

**NEELKANTH MAHADEV WELFARE SOCIETY (REGD.)**

Registration Number: - S/ND/350/2013

Office: 226, Street No. 4, Sri Nagar, Shakur Basti, Delhi – 110034, India

E-mail ID: [nmw.society@gmail.com](mailto:nmw.society@gmail.com)

Website: [www.neelkanthmahadevsociety.com](http://www.neelkanthmahadevsociety.com)

Contact Number: +91-9810255338

**Date: 11<sup>Th</sup>July, 2021**

**To,  
Commissioner cum Secretary (Land Pooling)  
Delhi Development Authority,  
B-Block, Vikas Sadan,  
New Delhi - 110023**

New Delhi.

**Reference: Advertisement in public newspaper regarding Master Plan Action Public Notice bearing F. No. F.20 (4)/2020-MP dated 25.05.2021**

**Sub: MPD 2021- Land Pooling Policy- Speedy Implementation- Way forward**

Dear Sir,

Our Neelkanth Mahadev Welfare Society is a society serving members from Public Sector Undertakings, Government servants, and other entities serving Petroleum Sector. We are aspiring to reap the benefits of Land Pooling Policy (LPP) originally notified in 2013 and later revamped and recast in 2018. We are one of the early birds to exercise option under the Land Pooling portal expressing our willingness to participate in the Land Pooling Policy with the expectation that the complex non farmer friendly policy will be relooked and simplified sooner. However, we are disappointed to note nothing much has been done in all these times. We capture hereunder the sequence of event leading to LPP and also the shortcomings in the policy which needs to be attended immediately, if the Land Pooling Policy is to succeed.

**SEQUENCE OF EVENTS**

- MPD 2021 was notified in 2007.
- Land Pooling Policy (LPP) was incorporated as Chapter 19.0 in the policy after due notification in 2013.
- LPP was recast after complete revamp and re notified yet again in October 2018 overlooking 700 odd suggestions/objections received.
- In February 2019, through a portal expression of interest from land holders was invited repeatedly with multiple extensions. In about 2.5 years out of 22000HA of land to be Pooled only 6900HA has been pooled. That is to say 30% of land holders have only expressed willingness to participate in the revamped Land Pooling Policy.
- Even in the 6900 HA of land for which EOI is received, almost about 70% of the land is shared and thus land pooled under the policy doesn't qualify for development.
- Thus, approximately only 2000HA can be considered as pooled under the Policy which is only 10% of the total 22000HA land.

- Out of 95 villages falling under LPP, DDA has created 109 sectors for development of which only 10-12 sectors have shown interest in LPP with more than 70% participation over 2.5 years inspite of extensive promotion done by DDA by visiting and holding a number of promotional campaigns in various villages.
- Although DDA informed the general public through the press, few months ago, that 3-4 sectors will be taken up for model development, till date no letter of intimation for formation of consortium to the farmers of the sectors which has qualified has been issued. Thus, raising a question mark on the seriousness of implementation of the Policy.

## **SHORTCOMINGS IN THE POLICY WHICH NEEDS IMMEDIATE CORRECTIVE ACTION**

- 1) CONSOLIDATION: CONSOLIDATION OF LAND OF ONE VILLAGE IN ANY OF THE SECTORS of the same VILLAGE TO BE FACILITATED:** It is seen from the draft sector plans that in many cases a single village is getting Divided into multiple sectors and thus making the land holders part of multiple development in different sectors. In some cases, pooled land gets fragmented so much, the stake holders become not entitled for their own development but only entitled for proportionate FAR.

This is being explained through an example. If a farmer has 5 acres of land spread in the village, he qualifies to be a Developer Entity (DE) under the Policy. If the Village in which he holds the land is bifurcated into 2 or more sectors and if the land parcels he holds fall in more than one sector he loses the qualification of DE and ends of with having to deal multiple consortiums in each sector and probably entitle for only tradable FAR. This is a serious setback under the policy for the landholder.

Amalgamation of land holdings in the different corners of sector should be visualized through Chakbandi.

Alternatively, It is suggested that demarcation of each sector should be on the basis of ONE VILLAGE ONE SECTOR OR ONE VILLAGE ONE CONSORTIUM Could also HELP CONSOLIDATION OF LAND IN THE SAME VILLAGE.

- 2) CONSORTIUM:** From the Agricultural statistics it could be seen that the average land holding of a farmer in Delhi is about 1.39Acres. Average Size of sector being around 200 ha the number of participants in a consortium per sector is likely to be in excess of 290. Too unwieldy for effective management collective decision making and shall be prone for dispute and litigation. A Sure recipe for the failure of LPP. Besides Consortium's ability to prepare and execute sector development, as envisaged under the policy, is questionable in the absence of any expertise. Yet another single largest factor that will lead to failure in the functioning of the consortium is likely failure of the constituent members of the consortium faltering in funding it. With the financial strength of farmer being what is, such defaults in much needed funding is a certainty. Trust deficiency among the constituent members of the consortium, due to varied mixture of members, will certainly impede the progress of formation of consortium itself. The role of consortium envisaged in the policy is also to distribute the consolidated land to the constituents of the consortium. Wonder how the consortium will be able to fit in that role in the absence of vested rights to the

pooled land. Would it require transfer of land by all landowners to consortium with the tacit understanding that consolidated land equivalent to 60% will be reallocated by the consortium to the constituents? If yes, Stamp duty to be borne by the consortium will have to be funded by the constituents. Again, when the Consortium returns the consolidated land Stamp duty to be paid by the land owners. Thus, stamp duty on this transaction will be borne by the landowner three times once at the time of purchase once on transfer to consortium and third time when consolidated land is returned by the consortium. This could work if only the 2<sup>nd</sup> and third transfers attract notional stamp duty of Re. 1/- per acre/exemption. Even then, there could be issues in as much as the landowners will be reluctant to transfer the land to an unknown entity i.e Consortium even after a written commitment from consortium on return of consolidated land, in the absence of certainty of location of the returned land etc. DDA should take over the land pooled and reallocate consolidated land to the landowners in a transparent manner. This could go a long way in promoting the expedition of the LPP.

In the alternative, if Consortium is unavoidable then a) DDA SHOULD BE A PART & HEAD THE CONSORTIUM TO LEND CREDIBILITY. b) Land transferred to consortium and subsequent return of the consolidated land to the landowner should be exempt/ or at notional duty. It is suggested that the DDA should play the vital role as a consolidator and facilitator wherein the landowners would surrender their land to DDA and receive in return a consolidated land in an absolute transparent manner.

The re-distribution of developed land in a transparent manner shall be only possible and acceptable if a government agency like DDA facilitate and execute such planning. No private consortium can be expected to play such role in an impartial manner and achieve the desired results. The DDA has powers to get the things implemented in a smooth manner and also definitely enjoys the trust of farmers/ DEs. Therefore, it is suggested that DDA should take up the role of consortium for the implementation of the policy and no other agency may be allowed to hijack the policy.

It is suggested that the DDA should play a main role as a consolidator and facilitator. DDA should control the policy because the Consortium may not be able to fulfil the aspirations of the DEs due to lack of expertise, experience and specialization in the field of Township planning.

The formation of consortium and leaving the implementation to the consortium is a potential recipe for legal hurdles amongst the constituents of the consortium and thus run the risk of policy implementation into tatters.

The mere fact that even after 24 months after the 10 odd sectors in N zone and PII zones have achieved close to 70-80% participation, till date DDA has not been able to issue letter of intimation to form consortium in any of the sectors is a live proof about what is amiss about the Delhi Land Pooling policy.

### **3) External Development Charges (EDC)**

a) SHARE OF 40% being given to DDA FREE OF COST BY THE LANDOWNER AFTER PAYING STAMP DUTY ETC AT THE FIRST INSTANCE, WHICH IS BEING PROPOSED TO BE USED BY DDA FOR INDUSTRIAL INSTITUTIONAL DEVELOPMENT BESIDES PROVIDING OTHER GENERAL FACILITIES. THIS WILL NOT BE DONE FREE OF COST BY DDA BUT THROUGH COMMERCIAL EXPLOITATION. THEREFORE, NO EDC SHOULD BE CHARGED ON THE LANDPOOLED/CONSORTIUM. NO EDC TO BE CHARGED FROM LANDOWNERS WHO ARE POOLING THE LAND.

b) GROUND REALITY IS 70% IS LAND OWNED BY FARMERS. THEY ARE NOT IN A POSITION TO PAY ANY EDC. CONSORTIUM WILL FAIL ON THIS ACCOUNT. EDC TO BE WAIVED.

c) IF EDC IS A MUST, IT SHOULD NOT BE ON POOLED LAND BUT ON RETURNED LAND. THERE IS NO JUSTIFICATION WHATSOEVER FOR COLLECTING EDC ON THE POOLED LAND WHEN DDA GETS 40% LAND FREE OF COST FROM THE LANDOWNERS.

**4) STAMP DUTY.** Already covered Consortium elaborately. NO DOUBLE/THREE TIMES STAMP DUTY. ON THE RETURNED CONSOLIDATED LAND STAMP DUTY TO BE PAID ONCE AT CONCESSIONAL RATE.

### **5) CONTINGUITY**

a) ENCUMBERANCE FREE LAND IS ESTIMATED HARDLY TO BE ONLY 15% TO 20%. SHAMILAT LAND BEING IN THE NATURE OF SHARED LAND IF ONE OR MORE LANDOWNERS ARE NON-PARTICIPANT IN THE LPP THEN SUCH POOLED LAND FALLS UNDER ENCUMBERED THEREFORE WILL NOT BE CLEAR FOR LPP. THAT IS THE REASON WHY DDA IS UNABLE TO ISSUE LETTER FOR CONSORTIUM IN SECTORS WHERE POLLING IS MORE THAN 70%.

b) A RELOOK INTO THE CONDITION OF 70% CONTIGUITY WITH 30 MTR BOUND ROAD EXISTING OR PROPOSED IS A MUST. CONSORTIUM IS UNLIKELY TO MEET THIS CONDITION BECAUSE THIS CONDITION SHALL MEAN ACQUISITION OF NON-CONTIGUOUS LAND FOR WHICH FUND WILL BE A MAJOR CRITERIA. THE POLICY MAY FAIL ON THIS ACCOUNT ONLY. DDA MUST ACQUIRE SUCH NON CONTIGUOUS LAND AT ITS COST NOT AT THE COST OF CONSORTIUM/LANDOWNERS.

### **6) POLICING OF THE 40% LAND TO BE RETURNED TO DDA**

IN THE ALTERNATIVE, DUE CREDIT SHOULD ALSO BE GIVEN FOR THE EXPENSES INCURRED BY THE LANDOWNERS IN SECURING THE 40% RETURNED LAND OF DDA TILL SUCH LAND IS TAKEN OVER BY THE APPROPRIATE AGENCIES AND THUS

COMPENSATED.

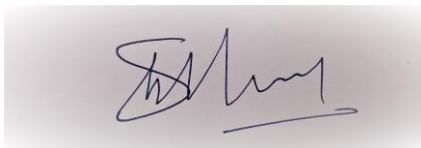
Once the consolidated land is allotted to the land holders, 40% of the remaining pooled land required for development of city level infrastructure, roads, industrial, recreational and public/semipublic facilities should be taken over immediately by DDA and as per requirement distribute it to the respective service providing agencies to ensure smooth and timely development of public infrastructure and services. The Consortium/ landowners should not be burdened with safe guarding the interest of DDA and allied agencies at its cost.

## **7) TRADEABLE FAR**

As per Agriculture Census of GOI the average land holding of farmers in Delhi is 1.39 Hectare. More than 80% of the farmers are holding just about the average land size and more than 87% are owned jointly by family members. In such a scenario most of the landowners are compelled to form a joint venture with one or the other or to surrender the land in lieu of uncertain tradable FAR. The marginal landowner thus loses their land holding but end with a piece of paper in the form tradable FAR for which he will have to struggle in finding a buyer and in the bargain an uncertain future.

The above are the major areas which needs immediate attention and corrective action for the LPP to see the day light. It is requested, in order to speed up the implementation of the LPP, above suggestions may be given effect and stricter timelines be defined for all stake holders including DDA and all other development agencies.

FOR NEELKANTH MAHADEV WELFARE SOCIEY (REGD.)



**Sudhir Kumar Sharma**

**(General Secretary)**

Mobile Number: 9810255338

Email: sudhirsharma.eil@gmail.com