is the best method to acquire land and fund for the infrastructure development and develop plots of suitable sizes for housing.
- Land Pooling programs are successful in Nepal it is all because LP is tool for planning and it is Win Win project.

Landpooling in Nepal

- Land-pooling concept was first adopted to build a road in Chipledhuga, Pokhara, a western Nepalese touristic town in 1976 A.D.
- After this experience, Land Readjustment was implemented in Kathmandu to develop a residential area in the urban periphery to fulfill housing need.
- Therefore, Nepal then added some provision of Land Pooling in the Town Development Act, 1988.

Land Pooling Projects in Kathmandu Valley



Importance of Land Pooling

- There is a need for adequate shelter with infrastructures to all citizens and at the same time, it helps to conserve prime agricultural land.
- The municipalities do not have adequate resources to carry out planning and development of infrastructures.
- Plots are often irregular shapes and size in Nepal. Therefore, it needs to be readjusted, resized and rearranged for planning purpose.
- Land Pooling is virtually impossible in Nepal.
- The acquiring land by compulsory purchase will be troublesome, displaced the local residence and also it takes very long time, which will further increase the project costs.

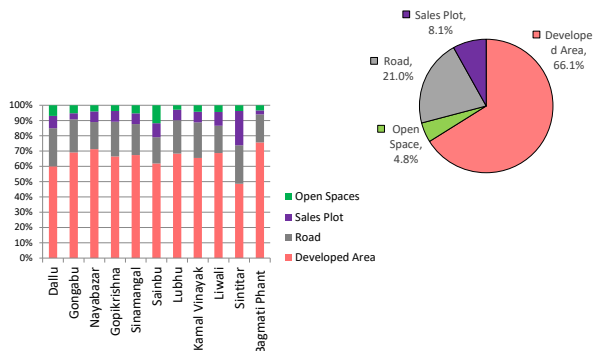
List of Completed Land Pooling Projects in Kathmandu Valley

S.N	LP Project	Area (Ha)	No. of Developed Plots
1	Dallu	20.2	1,120
2	Naya Bazaar	42.8	2,320
3	Gongabu	14.4	700
4	Chabahil Gopikrishna	10.2	259
5	Sinamangal	46.0	1,970
6	Kamalbinayak 1	7.4	400
7	Liwali	34.2	1,800
8	Lubhu	13.7	720
9	Sainbu Bhainsepati	28.2	611
10	Bagmati Phant	10.0	560
11	Kirtipur Phase 1	5.5	300
Total:		232.6	

(Source: KVTDC)

Area Conversion	1 ha	2.5 acre
	1 ropani	1/8 acre
	1 anna	16 anna

Landuse in LP Projects (%)
[11 Completed LPP]



List of Ongoing Land Pooling Projects in Kathmandu Valley

S. No.	Area	Area (Ha)	No. of Plots	Developer
1	Bagamati Nagar Land Pooling Project	63.4	2,800	Kathmandu Valley Town Development Committee (Now KVDA)
2	Kamerotar Land Pooling Project	75.8	2,520	
3	Cha.Mati Land Pooling Project	73.3	3,170	Kathmandu Metropolitan City Office
4	Manohara Phant Land Pooling Project	90.3	N/A	
5	Dhobikhola Corridor Improvement Land Pooling Project	18.2	N/A	Kathmandu Valley Town Development Committee
6	Tumuchho Dugure Chokha Land Pooling Project	30.5	1500	Bhaktapur Municipality
7	Sinitar	26.8	1400	
Total		378.3		

Source: DUDBC

Proposed Land pooling Projects in New Towns

SN	Name of New Town	Area (Ha)	No. of Land Parcel	Current Status
1	Basantapur	24.0	133	LP in approval stage
2	Khurkot	34.5	357	
3	Baireni Galchi	27.7	302	
4	Dumre Bhansar	32.7	257	
5	Phidim	21.7	449	LP in planning stage
6	Chaurjahari	30.6	970	
7	Rakam Karnali	38.5	649	
8	Sanphebagar	22.0	379	
9	Patan	20.1	333	



Issues and Challenges

- The land pooling projects are in bit and piece and in isolation.
- Misconception** about idea of re-plotting and redistribution was one of the major cause of protest of land owners.
- Landowners with larger plots** in the development areas were not willing, due to lack of awareness and knowledge
- Landowner with corner plot or in entry of LP, who needs to contribute their land having road and other infrastructure before LP projects are not willing to contribute.

Issues and Challenges

- Boundary delineation** was very difficult due to the lack of coordination between land and survey department.
- Land administration and cadastral **mapping system** are **not compatible** with each other so land plotting activity is very difficult.
- In most of LP projects, after completion of the project, landowners keep their developed land plots vacant. It encourages land speculation activities and at the same time investment for the housing plots was in loss.
- Those LP projects which were implemented without feasibility study and proper selection, are facing difficult for completion.

Issues and Challenges

- If the Developer, Town Development Committee (TDC) is weak and not positive towards the project, it becomes very difficult. In Pokhariya LP project in Birgunj (Close to Raksaul) delay in the process of approval.
- TDC also needs **full authority** to implement any LP projects; but due to the lack of proper coordination and defined roles among TDC, municipality and local bodies, many LP projects are in pending situation.
- Due to above mentioned reasons most of LP projects took long time to complete and it is **not able to gain pace and popularity**.

Issues and Challenges

- If the contribution ratio is high, land owners refuse and starts to make conflict.
- Private Real State or land brokers are quickly plotting and selling land haphazardly.
- Violation of Bye-laws in LP projects.
- Improper placement and size of Open space
- Minimum Plot Size (2 anna, 2 Paisa: 855 sq.ft).
- Returned Plots, different from Original Location

Issues and Challenges



Nayabazar LP

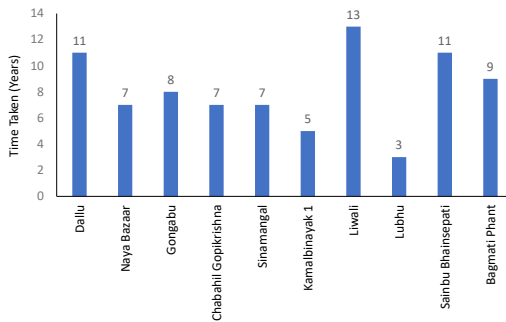
Lack of maintenance of infrastructure after the project completion



Lubhu LP

Issues and Challenges

Completion Time (Average: 8.1 years)



Issues and Challenges

Improper Placement of Open Spaces



Use of Corner Plots



Elongated Open Space under high tension lines

Issues and Challenges



Lubhu LP

Vacant Land

Liwali LP



Dealing with the issues

- Timely Completion is very important. Many of the LP projects are prolonged to many years and as a result, the owners are not able to utilize their land during the process (Land Freeze).
- Negotiation in Contribution ratio as per the location of the plot Entry Plots – no contribution.
- Formation of user committee. And make aware about LP
- Awareness campaign to the land owners
- Training to the project team and TDC members
- Municipality should also contribute some percentage in development in urban infrastructure. (60 % - Municipality; 40 % - Owners)

Dealing with the issues

Incorporation of Energy-efficient neighborhood planning in Land Pooling

- Pedestrian Friendly – Minimize Motorized Vehicles
- Promotion of mixed use (residential, commercial, employment locations, educational facilities etc.). This minimizes the need to travel far-away areas.
- Minimize land for roads.
- More Open Space
- More and appropriate plot size
- More Commercial plots

Adequate Open spaces, to be used for recreational as well as for other income generating activities (Weaving, Pottery, Carpentry etc.) – Traditional Settlement Concept

Use of open space in the time of Gorkha Earthquake



Open Space as Temporary Shelters



Earthquake shelter at Tundikhel

Dealing with the issues

- To minimize vacant land, needs to provide facilities in LP area.
- Provision of housing loan-financing scheme for land owners to construct houses.
- High priority needs to be given for land owners of smaller land size to buy land in subsidized rate and discourage displacement.
- Separate byelaws needs to be develop according to the local context of LP area.

Ms Parul Agarwala,
Programme Manager, UN Habitat



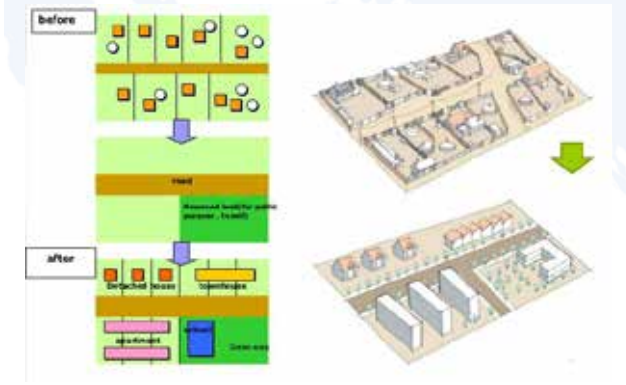
PARTICIPATORY AND INCLUSIVE LAND READJUSTMENT (PILaR) - IMPROVING THE URBAN FABRIC

International Workshop on
'Land Pooling Policy: Paradigm for Sustainable Development'

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United Nations Human Settlements Programme

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GLOBAL LAND TOOL NETWORK

CASE STUDY: WHAT DO YOU SEE?




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THE URBAN FOOTPRINT


Medellin(1928): 120,044 inhabitants




Medellin (1945): 270,534 inhabitants



Medellin(1981): 1,337,496 inhabitants



Medellin(2013): 2,417,325 inhabitants

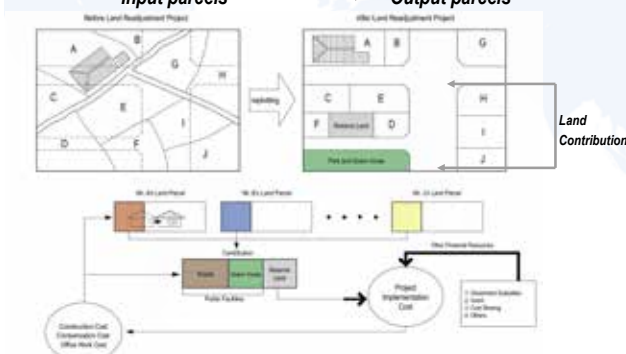


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WHAT IS LAND READJUSTMENT?

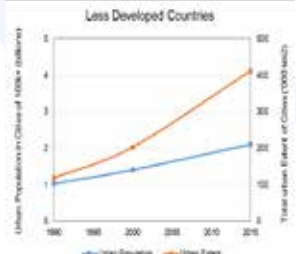
Input parcels → *Output parcels*



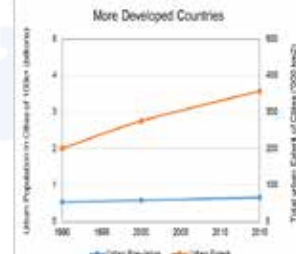
Source: Kishii Takayuki

URBANIZATION TRENDS: Population growth vs Land Transformation growth (a limited resource)

Less Developed Countries



More Developed Countries



Between 1990 – 2015 in *Less Developed Countries*:
population of cities doubled, their **urban extents increased by a factor of 3.5**

Between 1990 and 2015 in *More Developed Countries*:
population of cities increased by a factor of 1.2, while their **urban extents increased by a factor of 1.8**

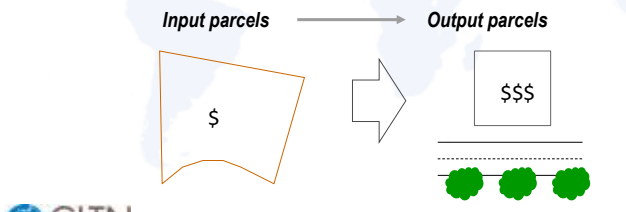
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What is land readjustment?

- Involves pooling all the land parcels in a particular area and planning them as a unit: putting in roads, sewerage and other infrastructure, and then dividing up the land again to the **original owners**
 - Each **landowner** gets a plot back which is usually smaller than originally contributed to the common pool. But the plot is now more **valuable**: it has infrastructure and services, and has formal documentation; the area has been re-zoned, and different types of use are permitted.

Input parcels → *Output parcels*



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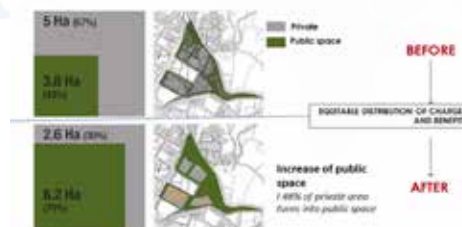
WHY LAND READJUSTMENT?

- Facilitates public space and buildable plots
- Lack of suitable instruments to facilitate the supply of serviced urban land at scale:
 - proliferation of slums
 - constrains city extension (vertical & horizontal)
- Expropriation unattractive as the only option



Bogota: before and after

The urban project (increase density and public space)



Source: Universidad de los Andes Documento Técnico de Soporte- Plan Parcial Triángulo de Fenicia 2012

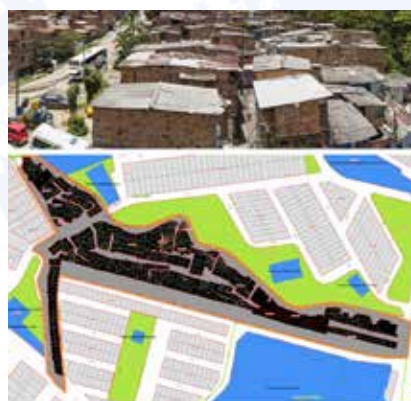


WHEN LAND READJUSTMENT CAN BE USED?

1. Urban Expansion:
 - Converting land from rural to urban
2. Densification, infill and urban renewal:
 - ✓ Convert low density area into high density
 - ✓ Rejuvenate a run-down area
 - ✓ Rebuild after disaster
3. Slum upgrading
4. Linear projects: Build or widen roads/railways, installing pipes, etc



Medellin: before and after



Reshaping the plots in La Candelaria, Medellín, Colombia. FIDEL UN-Habitat 2014



Drawback of Expropriation

- ❖ No win-win pathway for urban land supply
 - Highly complex unless already consolidated land holdings
 - Often expensive in money, time and human resources
 - Unpredictable, as often subject to legal challenge
- ❖ Property owners as frustrated as authorities
 - Contested concepts of the public interest
 - Compensation often problematic and almost never considers future market prices
- ❖ Non-property interests rarely considered
 - Disproportionate impact on the poor



Thimphu: before and after



Source: Bhutan Department of Urban Development and Housing (2002).



Rights and Interests in Conventional Land Readjustment projects

- **Technical process focused on the reshaping function.**
- **Focuses on a dialogue only between 'legally interested' parties.**
- **Based on the idea of a win- win for owners and authorities.**
- **Recognizes formal property rights and the public interest in the form of a collective interest in the shape and liveability of the city.**



WHAT PILAR AIMS TO ACHIEVE

- ❖ Improving urban governance through:
 - Optimal use of land: readjusting and re-developing plots to improve serviced urban land supply through negotiated and consensual processes
 - Transparent and inclusive community processes which can be transferred to other areas of urban management and governance
- ❖ Supporting livelihoods and job creation efforts by improving the living, working and leisure spaces and enabling the urban poor to actively engage in governance processes



PARTICIPATORY AND INCLUSIVE LAND READJUSTMENT (PILAR)

WHAT IS PILAR?

- A mechanism through which land units that have **different owners and claimants** are combined into a single area through a participatory and inclusive process for unified planning, re-parcelling and development.
- The development usually includes **serviced urban land delivery** made possible by the provision of infrastructure, public space and other urban amenities at a reasonable standard.
- PILaR relies on **negotiated processes** that allow local authorities and stakeholders to articulate their interests, exercise their **formal and socially legitimate rights**, meet their obligations, and mediate their differences.
- PILaR has a potential to address serviced urban land supply issues in contexts where underlying land systems (valuation, land administration, land markets, etc) are lacking



Engaging with the Community & other Stakeholders

UNDERSTANDING AND MANAGING POWER RELATIONS

These tend to have more power...

Banks, donors
Planning and finance departments of municipality
Land professionals
Men
Landowners
Adults
Long-time residents
Majority ethnic or religious groups
Well-educated
Employed
Well-off

...than these

Borrowers
Social services department
Community members
Women
Tenants, squatters
Young people, elderly
Recent arrivals, temporary residents
Minorities
Illiterate
Unemployed
Poor

GETTING THE VOICES OF MOST IF NOT ALL HEARD AND TRYING TO EVEN OUT INEQUITY STEMMING FROM POWER IMBALANCES



Why PILaR?

Participatory Inclusive Land Readjustment

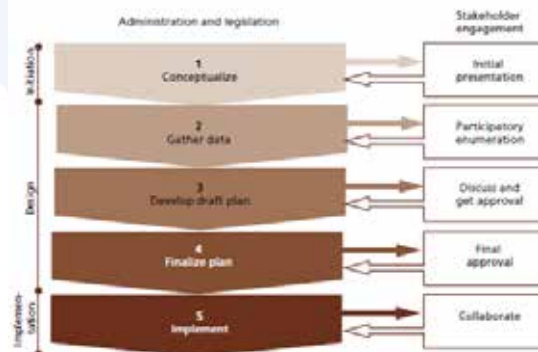
A tool that is:

- potentially more affordable in terms of process and infrastructure.
- able to reshape neighbourhoods and, potentially, cities.
- supportive of social capital and able to maintain the integrity of communities during change.
- able to contribute to improvements in governance.

Participatory in the process, **Inclusive** in the outcomes



PILAR: THE PROCESS



Have skilled people at core of process & build long term capacity



PILaR

Participatory in process and inclusive in outcome

- Maintains social capital and improves urban governance.
- Moves from the recognition of only property rights to broader definition of interests.
- Advantageous for all the residents in the area, not just formal owners.
- Dialogue with everyone with an interest in the neighborhood.
- Aims at maintaining residents' interests after land readjustment.
- "Compensates" not only property rights but, potentially, any lost interest.



[HTTPS://WWW.YOUTUBE.COM/WATCH?V=YOZLZ4XUU_W](https://www.youtube.com/watch?v=YOZLZ4XUU_W)

THANK YOU!

REACTIONS & QUESTIONS WELCOME

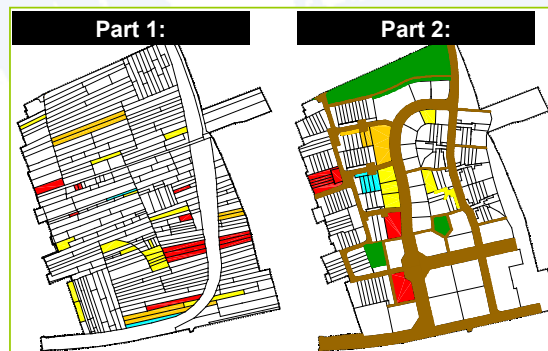


Risks in PILaR

- Depends upon extension or vertical development for viability.
- Requires a potential for good municipal-community relations and has high transaction costs regardless.
- Requires a potential for a healthy balance between public and private roles in development.
- Requires a careful analysis of gentrification risks.

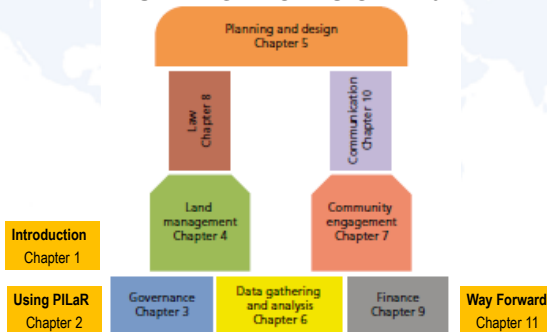


CASE STUDY: WHAT DO YOU SEE?



PILaR SOURCE BOOK

BUILDING BLOCKS OF PILaR





THE ENERGY AND RESOURCES INSTITUTE
Creating Innovative Solutions for a Sustainable Future