

Planning Regulation for  
Rehabilitation of Slums on Public  
Land

ગુજરાત સરકાર

શહેરી વિકાસ અને શહેરી ગૃહનિર્માણ વિભાગ  
બ્લોક નં. ૧૪, ૯ મો માળ, સચિવાલય, ગાંધીનગર.

હુકમ ક્રમાંક: ઝપડ-૧૦૨૦૧૩-૩૦૯૧-૯

તા.૩૧.૦૭.૨૦૧૩

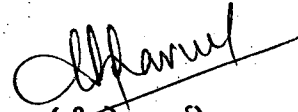
આમુખ:

રાજ્યમાં તા.૧૮.૦૭.૨૦૧૩ના રોજ મુખ્યમંત્રી આવાસ સમૃદ્ધિ યોજના અંતર્ગત જાહેર જમીનો પર આવેલ ઝુપડપટ્ટીઓનું PPP (પબ્લીક પ્રાઇવેટ પાર્ટનરશીપ) દ્વારા તે જ સ્થળે પુનઃ વસન કરવા માટેની નીતી જાહેર કરવામાં આવેલ છે. સદરહું નીતિ અન્વયે રાજ્યમાં અલગ-અલગ શહેરોમાં ગુજરાત નગર રચના અને શહેરી વિકાસ અધિનિયમ હેઠળ લાગુ થતાં જી.ડી.સી.આર.માં Planning Regulation for Rehabilitation of Slums on Public Land ના નિયમો તૈયાર કરવાની બાબત સરકારશ્રીની વિચારણા ધીન હતી. સબબ બાબતે સરકારશ્રીની પુખ્ત વિચારણા અંતે નીચે મુજબનો હુકમ કરવામાં આવે છે.

હુકમ:

આથી ગુજરાત નગર રચના અને શહેરી વિકાસ અધિનિયમ, ૧૯૭૬ કલમ-૧૨૨ની પેટા કલમ-૧૨૨ની પેટા કલમ (૧) હેઠળ મળેલ સત્તાની રૂએ સરકાર 'Planning Regulation for Rehabilitation of Slums on Public Land'ને મંજૂર કરે છે. આ સાથે સામેલ સદર નિયમો તમામ સત્તામંડળોની મંજૂર/અમલી વિકાસ યોજનાના જી.ડી.સી.આર.માં સમાવેશ કરવા ગુજરાત નગર રચના અને શહેરી વિકાસ અધિનિયમ ૧૯૭૬ની કલમ-૧૯ હેઠળની કાયદાની નિયમોનુસારની દરખાસ્ત તુરંત જ રાજ્ય સરકારશ્રીને મોકલી આપવા અને જ્યાં સુધી કલમ-૧૯ હેઠળનો આવો ફેરફાર મંજૂર/અમલી ન બને ત્યાં સુધી ગુજરાત નગર રચના અને શહેરી વિકાસ અધિનિયમ ૧૯૭૬ની કલમ-૧૨૨ હેઠળ આ હુકમનો અમલ કરવા તમામ સમુચિત સત્તામંડળોને આથી, હુકમ કરવામાં આવે છે.

ગુજરાતના રાજ્યપાલશ્રીના હુકમથી અને તેમના નામે,

  
(શ્રી.એલ.શર્મા)

ખાસ ફરજ પરના અધિકારી અને સંયુક્ત સચિવ  
શહેરી વિકાસ અને શહેરી ગૃહનિર્માણ વિભાગ

પ્રતિ,

- માન.મુખ્યમંત્રીશ્રીના સચિવશ્રી, માન.મુખ્યમંત્રીશ્રીનું કાર્યાલય, બ્લોક નં. ૧, ૫ મો માળ, સચિવાલય, ગાંધીનગર.
- સર્વે માન.મંત્રીશ્રીઓના અંગતસચિવશ્રી, સચિવાલય, ગાંધીનગર.
- મુખ્ય સચિવશ્રીના અંગત સચિવશ્રી, બ્લોક નં. ૧, ૪ થો માળ, સચિવલાય, ગાંધીનગર
- અગ્રસચિવશ્રીના રહસ્ય સચિવશ્રી, શહેરી વિકાસ અને શહેરી ગૃહનિર્માણ વિભાગ, સચિવાલય, ગાંધીનગર.
- સચિવાલયના તમામ વિભાગો
- મ્યુનિ.કમિશનરશ્રી, અમદાવાદ, વડોદરા, રાજકોટ, ભાવનગર, સુરત, જામનગર, જુનાગઢ.
- મુખ્ય કારોબારી અધિકારીશ્રી, તમામ શહેરી/વિસ્તાર વિકાસ સત્તામંડળ
- મુખ્ય કારોબારી અધિકારીશ્રી, મ્યુનિસિપલ ફાયનાન્સ બોર્ડ, ગાંધીનગર.
- સર્વે કલેક્ટરશ્રીઓ/સર્વે જિલ્લા વિકાસ અધિકારીશ્રીઓ
- નગર પાલિકા નિયામકશ્રી ગુજરાત રાજ્ય, ગાંધીનગર તરફે ટ્રેક નગરપાલિકાઓને જાણ કરવાની વિનંતી સહ.
- મુખ્ય નગર નિયોજકશ્રી, ગુજરાત રાજ્ય, ગાંધીનગર
- સીસ્ટમ મેનેજરશ્રી, શહેરી વિકાસ અને શહેરી ગૃહનિર્માણ વિભાગ, ગાંધીનગર તરફે વિભાગની વેબસાઈટ પર પ્રસિધ્ધિ અર્થે.
- વિભાગની તમામ શાખાઓ
- નાયબ સેક્શન અધિકારીશ્રીની સિલેક્ટ ફાઈલ (૨૦૧૩)
- લ-શાખા સિલેક્ટ ફાઈલ (૨૦૧૩)

# Planning Regulation for Rehabilitation of Slums on Public Land

*(Notified for variation of GDCR vide order of the state government under  
section 122, of TP Act, whereby the Development Authorities are directed  
— to vary the GDCR)*



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## **1 Short Title, Extent and Commencement and Applicability:**

- (1) These regulations may be called "The Planning Regulation for Rehabilitation of Slums on Public Land"
- (2) These regulations shall be applicable within the jurisdiction of the appropriate authority constituted under Gujarat Town Planning & Urban Development Act 1976 and any municipality constituted under Gujarat Municipalities Act, 1963.
- (3) It shall come into force on such date as decided by order of the State Government.
- (4) These regulations shall apply to slums on the public lands/plots or part of lands/plots.

## **2 Definitions**

- (1) "GDCR" means the general development control regulations made under clause (m) of sub-section (2) of section 12 of the Town Planning & Urban Development Act 1976;
- (2) "Notified Slums" means slum notified by the government in the official Gazette under section 3 of Gujarat Slum Area (Improvement, Clearance and Redevelopment), Act 1973.
- (3) "Public land" means any land owned by the urban local body or by the government or authority constituted under Gujarat Town Planning and Urban Development Act, 1976 or land owned by Gujarat Housing Board or Slum Clearance Board.
- (4) "Jantri" means annual statement of rates as declared by the Revenue Department as applicable on date on which the tender is advertise;

## **3 Planning Regulations for Slum Rehabilitation:**

Notwithstanding anything content in the GDCR, the development permission for slum rehabilitation shall be regulated as per the following provisions:-

- (1) The minimum height of the plinth shall be 45 cms. from the top surface of approach road or path way.

- (2) The built-up area of any dwelling unit shall be minimum 25 Sq. mts.
- (3) The dwelling unit may include rooms, kitchen, bath, water closet and exclude common areas such as stairs, passages etc. used for the purpose of residence.
- (4) Permissible built-up area on any floor including the ground floor, shall be equivalent to the area of building unit left out after leaving margin.
- (5) For the layout, the width of approach road shall be as under:-

Length of road	Minimum width
1. Less than or equal to 75 mts	4.5
2. more than 75 mts and up to and including 150 mts	6.0
3. above 150 mts	As per GDCR

- (6) Minimum area of the common plot shall be at 8% of building unit. However no common plot shall be less than 200 sqmtr.

Note: To calculate the common plot requirements the area of a building unit used for the purpose of slum rehabilitation shall be considered.

- (7) 3.0 FSI shall be available for the land used for slum rehabilitation.
- (8) Height of the building shall be as under:

Road width in mts	Height of building in mts
upto 9.0	Maximum 13.5 mts [ G+3 ]
above 9.0 & upto 18.0	Maximum 22.5 mts [ G+3 ]
above 18.0	Maximum upto 70 mts

- (9) The competent authority may allow the building length to be more than 70 mts, only after ascertaining the safety with respect to fire.
- (10) Lift: lift shall be provided as per the following regulations:
  - (a) One lift has to be provided if the no of dwelling units exceed 30, and further for one additional lift has to be provided for every 30 units or part thereof;
  - (b) Notwithstanding anything contained in (a), one additional lift has to be provided if the building height exceeds 25 mts;
  - (c) The developer shall maintain the lifts for 7 years from the date of issue of building use permission and thereafter he shall, for the purpose of maintenance and upkeep, deposit with the appropriate

authority, a maintenance amount as decided by the competent authority.

(11) Margins for the building constructed for the rehabilitation shall be as under:

(a) Road side margins shall be as under:

Road width in mts	Road side Margin in mts
Up to 9	3.0
above 9 & upto 12	4.5
above 12 & upto 18	6.0
above 18 & upto 30	7.5
above 30 & upto 40	9.0
above 40	12.0

(b) Other than road side:

Building Height in mts	Margin other than road-side in mts
upto 10.	2.5
above 10 & upto 15	3.0
above 15 & upto 25	4.0
above 25 & upto 45	6.0
above 45 & upto 70	8.0

(c) 2.0 mts margins shall have to be kept on the side of common plot;

Provided that, in case of building for less than 25 mtrs height, the competent authority may, after making an inquiry and considering the merits of the case, reduce the margins. However the minimum margins shall not be less than 1.5 mtrs.

(12) Parking shall be provided as per GDCR subject to the following conditions:-

- (a) It has to be provided on the ground floor within the portion of ground coverage in the portion left after the non-residential use;
- (b) Portion of the required parking which could not be provided on the ground floor has to be provided either in basement or in the common plot. Maximum upto 50% of the common plot can be used for the purpose of parking. Parking provided in the common plot has to be kept open to sky.



(c) Parking layout and other rules for calculations etc shall be as per GDCR;

(13) Amenities and Scrutiny Fees shall be waived.

(14) The external walls shall be as per NBC and prevalent GDCR.

#### **4 The Transfer of Development Rights (TDR).**

- (1) Transfer of Development Rights (TDR) means making available certain amount of right of development, calculated in term of additional built up area, in lieu of the built-up area relinquished or surrendered or generated on account of slum rehabilitation by the owner of the land, so that he can use extra built up area either himself or transfer or sale or trade it to another person which the owner himself or any other person whom the built-up area is transfer or sold or traded can used as extra builtup area on any other building unit. (Note: the definition of owner for the purpose of TDR means the developer who is authorized for slum rehabilitation)
- (2) TDR can be used only within the area of the development plan wherein the slum rehabilitation has been done.
- (3) TDR shall be in addition to the builtup area permissible on a particular building unit.
- (4) TDR can be availed for any purpose on any plot located in any zone and on plots where the projects are approved under the Hotel & Hospital Regulations 2010.
- (5) TDR can be utilized in lieu of chargeable FSI.
- (6) The TDR can be availed only once. No further transfer shall be permitted. it can be released in parts also. However the TDR shall be permitted to be used within 7 years from the date of work order for slum rehabilitation.
- (7) The TDR shall be calculated as per clause 8.7 of resolution no PRC/102013/783/Th, dated 18.07.2013 for policy of in-situe rehabilitation of slums (Public Private Partnership) under the Mukhyamantri gruha (Gujarat Rural Urban Housing ) Yogena.
- (8) The use of TDR shall be permitted only if it is consistent with the zone.

5 Development for Non-Rehabilitation purposes

- (1) The development for non-rehabilitation purposes shall be permitted on the portion of land left out after rehabilitation on the slum plot or on any other recipient plot where the slum TDR is permissible.
- (2) The GDCR, except for the provisions mentioned in these regulations shall be applicable.
- (3) Ground Coverage shall be equivalent to area left out after keeping margins.
- (4) Development in the plot left after the construction of the rehabilitation houses shall be permitted maximum upto 70.0 mts, if the plot has an approach from 18.0 mts or wider road.

6 Notwithstanding anything contented in any GDCR:

- (1) The use shall be permitted as per the zone.  
Provided that slum rehabilitation shall be permitted in any zone other than restricted zone.
- (2) For non-slum rehabilitation purposes the regulations of AUDA shall apply mutatis mutandis except for the provisions made under these regulations.
- (3) Regulations, rules applicable under any law shall apply mutatis mutandis.
- (4) The TDR shall be calculated as under:-

7 Repeal and Saving

- (1) Those provisions the regulation for slum rehabilitation and re-development 2010 and the amendments there under which relate for the slum rehabilitation on public lands are repealed hereby.
- (2) relating to For the provisions
- (3) The decisions taken under the regulation for slum rehabilitation and re-development 2010 and the amendments therein shall be governed by these regulations. In case of any discrepancy arising on account of applicability of these regulations the decision of the State Government shall be final.

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