CHAPTER 4

BACKGROUND TO URBAN PLANNING IN MAHARASHTRA

This Chapter provides a contextual background on the subject of Maharashtra’s urban planning. It begins with a look at the significance of urban planning and outlines how the subject was dealt with globally, nationally and in the State. It specifically looks at urban poverty and urban infrastructure issues and the challenges that the cities shall face.

4.1. The Significance of Urban Planning

Planning is a central prerequisite to all human activity designed to be done with precision and order. Absence of such forethought before actual execution is most likely to lead to errors of several dimensions and end up in the possible creation of an inefficient product, further compounded by greater expenditure and a larger implementation time-frame. Hence all that we undertake to do needs some kind of planning.

Urban planning, however, is more complex since urban living involves organizing many lives and multiple activities in a highly compact land mass with high density. Rural societies live a more natural and simple existence and population densities are comparatively low. The transition to urban living imposes more compact living with a multiplicity of activities that need to be well organized to achieve high degrees of compatibility and productivity. Good urban planning allows doing urban activities and living urban lives with efficiency, health and well-being.

In its comprehensive form, urban planning comprises land use, socio-economic and environmental planning for economy, efficiency, sustainability and an acceptable quality of life. The planning processes would further embrace, inter alia, education, health, residence, commerce, infrastructure such as power, water, waste water, solid waste, transportation and recreation.

Since the dynamics of towns lead to an on-going expansion, urban planning cannot be a one-time activity, but needs to continuously respond to physical and demographic growth, technological innovation, socio-economic changes, competition, the availability of critical resources and community needs. Objectives, therefore, need to be revisited and planning formulations revised to meet the ever emerging challenges. Failure to work out a proper
response would build in infirmities in the city and adversely impact its livability and productivity and the ultimate erosion of its recognition as a city worthy of occupation.

4.2. The Significance of Towns
With the onset of the twenty-first century, towns have become the primary mode of living. The global population is now more urban than rural and this phenomenon may be expressed as the 'urban revolution' at least in demographic terms. In economic terms, the significance of urban centers is no less significant, as they house a predominantly large part of the economy. Culturally, as well, they largely reflect the nations' civilization. "The physical form of a town does in many ways reflect... the social condition of the people who live in it, ..... their cultural achievement, their economic status, the kind of government they possess. The town reflects these characteristics because it arises out of them" (Sharp 1945).

4.3. Global Examples of Urban Planning
India, in the modern era, has borrowed substantially from urban planning ideas of the west. This was natural, both on account of the country spending centuries under the imperial rule of the British and their more rapid urbanization in the nineteenth and twentieth centuries. Even for them, however, this underwent a learning process. There was a time that western cities were poorly planned and quality of life was dismal. In a sketch titled Nottingham and the Mining Countryside, English towns were described by one of the foremost British writers D H Lawrence in about 1929 as "a great scrabble of ugly pettiness over the face of the land" (Sharp 1945). He further wrote, in the same vein, that "England has had towns for centuries. But they have never been real towns, only clusters of village streets. Never the real urbs." He further added," The English are town birds through and through. Yet they don't know how to build a city, how to think of one, or how to live in one. They are all suburban, pseudo-cottagey, and not one of them knows how to be truly urban.... The English may be mentally and spiritually developed; but as citizens of splendid cities they are more ignominious than rabbits". (D H Lawrence, 1929).

Similarly, Paris, before 1850s, was far from being the great city it is today. It was a big city with poor sanitation, narrow, crooked streets and run-down houses, and did not qualify as a modern city for good collective living. It was between 1852 and 1870 that Haussmann comprehensively transformed Paris that gave the city its present form. His plan encompassed wide and straight streets and boulevards, regulations in regard to facades of buildings, public parks, overhaul of city water and sewerage systems, public
utilities, cafes and shops and monuments designed with architectural excellence. All these planning inputs, apart from the look of grandeur that they brought to the city, rid Paris of its disease and epidemics, improved remarkably traffic circulation and provided greater functional efficiency to buildings.

The problems faced by English towns in the mid 18th century (post industrial revolution) consisted of the growth of unsanitary slums in the industrial towns of London, Manchester and Glasgow. Vast numbers of rural immigrants, stripped of their pastoral and handicraft jobs migrated to the large cities to find jobs in the newly established industries; and having nowhere to live, constructed hastily built ramshackle structures.

The slums constituted a cost in many ways, not only to slum dwellers themselves but also to taxpayers. The cost to the slum dwellers (though not exactly in terms of money), was mainly in the form of health risks. The cost to residents of the non-slum areas manifested in the form of taxes that paid for health services to be used by both, slum dwellers and other residents. It was considered that this would be an avoidable cost only if the city governments could lay down a code for new houses to be constructed and ensure rigidly that the new housing strictly conformed to it.

The Public Health Act of 1875 in England marked the beginning of statutory interventions in the actions of private citizens resulting in town expansion. This act authorized municipalities to prescribe building regulations to ensure adequate daylight and sanitation for the new houses that were to be constructed. The new residential house blocks, which were erected under the influence of these byelaws, however, consisted of rows and rows of box type structures resulting in dull and monotonous residential areas. This period was called the byelaw era. Unwin said about these byelaws, “There is no doubt that much good work has been done in the matter of ample supply of pure water, in the matter of drainage and removal of waste matter, in the paving, lighting and the cleansing of streets. Probably our towns are as well served or even better than that elsewhere. By means of our much abused byelaws, the worst excesses of overcrowding have been restrained and a certain minimum standard of air, space, light and ventilation has been secured. And yet the remarkable fact remains, that there are growing up around our big towns vast districts under these very byelaws, which, for dreariness and sheer ugliness are difficult to match anywhere else, and compared with which many of the old unhealthy slums are, from the point of view of picture sequences and beauty infinitely more attractive.” It was felt that for good town development health and hygiene considerations have to be supplemented by elements of beauty and aesthetics.
The Royal Institute of British Architects, the Royal Institute of Chartered Surveyors and the Association of Municipalities demanded the introduction of statutory town planning for this purpose (combining aesthetics with regulation) and this led to the first Town Planning Act in Britain, which was the Town Planning Act of 1909. The evolution of such modern town planning in the West, as stated above, establishes an unambiguous link between plans and socio-economic exigencies of the prevalent situation.

The Act provided for the preparation of Town planning Schemes’ for areas in the course of development, which would ensure aesthetics as well as orderliness in the new developments. The Act also authorized municipalities to recover a betterment contribution from the owners of the land benefiting from the development. The draft bill initially provided for a 100% recovery of such betterment. The argument was that if the value increase was because of investments made by local authority, the entire amount of such increase should flow back to the authority making the investments. The House of Lords opposed this suggestion and argued that profiteering should not be the objective of public authorities. It suggested that the local authorities should recover only as much of the betterment as would enable them to recover costs. Ultimately, as a compromise, the Act provided for a recovery of 50% of the estimated betterment, which was expected to meet the costs of development by local authorities. Subsequent experience showed that recovery at 50% was not actually sufficient. The maximum recovery percentage was then increased to 75%. In subsequent decades the Act was amended a number of times, continuing however with piecemeal planning through the medium of Town Planning Schemes for portions of cities.

During the Great Depression of the 1930s, regional and national governments intervened more forcefully in town planning to foster economic development in depressed regions. In the United States, President Roosevelt under his New Deal programme established a Public Works Administration to deal with capital improvements, a National Planning Board to coordinate long-range development, and a programme that produced three greenbelt towns.

The extensive physical rebuilding of cities following World War II lent new urgency to town planning and in 1947, Britain enacted its significant Town and County Planning Act, which placed all development under regional control. Reconstruction and the building of new towns were encouraged not only in Britain, but also in the Netherlands, Germany and Finland. The new European towns in turn encouraged the planning and
construction of similar self-contained communities in other areas of the world, including Brasilia in Brazil, and Chandigarh in India.

The heretofore merely physical approach to planning broadened in the late 1960s to include social, economic, and political policy issues as well. Planners increasingly recognised that although cities are an arrangement of neighbourhoods, industry and commerce, their definitive characteristics are more intangible – the educational and work aspirations of their residents, their economic strengths and weaknesses, and their ability to make or influence the policy decisions that affect their daily lives. Thus, modern urban planning requires a more multi-disciplinary approach guided by a holism that ensures a just and equitable share of resources to all citizens and makes cities sustainable.

4.4. Urban Planning In India

It is ironical indeed, that in the land that invented systematic town planning in the Indus Valley, most modern cities have had an unplanned beginning, and continued to grow without any conscious efforts at planning. Villages outgrew their childhood and became young towns, and these in turn gathered girth and flab and became bigger towns. Some of the bigger ones could not stop growing and have mushroomed lately into awesome metros, much like ribbons of streams converting themselves into bouncy rivulets, swollen rivers and deep and seemingly unending oceans.

Urbanisation is a twentieth century phenomenon in India and so are urban laws, as we know them today. While cities have existed for centuries, laws governing town planning found their genesis in the problems created by the era of colonial capitalism. The Industrial Revolution provided momentum to industrialisation, which in turn fuelled migration, which became easier and faster in the age of the railway and automobile. Large numbers thereby congregated at select industrial locations to participate in the generation of goods and services and in earning wages. Such congested settlements now needed to have stricter controls to survive in an orderly fashion, and thus began the enactment of town planning laws.

In effect, these laws were instruments of intervention in the private rights of citizens for the larger good of the community.

History of Planning Laws

Inspired by the British Housing and Town Planning Act of 1909, the former Presidency of Bombay was the first in India to enact the Bombay Town Planning Act in 1915. It
provided for the preparation of Town Planning Schemes for city areas potentially ready for development. Conceptually, the Town Planning Scheme was a big improvement on the earlier Improvement Trust scheme. This was a project prepared by the municipal body on behalf of the owners without acquisition of any land. A self contained neighbourhood, complete with community facilities could be developed by owners of adjoining lands by sharing costs as well as benefits through the twin concepts of compensation and betterment, in proportion to the value of lands contributed or gained by them for such development.

After more than three decades of experience and experimentation, the British Town Planning Act was found to be inadequate, and was replaced by the Town and Country Planning Act of 1947. While its earlier version had looked at Town Planning Schemes as the primary instrument of planning, the latter moved on to comprehensive Development Plans for an entire city. The lead was again taken by Bombay, and the earlier Town Planning Act was amended in 1954 to provide for the preparation of comprehensive Development Plans comprising the entire area within the limits of a town.

Town planning, unlike earlier, was now no longer a discretionary function to be taken up at the will of the local body, but was made a mandatory duty. However, while the new British Act discarded the concept of Town Planning Schemes of the earlier version, the 1954 Indian Act retained it as a tool for the implementation of the Development Plan. This meant that while a Development Plan would encompass the entire physical area of a city and would be prepared up front, Town Planning Schemes could follow as a methodology to implement the Plan for parts of the city.

The Act also provided a time frame in which the Development Plan was to be prepared and sent to Government for approval – and if the local body failed to beat the clock, the State Government retained the power to prepare the Plan itself.

While Bombay and Madras Presidencies pioneered in the introduction of an exclusive legislation for ‘Town Planning’, many states in India did not have an exclusive law for the same for a long time. In due course of time after independence, the Town and Country Planning Organization set up by the Government of India framed a model town planning law for states that did not have such an exclusive law for governing town planning and planned town development. The Central Regional and Urban Planning Organization (CRUPO) later merged in the Town and Country Planning Organization. Today, almost every state has an exclusive law for Town Planning/Urban Area Planning. Some of these
follow the guidelines of the Model Law while others have framed laws suiting the requirements of their own states.

The principle variations in the statutory provisions relating to Town Planning under the different State Acts are as follows:

- In some States, Town Planning is an automatic and obligatory duty of the elected Municipal Council, while in others it can be entrusted to the Municipality (as in case of Gujarat) by declaring the Municipality as an Area Development Authority. Karnataka provides for the setting up of a nominated Local Area Planning Authority with representation to the Municipality of the town/towns included in the Local Planning area designated as such.
- Some States have nominated Urban Area Development Authorities for undertaking planned development of lands falling outside Municipal limits which may also include lands within Municipal limits.
- Urban Development Authorities are expected to operate much on the same lines as private land development companies, rotating their seed capital.
- In non-UDA areas, the planning authority can meet development costs through the recovery of betterment contributions from the beneficiaries if they prepare a Town Planning Scheme.
- The preparation of a Town Planning Scheme (in these States) is however not compulsory, and the Municipality can opt to implement the Development Plan by acquiring the required lands under the Land Acquisition Act and meeting the development expenditure through its normal budget.
- Municipalities are authorized to levy a development charge at predetermined rates, the receipt of which is expected to provide part of the finance for the implementation of the plan.

While a transition in urban planning had been made, leading to the thinking that a town needs to be comprehensively looked at rather than in piecemeal fashion, realisation also dawned upon planners that the physical limits of towns are but imaginary lines that do not stop urbanisation beyond their periphery. Growth continues to take place beyond them, and there is a symbiotic relationship of the town with the countryside where each impacts upon the other. If this fact was ignored, especially in the case of metropolitan cities, and towns were planned in isolation, a substantial chunk of such internal planning would run the risk of being nullified by outside growth.
This issue was studied in depth by the Gadgil Committee while the draft Development Plan of Greater Bombay was under consideration of the Government of Maharashtra. The State was especially concerned about the unprecedented urbanisation of the metropolitan regions of Bombay and Pune outside the city limits and the dire necessity of balanced regional growth. The Committee suggested that there was a need for macro planning for a larger physical area beyond the limits of a town, and must include all such outside areas that constitute the direct influence area of the town. These would be the Regional Plans, and would define the broad outlines for socio-economic as well as physical development of the city and its region. Decisions regarding populations, jobs, services, amenities and utilities were to be planned on a regional basis. The city Development Plans would then follow, and would be in consonance with the Regional Plan.

The recommendations of the Gadgil Committee were accepted and led to the replacement of the Bombay Town Planning Act by the Maharashtra Regional and Town Planning Act 1966, which incorporated these recommendations. The enactment of this law was broadly followed elsewhere in the country and a number of Regional Plans were prepared – some of the prominent ones were the Regional Plan for the National Capital Region, Regional Plans for the Mumbai, Chennai and Calcutta metropolitan regions and several others.

Thus a three-tier planning process has now been established. At the apex of macro planning is the Regional Plan, which looks holistically at a city or a group of closely knit cities along with the hinterland, aiming at balanced regional growth. The Regional Plan is followed at the second level by the Development Plan treating an entire city as a unit and looking at it comprehensively. At the bottom is the Town Planning Scheme, which takes up part of a city for the purposes of micro-planning, and providing an implementation tool. For further clarity, this is represented in the table below:

<table>
<thead>
<tr>
<th>TIER</th>
<th>NAME OF PLAN</th>
<th>AREA</th>
<th>REMARKS</th>
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<tbody>
<tr>
<td>TOP (TIER 1)</td>
<td>REGIONAL PLAN</td>
<td>ONE OR MORE DISTRICTS OR PART OF DISTRICT</td>
<td>A LARGE URBANIZABLE AREA</td>
</tr>
<tr>
<td>MIDDLE (TIER 2)</td>
<td>DEVELOPMENT PLAN</td>
<td>MUNICIPAL BOUNDARIES</td>
<td>DEVELOPMENT PLAN TO CONFORM TO REGIONAL PLAN</td>
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<tr>
<td>BOTTOM (TIER 3)</td>
<td>TOWN PLANNING SCHEME</td>
<td>PART OF A DEVELOPMENT PLAN</td>
<td>MICRO PLANNED FOR IMPLEMENTATION</td>
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4.4.1 Process of Regional Planning

For the Regional Plan, an area, generally a large area which may combine acreage of several districts or a substantial chunk of a particular district – and in any case a much larger area than that of a single local body – is designated by the State as a Region. However, it is sufficiently self-contained to form an economically viable planning unit. Subsequent alterations, deletions or additions are permissible by a notification in the official Gazette. For the planning, development and use of land in a particular region, Government constitutes a multidisciplinary Regional Planning Board comprising experts as well as officials and non-officials, with knowledge of regional planning. The Board is charged with the responsibility of carrying out a survey of the region, reporting on the surveys, preparing an existing land use map, and on the basis of information collected, drafting a Regional Plan. The Board is empowered to engage men and women of experience and knowledge for wider consultation.

The Regional Plan, *inter alia*, proposes land use for residential, industrial, agricultural, forest and mineral extraction; transport and communication routes; water supply and drainage; preservation of areas; and reservations of sites for new towns. While doing all this, it takes a long-term view of the social and economic development of the entire region. Its objectives are economic growth, improved patterns of human settlement and industrial location, employment opportunities for the human population, promotion of social and economic progress, and the evolution of legal, political, organisational and administrative patterns for carrying out the regional developmental effort.

A major aspect of the Regional Plan is metropolitan decentralisation, comprising the concepts of redistribution of the population, city functions and activities and restructuring of the Mother City. In all Regional Plans where very large cities and their surrounding areas are involved, the focal issues are related to evolving a hierarchy of growth centres, a balanced dispersal of functions and activities, transportation linkages to residential and employment centres, alternative growth centres, channelling public and private investment, and organising effective management through proactive intervention.

A draft Regional Plan is then published and a Regional Planning Committee hears suggestions and objections. Every Regional Plan is then submitted to the State Government, and in a prescribed period Government with notification, approves the Plan with or without modifications. The Government is also empowered to accord its approval.
in whole or part to the Regional Plan. No individual can alter the proposed land use, in the period between the draft and the final Plan.

4.4.2 Development Plan: The Vision of the City

At the second level is the Development Plan. The Development Plan of a city is its vision. It sets the agenda of what the city wants to do with itself in the next two to three decades. It zones lands and determines their various uses. It takes into account the various public requirements of the city and reserves lands, whether public or private, for those purposes. The plan also proposes conservation and preservation of areas that have natural, historical or architectural importance. Indeed, the Development Plan spells out what the future of the city would be.

The Development Plan, while going deeper into planning at the city level must be in consonance with the Regional Plan. Thus zoning of lands in a Development Plan cannot be in violation of the Regional Plan stipulations. The idea is that urbanisation in an entire area should be balanced and strategically planned and the plan for part of the region cannot but be in harmony with the Plan for the entire region. As in the Regional Plan, so also in the Development Plan, zoning provides an instrument whereby compatible land uses are grouped together, and non-conforming uses are segregated from one another. This is supposed to help compatibility, synergy and enhanced efficiency. Most industries could be noisy and polluting and not compatible with residential, domestic activities, which is why industrial zones are often set apart from residential zones.

Reservations for public purposes include schools, colleges and educational institutions, medical and public health facilities, markets, social welfare and cultural institutions, theatres and places of public entertainment, religious buildings, government buildings, open spaces and playgrounds, natural reserves and sanctuaries, dairies, sites for public utilities such as water supply and sewerage, fire stations, other community sites, service industries and industrial estates. Areas for envisaged populations are calculated and carved out for reservation in the Development Plan as per space norms sanctioned by the State Government. The Development Plan also makes provisions for the city's transportation and communication system such as roads, railways, airways and waterways, and parking facilities.

The preparation of the Development Plan follows much the same pattern of formulation as the Regional Plan. Every planning authority is required to carry out a survey, prepare a
land use map and ready a draft Development Plan for the area within its jurisdiction. If the planning authority fails to get the plan ready within the prescribed period, the State Government may do so in consultation with the Director of Town Planning. The Draft Development Plan once prepared is notified in the official Gazette, and is available for sale as well as for the submission of objections and suggestions.

A Committee of the planning authority comprising three members of the Standing Committee of the local body, and a maximum of four other members with knowledge and experience of the subject, hears these objections. After hearing and consideration of the suggestions and objections by the said Committee, and after modifications, the draft development is published in the official gazette and is submitted to the State Government for sanction, which has the right to sanction the Development Plan within a year. It may, for such a purpose consult the Director Of Town Planning and make whatever modifications it considers necessary. Any subsequent modifications to the sanctioned Development Plan can be made by substantially following a similar procedure as for sanctioning a draft Development Plan.

**4.4.3 Development Control Rules**

Coupled with the Development Plan are the Development Control Rules adopted by the civic body, which lay down the details and the working tools of how development and construction would be permitted and controlled. The rules deal with the manner in which building permission can be obtained the general building requirements, and aspects of structural safety and services. Access, layouts, open spaces, area and height limitations, lifts, fire protection, exits and parking requirements are stipulated.

Similarly structural design, quality of material and workmanship, and inspections during construction are spelt out. The control of floor space use, tenement densities, and the Transfer of Development Rights are some of the most crucial issues dealt with by the rules. These rules are also framed by the planning authority and are sanctioned with suitable changes by the State Government.

**4.4.4. Town Planning Schemes**

At the bottom of the three tier system are the Town Planning Schemes for part areas of Development Plans, which are in the nature of micro plans. As stated earlier, these are plans that use the method of reconstitution of plots for the provision of infrastructure, and
sharing costs and benefits through the principles of compensation to those who lose land, and betterment levies on those who gain enhancement in land value.

The planning authority, for the purpose of implementing proposals in the final Development Plan, prepares one or more Town Planning Schemes for any part of the area of the Development Plan. A planning authority may resolve to declare its intention to prepare a Town Planning Scheme and may accordingly make a declaration in the official Gazette. The draft is then to be prepared within a year in consultation with the Director of Town Planning. The draft scheme comprises the ownership, area and tenure of each original plot; reservation, acquisition or allotment of land for the furtherance of the implementation of the Development Plan; proposals for plot reconstitution; total cost of the scheme; and the net cost to be borne by the planning authority etc. The draft scheme is then published, and objections and suggestions are called for.

After the draft scheme is sanctioned and published in the official Gazette, the Arbitrator deals with the determination of areas to be reserved for public purpose, outlines the final plots in the scheme, and fixes the values of the original and the final plots. He also estimates compensations payable to owners, and contributions to be levied on owners benefiting from the scheme, before drawing up the final scheme. The Tribunal of Appeal comprising judicial officers of the rank of District Judge is the Appellate body, and its decisions are final. After deciding on appeals, the Tribunal then sends this final scheme to the State Government for its sanction.

Summarising, the urban planning process in India has quite definitely been refined over the past few decades through a logical process of evolution from the bottom to the top. A beginning was made with Improvement Trusts and Town Planning Schemes, which were responses to improving the quality of life in the immediate vicinity, at the micro level. It led to the realisation that planning needed more comprehensive inputs and hence the canvas was enlarged and Development Plans for cities were thought of. An awareness of the linkages between cities and their hinterland necessitated the need to look holistically at entire regions rather than mere towns. A three tier planning methodology finally emerged. The process provided for expert advice and some public consultation to make planning broad-based and informed, clothing it in transparency.

4.4.5 The Planning Mechanism
The State Directorate of Town and Country Planning is the nodal organization in all the states which deals with the subject of city planning. In some states, for example, Madhya
Pradesh, Himachal Pradesh and Rajasthan, the Directorate is the sole planning agency responsible for preparing city plans of all urban settlements in the state. The Municipality is also a planning agency and, as in the case of Maharashtra, it is the municipality which is legally required to make city plans. A third genre of agency along with the Directorate of Planning and the Municipality has been developed, following upon the experience of the Delhi Development Authority, that is the Development Authority. The State Directorates and the Development Authorities are basically professional bodies appointed by the state, and whereas their plans have a degree of technical excellence, participation at local level are minimal. (Buch 1987)

4.5. Urban Planning in Maharashtra

Deriving inspiration from the British Act, the erstwhile Bombay president was the first to introduce town planning legislation in India through the Bombay Town Planning Act (1915). The Bombay Act, like its English counterpart, authorized Municipal Council in the state to undertake town planning schemes for portions of the town in course of development. Like the English act, the Bombay Act also provided for the recovery of betterment contribution from landowners who obtained a value increased for their lands due to the development works under the scheme.

The Bombay Act however went one step ahead of the English act. It provided for improving the shapes of the individual land parcels with irregular boundaries through the compulsory give and take of land from the adjoining plots. This was taken up from similar provisions in some towns in Germany. This feature is known as reconstitution of plots. A town planning scheme under the Bombay Act of 1915 proceeded through the following steps:

- A notional pooling of all individual holdings called original plots in the areas to be included in the scheme (notional because the land continued to remain in the possession of the original owners).
- Superimposing a layout of roads and sites, required for community needs of the eventual population of this area, on the notionally pooled land.
- Reconstituting all original plots with irregular boundaries into regular shaped plots called the final plots; the reconstitution being done so that:
  a) The shapes of all plots are improved to make them more suitable for building purposes; and
b) The ratio of the area of each final plot to the area of the corresponding plot is the same or nearly same as the ratio of total net area, after deducting area of the new roads and new public sites, to the total area included in the scheme. In other words, the reconstitution has to be done in a way that the land loss of each owner is equal or nearly equal and that every landowner contributes to the requirement of land areas for roads and public sites. The land-loss-equalization aspect, though not expressly stated in the Act, has to be observed to ensure an equitable treatment to all owners of the original plots.

Three different sets of values are then estimated for the original and final plots:

a) The value of each plot as it was before the introduction of the town planning scheme called the original value.

b) The value of the final plot without reference to the improvements contemplated in the scheme called the semi-final value; and

c) The value of the final plot on the assumption that the scheme with all the works contemplated therein has been completed called the final value.

Certain points to be kept in mind with respect to the above areas are as follows:

• The reference date for all these valuations is the commencement of the planning exercise.

• The difference between the original and the semi-final value is the compensation due to the owner for reduction of the area of his land (this compensation is the combined effect of reduction in area and improvement in shape).

• The difference between the final value and the semi-final value is the betterment in value, which is the betterment in value, which accrues to the plot. A part of this (up to a maximum of 50%) is recovered from the owners of his financial contribution for the execution of various works.

• The scheme operates on the basis of sharing both costs and benefits. In essence, it is a joint area development project undertaken by the collectivity of landowners, the municipality stepping in merely as agents of the collectivity.

A few schemes undertaken in Maharashtra under the provisions of this Act proved to be very successful. The town planning schemes in their country of origin, England were, however, languishing. These schemes had not incorporated the features of the Bombay counterpart, which ensured equalization of land loss for all landowners and automatic acquisition of lands required for public works. The English act did provide for betterment.
recovery, but as far as acquisition of lands required for public purposes was concerned, a separate acquisition process for each parcel of land was required. The compensation liability in such acquisition was quite considerable and this spelt the downfall of the schemes. The tendency was to plan in a way as to minimize the need for the acquisition of new lands. An eminent English town planner remarked that the town planning scheme were no more than photographs of existing developments. To avoid compensation liability, they tended to follow the trends of development rather than giving new and desirable direction for future growth. A committee was then appointed in England to analyze and resolve the compensation issue in planning, which often thwarted the realization of the planning objective of bettering community life.

4.6. Process of Urban Planning in the State
The urban planning process in Maharashtra traverses several stages. It begins with the local urban body declaring its intention of preparing a Development Plan. After it resolves to do this, it intimates this decision to the State. The State with a view to assist the municipal body appoints a Town Planning Officer to assist the ULB in the preparation of the Development Plan. The activities undertaken include existing Land use survey and other surveys as may be necessary. based on these surveys and data, the Town Planning Officer prepares a draft plan. This is then presented to the ULB. The draft plan is then published for wider knowledge and interaction and comments from the public. These are termed objections and suggestions in the town planning parlance.

A Planning Committee is then constituted comprising three members nominated by the Standing Committee of the ULB and four members nominated by the Government. This Committee then goes through a process of actually hearing the objections and suggestions that have been made by the public. This is a truncated incorporation from the British town and country Planning Act where a whole series of public hearings, including by the Minister take place before a plan can be finalized. These are taken into consideration and the Planning Committee recommends modifications in the draft plan. These recommendations of the Planning Committee are required to be published for common knowledge. The General Body of the ULB then considers the Planning committee’s report and takes decisions. Incorporation of such modifications as accepted by the GB in the Plan then follows. There is a republication of the plan if the changes are of substantial nature. The Plan is then submitted to the Government which sanctions the plan with or without modifications.
4.7. DCRs as Regulating Instrument

The building byelaws essentially aim at ensuring ‘health and safety’ for the occupants of individual buildings. However, when formulated in the context of a master plan, they also include the considerations that relate to the surroundings in terms of compatibility of use, intensity of use etc. The latter are sometimes called development control rules. The master plans on the other hand project a long term plan that divides the city into two realms the public and the private. Public refers to land designated for physical and social infrastructure. The building byelaws are designated to ensure conformity of development in the private realm with the master plan. The role of building byelaws in regulating the urban growth has to be thus seen in the context. Urban growth depend upon the provisions of the master plan, the infrastructure development in the public realm and the administration and enforcement of building byelaws in the private realm. (Phatak 2004).

The sub set of building byelaws that aims at ensuring health and safety of the occupants of an individual building typically includes:

- Strength of materials and structures (e.g. earthquake resistant structures)
- Water supply, drainage and sanitation
- Light and ventilation
- Fire protection and safety
- Vertical transportation- Lifts and escalators
- Heating, Lighting, Ventilation and air conditioning

The National Building code and various Indian Standards cover these issues through guidelines. The Bureau of Indian standards has undertaken to revise these codes in 2003.

The other sub set of building byelaws, apart from basic health and safety considerations, also attempts to control negative externalities that may arise on account of individual development. Typically such byelaws provide for

- Land use zoning and land provisions in each zone
- FAR regulations
- Density regulations
- Parking requirements
- Heritage conservation and
- Urban aesthetics architectural design controls.
In the recent past attempts have also been made, led by Mumbai, to use such byelaws particularly those related to FSI/FAR as public policy instruments to achieve wider objectives such as

- Grant of Development Rights in lieu of monetary compensation for acquisition of land for public purposes.
- Grant of additional development rights to promote redevelopment slums or dilapidated buildings
- Grant of extra FSI for schools and hospitals to make them financially viable
- Grant of extra FSI to promote new economic activities such as IT and ITES.
- To help sick industry to revive or at least pay the dues of labour.
- Sale of development rights as public finance measure.

With the regulations comes the elaborate enforcement machinery. This involves the legal and regulatory procedures to ensure that development is undertaken in conformity with the regulations, detecting the development that violates the regulations and the procedure to deal with such violations.

Typically the procedure includes:

- Provision of professional architects to submit building proposals
- Engineers at the local authority to scrutinize these proposals and grant approval.
- Building inspectors to detect unauthorized development and procedures to stop, remove or “regularize” such unauthorized development

In some cases, the local authorities follow the practice of “regularize” the violations of byelaws by levying a premium.

### 4.8. Poverty Planning in Urban Maharashtra

#### 4.8.1 Urbanization of Poverty

Poverty in India, as in the entire developing world is rapidly acquiring an urban face. This phenomenon, now universally acknowledged, is known as the urbanization of poverty. While this has been partly on account of internal demographic multiplication that has suffered deprivation, it is accepted that this is primarily a sequel to very large numbers of rural migrants, especially in the mega and metropolitan cities, who have opted out of the rural choice in search of survival, employment, better livelihood and brighter future. Rural poverty strategies have largely been unable to stem this exodus, not primarily because of
a failure of rural interventions but because of the inevitability of urban dynamics, so emphatically surfacing across the developing world and already fully manifested in the developed world.

4.8.2 Informalization of Urban Poverty
The urbanization of poverty has altered India’s urban face by imposing two distinct dimensions upon cities. Deprived of a proper urban habitat, the poor have had to find residential foothold in slums. And in their search for employment and enterprise, they have been enforced to find survival in the informal sector. Urbanization of poverty has thereby been accompanied with the informalization of poverty.

4.8.3 Debilities a Factor of Land Tenure
The combination of urbanization of poverty and its informalization impose overwhelming legal and institutional constraints on it. These limitations negatively impact the poor woman’s and man’s quality of shelter, livelihood, health, education, human dignity, access to basic services, credit, and any chance of integration into the city and upward mobility in life. In many fundamental ways, almost all these infirmities turn out in some important measure to be a factor of land tenure. Precisely for these reasons, and in view of its global nature, security of tenure and improving the lives of slum dwellers figure among the Millennium Development Goals and targets. Goal 8, target 11 speaks of having achieved “by 2020 a significant improvement in the lives of at least 100 million slum dwellers” (MDG).

4.8.4 Functional Domains: Centre and the States
Under the Indian Constitution, the current role of the Central Government in regard to urban issues is to encourage, exhort and advise states and to provide policies and a model legislative framework that the states could adopt and follow for their own use. The prime examples are the Land Acquisition Act, Transfer of Property Act, Town Planning Act and Slum (Improvement and Clearance) Act. In addition, through its financial incentives, and conditionalities attached to central resource allocation, such as those in the Jawaharlal National Urban Renewal Mission, Government of India could encourage reforms and a chosen path to follow. The principal urban function, however, rests with the States under Article 246 of the Constitution. States can adopt their own policy and enact legislation. In terms of urban land, the State’s Department of Revenue is
generally the custodian of land owned by the State Government. It is vested with powers to undertake functions such as land expropriation, registration of transactions and tenure, and to deal with the issue of title deeds. Land use, planning and regulation are controlled by the State Department of Urban Development and urban local authorities.

4.8.5 Maharashtra
Maharashtra has pioneered, over several decades, a number of innovations in regard for tenure to slum dwellers. The Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act of 1971 was the oldest in a series of legislations in the country and provided for protection against eviction. It allowed notification and recognition of slums, and defined the nature of improvement works to be undertaken. A census of hutments was also carried out in 1976 and identity cards were issued to slum dwellers.

1985 was a turning point in tenure regularization in the country and began with the slum upgrading programme (SUP) in Mumbai. Under the programme tenure was granted to registered cooperative societies of slum dwellers in a specified area. The SUP was later extended by the state of legislature to all the municipal corporations in Maharashtra. Little progress, however, was made in the other cities, nether was any positive movement witnessed in regard to slums on private land, and central government land in Mumbai. The tenure regularization programme thereby could not become applicable to a very sizeable chunk of slum dwellers.

The 1990 SRS gave way to the slum redevelopment scheme (SRD) in 1995, essentially an improved version of the SRS, based on lessons learnt. Under the SRD, lands under slums owned by institutions of the state governments can be leased out for 30 years at a nominal lease rate and increased floor space index (FSI) to developers. Highly subsidized tenements for members of registered slum or pavement dwellers’ cooperatives on part of the land could then be built and the private market could thereby provide housing for the poor. They could recoup their costs and additional profits out of the remaining released land, helped by the additional FSI and the contributions by the slum dwellers. Modifications to the Slum Act, Maharashtra Regional and Town Planning Act of 1966 and Bombay Municipal Corporation Act of 1988 have been made to enable the participation of
slum dwellers, NGOs, developers and land owners. This scheme has only been partially successful.

Of recent, in July 2007, Government of Maharashtra came out with a State Housing Policy with the overall objective of ‘Shelter for All’. Its specific objectives speak of facilitating, i. ‘affordable housing’ and creating ‘shelters for the poorest of the poor on ownership or rental basis’; ii. Pursuing ‘the target of cities without slums through equitable slum redevelopment and rehabilitation strategy and shelters for the poor’; and deregulating ‘housing sector and encourage competition and public private partnerships in financing, construction and maintenance of houses for Lower Income Groups (LIG) and Weaker Sections of the society’. (Deptt of Housing, GoM 2007)

The Policy talks of providing adequate lands for the weaker sections in close proximity of cities, towns and rural areas. It advocates ‘inclusionary zoning provisions for low income group housing in private layouts’. It emphatically states that security of tenure would be ‘the basis of all rehabilitation/redevelopment options’ and that government lands would be offered ‘after redevelopment to cooperatives on occupancy or lease-hold basis’. For crafting such change, the Policy indicates legal and regulatory reforms, the erection of an institutional framework, a housing sector regulatory commission, encouragement to foreign direct investment, a special township policy, redevelopment of run down areas and dilapidated buildings. (Deptt of Housing, GoM 2007)

4.9. Infrastructure Planning for Quality of Life in Urban Maharashtra

The job of providing infrastructure facilities in cities of Maharashtra, as elsewhere in the country, has primarily been the job of municipal entities. However, since the State's urban local bodies perform many more local functions than in most other states (where several parastatals have some of the infrastructure responsibilities), provision of infrastructure and services that lead to the delivery of quality of life for citizens have fallen within the domain of municipalities.

It has been the common experience, however, that quality of life deficits in the cities have risen as municipal bodies find it increasingly difficult to meet the rising requirements of cities. This can be gauged through an analysis of the
compulsory annual status reports that municipal corporations are required to publish.

The assistance of JNNURM to some of the cities of the State such as Mumbai, Pune, Nasik and Nagpur have allowed some of the cities to put more money into capital assets and build more infrastructure. The following Table gives an idea of the kind of assistance some of these cities have received from JNNURM:

Table No. 4.2 Assistance received from JNNURM: (Rs. Millions)

<table>
<thead>
<tr>
<th>CITY</th>
<th>NO OF PROJECTS</th>
<th>TOTAL PROJECT COST</th>
<th>ACA COMMITTED</th>
<th>ACA RELEASED</th>
</tr>
</thead>
<tbody>
<tr>
<td>MUMBAI</td>
<td>25</td>
<td>52,759.64</td>
<td>18,465.87</td>
<td>9,278.71</td>
</tr>
<tr>
<td>PUNE</td>
<td>20</td>
<td>34,199.51</td>
<td>15,675.38</td>
<td>9,838.01</td>
</tr>
<tr>
<td>NASHIK</td>
<td>6</td>
<td>7,991.62</td>
<td>3,995.81</td>
<td>2,422.82</td>
</tr>
</tbody>
</table>

Source: Ministry of Urban Development

*ACA: Additional Central Assistance

But they have been insufficient in comparison with the ever expanding population, area and city demand. Other cities have had even greater resource crunch in the provisioning of infrastructure. This is despite the fact that Maharashtra cities have had the largest share of JNNURM funds and the largest number of sanctioned projects (79) among states.

One good indicator is the performance of the cities in terms of implementation of the Development Plan. The following Table illustrates the performance of some of the cities under study. As the Table illustrates, Pune whose DP was approved in 1987 has been able to implement only 35 per cent of its reservations in a period of more than two decades, whereas Kolhapur has achieved 5 percent implementation in little less than a decade or half the period of validity of the Development Plan. In fact the average implementation percentage in the State hovers around the one-fourth mark.
Table No. 4.3 IMPLEMENTATION OF DEVELOPMENT PLAN

<table>
<thead>
<tr>
<th>CITY / YEAR</th>
<th>TOTAL NO OF DP RESERVATIONS</th>
<th>NUMBER IMPLEMENTED</th>
<th>PERCENT IMPLEMENTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>PUNE 1987</td>
<td>525</td>
<td>183</td>
<td>35</td>
</tr>
<tr>
<td>PCMC 1995</td>
<td>643</td>
<td>202</td>
<td>31</td>
</tr>
<tr>
<td>NASIK</td>
<td>416</td>
<td>89</td>
<td>21</td>
</tr>
<tr>
<td>KOLHAPUR 2001</td>
<td>385</td>
<td>20</td>
<td>5</td>
</tr>
<tr>
<td>BARAMATI 1988</td>
<td>27</td>
<td>7</td>
<td>26</td>
</tr>
</tbody>
</table>

(Director of Town Planning, Maharashtra, 30.06.2009)

4.10. Challenges Countenanced by Maharashtra Cities

Many of the challenges that face Maharashtra cities are shared by cities of other states. One of the most common challenges very widely shared is of rapid demographic expansion, especially of metropolitan areas and metropolitan cities. The provisional population of the State is recorded 11,23,72,972 in 2011 census. In terms of population, Maharashtra is the second largest State in the country with about 9.29 percent of the national population. In 2001 census, this was 9,68,78,627 i.e., an addition of 1,54,94,345 during the decade 2001-11. Maharashtra's urban population now stands at 5.08 crores which is 45.23 percent of its total population. During the decade, while the State's population grew 16 percent, its urban population grew at 23.7 percent against a rural growth of 10.3 percent. The largest concentration of State population, about one-fourth, emerged in the Mumbai metropolitan region (MMR). Some of the urban locations on MMR grew startlingly, topped by Kharghar that witnessed 1117 percent growth over 2001.

In the wake of such rapid urbanization, cities face the challenge of planning, requiring urban planning to be re-engineered in the Indian socio-economic context, getting it look more comprehensively on aspects of equity and on its implementation in a realistic time-frame. It is evident that unless the tools of planning are contextualized, sharpened and strongly implemented, cities will struggle to get urbanization right. The challenge is also of governance, requiring cities to decentralize, get more transparency and accountability into their systems, and find space for civil society participation.

Cities face challenges of infrastructure. It is obvious that with such rapid urban expansion, cities are finding it difficult to reach adequate infrastructure to rising numbers. The answers have to be found through more imaginative ways of finding resources, and
using tem wisely. At the same time, municipal monopoly over all infrastructure and their delivery will have to be relooked, since the job is much beyond a single entity, given the circumstances of rapidity of urbanization, shortage of resource and a dearth of time.

As poverty urbanizes, the question of equity will haunt cities and the issue cannot be brushed under the carpet. The informalization of poverty would require a huge effort to be reversed by the provision of poverty within the formal walls of cities.

Above all, the cities will continuously need to balance the allocation of land and resources between the tripod of economy, environment and equity. In doing so, attention is drawn towards the complex challenges of globalization. This is because global forces are centred in cities, especially the very large ones. The challenge flows largely from the pressures emanating on urban land, requiring cities to allocate land for global economic use. As a consequence, the allocation of land for environmental and equity uses is increasingly getting relegated. This research document would deal with some of these in its future pages.

**Summary**

Urban planning and planning laws in India evolved in the course of the twentieth century under primarily British influence. Currently, a three-tier planning process of Regional Plan, Development Plan/DCRs and Town Planning schemes has been established. A well-laid process of plan preparation is in place. However, urban poverty and provision of urban infrastructure services remain a huge challenge for cities. Unfortunately, plan implementation in the State and the country as a whole has been very poor.
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