

दिल्ली विकास प्राधिकरण

DELHI DEVELOPMENT AUTHORITY

DRAFT POLICY TO ENABLE THE PLANNED DEVELOPMENT OF PRIVATELY OWNED LANDS

1.0 GENESIS

1.1 The Delhi Development Act and the Delhi Municipal Corporation Act have both been operative since 1957 in the National Capital Territory of Delhi. The Delhi Development Authority (DDA) was established for the purpose of implementing the provisions of Delhi Development Act inter alia through the instrument of the Master Plan for Delhi (MPD), with aim to ensure spatial pattern of development and use of land conforming to development plan and its codes with appropriate infrastructure and services to all the property users.

Over the period of time Delhi has grown at an unprecedented pace. The MPD has been modified from time to time to account for the changing ground realities in response to the constant demand for infrastructure and space for those who wish to live and work in the city and contribute to its economy.

1.2 Prevailing land policy allowed for development of land which was acquired and subsequently planned by DDA. The layout plans were prepared by DDA as per MPD and ZDP only for the acquired land pockets (irrespective of land falling in the 'development area' or not). While the overall land use and planning norms are determined by the DDA through the MPD and the Zonal Development Plans, the preparation and approval of local-level layout plans has been handled both by DDA (in the 'development area') as well as the ULB (in 'non-development area'). This approach has led to the exclusion of lands, which fell under the private domain from the development process, due to various reasons such as denotification from acquisition / left out from acquisition / legal encumbrances etc.

1.3 MPD 2021 has focused on the critical reforms in the prevailing land policy and on facilitating Public Private Partnership. In an effort to carry forward these reforms and to ensure inclusive development by integrating these isolated pockets into the overall fabric of the city, a need is felt to involve the owners of the privately owned lands which were not planned and included in the development process.

- 1.4 Now it is proposed that DDA will facilitate development of these privately owned land parcels through spatial planning and facilitation of basic infrastructure services to integrate with the overall development of Delhi.
- 1.5 This policy enunciates the need and lays down the guidelines that will enable the participation, in the process of planned development of Delhi, of those private land owners, who were otherwise devoid of the legitimate and rightful use of their property.
- 1.6 The Policy also recognizes that the planned development of such land parcels is in the larger interest of the public good and the DDA's goal of planned and sustainable development of the National Capital.
- 1.7 This 'Land Policy' is based on existing provisions in the DD Act, 1957 (Sections 6, 12, 13 and 57); the DMC Act, 1957 (Sections 313) and the prevailing MPD (Chapter 17), which are brought to bear on the specific scope of this policy to enable planned development in the NCT of Delhi. The existing legal provisions for the land policy pertains to the following aspects:
- Preparation of Master Plan, Zonal Development Plan and Layout Plans;
 - Granting of permission for development of private land;
 - Amendment of existing layout plans;
 - Levy of conversion charges, external development charges, or other charges, if any.

Thus, this policy takes into account the necessary guidelines / provisions with regard to the role of the DDA as well as the ULBs.

2.0 APPLICABILITY

2.1 This policy shall **APPLY** to the following types of land parcels:

2.1.1 Land parcels having land uses that were already in existence before the notification of MPD in 1962.

2.1.2 Land parcels that could not be acquired during the process of Land Acquisition during the preparation of the MPD.

2.1.3 Land parcels that could not be acquired by DDA because:

- a) Acquisition proceedings were challenged by the land owners and quashed by the courts

- b) Acquisition lapsed as per sub-section 2 of section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (the 'New Land Acquisition Act')

2.1.4 Land parcels that were assigned such land uses, as per the ZDP, that restricted their development.

2.2 This policy shall **NOT BE APPLICABLE** on the following types of land parcels:

2.2.1 Land parcels in Zone 'O'

2.2.2 Land parcels covered under water bodies

2.2.3 Land parcels in the Ridge / Regional Park / Reserved Forest areas

2.2.4 Land parcels in Monument Regulated Zones

2.2.5 Land parcels already eligible for land pooling as per the Land Pooling Policy notified on 05.09.2013

3.0 GUIDING PRINCIPLES FOR THE POLICY

3.1 DDA shall be the regulator as well as facilitator to ensure the planned development of all privately owned land parcels.

3.2 DDA (in the 'development area') / ULB (in the 'non-development area') to take up the preparation of layout plans of the area wherever required, based on the need / requirements of various facilities within the area / locality at the neighborhood / community level as per prevailing MPD / ZDP.

3.3 The land use and development controls notified by DDA as per prevailing MPD and ZDP shall be the primary reference while determining the extent of conformity of the existing use of the privately owned land parcel.

3.4 In case of land parcels that are demarcated under 'Recreational' land use (i.e. only undeveloped Green areas / barren lands) in the MPD / ZDP / layout plan, the owner shall be allowed to develop a portion of the land with certain mandatory conditions (*as may be specified in the regulations*).

- 3.5** The layout plans for land-locked parcels of land situated within the approved and already developed schemes of DDA and the ULB, shall be prepared in such manner, and to the maximum extent possible, that they conform to the development controls (density, FAR, height) applicable to the extent possible to the already existing and approved layout plan / surrounding scheme.
- 3.6** In case the DDA / ULB / concerned agency may require a portion of the land parcel for providing the required infrastructure and amenities, the extent of such land will be determined by the agency providing the infrastructure and amenities, within a time period stipulated in the regulations, and will be incorporated in the layout plan.
- 3.7** If the landowner requires to have access to the nearest available public infrastructure (road, electricity, sewerage, water supply), he shall be required to pay requisite charges to DDA / ULB / concerned agency for up-gradation of Infrastructure etc., as may be applicable for the zone / area.
- 3.8** Upon granting of permission to develop a privately owned land parcel recognized under this Policy, DDA will make the necessary amendments to the Land Use Plan wherever applicable as per the procedure laid down for 'change of land use' on the request of the owner after obtaining NOC from all concerned departments / agencies.
- 3.9** DDA / ULB may also undertake the partial modification of existing layout plans in order to implement this policy.
- 3.10** in case of unreasonable delay, being the regulator for Delhi, the DDA will be competent to approve the Layout Plan even with respect to those areas where the ULB is authorized to approve the same.

4.0 FRAMEWORK AND IMPLEMENTATION OF POLICY

- 4.1** After preparation of the layout plan along with the NOC's from the service providing agencies, the landowner shall obtain NOC from the DDA / ULB before developing their land parcel.
- 4.2** All development charges incurred for the infrastructure which inter alia would include external development charges shall be payable by the owner to the service providers. The owner will have to pay conversion charges and all other charges, if any, applicable and prescribed by the Government from time to time.

- 4.3 For better implementation and transparency in operationalization of the policy, detailed regulations shall be framed under Section 57 of DD Act, 1957 and notified thereafter.
- 4.4 Necessary modifications in MPD and ZDP shall be taken up during the formulation of regulations.

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