

# **Town Planning Scheme**

**For MPSC Exam**

## **Syllabus**

- **Town Planning Scheme.**
  - **Concept of Town Planning Scheme.**
  - **Preparation of T. P scheme as per provisions of MR & TP Act 1966.**
  - **Relation with D.P.**
  - **Original Plot, Final Plot, Semi-final Plot.**
  - **Incremental Contribution (Betterment Charge)**
  - **Rational for charging Incremental Contribution.**
  - **Contents of TPS, Cost Of TPS.**
  - **Functions of Arbitrator.**
  - **Advance Possession.**
  - **Amenities, Partially beneficial.**
  - **Tribunal of Appeal.**
  - **(includes Town Planning Legislation In Maharashtra)**

## **Town Planning Legislations in Maharashtra**

### **Bombay Town Planning Act, 1915**

- a) Authorisation to undertake T. P. Scheme but not mandatory.
- b) Only larger towns prepared Schemes.

### **Bombay Town Planning Act, 1954**

- a) Preparation of DPs made mandatory
- b) T P Scheme was a tool to implement D.P proposals.

### **Maharashtra Regional & Town Planning Act, 1966**

- a) Preparation of RP introduced
- b) Preparation of DPs made mandatory
- c) TPS as a tool to implement DP Proposals. However now it can be prepared for the area in the course of Development.

In the pre independence period, to achieve planned development of cities similar to London, first Town Planning Scheme was undertaken and implemented during 1917 in Jamalpur area of Ahmadabad city. This scheme was prepared as per the provisions of then the Bombay Town Planning Act, 1915.

## **Stories of Town Planning Scheme**

### ➤ **MAHARASHTRA STATE**

- Many schemes prepared by Consulting Surveyor to Govt. for Maharashtra, Gujrat, Karnataka which were parts of the then Bombay Province.
- Nearly 125 Schemes for approx. 10000 Ha. area prepared in Mumbai, Pune, Solapur etc.
- Nearly 40 schemes in Mumbai.

### ➤ **GUJARAT STATE**

- Gujarat modified and brought the Gujarat Town Planning and Urban Development Act, 1976 into force in 1976.
- Provision for “Area Development Authority” was incorporated and authorities like SUDA, AUDA, RUDA were created.
- Development activities were carried out with the help of TPS concept.

## **Smart City Scheme Of The Central Government**

This scheme envisages the urban development in following broad categories

### ➤ **Brownfield development -**

- Retrofitting- Mainly road widening in the already developed congested core areas of the city, wherever possible.
- Redevelopment- Development of already developed congested core areas of the city, by forming clusters.

### ➤ **Greenfield development -**

- Planned development of lands situated on the outskirts or open vacant lands.

## **Urban Land Management**

- ULM consists of formulating & administering policy instruments to ensure the adequate availability of land at the time when required and at a reasonable price.
- **Constituents of ULM.**
  - Land assembly
  - Development of land
  - Disposal of land
- **LAND ASSEMBLY TECHNIQUES**
  - Compulsory Acquisition
  - Private negotiations
  - Acquisition through exchange of land
  - Acquisition through grant of TDR/FSI
  - Acquisition through Accommodation Reservation
  - Acquisition through confiscation & Nationalization
  - Public – Private ventures

## • **Learnings From Experiences**

- The LARR Act 2013 has increased the financial burden on the otherwise funds starved Urban Local Bodies.
- Land Acquisition Cases create inequality.
- Delays because of Court references in Land Acquisition cases.
- Town planning scheme is land acquisition without tears

## **Town Planning Scheme**

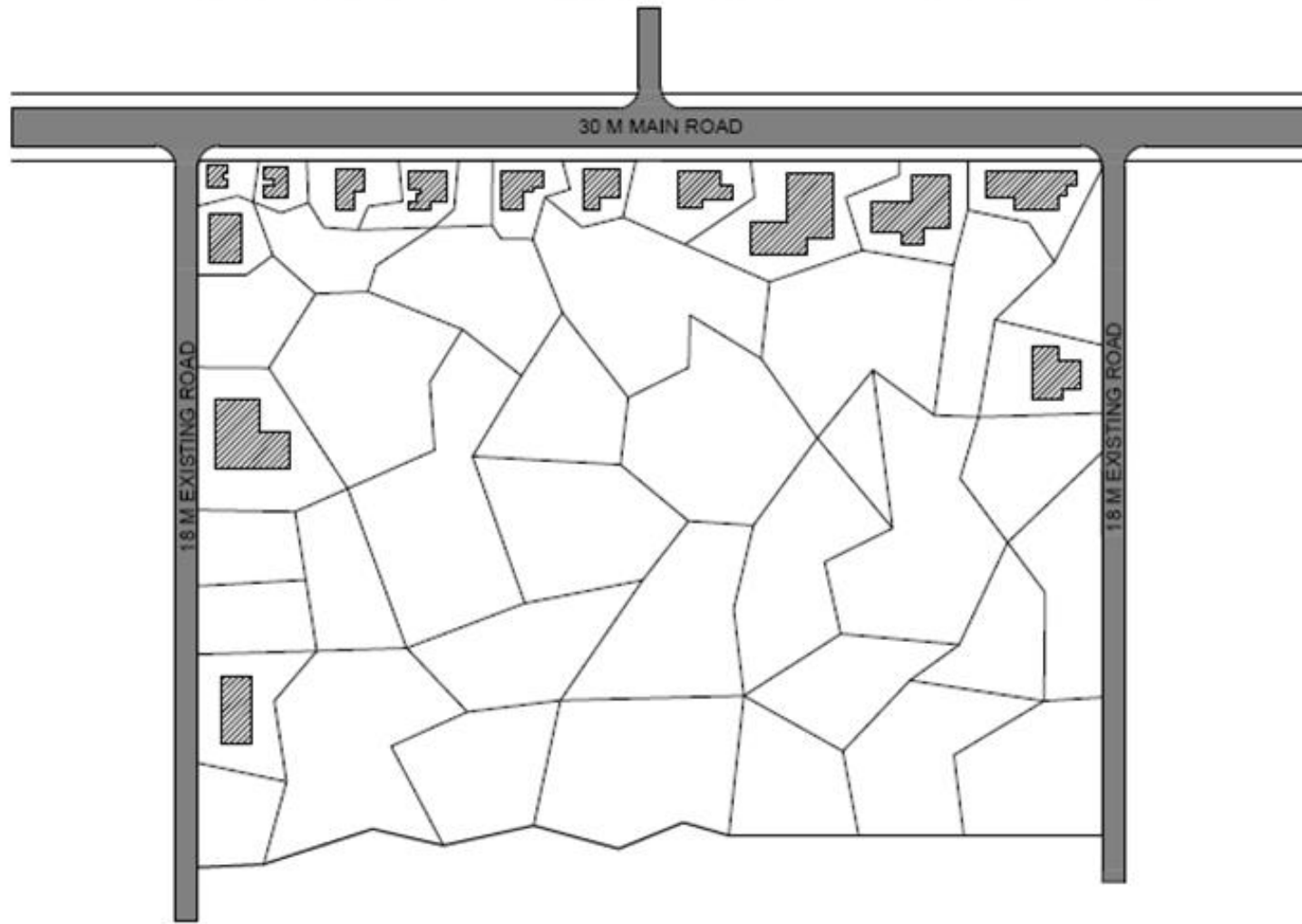
Three stages of scheme.

- Draft scheme
- Preliminary scheme
- Final scheme

## **Principles of TPS**

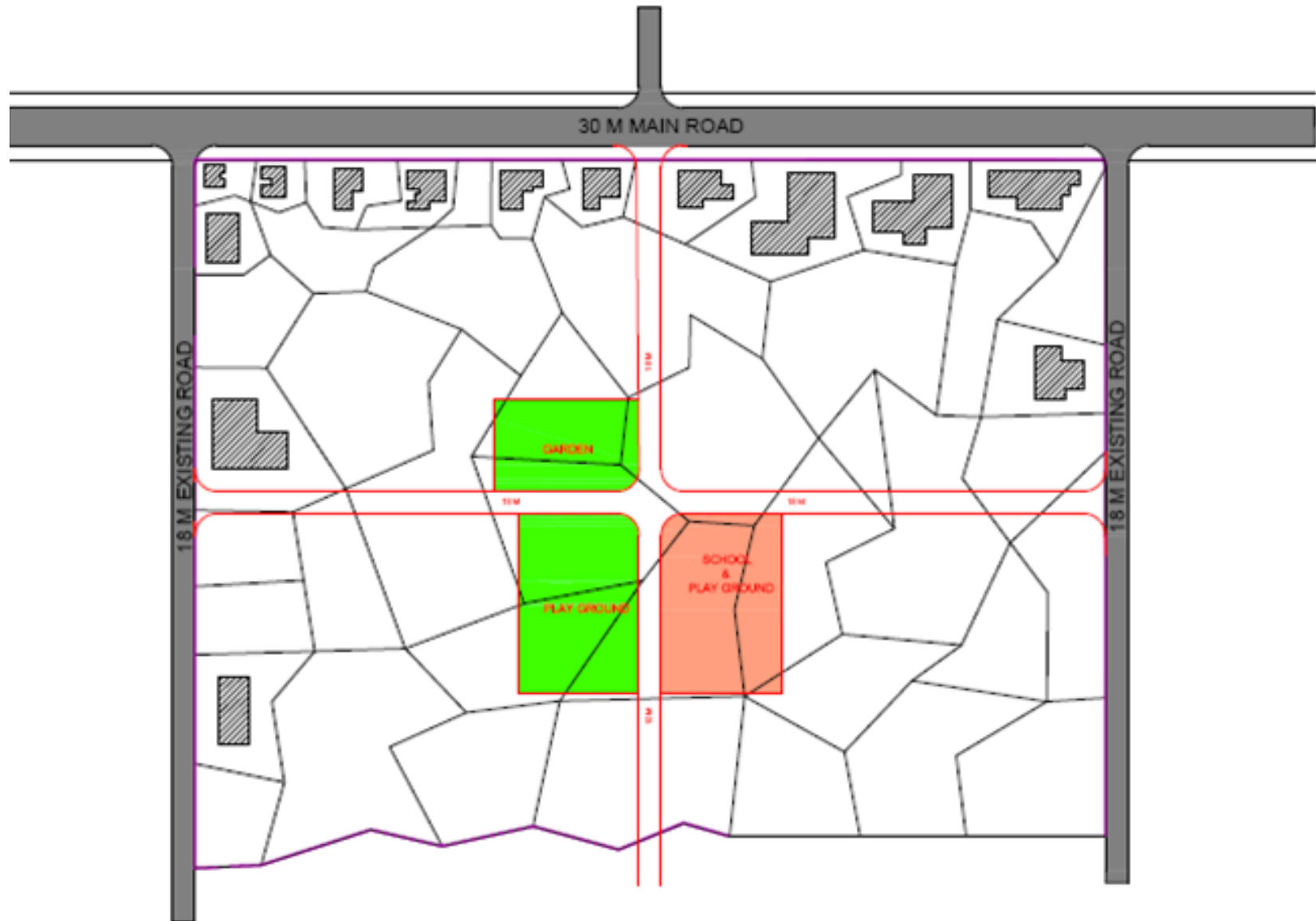
- Land Pooling
- Plot Reconstitution
- Redistribution of Reconstituted Plots
- Increments, Incremental Contribution maximum 50%
- Making land available for public purpose

TOWN PLANNING SCHEME....A CONCEPT  
SCHEME AREA WITH EXISTING HOLDINGS AND STRUCTURES



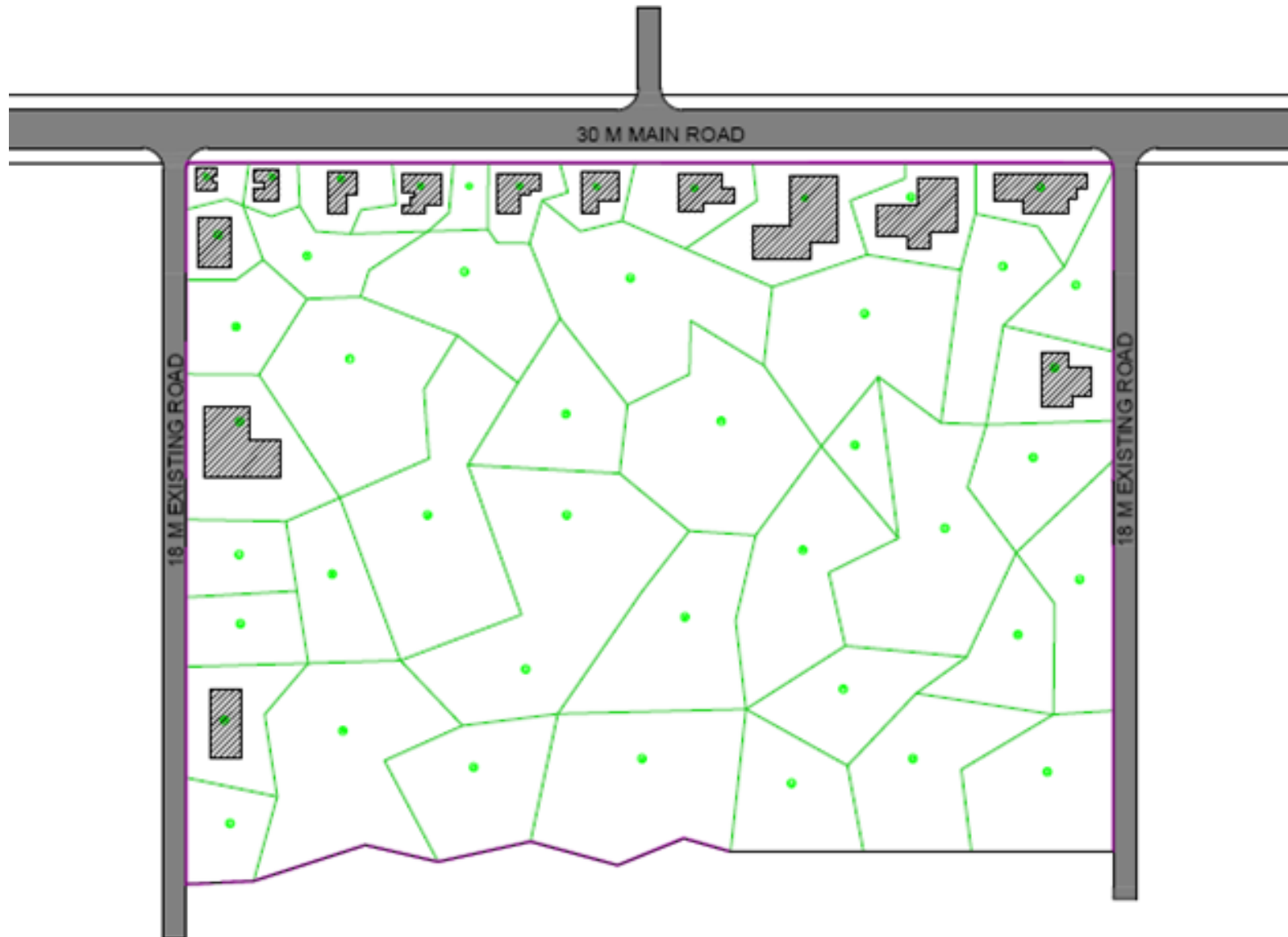


# TOWN PLANNING SCHEME....A CONCEPT EXISTING HOLDINGS WITH DP RESERVATIONS AND ROADS



# TOWN PLANNING SCHEME...A CONCEPT

## ORIGINAL PLOTS WITH EXISTING ROADS AND STRUCTURES



# TOWN PLANNING SCHEME....A CONCEPT

## ORIGINAL AND FINAL PLOTS WITH RESERVATIONS AND ROADS



# TOWN PLANNING SCHEME....A CONCEPT FINAL PLOTS WITH RESERVATIONS AND ROADS

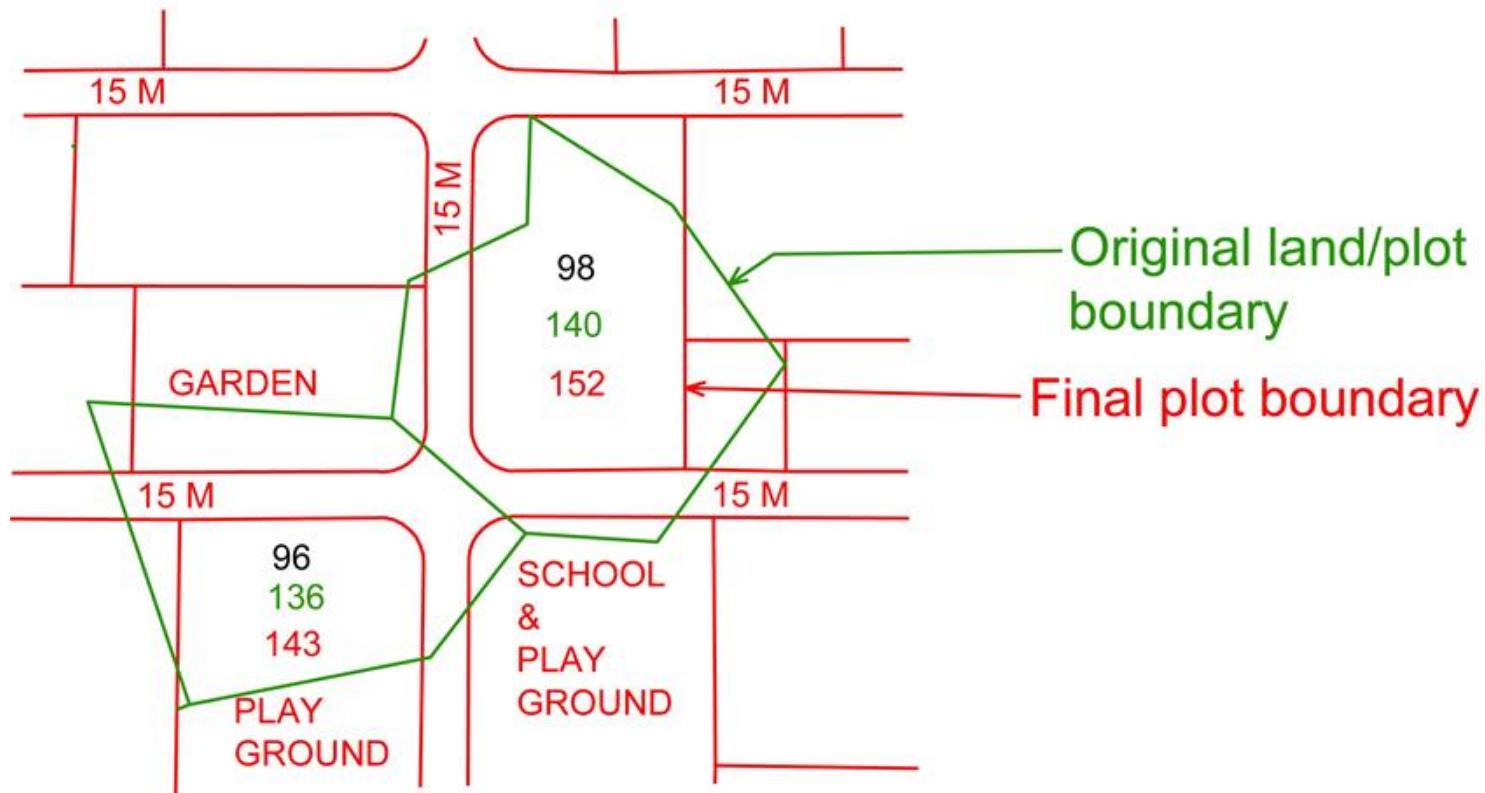


SCHEME AREA .....	416823 . 00 sq.m
GARDEN AREA .....	14610 . 40 sq.m
SCHOOL & P. G. ....	14610 . 40 sq.m
M.H. AND Disp. ....	8863 . 95 sq.m
D.P.ROADS .....	23693 . 20 sq.m
SCHEME ROADS .....	60400 . 00 sq.m
EWS / LIG PLOT .....	23373 . 60 sq.m
SALE PLOTS .....	10399 . 80 sq.m
F. P. AREA .....	14610 . 40 sq.m
LAND BACK TO OWNERS .....	62.60 %

## Terminologies in Town Planning Scheme

- OPs – Original Plots- means original land/plot with survey no or city survey no.
- FPs – Final Plots- means reconstituted final plot in TPS.
- **Valuation & Redistribution Statement**
  - **OP Value (Original Plot Value)** – It is the value of original plot i.e. holding on its original state as on date of declaration of intention to prepare scheme.
  - **SFP value (Semi-final Plot Value)** - It is the value of the final plot without taking into consideration the improvement (development) contemplated under the scheme, other than improvements due to alteration of its boundaries, i.e. value of final plot as a result of improvement in geometric shape.
  - **FP value (Final Plot Value)** - It is the value of final plot decided on the assumption that the improvements contemplated under the scheme have been carried out.

All these values are estimated on the date of declaration of intention.



- **O.P Value** – Value of Original land /Plot.
- **Semi Final Value** – What happens to original plot
  - Reduction in area – for which compensation is to be paid.
  - Regular shape plot – certain addition in value.
  - Value of Final Plot without taking into consideration the development carried out.
- **Final Value** – Value of final plot taking into consideration that development has taken place.

- **Compensation** - It is the difference between the values of original and semi-final plots on the account of reduction in area of plot.
- **Increment** - It is the difference between final and semi-final values of the plot.
- **Contribution** - The scheme is to be made self-financing by recovery of contribution levied by the authority on each final plot out of UNEARNED INCOME. Not more than 50 percent of the increment can be recovered from any owner. But if the total cost of the scheme exceeds half the total amount of increments then, the contributions shall not be less than half the increment.. No such contribution is levied on the plots allotted, used or reserved for public purposes. It is levied partly in case of such plots which are partially beneficial to the scheme holders.

- **From Owner's Angle**

- If the cost of the scheme is met through sale of lands then, minimal contribution from owner.
- If the cost of the scheme is met through funds of Planning Authority and sale of lands then, minimal contribution from owner.
- For loss of area from original plot, FSI/TDR can be given in lieu of compensation if owner desires.
- Buildable FPs in return.
- No Dispossession.
- Improvement in standard of Living
- Enjoy all the benefits in the Scheme area as if New Town.



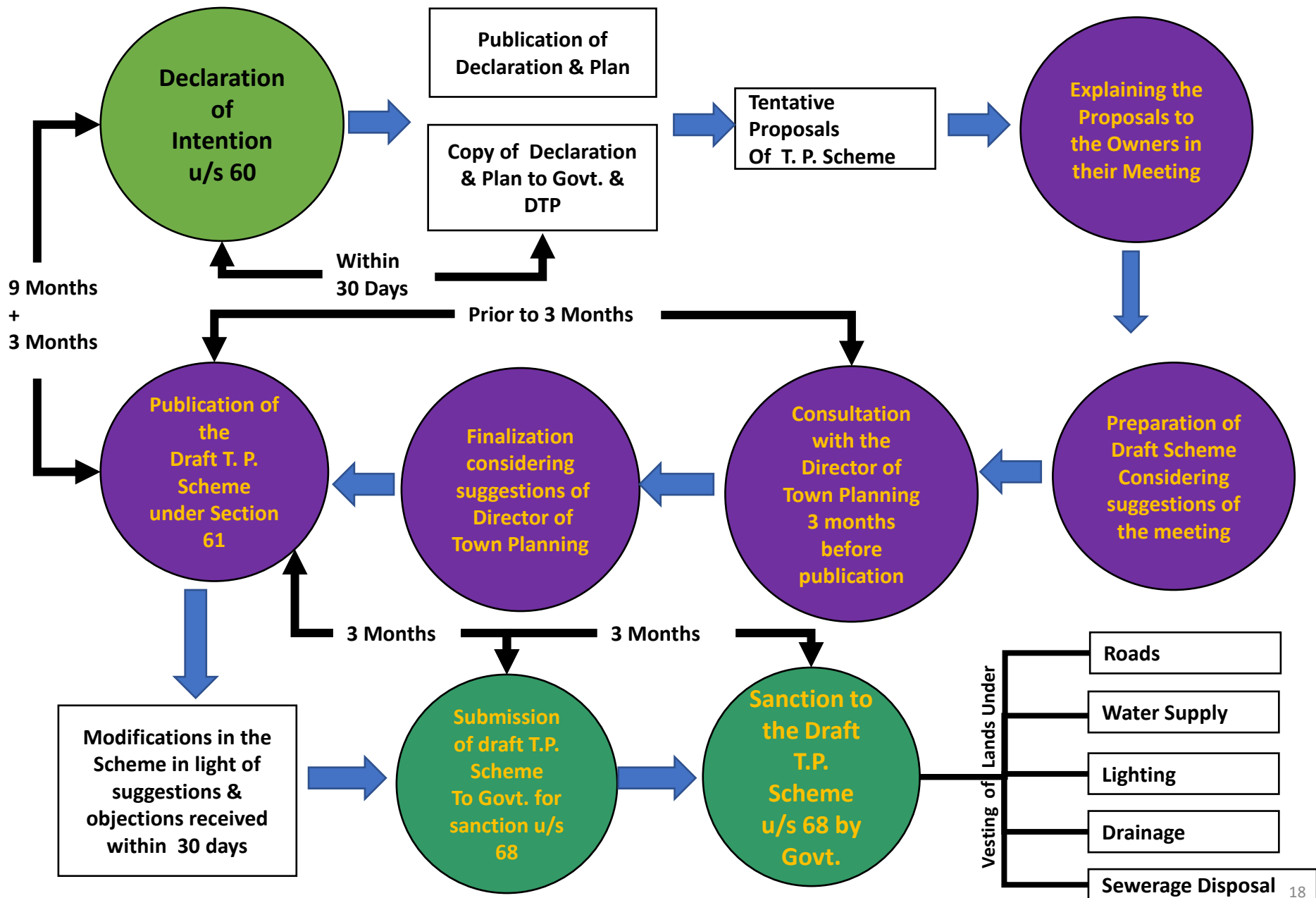
- **From Authority's Angle**

- Availability of land for Public purposes at least resistance.
- Speedy Development of basic infrastructure.
- Value of land goes up resulting in acceptance of TPS.
- Speedy implementation of social infrastructure and increase in income.
- Win-win situation for both Owner and Authority.
- Purchase Notice u/s 49 & 127 not applicable once the intention to prepare a scheme is declared.
- Recovery of betterment charges is possible.

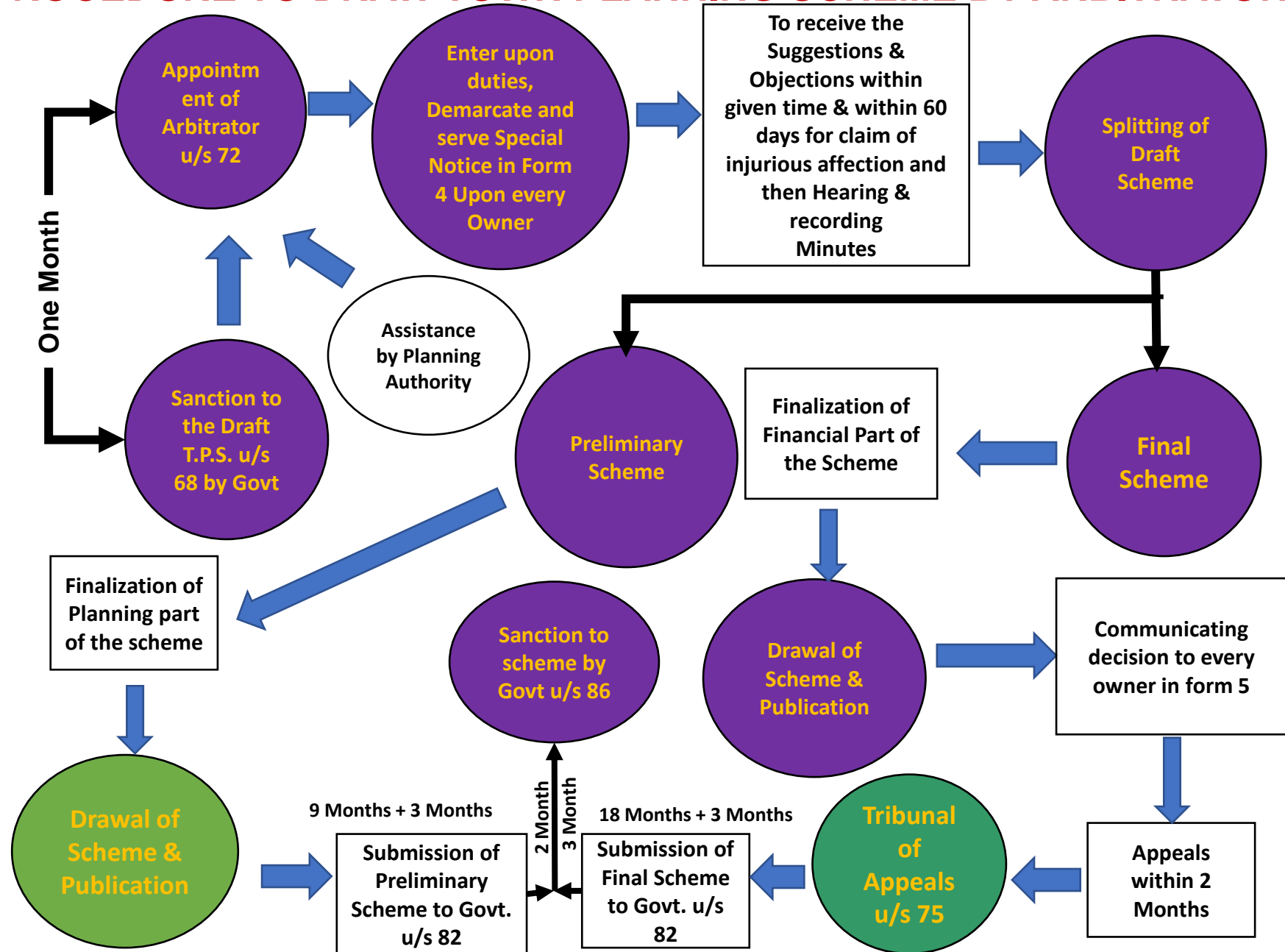
- **Government's Angle**

- Constitutional obligation of providing public amenities/ facilities, is fulfilled.
- Commitment of Implementation of Development Plan proposals made easy through a TP Scheme, at local level.
- Lesser land acquisition cases and litigation, leading to a good administration.
- The government is not required to bother for making decision in Purchase Notices u/s 49 and 127, in the TPS areas.
- Overall lesser capital investment by the state.

# PROCEDURE FOR DRAFT TOWN PLANNING SCHEME BY PLANNING AUTHORITY



# PROCEDURE TO DRAW TOWN PLANNING SCHEME BY ARBITRATOR



- **Provisions of MRTP Act, 1966 in respect of TPS**

**Sec. 59 – (a) Planning Authority can Prepare Town Planning Scheme** –For implementing proposals of DP or land likely to be in course of development.

(b) a town planning scheme may make provision for any of the following matters, that is to say—

- (i) any of the matters specified in section 22 ;
- (ii) the laying out or re-laying out of land, either vacant or already built upon, including areas of comprehensive development ;
  - (ii-a) the filling-up or reclamation of low-lying, swampy or unhealthy area, or leveling-up of land ;
  - (ii-b) layout of new streets or roads, construction, diversion, extension, alteration, improvement and closing up of streets and roads and discontinuance of communications;
  - (ii-c) the construction, alteration and removal of buildings, bridges and other structures ;
  - (ii-d) the allotment or reservation of land for open spaces, gardens, recreation grounds, schools, markets, green-belts, dairies, transport facilities and public purposes of all kinds;

- (ii-e) drainage, inclusive of sewerage, surface or sub-soil drainage and sewage disposal ;
- (ii-f) lighting ;
- (ii-g) water supply ;
- (ii-h) the preservation of objects of historical or national interest or natural beauty, and of building actually used for religious purposes ;

(iii) the suspension, as far as may be necessary for the proper carrying out of the scheme, of any rule, bye-law, regulation, notification or order made or issued under any law for the time being in force which the Legislature of the State is competent to make ;

(2) In making provisions in a draft town planning scheme, it shall be lawful for a Planning Authority with the approval of the Director of Town Planning and subject to the provisions of section 68 to provide for suitable amendment of the Development plan.

## **Sec. 60. Power of Planning Authority to Resolve Declaration of Intention to Make Scheme.**

- (1) A Planning Authority may by resolution declare its intention to make a town planning scheme.
- (2) **Not later than Thirty days** from the date of such declaration of the Planning Authority shall publish the declaration in the Official Gazette, and in one or more newspaper and dispatch a copy thereof (together with a copy of the plan showing the area to be included in the scheme) to the State Government and also to the Director of Town Planning.
- (3) A copy of the plan shall be open to the inspection of the public at all reasonable hours.

## **Sec .61- Making and Publication of Draft Scheme.**

- (1) **Not later than Nine months** from the date of the declaration, subject, however, to sub-section (3), the Planning Authority shall, in consultation with the Director of Town Planning, make a draft scheme for the area in respect of which the declaration was made, and publish a notice in the Official Gazette, and in such other manner as may be prescribed stating that the draft scheme in respect of such area has been made.