



Shimla Development Plan 2041

For Prelims: [Municipal Corporation](#), Shimla Development Plan 2041, Sustainable Development, [AMRUT \(Atal Mission for Rejuvenation and Urban Transformation\)](#), [National Green Tribunal \(NGT\)](#).

For Mains: Shimla Development Plan 2041, Government policies and interventions for development in various sectors and issues arising out of their design and implementation.

[Source: DTE](#)

Why in News?

Recently, the Supreme Court has approved the **Shimla Development Plan 2041** that is aimed at **regulating construction activities** in Himachal Pradesh's capital city, terming it [Sustainable](#).

What is the Shimla Development Plan 2041?

▪ About:

- The draft Development Plan for the Shimla Planning Area 2041 was published in February 2022.
- The development plan has been prepared by the **Town and Country Planning Department of Himachal Pradesh under the [AMRUT \(Atal Mission for Rejuvenation and Urban Transformation\)](#)** sub-scheme of the Government of India.
 - The plan is **GIS (Geographic Information System)-based**. It covers Shimla [Municipal Corporation](#) and its adjoining areas under the provisions of the **Himachal Pradesh Town and Country Planning Act, 1977**.
- The plan states that "town planning does not come under the purview of NGT".

▪ Background of Legal Battles:

- The initial approval for the plan was granted by the previous state **government in February 2022**.
- However, the [National Green Tribunal \(NGT\)](#) intervened and issued stay orders in May 2022, terming the **plan illegal and in conflict with earlier orders** passed in 2017.
 - The NGT's 2017 verdict had **prohibited construction on buildings above two floors** and the attic floor in the Shimla planning area.
 - The NGT found the scheme violated **the ban by allowing more floors** and new constructions in restricted areas. The NGT warned **of damage to law, environment and public safety** if the state continued.
- The state government appealed to the Supreme Court, and in May 2023, the Supreme Court directed the **government to address objections to the draft development plan** and issue a final plan within six weeks.

What is the Supreme Court's Ruling?

- In January, 2024, the SC gave its approval to the Shimla Development Plan 2041, setting aside **the previous orders of the NGT**, stating that it was beyond the jurisdiction of the tribunal to direct

the state government on **how to formulate the development plan**.

- The court mentioned that the **NGT cannot dictate the state government's formulation** of the plan but can scrutinize the plan on its merits.
- The court acknowledged **that the 2041 development plan appears to be balanced** and sustainable, but it emphasized that **parties are still open to challenging specific aspects** of the plan on their merits.

What is the National Green Tribunal (NGT)?

- It is a specialized body set up under the **National Green Tribunal Act (2010)** for **effective and expeditious disposal** of cases relating to environmental protection and conservation of forests and other natural resources.
- With the **establishment of the NGT**, India became the **third country in the world** to set up a specialized environmental tribunal, only **after Australia and New Zealand**, and the first developing country to do so.
- The **NGT Act provided a specialized role** to the tribunal to act on issues where a dispute arose under seven specified laws (**mentioned in Schedule I of the Act**): The Water Act 1974, The Water Cess Act 1977, The Forest Conservation Act 1980, Air Act 1981, **Environment Protection Act 1986**, Public Liability Insurance Act 1991 and the **Biological Diversity Act 2002**.
- NGT is mandated to make disposal of applications or appeals finally within 6 months of filing the same.
- The NGT has five places of sittings, New Delhi is the Principal place of sitting and Bhopal, Pune, Kolkata and Chennai are the other four.
- The **Tribunal is headed by the Chairperson** who sits in the **Principal Bench** and has at least ten but not more than twenty judicial members and at least ten but not more than twenty expert members.
- Decisions of the Tribunal are binding. The **Tribunal has powers to review its own decisions**. If this fails, the decision can be challenged before the Supreme Court within ninety days.

What is AMRUT?

- **Launch:** June 2015
- **Concerned Ministry:** Ministry of Housing and Urban Affairs
- **Purpose:**
 - To ensure that **every household has access to a tap with the assured supply** of water and a sewerage connection.
 - The Priority zone of the Mission is water supply followed by sewerage.
 - To increase the amenity value of cities by developing greenery and well maintained open spaces (e.g. parks).
 - To reduce pollution by switching to public transport or constructing facilities for non-motorized transport (e.g. walking and cycling).
- **Components:**
 - Capacity building, reform implementation, water supply, sewerage and septage management, storm water drainage, urban transport and development of green spaces and parks.
 - The reforms aim at improving delivery of citizen services, bringing down the cost of delivery, improving financial health, augmenting resources and enhancing transparency. It also includes replacement of street lights with LED lights.
- **State Annual Action Plan (SAAP):**
 - AMRUT has made states equal partners in planning and implementation of projects by approval of SAAP once a year by MoHUA and states have to give project sanctions and approval at their end, **therefore actualisation of [cooperative federalism](#)**.
- **Supervision:**
 - An Apex Committee (AC), chaired by the Secretary, MoHUA and comprising representatives of related Ministries and organisations supervises the Mission.

UPSC Civil Services Examination, Previous Year Question (PYQ)

Q. How is the National Green Tribunal (NGT) different from the Central Pollution Control Board (CPCB)? (2018)

1. The NGT has been established by an Act whereas the CPCB has been created by an executive order of the Government.
2. The NGT provides environmental justice and helps reduce the burden of litigation in the higher courts whereas the CPCB promotes cleanliness of streams and wells, and aims to improve the quality of air in the country.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Ans: b

PDF Reference URL: <https://www.drishtiias.com/printpdf/shimla-development-plan-2041>

