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Model Inclusive Zoning and Development Control Regulations for Indian Cities

Background

Governments have a moral responsibility to ensure that all citizens have a roof over their head. With a vast population living below poverty line, it is natural to presume that the first priorities of the State in India would be to ensure that even the poorest earn enough to have a square meal and clothing and a shelter with sound structure and basic infrastructure and services. While state subsidies for these needs are already in existence, in the long run it is necessary that housing policies for the poor are based on financially sustainable models that depend in good measure on what the urban poor can afford.

In India, National and State urban housing policies over recent decades have broadly centered on the following government initiated models:

a. Urban Housing schemes based on large central and state subsidies such as those under the Jawaharlal Nehru National Urban Renewal Mission and INDIRAMMA in Andhra Pradesh. These are mainly in the category of welfare schemes.

b. Measures to ensure supply of small housing sites and small dwelling units in the mainstream and legal housing segment with security of tenure by forcing by regulations the private real estate trade as well as government agencies as part of Master Plan and layout regulations with the assumption that poor people who mainly depend on unauthorized colonies would have an affordable legal option. This has been practiced in Haryana and some other states.

c. Schemes like the Slum Redevelopment Scheme of Mumbai which allow designated pockets of slums to be re-developed with many times higher density in comparison with other areas of the city so that a private developer who is allowed the development right of such slum has to build permanent houses for the original occupants in high rise structures on part of the same site out of the profit made by him from using the rest of the land vacated by huts for high income housing.

It is to be noted that most houses in which poor people live are built by private initiative, either by the poor themselves or by small private developers in the unorganized sector. These houses do not fall in any of the above three categories. The largest housing segment of the urban poor therefore remains outside...
government contribution.

**Limited impact of government schemes:** The supply of small size dwelling units resulted by compulsory regulations in parts of the country is negligible to make any impact. Even the large welfare housing schemes only meet a small share of the demand and are confined to parts of India. The Mumbai slum redevelopment schemes also achieved limited and localized success.

**Formal building regulations rarely affect housing for poor:** It may be necessary to chronicle actual instances from all over India where urban housing for poor was hindered because of low Floor Space Index (FSI) or other town planning norms. Private unorganized sector which builds most housing for the poor, in any case builds without any regard to town planning. Government sponsored housing schemes are rarely halted by town planning regulations since Governments can easily relax rules for themselves. Once a study establishes the need, suitable changes in town planning and environmental safeguards may be called for while ensuring the safety and wellbeing of the urban poor. There are however matters of detail which are dealt in this paper.

**Land for housing the poor is not a critical issue:** The India Urban Poverty Report 2009 of the Ministry of Housing and Urban Poverty Alleviation suggests that only a small percentage of land averaging to about 2.23% to 3.59% of total area of seven largest metros is required for rehabilitation of slums within the city itself. There is no case therefore for diluting safeguards of health, safety and right to planned development of the urban poor on this count either. There is land but the urban poor have poor access to it. Political will and state policies can address this issue.

**Multi-pronged and fast paced housing efforts needed supported by rapid socio economic development of urban poor:** People live in slums because they cannot afford to live elsewhere. When they move to better employment and higher income levels, they may not live in slums. Righdy therefore holistic urban policies must emphasize on employment generation and poverty alleviation. Till such time it is important to further strengthen implementation of all the three models of urban housing listed above. Different urban situations may demand one, two or all three models to be simultaneously pursued. However it is necessary to adopt mass housing techniques and all out efforts to make an impact. It is equally important that government schemes give priority to supplying serviced small plots for more people to build themselves upon. This will benefit many more people than governments with their limited resources building houses only for a handful of them.
1. Introduction

Inclusionary zoning, also known as inclusionary housing, refers to municipal and county planning ordinances that require a given share of new construction be affordable to people with low to moderate incomes. The term inclusionary zoning is derived from the fact that these ordinances seek to counter exclusionary zoning practices, which aim to exclude affordable housing from a municipality through the zoning code.

Meeting the demand for affordable, safe, legal and environmentally satisfactory low income housing for a populous country like India is by all means a formidable task. Over the last few decades many initiatives were taken up in the country mainly by government agencies to build houses for the poor under various central and state schemes as part of Five Year Plans. The sheer magnitude of the housing shortage at the low income level, aggravated by poverty and rapid population growth has however made all past efforts appear grossly inadequate. Indian cities have an average figure (urban) of 25.70% population below the official Poverty Line\(^1\). A Government of India Report comments that this figure is an underestimation and that the degree of underestimation may be higher for bigger cities.

The National Urban Housing and Habitat Policy 2007\(^2\) for India presented the situation as follows:-

“1.4. The spotlight is focused on the mismatch between demand and supply of housing units. 99% of the housing shortage of 24.7 million at the end of the 10\(^{th}\) Plan pertains to the Economically Weaker Sections (EWS) and Low Income Groups (LIG) sectors. Given the fact that 26.7% of the total poor in the country live in urban areas, the issue of affordability assumes critical significance. In terms of numbers, 26.7% of the total poor implies 80.7 million persons or about one-forth of the country’s total urban population.

1.5. Further, the National Sample Survey Organisation (NSSO) 61\(^{st}\) Round reports that the number of urban poor has risen by 4.4 million persons, between 1993-94 to 2004-05. It is, therefore, of vital importance that a new National Urban Housing and

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\(^2\) Government of India, Ministry of Housing and Urban Poverty Alleviation
Habitat Policy carefully analyses ways and means of providing the ‘Affordable Housing to All’ with special emphasis on the EWS and LIG sectors.

This paper primarily deals with the regulatory reforms required in the area of city planning, zoning and building regulations to facilitate this objective.

The premise in this paper is that every urban household should have at least the following:

1. A weather-proof and strong structure.
2. Access to safe drinking water, sanitation, electricity and approach road.
3. An affordable and legal tenure, and
4. Employment opportunities and social infrastructure within commutable distance.

The size of the house has to depend on the paying capacity of the owner. However, it is the environmental, social and legal issues that set apart a slum or squatter colony from a desirable habitat rather than the size of the tenement. There has to be provision for minimum standards in those areas even if it is partly at the cost of the State or by way of cross subsidies wherever and whatever practicable. It is obvious from the above figures that so far as the government agencies are concerned the main task has to be to ensure satisfactory habitat for the poorest of the poor while market driven systems can take care of housing for middle and higher income groups. We shall see how this aspect is dealt in major policy documents in India.


The following are some of the national level policy documents brought out in the last 25 years that deal with urban poverty, city planning and housing and touch upon the specific problems of housing for the poor:-


ii. The reports of the National Commission on Urbanisation, August 1988.


In the next chapter we shall very briefly list the key recommendations of these studies and committees to the extent they concern housing for the urban poor.


To provide an input to the formulation of the Seventh Five Year Plan, in 1983 the Government of India constituted four task forces on Shelter for the Urban Poor and Slum Improvement. Key recommendations of the Task Force on Shelter for the Urban Poor and Slum Improvement redefined conventional approaches to the housing problem of urban poor as follows:

i. “A new interpretation of an approach to peoples’ self initiated housing actions and self generated housing stock……

ii. A new definition of a “house” (Not necessarily pucca or permanent status symbol, but one that shelters adequately).

iii. A re-definition of the housing task (Not necessarily permanent building, but livable environment.)

iv. A new role for the traditional housing agencies. (Not doers, but facilitators, not builders but promoters).

v. A new relationship between housing agencies and clients. (Not donors and receivers, but partners).

vi. A new economics. (Not charity, but investment)

vii. A new definition in terms of scale (Not a symbolic gesture, but full coverage.)

viii. For some, a new vision. (Not houses alone, but overall development)"

The Task Force acknowledged the sheer size of the problem and laid down realistic goals based on priorities. It placed a good living environment with a reasonable shelter above a conventional permanent house. Even a quarter century ago the report hinted that government efforts to provide houses to the poor mostly amounted
to a lottery win for a few urban poor while the vast mass of needy populace remained untouched by such efforts.

2.3 The Reports of the National Commission on Urbanisation, 1988 (NCU)

Twenty years have passed since the August 1988 twelve volume reports of the Commission were submitted. The Summary of the recommendation of volume II (the volume which was the synthesis of all other volumes), contained the following in the chapter (no 11) on Housing: “The shelter problem comprise:

a) How to increase shelter supply

b) How to improve and upgrade slums and

c) How to conserve existing housing stock.”

“The solution however need not follow a welfare approach. As already demonstrated, housing and infrastructure investments are productive, they are investments in an asset that yields a flow of services over time and they should be evaluated like any other productive investment.”

The report suggested new ways of looking at the housing problem, some of which are quoted below:

a) A new interpretation of an approach to peoples’ self generated housing stock.

b) A new definition of the house (not necessarily a pucca or permanent status symbol but one that shelters adequately).

c) A new definition of the housing task (not necessarily permanent buildings but livable adequate environment)

d) A new thrust (not a few finished houses but a massive supply of serviced land)

Some of these suggestions may appear radical to some, even after 20 years.

The National Commission on Urbanisation (NRC) Report of 1988 further stated:

a) “To secure optimum and judicious utilization of land ... in particular the housing needs of the poor,... planning and building regulations will have to be formulated to promote low rise high density development.

b) Local building codes must be simplified and rationalized in order to facilitate imaginative designs, low cost housing and an acceptable level of environment, keeping in view the requirements of economically weaker sections and low income groups.”
In today's context it is surprising how these suggestions were not paid heed in several subsequent policy statements. Even more surprising is the fact that these suggestions of the NCU were strikingly similar to the recommendations made by a Task force of the Planning Commission of India as early as in 1983\(^3\).

2.3 The Urban Development Plans Formulation and Implementation Guidelines (UDPFI), Ministry of Urban Development, Government of India, 1996

Widely considered as a reference manual for urban development and planning practice across the country, the UDPFI Report does not have any chapter on housing norms for urban poor. But the report in its appendix D deals with “alternative models of private sector participation” and describes the provisions in Haryana (“The Gurgaon Model”) in which private developers seeking permission for developing colonies must reserve and dispose certain percentage of small plots for EWS and LIG categories. Similar provisions were adopted by some other states with variations. This is a recognition of the fact that given to themselves, private real estate developers do not find it profitable to market small plots or flats which may be within the paying capacity of low income groups. The authorities therefore wanted to force them to do so. These examples will be discussed in a later chapter.

2.4 Model Building Byelaws 2004 - Town and Country Planning Organisation Government of India

Building Bye-laws typically lay down details of buildings in terms of width of access roads abutting housing plots, minimum plot sizes, minimum size of dwelling units, minimum all round open spaces, maximum ground coverage as percentage of plot size, maximum height of buildings and other related controls. The basic principle behind byelaws is to ensure adequate natural light and ventilation, privacy and ease of access for achieving minimum health and environmental standards within settlements. India has had National Building Codes since 1970s (framed by the Bureau of Indian Standards) which were twice revised leading to the most recent 2005 NBC.

The Model Building Byelaws 2004 along with the NBCs became the basis for building norms in cities across India. The Model Byelaws and the NBCs recognised that for low income housing colonies the standards needed to be lower in view of affordability

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and economic characteristics of the inhabitants. However till recently it was assumed that the only legitimate guardian of the urban poor are the government agencies like the Improvement Trusts, housing boards, municipalities, urban development authorities etc, despite such agencies catering to only a fraction of the total demand for low cost housing. The Codes therefore indicated that the special standards were for projects taken up by government agencies. The norms were extended to non government projects only recently, but in practice these were rarely made available to private developers and few developers even opted to enter in to low income housing in the organized and formal sector. They did though in a big way in the segment of “unauthorized housing”.

We shall however look at the basic norms prescribed under Model Byelaws. For ‘Low Income Groups’ the byelaws advocated plot size of 30 sqm and below as seen in the following table:

Table 1: Ground Coverage, FAR, height and number of dwelling units for a residential area, Model Building Byelaws 2004

<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>Plot Area (sq.mt)</th>
<th>Maximum Ground Coverage %</th>
<th>FAR</th>
<th>No. of DUs.</th>
<th>Maximum Height (mt.)</th>
</tr>
</thead>
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<tr>
<td>1.</td>
<td>30</td>
<td>75</td>
<td>150</td>
<td>1</td>
<td>8</td>
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The Byelaws also contain more detailed guidelines for Jhuggi Jhonpri (Hutments colonies) and Low Income Housing under appendices as follows:

*Regulations for Resettlement and Jhuggi Jhonpri (JJ), In-situ Upgradation

i) **Density**- The net density shall be up to 250 tenements per hectare.

ii) **Minimum Plot Size**- The Minimum Plot Size shall be 25 sq.mt. However, it can be 18 sq.mt. with 100% coverage provided 7 sq.mt. per tenement is clubbed for cluster space.

The **Model Byelaws** also contain the following appendix:


Provision relating to layout planning

i) **The type of development** may be plotted development low income housing/flatted development as low rise housing /block development as a group housing.

ii) **Density**: Residential density is indicated in terms of dwelling units per hectare as below:
Table 2: Maximum Density for Low Income Housing: ISS 8888

<table>
<thead>
<tr>
<th>Sl.No</th>
<th>Density in dwelling units/ha for plinth area of unit of 20 sqm.</th>
<th>Density in dwelling units/ha for plinth area of unit of 33 sqm.</th>
<th>No of storeys</th>
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</thead>
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<tr>
<td>i</td>
<td>130</td>
<td>85</td>
<td>1</td>
</tr>
<tr>
<td>ii</td>
<td>250</td>
<td>170</td>
<td>2</td>
</tr>
<tr>
<td>iii</td>
<td>300</td>
<td>225</td>
<td>3</td>
</tr>
<tr>
<td>iv</td>
<td>250</td>
<td>260</td>
<td>4</td>
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Note: 1. These densities are applicable to a cluster of dwellings up to 400, with a family of 5 members.

2. Vertical incremental housing shall be permitted in single ownership plot.

3. These densities include provision for open spaces, convenience shopping, nursery and all internal roads and pathways, but do not include peripheral road around the cluster.

4. The minimum density shall be 75 per cent of the value given under column 2 and 3.

* The development up to 3 storeys is generally recommended. The number of storeys shall be restricted to four only.

iii) Size of the plot / plinth area: Minimum plot size shall be as follows with coverage not exceeding 75% with the details as below:

Table 3: Minimum plot sizes: ISS 8888

<table>
<thead>
<tr>
<th>Minimum Plot Size</th>
<th>Type of Development</th>
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<tr>
<td>30 sq.m</td>
<td>Incremental housing with one room, cooking space and combined bath and W.C. on ground floor and future extension of one room and a bath on the first floor/ground floor.</td>
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<tr>
<td>40 sq.mt</td>
<td>Two roomed house on each floor for Group Housing/Individual Ownership house.</td>
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Note: 1. The minimum size of plots takes into account the need of incremental housing. In the case of cities (other than Metropolitan Cities) with population less than 0.5 million, the size of the plots may be increased by 33.5 per cent.

2. In exceptional cases in metropolitan cities with population more than one million the size of the plots may be brought down to 25 sq.mt. in case of low income housing colonies located in congested area or in areas as decided by the Authority.
iv). Other Requirements

Table 4. Amenities required: ISS 8888

<table>
<thead>
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<th>Amenities</th>
<th>Requirement</th>
</tr>
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<tr>
<td>a) Open spaces</td>
<td>0.3 ha/1000 persons</td>
</tr>
<tr>
<td>b) Road area</td>
<td>10% to 20% of the site</td>
</tr>
<tr>
<td>c) Nursery School</td>
<td>0.1 ha (one site) for 1500 population</td>
</tr>
<tr>
<td>d) Shopping Centre</td>
<td>@ 4 shops per 1000 population is to be provided</td>
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In addition to plot sizes etc, the Byelaws prescribe densities in terms of dwelling units per unit area with the intention of avoiding overcrowding.

2.5. The National Building Code 2005: Recognition of Private Agencies’ role in Low Income Housing

National Building Code, NBC 1983 had an Appendix D (referring to Clause 12.20) to prescribe ‘Special Requirements for Low Income Housing’. The code clarified at the outset that ‘The requirements regarding layout planning of low income housing colonies are applicable to public agencies /government bodies. (Italics are in original text of Code). Thus this appendix did not apply to private developers and individuals who would build their own house. The Codes were designed primarily to ensure the minimum quality of housing as a product, just as the BIS stipulates norms for Electric Fans or Pressure Cookers.

The present situation where the role of private sector in public housing is well established and also sought to be expanded in the interest of increasing housing supply manifold, such exclusion is outdated. The NBC 2005 modified this position and in Annex C stated that ‘the requirement regarding layout planning of low income housing colonies are applicable to public and private agencies/government bodies.

Another condition spelt out in NBC 1983 (D 1.3) was that ‘It is emphasized that this type of development should apply to clusters of 400 dwelling units so distributed in the development under consideration as to maintain the overall densities of the Master Plan for the area. The following table 10 provided for a maximum density of 400 dwelling units per hectare of 20 sqm each in upto 5 stories. However D 2.4 stated that the height of
buildings shall not exceed 15 meters. Similar condition as in D 1.3 is repeated in NBC 2005 Annex C- C-1.3 without the density table. Minimum plot sizes of 30 sq m as in NBC 1983 were retained in NBC 2005 but in ‘cluster planning’ even 15 sqm plots are allowed in NBC 2005 in C-2.3.1. NBC 2005 in C-2.4 allows densities up to 150 dwelling units per hectare, but for developments with per dwelling unit covered area of 15 sqm, maximum densities of 500 DU/Ha shall be permissible. ( C-2.4.2). In C-2.5 the NBC 2005 fixes maximum height of buildings as 15 meters but adds that LIG housing should be preferably up to maximum of two storied.

The NBC 2005 suggests every dwelling unit for low income housing should have at least two ‘habitable rooms’. It says even if one room is provided initially, it should have provision of adding another room in future. The total area of both the rooms is 16 sqm and 15.5 sqm in 1983 & 2005 codes. A significant new provision in the 2005 code is that allows a Mezzanine Room up to 6.50 sqm while the clear height below and above the Mezzanine floor should be 2.4 and 2.1 meters respectively. NBC 2005 makes Water Seal Latrines mandatory. This is a new provision. In both 1983 and 2005 versions the NBC stipulates roads and pathways up to 6 meters wide. Salient Features of the National Building Code 2005 are given at Appendix 1.

2.6.  Reforms under the Jawaharlal Nehru National Urban Renewal Mission

The Jawaharlal Nehru National Urban Renewal Mission launched a major nationwide effort with initiatives hinged on the participation of urban local bodies. The JNNURM offered large central government assistance for upgrading key urban infrastructure in the original 63 Mission cities in addition to sizable investment in housing for the poor. The scheme resulted in a large number of low cost houses being built across the country by government departments and agencies.

Central Assistance under the scheme have the following pre-requisites:

i. A City Development Plan (CDP) for each mission city.

ii. Detailed Project Reports (DPR) for specific projects under the programme.

iii. A set of Mandatory and Optional Reforms to be carried out both at State and Urban Local Body (ULB) level.
Reforms that directly or indirectly support housing for the urban poor are as follows:

**Mandatory Reforms at Local Government level**

(i.) Internal earmarking within local bodies budgets for basic services to the urban poor.

(ii.) Provision of basic services to the urban poor including security of tenure at affordable prices, improved housing, water supply and sanitation. Delivery of other existing universal services of the government for education, health and social security is ensured.

**Mandatory Reforms at the Level of States:**

(i.) *Repeal of ULCRA*

(ii.) *Reform of Rent Control Laws balancing the interests of landlords and tenants.

(iii.) Enactment of the Community Participation Law to institutionalize citizen’s participation and introduce the concept of the Area Sabha in urban areas.

(iv.) Assigning or associating elected ULBs with “city planning function”. Over a period of seven years, transferring all special agencies that deliver civic services in urban areas to ULBs and creating accountability platforms for all urban civic service providers in transition.

Housing policy should lay down ground rules for market forces to increase housing supply for all the income groups including the middle and higher income groups. The JNNURM has made sizable contribution to the supply of low cost houses for the poor by way of projects executed by government agencies. Unfortunately government built houses and housing colonies often fail in creating a habitat suited to the living style, occupation and needs of the poor.

Add standards adopted for BSUP and IHSDP.
2.7 The National Urban Housing and Habitat Policy 2007

The National Urban Housing and Habitat Policy 2007 has dealt with low cost housing from various angles. Relevant sections are extracted below:

a. Affordable Housing

b. Spatial Incentives

Section xi - Innovative spatial incentives like relaxation of Floor Area Ratio (FAR) for ensuring that 20-25% of the FAR are reserved for EWS/LIG and issuance of Transferable Development Rights (TDR) for clearance of transport bottlenecks in the inner-city areas and availability of additional FAR in Outer Zones will be promoted with a view to meeting the housing shortage amongst EWS/LIG.

Section xii - Careful review of authorized Floor Area Ratio (FAR) in line with international practices for allowing more efficient use of scarce urban land by construction of high rise buildings.

The National Urban Housing and Habitat Policy makes the following specific recommendations on low income housing at National State and Urban Local Body level:

- Encourage adoption of critical urban reforms relating to municipal laws, building bye-laws, simplification of legal and procedural frameworks, property title verification system and allied areas.

Section xi - Promote the observance of the National Building Code (NBC), 2005.

Section 3.2 The State Government would (in consultation with Urban Local Bodies):
Create a Supportive Environment.

- Prepare and update Master Plans along with Zonal Plans, Metropolitan Plans, District Plans and the State level Regional Plan by respective agencies with provision of adequate land for urban poor.

- Promote in-situ slum upgradation with partnership between the Central Government, State Government, Urban Local Bodies, Banks/MFIs and potential beneficiaries.
Optimum Utilization of Land (some of the points are reiterated)

**Section xvi** - Promote optimal utilization of land by innovative special incentives like relaxation of FAR for ensuring that 20-25% of the FAR are reserved for EWS/LIG units or issuance of Transferable Development Rights for clearance of transport corridors and availability of FAR in outer zones.

**Section xvii** Consider for upward review the presently authorized Floor Area Ratio (FAR) in line with international practice of making more efficient use of scarce urban land through construction of high rise buildings in consonance with densities specified in statutory Master Plans.

- 10 to 15 percent of land in every new public/private housing project or 20 to 25 percent of FAR / Floor Space Index (FSI) which is greater will be reserved for EWS/LIG housing through appropriate legal stipulations and spatial incentives.

In order to ensure that 10 to 15 percent of land or 20 to 25 percent of FAR /FSI whichever is greater is earmarked in every new public/private housing project, appropriate spatial incentives will be developed by Urban Local Bodies (ULBs) and Development Authorities.

Use of prefabricated factory made building components will be encouraged for mass housing, so as to achieve speedy, cost effective and better quality construction.

**Section iv** - Central and State/UT Governments should promote low cost, local building materials based on agricultural and industrial wastes, particularly those based on fly ash, red mud and allied local materials.

2.8 The Report of the Task Force on Affordable Housing for All under the Chairmanship of Sri Deepak Parekh, Dec. 2008

The Task Force strongly recommended the need for ‘Affordable Housing’ and mentioned that delay in addressing the affordable housing problem would seriously affect India’s economic growth and poverty reduction strategies. The Task Force noted that housing is central to economic growth and has multiplier effects on employment, poverty reduction etc. The Task Force estimated that alleviating the urban housing shortage could
potentially raise the rate of growth of GDP by at least 1-1.5 percent and have a decisive impact on improving the basic quality of life.

Some of the specific recommendation of the Task Force is:-

**Affordable Housing**

- "Affordable Housing" be put at the centre of public policy.
- Any attempt to fix a definition of affordable housing for a country as large and diverse as India, using the concept of “one-size-fits-all” is counter-productive. However, the Task Force has suggested the following parameters for the purpose.

<table>
<thead>
<tr>
<th>Table 5 : Standards for Affordable Housing: Deepak Parekh Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>EWS/LIG</td>
</tr>
<tr>
<td>Size</td>
</tr>
<tr>
<td>Cost</td>
</tr>
<tr>
<td>Not exceeding 4 times the household gross annual income</td>
</tr>
<tr>
<td>Not exceeding 30% of gross monthly income</td>
</tr>
</tbody>
</table>

The Task Force visualises the size of the household as five members.

- Government to undertake a separate exercise to estimate the number of households on the basis of above.
- Data on housing starts and completions at the national and state level be made readily available and may be collected through an institutional structure.
- Upward revision in the FAR/FSI, across cities of different sizes commensurate with investment in infrastructure that it will necessitate.
- Develop detailed critical space plans, which incorporate infrastructure intensive cluster development.
- Impose an impact fee on those benefiting from higher FAR/FSI.
- In-situ development on public lands for addressing affordable housing issues in partnership with the Government.
- ‘Security of tenure’ is recognised as an important and integral tool for relieving pressures on the housing market. This may undertaken through regularisation of settlements, community or cooperative ownership, security via lease, use rights, which enables in-situ development to take place.
• The recommendations on land related issues i.e. bringing in additional lands, upward revision in the FAR/FSI and in-situ development have to be implemented in an integrated manner.

**Technology for Cost Effectiveness**

• A low-rise high-density built form is recommended as an appropriate measure for upgrading, redevelopment or construction of housing projects for the lower income groups.

**2.9 India Urban Poverty Report 2009, Ministry of Housing and Urban Poverty Alleviation, Government of India, 2009**

The report contains 16 articles by eminent experts and scholars. The report has been released along with a Summary and a Fact sheet. Some of the significant observations made by authors in the report relating to housing for the urban poor are extracted below:

• It would be wrong to assume that all the slums are on private premises and consequently face a serious threat of eviction. More than 53% of slums located on public lands are on land belonging to Municipal bodies. Another 13% of slums are located on Railway lands. More than 30% of the slums have predominantly Pucca structures. Nearly 60% of urban poor live in Pucca Houses.

• The main difference between slum and non slum areas is not in the quality of houses but in terms of basic amenities. Several field studies have concluded that the poor can afford the current expenses of amenities but not the capital expenses of getting a water connection or a toilet.

• The capacity of the urban poor to pay for basic services will remain poor during the next few years as the prospects of increase of their real income are not very bright.

• With gradual withdrawal of the state from the supply of affordable formal housing for the low income households, the poor are left with only informal housing options. They are then perceived as illegal residents of the city.

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5 The Poor and Morphology of Cities, Neelima Risbud, page 177.
There is an interesting table in the report that estimates land requirement for slum rehabilitation in selected metropolitan cities of India\textsuperscript{6}. The table is reproduced below:

**Table 6 : Land Requirement for Slum Rehabilitation as percentage of total area of the city: India Urban Poverty Report 2009, Government of India MoHUPA.**

<table>
<thead>
<tr>
<th>City</th>
<th>City’s area in sq km (2001)</th>
<th>% of city’s land area: range under different FAR/FSI options</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mumbai</td>
<td>437</td>
<td>6.12 to 8.50</td>
</tr>
<tr>
<td>Delhi</td>
<td>1483</td>
<td>0.52 to 0.93</td>
</tr>
<tr>
<td>Kolkata</td>
<td>185</td>
<td>3.27 to 4.09</td>
</tr>
<tr>
<td>Chennai</td>
<td>174</td>
<td>2.43 to 3.20</td>
</tr>
<tr>
<td>Bangalore</td>
<td>225</td>
<td>0.79 to 1.87</td>
</tr>
<tr>
<td>Hyderabad</td>
<td>173</td>
<td>1.50 to 4.22</td>
</tr>
<tr>
<td>Ahmedabad</td>
<td>198</td>
<td>0.99 to 2.37</td>
</tr>
</tbody>
</table>

This table shows that only a small percentage of land, averaging to about 2.23 to 3.59 % is required for rehabilitation of slums assuming that the slums are accommodated within the city itself and not in the outskirts. If options of relocating slums to the suburbs are considered, then these percentages will become even lower.

2.10 Summary of the nine policy documents cited

Here is a summary of the main recommendations of abovementioned policy documents spanning over 25 years from 1983 to 2008:

**Table 7 Summary of national policy documents concerning housing for urban poor.**

<table>
<thead>
<tr>
<th>Policy document</th>
<th>Key recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Task Force of Planning Commission (IV) Shelter for the Urban Poor and Slum Development, Sept.1983.</td>
<td>Highlighted the importance of “self initiated housing actions and self generated housing stock, a new definition of a “house” (Not necessarily pucca or permanent status symbol, but one that shelters adequately), a re-definition of the housing task (<strong>Not necessarily permanent building, but livable environment.</strong>) and a new definition in <strong>terms of scale</strong> (Not a symbolic gesture, <strong>but full coverage.</strong>)</td>
</tr>
<tr>
<td>Source</td>
<td>Regulation</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>The reports of the National Commission on Urbanisation, August 1988.</td>
<td>The Commission echoed the 1983 Task Force of Planning Commission and stressed on “A new definition of the housing task (not necessarily permanent buildings but livable adequate environment)” . It spoke of the “new thrust (not a few finished houses but a massive supply of serviced land)”.</td>
</tr>
<tr>
<td></td>
<td>The commission prioritized supply of serviced land over provision of house and went on to initiate the concept that “planning and building regulations will have to be formulated to promote low rise high density development.”</td>
</tr>
<tr>
<td></td>
<td>This concept of low rise high density development was repeated in the Dec 2008 Deepak Parekh Committee Report.</td>
</tr>
<tr>
<td>The Urban Development Plans Formulation and Implementation Guidelines (UDPFI), GOI, August 1996.</td>
<td>The Report recommends “alternative models of private sector participation” and describes the provisions in Haryana (&quot;The Gurgaon Model&quot;) in which private developers seeking permission for developing colonies must reserve and dispose certain percentage of small plots for EWS and LIG categories.</td>
</tr>
<tr>
<td>Model Building Byelaws 2004, T &amp; CPO, Government of India.</td>
<td>Recommends for Low Income Housing minimum plot size of 30 sqm, Ground coverage 75%, FAR of 150 and maximum height of 8 meters. For Jhuggi Jhonpri (Hutments colonies) recommends lower plot size 25 sqm and Net Density of 250 tenements per hectare. The Byelaws advocated “Incremental Housing” and generally recommended height up to three stories.</td>
</tr>
<tr>
<td>The National Building Code 2005.</td>
<td>Explicitly extended norms of low income housing to both government and private housing projects. Height of low income housing recommended preferably up to two stories only. Density recommended as 150 dwelling units per hectare but can be stretched to 500 du /ha for developments with dwelling unit size of 15 sqm. Allows Mezzanine room up to 6.50 sqm. Makes water seal latrines mandatory.</td>
</tr>
<tr>
<td>The Jawaharlal Nehru National Urban Renewal Mission. (Reforms), 2005.</td>
<td>The reform agenda includes revision of byelaws to streamline the approval process and easy conversion of land from agricultural to non-agricultural purposes. The reforms require earmarking at least 20-25 per cent of developed land in all housing projects (both public and private agencies) for EWS and LIG category with a system of cross subsidisation.</td>
</tr>
</tbody>
</table>
| The National Urban Housing and Habitat Policy 2007. | Advocates **accelerating the pace of development of housing** and related infrastructure and creating adequate housing stock both on rental and ownership basis with special emphasis on improving the affordability of the vulnerable and economically weaker sections of society through appropriate capital or interest subsidies. It also includes using technology for modernizing the housing sector for enhancing energy and cost efficiency, productivity and quality. **Careful review of Floor Area Ratio (FAR) ...by construction of high rise buildings.** Facilitating accessibility to serviced land and housing with focus on economically weaker sections and low income group categories.

The Policy recommended the use of **prefabricated factory made building** components for mass housing, so as to achieve speedy, cost effective and better quality construction.

Central and State/UT Governments should promote low cost, local building materials based on agricultural and industrial wastes, particularly those based on fly ash, red mud and allied local materials.

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| The Report of the Task Force on Affordable Housing for All under the Chairmanship of Sri Deepak Parekh, Dec 2008. | For EWS & LIG the Report **suggested 30 to 60 sqm carpet area, an upward revision in the FAR/FSI**, across cities of different sizes commensurate with investment in infrastructure that it will necessitate, imposition of impact fee on those benefiting from higher FAR/FSI. Other suggestions include the need to foster **rental housing for EWS/LIG and a low-rise high-density built form**.

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| India Urban Poverty Report 2009, Ministry of Housing and Urban Poverty Alleviation, Government of India, 2009. | The report quotes a research study of top seven large metros of India and estimates land requirement for slum rehabilitation as percentage of total area of the city and shows that **only a small percentage of land, averaging to about 2.23% to 3.59 % of total land is required for rehabilitation of slums assuming that the slums are accommodated within the city itself and not in the outskirts.**

This study contradicts the theory that there is shortage of land for urban poor and that therefore higher FAR, high rise buildings and dilution of town planning norms should be resorted to. |

Formal Town Planning and Development Control Regulations have traditionally been viewed negatively as a hindrance to development. Growth of slums and squatter settlements and the absence of basic social and physical infrastructure even in non-slum areas have made us look for possible culprits. The national policy documents dating from 1983 to 2005 as analysed in the previous chapter generally highlighted the enormity of the task and advocated massive efforts to be launched by government agencies in upgrading infrastructure in existing slums and also in future low income neighbourhoods that are inevitable in times to come. The 1983 Task Force of the Planning Commission and the 1988 National Commission on Urbanisation both expressed that priority must be given to providing good amenities and a reasonable shelter in a very large scale rather than trying to give finished and good houses to a few.

The Policy Framework and Reform agenda of the Jawaharlal Nehru National Urban Renewal Mission (JNNURM), the 2007 National Urban Housing and Habitat Policy and the Deepak Parekh Committee 2008 and the INDIA Urban Poverty Report 2009 have made the following observations in some way or the other:

1. Housing problem of the poor is at least partly caused by 'rigid' town planning stipulations and controls such as land use zoning and layout and subdivision norms.
2. The poor have inadequate housing because of shortage of land.
3. Shortage of land for housing the urban poor is caused mainly by the present system of town planning.
4. Building norms in force especially 'low' Floor Area Ratio (FAR) or Floor Space Index (FSI) prevent effective implementation of housing programmes for the poor.
5. A general Increase of FAR/FSI or granting incentives to developers in terms of higher FAR/FSI will encourage the creation of more housing for the urban poor.

In the course of this discussion we shall examine whether there is any specific evidence to support these assumptions.
3.1 **What do the terms Urban Planning, City Planning or Town Planning mean and whether there is any need for urban planning**

Some of the internationally accepted definitions of these terms are quoted below:

**a. Urban Planning**

“Design and regulation of the uses of space that focus on the physical form, economic functions, and social impacts of the urban environment and on the location of different activities within it.” [urban planning.](http://www.britannica.com/eb/article-9074444)

**b. City Planning**

“Elements characteristic of city planning include:

1. General plans that summarize the objectives of (and restraints on) land development;
2. Zoning and subdivision controls that specify permissible land uses, densities, and requirements for streets, utility services, and other improvements;
3. Plans for traffic flow and public transportation;
4. Strategies for economic revitalization of depressed urban and rural areas
5. Strategies for supportive action to help disadvantaged social groups; and (6) guidelines for environmental protection and preservation of scarce resources.” [Encarta Encyclopedia 2000]

“City planning embraces the organization, or conscious influencing, of land-use distribution in an area already built-up or intended to become built-up.” - Wikipedia 2008

**c. Urban Planning**

“An attempt to manage the city, often in order to avoid, or alleviate, common urban problems such as inner city decay, overcrowding, traffic and other forms of congestion” [Answers.com 24th March 2008]

It has been noted that the terms Urban Planning, City Planning and Town Planning are considered to have the same meaning and are loosely substituted for each other.
3.2 Urban Planning according to eminent authorities

Lewis Keeble, eminent British Town Planner defined Town Planning as:

“The art and science of ordering the use of land and the character and siting of buildings and communication routes so as to secure the maximum practicable degree of economy, convenience and beauty.
(Principles and Practice of Town and Country Planning, Lewis Keeble, 1969)


“We are concerned in town planning with:

1. Human Territoriality. (issues of privacy and other psychological requirements)
2. The promotion of accessibility.
3. Good appearance.
4. Allocation of sufficient space for all urban needs.
5. Allowance for the effects of topography on urban form.
6. The separation of incompatible uses.
7. The promotion of true economy in urban environment.”

Principal considerations in determining land use policies in master plans are purely locational, geographical, environmental, economic and technological in nature. While sociological, aesthetic and other intangible factors are important in designing livable spaces at local level, land use planning does not seek to addressing social inequities or protecting the interests of socially deprived groups. For those legitimate goals there are other mechanisms in administrative and public policy.

In the abovementioned book while dealing with “Town Planning and Politics”, Lewis Keeble opined (page 148):

“Interests to be protected

The crudest political question in connection with town planning, and one which certainly has in it the potential for much party strife, is who, by means of town planning action, is supposed to be protecting whom against what. Few would disagree that it is the proper job of town planning to protect the rural scene, to prevent the juxtaposition of
incompatible uses, to reduce ugliness and promote beauty (however defined), to reduce the impact of danger, noise and smell as discussed in Chapter 6. But there is plenty of room for political disagreement, not necessarily on party lines, about how to do these things. Most would agree, if it were put to them in stark terms, that it is no business of town planning to pander to the protection of class susceptibilities or religious prejudice."

However, town planning practice of the early nineteen sixties in India based on strict land use zoning has generally been replaced by more flexible land use plans and zoning regulations in recent years as evident in most Master Plans notified. It has been recognized that mixed land use zoning with adequate safeguards reduces the need to travel long distances thereby to some extent dilutes the ill-effects of increasing private vehicle ownership and use.

**The National Commission on Urbanisation (1988)** in Volume II page 204, para 10.16.14 stated the following under City Structure:

“In order to increase the supply of urban land, work areas (and the transport network that interconnects them) should be intelligently and equitably deployed across the city. Small scale and cottage industries, shop houses, etc, should be allowed within residential areas so as to encourage employment generation in the tertiary sector. The exclusive zonal system presently in fashion should be replaced by one which allows mixed land use on the basis of performance criteria.”

### 3.3 Legal Framework for Regulations

Regulations and Building Bye Laws in the field of city planning, housing and infrastructure development are made to protect life, health and general wellbeing of inhabitants. The Model Building Byelaws 2004 have the following in the preface:

“Building Bye-Laws are tools used to regulate coverage, height, building bulk, and architectural design and construction aspects of buildings so as to achieve orderly development of an area. They are mandatory in nature and serve to protect buildings against fire, earthquake, noise, structural failures and other hazards. In India, there are still many small and medium sized towns which do not have building bye-laws and in the absence of any regulatory mechanism,
such towns are confronted with excessive coverage, encroachment and haphazard development resulting in chaotic conditions, inconvenience for the users, and disregard for building aesthetics, etc……."

Urban and rural local bodies have traditionally notified regulations and building byelaws under their principal Acts such as Municipalities Acts, Gram Panchayat Acts, Cantonment Acts etc. Towns and cities which have overall land use maps in the form of Master Plans, Development Plans, General Town Planning Schemes, incorporate the building byelaws also as part of the Master Plans in addition to Land Use Zoning Regulations. The Constitution of India Article 19 (5) empowers the authorities to impose reasonable restrictions on individual's rights in the public interest. State governments in India have various Legislations such as State Town and Country Planning Acts, Urban / Metropolitan Development Authorities Acts besides the Municipal Acts which enable framing of rules by state governments and regulations and byelaws by Urban Development Authorities and local bodies.

**City Planning: a necessary “nuisance”**

Typically city planning tells us to do what we do not want to do and prevents us from doing what we love to do. Town Planning has been for quite sometime a favorite 'Whipping Boy' and made responsible for most urban ills. There is no scientific logic yet to abandon town planning and development control regulations. It is the poor who stand to suffer the most if town planning safeguards are given up. There is no evidence to link urban poverty, housing shortage, population explosion and migration to large cities with the exercise of city planning practices through Master Plans and development control regulations. In fact most problems in cities are due to the population at large being averse to any discipline either in traffic regulations, social hygiene or in respecting land use plans. Our shopping habits and driving habits treat every street as a shopping street and expressway at the same time. Roads are occupied by hawkers because we find it convenient to buy from the *Thella* rather than from the shops in an organized shopping centre for which we must park our car somewhere. Unlike the miles of parking lots in Wal Marts in the US, most of our shopping malls have inadequate parking to cut cost. The population finally pays for all the shortcuts and conveniences by way of average three people dying everyday of road accidents in all major Indian cities besides by way of mounting health and social costs.
4. **Review of existing standards and regulations with regard to provisions for the urban poor**

Several cities have introduced fresh ideas in their Master Plans in recent years that have a bearing on the urban poor. Some highlights are given below,

**A. Bangalore: Vision 2015**

The Vision 2015 map defines a framework and general directions to spatially delineate the areas where development is to be focused and promoted. It provides a strategic vision for the city and forms the basis for the Draft Master Plan. The Master Plan has flagged the following “Principles”.

1. Respect the natural environment
2. Promote economic efficiency
3. Ensure social equity
4. Preserve historical heritage
5. Ensure efficient and affordable transport systems

The following building regulations accompany the Bangalore Master Plan 2015.

**Table 8 : Bangalore Master Plan 2015, Building Regulations**

<table>
<thead>
<tr>
<th>Sl no</th>
<th>Description (plot size in sq.mtr)</th>
<th>Permissible FAR</th>
<th>Premium FAR</th>
<th>FAR</th>
<th>G.C max</th>
<th>Max H(m)</th>
<th>Setbacks (Rear and Left side)</th>
<th>Front setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Upto 150 Sq. mtr</td>
<td>1.75</td>
<td>1.0</td>
<td>2.75</td>
<td>75%</td>
<td>15</td>
<td>2.0 m</td>
<td></td>
</tr>
<tr>
<td></td>
<td>A More than 12.0 m road</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>B Above 9.0m up to 12.0 m roads</td>
<td>1.50</td>
<td>1.0</td>
<td>2.5</td>
<td>70%</td>
<td>15</td>
<td>1.5 m</td>
<td></td>
</tr>
<tr>
<td></td>
<td>C Less than 9.0 m roads</td>
<td>1.50</td>
<td>1.0</td>
<td>2.5</td>
<td>70%</td>
<td>15</td>
<td>Joint</td>
<td>1.0 m</td>
</tr>
<tr>
<td>2</td>
<td>Above 150 up to 500</td>
<td>1.75</td>
<td>1.0</td>
<td>2.75</td>
<td>70%</td>
<td>15</td>
<td>3.0 m</td>
<td></td>
</tr>
<tr>
<td></td>
<td>A More than 12.0 m roads</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>B Above 9.0m up to 12.0 m roads</td>
<td>1.50</td>
<td>1.0</td>
<td>2.5</td>
<td>65%</td>
<td>15</td>
<td>2.5 m on one side and rear</td>
<td>2.0 m</td>
</tr>
<tr>
<td></td>
<td>C Less than 9.0 m roads</td>
<td>1.50</td>
<td>1.0</td>
<td>2.5</td>
<td>65%</td>
<td>15</td>
<td></td>
<td>1.50 m</td>
</tr>
<tr>
<td>3</td>
<td>Above 500 up to 2000</td>
<td>2.00</td>
<td>1.0</td>
<td>3.00</td>
<td>65%</td>
<td>NA</td>
<td>As per table 20 or 21</td>
<td>As per table 20 or 21</td>
</tr>
<tr>
<td></td>
<td>A More than 12.0 m roads</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>B Above 9.0m up to 12.0 m Roads</td>
<td>1.50</td>
<td>1.0</td>
<td>2.50</td>
<td>60%</td>
<td>15</td>
<td>2.5 m on all sides</td>
<td>3.0 m</td>
</tr>
<tr>
<td></td>
<td>C Less than 9.0 m roads</td>
<td>1.50</td>
<td>1.0</td>
<td>2.50</td>
<td>60%</td>
<td>15</td>
<td>2.5 m on all sides</td>
<td>3.0 m</td>
</tr>
<tr>
<td>4</td>
<td>Above 2000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Please refer to Table. 22 for Residential and Table 23 for Non Residential development</td>
<td></td>
</tr>
</tbody>
</table>

**3.4 Notes:**

3.4.1 No premium FAR is permissible on road widths with less than 12.0 m road width.

Concern for urban poor is part of the objective of ensuring social equity.

The Master Plan has the following features.

**The approach:**

- Pre-planning Consultations for two years - for the highest level of public participation.
- Large public exhibition of maps for three months.
- Master Plan based on Satellite Images for greater accuracy.
- Ownership Data overlaid on Master Plan- User Friendly Plans.
- Draft Master Plan put up on HUDA Web-site
- Comprehensive & illustrated Master Plan Document for the layman sold in city bookshops.
- Unprecedented Public Response: 7000 nos –most demanding reduction of road widths from what was proposed in the plan and conversion of lake and forest areas to housing where they had bought plots because those were cheap.
- Second notification for public objections in 2006-07.

**The contents:**

1. Land Use Zoning linked with local levels of infrastructure in place. Wider roads and bigger plots within Residential Zones itself allow higher order uses.
2. Decongesting central areas through density policy.
3. Mandatory percentage of small plots in layouts for low income groups.
4. Incentives for large layouts- Land pooling schemes.
6. De-reserving hazardous industries from congested central areas by offering commercial use.
7. Decentralization of commercial activities and employment through Multiple Use Zones.
8. Heritage Conservation as part of urban planning.
9. Premium on FAR (Floor Area Ratio) to generate resources.
10. Transfer of Development Rights (TDR) to compensate affected land owners.
Some of these features were adopted from the Master Plan for the Cyberabad Development Authority (CDA) earlier notified. However in the CDA, at the level of highest plot size and widest road, the cap on FSI was removed. Similarly the Master Plan for Hyderabad Airport Development Authority (HADA) forming part of the metropolitan area has only multi-use developmental zones distinguished by density norms. It does not have dedicated Residential, Commercial or Institutional land use zones allowing even more flexibility.

During 2006-2007 the Government of Andhra Pradesh issued revised Rules on building norms. The concept of Floor Area Ratio / Floor Space Index was given up. On large plots facing roads whose “proposed” width is 30 meters or more, there is no height limit. Even the all round set backs that are conventionally related to building height as per National Building Code, have a cap of 16 meters. The following table applies.

“9.6 The minimum abutting road width and all round open space for High rise Building / Complex shall be as follows:

<table>
<thead>
<tr>
<th>Height of building</th>
<th>Minimum “proposed” road width required (in meters)</th>
<th>Minimum all round open space on remaining sides (in meters) *</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 21 mt.</td>
<td>12.2</td>
<td>7</td>
</tr>
<tr>
<td>Above 21 mt. &amp; upto 24 mt</td>
<td>12.2</td>
<td>8</td>
</tr>
<tr>
<td>Above 24 m &amp; up to 27 m</td>
<td>18</td>
<td>9</td>
</tr>
<tr>
<td>Above 27 m &amp; upto 30 m</td>
<td>18</td>
<td>10</td>
</tr>
<tr>
<td>Above 30 m &amp; up to 35 m</td>
<td>24</td>
<td>11</td>
</tr>
<tr>
<td>Above 35 m &amp; upto 40 m</td>
<td>24</td>
<td>12</td>
</tr>
<tr>
<td>Above 40 m &amp; up to 45 m</td>
<td>24</td>
<td>13</td>
</tr>
<tr>
<td>Above 45 m &amp; upto 50 m</td>
<td>30</td>
<td>14</td>
</tr>
<tr>
<td>Above 50 m</td>
<td>30</td>
<td>16</td>
</tr>
</tbody>
</table>

Therefore for large plots on 30 meter PROPOSED ROAD, Hyderabad allows unlimited FAR /FSI.
A simplistic interpretation of statements in some of the national policies cited in this paper will suggest that Hyderabad has removed all bottlenecks in the way of housing for the urban poor by providing unlimited Floor Area Ratio and a very flexible land use framework.


The Chennai Draft Master Plan II, April 2007 proposes the following Development Regulations for Multi Storied Buildings in Chennai Metropolitan Area.

**Table 10  Building norms in Chennai metropolitan area (2007)**

<table>
<thead>
<tr>
<th>Maximum Permissible Plot coverage</th>
<th>Maximum permissible floor space index</th>
<th>Commercial buildings in special areas (vide Annexure IX)</th>
<th>Other areas Residential, Commercial Buildings, etc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>(2)</td>
<td>(3)</td>
<td></td>
</tr>
<tr>
<td>Up to 30%</td>
<td>2.75</td>
<td>2.50</td>
<td></td>
</tr>
<tr>
<td>Above 30% up to 40%</td>
<td>2.50</td>
<td>2.25</td>
<td></td>
</tr>
<tr>
<td>Above 40% up to 50%</td>
<td>2.25</td>
<td>2.00</td>
<td></td>
</tr>
</tbody>
</table>

When compared with Mumbai (1.00 and 1.33) the Chennai Master Plan has provided for much higher Floor Area Ratio.
D Delhi Master Plan 2008.

The 2007 Master Plan for Delhi was better known for the Sealing debate it triggered. The building norms in the nut shell are as follows.

**Table 11  Building norms as per Delhi Master Plan 2007**

<table>
<thead>
<tr>
<th>Delhi Master Plan - Feb 07</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential plot: plotted housing</strong></td>
</tr>
<tr>
<td>FAR range: 1.20 to 3.50</td>
</tr>
<tr>
<td>3.50 for the small plots upto 75sqm</td>
</tr>
<tr>
<td><strong>Residential plot group housing</strong></td>
</tr>
<tr>
<td>min plot 3000 sqm</td>
</tr>
<tr>
<td>max coverage 33.3%</td>
</tr>
<tr>
<td>max FAR 2.00</td>
</tr>
<tr>
<td>min 15% FAR or 35% DUs-</td>
</tr>
<tr>
<td>(25-40 sqm) for EWS etc.</td>
</tr>
<tr>
<td>Comml areas- max FAR 2.00</td>
</tr>
</tbody>
</table>

Thus for Urban Poor the Delhi Master Plan has provided for a minimum plot size of 25 sqm and a much higher FAR of 3.50 for smaller plots.


As against these recent examples, the national guidelines are as stated below:


**Table 12  Building norms as per UDPFI guidelines GOI.**

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Plot Area (sq.m.)</th>
<th>Maximum Ground Coverage</th>
<th>Maximum FAR</th>
<th>No.of DUs</th>
<th>Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>meters</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Low Income Group Housing (mainly for large cities/towns)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. 30</td>
<td></td>
<td>75</td>
<td>150</td>
<td>1</td>
<td>8</td>
</tr>
<tr>
<td>2. Above 30 upto 50</td>
<td></td>
<td>75</td>
<td>150</td>
<td>2</td>
<td>8</td>
</tr>
</tbody>
</table>
Normal Housing (mainly for large, medium and small towns)

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>3. Above 50 upto 100</td>
<td>65</td>
<td>180</td>
<td>3</td>
<td>12</td>
</tr>
<tr>
<td>4. Above 100 to 250</td>
<td>65</td>
<td>180</td>
<td>3</td>
<td>12</td>
</tr>
<tr>
<td>5. Above 250 to 500</td>
<td>55</td>
<td>165</td>
<td>6</td>
<td>15</td>
</tr>
<tr>
<td>6. Above 500 to 1000</td>
<td>45</td>
<td>120</td>
<td>8</td>
<td>15</td>
</tr>
<tr>
<td>7. Above 1000 to 1500</td>
<td>40</td>
<td>100</td>
<td>8</td>
<td>15</td>
</tr>
<tr>
<td>8. Above 1500 to 2250</td>
<td>33 1/3</td>
<td>100</td>
<td>12</td>
<td>15</td>
</tr>
</tbody>
</table>

The Guidelines thus propose a minimum plot size of 30 sqm with maximum 8 meters height (two storied) for Low Income Groups.

5. Examples of special standards for urban poor from selected states and cities

It may be seen that the Master Plans, Land Use Zoning Regulations and Building Byelaws in India did not show any specific bias against the urban poor. Land Use categories and the areas zoned for each such category could not have been designated separately for the rich, the not so rich and the poor. It was understood that special policy tools and projects dedicated to the interest of urban poor will come to the aid of the poor in getting land and getting houses built for them.

State governments dealt with this problem mainly in three ways:

1. Massive Housing Schemes by government agencies for the Poor as the INDIRAMMA in Andhra Pradesh.
2. Reservation in all layouts and housing projects both by Government agencies and private developers of small plots and flats with a view to increasing supply of affordable houses.
3. Special drives for regularization of encroachments on government lands by the poor to ensure security of tenure.
4. Schemes like the Mumbai Slum redevelopment Scheme involving private developers.
Examples of provisions in some states are listed below:

Provisions in different states as compiled by the Ministry of Housing and Urban Poverty Alleviation, Government of India, are given in more details at appendix 2.

6 Search for Poor-Friendly Urban Planning Norms

Assuming that urban planning norms and practices in India stand in the way of housing for the urban poor, a set of criteria and principles may be explored that should form the basis of urban planning and poor-friendly regulations.

Criteria for appropriate standards and regulations

6.1 Address the shelter and work needs of low income group

Rigid land use zoning practiced in most Master Plans in India till recent years prohibited commercial uses, service industries, offices, institutions and other tertiary services except some local shopping and public uses. A large number of urban poor live in low income colonies in close proximity of middle and high income areas to work in the service sector as house maids, electricians, plumbers, mechanics, shop assistants, petty shop owners and daily workers in miscellaneous trades. A mixed Land use policy now being adopted in Master Plans is conducive to the interest of urban poor.

6.2 Be flexible and provide wide range of options, be affordable, achievable and implementable

Planning and building standards at the low income level must be very rudimentary with the intention of prescribing outer enclosure and height of buildings. It is important to understand who builds houses for urban poor. Poor people themselves put up a hut or a pucca house according to their capability. Alternately local small time developers put up a colony mostly without any concern for Master Plan Land Use, layout and subdivision approval or conforming to building regulations. They do not necessarily do so with contempt for these rules. But it simply does not make sense and it is just not practical under the present system that they would approach local authorities for sanction.
Only in a few cases housing schemes for the poor are taken up by Government agencies like Housing Boards, Housing corporations, local bodies and revenue authorities in a big way. Housing Boards have traditionally built houses for people in the organized sector and with higher income levels such as LIG, MIG and HIG. This author could not locate any country-wide figures of the number of houses for the poor built by Government bodies but it is safe to presume that their contribution is insignificant compared to the supply generated by unorganized private sector.

It is common knowledge that Master Plans in Indian cities are merely a tool for development control. (in the past the plans were rarely used for planning capital infrastructure or integrating with economic planning). Even at middle and higher income level most people look for a proper layout and building permission only if they need a loan from a bank or other housing finance institutions who as procedure insist on production of legal permission documents. There are also millions of cases across India where the Gram Panchayat and the Municipalities grant building permission in the metropolitan suburbs in total violation of Master Plan land use or layout regulations. Therefore even statutory public agencies and local bodies violate land use plans and building norms. Plan violation is considered a “Victimless Crime” by the population at large though the long term environmental and infrastructure costs of such anarchy are enormous to the society.

With this background there is a strong case for simplifying building permission requirement for small houses of the poor. As long as space and right of way for the trunk roads and other infrastructure is left free, poor neighbourhoods can be exempted from the need for taking building permissions.

Even in case of large schemes built by public agencies like DDA and ULBs it is desirable to spell out a manual for future changes that can be permitted to the residents. The Delhi Development Authority follows the following 5 basic principals in examining addition/alteration(s) and additional coverage:

a. There is no encroachment on the public land.
b. Structural stability of the building is ensured.
c. Light and ventilation of the habitable rooms is ensured as per the building byelaws.
d. There is no infringement of other's rights.
e. The service elements such as manhole, rainwater fittings, sanitary fittings etc. are not disturbed and remain exposed for periodical inspection and maintenance.

This is a good example to follow …

The land use prescription for cities must protect lakes, forests and other environmentally sensitive areas and then accept housing with mixed land use and upto two storeyed buildings as permissible almost anywhere. Several national policy documents cited in this paper have found that reasonably high densities can be achieved with two storeyed construction, which is less expensive and more acceptable to the poor.

6.3 Environmentally sustainable & meet public health standards

While simplifying planning norms for urban poor and doing away with most permission procedures, the public authorities and ULBs must ensure that incidents like Bhopal Gas Tragedy do not happen again. General standards of hygiene and sanitation in most cities are very poor even in high income localities. Housing areas for the poor can become better only if the overall state of the cities is upgraded. City authorities must act firmly and remove and prevent housing areas in hazardous locations for instance next to a Nuclear Fuel Complex, in lake beds, on areas exposed to flooding, over and along railway lines, along river banks and sensitive defense installations that may endanger national security. In other areas, the main thrust of public housing policy should only be upgradation of local health and sanitation standards and not trying to provide Pucca Houses to everyone. Unfortunately, “giving” a million houses to the urban poor is politically attractive. Giving them ten million sites with services or laying underground sewers in slums is obviously far less visible.
6.4 Encourage Incremental Housing

It is sheer commonsense that housing for urban poor in taller than two storeyed buildings makes future expansion or incremental housing very difficult. Most policy documents since 1983 have favored two storeyed housing model for the poor. It is possible for the ground floor owner to add a room as well as use open space around. For the occupant of the first floor it is possible to add another floor or build on the terrace of the lower floor depending upon design possibilities. Regulations therefore should not prohibit any such expansion. The highest FAR/FSI mathematically possible with two storeyed buildings is 2.00. Local infrastructure in most Indian cities is generally capable of catering to densities resulting from 2.00 FSI. A surrounding network of 12 meter wide roads and 6 meter wide internal roads, is all that needed. Once a two storeyed model is adopted, the density in terms of dwelling units per hectare also remains under control.

It has been reported that the Housing and Urban Development Corporation (HUDCO) developed design models where incremental housing is possible even in Ground plus three storied built form. This option however may require a centralized authority to implement the scheme and the additional portions need to be built by way of a collective project.

The key issue is when the same number of small dwelling units of say 25 sqm built area are constructed in four storeyed blocks instead of in two storeyed blocks on the same piece of land of say one hectare, more space is to be left between blocks, more recreational open space at ground must be left for the double population and the amenities, road and parking spaces must be commensurately increased. Two storeyed structures can also be built with cheaper material and construction methods that four storeyed ones. In most cases therefore the imagined benefits of higher Floor Area Ratio remains imaginary. Government of India may need to carry out a Social Audit of sample schemes for urban poor built across the country with different height and FAR options to establish the real costs and benefits.
6.5 Housing for the Poor to Attract Investment: the case of the invisible developer

Real Estate Trade is one of the most lucrative trades in India. It is also one of the popular and safe avenues of dealing with unaccounted money. In the last decade of economic liberalization and easy availability of finance for housing, real estate trade has made massive investments across the country. But generally organized and corporate real estate developers have built large apartments and developed bigger plots to cater only to middle and high income groups. Obviously they found this as the most profitable product mix if they have to develop properties with all clearances and after paying all charges and levies to sanctioning authorities.

While the formal and big ticket real estate trade is visible, the unorganized real estate investor in housing the urban poor is not visible. He has no brand. He is also nameless. This investor plays a stellar role in catering to millions of poor in all the towns and cities of India. He organizes land himself. He does not ask the Government for land. He finds his clients and finally he gives to his customers a minimum shelter. That precisely is the affordable housing for urban poor in India today.

The problems arising from such a practice area:

- The customer has to tenure security- he is at the mercy of the local leaders and waits for the Government to one day regularize the colonies.

- The colonies have no water supply, no sewerage system, no storm water drains and no roads and legal electric supply. Even if these facilities are in position they are either very poor or illegal as in case of electric power and water supply. The private developer has neither the intention nor the capability to develop these amenities. Nor the residents are interested in paying for the facilities. They hope that Government will one day provide these free.

The key to a successful housing policy is figuring out how to get this private enterprise join the formal housing sector. For the investor it is profitable because he pays little for clearances and charges. The land on which the houses are built often has disputed ownership or is a Government land.
This problem can perhaps be dealt only with strong political will and by adopting a multi-pronged strategy:

1. Licensing small developers with local bodies.
2. Preventing any unauthorized development on ground by non licensed developers.
3. Local bodies collecting betterment charges for external and internal infrastructure upfront. Developers collecting charges from beneficiaries.
4. In turn Government granting secure tenure under a special law to be enacted on payment of nominal land cost.
5. Mobilizing public opinion among poor residents about the package.
6. Allowing development of layout and houses as per low cost housing norms as applicable to Government agencies.

### 6.6 Compact development through efficient land utilisation

A school of thought flourished in India during the last few years claiming that most problems of Indian cities would be sorted out with a single measure called granting high Floor Area Ratio. (FAR/FSI). Assertions were made as follows:

1. Present development pattern in Indian cities, based on low FSI, is not compact. (the same sources however said that population densities in Mumbai and other major Indian cities are among the highest in the world)
2. High FSI will increase availability of land for urban poor.
3. Shortage of Land for housing the urban poor can be overcome by compact development and efficient land utilization.

Actual density figures of Mumbai, Kolkata, Hyderabad, Delhi and other major cities will show that the real FAR/FSI on ground, which is the consumed FAR is in most cases much higher than what is legally permitted.

A simple example will illustrate this. Major commercial streets of Indian cities have four to five storeyed buildings with nearly 90% ground coverage. The average FAR/FSI in central areas is thus around 4.00. Cities are therefore not suffering from any low density syndrome.
Compact low rise high density development does not mean an FAR that can not be sustained. Any FAR more than 2.50 necessarily requires buildings taller than 5 floors after leaving 50% ground coverage. The cost of construction exponentially rises per square meter of built area as the building becomes taller and taller. The imagined savings in cost of land per square meters of built area get neutralised because of high cost of construction beyond a certain point. The National Commission on Urbanisation (1988) therefore demonstrated a trade off point where for every given location and land values, there is an optimum FAR/FSI value.

A two storeyed compact development with 6 meters wide internal roads is the most suitable built form for housing the urban poor, allowing incremental housing, making construction cost low with local material and locally available technology, ease of maintenance and finally a socially acceptable environment closest to the lifestyles of most urban poor.

7. **Methodology and suitable guidelines for formulation of regulations/standards for different situations**

There are broadly three types of situations with regard to housing for the urban poor:

I. Squatter upgradation / regularisation
II. Squatter redevelopment, in situ or by relocation
III. New housing for the poor.

**I. Squatter Upgradation and Regularisation.**

Most states now have a policy to regularize land tenure of squatters up to certain plot sizes free of cost ranging from 30 to 80 sqm depending on location and city size. This principle is applicable for all non objectionable and non-hazardous sites. As discussed in previous paragraphs, upgradation of physical and social infrastructure has to be given much higher priority than improving the houses or replacing old houses with new. Residents are inclined to improve their own houses once given security of tenure and a better environment. In such a scheme there is no issue of land availability as the improvements are done in situ.
II. Squatter Redevelopment
Redevelopment may be resorted to in situations where land values are very high or where the condition of existing houses, most of which may be single storeyed, is very poor and they need urgent replacement. In such cases a part of the site may be got released as part of the process of redevelopment. The inhabitants of the site may be accommodated in two or more storeyed new houses built on the same site which will then occupy only a part of the site. If this scheme is implemented by a public agency like Municipality or Housing Board, the agency may make commercial use of the released land to fund the entire project. In some cases it may be possible to partner with a private developer who may be allowed to build on a part of the site released in the process. This model is adopted extensively in Mumbai under the Slum Rehabilitation Scheme.

III. New developments for the poor.

Massive Housing for the poor on the pattern of 12 lakhs houses built in three years by the Andhra Pradesh Housing Corporation under INDIRAMMA and other housing schemes is a good example of new housing for poor. There is no doubt that the State Government as part of their social welfare goal can make a positive contribution in this way provided it is done in a big way and not as a symbolic gesture of building 2000 EWS/ LIG houses in five years and going for a lottery.

It is still important that Government efforts and resources should be spread wider in building basic infrastructure and allowing and enabling many more number of beneficiaries to build their own houses as per their affordability level. As already discus

8. Guidelines for Formulation of Model Inclusive Zoning and Development Control Regulations for Indian Cities

Several observations and suggestions were made in this paper under different chapters dealing with specific issues. In addition to those detailed recommendations, this chapter summarises the various observations and recommendations made in the previous text. Public policy for any welfare measure including housing must be geared to address the specific needs of the poor. The entire body and not mere parts of Land Use plans under Master Plans, Zoning and building regulations should be tested to see if any of the
stipulations directly or indirectly affect the interests of the poor. Special provisions dealing exclusively with housing for urban poor can then only become an additionality.

A. Land Use Zoning Regulations.

The Land Use zoning regulations in Master Plans may allow in Residential group itself many more non residential activities including shopping, non polluting service industries, services, offices, hotels, hospitals, cinema halls and informal markets subject to specific site requirements and abutting road hierarchy.

Future Residential Zones indicated on Proposed Land Use maps in Master Plans for large cities are often the largest single blocks of zones. Plans drawn up even in 1:10000 scale show only major roads and reservations for district level commercial, institutional, utilities and recreational reservations.

Development of the residential zones is thereafter left to layout development in detail by respective owners. Several local and neighbourhood level amenities are then created as part of layouts. It is important to facilitate their development by allowing them on independent large sites abutting wider roads which the developers may chose to provide in the layouts. It is natural that layout plans will provide for service roads, buffer belts and other safeguards so that mixed use does not become an environmental hazard.

Most state governments have already passed orders and even laws to make land use zoning not applicable to slum upgradation or new low cost housing colonies. It is desirable to make permissible Residential areas for urban poor in any of the developmental zones except in locations earmarked for hazardous industries, lakes, forests and other sensitive locations.

Mixed use zones facilitate small trade and service sector employment thereby benefitting the poor. This reduces their travel cost and also provides employment to them as well as service population for the areas at an affordable cost. Hawker and Vendor zones do not pose problems as these are held in the open air on vacant lands.
B. Density & FAR/FSI (maximum and minimum)

i. Density

Many recent Master Plans do not indicate density figures on the plans. Density is achieved by way of FAR/FSI stipulations plot by plot. There is a practice in some parts of India where the permission granting authority goes in to the density prescription by examining the specific application in the context of a larger area. This leads to rejection of many plans. This seems to be a far fetched proposition in the context of fast growing Indian cities today and may be done away with.

Density norms may be relevant in a limited way and at local level in terms of dwelling units per hectare in examining group housing schemes where the range of flat sizes is narrow. In the context of housing for urban poor, prescription of height and FSI may be adequate as the size of dwelling units would be more or less same in the range of 20 to 30 sqm of carpet area.

ii. Floor Area Ratio/ Floor Space Index. (FAR, FSI)

As discussed at length in the previous text, FAR / FSI for Urban Poor Housing Schemes is an arising figure rather than a determining figure. Let us take the following example of a small housing scheme for the urban poor on a one hectare site:

**Table 13 Demonstration of density achieved in two storeyed and incremental housing for urban poor**

<table>
<thead>
<tr>
<th></th>
<th><strong>Total Site area</strong></th>
<th><strong>10000 sq. mts</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Total Site area</td>
<td>10000 sq. mts</td>
</tr>
<tr>
<td>2</td>
<td>Set aside Recreational open space @ 10% of total site</td>
<td>1000 sqm</td>
</tr>
<tr>
<td>3</td>
<td>Set aside Road area by way of 6m wide internal roads and one larger road of 9 meters (small plots require higher percentage under roads) @ 25% of total site</td>
<td>2500 sqm</td>
</tr>
<tr>
<td>4</td>
<td>Amenity area @ 10%</td>
<td>1000 sqm</td>
</tr>
<tr>
<td>5</td>
<td>Total non-plot area (2 to 4)</td>
<td>4500 sqm</td>
</tr>
<tr>
<td>6</td>
<td>Area for plots (1-2-4)</td>
<td>5500 sqm</td>
</tr>
<tr>
<td>7</td>
<td>@ Plots of 40 sqm size, number of plots (rounded figures)</td>
<td>135 nos</td>
</tr>
<tr>
<td>8</td>
<td>@ houses of gross 30 sqm one on each of two floors (total</td>
<td>270 nos</td>
</tr>
<tr>
<td>built area 60sqm)- total number of houses</td>
<td>8100 sqm</td>
<td></td>
</tr>
<tr>
<td>-----------------------------------------</td>
<td>----------</td>
<td></td>
</tr>
<tr>
<td>Total built up area under 270 houses @ 30 sqm excluding are on amenity site.</td>
<td>8100 sqm</td>
<td></td>
</tr>
<tr>
<td><strong>9 Density achieved in terms of du/hectare</strong></td>
<td>270 du/ha</td>
<td></td>
</tr>
<tr>
<td><strong>10 plot-wise FAR/FSI consumed- 60sqm / 40 sqm</strong></td>
<td>1.50</td>
<td></td>
</tr>
<tr>
<td>Total site FAR/FSI 8100 sqm on 10000 sqm</td>
<td>0.81</td>
<td></td>
</tr>
<tr>
<td><strong>11 @ 5 persons per house, density achieved in persons per hectare</strong></td>
<td><strong>1350 persons per hectare.</strong></td>
<td></td>
</tr>
</tbody>
</table>

This is a residential density for the 1 Hectare colony. In terms of overall locality this may lead to about half: say 650 persons per hectare (Gross Residential Density) and in terms of town density may be another half that is 325 persons per hectare which is 1.5 times the density of pre-expansion Municipal Corporation of Hyderabad area (172 sqkm) accommodating in 2001 census a population of nearly 38 Lakhs. In other words an FAR /FSI of 1.50 at plot level itself can lead to a Density much higher than that of one of the major metropolitan cities of India. The above example gives each flat owner a possibility of future expansion, ease of maintenance by themselves with low technology and an environment closer to the traditional. Two storeyed house can be built at low cost using recyclable material and can even be built by the beneficiaries themselves.

Holding low FAR/FSI as the reason for housing shortage for the urban poor therefore is an idea without any basis. For most Indian cities a plot level FAR / FSI of up to 2.00 will lead to the most viable low rise high density model.

If on the same one hectare site four storeyed blocks were to be built, then the design will require more incidental open spaces between blocks. The recreational open space and amenity area has to be doubled for maintaining parity because of doubling of population, the roads will need to be wider, cost of construction will increase, old and young inhabitants will need to walk up four floors and most importantly the residents will have little possibility of an incremental house but only an enclosure to live in. The simplistic theory that more FAR gives more benefit does not work especially in low income housing options.
As seen from the study of nine national policy documents, the range of density suggested is 150 to 250 dwelling units per hectare at site level. In the illustration cited above a density of 270 dwelling units per hectare with small flats of 30 sqm each was achieved only by way of two storeyed structures and a plot level FAR of 1.50. Looking for higher FAR and for high rise buildings is thus only a matter of choice of an individual. Public policy makers must chose options that are beneficial to people, low cost and sustainable. They do not have the luxury of individual freedom in matters dealing with people.

C. Sanctioning procedures: special procedures for urban poor.

It has been suggested in the previous paragraphs that for housing of urban poor mere envelope control for the scheme and height restrictions may be adequate for ensuring safe and healthy environment. The developer whether it is a Government agency or a private group should only seek a block level approval.

Secondly approval may be accorded based on self declaration of developer thereby allowing clearances in a week. Normally competent authorities grant quick permissions for schemes submitted by Government agencies. The same principle will apply to private developers for which state Government directives are adequate. In some cities authorities have introduced Green Channel permissions based on certification by licensed architects and engineers.

***
Appendix 1 - Salient features of National Building Code -2005

1. Inclusion of a complete philosophy and direction for successfully accomplishing the building projects through Integrated Multidisciplinary Approach right through conceptual stage to planning, designing, construction, operation & maintenance stages
2. A series of reforms in building permit process
3. Provisions to ensure and certification of safety of buildings against natural disaster by engineer and structural engineer
4. Provision for two stage permit for high rise and special buildings
5. Provision for periodic renewal certificate of occupied buildings from structural, fire and electrical safety point of view
6. Provision for empowering engineers and architects for sanctioning plans of residential buildings up to 500 m2
7. Inclusion of detailed town planning norms for various amenities such as educational facilities, medical facilities, distribution services, police, civil defense and home guards and fire services
8. Revision of parking requirements for metro and mega cities
9. Up-dation of special requirements for low income housing for urban area
10. Inclusion of special requirements for low income housing rural habitat planning
11. Revision of the provisions for buildings and facilities for physically challenged
12. Fire safety norms completely revamped through detailed provisions on Fire Prevention, Life Safety and Fire Protection
13. Inclusion of new categories of starred hotels, heritage structures and archeological monuments for fire safety provisions
14. Substitution of halogen based fire/extinguishers fire fighting system
15. Promotion to new/innovative building materials/technologies
16. Inclusion of latest provisions for earthquake resistant design and construction
17. Inclusion of details on multi-disaster prone districts
18. Inclusion of new chapter on design and construction using bamboo
19. Chapter on prefabricated and composite construction for speedier construction
20. Updation of provision of safety in construction
21. Complete revision of provision on building and plumbing services in line with applicable international practices
22. Provisions on rain water harvesting
23. Inclusion of new chapter to cover landscaping needs
Appendix 2 - Steps taken by several state Governments for housing the urban poor (Based on information compiled by the Ministry of Housing and Urban Poverty Alleviation, Government of India).

I. ANDHRA PRADESH


The salient features of the Master Plan regulations relating to EWS/LIG housing issued vide Government Orders cited above are as follows:

A. LAYOUT DEVELOPMENT: In case of layout/plotted development, the minimum area of layout application shall be 4 hectares and:

(i) Out of the developable area, 5% is to be given to Urban Development Authority for providing master plan facilities. This principle will apply only in the green field areas such as Hyderabad Airport Development Area (HADA), Outer Ring Road (ORR) Growth Corridor and extended area of Hyderabad Urban Development Authority (HUDA), where huge capital investments are required for providing new master plan facilities. This rule will not apply in already developed areas covered in municipal limits;

(ii) At least 5% of the developable land is to be developed within the site for EWS housing facility with maximum plot size of 50 sq m, and at least 5% for the LIG housing facility with maximum plot size of 100 sq m. The developer will have the option to develop only EWS plots in lieu of LIG;

(iii) In case it is not found feasible to provide the maximum 5% EWS and 5% LIG plots within the site, the owner/developer will have the option to develop the minimum required number of plots under both categories in any land within 5 km radius of the existing site with minimum BT road connectivity of 12 m. Alternatively, the owner/developer may hand over equivalent land to Hyderabad Development Authority for development of EWS/LIG plots by Hyderabad Development Authority/public agency within 5 km radius of the existing site.
B. GROUP HOUSING SCHEMES: In respect of Group Housing projects (which include apartment blocks, row housing, cluster housing, mixed housing units, gated developments and residential enclaves) in 4000 sq. meters and above:

(i) At least 5% of the total units shall be set apart and developed for EWS dwelling units with maximum plinth area of 25 sq. m.
(ii) At least 5% of the total units shall be set apart and developed for LIG dwelling units with maximum plinth area of 40 sq. m.
(iii) For providing the above dwelling units within the site, the owner/developer is given freedom to build these units in a separate block with separate access.
(iv) The areas mentioned in (i) and (ii) above, shall be allotted/disposed off only for the respective categories. No agglomeration of units shall be allowed.
(v) In case it is not found feasible to provide the above EWS/LIG Dwelling units within site, the owner/developer will have the option to develop the minimum required number of plots under both categories in any land within 5 km radius of the existing site with minimum BT road connectivity of 12 metres width. Alternatively, the owner / developer may is given option to hand over equivalent land within 5 km radius with minimum BT road connectivity of 12 metres to Hyderabad Development Authority / sanctioning authority for facilitating development of EWS/LIG housing.
(vi) Servant quarters constructed shall be reckoned towards EWS housing requirements. In case of gated communities and row housing, such quarters shall be detached from the main building and may be allowed in the rear setback provided the total length shall not exceed 1/3rd of plot width and only single storied structure shall be allowed. In other cases, servant room shall be reckoned against EWS housing provided it is not part of the main block and with separate entrance and with a separate kitchenette and toilet facilities.

C INCENTIVES TO DEVELOPERS: In order to encourage social housing mix in housing projects and to augment the supply of EWS and LIG housing, the following incentives shall be available to owners/developers:

(i) No fees and other charges will be levied for EWS plots or dwelling units;
(ii) Only 25% of fees and other charges will be levied for LIG plots/dwelling units;
(iii) In case of alternative lands provided by owner /developer for EWS /LIG housing, there will be automatic conversion of land use from conservation to residential use.

It is proposed to review the success of these regulations after a year of implementation to consider further modifications that may be required to meet need assessment of social housing in Hyderabad. In Hyderabad Metropolitan Development Authority area, so far 50 Acres (20,2350 sq. meters) of developed land has been realized towards EWS housing.

2. VISAKHAPATNAM URBAN AGGLOMERATION: In the case of Visakhapatnam urban agglomeration, the Master Plan Land Use Zoning Regulations and Development Control regulations approved by the Government vide G O Ms no. 345 MA dated 30-6-2006, provides that 10% of the plotted area shall be reserved for EWS plots in both Government and private layouts with a minimum extent of the plot at 60 sq yards and maximum at 95 sq yards.

II. CHHATTISGARH

1. CHATTISGARH MUNICIPAL CORPORATION ACT, 1956 (NO. 23 OF 1956): Under the Act the Government of Chattisgarh have made provisions for land for EWS housing vide notification No. F-4-342/18/2004 dated 25th July 2008 which states that:

   (i) In every residential colony and group housing in urban area, the colonizer shall have to reserve 15% of the total land for persons belonging to Economically Weaker Sections (EWS). The reserved land has to be handed over to designated government agencies.

   (ii) The ULB/government agency shall pay the cost of reserved land at the rate of cost of undeveloped land.

   (iii) The land so reserved must be suitable for residential purposes.

   (iv) The colonizer has the option to pay a shelter fee (ranging from Rs.80 to Rs.200 per Sq. Metre) in lieu of 15% reserved land and in case he desires to pay the fee, he shall have to deposit the required amount.
(v) The option in (iv) above shall not be available if the colonizer is developing plot of 5 acres or more.
(vi) The cost of the land will be determined by the District Collector.

2. The Government of Chatisgarh has decided to allocate Government land to Urban Local Bodies at Rs.1 per Square Foot to enable them undertake projects of social housing under BSUP, IHSDP and other programmes. Municipal Corporation of Raipur has acquired 95 lakh Square Feet of land for the urban poor by paying Rs.95 Lakh to the Collector, Nazul.

3. The Government of Chatisgarh has provided for extra FAR/FSI of 0.50 for housing projects for the urban poor.

III. DELHI

MASTER PLAN DELHI 2021: The Plan has made the following provisions:

“The category of urban poor for purpose of Delhi Master Plan would mainly comprise the inhabitants of squatter settlements and informal service providers. Such services could include domestic help, hawkers and vendors, low paid workers in the industrial, commercial and trade/business sectors etc. These include both existing population and future migrants. In terms of housing requirements of the city, this continues to be the single biggest challenge and would require a mix of approaches and innovative solutions. MPD-21 provides the following details”:
1. **REHABILITATION/RELOCATION OF SLUM & JJ CLUSTERS**

In so far as the existing squatter settlements are concerned, the present three fold strategy of relocation from areas required for public purpose, in-situ upgradation at other sites to be selected on the basis of specific parameters and environmental upgradation to basic minimum standards shall be allowed as an interim measure. Rest of the clusters, till they are covered by either of the first two components of the strategy, should be continued.

During the Plan period 1981-2001, sites and services approach based relocation was employed in which resettlement of squatter slums was done on 18 sqm and 12.5 sqm plots (transit accommodation) allotted to eligible persons on license basis. This has led to a number of aberrations and there are several aspects, due to which this approach needs to be progressively abandoned and substituted by an alternate approach. Broadly speaking this alternate approach should have the following components:-

i) Resettlement, whether in the form of in-situ upgradation or relocation, should be based mainly on built up accommodation of around 25 sqm with common areas and faculties, rather than on the model of horizontal planned development.

ii) The concept of land as a resource should be adopted to develop such accommodation with private sector participation and investment, to the extent possible.

iii) Incentives by way of higher FAR, part commercial use of the land and, if necessary and feasible, Transfer of Development Rights should be provided.

iv) A cooperative resettlement model with adequate safeguards may be adopted with tenure rights being provided through the institution of Cooperative Societies.

v) The provision of accommodation should be based on cost with suitable arrangements for funding/financing, keeping in view the aspect of affordability and capacity to pay.

vi) In cases of relocation, the sites should be identified with a view to develop relatively small clusters in a manner that they can be integrated with the overall planned development of the area particularly keeping in view the availability of employment avenues in the vicinity. Very large resettlement sites could lead to a phenomenon of planned slums.
vii) Suitable arrangement for temporary transit accommodation for families to be rehabilitated should be made. This may preferably be near or at the same site and the utilization of these may be synchronized with the phases of implementation of the scheme of in-situ upgradation.

viii) Community Based Organisations (CBOs) and Non-Governmental Organisations (NGOs) should be closely involved in the resettlement process.

2. RESETTLEMENT COLONIES

Most of the resettlement colonies have been provided with essential services, but the immediate need is of individual services, i.e. water, sewerage and electricity. To ensure healthy and better environment, the construction of houses needs to be based on approved/standard building plans.

Cooperative societies/private developers/government agencies may come forward for redevelopment based on the incentives as applicable for the Squatter Rehabilitation Scheme. Reconstruction of existing plotted development, group housing should be encouraged as per the Redevelopment Guidelines.

3. NEW HOUSING FOR URBAN POOR

New housing should be in the form of one or two room units, which would be developed through public and private agencies and through Cooperative societies. As this category constitutes bulk of the housing stock that has to be catered at an affordable price to the lowest income bracket as housing for Economically Weaker Sections (EWS), this is often done by cross subsidization.

For this purpose, adequate land would be earmarked for EWS housing. The developers of group housing shall ensure that minimum 15% of FAR or 35% of the dwelling units, whichever is more, are constructed for Community Service Personnel/EWS and lower income category. In old built up areas, this may be as redevelopment schemes or industrial housing etc., whereas, in urban extensions, the acquisition and development cost of this land should be borne by rest of the project. Such reserved lands should be handed over to a designated agency for promoting housing for low income and weaker sections.
The pattern of EWS housing shall be such as to ensure optimal utilization of land in a sustainable manner. For that purpose, multi-storied housing will be the preferred option. Apart from mandatory provision for EWS housing in all group housing projects/schemes, the primary responsibility for creating adequate stock of housing for urban poor shall be borne by public agencies.

4. SLUM & JJ REDEVELOPMENT REGULATIONS AND GUIDELINES FOR COLLECTIVE COMMUNITY REHABILITATION/RELOCATION – IN-SITU UPGRADATION/ REHABILITATION OF SLUM & JJ CLUSTERS AND RESETTLEMENT COLONIES.

The concerned implementing agency/corporate body should work out schemes for collective community rehabilitation/relocation and explore the possibility of involving private sector/slum cooperatives. In existing resettlement colonies, redevelopment, regular servicing and maintenance, which are overdue, are to be based on the guidelines and incentives as applicable for the Slum & JJ Rehabilitation Scheme.

The following guidelines with site-specific relaxations may be adopted as required. Regular monitoring of executed schemes and revision of these guidelines at the time of preparation of new schemes is essential. Group housing norms shall be applicable with the following conditions:

i) Minimum plot size 2000sqm (facing a min. road of 9m)
ii) Maximum density - 600 units per ha + 10% variation, on residential component of the land.
iii) The scheme should be designed in a composite manner with an overall maximum FAR of 400 on the residential component of the land and FAR on the remunerative component of the land shall be as applicable for the relevant land use.
iv) Mixed land use/commercial component up to 10% of permissible FAR in the residential component of the land.
v) Specific situations may require clubbing of scattered squatters with JJ sites in the neighbourhood to work out an overall comprehensive scheme.
vi) The minimum residential component of the land area for rehabilitation of squatters has to be 60% and maximum area for remunerative use has to be 40%.

vii) Area of dwelling unit for rehabilitation shall be around 25 to 30 sqm.

viii) Common parking is to be provided which can be relaxed wherever required, except for the parking for remunerative purposes.

ix) No restriction on ground coverage (except set backs).

x) Schemes shall be approved by concerned local body.

xi) Schemes/designs should be compatible for disabled.

xii) Norms for Social Infrastructure shall be as per provision of social facilities, reduced space standards shall be adopted. Depending on the availability of land, facilities like community hall, dispensary etc. can be grouped together.

xiii) Norms for Physical Infrastructure.

4. NIGHT SHELTER

The provision of night shelters is envisaged to cater to the shelter less, which are proposed to be provided near the Railway Terminals, Bus Terminals, Wholesale/Retail markets, Freight Complexes etc., as per requirements and should be identified keeping in view major work centres. Special provisions should be made for the homeless, women and children including the disabled, orphans and old. In addition, multi-purpose use of the existing facility buildings may be allowed for night shelter purpose. Provision should also be made for converting existing buildings, wherever available, with suitable modifications into night shelters.

On the basis of 2001 Census of houseless population, at least 25 sites should be earmarked in Delhi for night shelters. In order to make the provision of this facility financially sustainable for the local body, innovative concepts such as integrated complex with commercial space on the ground floor and night shelter on the first floor should be explored. The guidelines and incentive package should be designed by the concerned local agency in collaboration with the Govt. of NCT, Delhi with a view to develop self-sustaining night shelters. One night shelter shall be provided for 1 lakh population.
IV. GUJARAT

1. GUJARAT TOWN PLANNING & URBAN DEVELOPMENT ACT (GTPUDA), 1976: This Act provides for Town Planning Schemes for development of land on public-private partnership basis and reservation of land for EWS housing. Section 40 of the Act reads:

   (1) Subject to the provision of this Act or any other law for the time being in force, the Appropriate Authority may make one or more Town Planning Schemes for the development area or any part thereof, regard being had to the proposals in the final development plan, if any.

   (2) A Town Planning Scheme may be in accordance with the provisions of this Act in respect of any land which is:

   (i) in the course of development;
   (ii) likely to be used for residential or commercial or industrial or for building purposes; or
   (iii) already built upon.

Explanation: - For the purpose of this Sub Section the expression “land likely to be used for building purposes” shall include any land likely to be used as, or for the purpose of providing, open spaces, roads, streets, parks, pleasure or recreation grounds parking spaces or for the purpose of executing any work upon or under the land incidental to a Town Planning Scheme, whether in the nature of a building work or not.

   (3) A Town Planning Scheme may make provision for any of the following matters, namely:-

   (a) The laying out or relaying out of land, either vacant or already built upon;

   (b) The filling up or reclamation of low-lying, swampy or unhealthy areas, or levelling up of land;

   (c) lay-out of new streets or roads, construction, diversion, extension, alteration, improvement and closing up of streets and roads and discontinuance of communications;
(d) the construction, alteration and removal of buildings, bridges and other structures;

(e) the allotment or reservation of land for roads, open spaces, gardens, recreation grounds, schools, markets, green-belts, dairies, transport facilities, public purposes of all kinds;

(f) Drainage inclusive of sewerage, surface or sub-soil drainage and sewage disposal;

(g) Lighting;

(h) Water supply;

(i) The preservation of objects of historical or national interest or natural beauty, and of buildings actually used for religious purposes;

(j) The reservation of land to the extent of ten percent or such percentage as near thereto as possible of the total area covered under the scheme, for the purpose of providing housing accommodation to the members of Socially and Economically Weaker Sections.

Sections 41, 42 and 43 of the Gujarat Town Planning & Urban Development Act (GTPUDA), 1976, deals with the appointment of an appropriate authority for making Town Planning (TP) schemes.

Taking advantage of Town Planning Scheme, the Municipal Corporation of Surat is reported to have been able to secure 394 Hectare of land for undertaking housing for the urban poor under BSUP component of JNNURM.

2. **TRANSFER OF GOVERNMENT LAND/EXCESS LAND UNDER ULCRA (Urban Land Ceiling & Regulation Act):** The Government of Gujarat has repealed the said Act. However, surplus land has been transferred to ULBs at a reasonable cost by the Revenue Department. The State Government transfers the surplus land to the Urban Local Bodies at a nominal / concessional rate for housing the urban poor.
3. GENERAL DEVELOPMENT CONTROL REGULATIONS (GDCRs): Regulation have been framed in pursuance of Sections 12 & 13 of the GTPUDA 1976 under which provisions have been made for development of low-cost housing for socially and economically weaker sections (SEWS):

(A) **Group housing society of SEWS:**

(i) The maximum permissible density in dwellings shall be 225 dwellings per hectare;

(ii) The minimum and the maximum plot size shall be between 18 sq mts and 40 sq mts respectively with built up area not exceeding 70% of the plot area.

(iii) The maximum number of stories in a building construction on the plot shall be ground plus one upper story only.

(iv) Common plot at the rate of 10% of the area of the plot/land shall be provided for open space/community open space which shall be exclusive of approach roads, pathways or margins.

(B) **Slum redevelopment / rehabilitation (Regulation 17(a)):**

(i) Redevelopment of building units/lands/plots on which slums are existing as per the 2001 census shall be permitted for the rehabilitation of slum dwellers through the owner of such land or their authorized agents/developers as approved by the Competent Authority by permitting redevelopment.

(ii) All eligible slum dwellers residing on the building unit/land/plots to be redeveloped shall have to be accommodated on the same plot.

(iii) The owner / authorized developer will provide minimum built up area of 20 sq. mts. subject to minimum carpet area of 14 sq. mts. to each eligible slum dweller. The rehabilitation shall be completed with water supply, drainage and electricity;

(iv) The permissible FSI for the remaining plot shall be on the basis of Gross Building unit/plot/land area with additional FSI of 0.50 of the FSI consumed for all eligible slum-dwellers.
V. HARAYNA

THE HARYANA DEVELOPMENT AND REGULATION OF URBAN AREAS ACT, 1975: The Director, Town & Country Planning Department in exercise of the power and functions under this Act has issued guidelines for providing reservation for EWS housing as under:

(i) In the plotted colonies, the colonizer has to reserve a minimum of 20% of gross area of residential sector for “EWS Housing” in the layout plans to be prepared. In this regard, the Chief Administrator, HUDA (Town Planning Wing) has issued instructions to the District Town Planners in the State vide Memo No. CTP (HUPA)/DTP/DTP(N)/1743-1763 Dated 14.3.2007.

(ii) In group housing colonies, the colonizers will reserve a minimum of 15% of flats (each flat of 200 sq. ft.) for EWS and a minimum of 10% of flats as service flats (each flat of 140 sq. ft.) for the urban poor.

VI. MADHYA PRADESH

1. THE MADHYA PRADESH NAGARIKA KSHTRO KE BHOOMIHIN VYAKTI ADHINIYAM ACT, No.15 of 1984: This Act provides for the conferring of leasehold rights on landless persons (for land illegally occupied by them before a cutoff date) in respect of sites for dwelling house in urban areas as follows:

Section 3(2): The Authorized Officer may, subject to the rules framed or directions issued by the State Government from time to time, either settle the land in actual occupation of the landless person or allot to him any other land not exceeding fifty square meters in leasehold rights in his favour, provided he adduces following proof of his residence in the urban area prior to 31st May, 1998:

(a) the ration card issued to him by the competent authority; or
(b) the written testimony from the Mohalla Samiti certifying that he lived in the area prior to 31st May, 1998.

Section 3(3): The leasehold rights shall not be transferable by sub-lease, sale, gift, mortgage or any other form manner except inheritance.
Section 3(3): If the landless person to whom the leasehold rights have been accrued in respect of any land under the Act, transfers such land in contravention of the provisions of sub-section (3) or uses of the said land for any purpose other than residential purpose, the following consequences shall ensue, namely:-

(i)  The lease shall stand automatically cancelled on the date of such transfer:
(ii)  Such transfer shall be null and void;
(iii)  No leasehold rights shall accrue to the transferee in respect of such land;
(iv)  The Authorized Officer shall have the right to dispossess the person who is in actual possession of such land.

Section 3-A (2): Any landless person who is in occupation of the land of a public park or in the side of a road or in between road and dwelling may be removed from such place in public interest and may be given leasehold rights elsewhere

2. THE MADHYA PRADESH NAGARIKA KSHETRO KE BHoomihin Vyakti Adhiniyam Rules 1988: These rules stipulate:

Section 7 - Grant of permanent lease: A permanent lease deed shall be issued in form ‘B’ for a period of 30 Years.

Section 8 - Grant of temporary lease deed: If the Authorised Officer comes to the conclusion that it is necessary to resettle the Mohalla elsewhere in the public interest, occupants of houses sites in such Mohalla shall be issued temporarily lease deeds for the houses sites by them in form ‘C’. The temporary lease deed will lapse automatically as soon as the temporary leasehold is settled at an alternative site.

Section 10 - Grant permanent lease on alternative Settlement: When a temporary lease holder of a Mohalla is resettled at some alternative site he shall not be granted a permanent lease unless he vacates the land occupied by him under temporary lease.
3. THE MADHYA PRADESH NAGARPALIKA (REGISTRATION OF COLONIZER, TERMS & CONDITIONS) RULES, 1998: These rules provide that a colonizer can undertake the development of colonies in the municipal area subject to the provisions of law and rules made on the following conditions:

(i) In every residential colony in the Municipal area, out of the area of developed plots by the colonizer fully developed plots equal to 15% of the prescribed size (32-40 Sq. mts) shall have to be reserved for persons belonging to EWS.

(ii) Such colonizer who wishes to offer the constructed residential houses instead of developed plots in his residential colony for EWS persons under clause (i) has to make available the houses of the prescribed size (20-24 sq. mts) constructed in the prescribed area i.e. 25% of the developed area.

(iii) Such colonizer who does not wish to develop plots or construct houses for EWS in his colony having an area as prescribed shall have to deposit the ‘shelter fee’ at such rates as may be prescribed towards the Shelter Fund.

(iv) A colony with area of more than 0.4 hectares will have to pay the ‘shelter tax’ according to the following norms:

<table>
<thead>
<tr>
<th>Town Size</th>
<th>Rate of Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Towns from with the population of 1-3 lakhs</td>
<td>Rs. 40/sq. mts</td>
</tr>
<tr>
<td>Towns from with the population of 3-5 lakhs</td>
<td>Rs. 60/sq. mts</td>
</tr>
<tr>
<td>Towns from with the population of &gt; 5 lakhs</td>
<td>Rs. 100/sq. mts</td>
</tr>
</tbody>
</table>

(v) The allotment and management of plots, flats and selection of beneficiaries would be done by a Committee chaired by the Divisional Commissioner/District Collector. The list of EWS house will be prepared by the Collectorate.

(vi) The ‘Shelter Tax’ will be deposited in joint account of Collector and Project Officer. Only after the depositing the Shelter Tax, the permission would be granted for development of land to the colonizer.

(vii) The amount of ‘Shelter Tax’ can be made available as interest free-loan to the Housing Board, Slum Clearance Board and Development Authority which can be used as a seed capital for obtaining loan for construction of EWS houses.
(viii) The amount deposited under shelter tax can also be used in slum rehabilitation colonies for the provision of basic services i.e. water supply, community latrines, solid waste disposal etc.

(ix) The colonizer has to indicate which option he chooses in his application, which would be examined by the competent authority at the time of approval.

(x) In respect of the land on which the Urban Land (Ceiling & Regulation) Act, 1976 was applicable, the colonizer shall have to reserve developed plots of the prescribed size in the prescribed area for the persons belonging to EWS class.

4. **MP STATE HOUSING AND HABITAT POLICY 2007**: Madhya Pradesh State Housing and Habitat Policy 2007 facilitate the provision of housing for EWS/LIG segments as follows:

   (i) 30% of developed land will be reserved for EWS/LIG segment in cases where land has been made available by the State at concessional rates.

   (ii) 15% of the developed land will be reserved for EWS/LIG segments in colonies where land has been purchased by private / cooperative sector developers.

   (iii) Additional FSI will be given for providing higher developed areas for EWS/LIG housing.

VII. **MAHARASHTRA**

1. **THE MAHARASHTRA REGIONAL AND TOWN PLANNING ACT, 1966 (As Modified up to the 31st December 2005)**: While this Act does not explicitly mention the urban poor / slum dwellers, it deals with a number of planning issues related to the allocation and use of land for development that could affect them. Some key provisions under the Act are as follows:

   Town Planning Schemes are covered under Chapter 5(a): Making of Town Planning Schemes. The Sections 59 – 71 of the Act deal with (among other aspects) the preparation and contents of town planning scheme, the power of the planning authority, and the role of the state government in sanctioning the scheme. Section 59(1)(a) states that “Subject to the provisions of this act or any other law for the time being in force, a
planning authority may for the purpose of implementing the proposals in the final development plan, prepare one or more town planning schemes for the area within its jurisdiction, or any part thereof."

Section 125 of this Act states that: "Any land required, reserved or designated in a Regional Plan, a Development or any other plan or town planning scheme, for a public purpose or purposes including plans for any area of comprehensive development or for any new town shall be deemed to be land needed for a public purpose within the meaning of the Land Acquisition Act 1894."

2. MAHARASHTRA STATE HOUSING POLICY 2007: Maharashtra has approved a State Housing Policy in July 2007. Some of the main objectives of this Policy are: a) to facilitate affordable housing in urban and rural areas, create adequate housing stock for Lower Income Group (LIG), Economically Weaker Section (EWS) and shelters for the poorest of the poor on ownership or rental basis; and b) to promote rental housing through amendments in the Rent Control Act and incentives to different options of rental housing for weaker sections.

3. SLUM REHABILITATION AUTHORITY (SRA): Maharashtra has constituted the Slum Rehabilitation Authority (SRA) under the Maharashtra Slum Areas Act, 1971 for the purpose of slum rehabilitation. The SRA implements schemes that focus on redevelopment as well as rehabilitation of slum-dwellers. The salient features of the Slum Rehabilitation Scheme (SRS) are:

   (i) Tenement density is 500 tenements per net hectare;
   (ii) FSI in the form of prescribed rehabilitation to sale ratio for cities is provided as 1.0. For in-situ development, consumption of FSI is restricted up to 2.5;
   (iii) Transfer Development Rights (TDR) is available against the free-sale component which is approved by the SRA.

Slum Rehabilitation Scheme is being implemented in the cities of Mumbai, Pune (including Pimpri-Chinchwad) and Nagpur. Under this scheme, initially as per the State policy, dwelling unit of 225 sq.ft. (20.90 sq. mts) carpet area was to be provided to slum dwellers who have their names registered in the voters list since or prior to 01.01.1995 and have been living in the same slum. Based on the suggestion by the Government of
India after the launch of Jawaharlal Nehru National Urban Renewal Mission (JNNURM), the State Government have, vide Government Resolution No. TPB 4308/897/CR 145/08/UD-11 dated 16.4.2008, decided to increase the total carpet area for residential tenements for slum-dwellers to 269 sq.ft. (25.00 sq. mts.) - consisting of a bedroom, sitting room, a kitchen and separate toilet. This decision is made applicable to the projects where actual construction work is commenced on or after 26.05.2008. Similarly in-situ FSI for slum rehabilitation schemes has been increased from 2.5 to 3.0 and in cases where it was 3.0, the same has been increased to 4.0 [in regulation 3.7 and 3.8 of Appendix IV of Regulation 33(10)]

4. IMPORTANT GOVERNMENT RESOLUTIONS:

(1) Vide Government Resolution No.TPS-1107/U R 36/CR 135/08/UD-9, dated 24.12.2008, the Government of Maharashtra has decided to make 2.5 FSI admissible to projects under Basic Services to the Urban Poor (BSUP) and Integrated Housing & Slum (Development Programme (IHSDP) components of JNNURM subject to the following conditions:

(i) These orders will be applicable to: (1) BSUP (2) IHSDP and (3) Housing schemes for EWS / LIG & Transit Camps.

(ii) These schemes should be implemented by Municipal Corporation/ Council and not by a developer.

(iii) 15% of admissible 2.5 FSI should be made available for sale component. If the schemes are not viable within the limit of 15%, the Vice President & Chief Executive Officer, MHADA may, after detailed scrutiny, grant additional 10% of 2.5 FSI for sale component.

(iv) Permission to sale or lease flats constructed under said sale component may be granted to Municipal Corporation / Council as per the Bombay Provincial Municipal Corporation Act, 1949 and the Maharashtra Regional & Town Planning Act, 1965.

(v) It will be mandatory to develop all reservations. However, buildable reservations (excluding open space reservations) will have to be developed on the lines of inclusive reservations by taking facility area equal to the area mentioned in it and subject to the condition that remaining area will be utilized for housing purpose.
(vi) While making admissible 2.5 FSI for BSUP & IHSDP, the Municipal Commissioner/ Chief Officer of the concerned Municipal Corporation / Council may grant concessions regarding open spaces, side margin as admissible under SRA, as per requirement.

(2) In Nagpur, Slum Rehabilitation Authority is permitted to implement BSUP by clubbing SRA. and BSUP (Vide Order dated 23.10.2008).

(3) Vide Government Resolution dated, Revenue and Forest Department No.Land-05/2008/C R 88/7-1, dated 22 July, 2008, Orders have been issued by the Revenue & Forest Department that the District Collectors / ULB shall grant the land available without delay free of cost to the implementing authority for implementing BSUP and IHSDP as per requirement subject to the prescribed terms and conditions.

(4) In some cities like Katol, Tiroda, etc. beneficiaries have been permitted to construct their own houses (Vide Orders dt. 2nd July, 2008 & 5th Sept. 2008 respectively).

(5) In Nanded, construction through ‘Basti Samitis’ is approved on experimental basis. (Vide Order dated 28.11.2008).

(6) The Government of Maharashtra has launched a housing scheme for beneficiaries belonging to STs. vide Govt. Resolution dt. 02.01.2009. Under this scheme unit cost of dwelling unit will be Rs. 1 lakh. Dwelling unit will be given free of cost to the beneficiary.

(7) For Dharavi Redevelopment Project 4 FSI has been given (Govt. order dt. 6th August 2008).

(8) Vide Government Resolution No. TPB 4307/2226/CR-334/2007/UD-11 dated 17.7.2008, all Municipal Corporations and “A” class Municipal Councils shall initiate modifications in their Development Control Regulations to change the existing regulation for the development of Public Housing and Housing for Dishoused by the owner. Some provisions include:
(i) Minimum tenement density shall be 275 units per ha. with not less than 50% tenements having carpet area of 25 sq. m (269 sq. ft.) each

(ii) The owner shall handover over 40% of the total permissible built-up area in terms of tenements having a carpet area of 25 sq. m to the Municipal Corporation / Council free of charge for allotment to Persons Affected by Projects (PAPs) undertaken by Municipal Corporation / Council.

(iii) For land measuring 2000 sq. m and more, 10% of the area in the form of 30-50 sq. m plots shall be provided for EWS/LIG and 10% of the area in the form of 50-100 sq. m plots for MIG.

(iv) For land measuring 4000 sq. m and more 10% tenements shall be provided to EWS/LIG (30-40 sq. m) and MIG groups (41-60 sq. m)

(9). The Government of Maharashtra has announced the year 2009 as ‘Year of Housing’ with a focus on affordable housing; in association with select private sector organisations. In this year programme of affordable housing will be implemented by private sector.

(10). With a view to promote rental housing, the Government of Maharashtra has decided to grant upto 4 FSI. A Govt. Notification dt.26.11.2008. The MMRDA will construct 5 lakh dwelling units under this scheme.

5. RENTAL HOUSING SCHEME IN MUMBAI METROPOLITAN REGION: In pursuance of the Maharashtra State Housing Policy 2007, Mumbai Metropolitan Regional Development Authority (MMRDA) formulated a scheme to build small rental tenements of 160 sft. carpet area under different models within MMR, to be made available at reasonable rent. Mumbai Metropolitan Region (MMR) covers an area of 4355 sq. kms. and consists of 7 Municipal Corporations, 13 Municipal Councils and over 1000 villages. Its population in 2001 was 1.93 Crores of which 1.80 crores (94 percent) was urban. In order to implement the scheme, the Govt. of Maharashtra took the following 3 steps:

(i) MMRDA is appointed as Project Implementation Agency, and the project shall be treated as a project of vital public purpose. It will be a Slum Prevention Program.

(ii) The Metropolitan Commissioner of MMRDA is appointed as CEO of the Project,
(iii) Following due procedure under the Maharashtra Regional & Town Planning Act, 1966, the Development Control Regulations (DCRs) of various ULBs, Special Planning Authority (SPA) areas, and the MMRDA have been amended to facilitate the scheme.

Rental housing can be constructed by a land owner, an agency approved by MMRDA, or MMRDA itself, in the following manner:

**Model 1:** This model is applicable in ULB and SPA areas where development is to be undertaken by land-owner or an agency approved by MMRDA. The total FSI would be 3.0 for ownership and rental housing. FSI for developer would be: (a) Land TDR equivalent to plot area + (b) Construction TDR of 1.33 X 3.00 FSI

**Model 2 (1):** This is applicable in ULB and SPA areas where development is to be undertaken by land-owner or an agency approved by MMRDA. The total FSI would be 4.0 out of which 1.00 would be for rental housing and 3.00 would be for developer.

**Model 2 (2):** This is applicable in Urbanisable Zone-1 (U1) and Urbanisable Zone-2 (U2) within MMR. The total FSI would be 4.0 out of which 1.00 would be for rental housing and 3.00 would be for developer.

**Model 3:** This is applicable in construction of rental housing on any land vested with MMRDA in MMR. The total FSI would be 4.0 out of which 3.00 would be for rental housing and 1.00 would be for commercial (to be developed by MMRDA).

Details of the DCR provisions facilitating the rental housing scheme are shown in the Table below:

<table>
<thead>
<tr>
<th>Sl. No</th>
<th>Area</th>
<th>Model</th>
<th>Total FSI</th>
<th>FSI for Rental Housing</th>
<th>FSI for Developer</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>ULB and SPA areas where development is to be undertaken by land-owner or an agency approved by MMRDA</td>
<td>Model 1</td>
<td>3.0</td>
<td>3.00</td>
<td>1. Land TDR equivalent to plot area + 2. Construction TDR of 1.33 X 3.00 FSI</td>
</tr>
</tbody>
</table>
Some technical parameters under the Rental Housing Scheme are as follows:

(i) Each unit to have a carpet area of 160 sft.
(ii) A minimum plot area of 1000 sq.m. is required for development
(iii) Minimum density of rental units shall be 500/net ha. and that of other housing shall be 100 units/net ha.
(iv) Some relaxations in the planning norms and building bye-laws can be permitted by the Metropolitan Commissioner, MMRDA

The eligibility criteria for allotting rental housing units are:

(i) Allottee shall have employment/self employment/business within Mumbai Metropolitan Region.
(ii) Minimum family income of the allottee shall be Rs. 5000/month
(iii) Allottee and family members shall not own any house in MMR
(iv) Allotment shall be in joint name of spouse, if married.

The following conditions will apply for occupation of Rental Housing Units:

(i) Allotment shall be on live and license basis for a period to be determined by MMRDA
(ii) Monthly rental charge to be decided by the Metropolitan Commissioner, MMRDA considering the location of the project, cost of construction, market condition and any other expenses.
(iii) An amount of Rs. 500/sq.m. on the FSI over and above normally permissible FSI shall be paid towards infrastructure development. MMRDA shall keep 10% of this and the rest goes to the Planning Authority of the area.