

## **Evolution of Town Planning Schemes In India: An Innovative Planning Tool**

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**Abstract:** The main objective of this paper is to explain how the era of Town Planning Schemes (TPs) have introduced in India particularly in Gujarat and Maharashtra state in performing the urban development strategies. Paper views the Town Planning Scheme implementation in India and in the state of Gujarat as a tool for implementation of development plan (macro level plan) with the attachment of Town Planning Scheme (micro level plan). Also explains evolution of Gujarat Town Planning and Urban Development Act-1976 (GTP&UD Act) and how it was enacted by timely amendments to control the urban sprawl. Paper strategically highlights that the GTP&UD Act-1976 provides for an effective two-stage techno-legal process for urban planning and implementation through the "DP-TP Scheme" mechanism. In Ahmedabad and Surat city of Gujarat 95 percent urban area is developed through Town Planning Schemes which shows fairly well-developed infrastructure throughout the city.

**Keywords:** Town Planning, Urban Planning, Urban Development, Land Pooling, Land Readjustment, Micro-level Planning, Town Planning Scheme,

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### **I. INTRODUCTION**

The origin of urban planning in India can be traced to the planned towns of Mohenjo-Daro and Harappa belonging to the Indus Valley Civilization as early as 2500BC. During the mogul period (1526-1800 AD) the growth of capital cities, building of forts, planned cities with central avenue was introduced. During the period of British rule, up to early 20<sup>th</sup> century, cities were consciously laid out for military and political dominance. The concern of public health, sanitation, spatial and social segregation, control were the underlying ideas of colonial planning.

Over past three decades, there is rapid urbanization and industrialization in our country. Ours is the second most populous country with a population of 1028 million and of which 285 million (27.8 %) live in the cities and towns. And by 2050, half of the population will be living in cities.

The urban migration by the time has aggravated the existing challenges of infrastructure services like roads, water supply, sewerage, storm water, networks, health and education facilities, traffic congestion, ineffective and inadequate public transportation system, unregulated and chaotic growth, environmental issues etc., which makes the cities vulnerable.

Land is a scare resource and mostly privately owned in the city area. And the challenge is to accommodate growing population in that limited resource without disturbing the production and supply of food and essentials for that growing population. So, it is important and urgent to design the land management tool for the need of existing and future urban growth. Indian cities are having the development plan (DP) as the land management tool at a macro level for attending the land management for existing and future growth. But at the micro level in India, there are sector planning in Chandigarh and Navi Mumbai. In Gujarat and Maharashtra there was evolved by the time a better land management tool through the Town Planning Schemes (TP Schemes).

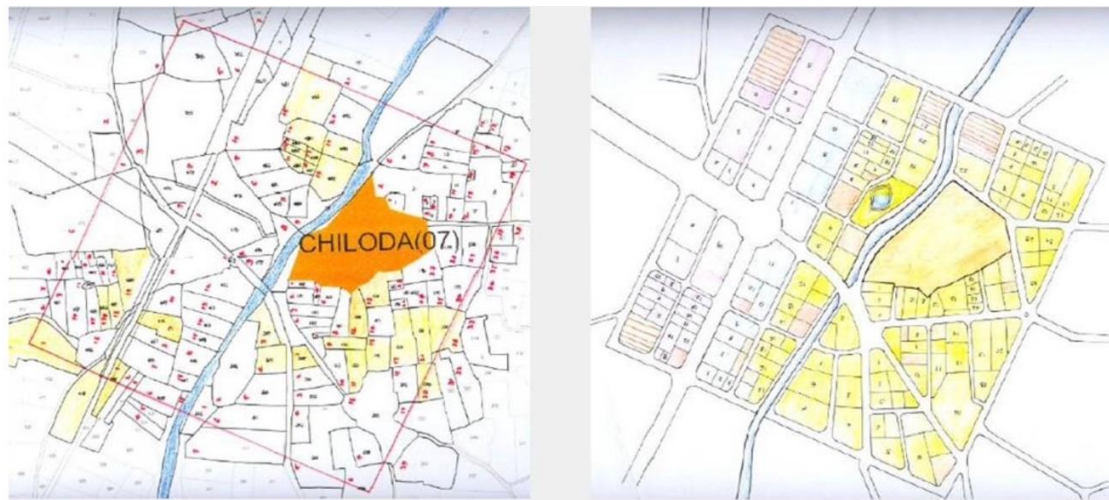
### **II. LAND POOLING**

Land pooling was made in our country by various methods in previous time. "Bhudan Yagn" by Vinoba Bhave is very known in era of pre-independence. Also, the land acquisition under provision of different Acts like Land acquisition Act-1894, Urban land ceiling and regulation Act-1976 etc. Many (PPP) Public Private Partnership methods also were implemented for land pooling.

### **2.1. LAND POOLING BY LAND READJUSTMENT CONCEPT OF TOWN PLANNING SCHEME**

The basic concept of the Town Planning Scheme is to pool together all the land typically ranging from (100 to 400 hectares) under different ownerships and redistributes it in a properly reconstituted form after carving out the required land for open space, social infrastructures, services, housing for economically weaker section of the population and the road network. Development authority (or local body) temporarily brings together a group of land owners for planning under the provision of state-level Town Planning Act. This process enable the development authority to develop land without fully acquiring it and gives positive control over the design and growth of the area concerned.

The size of the Final Plot (FP- plot to be allotted) is in the proportion to the size of the original plot (OP- original land owner's plot), and its location is as close as possible to the original location. Value Capture Financing (VCF) tool, such as betterment charges, incremental contribution, sale of reserved plots can finance the provision of infrastructure under the Town Planning Scheme area. Approximately 30 to 40 percent land is deducted from the original plot for land pooling for public purposes.



*Figure 1: Example of Town Planning scheme before and after.*

### **III. EVOLUTION OF TOWN PLANNING SCHEME**

Around 1870s onwards there was rapid urbanization especially due to growth of textile industry and it had multiplier effect on the various industries and services. In Bombay in 1898, the colonial government had created improvement Trust to bring light and air into the congested city centers challenged with the increased urbanization. The first Town Planning Schemes was prepared for seven acres (three hectares) of land in Bandra, Bombay. Then this practice was soon extended in 1915 by the enactment of Bombay Town Planning Act 1915 to the rest of the Bombay Presidency, which included parts of today's Maharashtra and Gujarat.

In 1915, the Bombay Town Planning Act introduced the concept of Town Planning Scheme wherein the scope was limited to the micro level planning. It was then in 1949, the Bombay Provincial Municipal Corporation (BPMC) Act was formed. It was an act which provided the establishment of Municipal Corporation for certain cities in the province of Bombay. The act covered the aspect of delineating a city with a view to ensure a better government, constituting municipal authorities to achieve this, prescribing the duties and powers of municipal authorities for regulating development. The Bombay Town Planning Act of 1915 was revised in 1954, thereby introducing the concept of Development Plan and Town Planning Schemes. The town planning act describes a two-stage town planning scheme wherein the initial stage is a draft town planning scheme and secondary stage cater the both aspects of physical and financial planning. The two-stage process took a decade time for its completion with extra time being spent as the finance mechanism was said to follow the physical planning stage and after that the scheme was to be sanctioned and then implementation process starts.

The Gujarat Town Planning and Urban Development Act (GTP&UD Act) was enacted thereafter in 1976 to consolidate and amend the law relating to the making and execution of Development Plans and Town Planning Schemes in the State of Gujarat. Till 1976, town planning activities were carried under the jurisdiction of local authorities under Bombay Town Planning Act, 1954. The GTP&UD Act constitutes Urban Development Area and Urban Development Authority under Section – 22 whereby, the State government is of the opinion that the object of proper development or re-development of any urban area or group of urban areas in the state together with such adjacent areas as may be considered necessary, whether covered under a development area.

After the preparation of Development Plan, there is no mechanism for its implementation in various legal sections of Gujarat Town Planning and Urban Development Act. So, there are separate sections in the act that was enacted for Town Planning Scheme that are planned for the implementation of DP. Major focus is on the land pooling and land re-adjustment for the purpose of providing planned infrastructure prior to any development happening at a neighborhood level. GTP&UD Act put forth a three-stage town planning mechanism instead of earlier two-stage of the initial act. The first stage is the Draft Town Planning Schemes prepared by the Local Self Government with public participation. The second stage is the preliminary stage where in the physical planning issues are dealt by a quasi-judicial officer appointed by the State Government. The third and final stage is the financial planning wherein the sale of developed land, deciding of betterment charges, cost of the infrastructure implementation and other land valuation aspects are carried out. The sub section 3.e of Section- 40 of GTP&UD Act mentions the allotment of reservation of land for roads, open spaces, gardens, recreational grounds, schools, markets, green-belts, transport facilities and public purposes of all kinds. The proposed land bifurcations for the activities include up to 10% for the socially and economically weaker sections' housing, up to 15% for roads, up to 5% each for parks, play grounds and other open spaces and up to 5% for social infrastructures under the rules of GTP&UD Act. The Town Planning Schemes as a detailed local area planning mechanism has been practiced in Gujarat for more the last nine decades. The first Town Planning Scheme in Gujarat was prepared in Jamalpur, in Ahmedabad in 192

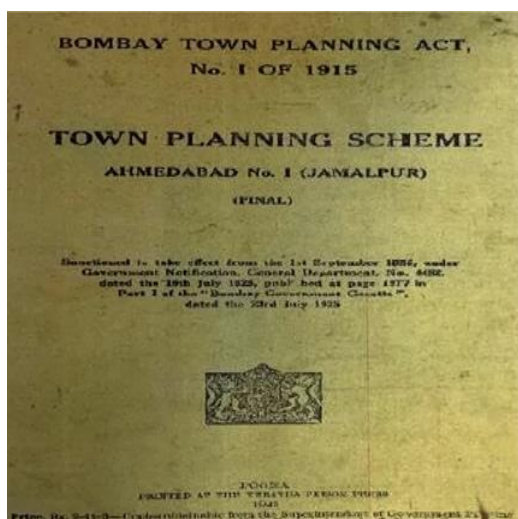


Figure 2: First Town Planning Scheme in Gujarat under the provision of Bombay Town Planning Act-1915.

Use of reserved land (in%)	
Housing for EWS	10
Roads	15
Parks, play grounds, gardens, and open space	5
Social infrastructures	5
Saleable plots	15

Table 1: Use of reservation land /section-40 of GTP&UD Act

### 3.1. Micro-Level Planning Models

The various ways in which the land transformation alternatives can be done are:

- **Laissez-faire development:** For few cities no Development Plans have been prepared, therefore, there is no further micro level planning mechanisms. The Town Planner approves the layout and there by the development starts in such cases there are no provisions for infrastructure, land for urban poor and civic amenities. Market decides the direction and quantum of development. Therefore, role of public agencies within such development process is very meagre.
- **Development Plan + Laissez-faire Development:** In the case the development plan is there but no legal or financial resource framework for implementation of Development Plan. So, only various zonal uses of development plans are controlled, and few artillery roads of development plan are acquired under the acquisition act. Thereby, the absents of micro-level planning, little control on market by Development Plan Proposals and absents of micro-level infrastructure and SEWS land.
- **Land Acquisition + Development:** The Development Authority acquires the whole development area and take possession of the land under the process. The planned development is made at macro and micro level is made with auctioning of land parcels for various uses. It requires huge capital investment by public authority. There is also a litigation for the owners from whom the land has been acquired. In this case the market is controlled by public authority. Real monopolistic and artificial market situation exists within this development process.
- **Private Townships:** Developer assembles land, plans and builds roads, amenities and government provides regulatory support and concerned infrastructure in exchange of charges.

- **Development Plan + Town Planning Scheme:** The Development Plan- Town Planning Scheme is a relatively well functioning and transformation system as planning is done at both macro and micro level by the planning authority. It is win-win situation for all the players. In this mechanism an integrated Development Plan gets implemented by the local level Town Planning Schemes.

*3.2. Process of Town Planning Scheme:*

The areas for future growth are identified way ahead in time which are mostly open, no development has taken place, and likely to be developed. Such areas are then systematically transformed to accommodate future growth in a planned manner with adequate provision of infrastructure. To being with the land holdings in the identified area limit are irregular in shape and generally all holdings do not have access. Large groups of land holdings are reorganized to regular shapes, each is given access and infrastructure requirements are envisioned. In the process of reorganizing the lands for roads, gardens, health facilities, education facilities, housing for poor is set aside and also plots for sale for rising infrastructure finance of the scheme.

The urban development planning scheme process is done in hierarchical level. Urban development is regulated at the Macro level plan by Development Plan or Master Plan which is a statutory instrument to control, direct and promote the growth of the development and redevelopment of urban area. The development plan is prepared with the view of achieving maximum social and economic benefits. Micro level plan indicates details and specific location of various activities and facilities as suggested in development plan. Therefore, town planning schemes are necessary for raising infrastructure finance of the scheme.

Town Planning Schemes are prepared under Gujarat Town Planning and Urban Development Act, 1976 to implement the development plan. Town Planning Schemes (TPS) is planned at micro level for approximate 100 to 400 hectares of land which are under the pressure of urban development and required priority attention.

Development Plan	Town Planning Schemes
1) Development control regulations 2) New Growth Areas 3) Zoning Regulation 4) Broad Land Use 5) City Level Infrastructure	1) Detailed Neighborhood road network 2) Land Reconstitutions 3) Appropriation of Land for Public purpose 4) Local Level Infrastructure 5) Infrastructure resource creation 6) Implementation of Development Plan proposals

**Figure 3: Implementation of Development Plan**

*3.3. Town Planning Schemes in Gujarat*

All actors like farmers, developers, revenue authorities, planning authorities and government has win-win situation with minor upper hand.

- All actors support it;
  - Equal land percentage deduction;
  - Developed land remains with original owner;
  - Land value appreciation is shared by owner;
  - Owners are not dislocated;
  - Owners are allowed to continue the agriculture operation if he wants;
  - Ample opportunity given to redress grievances at all three stages;
  - It opens the opportunity for real estate development; and
  - Developer doesn't have to worry about installation of external civic amenities.
- Revenue Authorities support it
  - Land information system is upgraded; and
  - Revenue status of the land remains the same.
- Planning Authorities support it
  - It fulfils their basic aims and objectives; and
  - It raises additional fund by selling of infrastructure plots.
- Government support as
  - Low capital requirements;

- Self-financing mechanism; and
- Well established in law.
- Support land market
- Rapid supply of serviced land;
- Promotes competitiveness; and
- Easy and availability of SEWS land.

In cities of Gujarat like Ahmedabad and Surat, the development is regulated by macro and micro planning mechanism. Road network, land use and zoning are planned through Development plans and area level planning through Town Planning Schemes thereby having a better accessibility and distribution of social amenities.

#### **IV. STAGES OF TOWN PLANNING SCHEME**

Simple steps for preparing Town Planning Scheme include

##### **First Stage**

- Deciding the Town Planning Scheme limit by LSGs or Urban Development Authority (UDAs);
- Declaration of the intention to prepare a Town Planning Schemes (TPS) by the governing body of LSGs and Urban Development Authority (UDAs);
- Chief Town Planner, State Government consultation; Preparation of the Base Map;
- Collecting the revenue records and other data from various government agencies;
- Preparation of the tentative Draft Town Planning Scheme;
- Arrangement of the Owners meeting to explain tentative Draft Town Planning Schemes with public notice;
- Invitation of the Objection and Suggestions for the tentative Draft Town Planning Schemes from the affected persons or owners;
- After considering the received objections and suggestions, necessary modification of the draft Town Planning Scheme is carried out;
- Again, revised draft Town Planning Scheme is published and suggestions cum objections are received;
- Submission of the Draft Town Planning Schemes to the State Government for sanction with received objections and suggestions; and
- Draft Town Planning sanctioned by government by publishing in government gazette.

##### **Second Stage**

- Appointment of the Town Planning Officer Town Planning Officer by the State Government;
- Town Planning Officer will carry out single station land survey;
- Town Planning Officer will collect latest revenue records and other data;
- Serving of individual notices to affected persons;
- Hearing of the objections and suggestions;
- Adjusting the revenue record area and survey area of each land parcels;
- Analysis and consultation of physical planning proposals by Town Planning Officer;
- Preparation of the Preliminary Town Planning Schemes (physical planning) considering the objections cum suggestions and drawing decisions on each land parcels;
- Submission of the Preliminary Town Planning Schemes for sanction to State Government;
- Sanction of the Preliminary Town Planning Schemes with or without modification by state Government;
- Every owner is shown his final plot on site by Urban Local Bodies and Urban Development Authority office;
- Possession of the original plot is taken, and the final plot is handed over to the owner;
- Based on his acceptance, he / she is handed over a possession receipt; and
- A plot book indicating the shape of the plot with dimension is provided to each plot owner.

##### **Third Stage**

- Town Planning Officer working out valuation, incremental contribution and informs the land owners;
- Further invitation for the objections and suggestions only for financial part;
- Decisions on the Final Scheme proposals;
- Information to each land owner;
- For the appeal against the valuation part, the land owner can approach the Board of Appeal, constituted by the State Government;
- The Board of Appeal (BOA) gives its decisions after the hearings; and
- Town Planning Officer varies the final Scheme as per the decision of the BOA and submits to the state government for its final sanction;

## V. CONCLUSIONS

In Gujarat, Town Planning Scheme has been used as a tool for Urban development with great success. This may be illustrated with the facts that almost 95 percent of Ahmedabad and Surat urban area is developed through Town Planning Schemes and the city has fairly well-developed infrastructure all throughout the city.

Some of the lessons from the success stories of Town Planning Schemes are based on continual legal evolvement, favorable institutional and financial conditions and procedural advancement. Due to their self-financing nature and high-level of landowner satisfaction, the Town Planning Schemes enjoys the high degree of acceptability in all in Gujarat. The state appoints a quasi-judicial officer, the TPO (Town Planner Officer a trained urban planner), with no influence from local authority, who interacts with landowners and prepares physical and financial planning which results in successful and fair implementation. In Town Planning Schemes land for public utilities development is made available at appropriate time, location without actually resorting to the land acquisition process, which in many ways has been a regressive process. The Town Planning Scheme process is a powerful and well-coordinated statutory tool, which involves not only a detailed land appropriation, land readjustment, and infrastructure development plan but also a mechanism for financing and implementing the plan. The application of mechanism of Town Planning Schemes should not be limited to urban development only. But it should also be usable for industrial estates, airports, economical corridor development etc.

Certain improvement in the process of Town Planning Schemes may make it more effective to the society at large. The Town Planning Scheme decision making processes do not represents landowners, only encourages their consultation regarding their plots. Lease holders and tenants have no voice in planning and implementation.

Land is not a central level subject in India and solely under the jurisdiction of the state. So unfortunately, not many states have endorsed Town Planning Act, which limiting use of Town Planning Schemes in few states. The central government can play an active role in pushing state to use the tool of Town Planning Scheme more commonly.

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