



# The Indian Journal for Research in Law and Management

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## ROLE OF TOWN AND COUNTRY PLANNING ACTS IN SHAPING INDIAN CITIES

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With the advancement of urbanization nearly one third of India's population resides in urban areas and cities contributing nearly two-third of the GDP. It couldn't have been possible without the foundational role played by the Town and Country Planning Acts at the state level shaping the structure of Indian cities since independence. Town planning has been defined as 'the science and art of shaping and guiding the physical growth of communities, in harmony with social and economic needs. There is little doubt that in the absence of effective Planning, development is likely to be haphazard and disjointed, without regard for planning principles or putting land to its best use in the community's interests.

### Evolution of Town and Country Planning in India

The Town and Country Planning Acts genesis could be traced to the colonial era with the origination of The Bombay Town Planning Act of 1915, made to serve the urgent need of prevention of development of slums. The post independence period witnessed a growing prominence of urban planning recognizing it as essential for efficient allocation of resources. It was to be administered by the state through the constitutional provisions. A critical provision dealing with town and urban planning is the 74th Constitutional Amendment Act of 1992<sup>1</sup>. It led to the addition of Part IXA<sup>2</sup> comprising Articles 243P to 243ZG which deals with Municipalities and Urban Governance. The Amendment provided constitutional recognition to urban local bodies (ULBs) such as Nagar Panchayats, Municipal Councils, and Municipal Corporations, delineating

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<sup>1</sup> The Constitution (Seventy-Fourth Amendment) Act, No. 42 of 1992, INDIA CONST. amend. LXXIV.

<sup>2</sup> Part IX-A, INDIA CONST.

their framework, membership, and functions. Over the passage of time, most of the Indian states enacted their own town and country planning acts leading to urban development.

### **The town and country planning acts: features and characteristics**

1. Urban population- The Town and country planning Organization has contributed to this great transfer of people from rural to urban cities for 20 years shifting it from 17.6 percent in 1955 to 32.4 percent in 2016.
2. Prevention of growth of slums- Various local authorities were also strengthened to efficiently enforce the implication of building codes and all the municipal by-laws. So, the slums in many cities were cleared, people were rehabilitated, and increased the urban population further.
3. Master planned- Master plans were made to feature the design of land use with future perspective, decent housing for everyone, transportation systems, and adequate community facilities with residential areas divided into the neighbourhood. It was assigned to Authorities like Delhi Development Authority (DDA) and Mumbai Metropolitan Regional Development Authority (MMRDA).
4. Balanced urban growth- TCPOs aim to balance development by dispersing the population in small urban centres. This was also done to prevent the concentration of people in metropolitan cities such as Delhi, Bombay, Calcutta, and Madras.
5. Equitable distribution- Urban Land Act 1976 was introduced to help prevent the urban land from being concentrated in the hands of many few. This also ensured equitable distribution of land among all social classes.<sup>3</sup>

### **Impact on Indian cities**

The town and country planning acts had a huge impact on the Indian cities:

1. Mitigating Urban Sprawl- It reserved lands for road, drainage, etc. preventing misuse of land and unplanned settlements leading to urban development.
2. Urban governance- Urban Local Bodies (ULBs) were given more planning authority by the 74th Amendment to the Constitution in 1992, which made them important participants in creating and carrying out plans for urban development that promote professionalism and accountability.

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<sup>3</sup> *Town and Country Planning: Features, Duties, and Role*, TimesProperty, (published June XIV, 2022), <https://timesproperty.com/article/post/town-planning-and-country-planning-blid2356>.

3. Supporting economic and social goals- The Acts enabled more equitable distribution of public resources, better transportation planning, preservation of cultural heritage, and a push towards sustainability.
4. Public amenities- The acts ensured that there is enough space for markets, gardens, hospitals which could enhance the standard of living.

## **Challenges**

Indian cities continue to struggle with a variety of problems, from inequality and poor infrastructure to segregation and order. Colonial urban planning is directly responsible for many of the problems that currently plague Indian cities. If we look into the British colonial period, the government focused on monumentality and order which resulted in the destruction of Indian settlements in addition to the loss of historical and cultural landmarks. There have been continuous injustice in the postcolonial era which has led to the development of segregated urban areas, thereby sustaining social and economic disparities. The segregation of Indian cities makes it extremely difficult to address the pressing problems like poverty, crime, and environmental degradation. Innovations like transit-oriented development and mixed land uses are discouraged by rigid zoning laws. All of this calls into question how effective these acts are.<sup>4</sup>

## **Conclusion**

The town and urban planning acts have transformed India into a better place to live in by improving the standards of life, eradicating poverty by ensuring equitable distribution of resources and wealth leading to economic growth. However, there are shortcomings in these acts which can't be ignored if we want a more developed nation. For the future of our country, these acts should be made transparent and make efficient and environment friendly use of land and infrastructure.

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<sup>4</sup> Utkarsh Sharma, Planning in the Shadow of Colonialism: India's Balancing Act, Urbanet (Dec. 5, 2023), <https://www.urbanet.info/urban-planning-colonialism-india/>.