

ਪੰਜਾਬ ਸਰਕਾਰ  
ਸਥਾਨਕ ਸਰਕਾਰ ਵਿਭਾਗ  
(ਟਾਊਨ ਪਲੈਨਿੰਗ ਵਿੰਗ)

ਪੰਜਾਬ ਮਿਊਂਸਪਲ ਭਵਨ, ਪਲਾਟ ਨੰ: 3, ਦੱਖਣ ਮਾਰਗ, ਸੈਕਟਰ-35-ਏ, ਚੰਡੀਗੜ੍ਹ  
ਪਬਲਿਕ ਨੋਟਿਸ

ਸਥਾਨਕ ਸਰਕਾਰ ਵਿਭਾਗ ਵੱਲੋਂ ਟਾਊਨ ਪਲੈਨਿੰਗ ਸਕੀਮ ਅਤੇ ਨਾਨ-ਸਕੀਮ ਏਰੀਏ ਵਿਚ ਇੱਕਸਾਰਤਾ ਲਿਆਉਣ ਲਈ ਡਰਾਫਟ ਪਾਲਿਸੀ ਦਾ ਖਰੜਾ ਤਿਆਰ ਕੀਤਾ ਗਿਆ ਹੈ। ਇਸ ਪਾਲਿਸੀ ਅਨੁਸਾਰ ਜਿਨ੍ਹਾਂ ਸਕੀਮਾਂ ਨੂੰ ਲਾਗੂ ਹੋਏ 30 ਸਾਲ ਤੋਂ ਵੱਧ ਦਾ ਸਮਾਂ ਹੋ ਚੁੱਕਾ ਹੈ ਵਿਚ ਬਿਲਡਿੰਗਾਂ ਦੀ ਉਸਾਰੀ ਦੇ ਨਾਰਮਜ਼ ਨੂੰ ਨਾਨ-ਸਕੀਮ ਏਰੀਏ ਦੀ ਤਰਜ ਤੇ ਬਿਲਡਿੰਗ ਬਾਈਲਾਜ ਅਨੁਸਾਰ ਰੈਗੂਲੇਟ ਕਰਨ, ਵਿਸ਼ੇਸ਼ ਮੰਤਵ ਲਈ ਰਾਖਵੇਂ ਰਕਬੇ ਦੀ ਭੱ-ਮੰਤਵ ਤਬਦੀਲੀ ਨਾਨ-ਸਕੀਮ ਏਰੀਏ ਦੀ ਤਰਜ ਤੇ ਸਮਰੱਥ ਅਥਾਰਾਟੀ ਦੇ ਪੱਧਰ ਤੇ ਕਰਨਾ ਆਦਿ ਤਜਵੀਜਾਂ ਕੀਤੀਆਂ ਗਈਆਂ ਹਨ । ਇਸ ਸਬੰਧੀ ਵਿਸਥਾਰਪੂਰਵਕ ਖਰੜਾ ਪੰਜਾਬ ਰਾਜ ਦੀਆਂ ਸਮੂਹ ਨਗਰ ਨਿਗਮਾਂ , ਸਮੂਹ ਵਧੀਕ ਡਿਪਟੀ ਕਮਿਸ਼ਨਰ (ਸ਼ਹਿਰੀ ਵਿਕਾਸ ਅਤੇ ਜਨਰਲ) ਨਗਰ ਕੌਂਸਲਾਂ/ਨਗਰ ਪੰਚਾਇਤਾਂ, ਡਾਇਰੈਕਟਰ , ਸਥਾਨਕ ਸਰਕਾਰ ਵਿਭਾਗ ਪੰਜਾਬ (ਪੰਜਾਬ ਮਿਊਂਸਪਲ ਭਵਨ, ਦੱਖਣ ਮਾਰਗ , ਸੈਕਟਰ-35ਏ, ਚੰਡੀਗੜ੍ਹ) ਦੇ ਦਫਤਰਾਂ ਅਤੇ ਸਥਾਨਕ ਸਰਕਾਰ ਵਿਭਾਗ ਦੀ ਵੈਬਸਾਈਟ <http://lgpunjab.gov.in> ਤੇ ਵੇਖਿਆ ਜਾ ਸਕਦਾ ਹੈ।

ਪੰਜਾਬ ਮਿਊਂਸਪਲ ਐਕਟ 1911 ਦੀ ਧਾਰਾ 200 ਅਤੇ ਪੰਜਾਬ ਮਿਊਂਸਪਲ ਕੋਰਪੋਰੇਸ਼ਨ ਐਕਟ 1976 ਦੀ ਧਾਰਾ 401 ਅਧੀਨ ਹਰ ਆਮ ਅਤੇ ਖਾਸ ਨੂੰ ਸੂਚਿਤ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ ਜੇਕਰ ਕਿਸੇ ਨੂੰ ਇਹਨਾਂ ਡਰਾਫਟ ਪਾਲਿਸੀ ਸਬੰਧੀ ਕੋਈ ਇਤਰਾਜ਼/ਸੁਝਾਅ ਦੇਣਾ ਹੋਵੇ ਤਾਂ ਉਹ ਵਿਅਕਤੀ/ਅਦਾਰਾ/ਸੰਸਥਾ ਇਸ ਪਬਲਿਕ ਨੋਟਿਸ ਦੇ ਪ੍ਰਕਾਸ਼ਿਤ ਹੋਣ ਦੇ 30 ਦਿਨਾਂ ਦੇ ਅੰਦਰ-ਅੰਦਰ , ਡਾਇਰੈਕਟਰ, ਸਥਾਨਕ ਸਰਕਾਰ ਵਿਭਾਗ, ਪੰਜਾਬ ਮਿਊਂਸਪਲ ਭਵਨ , ਦੱਖਣ ਮਾਰਗ, ਸੈਕਟਰ-35ਏ, ਚੰਡੀਗੜ੍ਹ, ਦੇ ਦਫਤਰ ਦਸਤੀ ਜਾਂ ਈ-ਮੇਲ [feedbackpw35@gmail.com](mailto:feedbackpw35@gmail.com) ਤੇ ਭੇਜੇ ਜਾ ਸਕਦੇ ਹਨ।

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ਡਾਇਰੈਕਟਰ,  
ਸਥਾਨਕ ਸਰਕਾਰ

## DRAFT

### **Parity in scheme areas and non-scheme areas – conversion of land use of sites falling in Town Planning Schemes / Building Schemes from adjusted / exempted / area reserved for special purpose to other conforming uses.**

#### **Background**

Cities remain constant engines of growth and have been evolving as major contributors of economic development, creating jobs, prosperity and promoting migration to urban centers. Like other Indian states, Punjab's urbanization potential has remained concentrated on larger class 1 and class 2 urban centers which face constant challenges to provision good quality and reliable infrastructure including affordable housing, planned open spaces, public amenities including education and health infrastructure.

Inadequate land availability and paucity of clear titles remains the central reason for fully unlocking the urbanization potential for major cities in Punjab. Hence, there is a need for systemic policy rethinking to organize unplanned land parcels left unaddressed in existing town planning schemes to enable planned urbanization potentials of cities in Punjab. Addressing the challenges of regulating both unapproved and unauthorized development in core municipal boundaries and lack of vigilant planning and enforcement has led to unaffordable land supply mainly since private land holders speculating markets and continuing violations of planning norms and procedures.

Therefore, relevant policy step to address these challenges and avoiding expansive suburban development which is an uneconomical option for states like Punjab, it's important to reconsider planning of the strategic core areas within town planning schemes. This will attract prudent revenue opportunities for both ULBs and enable private occupiers as the land values could be unlocked for mutual benefits and succession of land uses will guide future master planning proposals.

#### **Legal Provisions**

Town Planning / Building Schemes are formulated under section 192 of 'Punjab Municipal Act 1911' and section 275 of 'Punjab Municipal Corporation Act 1976'. As per the provisions of the Act, unbuilt area is required to be declared by Municipal Council / Corporation by way of resolution which is confirmed by the Government. Thereafter, draft layout is prepared showing area under saleable plots i.e. residential / commercial plots and area under public purposes i.e. roads / parks etc.

Regarding the area under public purposes which is to be transferred to ULB's as per earlier provisions of the Act, section 192 (c) provided that "the amount of land in such unbuilt area shall be transferred to the committee for public purposes including use as public street by the owners of the land either on payment of compensation or otherwise provided that the total amount of land so transferred shall not exceed thirty five percent and the amount transferred without payment shall not exceed twenty five percent of any one owner land within".

However, Hon'ble Supreme Court vide its Judgment in the year 1994 in case No. C.A. No.-000818-000818 – 1986 titled Yogendra Pal V/s

Municipality Bhatinda directed that “provisions of Section 192(1) (c) of the Punjab Municipal Act, 1911 being violative of Article 14 of the Constitution are void with effect from the date of this.”

After the aforementioned Supreme Court's Judgment regarding T.P Schemes, to regulate planned growth and development in Urban Areas, Government issued instructions vide letter dated 11.10.1996 and laid down the procedure to be adopted for formulating the T.P Schemes. Thereafter, Government issued revised instructions vide Memo No.4/16/94-CTP-LGI/8851 dated 09.07.1999 to speed up the process regarding formulation, sanction and implementation of T.P Schemes under Punjab Municipal Act 1911 and Punjab Municipal Corporation Act, 1976. As per which to reduce the time taken to formulate and finalize the scheme, the Municipal Corporation / Council prepared Town Planning Schemes after taking willingness of the land owners voluntarily and collectively to leave portion of their land ownership required (35% for residential / commercial and 30% for industrial schemes) for public purposes including use as public streets, parks and open spaces without compensation.

Further, it is informed here that the earlier process of formulating T.P Schemes under section 192 of 'Punjab Municipal Act 1911' and section 275 of 'Punjab Municipal Corporation Act 1976' which was very time consuming process till its final notification and sometimes the process of formulation of schemes was not continued after preparation of draft scheme, which resulted into unauthorized construction i.e. the land reserved for roads/parks/open spaces were utilized by the land owners for constructing residential or commercial premises and accordingly the schemes were disturbed.

Hence it's crucial to align policies with the principles of creating development potential within Punjab's master planned urban local bodies by unlocking potential land parcels within municipal limits without additional acquisition costs. The aligned policy should ensure confirmation of regeneration of plots to abide with master planning use of zone in which land parcel is located and development potential – FAR in confirmation with existing building bye laws.

### **Regulation of Building Activity in Scheme areas**

As far as Regulation of Building Activities is concerned Building activities in Scheme areas are regulated by Schedule of clauses (and building activities in Non-Scheme areas are regulated by Building Bye-laws). Earlier in Scheme areas, Schedule of clauses were framed at the time of formulation of T.P Schemes. Whereas earlier in Non-Scheme areas every ULB notified its own set of building byelaws. However, Model Building Byelaws were framed in the year 1997 to bring uniformity and parity in the whole State of Punjab which have been amended from time to time and now Punjab Municipal Building Byelaws 2018 were notified. It has been observed that the provisions of Schedule of clauses of old schemes are not in parity with the prevailing Building Bye-laws. For example, ground coverage in residential buildings in Schedule of clauses of Scheme areas is 66% for plot size upto 200 sqm, whereas ground coverage for residential buildings in Building Byelaws is 90% for plot size upto 150 sqm. Other than this, there is variation for different parameters such as height, setbacks and other architectural norms for Scheme and Non-scheme areas. However, after formulation of Model

Building Byelaws, Schedule of clauses were framed as per the provisions of Model Building Byelaws while formulating the new T.P Schemes.

Further at the time of formulation of Town Planning Schemes, certain buildings were existing which were generally adjusted / exempted e.g. the cinemas existing at time of framing of schemes were adjusted as such. Further certain areas/ properties have been reserved for some specific use such as commercial, cinema, industry, coal depot or other use. Other than this, there were large kothies or low-lying areas in these schemes which have not been planned in Town Planning Schemes and reserved as such terming them as "Area reserve for special purpose". With passage of time the owners of such properties which have been adjusted or exempted or reserved for some specific use wish to convert the usage of such properties as per the provisions of 'Punjab Municipal Act 1911' and 'Punjab Municipal Corporation Act 1976'.

### **Conversion of usage in Scheme areas**

Conversion of usage requires amendment of scheme which involves the same process as required for framing a new Town Planning Scheme i.e. consideration of amendment by the house, preparation of draft layout Plan by the Municipal Corporation / Council, Technical approval of the draft layout Plan by the Government, seeking of public objections / suggestions etc. Local Government Department had issued policy guidelines for conversion of land use in scheme areas in 2006 as per which commercial conversion was allowed on declared roads.

Now Master Plans have been notified by Housing and Urban Development Department under 'Punjab Regional Development And Town Planning Act 1995' for most of the towns and the conversion of usage in non-scheme areas is accorded by the Competent Authority Level (i.e. Commissioner Municipal Corporation in case of Corporations and Additional Deputy Commissioner in case of Municipal Councils) in conformity with the uses as prescribed in the Master Plans. In case of towns where Master Plans are not notified yet, then the use is allowed in conformity with predominant use/building bye-laws in that particular area.

From the above it is evident that there is a striking contrast in the norms for erection / re-erection of buildings and procedures for grant of approval in scheme and non-scheme areas.

### **Proposal:**

To mitigate the hardship faced by public for amendment in schemes and to bring parity in scheme / non scheme areas, following decisions have been taken for the schemes which have exceeded 30 years' time limit from the date of issuance of notification confirming the area as Un-built area:-

#### **1. Norms for erection / re-erection of buildings**

- a. As the provisions of Schedule of clauses and Building Bye-laws in scheme and non-scheme areas are not in parity, therefore, to bring parity prevailing Building Byelaws as in the non-scheme areas shall be applicable in such Scheme areas.
- b. The existing buildings where coverage / house line in such scheme areas is within the permissible limits as per the building byelaws shall be regularized after taking composition charges as per the prevailing rates.

**2. Conversion of Usage and fragmentation / amalgamation**

- a. In cases where only conversion of usage is involved and the property is being kept as per the original scheme without any subdivision, fragmentation or altering the area / dimension of site or property as per original notified schemes, the conversion of use may be allowed at the Competent Authority Level (i.e. Commissioner Municipal Corporation in case of Corporations and Additional Deputy Commissioner in case of Municipal Councils).
  - (i) The conversion of use shall be allowed only for the permissible uses which are in conformity with the Master Plan provisions in case of towns which form part of notified Master Plans.
  - (ii) In case of towns where Master Plans are not notified yet, then the use allowed shall be in conformity with predominant use in that particular area and the Building Bye-laws.
- b. In cases where subdivision, fragmentation, amalgamation or altering the area / dimension of site or property as per original notified schemes is involved, the Competent Authority for the same shall be Commissioner Municipal Corporation in case of Corporations and Additional Deputy Commissioner in case of Municipal Councils. The applicant shall take approval of the such subdivision / fragmentation / amalgamation from the Competent Authority. The process of CLU / Licensing / Sanction of Building Plans shall be applicable in all such cases.
- c. The conversion charges shall be as applicable on the date on which approval for conversion of that particular property is granted by Competent Authority.

**3. Restrictions:-**

This shall not be applicable on following:-

- a. Licensed colonies and Development Schemes formulated by Improvement trust or any other scheme / area development by Government /authority/such as Urban estates, Industrial Focal points.
- b. Area where building activity is restricted under any Law.
- c. Use / Buildings which are in violation of the Master Plan provisions.
- d. Areas specifically earmarked for green/open spaces in Town Planning schemes.
- e. On any plot of land which has been sold by the Government with specific Land use. For such lands the applicable laws/rules of concerned Department shall apply.

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