

Executive Summary

The ULCER Act 1976 was repealed in five States of Uttar Pradesh, Madhya Pradesh, Punjab, Karnataka and Gujarat in 1999. After the repeal of Act it was assumed that vast amount of land will be released into the land market and development activity will get a boost particularly with reference to housing for lower income group and economically weaker sections.

It is still rather early to expect tangible and quantifiable evidence of the objectives of the repeal of the Act having been realized. Much of the input has been towards formulation of 'Screening Committees' and 'Auction Committees' in the State of Karnataka and Gujarat respectively while in the State of Punjab and Madhya Pradesh, the efforts are to release all the excess vacant land acquired and vested with the State Government and whose impact can only be verified indirectly over time.

A comparative assessment of the data collected from the selected States on the extent of land acquired and vested before the repeal of the Act and the extent of land released after the repeal of the Act is given below:

Table No. 13

Extent of vacant land vested with the State Government before the repeal of the Act and the excess vacant land released after the repeal of the Act

(in hectares)

Category	Name of State and U.A' s	Before the repeal of the Act.					After the repeal of the Act.	
		Extent of excess vacant land notified to the land owner under sec. 10(1)	Extent of excess vacant land vests with State/govt. under sec. 10(3)	Extent of excess vacant land acquired vested with State/govt under sec 10(5)	Extent of land utilised for development purpose	Purpose for which land is released	Extent of vacant land released which was notified and not acquired under sec 10(3)	Extent of land released under section 10 (3) & 10(5)
B	Karnataka Bangalore	1372.80	813.27	NA	155.88	Central & State Govt.	559.53	NA
C	Mysore	699.00	485.00	NA	259.00	MUDA	214.00	NA
C	Hub-dharwar	339.78	181.90	NA	181.90	EWS, LIG	157.88	NA
D	Mangalore	202.00	102.00	NA	28.65	EWS, LIG	100.00	15.07
D	Belgaom	223.19	148.61	NA	24.19	Office building	74.58	24.19
Total	Karnataka	2836.77	1730.78	NA	649.62		1105.99	39.26
C	Punjab Ludhiana	35.67	12.00	4.57	NA		23.67	12.00
C	Amritsar	NA	8.70	2.29			-	8.70
Total	Punjab	35.67	20.70	6.86			23.67	20.70
C	Madhya Pradesh Indore	4475.91	725.91	463.42			3750.00	198.00
C	Jabalpur	3320.00	3270.14	1793.00	65.64	EWS/ LIG	49.86	279.86
D	Ujjain	NA	524.66	466.58		NA	NA	43.91
Total	Madhya Pradesh	7795.91	4520.71	2723.00	65.64		3799.86	521.77
C	Uttar Pradesh Lucknow	1507.14	217.30	204.75	19.69		-	
B	Kanpur	654.42	654.42	654.42		0.73	-	-
C	Bareilly	491.55	491.55	491.55		5.10	-	-
C	Meerut	215.68	172.06	164.95		2.91	-	-

Category	Name of State and U.A.'s	Before the repeal of the Act.					After the repeal of the Act.	
		Extent of excess vacant land notified to the land owner under sec. 10(1)	Extent of excess vacant land vests with State/govt. under sec. 10(3)	Extent of excess vacant land acquired vested with State/govt under sec 10(5)	Extent of land utilised for development purpose	Purpose for which land is released	Extent of vacant land released which was notified and not acquired under sec 10(3)	Extent of land released under section 10 (3) & 10(5)
C	Agra	883.55	488.03	NA	23.70	NA	-	-
C	Allahabad	4948.60	1633.51	NA	61.98	NA	-	-
C	Varanasi	1015.80	915.25	NA	-	NA	-	-
D	Moradabad	347.10	297.97	NA	8.08	NA	-	-
D	Gorakhpur	166.75	106.98	161.38	6.54	NA	-	-
D	Aligarh	84.55	70.10	NA	1.38	NA	-	-
D	Saharanpur	NA	NA	219.62	20.40	NA	-	-
Total	Uttar Pradesh	10315.14	5047.17	1896.67	150.51	NA	-	-
D	Gujarat Bhavnagar	511.45	129.00	9.50	9.30	Allotted to urban poor	382.75	-
D	Jamnagar	91.55	87.43	-	13.65	Gujarat Housing Board, PWD Housing, P & T Housing, G.S.F.C. Housing, Revenue co-operative	4.15	581.73
Total	Gujarat	603.00	216.43	9.50	22.95		386.90	
	Grand Total	21586.49	11535.79	4636.03	888.79		5316.42	581.73

Source: ULC Depts. State Government

After the repeal of the aforesaid Act, Government of Karnataka formed “screening committee” to reallocate the vacant land to the land owners. The screening committee was able to release only 39.26 Ha. of land as compared to the 1730.78 Ha. of land acquired under Section 10(3) on the other hand another 1105.99 Ha. of land was released which was notified and could not be acquired under Section 10(3).

In the State of Punjab the data was not available for some of the urban agglomerations but during the discussion with the concerned officials in the department it was revealed that all the vacant land which was acquired under Section 10(3) but could not be processed for the acquisition under Section 10(5) as the owners got the `status quo` on their land, have been released by the State Government.

In the State of Madhya Pradesh, the urban agglomerations of Indore, Jabalpur and Ujjain have released 4350.33 Ha. 279.86 Ha. and 43.91 Ha. of excess vacant respectively. This amounts to a total 4674.10 Ha. of excess vacant land released after the repeal of the Act.

The State of Uttar Pradesh, it was revealed that, not even single inch of excess vacant that was acquired under Section 10(3) and 10(5) has been released after the repeal of the Act, and in the State of Gujarat, the State Government has formulated a policy of disposing off the excess vacant land through auctions. A notification has been issued in this regard and “auction committees” has been constituted to dispose off the excess vacant land after the repeal of the Act.

These `auction committees` were constituted to dispose off the land which was acquired under section 10(5), while the excess vacant land which was acquired under Section 10(3), but could not be processed for acquisition under Section 10(5), due to the financial and administrative difficulties, have been released by the State Government in different urban agglomerations of the State.

In all the selected State the extent of excess vacant land notified under sec 10(1) is 13790.58 Ha. whereas the extent of excess vacant land

vested with State \ Govt. under sec 10(3) is 11979.48 Ha. out of the land, which was under section 10(3), only 4606.98 Ha. was physically acquired through State Govt. under section 10(5).

1. There exists a wide gap in the figures of data assembled from the Ministry of Urban Development and the State departments on the extent of vacant land available acquired and vested under Sec. 10(1), Sec. 10(3) and Sec. 10(5) of ULCER Act, 1976 in the State of Madhya Pradesh, Uttar Pradesh and Punjab.
2. A very marginal amount of vacant land that was vested by the State Government under section 10(5) of ULCER Act, 1976, was actually allotted to the development authorities for development purposes and in most cases they were only made the custodians of vacant land. As a result a very small percentage of land was utilized for construction of EWS and LIG housing. For example, out of 463.431 Ha. and 1793.00 Ha. of vacant land that was vested under sec. 10(5) in the cities of Indore and Jabalpur of Madhya Pradesh respectively, only 27.01 Ha. of land was utilized for construction of Low Income Housing in Jabalpur.
3. The ULCER Act 1976 was repealed in the year 1999 to give a boost to developmental activities. However, in the State of Uttar Pradesh, the landowners are holding the released land primarily with the intention of speculation. As observed in case of Lucknow, the number of land registration has gone down after the repeal of the Act in March 1999. It was observed during discussion that the time frame should be introduced in the repeal Act that makes it compulsory for the landowner to carry out the developmental activities within a stipulated time frame.
4. It was observed that the extent of vacant land that was vested under section 10(5) of ULCER Act, 1976 in different States referred to the theoretical acquisition of land and the actual physical acquisition of land never took place because of lack of resources. The landowners, whose lands were acquired under section 10(5) kept on utilizing it in the similar manner, and there was no change in the actual status of land.

5. There seems to be confusion in the State of Uttar Pradesh and Madhya Pradesh with regard to excess vacant land that has been physically acquired and vested with the authorities under Sec. 10(5) of the Act. After the repeal of the Act, since no plan for development activity had been prepared or approved for the piece of land, the landowners whose land had been acquired under Section 10(5) has gone to the court to get the land vacated. The court have passed the order in some cases, indicating that since no plan for developmental activity or earmarking the boundary for the respective land has been prepared or approved and the land owner is utilizing the land in the similar manner, the said land may be vacated and given back to the owner. The State Governments have appealed against the verdict.
6. The department of land revenue in the town administration is carrying out the registration of properties in their administrative limits without verifying about their ceiling status from ADM-Ceiling after the repeal of the Act. Thus, the status of land acquired and vested under Sec. 10(1), 10(3), and 10(5) of the Act remains only on the paper with the land ceiling departments now.
7. After the repeal of the Act, the land ceiling departments in the 3 States are lying defunct and the employees of the department are reminiscent. In Uttar Pradesh, the employees of land ceiling department are facing the uncertain future. The State governments may consider and take steps to reabsorb these working employees in other departments.
8. The data available for Punjab, Madhya Pradesh, Karnataka, and Gujarat, shows that out of the 11979.48 Ha. of land vested with the State Government under section 10(3) before the repeal of the Act, the extent of land released after the repeal of the Act is 4734.06 Ha.
- 9.1 It may be seen from the above table that in the State of Karnataka approximately 1.75 lakh housing units will be available in next few years, out of which at least 40,000 housing units will be available for EWS and LIG category.

9.2 In the State of Punjab, a total of 2,000 housing units will be available in next few years, out of which at least 500 housing units will be available for EWS and LIG category.

9.3 In the State of Madhya Pradesh, a total of 8.50 lakh housing units will be available in next few years, out of which at least 2.10 lakh housing units will be available for EWS and LIG category.

9.4 While in the State of Uttar Pradesh the vacant land has not been released even after the repeal of the Act, by the March 2001, but approximately at least a total of 5.50 lakh housing units will be available in next few years as soon as the guidelines are issued by the state government to release the land in the appropriate manner out of this, at least 1.35 lakh housing units will be available for EWS and LIG category.

9.5 In the State of Gujarat, a total of 20,000 housing units will be available in next few years, out of which at least 5,000 housing units will be available for EWS and LIG category.

9.6 Thus the total number of housing units that will be constructed and available for occupancy in due course of time in all the five selected States will be approximately 15.75 lakh, and the total number of housing units that will be available for EWS and LIG housing will be at least 4.00 lakh approximately. It may be mentioned here that as per the data available from the Ministry of Urban Development, the total number of housing units that will be available for occupancy in due course of time in all the five selected states will be approximately 34.25 lakh, and out of which 8.50 lakh dwelling units will be available for the EWS and LIG category.

9.7 It is evident from the study that substantial housing stock will be added in the five selected states where the Act has been repealed. Therefore it is assumed that a large quantum of housing stock will be made available to the housing market after the repeal of the Act becomes applicable in other states.

9.8 According to the data available from the Ministry of Urban Development, the total number of housing units that will be available for occupancy in due course of time in all the 17 states and 3 union territories where the Act was initially applicable, will be approximately 48.75 lakh after the repeal of the Act, and out of this at least 12.00 lakh of dwelling units will be for the EWS and LIG category.