Institutional analysis of Urban Land and Housing Policy shift in a metropolitan region, Case National Capital Region, Delhi, India.

Sneha¹

¹Department of Architecture, Planning and Design, Indian Institute of Technology (BHU), Varanasi, India <u>sneha.apd@iitbhu.ac.in</u>

Paper submitted for presentation at the

"WORLD BANK LAND CONFERENCE 2024" The World Bank – Washington, DC, USA May 13-17, 2024

Abstract:

Affordable Housing across various income groups in India is one of the pressing urban issues being faced by the governing authorities. The literature study for policies related to urban housing in India suggests that much focus has been given to the urban poor and slum rehabilitation and redevelopment. This research addresses the phenomenon of what can be described as the "Housing Dilemma in India". Project delays, unlawful land acquisition, and agitations against the undervaluation of land by landowners have become synonyms with Real estate and private development in India. Even the projects being delivered by private developers and developing authorities also face issues in terms of a non-sustainable residential environment, lack of basic amenities, and fragmented neighborhood. The urban policy shift over the period indicates the transition from socialist approach towards more market driven approach in development policies governing land and housing market. This shift has significantly impacted the quantitative and qualitative aspects of housing and created a demand-supply gap in the land and housing market. To study, we have divided the study area into three land development models based on the geographic and political expanse. These land development models are State- oriented Model, Market Oriented Model and Mixed Model of land and Housing Development. The research further analysis the relations of these agents within a particular land development model. All the three land development models operating in NCR are unique in terms of interrelationship among various agents, thus the urban built also varies within each land and housing market. Through early research on the upcoming policies, we found that the component of land regulation is still not being addressed, thus this research provides an opportunity to understand the implications of these forthcoming urban governance policies and regulations which will shape the future urban development in India.

Key words: Urban land, Urbanization, Urban Sprawl, Formal Housing, Land development, Institutional analysis, Urban planning, Delhi, India

1. Introduction

Developing countries like India are facing many challenges and rapid urbanization is one of the crucial issues which need to be addressed at the earliest. Along with a lack of infrastructure, rapid urbanization is leading to a grave housing shortage and forcing the majority of the population to live in inhabitable conditions. ⁶ This research addresses the phenomenon of what can be described as the "Housing Dilemma in India", where on the one hand the market is flooded with unsold housing inventory and simultaneously, we witness policies to address the housing shortage.

The focus over last two decades of the Indian government on housing in urban areas has been on slum up-gradation and lower income groups. During the same duration, after the economic reforms of 1991, the urban housing stock has increased from 40.7 million to 110.1 million ¹, but it is important to understand that this urban housing and private development (especially at the urban periphery – Figure 1) that is being constructed in metropolitan cities is evolving at a social and economic cost.



Figure 1: "Mahagun Mantra" project under construction in Greater Noida in close proximity to agricultural land Source: Author

Through literature review, related to the housing and private developments in India, it was learned that Land policy and Land management mechanisms are the most important component in the Indian urban planning and housing context. Since land cost is an important component in the housing price and has direct implications on the affordability of any private development, thus, it is important to look at urban housing through the lens of land delivery and management mechanism. It is essential to assess the land development policies within a democracy and market economy like India. Culturally in India, investment in land and private property is considered an important social status symbol which makes the land and private property market investment-driven thus even more difficult to access the actual need for housing in urban centers. The current research investigates the National Capital Region – Delhi as this region is the core geographical and political seat of administration and governed by multiple institutions at various levels.

2. Institutions governing Urban policies in National Capital Region (NCR), Delhi

National Capital Region- Delhi encompasses of the National Capital of India – New Delhi at its core and surrounding satellite towns and cities, geographically landlocked and a center of attraction across income groups and social backgrounds for higher education and better job opportunities. The Region comprises of entire National Capital Territory of Delhi and some districts of the surrounding states (Figure 2). Thus, administratively the region is governed by four different state level institutions namely Government of NCT-Delhi, Government of Haryana, Government of Uttar Pradesh and Government of Rajasthan in close coordination with the National level administration as the nodal agency in the form of National Capital Region Planning Board (NCRPB). The area of the Region falling in the corresponding states has been recognized as a respective Sub-region with individual organization functioning as a bridge between the state and national level authorities.

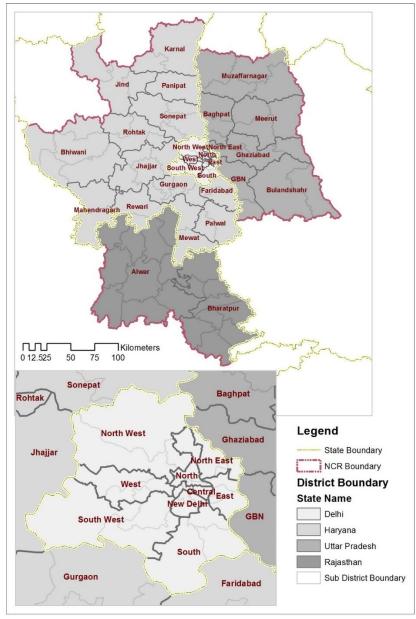


Figure 2: Map indicating the administrative setup of NCR-Delhi Source: Author

NCR as a functional development unit was first introduced and discussed in the First Master Plan of Delhi (MPD-1962) as the requirement of regional development was felt to counter haphazard development on the peripheries of Delhi city. As acknowledged by the NCRPB "...the growth of population of Delhi has contributed to increasing congestion and shortages of civic amenities. It has been felt that as Delhi grows, its problems of land, housing, transportation, and management of essential infrastructure like water supply and sewerage would become more acute...". The contiguous districts of neighboring states were added to form the region and cities were identified which could act as counter magnets.

Year	Action Taken				
1956	Interim General Plan suggested that 'serious consideration should be				
	given for a planned decentralization to outer areas & even outside the				
	Delhi region'.				
1961	High Powered Board set up under Union Minister for Home Affairs				
1962	Master Plan for Delhi emphasized Planning of Delhi in regional context				
1973	High Powered Board reconstituted under Union Minister for Works &				
	Housing				
1985	Enactment of the National Capital Region Planning Board Act by the				
	Union Parliament, with the concurrence of the participating States of				
	Haryana, Rajasthan and Uttar Pradesh, NCR Planning Board was				
	constituted				
1989	First Statutory Regional Plan (RP-2001) was notified for a period of 20				
	years				
2004-05	Second Regional Plan (RP-2021) notified with formation of eight study				
	groups to understand various aspects related to Planning in the region.				
	Note: Review exercise of the RP-2021 is in process				

 Table 1: NCRPB formation timeline

 Source: Compiled by Author

2.1. Institutional analysis of Urban Land governance in NCR

Institutions have different definition derived from the context of social sciences, polities, or economics. It can be set of norms, guiding principles, formal or informal which result an outcome within the society. 'The rules of the game' in a society (North 1990) 'The sets of working rules' that 'contain prescriptions that forbid, permit, or require some action or outcome,' and that are 'actually used, monitored, and enforced' (Ostrom 1990). For this research "Institutions" can be defined as actors and agents (along with the set of policies and development plans) applicable for Land conversion from Rural to Urban and "development process" is the roles and relationships of stakeholders involved in this process of conversion. For this research the various organization (Figure 3,4) operating in the functioning of urban development in NCR were identified and their administrative structures were mapped to identify the function of the institutions involved in land governance

2.2. Land administration structure and Uniqueness

NCR is unique at another level since it is the only region spread among four state level administrative units (Figure 5). Thus, the Region came into being, with greater challenges that required consensus of three state governments and a Union Territory. Urban development institutional network comprises of national, state and local body level organizations and institutions which are functioning with NCPRB as the Nodal agency.

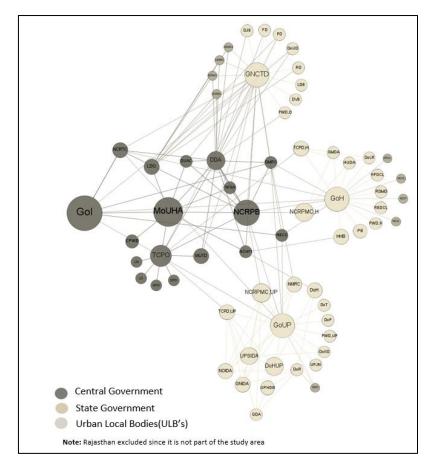
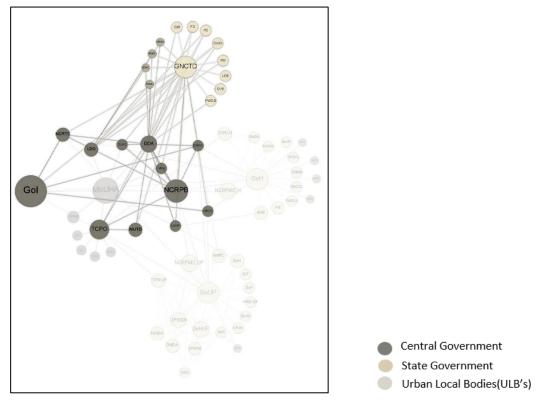
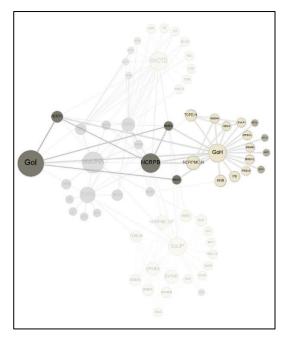


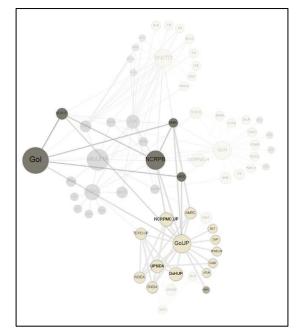
Figure 3: Organization network in NCR involved in urban planning and development Source: Compiled by Author



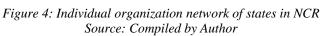
i. NCT-Delhi Network



ii. Haryana State Network



iii. Uttar Pradesh State Network



Urban and Land development legislative powers are vested in the state governments as per the Indian federal system of governance but NCT-Delhi being Union territory enjoys special status. The urban development authority (DDA) of NCT-Delhi draws its powers from the national government while Haryana and Uttar Pradesh development agencies are governed by respective state governments.

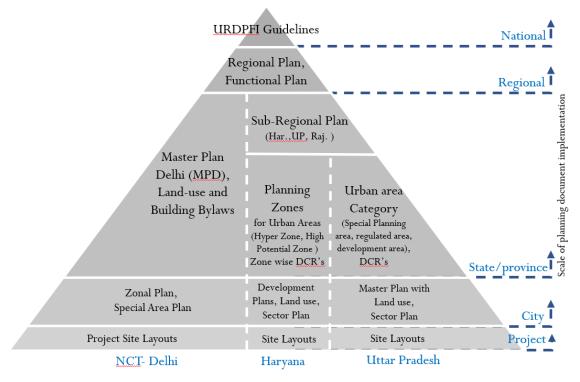


Figure 5: Urban Planning policy documents hierarchy in NCR (except Rajasthan Sub-Region) Source: Compiled by Author

3. Urban Land and Housing Policy in NCR

Land as an instrument of development was dealt soon after the independence in the form of Rural Land Reforms. These reforms were introduced to address the Land tenure systems functional under British rule 8-10. Based on literature review the Urban development Policies in India can be classified into three phases enumerated as "pre-economic liberalization" (1947-1990), "post-economic liberalization" (1990-2014) and "Beyond 2014". Soon after independence India took reference from the Soviet Union ¹⁷ model of national level Economic and Financial planning in the form of Five-Year Planning system, carried out by the Planning Commission, established in 1950. 1951 was the year in which the 1st Five-Year Plan (FYP) commenced ¹⁸ and till mid 2017 India witnessed a total of twelve Five-year plans with varied degree of focus on various national developmental issues. In 2017 the Planning commission was dissolved and a new think tank for policy planning and monitoring, the National Institution for Transforming India (NITI Aayog), came into being. "NITI Aayog" in Hindi literally means "Policy Commission". Various FYP's acted as the guiding document towards various aspects of the National concern. Along with these Five Year Plans the government agencies enacted Acts, policies and programs to implement the core ideas for the corresponding FYP at national, state and Local Level. The following table 2 shows the major milestone policies introduced at the national level to address the land development issues in India.

Timeline	Policy					
1963	Note on Urban Land policy					
1965	Report of the Committee on Urban Land Policy.					
1983	Task forces on housing and urban development					
	Planning Commission					
1988	The instruments of urban land policy in India: opportunities for					
	future direction – B P Acharya					
2007	Model Guidelines for Urban Land Policy (Draft)					
2013	National Land Utilization policy (Draft) – Ministry of					
	Rural Development India					
Source: Author						

Table 1:	Policy	Time	line	for	urban	land	in In	dia
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3.1. Urban Land policy shift since 2014

The Urban Policy is undergoing policy shift in continuation to the market-oriented approach. This can be corroborated from the policies like Constitutional amendment for Land acquisition, rehabilitation and resettlement of the affected population, the real estate regulation act and formation of Real estate investment trust etc. Specifically in the national capital this shift is more prominent with the introduction of Delhi land pooling policy which enables the private sector in a state-controlled market. The Delhi Master plan further establishes the need for introduction of Public private partnership for housing where the state needs to act as a facilitator while providing fair and open market policies for Land and Housing.

From independence onwards until the economic reforms of 1990 the urban development policies, particularly for housing, were focusing on facilitating housing through improvement in the existing habitat for lower income segments. Land development in Delhi was done through Bulk land acquisition by the authorities and redistribution through construction by public agencies. The occurrence of open Market based initiatives was very limited in for not just Urban development but overall economic policy. Post economic liberalization as the economic policy shifted from socialist approach to more open market driven initiatives, this shift could be witnessed in urban development sector aswell. The new green field developments like Noida which came into being during 1976 took the socialist approach

towards land acquisition but the post 1990 developments like Gurugram which was initiated in 2007 took a more liberal approach for development. Now the developments beyond 2014 like the Delhi land Pooling Policy has again tilted towards market driven scenario in a traditionally controlled market. The following timeline graphic (Figure 6) highlights some of the milestone events in this Policy shift.

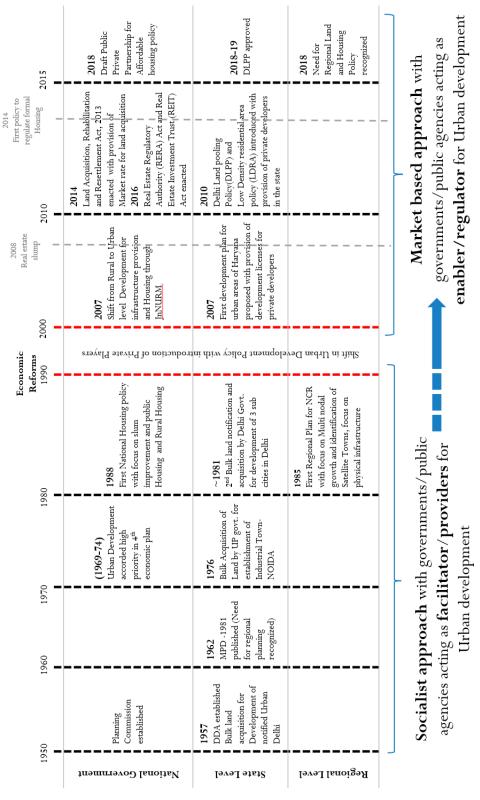


Figure 6. Urban development Policy Shift in NCR-Delhi Source: Author

4. Land development models

Before elaborating upon the detailed Land development model operating within NCR, we need to discuss the analytical basis for these land development models. The analytical Framework is a cluster of three concepts derived from the literature study.

First being the theoretic framework of actors of development i.e., State/Public Vs Market/Private and process of development i.e., Controller – master planning approach or Open- Market Determined approach. This theoretic framework forms the basis for the Land development models and helps place a particular approach for land development within the framework.

Second concept is the phases of development through which the Land development process undergoes. Williamson et.al ^{21(p196)} have identified four phases of development starting from Rural Land, Urban Land, Serviced Urban Land and developed Urban land. These phases include the development plan approval, laying of infrastructure and finally erection of building (Figure 7). These phases of development are meant to follow the mentioned sequence but may overlap or relapse depending on the policy framework within which the actors of development are functioning.

The third concept which forms the analytical basis of establishing the land development models are the actors of Development. From the literature study seven actors of development have been identified operating in the land development process. These actors have been classified into two broad categories viz. Primary decision-making actors and Secondary decision-making actors. The primary decision-making actors are those who are directly involved in the land and property transactions, whereas the secondary decision-making actors are those who facilitate these transactions. In other words, the primary decision-making actors are the ones who exchange hands on the property and land, while secondary decision-making actors are involved in the decision making and financing along the primary actors. At times the rules and regulations are such that the role of these actors may vary thus in some cases the secondary actors can take up the responsibilities of primary decision-making actors. Ones needs to be flexible while assigning the role and relations to these actors of development depending on the policy guidelines.

As discussed in the previous sections, the Delhi Urban agglomeration is governed by three different state level governments and further sub divided into numerous local level municipalities. The multiple levels in governance structure along with the distinction in the planning and land management procedures, adds to the complexity of the formal housing market and based on these differences the DUA can be sub divided into three distinct sub markets. These sub markets derive their characteristic based on relationship and interaction among the actors of development. The Analytical framework and Institutional Network of NCR the study area can be divided into three major Land Models

Each Land development Model comprises of statutory towns with individual notified Master Planning document and Building regulations which form the Sub - Markets for Land and Formal Housing Transactions. The explanation and outcomes of these models is based on the secondary study of the developments policies and documents along with informal interviews and discussions carried out at the initial stages of research and site visits.

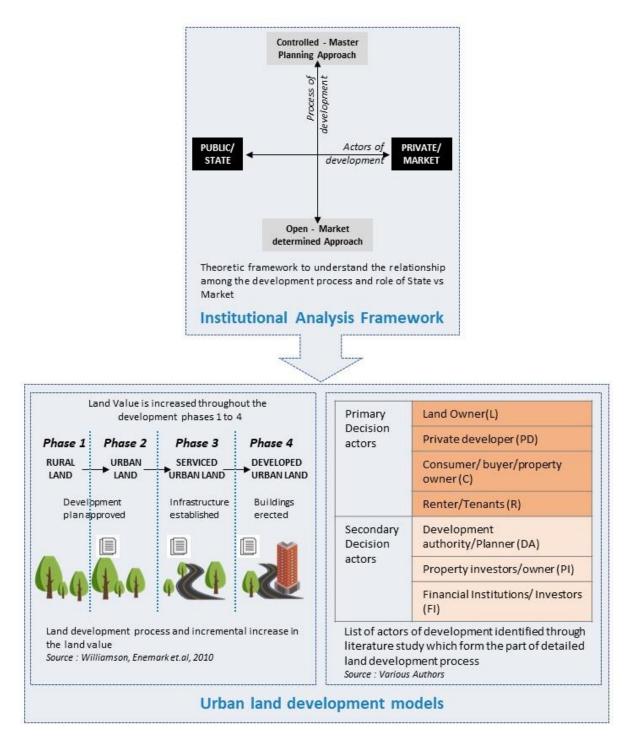


Figure 7: Analytical framework for land development models Source: Author

4.1. State oriented model of development

The state-oriented model, is operable in the administrative limits of National Capital territory of Delhi (approx.55,083 Sq Km in area), where DDA is the fundamental organization concerned with Land and urban development aspects of the National Capital. The Delhi state administration has limited jurisdiction due to its special status, as it holds all the important national level administrative offices and international embassies. Thus, the issues related to land and urban development are dealt by the

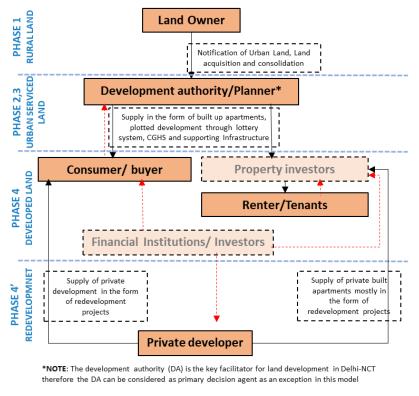
central agency i.e., Delhi Development authority (DDA) which functions under the Ministry of Urban Development, Government of India. As discussed, the previous chapter DDA as an institution was formed in 1957 through special Delhi Development Act of 1957 (*DD Act 1957*). Thus, the urban governance and administration of Delhi is a unique case. The urban development process of NCT-Delhi was discussed in detail in the section 3.2, where in the core understanding was that the role of national level development agency i.e. DDA is the primary actor in the urban development process. As the name suggests the state/public authority are the key actor of development in this model.

The Phase-1 of the development process (Figure 8) is the development activities at the rural level. Land owners are the primary actor at this stage often involved in primary sector activities like agriculture. This phase is universal across all the models for green-field development. The Urban Land development process in this model with the conversion of Rural land into Urban land through public notification of Master plan or development plan which is a statutory document. This conversion from rural to urban is constitutes the Phase-2 of the Model. This phase of land use conversion is facilitated by the timely land consolidation and land acquisition by the development authority through gazette notification by the revenue department¹ and Land & Building Department² against the requirement raised by the development authority. The Phase-2 and Phase-3 of provision of serviced land function together where the development authority takes all the important functions after notifying the development plan which involves provision of infrastructure and construction of building. Thus, both these phases have been clubbed together because in state-oriented model, the private developer is missing from these phases. The final Phase-4 is where the private investors/consumers along with Renter/tenants transact the built properties. As noticed from the shift in the urban policy paradigm the state-oriented model seems to entire in a new Phase-4', where in the private developers have been brought into the process of urban development through policies like Urban redevelopment.

The land acquisition process requires hefty financial investment by the state authorities at the initial stages of development which again is a cause for delays. The authorities are unable to cater to the need and demand for housing in formal supply which leads to informal markets of land transaction and construction. The unplanned development due to informal housing, in the form of unauthorized colonies and slums (Figure 9), causes inefficient land value utilization. This delay in housing supply and inability to match the housing demand-supply, in NCT- Delhi particularly, has led to a major policy shift in Land development since the inception of Delhi Development Authority (DDA) over past decades as compared to any other city in India.

¹ Revenue department, is tasked with the maintenance of land records and issue of land acquisition notification at rural and urban level for any form of public purpose and infrastructure development.

² Land and Building department carries out the large scale land acquisition



 Primary decision making actor
 Secondary decision making actor
 Property Transaction

Figure 8: State oriented Urban Development Model Source: Author illustration

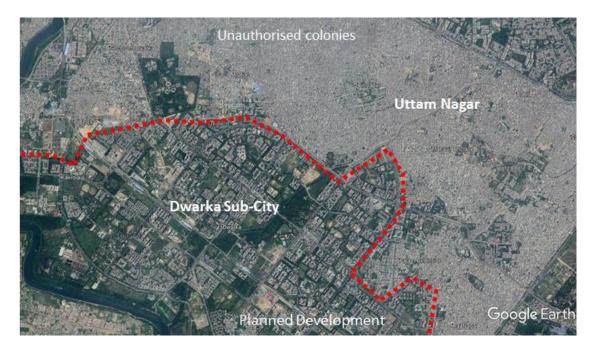


Figure 9: Satellite image of Dwarka sub city and neighboring areas Source: Author illustration on Google earth

4.2. Market oriented model of development

The market-oriented Model is functioning in the State of Haryana based on the Policy frame work of the state government for Urban development. As mentioned in the Section 3.2, Gurugram and Faridabad have city level development authority GMDA and FMDA respectively. The Final Development plan and sector plans are prepared along the Comprehensive Mobility Plan for notified urban areas. Particularly in Haryana the rural land redistribution exercise was carried out across the state under Land reforms of 1972. Thus, the land parcels in rural areas are readjusted for 1acre or 1 *Killa*³ (Figure 10). This system of rural land management facilitates efficient title record management and verification, thus making the Land transactions easy.



Figure 10: Google satellite image depicting typical rural land subdivision in Haryana Source: Google earth pro



Figure 11: Satellite image highlighting the fragmented development in Gurugram Source: Google earth pro

The development is initiated from rural areas (Phase -1) being notified by the Development authority for urban development. In market-oriented Model (Figure 12) the transaction and negotiation of land happens among the Land owner and Private developer directly. The private developer has to present a development proposal along with payment the External Development charges (EDC) and Infrastructure Development charges (IDC) for the grant of development license. There are some additional minimum requirements to be fulfilled by the Private developer such as company turnover, direct access of development scheme to the proposed sector road, minimum area of consolidated land etc. In market-oriented model thus private developer is responsible for the land consolidation and construction of the

³ Killa is a traditional unit of measurement mainly in the states of Punjab and Haryana. The Killa is measured as an area of 36 karams x 40 karams i.e. 198ft x 220ft

buildings. The land consolidation (Phase 2) and provision on serviced land (Phase 3) happens simultaneously by private developer and development authority respectively. The final Phase-4 of delivery of buildings by private developer to the consumer and investors happens as sales in the open market.

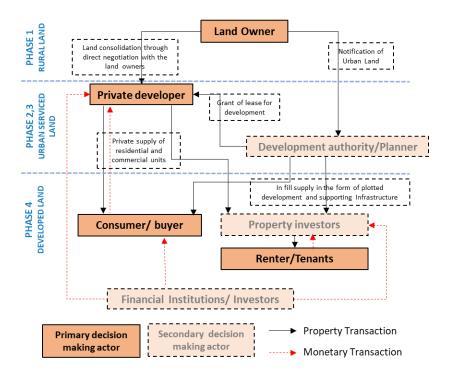
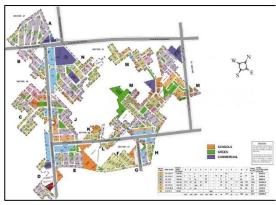


Figure 12: Market oriented Urban Development Model Source: Author illustration

The market-oriented market provides equal level playing field to the land owners and private developers in open market to realize the optimum the land value as well as the investor to seek ideal product value. This helps in bringing in best practices and healthy competition in the market for the private sector. The model seems to function in accordance to the market demand- supply dynamics for housing supply but at the behest of latent issues in each phase of development and for all the actors of development. The developments are highly fragmented and distributed across peripheral sectors with underutilized and inefficient use of land. The development authorities are struggling to sell or develop the in-fill leftover plots within developed sectors (Figure 13). Huge investment on part of property owners and private developers with uncertainty towards completion and huge market speculation. The land owners have benefited with the direct negotiation for their land value with the private developers but has led to social concerns and increase in criminal activities. Many of these developments lack basic infrastructure like market place, water, electricity, solid waste management and lack of public transport. The market caters to the high-end luxury segment with gated communities which lack inclusivity over various income levels.



i. Sector Plan prepared by the authority for the left-over land parcels *Source: GMDA website*



iii. A typical land consolidation plan submitted for additional developmnet licencse approval by private developer *Source: Author illustration*



ii. Developed sector with leftover vacant land parcels in irregular shape and size *Source: Goolge earth*



iv. Image of isolated devlopment at the city periphries *Source: Author*

Figure 13: Illustration for infill vacant plots and development outcome at sector level

4.3. Mixed model of development

The mixed development model is such that the development process is carried out by state/public authorities and Market/private organizations collectively. The domain of functioning in the development process has been defined with scope and objectives of the respective organization clearly identified, as part of the development process. This model is operated in the Uttar Pradesh districts of NCR i.e Gautambuddh Nagar, Ghaziabad etc. The prominent occurrence is this model is present in NOIDA, G.NOIDA and the Upcoming Yamuna expressway development area (YEIDA) since these developments are part of the Uttar Pradesh industrial development policy through large scale land acquisition and grant of license for development to private entities.

The mixed development model (Figure 14) follows the routine development process as discussed by Williamson ²¹. The land owners transact with the development authority after notification of Master plan for conversion of Landuse from Rural to Urban. The land owners receive the compensation as per the market value defined by the development authority. The development authority carries out the provision of ancillary infrastructure like road networks, services and land subdivision for planned development. The Private developers apply for grant of license against government notification for development of the serviced land. The role of each actor is defined where in the Land transaction is done by development authority and individual property construction by the private entity. The property investors, consumers and renters come at the last phase of development after the building are erect and infrastructure provided.

Consolidated land acquisition with regular plot sizes with well laid out road network (Figure). Over supply of high-rise, high-density apartments due to flexibility in the FAR and density regulations. The private developers have received development rights, on lease, for regular plots, although the adjoining plots to be developed by the authority are vacant. Land owners often protest due to less opportunity to negotiate for market land price and complain about under valuation for land by development authority. Unauthorized colonies have started to mushroom along the private development due to lack of supply for economic weaker section and low-income group

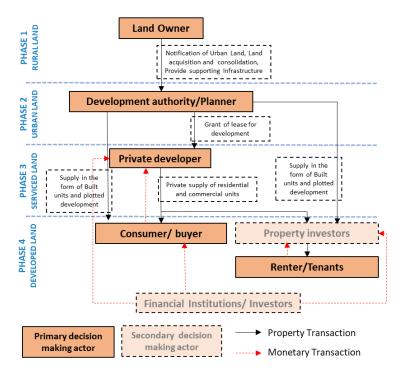


Figure 14: Mixed Urban Development Model Source: Author Illustration



Figure 15: Satellite image of G. NOIDA with illustration highlighting the regular plots and road networks Source: Author Illustration

4.4. Comparative analysis

The Figure graphically represents these models on the institutional framework where the horizonal axis highlights the inclination of models to particular actor of development and vertical axis is the process that these actors follow i.e. controlled or open. It may seem that all the development models will inevitably follow a defined development process and the means to define the process is through the development plans/ master plan. The difference lies in the degree of flexibility that the actors seek in each process. For market-oriented model though the process does function within the ambit of master plan policy but the difference comes in when private entities appear more authoritative than the development authority. In such situations the public entity tends to title the policies as dictated by the market players, overlooking the larger social good.

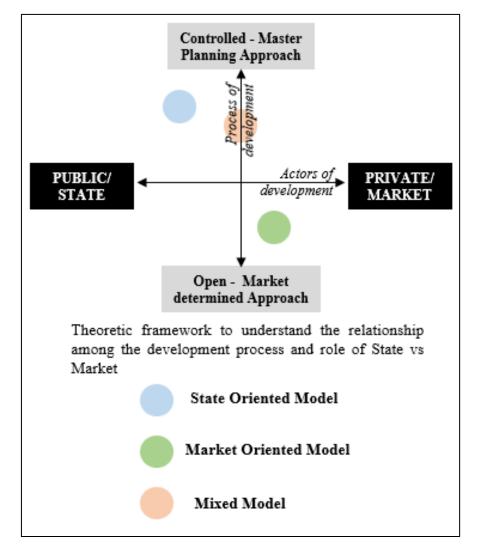


Figure 16: Comparative position of the development models on the Institutional analytical framework Source: Author interpretation

Before we conclude the finding of the research and collate the observations and recommendations, it is important to summarize the definition and characteristics of the Land development models that operate in the Region. These definitions and characteristics have been derived from the institutional analysis and understanding of each model and based on the interaction among the actors within the institutional framework of applicable policies.

5. Conclusion

From the understanding generated from the city level analysis for each model the reason for Demandsupply housing gap can be attributed to different factors or means of development. Each model is unique in its approach towards the land development process which is based on these means.

State oriented model demand-supply gap can be directly attributed to the inability of the public authority to match the huge and sudden housing demand from the very onset of the development process in Delhi. The sudden inflow of migrant population after partition and then continuation of population flow from neighboring areas towards Delhi put pressure of the development authorities from the very beginning. The decision to control the development and land supply by the state authority i.e. DDA lead to the mis match of demand and supply. In NCT-Delhi (which forms the core of the entire region) particularly we witness the growth of informal market and unauthorized colonies due to this gap in demand and supply. This model was restricted to the urban limits within administrative boundaries of the NCT-Delhi thus at no point in time, did Delhi witness underutilization of built housing or vacant units. Although the city is marred with case studies of underutilization of public land due to inability of authorities to start the construction of proposed development. The case study for EWS units by DDA in Dwarka Sector -15 highlights this issue where the authorities were in a way forced to start the construction of Unauthorized development on public land.

Thus, to summarize the reason for demand supply gap in Delhi which functioned as state-oriented model is the lack of capacity of the development authority to match to the actual demand of housing across all income groups.

Within this framework with shift towards Market based mechanism for housing supply such as the redevelopment projects done by the Private developers fail to meet the real housing demand since the land costs are very high in such projects which leads to supply for higher income segments only to make them financially viable. Also, the supply of land for redevelopment projects by the private developers is scarce in the core city which further augments the Demand-supply gap. The frequent policy changes and delays in implementation leads to lack of trust among the private sectors as in the case of Delhi Land pooling Policy which impacts the private investment thus securing the benefits of policy shift.

The outcome for **market-oriented model** in the form demand supply gap is drastically in contrast to the earlier model. In this format of development, the supply is ahead of the actual market demand leading to underutilization of land and mushrooming of real estate developments which end up lying vacant due to either lack of infrastructure and connectivity or investment for quick gains based on market speculation. The underlying reason for this outcome can be accredited to the certain governance and admirative practices which are against the normal function of societal norms. These formulation of the land governance policies and development control regulations (FAR, density, minimum land required for grant of development license) allowed the private sector to monopolize the supply of land. This gave way to nexus among the actors of development from the inception of development process. The relationship between the State and Market are motivated by the corrupt practices and political nexus as the degree of influence of either of the institutions can be easily manipulated. This leads to a sense of disillusionment among the development authority about their own role in the urban development process

Thus, the reason for demand-supply or over supply in Market-Oriented market can be attributed to the lack of good governance practices which gave way to state-market nexus and high land value speculation

The **Mixed model** seems to be an ideal alternative to both state- and market-oriented model, but the issue of Demand-supply gap is observed here as well. The demand supply gap may not be as striking or skewed as in the formal models but we do witness case studies of vacant units and underutilized land parcels. This outcome can be attributed to various factors like the failure of certain private sector entities to anticipate the actual demand for a particular housing typology, the lack of political willingness to check the unauthorized developments on public land, over supply of land through sudden demarcation of urbanizable area and lack of housing demand assessment by the public authority at the initial stages of development like master plan preparation.

Thus, the demand-supply gap in Mixed model is a combined effect of various factors attributed to the functioning of both public and private entities along the development process. Some of these factors are directly associated to the policy framework for Urban development process.

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