

Suggestions for Expert Committee to Examine the Possibility of Replacing Multiple Prior Permissions with Pre-existing Regulatory Mechanism Part III Land & Building

S.No.	Related to	Issues	Existing Govt. Regulations (Give Exact regulation/clause etc)	Suggestions (Specific changes - like change in language, deletion, insertion)	Check Points	Enablers
	Availability of Land	Depleting per capita land availability	a) National Environment Policy b) National Water Policy c) National Urban Transport Policy d) National Urbanisation Policy e) National Manufacturing Policy f) National Forests Policy g) Housing and Urban Habitat Policy h) Sanitation Policy i) National Policy on Agriculture	An integrated policy level approach to resolve multiple (a-i) policies of the Government.	Multiple Policies to be on Single Window	Policy / Technology
		Availability of land for putting up manufacturing plant is a very big problem. There is no clear cut policy with most of the State Governments for change of land use from agricultural to industrial.	Change of Land use is a challenge	A very clear cut policy should be in place within each state so that anybody wanting to put a plant can acquire agricultural land and get it converted for industrial use with clearly determined process and charges	Change of land use	Policy Change
		The land prices being charged by State Industrial Development Bodies are very high. It could be because of high margins which govt. wants to earn or inefficiency in the system. Buying land, at a very high prices makes most of the projects which require large areas of land, being labour intensive industry, economically unviable because of the very high investment in the land at initial stage itself	High rates of land being charged by state industrial development bodies	State Industrial Development Bodies should be advised to cap rate of land in industrial areas and A market based pricing system, where price is determined by an independent body. Support systems have to be established to identify suitable land from the available options	Price band of Land for Industry through State Industrial Bodies	Policy Change

1		If any entrepreneur wants to acquire land for putting up plant he is not allowed to purchase land owned by SC/ST persons. This causes a serious issue as for putting up a manufacturing plant, as congruent piece of land is required which becomes extremely difficult due to the land areas owned by SC/ST.	Acquiring of SC/ST Land is not permitted	It is therefore suggested to the government that if 75% land has been acquired for putting up a manufacturing unit, then 25% land, even if belonging to SC and ST should be allowed to be purchased only for industrial use, with due compensation.	Permission to acquire purchase SC/ST Land for industry.	Policy Change
		Sale of disputed or land w/o clear titles by State Industrial Bodies	State Industrial Development bodies sell land to the entrepreneurs even if part of the land has not been acquired fully and is under dispute either with the land owner or in the court of law	They should be advised to sell land which they clean and clear title.	Land Title	Policy Change
		Non-availability of Land at competitive prices for SMEs.	Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2014 and various State related Acts pertaining to Land Acquisition & allotment for various users.	The new Ordinance promulgated to modify this Act should be made Regular Act of Parliament as soon as possible.	Printage Pricing of land for SMEs	Policy Change
		Non-availability of large acreage of land for large size industries.	The current Land Acquisition Bill talks about direct transaction between buyers & sellers of Land. Given the fact that The Bill on land acquisition should be revised accordingly to upfront say why states have a role in it by incorporating provisions for the institution of an independent regulator for land acquisition	Land holding patterns in India are largely fragmented, coupled with large-scale absentee Landlordism, such direct transaction will be impossible as there will be huge transaction costs. The state has a legitimate role in land acquisition for industrial development and that should be done institutionally; as a facilitator through an independent regulation.	Land for large sized industries	Policy Change
		Urbanisation Pressure and High Land requirements for Industrial Development Targets	Lack of overall approach to land use planning and land utilization	Introduction of an Ordinance in order to expedite the process of land acquisition and planned development mainly in Industrial corridors AND IDCs of each State to acquire Land for Industrial Estates and allot to Industry from within the existing Industrial Areas	Effective Planning and Usage of Land	Policy
	Availability of Land		According to entry no. 18 of the seventh schedule (the state list) of the constitution of India, land including			

		<p>High dependency on agriculture; Rich Bio diversity Act; Provide land for mining, transportation, Infrastructure etc; Protection of Land under historic, cultural heritage sites</p>	<p>assessment and collection of revenue, maintenance of of land records, land management and alienation of revenue etc fall under the purvies of the State Govts. "Land" being a state subject falls under the legislative and administrative competence of the States. As per article 39 of the constitution: a) The ownership and control of the material resources of the country should be so distributed as best to serve the common good b) The operation of the economic system should not result in concentration of wealth or a means to production to the common detriment. As per article 243 ZD (1) of the Constitution "There shall be constituted in every state at the district level, a district planning committee to consolidate the plans prepared by the Panchayats and the municipalities in the district and to prepare a development plan for the district as a whole."</p>	<p>Implement the article 243 ZD (1) and take the 20-30 years time horizon for planning.</p>	<p>Constitution of India for district level planning</p>	<p>Policy</p>
		<p>Complete lack of Industrial infrastructure beyond existing Industrial Estates</p>		<p>Infrastructure like Water, Sewage, Roads etc need to be provided for beyond the Industrial Estates</p>	<p>Industrial Infrastructure</p>	<p>Policy Change</p>
2	<p><u>APPROVAL OF ZONING PLAN</u></p>	<p>High cost of Land Projects due to ground coverage rules and FAR</p>	<p>With shortage of land, the prices of Industrial and Commercial land has gone very high. The permitted coverage on the ground as of now is 60% and remaining area is to be left vacant as per the zoning plan. Restriction of ground coverage of 60%, through zoning plan and FAR of 125%, has far reaching effect on the cost land/project.</p>	<p>It is suggested that ground coverage may increased from 60% to 75% and FAR be increased from 125 % to 200% for industries.</p>	<p>Ground Coverage Rules and FAR</p>	<p>Policy Change</p>

3	<u>APPROVAL OF BUILDING PLANS</u>	Approval of building plans for Industrial as well as Commercial establishments is undertaken by the Town and Country Planning Departments.	The process of getting the approval of building plans is very cumbersome as the approval of building plans goes through a committee having members of different departments. The process of approval of Building plans takes lot of time causing delay in implementation of projects.	To simplify the process of approval of Building plans, it is suggested that Architect firms may be registered and authorised by the Government (Town & Country Planning Department). The architect firms should prepare and submit building plans for and on behalf of their clients to the concerned department as per the departmental guide lines. The Architect Firm shall ensure building is constructed as per plans submitted to the concerned department and all the applicable bye laws are adhered. In case of violations the Architect Firm should be penalized.	Approval of Building Plans	Policy Change
4	Registering Property	Corruption in Registration Classification	Registration classification is open to interpretation by junior level officers leading to lack of clarity. This invariably leads to corruption.	Complete transparency by creating a digital system that minimizes/eliminates corruption through reduction of human (officer) involvement in decision making	Registration Classifications of Land	Technology
		Different states have different laws in respect of transfer of land but in most of the states, there is no clarity.	Transfer of Land for merged/demerged companies attract full stamp duties again	If any company is merged in another existing company, or any business is demerged from any running business resulting in new company needing transfer of land, such property should be registered in the merged company or demerged companies name without any stamp duty or if duty has to be there, then could be 0.50% and not full rate of stamp duty.	Stamp duty rate in case of merger and demerger of companies.	Policy
		Inaccurate and unsecured land records/titles and associated Registration prices.	Relevant State Acts	Computerisation of Land records in various states to have different tax structures for Land & Buildings for industrial use.	Computerization of Land records Vacant Building	Policy Change
		Extremely high & unsustainable building and vacant land taxes.	Various State Government Rules	Buildings & vacant land tax should be 1/4th of the regular Municipal taxes in a given area.	Land tax to be less	Policy Change
	The Indian Real Estate Market is still at a basic stage of		Registering the documents relating to	(i). Conduct various Online Searches through a single window system for: a. Non-encumbrance certificate b. Local Tax Dues c. Search at ROC		

		evolution and the temptation to bypass the Law on Property transaction continues to be a factor	the transfer, sale, lease or any other form of disposal of a property by law under section 17 of the Indian Registration Act , 1908.	(ii). Payment of Stamp duty via electronic transfer online (iii).Execute Final Sale Deed and submit documents to the Local office of the sub-Registrar of assurances (iv). Apply to the Land & Survey Office for mutation of the title of the property	The sole reason for suggesting the change is to reduce the time of registering a property from approx. 60 days to 15 days.	Through Technology & making an Enabling Regulatory / Policy
			(v) Introduce new Notary System and combined procedures for legalizing Sales& Purchase agreement.			
			(vi)Time limits have to be given to the Citizens as a reference for how much time a procedure will take utmost.			
		Speed of granting permits is directly proportional to level of corruption. This increases project costs and causes unpredictable delays		Online/Digital process to eliminate corruption.	Construction permits delays	Policy Change and Technology
		For construction of factory buildings and office, permission from municipality / panchayat and other government departments such as Town and Country Planner, Factory Inspectorate, etc is required. The cost of obtaining construction permission from municipalities and panchayats are very high	Construction Permit rules regulations	Construction for any industrial use should be permitted without any charges by municipalities/panchayats	Permission for construction in factories.	Policy Change
		Compulsory requirement of permission for Panchayats for setting up Industrial units in Rural areas.	Relevant State Acts	Once land has been allotted for Industry, clause for land use conversion should be deleted and use of land for industry should become automatic and deemed approved.	Panchayat permissions for allotted land to industry	Policy Change
		Alignment of Building approvals Rule & processing between factories department & Municipal Corpn/Municipalities.		All permissions for approval of detailed Factory building plans should be entrusted to Factories Dept. or any single dept.	Single deptt for all construction related approvals	Policy Change

5	Construction Permits	Multiple NOCs and Permission required are: 1. Obtain No Objection Certificate regarding land use per the zoning plan		1. Obtain written permission from the Urban Redevelopment Authority	The One and only specific reason for suggesting all the changes is to shorten the time for Construction Permits from presently 280-300 days to 70 days	& MAKING AN ENABLING
			(A) PROJECT FEASIBILITY / PRE-SANCTION STAGE:			
		2. Obtain Certificate of No Tax Due		2. Obtain structural plan approval and building commencement permit		
		3. Notarize the affidavit/undertaking	(i) Land use plan approval	3. Obtain building plan approval from the Government		
		4. Request and obtain building permit	(ii) Approval for change in land use	4. Hold technical consultation with the Central Building Plans Unit of the Ministry of the Environment and Water Resources		
		5. Request and obtain Consent to Establish from Delhi Pollution Control Committee	(iii) NOC for construction	5. Hold technical consultation with the Land Transport Authority		
		6. Request and obtain approval of the water and sewer connection plans	(iv) Relaxation in respect of density/ ground coverage/FAR/Setbaks/height	6. Obtain building plan approval		
		7. Request and obtain No Objection Certificate from District Forest Office	<u>B. APPROVAL FROM AIRPORT AUTHORITY OF INDIA</u>	7. Make an online declaration of risk management implementation and notify the Commissioner for Workplace Safety and Health		
		8. Request and obtain No Objection Certificate from Traffic Department	(i) NOC required for height clearance	8. Obtain water and sewage connection		
		9. Receive inspection from the Fire Department	<u>(C) APPROVAL FROM L&DO</u>	9. Receive final inspection and approval		
		10. Receive No Objection Certificate from Fire Department	<u>(D) SANCTION STAGE - LAY OUT PLAN/ LOCAL AREA PLAN/ URBAN DESIGN PLAN</u>	10. Obtain certificate of statutory completion		
		11. Submit commencement notice	(i) Local Body Approvals			
		12. Request and receive inspection at the plinth level	(ii) Approval from National Monument Authority			
		13. Request water and sewer connection approval	(iii) Approval from Forest Dept.			
		14. Receive on-site inspection for water and sewer connection and receive approval	(iv) Approval from Heritage Conservation Committee			
		15. Submit notice of completion and request occupancy permit	(v) Approval from Central Vista Committee			
16. Receive final inspection of the construction	(vi) Approval from DMRC					

		17. Request final No Objection Certificate from the Fire Dept.	(vii) Approval from Road Owning Agency		
		18..Receive site inspection from the Fire Department	(viii) Approval from Traffic Police		
		19.Receive final No Objection Certificate from the Fire Department	(ix) Approval from Ch. Fire Officer		
		20..Request consent to operate from the Delhi Pollution Control Board	(x) Approval from Ch. Controller of Explosives		
		21.Receive site inspection from the Delhi Pollution Control Board	(xi) Approval from Ch. Inspector of Factories		
		22. Obtain consent to operate from the Delhi Pollution Control Board	(xii) clearance required from M.O.E.F.		
		23. Receive occupancy permit	<u>(E) SANCTION/BUILDING PERMIT STAGE:</u>		
		24.Obtain permanent water and sewer connection	(i) Approval from Local Body		
			(ii) Approval from DCP (Licensing)		