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TOWN DEVELPOMENT: THE ROLE OF MADRAS PRESIDENCY TOWN PLANNING ACT OF 1920 IN THE TOWN IMPROVEMENT SCHEMES OF COCHIN STATE

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The study entitled, **'Town Development: The Role of Madras Presidency Town Planning Act of 1920 in the Town Improvement Schemes of Cochin State'** attempts to examine the role of Madras Town Planning Act in the formation of town planning schemes, backwater reclamations and related developmental activities of later Presidencies especially former Cochin State. The Madras Town Planning Act was first published by the Governor General of Madras in the Fort St.George Gazette on 7th September 1920 which included chapters on Preamble, Town planning Schemes, appointment of Director of Town Planning and construction activities regarding development of Madras Presidency.

Generally, the Madras Presidency Town Planning Act has ten chapters with subsections. The Chapter 1 named as preliminary, Chapter 2 is on Town Planning Schemes, Chapter 3- Making variation and revocation of schemes and their effects, Chapter 4 - Compensation for injurious affection and contribution for betterment, Chapter 5-Arbitrators, Chapter 6- Finance, Chapter 7- Land acquisition, Chapter 8- Miscellaneous, Chapter 9- Town Planning Trusts and Chapter 10- Transfer of Proceedings.[1]

The first chapter gives the short title of the Act as Madras Town Planning Act of 1920 and it extended to the whole of Madras Presidency and also defines the various terms mentioned the Act such as 'Chairman' means the Commissioner of Corporation of Madras and the Chairman of Municipal Council in other municipalities. 'Director' means the Director of Town Planning appointed under the Act. 'Municipality' means the city of Madras as defined in the Madras City Municipal Act of 1920. 'Owner' includes the person receiving or entitled to receive his own account or as agent, trustee,

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guardian, manager or receiver for another person or for any religious or charitable purposes. 'Plot' means a continuous portion of land held in one's ownership other than land used, allotted or reserved for any public or municipal purpose. 'Prescribed' means prescribed by rules made under this Act and 'Reconstituted plot' means a plot altered by a town planning scheme that is used, allotted or reserved for public or municipal purpose. 'Responsible authority' means the authority or person responsible who is specified in a Scheme as responsible for carrying out for enforcing the observance of all provisions and execution of any work or to be executed by any authority. 'Scheme' means a town planning scheme that includes a plan relating to town development. 'Town planning' includes town improvement.[2]

The chapter two on Town planning Schemes mentions a won town planning scheme for the given mattes such as- lands which are either vacant or built sites, the construction, diversion, extension alteration and improvement of closure of streets, roads and communications, construction alteration and demolition of buildings, bridges and other structures. The acquisition, purchase, exchange of any land include within the area of the Scheme, redistribution of boundaries and reconstitution of plots, sale, exchange, disposal or lease of acquired land or by the Council. Facilities like transport, water supply, lighting, drainage- surface draining and sewage disposal. The allotment or reservation of land for streets, roads, squares, houses, buildings for religious and charitable purposes, open spaces, gardens, recreation grounds, schools, markets, shops, factories, hospitals, dispensaries, Government and Municipal buildings and public purpose of all kinds and preservation of objects and buildings with archeological and historical importance. The modification of the scheme based on the provisions of Madras Estates Land Act 1908 and the size and shape of every reconstituted plot was determined on the basis of building purposes.[3]

Chapter three describes on the appointment of Director of Town Planning for the state, must be paid from the revenues of the Government. The Municipal Council must consult the Director on town planning and if any differences arise between the two on any matters, it must be referred to the State Government and whose decision will be final. Every Municipal Council must prepare, publish and submit a general town

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planning scheme within the vicinity of the municipality which aimed at the improvement and development of the concerned area.

Each Draft Scheme must contain the following particulars:-

- A plan showing the lines of existing and proposed area
- The ownership of all lands and buildings
- The area of all public and private lands
- A full description on all details of the Scheme
- Regulation for enforcing, or carrying out on the provisions of the scheme and defining the responsible authority along with their period.
- Every draft scheme must include a housing scheme that contain the approximate number and nature of houses, approximate quantity of land to be acquired, average number of houses per acre.

Chapter five explains on the appointment of arbitrators. After sanctioning a scheme the Council must appoint a person as Arbitrator with duties to pass an order, to define, demarcate, and decide plots or areas and to determine the properties which are liable to the betterment. Chapter seven mentions on the land acquisitions as per the Land Acquisition Act of 1894 that will help to take immediate steps for acquisitions for the scheme. Generally, Land acquisitions are for public purposes and compensations are calculated on the basis of market value of the land at the date of notification and publication of the Act.[4]

Chapter nine discuss on the formation of Town Planning Trusts. After consulting with Municipal Council the State Government decided to form a Town Planning trust consists of a group of members from Municipal Council, a Chairman –appointed by the State Government or a person elected by the members of the Council or by the local authorities. The Trust also included the representatives of railway, tramway, other transport companies, chambers of commerce, co-operative societies and similar bodies or associations either elected or nominated by the Council. The State Government can fix the strength of the trust and number of trustees to be elected and each trustee shall hold the office for five years. The chairman of the Trust had received the salary or remuneration sanctioned by the Government and no other trustees allowed to receive the same from the Trust's funds. The State may remove

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the trustees if they failed to do their duties under the clauses (a) and (c) of sub-sections (1) and (2) of Section 48. When any open spaces for the purpose of ventilation or recreation has been added for the Scheme, it must be transferred to the Municipal Council by resolution of the Trust and if any disputes arises between both it shall be referred to the State Government and whose decision will be regarded as final.

The tenth chapter on Transfer of Proceeding has two divisions. Part one is on special Town Planning Committee, appointed by Municipal Council under section 37. It has a President i.e., Chairman of the standing committee for town planning and improvement and the Corporation of Madras have the right to appoint the standing committee under section 6 of Madras City Municipal Act 1919 and special town planning committee under section 37 of the Madras Town planning Act of 1920. Part two is on the preparation and sanction of general and detailed town planning schemes. The preparation of a General Town Planning Scheme (section 8) must undertake in consultation with the Director. Major criteria for the general scheme are the following:-

- A general town map called Map No.I drawn to a scale not less than eight inches to one miles
- It must show the boundaries of the Municipality and the area for which the scheme is proposed
- All streets- public and private, railways, tramways and bus routes average width of main streets should be noted
- Buildings used for public or religious purposes should be noted
- lands belonging to the Government, Municipality or other public bodies
- Burial and burning grounds
- Bazaars, industrial and commercial buildings and residential areas
- Tanks, rivers, canals, channels, drains and public wells, public latrines and wastes, dry and wet cultivation, garden and rocky land.
- Requirements of the town in housing, education and recreation, public health and sanitation, industrial sites, markets and remunerative enterprises and roads, communication and traffic etc.

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- Preparation and lay out of map No.II[5]

The Act also had regulations on preparation, submission and sanction on the Scheme. It also discussed on the preparation of the lay out plan, resolution to make or adopt a scheme and draft scheme etc. The Act was amended in later periods as The Madras Town Planning (Amendment)Act, 1930 or Madras Act II of 1930, The Madras Town Planning (Amendment)Act, 1934 or Madras Act VI of 1934, The Government of India (adaptation of Indian Laws) order, 1937, The Madras Repealing and Amending Act, 1938 or Madras Act XIII of 1938, The adaptation of Laws Order, 1950 and The Madras Repealing and Amending Act, 1955 or Madras Act XXXVI of 1955.Thus, Town Planning Act of 1920 played a major role in the Success of Town Improvement Schemes of the Madras Presidency and became a guide line for Town Planning Schemes of other Presidencies. we can see a direct influence of Madras Act in the Town Planning Schemes of the Cochin in The Record of Administration of 1925 which is a detailed report prepared by Bahadur T. Vijayaraghava Acharya, (Vijayaraghava Achari), the then Diwan of Cochin. According to this Record the Town Improvement Scheme was mainly applied for the progress of Cochin through constructing roads and drains in the unhealthy localities especially at Mattancherry and the question of extending the limits of Ernakulam town by reclamations. This Record also explains the importance of wetland cultivation and the appointment of Special Engineers for investigating various irrigation projects in several Taluks of the State.[6] On the basis of the Record of Administration the Cochin State planned to form a town improvement scheme, they adopted the Madras Town Planning Act of 1920 and formed Cochin Town Improvement Scheme of 1927. Almost all chapters of the Madras Act was utilized to form the Cochin Act especially chapters 1, 2,3, 5,7 9 and 10 were used as basic draft regulations .[7] Later the Cochin State formed Town Improvement Schemes of 1930, 1935, 1938 and 1940's with periodic amendments and invited Mr. Dann, the Town Planning Officer of Madras Presidency for engineering the developmental activities of Cochin such as early backwater reclamations including Cochin Port reclamations, water channel construction, Venduruthi reclamations and formulating the Cochin Coastline Protection Regulation Act. Thus The Madras Presidency Town Planning Act of 1920 and Services of Mr Dann played a decisive role in the town improvement activities of Cochin State.

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Conclusion

The Madras Presidency Town Planning Act of 1920 was created for the giving a systematic plan for the town development of Madras Presidency on the basis of Urban Development schemes of England. It gave a new face to the improvement of Madras under the leadership of British officials. The successive developments in the Town Improvement Schemes gave a new impetus to other Presidencies to accept and adopt the Madras Presidency Act to their development plans and schemes. Therefore, without any doubt, we can regard the Madras Town Planning Act of 1920 as a forerunner of all later Town Improvement schemes of different Princely States of India.

Endnotes

1. The Record of Administration, Cochin State, Part III, Cochin Government Press, Ernakulam, 1925. P 110.
2. Ibid
3. Ibid, p.120
4. Ibid . p.167
5. The Record of Administration, Cochin State, Part V, Cochin Government Press, Ernakulam, 1938,p.225
6. Backwater Jurisdiction Reports, Cochin Govt. Press, Ernakulam,1933, p.117
7. The Record of Administration, Cochin State, Part III, 1925, Op.cit., p.56 *Cochin*,
8. Ramavarma Appan Thampuran (Ed), II edition, published under the authority of His Highness the Maharaja of Cochin, December, 1944.
9. *Kochi Rajyathe Revenue Nadapadikramam or Revenue Rules of Practice*, (Mal), prepared by Gopala Menon, Thahasildar of Thalappilly Kovilkathumvathukkal.
10. *Progressive Cochin*, His Highness Sree Rama Varma Maharaja of Cochin, Pearl press, Cochin, 1 June 1932
11. *Report of Land Policy Committee (Travencore-Cochin)*24-09-1949 to 25-10-1950, The Superintendent of Government Presses, Govt. Press, Trivandrum, 1957.
12. Robert Bristow, *Cochin Saga,* Mathrubhumi Press, Cochin, 1959.
13. *Ernakulam District Gazetter*, Govt. of India, Trivandrum, 1965.
14. C Achyuta Menon, *Cochin State Manual* (1911), Kerala Gazetteers Department, Trivandrum, 1995.
15. https://townplanning.kerala.gov.in
16. https://nla.gov.au

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