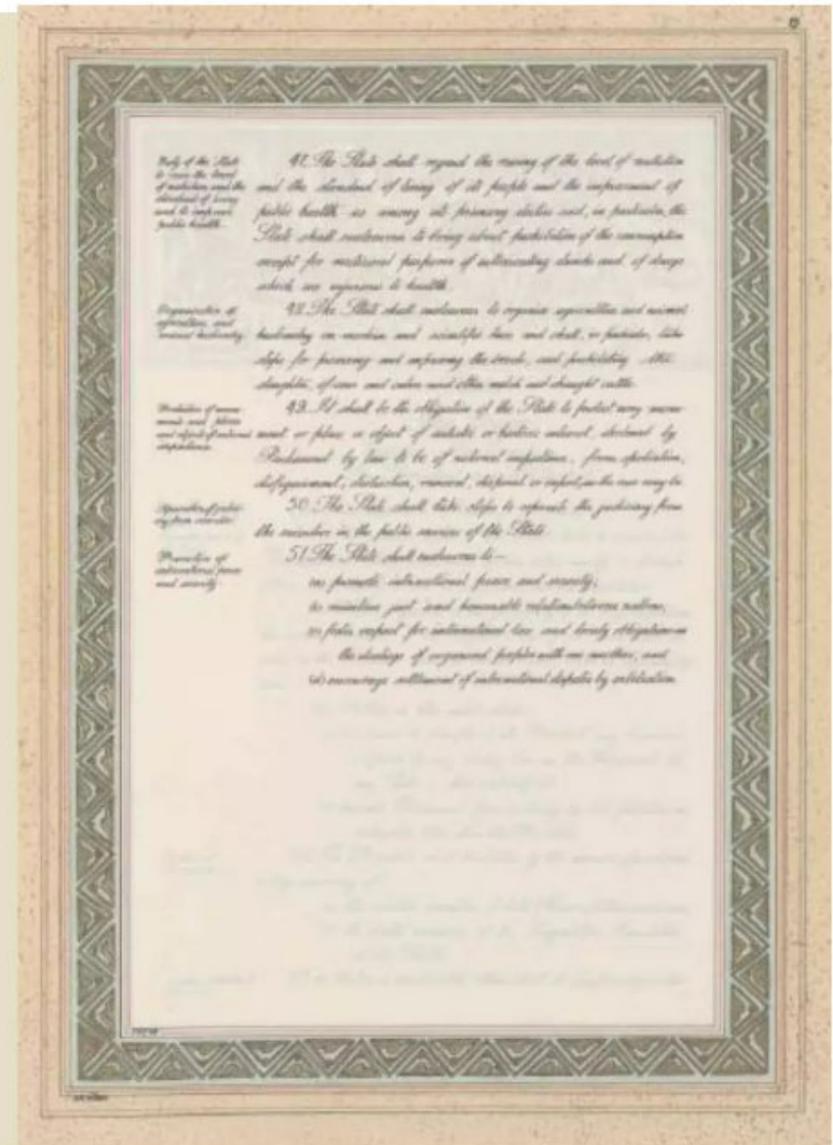


HERITAGE PROTECTION ACTS IN INDIA

- **UNESCO** adopted a convention on the protection of the World's Cultural and National Heritage on November 16, 1972.
- It is also called **World Heritage Convention**



- States are obliged under **Article 49 of the Indian Constitution, 1951** to protect monuments and places and objects of national importance.
- It is the duty of every citizen of India under **Article 51A(f) of Indian Constitution, 1951** to value and preserve the rich heritage of our composite culture.





Sanchi at the time of discovery

19th century 'discovery' of
'monuments' and beginnings
of legislation



Sanchi after conservation



Sarnath after
excavation and
conservation



- The first ever antiquarian legislation in India is known as **Bengal Regulation XIX of 1810**.
- This was soon followed by another legislation called as **Madras Regulation VII of 1817**. Both these regulations vested the Government with a power to intervene whenever the public buildings were *under threat of misuse*. However, both the Acts were silent on the buildings under the private ownership.
- **The Act XX of 1863**, was therefore enacted to empower the Government to prevent injury to and preserve buildings remarkable for their antiquity or for their historical or architectural value.



- **The Indian Treasure Trove Act, 1878** (Act No. VI of 1878) was promulgated to protect and preserve *treasure found accidentally* but had the archaeological and historical value.
- This Act was enacted to protect and preserve such treasures and their lawful disposal.

19TH CENTURY



- In a landmark development in 1886, James Burgess, the then Director General succeeded in prevailing upon the Government for issuing directions: forbidding any person or agency to undertake *excavation without prior consent* of the Archaeological Survey and debarring officers from disposing of antiquities found or acquired without the permission of the Government.

20TH CENTURY

- **The Ancient Monuments Preservation Act, 1904 (Act No. VII of 1904)**, provided effective preservation and authority over the monument particularly those, which were under the custody of *individual or private ownership*. As this Act has not been repealed, it is deemed to be in force.
- Next Act was **The Antiquities Export Control Act, 1947 (Act No. XXXI of 1947)** and Rules thereto which provided a regulation over the *export of antiquities* under a licence issued by the Director General and empowering him to decide whether any article, object or thing is or is not an antiquity for the purpose of the act and his decision was final.

20TH CENTURY

- In 1951, **The Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Act, 1951** (No LXXI of 1951) was enacted.
- Consequently, all the ancient and historical monuments and archaeological sites and remains protected earlier under 'The Ancient Monuments Preservation Act, 1904' (Act No. VII of 1904) were re-declared as monuments and archaeological sites of national importance under this Act.
- Another four hundred and fifty monuments and sites of Part 'B' States were also added.
- Some more monuments and archaeological sites were also declared as of national importance **under Section 126 of the States Reorganization Act, 1956.**

20TH CENTURY

- In order to bring the Act on par with constitutional provisions and providing better and effective preservation to the archaeological wealth of the country, **The Ancient Monuments and Archaeological Sites and Remains Act 1958** (No 24 of 1958) was enacted on 28th August 1958.
- This Act provides for the preservation of ancient and historical monuments and archaeological sites and remains of national importance, for the regulation of archaeological excavations and for the protection of sculptures, carvings and other like objects.
- Subsequently, *The Ancient Monuments and Archaeological Sites and Remains Rules 1959* were framed. The Act along with Rules came into force with effect from 15 October 1959.
- This Act repealed **The Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Act, 1951**.

20TH CENTURY

- **The Antiquities and Art Treasures Act 1972 (No. 52 of 1972)** is the latest Act enacted on 9th September 1972 for effective control over the moveable cultural property consisting of antiquities and art treasures.
- The Act is to regulate the *export trade* in antiquities and art treasures, to provide for the prevention of smuggling of, and fraudulent dealings in, antiquities, to provide for the compulsory acquisition of antiquities and art treasures for preservation in public places and to provide for certain other matters connected therewith or incidental or ancillary thereto.
- This Act was also supplemented with **The Antiquities and Art Treasure Rules 1973**. The Act and Rules have been in force with effect from 5th April 1976.
- This legislation repealed **The Antiquities Export Control Act, 1947 (Act No. XXXI of 1947)**.

21ST CENTURY

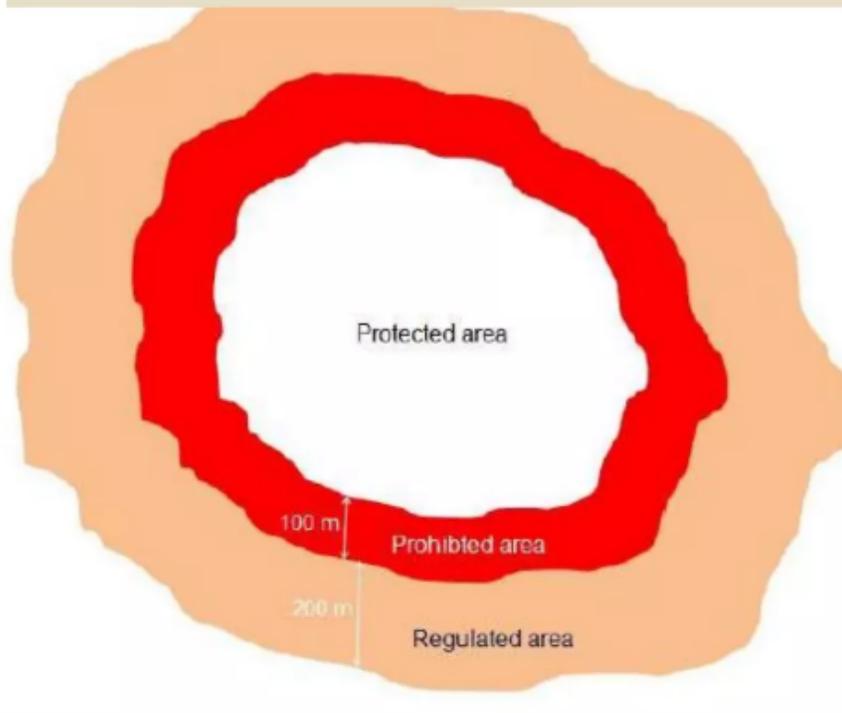
- Central Government proposed **National Commission for Heritage Sites Bill in 2009** to comply with the World Heritage Convention.
- This commission will recommend short term, long term policies to the state and central government, conduct research and studies, publish periodically heritage maps, make list of heritage sites for nominations, make periodical reports etc.
- Present bill was *withdrawn in 2015* after having recommendations of various committees and stakeholders.

21ST CENTURY

- **The Ancient Monuments and Archaeological Sites and Remains Act, 2010**
- Establishment of *National Monuments Authority* on 11th Nov 2011
- Redefinition of *100m as prohibited zone & 100-300m as regulated area* around the monument.
- Categorization of monuments into *8 categories*
- Framing of *heritage bye-laws* for each of the centrally protected monument

21ST CENTURY

- Mapping & detailed site plans.
- No construction in the prohibited zone.
- Construction in regulated area in accordance with DCR.



STATE LEGISLATIONS

Various states have and proposed laws for the preservation of their heritage

- Victoria Memorial Act, 1903
- Orissa Ancient Monuments and Preservation Act, 1956
- The Karnataka Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1961
- Salar Jung Museum Act, 1961
- Rajasthan Monuments, Archaeological Sites and Antiquities Act, 1961
- Tamil Nadu Ancient Monuments and Archaeological Sites and Remains Act, 1966
- The Madhya Pradesh Ancient Monuments and Archaeological Sites and Remains Act, 1964
- The Hampi World Heritage Area Management Authority Act, 2002

ANCIENT MONUMENTS AND ARCHAEOLOGICAL SITES AND REMAINS (AMASR) ACT - 1958 (AMENDMENT 2010)

Salient Features

1. The Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010 hereinafter referred to as the Amendment Act has been enacted to amend the Ancient monuments and Archaeological Sites and Remains Act, 1958 and to make provision for validation of certain actions taken by the Central Government under the said Act.
2. The limits of prohibited area and regulated area around the monuments, archaeological sites and remains declared by the Central Government as protected have been specified in the principal Act as 100 m and 200 m, respectively. The limits so fixed may be further extended on the basis of gradation and classification of the monuments, archaeological sites and remains to be done by the National Monument Authority, which is to be constituted by the Central Government by virtue of the Amendment in the principal Act.
3. The Authority shall have a full time Chairperson and five full time and five part-time members having proven experience and expertise from the fields of archaeology, town and country planning, architecture, heritage, conservation architecture or law with a tenure of three years.
4. Henceforth, **no permission for construction of any public projects or any other nature shall be granted in the prohibited areas of the protected monument and protected area.** However, permission for repair and renovation could be granted by the Competent Authority, to be specified by the Central Government, on the recommendation of the National Monument Authority, subject to condition that the building or structure is pre-1992 or permission for construction or reconstruction of such building or structure had been granted by the Archaeological Survey of India.

ANCIENT MONUMENTS AND ARCHAEOLOGICAL SITES AND REMAINS (AMASR) ACT - 1958 (AMENDMENT 2010)

Salient Features

5. The Amendment Act defines 'construction' which means any erection of a structure or a building, including any addition or extension thereto either vertically or horizontally, but does not include, any re-construction, repair and renovation of any existing structure or building, or construction, maintenance and cleansing of drains and drainage works and of public latrines, urinals and similar conveniences, or the construction and maintenance of works meant for providing supply of water for public, or the construction or maintenance, extension, management for supply and distribution of electricity to the public; or provision for similar faculties for publicity.

[Section 2(dc)]

Similarly, 'reconstruction' has also been defined as any erection of a structure or building to its pre-existing structure, having the same horizontal or vertical limits.

[Section 2 (k)]

To avoid any ambiguity in interpretation, the Act has defined the term 'repair' and 'renovation' which means alteration to a pre-existing structure or building, but shall not include 'construction' or 'reconstruction'. **[Section 2 (m)]**

6. There is also a provision in the Act to further **extend the prohibited area beyond 100 meters** having regard to the classification of any protected monument or protected area on the recommendation of 'National Monument Authority' by the Central Government. **[Section 2 (ha) and 20A]**

With this definition, the prohibited area has extent not only horizontally but also vertically and covers even below the surface.

7. The regulated area, according to the Amendment Act means every area, beginning at the limit of prohibited area in respect of every ancient monument and archaeological site and remains, extending to a distance of 200 hundred meters in all directions. **This 200 meters regulated area could further be extended** having regard to the classification of any protected monument or protected area on the recommendation of 'National Monument Authority' by the Central Government. **[Section 2(I) and 20B]**

With this definition, the regulated area has extent not only horizontally but also vertically and covers even below the surface.

8. The Act provides for undertaking survey of all prohibited areas and regulated areas by the ASI for the purpose of preparing detailed site plans within a time limit to be specified by the Central Government. Responsibility has also been given to the ASI to identify all construction of whatever nature made on and after 16th June, 1992 in all prohibited and regulated areas and to submit a report from time to time to the Central Government. **The ASI has been given authority under the Act to call for information from the local bodies and other authorities.**

9. The Amendment Act provides that none other than an archaeological officer can carry out any construction in any prohibited area. This provision means that no construction activity can be taken up in the prohibited areas of the protected monuments and protected areas. The authority for undertaking construction activities in the prohibited area has been given to the archaeological officer keeping in view the requirements to enhance the visitor's experience, which may require erection of structures like toilets, sculpture shed, museum, interpretations centre, publication counter, ticket book office, water kiosk, small cafeteria, etc.

10. The Act provides that no permission, including carrying out any public work or project essential to the public or other constructions, shall be granted in any prohibited area on and after the date on which the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act 2010 comes into force. After the enforcement of the Act, 2010, public work or project essential to the public or other constructions cannot be carried out in the prohibited area. This provision, however, does not include cleansing of drains and drainage works and of public latrines, urinals and similar conveniences, or, the construction and maintenance of works meant for providing for supply of water for public, or the construction or the maintenance, extension, management for supply and distribution of electricity to the public or provision for similar facilities for public **[Section 2(I) and 20B]. This provision has barred all construction activities in the prohibited area to be taken up by all public bodies even if the purpose is related to public works or project essential to the public. There is no provision for grant of any relaxation in this regard by any authority.**

11. Any person, who owns any building or structure, which existed in a prohibited area before the 16th day of June, 1992, or, which had been subsequently constructed with the approval of Director General and desires to carry out any repair or renovation of such building or structure, may make an application to the Competent Authority for carrying out such repair or renovation, as the case may be **[Section 20C(1)]**

After the enforcement of the Amendment Act, no owner or possessor of any building or structure or land falling in the prohibited area could be permitted for undertaking any construction or reconstruction. He may, however, undertake repair or renovation of the building or structure which existed prior to 16th June, 1992 or which had been constructed on the basis of permission granted by the Director General.

12. The Act provides for carrying out construction or re-construction or repair or renovation of such building or structure on such land, as the case may be, by any person, who owns or possesses any building or structure or land in any regulated area. **The owner or possessor of any building or structure or land may make an application to the Competent Authority for carrying out construction or re-construction or repair or renovation, as the case may be. [Section 20C(2)]**
13. The permission for construction granted by the ASI after the 16th day of June, 1992 but ending before the date on which the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act 2010 has come into force, in the regulated area in respect of such protected monument, shall be deemed to have been validly granted in accordance with the provision of this Act **[Section 20B] . As per this provision the constructions carried out by any person in the regulated area without obtaining prior permission from the Director General is illegal and not valid.**

14. The permissions for construction granted by the ASI after the 16th day of June, 1992 but ending before the date on which the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010, in the prohibited area on the basis of the recommendation of the Expert Advisory Committee, **shall be deemed to have been validly granted in accordance with the provisions of this Act [Section 20A(3)].**
15. The Act, however, provides that the permission for construction or re-construction of any building or structure granted in any prohibited area subsequent to the completion of construction or re-construction of any building or structure. **[Section 20A(3)].** This provision has not validated the permissions granted by the Director General ex-post-facto, which means **that the buildings and structures so constructed un-authorized but regularized later would be treated as unauthorized and illegal**

16. The Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010 provides that the Central Government may specify, by notification in the official Gazette, **an officer not below the rank of Director of the Competent Authority to perform functions under the Act.** The Central Government has the powers to specify different Competent Authorities for the purpose of Sections 20C, 20D and 20E. **[Section 2(db)]**
17. Henceforth, **the authority to receive application for grant of permission** for construction, reconstruction, repair or renovation in the prohibited areas or regulated areas has been **vested with the Competent Authority**, who shall be specified by the Central Government through a Gazette notification to discharge his functions as defined in the Act.
18. The applications for grant of permission for repair or renovation of buildings or structures which **existed in a prohibited area before 16th of June 1992**, or which had been subsequently constructed with the approval of Director General **may be made to the Competent Authority by the owner or the possessor** in such manner as may be prescribed (as per the rule to be notified). **[Section 20D(1)]**
19. The applications for grant of permission for construction or reconstruction or repair or renovation of any building or structure or land **in a regulated area may be made to the Competent Authority by the owner or the possessor** in such manner as may be prescribed (as per the rules to be notified). **[Section 20D(1)]**
20. **The Competent Authority shall forward the applications so received within 15 days the National Monument Authority** to consider and intimate impact of such construction (including the impact of large scale development project, public project and project essential to the public) in accordance with heritage bye-laws to be framed for the concerned protected monument or protected area. **[Section 20D (2)]**

21. **The Central Government may prescribe the category of applications in respect of which the permission may be granted** under sub section 20D(2) and the applications which shall be referred to the National Monument Authority for recommendations. **[Section 20D (2)]**
22. **The National Monument Authority shall intimate within two months after the receipt of the application to the Competent Authority impact of such construction** (including the large scale development project, public project and project essential to the public). **[[Section 20D (3)]**
23. The Competent Authority shall **either grant permission or convey refusal to the applicant within one month** of receipt of the recommendation of the National Monument Authority. **[Section 20D (4)]**

24. The recommendation of the National Monument Authority shall be final. [Section 20D(5)]
25. In case of refusal of the permission, the Competent Authority shall by order in writing and after giving an opportunity to the concerned person intimate such refusal **within three months from the date of receipt of application to the applicant,** the Central Government and the National Monument Authority. **[Section 20D (6)]**
26. The Competent Authority is empowered **to refer the permission so granted for carrying out of repair or renovation work or reconstruction of building or construction of National Monument Authority,** in case, it is found that such repair or renovation or reconstruction or construction is likely to cause an adverse impact on the preservation, safety, security or access to the monument considerably for recommendation, and if so, recommended by the Authority, the Competent Authority may withdraw the permission granted. **[Section 20D (7)]**
27. The proviso to Section 20D (7) authorizes the Competent Authority, in exceptional circumstances and with the approval of the National Monument Authority, to consider grant of permission for repair/renovation/construction/reconstruction, etc., even before the heritage bye-laws are approved /notified. **[Section 20D (7)]**
28. The Central Government or the Director General shall have to exhibit on website all the permissions granted or refused **[Section 20D(8)]**
29. The Competent Authority in consultation with the Indian National Trust For Art and Cultural Heritage or such other expert heritage bodies, as may be notified by the Central Government, shall prepare heritage bye-laws in respect of each protected monument and protected area. **[Section 20E(1)]**

30. The heritage bye-laws shall specify heritage controls such as elevation, façade, drainage system, road and service infrastructure (including electric poles, water and sewer pipelines) in addition to such matters as may be prescribed (to be detailed out in the rules to be framed). **[Section 20E (2)]**
31. The Central Government shall specify, by rules (to be framed), the manner of preparation of detailed site plans in respect of each protected monument or protected area, or prohibited area or regulated area, the time within which such heritage bye-laws shall be prepared and particulars to be included in each such heritage bye-laws. **[Section 20E (3)]**
32. The preparation of heritage bye-laws in respect of each protected monument or protected area shall be governed by the ground conditions and nature of the monument for which it has been found essential to undertake detailed documentation of the protected area, prohibited area and regulated area in each case.
33. The Competent Authority has been authorized to appoint experts or consultants for preparation of detailed site plans and heritage bye-laws. **[Section 20E (4)]**

34. The heritage bye-laws which shall eventually be prepared by the Competent Authority with the help of outside experts and consultants shall be got approved by the National Monument Authority, which is proposed to have the Chairperson and members of excellence in the relevant areas like archaeology, country and town planning, architecture, conservation architecture or law. **[Section 20E (5)]**
35. The heritage bye-laws in respect of each protected monument or protected area shall be laid on the table of each House of Parliament. **[Section 20E (6)]**The heritage bye-laws therefore shall have to be published in the Official Gazette to make them available to public.
36. The heritage bye-laws shall be exhibited by the Competent Authority on the website after tabling the same in each House of Parliament. [Section 20E (7)] This provision has been made to make the system transparent and to avoid any undue inconvenience or harassment to the public.

iii)

37. Penalty under section 30 of the Principal Act has been enhanced from three months to two years and fine of rupees five thousand to one lakh or with both in respect of violation sub- section (1)

WHOEVER –

- i) Destroys, removes, inquires, alters, defaces, imperils or misuse a protected monument, or
- ii) Being the owner or occupier of a protected monument, contravenes an order made under sub-section (1) of section 9 or under sub-section (1) of section 10, or
- iii) Removes from a protected monument any sculpture, carving, image, bas-relief, inscription, or other like object, or Does any act in contravention of sub-section(1) of section 19, shall be punishable with imprisonment which may extend to two years, or with fine which may extend to one lakh rupees, or with both, Similar to sub-section (1) the penalty for violation of sub-section (2) of section 30 has also been enhanced.

1) Any person who moves any antiquity in contravention of a notification issued under sub-section (1) of section 25 shall be punishable with imprisonment which may extend to two years or with fine which may extend to one lakh rupees or with both; and the court conviction a person of any such contravention may by order direct such person to restore the antiquity to the place from which it was moved.

38. In respect of unauthorized constructions in the prohibited and regulated area of the protected monument and protected area, the penalty has been incorporated now by the Amendment Act. The penalty provision is as under –

- i) Whoever raises, on and after the date on which the Ancient Monuments and Archaeological sites and Remains (Amendment and Validation) Act 2010, any construction in the prohibited area, shall be punishable with imprisonment not exceeding two years or with fine which may extend to one lakh rupees or with both. **[Section 30A]**

- ii) Whoever raises, on and after the date on which the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010, any construction in the regulated area without previous permission of the competent authority or in contravention of the permission granted by the competent authority, shall be punishable with imprisonment not exceeding two years or with fine which may extend to one lakh rupees or with both. **[Section 30B]**
 - iii) If any officer of the central Government enters into or acquiesces in any agreement to do, abstains from doing, permits, conceals or connives at any act or thing whereby any construction or reconstruction takes place in a prohibited area or regulated area, shall be punishable with imprisonment for a term which may extend to three years or with fine, or both **[Section 30C]**
39. The penalty has been enhanced to ensure that it acts a deterrent and none dares to indulge in unauthorized and illegal activities as per the Act. Provision for severe punishment has also been made for the officers of the Central Government who are found indulged in any act which is illegal or unauthorized as per the Act. This will make sure that the Central Government officers discharge their functions with utmost sincerity and as per the Act.
40. The Director General of the Archaeological Survey of India has been made responsible to conduct a survey or cause survey to be conducted in respect of all prohibited area regulated areas of the protected monuments and protected areas for the purpose of preparing detailed site plans within a period which may be specified by the central government. A report on the survey to be conducted shall be submitted by the Director General to the Central Government and the Authority. **[Section 35A(1) and (2)]**

- c. “Conservation” means all the processes of looking after a place so as to retain its historical and/or architectural and/or aesthetic and/or cultural significance and includes maintenance, preservation, restoration, reconstruction and adoption or a combination of more than one of these.
- d. “Construction” means any erection or a building, including any addition or extension thereto either vertically or horizontally.
- e. “Heritage building” means and includes any building of one or more premises or any part thereof and/or structure and/or artifact which requires conservation and / or preservation for historical and / or architectural and / or artisanary and / or aesthetic and/or cultural and/or environmental and/or ecological purpose and includes such portion of land adjoining such building or part thereof as may be required for fencing or covering or in any manner preserving the historical and/or architectural and/or aesthetic and/or cultural value of such building.
- f. “Heritage Precincts” means and includes any space that requires conservation and /or preservation for historical and / or architectural and/or aesthetic and/or cultural and/or environmental and/or ecological purpose. Walls or other boundaries of a particular area or place or building or may enclose such space by an imaginary line drawn around it.
- g. “Preservation” means and includes maintaining the fabric of a place in its existing state and retarding deterioration.
- h. “Prohibited Area” means area of the protected monuments declared as of national importance and extending to a distance of 100 meters in all direction.
- i. “Restoration” means and includes returning the existing fabric of a place to a known earlier state by removing accretions or by reassembling existing components without introducing new materials.
- j. “Reconstruction” means and includes returning a place as nearly as possible to a known earlier state and distinguished by the introduction of materials (new or old) into the fabric. This shall not include either recreation or conjectural reconstruction.

Although, the Circles of the ASI may have some data on unauthorized constructions carried out in the prohibited and regulated areas of protected monuments and sites, this may not be correct and many omissions could be there because of lack of proper mechanism and manpower infrastructure. This is a major exercise which may involve a lot of interaction with Panchayats, Municipalities, Development authorities, revenue authorities and various Central and State Government departments to find out the details of constructions carried out in the prohibited and regulated areas of the protected monuments and protected areas without approval of the Director General.

42. The Director General, Archaeological Survey of India has been given powers to call for information from the local bodies and other authorities for identification on of all constructions made on and after 16th June, 1992 in all prohibited areas and regulated areas. **[Section 35B(2)]** This provision makes it mandatory for the local bodies and other authorities to share the details on un-authorize constructions carried out by the individuals and public bodies in the prohibited and regulated areas of the monuments and sites after the issue of the notification dated 16th June, 1992 in the Official Gazette.
43. As per section 12 of the Amendment Act, the permissions granted by the Archaeological Survey of India between 16th June, 1992 and the enforcement of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010 for construction or re-construction or repair or renovation except those granted ex-post-facto after the completion of the structure or building in the prohibited areas and regulated areas of the protected of the protected monuments and protected areas have been held as valid and not challengeable in any court, tribunal or other authority. Any rule, order or notification made under the Ancient monuments and Archaeological Sites and Remains Act, 1958 for carrying out any repair, renovation or construction work or undertaking any public work

its historical and/or architectural and/or aesthetic and/or cultural significance and includes maintenance, preservation, restoration, reconstruction and adoption or a combination of more than one of these.

- d. “Construction” means any erection or a building, including any addition or extension thereto either vertically or horizontally.
- e. “Heritage building” means and includes any building of one or more premises or any part thereof and/or structure and/or artifact which requires conservation and / or preservation for historical and / or architectural and / or artisanary and / or aesthetic and/or cultural and/or environmental and/or ecological purpose and includes such portion of land adjoining such building or part thereof as may be required for fencing or covering or in any manner preserving the historical and/or architectural and/or aesthetic and/or cultural value of such building.
- f. “Heritage Precincts” means and includes any space that requires conservation and /or preservation for historical and / or architectural and/or aesthetic and/or cultural and/or environmental and/or ecological purpose. Walls or other boundaries of a particular area or place or building or may enclose such space by an imaginary line drawn around it.
- g. “Preservation” means and includes maintaining the fabric of a place in its existing state and retarding deterioration.
- h. “Prohibited Area” means area of the protected monuments declared as of national importance and extending to a distance of 100 meters in all direction.
- i. “Restoration” means and includes returning the existing fabric of a place to a known earlier state by removing accretions or by reassembling existing components without introducing new materials.
- j. “Reconstruction” means and includes returning a place as nearly as possible to a known earlier state and distinguished by the introduction of materials (new or old) into the fabric. This shall not include either recreation or conjectural reconstruction.

MODEL BUILDING BYE-LAWS 2016

Conservation of heritage sites shall include buildings, artifacts, structures, areas and precincts of historic, aesthetic, architectural, cultural or environmentally significant nature (heritage buildings and heritage precincts), natural feature areas of environmental significance or sites of scenic beauty.

DEFINITIONS :

- a. “Authority” means National Monuments Authority.
- b. “Competent Authority” means an officer not below the rank of Director of archaeology or Commissioner of archaeology of Central or State government or equivalent rank.
- c. “Conservation” means all the processes of looking after a place so as to retain its historical and/or architectural and/or aesthetic and/or cultural significance and includes maintenance, preservation, restoration, reconstruction and adoption or a combination of more than one of these.
- d. “Construction” means any erection or a building, including any addition or extension thereto either vertically or horizontally.
- e. “Heritage building” means and includes any building of one or more premises or any part thereof and/or structure and/or artifact which requires conservation and / or preservation for historical and / or architectural and / or artisanary and / or aesthetic and/or cultural and/or environmental and/or ecological purpose and includes such portion of land adjoining such building or part thereof as may be required for fencing or covering or in any manner preserving the historical and/or architectural and/or aesthetic and/or cultural value of such building.
- f. “Heritage Precincts” means and includes any space that requires conservation and /or preservation for historical and / or architectural and/or aesthetic and/or cultural and/or environmental and/or ecological purpose. Walls or other boundaries of a

its historical and/or architectural and/or aesthetic and/or cultural significance and includes maintenance, preservation, restoration, reconstruction and adoption or a combination of more than one of these.

- d. “Construction” means any erection or a building, including any addition or extension thereto either vertically or horizontally.
- e. “Heritage building” means and includes any building of one or more premises or any part thereof and/or structure and/or artifact which requires conservation and / or preservation for historical and / or architectural and / or artisanary and / or aesthetic and/or cultural and/or environmental and/or ecological purpose and includes such portion of land adjoining such building or part thereof as may be required for fencing or covering or in any manner preserving the historical and/or architectural and/or aesthetic and/or cultural value of such building.
- f. “Heritage Precincts” means and includes any space that requires conservation and /or preservation for historical and / or architectural and/or aesthetic and/or cultural and/or environmental and/or ecological purpose. Walls or other boundaries of a particular area or place or building or may enclose such space by an imaginary line drawn around it.
- g. “Preservation” means and includes maintaining the fabric of a place in its existing state and retarding deterioration.
- h. “Prohibited Area” means area of the protected monuments declared as of national importance and extending to a distance of 100 meters in all direction.
- i. “Restoration” means and includes returning the existing fabric of a place to a known earlier state by removing accretions or by reassembling existing components without introducing new materials.
- j. “Reconstruction” means and includes returning a place as nearly as possible to a known earlier state and distinguished by the introduction of materials (new or old) into the fabric. This shall not include either recreation or conjectural reconstruction.

- k. “Regulated Area” means area in respect of every ancient monuments and archaeological sites and remains declared as of national importance and extending to a distance of 200 meters in all direction.

CONSERVATION OF HERITAGE SITES INCLUDING HERITAGE BUILDINGS, HERITAGE PRECINCTS AND NATURAL FEATURE AREAS

APPLICABILITY

These regulations shall apply to heritage sites which shall include those buildings, artifacts, structures, streets, areas and precincts of historic, architectural, aesthetic, cultural or environmental value (hereinafter referred to as Listed Heritage Buildings/ Listed Heritage Precincts) and those natural feature areas of environmental significance or of scenic beauty including, but not restricted to, sacred groves, hills, hillocks, water bodies (and the areas adjoining the same), open areas, wooded areas, points, walks, rides, bridle paths (hereinafter referred to as ‘listed natural feature areas’) which shall be listed in notification(s) to be issued by the State Government / identified in Master Plan.

The provisions in this chapter are beyond the regulations applicable on the *Prohibited and Regulated areas* as defined by Ancient Monuments and Archaeological Sites and Remains (AMASR) Act 2010, where *site specific Heritage Bye-Laws* prepared and notified by the Competent Authority (National Monuments Authority) under the AMASR Act shall be applicable. NOC shall have to be obtained by submission of required documents as may be necessary, including “*Heritage Impact Assessment*” report, if so necessitated by the NMA.

Responsibility of the owners of heritage buildings

It shall be the duty of the owners of heritage buildings and buildings in heritage precincts or in heritage streets to carry out regular repairs and maintenance of the buildings. The State Government, the Municipal Corporation or the Local Bodies

bodies (and the areas adjoining the same), open areas, wooded areas, points, walks, rides, bridle paths (hereinafter referred to as 'listed natural feature areas') which shall be listed in notification(s) to be issued by the State Government / identified in Master Plan.

The provisions in this chapter are beyond the regulations applicable on the *Prohibited and Regulated areas* as defined by Ancient Monuments and Archaeological Sites and Remains (AMASR) Act 2010, where *site specific Heritage Bye-Laws* prepared and notified by the Competent Authority (National Monuments Authority) under the AMASR Act shall be applicable. NOC shall have to be obtained by submission of required documents as may be necessary, including "*Heritage Impact Assessment*" report, if so necessitated by the NMA.

Responsibility of the owners of heritage buildings

It shall be the duty of the owners of heritage buildings and buildings in heritage precincts or in heritage streets to carry out regular repairs and maintenance of the buildings. The State Government, the Municipal Corporation or the Local Bodies and Authorities concerned shall not be responsible for such repair and maintenance except for the buildings owned by the Government, the Municipal Corporation or the other local bodies.

Restrictions on development / re-development / repairs etc.

No development or redevelopment or engineering operation or additions / alterations, repairs, renovations including painting of the building, replacement of special features or plastering or demolition of any part thereof of the said listed buildings or listed precincts or listed natural feature areas shall be allowed except with the prior permission of Commissioner, Municipal Corporation /Vice Chairman, Development Authority. Before granting such permission, the agency concerned shall consult the Heritage Conservation Committee to be appointed by the State Government and shall act in according with the advice of the Heritage Conservation Committee.

- i. Provided that, before granting any permission for demolition or major alterations / additions to listed buildings (or buildings within listed streets or precincts), or construction at any listed natural features, or alteration of boundaries of any listed natural feature areas, objections and suggestions from the public shall be invited and shall be considered by the Heritage Conservation Committee.
- ii. Provided that, only in exceptional cases, for reasons to be recorded in writing, the Commissioner, Municipal Corporation/ Vice Chairman, Development Authority may refer the matter back to the Heritage Conservation Committee for reconsideration.
However, the decision of the Heritage Conservation Committee after such reconsideration shall be final and binding.

Penalties

Violation of the regulations shall be punishable under the provisions regarding unauthorized development. In case of proved deliberate neglect of and/or damage to Heritage Buildings and Heritage Precincts, or if the building is allowed to be damaged or destroyed due to neglect or any other reason, in addition to penal action provided under the concerned Act, no permission to construct any new building shall be granted on the site if a Heritage Building or Building in a Heritage Precinct is damaged or pulled down without appropriate permission from Commissioner, Municipal Corporation/ Vice Chairman, Development Authority.

It shall be open to the Heritage Conservation Committee to consider a request for rebuilding/ reconstruction of a Heritage Building that was unauthorizedly demolished or damaged, provided that the total built-up area in all floors put together in such new construction is not in excess of the total built-up area in all floors put together in the original Heritage Building in the same form and style in addition to other controls that may be specified.

Preparation of list of heritage sites including heritage buildings, heritage precincts and listed natural feature areas

The list of heritage sites including Heritage Buildings, Heritage Precincts and listed Natural Features Areas is to be prepared and supplemented by the Commissioner

Heritage Buildings and Heritage Precincts, or if the building is allowed to be damaged or destroyed due to neglect or any other reason, in addition to penal action provided under the concerned Act, no permission to construct any new building shall be granted on the site if a Heritage Building or Building in a Heritage Precinct is damaged or pulled down without appropriate permission from Commissioner, Municipal Corporation/ Vice Chairman, Development Authority.

It shall be open to the Heritage Conservation Committee to consider a request for rebuilding/ reconstruction of a Heritage Building that was unauthorisedly demolished or damaged, provided that the total built-up area in all floors put together in such new construction is not in excess of the total built-up area in all floors put together in the original Heritage Building in the same form and style in addition to other controls that may be specified.

Preparation of list of heritage sites including heritage buildings, heritage precincts and listed natural feature areas

The list of heritage sites including Heritage Buildings, Heritage Precincts and listed Natural Features Areas is to be prepared and supplemented by the Commissioner, Municipal Corporation / Vice- Chairman, Development Authority on the advice of the Heritage Conservation Committee. Before being finalized, objections and suggestions of the public are to be invited and considered. The said list to which the regulation applies shall not form part of this regulation for the purpose of Building Bye-laws. The list may be supplemented from time to time by Government on receipt of proposal from the agency concerned or by Government *suo-moto* provided that before the list is supplemented, objections and suggestions from the public be invited and duly considered by the Commissioner, Municipal Corporation/Vice- Chairman Development Authority/and/or State Government and / or the Heritage Conservation Committee.

When a building or group of buildings or natural feature areas are listed it would automatically mean (unless otherwise indicated) that the entire property including its entire compound / plot boundary along with all the subsidiary structures and artefacts, etc. within the compound/plot boundary, etc. shall form part of list.

Alteration / modification / relaxation in development norms

On the advice of the said Heritage Conservation Committee to be appointed by the Government and for reasons to be recorded in writing, the Commissioner, Municipal Corporation / Vice Chairman, Development Authority shall follow the procedure as per Development Authority Act, to alter, modify or relax the Development Control Norms prescribed in the Master Plan, if required, for the conservation or preservation or retention of historic or aesthetic or cultural or architectural or environmental quality of any heritage site.

Heritage precincts / Natural feature areas

In cases of streets, precincts, areas and (where deemed necessary by the Heritage Conservation Committee) natural feature areas notified, development permissions shall be granted in accordance with the special separate regulation prescribed for respective streets, precincts / natural feature areas which shall be framed by the Commissioner Municipal Corporation/ Vice- Chairman, Development Authority on the advice of the Heritage Conservation Committee.

Before finalizing the special separate regulations for precincts, streets, natural features, areas, the draft of the same shall be published in the official gazette and in leading newspapers for the purpose of inviting objections and suggestions from the public. All objections and suggestions received within a period of 30 days from the date of publication in the official gazette shall be considered by the Commissioner, Municipal Corporation / Vice- Chairman, Development Authority / Heritage Conservation Committee.

After consideration of the above suggestions and objections, the agency concerned, acting on the advice of the Heritage Conservation Committee shall modify (if necessary) the aforesaid draft separate regulations for streets, precincts, areas and natural features and forward the same to Government for notification.

Road widening

Widening of the existing roads under the Master Plan of the City or Town / Zonal

Heritage Conservation Committee.

Before finalizing the special separate regulations for precincts, streets, natural features, areas, the draft of the same shall be published in the official gazette and in leading newspapers for the purpose of inviting objections and suggestions from the public. All objections and suggestions received within a period of 30 days from the date of publication in the official gazette shall be considered by the Commissioner, Municipal Corporation / Vice- Chairman, Development Authority / Heritage Conservation Committee.

After consideration of the above suggestions and objections, the agency concerned, acting on the advice of the Heritage Conservation Committee shall modify (if necessary) the aforesaid draft separate regulations for streets, precincts, areas and natural features and forward the same to Government for notification.

Road widening

Widening of the existing roads under the Master Plan of the City or Town / Zonal Development Plan or in the Layout Plan shall be carried out considering the existing heritage buildings (even if they are not included in a Heritage Precinct) or which may affect listed natural features areas.

Incentive uses for heritage buildings

In cases of buildings located in non-commercial use zones included in the Heritage Conservation List, if the owner / owners agree to maintain the listed heritage building as it is in the existing state and **to preserve its heritage state with due repairs and the owner / owners / lessees give a written undertaking to that effect, the owner / owners / lessees may be allowed with the approval of the Heritage Conservation Committee within permissible use zone to convert part or whole thereof of the non-commercial area within such a heritage building to commercial/office use/hotel.** Provided that if the heritage building is not maintained suitably or if the heritage value of the building is spoiled in any manner, the commercial / office / hotel use shall be disallowed.

Maintaining skyline and architectural harmony

After the guidelines are framed, buildings within heritage precincts or in the vicinity of heritage sites shall maintain the skyline in the precinct and follow the architectural style (without any high-rise or multi-storeyed development) as may be existing in the surrounding area, so as not to diminish or destroy the value and beauty of or the view from the said heritage sites. The development within the precinct or in the vicinity of heritage sites shall be in accordance with the guidelines framed by the Commissioner, Municipal Corporation / Vice- Chairman, Development Authority on the advice of the Heritage Conservation Committee or separate regulations / guidelines, if any, prescribed for respective zones by Municipal Corporation / Development Authority.

Restrictive covenants

Restrictions existing as imposed under covenants, terms and conditions on the leasehold plots either by the State Government or by Municipal Corporation of the city/town or by Development Authority shall continue to be imposed in addition to Development Control Regulations. However, in case of any conflict with the heritage preservation interest/environmental conservation, this Heritage Regulation shall prevail.

Grading of the listed buildings / listed precincts

Listed Heritage Buildings / Listed Heritage Precincts may be graded into three categories. The definition of these and basic guidelines for development permissions are as follows:

Listing does not prevent change of ownership or usage. However, change of use of such Listed Heritage Building / Listed Precincts is not permitted without the prior approval of the Heritage Conservation Committee. Use should be in harmony with the said listed heritage site.

GRADE- I	GRADE- II	GRADE- III
<p>(A) Definition Heritage Grade-I comprises buildings and precincts of national or historic importance, embodying excellence in architectural style, design, technology and material usage and/or aesthetics; they may be associated with a great historic event, personality, movement or institution. They have been and are the prime landmarks of the region.</p> <p>All natural sites shall fall within Grade-I.</p>	<p>Heritage Grade-II (A&B) comprises of buildings and precincts of regional or local importance possessing special architectural or aesthetic merit, or cultural or historical significance though of a lower scale than Heritage Grade-I. They are local landmarks, which contribute to the image and identity of the region. They may be the work of master craftsmen or may be models of proportion and ornamentation or designed to suit a particular climate.</p>	<p>Heritage Grade-III comprises building and precincts of importance for townscape; that evoke architectural, aesthetic, or sociological interest through not as much as in Heritage Grade-II. These contribute to determine the character of the locality and can be representative of lifestyle of a particular community or region and may also be distinguished by setting, or special character of the façade and uniformity of height, width and scale</p>
<p>(B) Objective: Heritage Grade-I richly deserves careful preservation.</p>	<p>Heritage Grade-II deserves intelligent conservation.</p>	<p>Heritage Grade-II deserves intelligent conservation (though on a lesser scale than Grade-II and special protection to unique features and attributes)</p>
<p>(C) Scope for Changes: No interventions be permitted either on exterior or interior of the heritage building or natural features unless it is necessary in the interest of strengthening and prolonging the life of the buildings/or precincts or any part or features thereof. For this purpose, absolutely essential and minimum changes would be allowed and they must be in conformity with the original.</p>	<p>Grade-II(A): Internal changes and adaptive re-use may by and large be allowed but subject to strict scrutiny. Care would be taken to ensure the conservation of all special aspects for which it is included in Heritage Grade-II.</p> <p>Grade-II(B): In addition to the above, extension or additional building in the same plot or compound could in certain circumstances, be allowed provided that the extension / additional building is in harmony with (and does not detract from) the existing heritage building(s) or precincts especially</p>	<p>Internal changes and adaptive reuse may by and large be allowed. Changes can include extensions and additional buildings in the same plot or compound. However, any changes should be such that they are in harmony with and should be such that they do not detract from the existing heritage building/precinct.</p>

Grade-I.	a particular climate.	and uniformity of height, width and scale
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(C) Scope for Changes: No interventions be permitted either on exterior or interior of the heritage building or natural features unless it is necessary in the interest of strengthening and prolonging the life of the buildings/or precincts or any part or features thereof. For this purpose, absolutely essential and minimum changes would be allowed and they must be in conformity with the original.	Grade-II(A): Internal changes and adaptive re-use may by and large be allowed but subject to strict scrutiny. Care would be taken to ensure the conservation of all special aspects for which it is included in Heritage Grade-II. Grade-II(B): In addition to the above, extension or additional building in the same plot or compound could in certain circumstances, be allowed provided that the extension / additional building is in harmony with (and does not detract from) the existing heritage building(s) or precincts especially in terms of height and façade.	Internal changes and adaptive reuse may by and large be allowed. Changes can include extensions and additional buildings in the same plot or compound. However, any changes should be such that they are in harmony with and should be such that they do not detract from the existing heritage building/precinct.
(D) Procedure: Development permission for the changes would be given on the advice of the Heritage Conservation Committee.	Development permission for the changes would be given on the advice of the Heritage Conservation Committee.	Development permission for changes would be given on the advice of the Heritage Conservation Committee.
(E) Vistas / Surrounding Development: All development in areas surrounding Heritage Grade-I shall be regulated and controlled, ensuring that it does not mar the grandeur of, or view from Heritage Grade-I.	All development in areas surrounding Heritage Grade-II shall be regulated and controlled, ensuring that it does not mar the grandeur of, or view from Heritage Grade-II.	All development in areas surrounding Heritage Grade-III shall be regulated and controlled, ensuring that it does not mar the grandeur of, or view from Heritage Grade-III.

Approval to preserve the beauty of the area

The Heritage Conservation Committee shall have the power to direct, especially in areas designated by them, that the exterior design and height of buildings should have their approval to preserve the beauty of the area.

Signs and outdoor display structures / including street furniture on heritage sites

Commissioner, Municipal Corporation/ Vice- Chairman, Development Authority on the advice of the Heritage Conservation Committee shall frame regulations or guidelines to regulate signs, outdoor display structures and street furniture on heritage sites.

Composition of heritage conservation committee

The Heritage Conservation Committee shall be appointed by the State Government comprising of:

	Secretary (UD)	Chairman
	(i) In charge Architecture, State PWD	Member
	(iii) Structural Engineer having experience of 10 years in the	
	field and membership of the Institution of Engineers, India	Member
	A) Architect having 10 years' experience	Member
	B) Urban Designer	Member
	C) Conservation Architect	Member
	Environmentalist having in-depth knowledge and experience of 10 years of the subject	Member
	Historian having knowledge of the region having 10 years experience in the field	Member
	Natural historian having 10 years' experience in the field	Member
	Chief Town Planner, Municipal Corporation	Member
	Chief Town Planner, Development Authority	Member

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	Historian having knowledge of the region having 10 years experience in the field	Member
	Natural historian having 10 years' experience in the field	Member
	Chief Town Planner, Municipal Corporation	Member
	Chief Town Planner, Development Authority	Member
	Chief Architect, Development Authority	Member
	Representative of State Archaeological Department	Member
	Chief Town Planner, State Town & Country Planning Department	Member-Secretary

- a. The Committee shall have the powers to co-opt upto three additional members who may have related experience.
- b. The tenure of the Chairman and Members of other than Government Department / Local Bodies shall be three years.

The terms of reference of the Committee shall inter alia be:

- i. To advise the Commissioner, Municipal Corporation/ Vice- Chairman, Development Authority whether development permission is to be granted under Building Bye-Laws No. 12.3 and the conditions of permission.
- ii. To prepare a supplementary list of heritage sites, which include buildings artefacts, structures, streets, areas, precincts of historic, aesthetic, architectural, cultural, or environmental significance and a supplementary list of natural feature areas of environmental significance, scenic beauty including but not restricted to sacred groves, hills, hillocks, water bodies (and the areas adjoining the same), open areas, wooded areas, points, walks, rides, bridle paths etc. to which this Building Bye-Law would apply.
- iii. To advise whether any relaxation, modification, alteration, or variance of any of the Building Bye-laws;
- iv. To frame special regulations / guidelines for precincts and if necessary for natural feature areas to advise the Commissioner, Municipal Corporation/ Vice- Chairman, Development Authority regarding the same;
- v. To advise whether to allow commercial / office/ hotel use in the (name the areas) and when to terminate the same.
- vi. To advise the Commissioner, Municipal Corporation/ Vice- Chairman, Development Authority in the operation of this Building Bye-law to regulate or eliminate/erection of outside advertisements/bill boards/street furniture;
- vii. To recommend to the Commissioner, Municipal Corporation/ Vice- Chairman

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- v. To advise whether to allow commercial / office/ hotel use in the (name the areas) and when to terminate the same.
- vi. To advise the Commissioner, Municipal Corporation/ Vice- Chairman, Development Authority in the operation of this Building Bye-law to regulate or eliminate/erection of outside advertisements/bill boards/street furniture;
- vii. To recommend to the Commissioner, Municipal Corporation/ Vice- Chairman
- viii. Development Authority guidelines to be adopted by those private parties or public/ government agencies who sponsor beautification schemes at heritage sites;

To prepare special designs and guidelines / publications for listed buildings, control of height and essential façade characteristics such as maintenance of special types of balconies and other heritage items of the buildings and to suggest suitable designs adopting appropriate materials for replacement keeping the old form intact to the extent possible.

To prepare guidelines relating to design elements and conservation principles to be adhered to and to prepare other guidelines for the purposes of this Regulation;

To advise the Commissioner, Municipal Corporation /Vice- Chairman, Development Authority/ on any other issues as may be required from time to time during course of scrutiny of development permissions and in overall interest of heritage / conservation

To appear before the Government either independently or through or on behalf of the Commissioner, Municipal Corporation / Vice-Chairman, Development Authority in cases of Appeals under Development Authority/Municipal Corporation Act in cases of listed buildings / heritage buildings and listed precincts / heritage precincts and listed natural feature areas.

Implications of listing as heritage buildings

The Regulations do not amount to any blanket prevention of demolition or of changes to Heritage Buildings. The only requirement is to obtain clearance from Commissioner, Municipal Corporation/ Vice- Chairman Development, Authority and Heritage Conservation Committee from heritage point of view.

Ownership not affected

Sale and purchase of Heritage Buildings does not require any permission from Municipal Corporation of the city/town/ Development Authority/or Heritage Conservation Committee. The Regulations do not affect the ownership or usage. However, such usage should be in harmony with the said listed precincts / buildings. Care will be taken to ensure that the development permission relating to these buildings is given within 60 days.

HERITAGE BYELAWS

Government of India has amended the Ancient Monuments and Archaeological Sites & Remains Act 1958 in year 2010 to include certain newer sub-sections. One of the major amendments is the provision of Heritage Byelaws for Prohibited and Regulated Area for each centrally protected monuments/sites. In 2011, through a Gazette notification dated 23rd August 2011 Govt. of India has notified Ancient Monuments and Archaeological Sites and Remains (Framing of Heritage Bye-laws and other functions of the Competent Authority) Rules 2011. The rules provide certain parameters which shall be considered for the preparation of the Heritage Bye-laws.

Provisions of Heritage Bye-laws in AMASR Act 2010.

- 20 E (1) – The competent authority, in consultation with Indian National Trust for Arts and Cultural Heritage, being a trust registered under the Indian Trusts Act, 1882 (2 of 1882) or such other expert heritage bodies as may be notified by the Central Government, shall prepare heritage bye-laws in respect of each protected monuments and protected area.
- 20 E (2) – The heritage bye-laws referred to in sub-section (1) shall, in addition to such matters as may be prescribed, include matters relating to heritage controls such a elevation, facades, drainage systems, roads and service infrastructure (including electric poles, water and sewer pipelines)
- 20 E (3) – The Central Government shall, by rules, specify the manner of preparation of detailed sited plans in respect of each protected area or protected monument or prohibited area or regulated area, the time within which such heritage bye-laws shall be prepared and particulars to be included in each such heritage bye-laws. .
- 20 E (4) – The competent authority for the purpose of preparation of detailed site plans and heritage by-laws may appoint such number of experts or consultants as it may deem fit.

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- 20 E (4) – The competent authority for the purpose of preparation of detailed site plans and heritage by-laws may appoint such number of experts or consultants as it may deem fit.
- 20 E (5) – A copy of each of the heritage bye-laws are prepared under sub-section (1) shall be forwarded to the Authority for its approval.
- 20 E (6) – A copy of the heritage by-laws as approved by the Authority under sub-section 5 shall be laid before each House of Parliament.
- 210 E (7) – Each heritage bye-laws shall, be made available by the competent authority to the public, by exhibiting the same on its website and also in such other manner as it may deem fit, immediately after laying the same before each House of Parliament.

Nineteen draft Heritage Bye-Laws are under consideration of NMA for finalisation before these are laid before the parliament.

DELHI MASTER PLAN PROVISIONS FOR CONSERVATION OF HERITAGE

CONSERVATION OF BUILT HERITAGE

Delhi is a historical city, whose remnants are spread right from Mehrauli to Shahjahanabad having large number of monuments scattered all over Delhi. The built heritage of Delhi is an irreplaceable and non-renewable cultural resource. Besides being part of life for many, it has educational, recreational and major tourism potential. It enhances Delhi's environment, giving it identity and character. It encompasses culture, lifestyles, design, materials, engineering and architecture.

The Heritage Resources include symbols of successive civilizations and cities that came up over the millennia, historic buildings and complexes, historical gardens, water engineering structures and their catchments, the remains of fortified citadels, places for worship and for the deceased, historic cities and villages, unearthed heritage and their components.

The surveys conducted by the DDA & INTACH identify 1208 historical monuments in Delhi of which the Archaeological Survey of India has declared 170 monuments as protected. In addition to these MCD, NDMC and the State Archaeological Department have published lists of Heritage Buildings.

The agencies concerned with the protection of Delhi's Built Heritage are ASI, GNCTD, State Archaeology Department, NDMC, MCD, Cantonment Board and DDA. Built heritage of Delhi needs to be protected, nourished and nurtured by all citizens and passed on to the coming generations. It is suggested that with the aim of framing policies and strategies for conservation, appropriate action plans may be prepared by all the agencies. These should include promotion of conservation of the civic and urban heritage, architecturally significant historical landmarks, living monuments, memorials

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It is recommended that these should be suitably incorporated while preparing layout plans / schemes. In case of major monuments it is necessary that the surrounding area should be identified in the layout / detail plan, and should have building controls in relation to height, material and spread of the monuments. It will also be necessary to maintain close interaction and coordination between all these agencies keeping in view the following objectives and requirements.

- i. Maintain and update a database.
- ii. Develop organizational capacity for heritage management.
- iii. Define all the applicable terms.
- iv. Listing of Heritage Buildings based on the following criteria:

- (a) The age of the building;
 - (b) Its special value for architectural or cultural reasons or historical periods;
 - (c) Its relevance to history;
 - (d) Its association with a well-known character or event;
 - (e) Its value as part of a group of buildings;
 - (f) The uniqueness of the building or any object or structures fixed to the building or forming part of the land and comprised within the curtilage of the building.
- v. v. Prepare guidelines for development, redevelopment, additions alterations, repairs, renovations and reuse of the heritage buildings.
- vi. vi. Implementing programmes for education and awareness.

HERITAGE ZONES

Heritage Zone is an area, which has significant concentration, linkage or continuity of buildings, structures, groups or complexes united historically or aesthetically by plan or physical development. The following areas have been identified as Heritage Zones as indicated in the Zonal Plan:

- i. Specific heritage complex within Walled City of Delhi, Shahjahanabad.
- ii. Specific heritage complex within Lutyens Bungalow Zone.
- iii. Specific heritage complex within Nizamuddin and Humayun's Tomb Complex.
- iv. Specific heritage complex within Mehrauli area.
- v. Specific heritage complex within Vijay Mandal - Begumpur - Sarai Shahji - Lal Gumbad.

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- v. Specific heritage complex within Vijay Mandal - Begumpur - Sarai Shahji - Lal Gumbad.
- vi. Specific heritage complex within Chirag Delhi.

However more areas can be added to this list based on studies by concerned agencies.

ARCHAEOLOGICAL PARK

Archaeological Park is an area distinguishable by heritage resource and land related to such resources, which has potential to become an interpretive and educational resource for the public in addition to the value as a tourist attraction

All decisions regarding Built Heritage in general and Archaeological Parks in particular should be based on evaluation of the pertinent aspects like form and design, materials and substance, use and function, traditions and techniques, location and setting, spirit and feeling and other internal and external factors.

The following areas have been designated as Archaeological Parks:

- i. Mehrauli Archaeological Park.
- ii. Tughlaquabad Archaeological Park.
- iii. Sultan Garhi Archaeological Park.

Other areas can be added to the list on the basis of studies.

SPECIAL CONSERVATION PLANS

Each local body /land owning agency should formulate “Special Development Plans” for the conservation and improvement of listed heritage complexes and their appurtenant areas. Alteration or demolition of any listed heritage building is prohibited without the prior approval of the Competent Authority.

The development plans / schemes for such areas shall conform to the provisions, in respect of Conservation of Heritage Sites including Heritage Buildings, Heritage Precincts and Natural Feature Areas.

CONSERVATION APPROACHES & CHARTERS

Charters are statements of intent, guidance and vision of principles, high level documents which needs to be synthesized for everyday application UNESCO, ICOMOS, Council of Europe, Stirling Charter

- i. Indian Approach to conservation – Cyclic World view Buildings live, die and are rebuilt once again. Site is more respected than the buildings.
- ii. Western Approach to conservation – Linear World view – Venice Charter/Burra Charter

Buildings cannot evolve over time. Minimum Intervention. Clear distinction between past and present.

The entire realm of Conservation includes Cultural Heritage Preservation.

Re-s of Conservation are listed below:

- | | |
|--------------------|--------------------|
| a. Restoration. | g. Retrofitting. |
| b. Preservation. | h. Refurbishment. |
| c. Reconstruction. | i. Revitalization. |
| d. Maintenance. | j. Relocation. |
| e. Rehabilitation. | k. Adaptive Re-use |
| f. Replication. | |

Conventions and Charters

i. Athens Charter 1931

vi. Organization of World Heritage

- ii. Western Approach to conservation – Linear World view – Venice Charter/Burra Charter

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- h. Refurbishment.
- i. Revitalization.
- j. Relocation.
- k. Adaptive Re-use

Conventions and Charters

- i. Athens Charter-1931
- ii. Venice Charter-1964
- iii. ICOMOS (International Council of Monuments & Sites, France)-1965
- iv. Burra Charter, Australia
- v. World Heritage Centre, UNESCO
- vi. Organization of World Heritage Cities, Canada-1993
- vii. National Trust, UK-1895
- viii. Royal Commission on Historical Monuments, UK -1908
- ix. Victorian Society,UK-1958
- x. English Heritage-1984

Criteria of Listing as a Heritage Building

The three key concepts need to be understood to determine whether a property is worthy of listing.

Historic significance is the importance of a property to the history, architecture, archaeology, engineering or culture of a community, region or nation.

In selecting a building, particular attention should be paid to the following:

- Association with events, activities or patterns
- Association with important persons
- Distinctive physical characteristics of design, construction or form, representing work of a master
- Potential to yield important information such as illustrating social, economic history such as railway stations, town halls, clubs, markets, water works, etc.
- Technological innovations such as dams, bridges, etc.
- Distinct town planning features like squares, streets, avenues, e.g Rajpath in Lutyens, New Delhi



Historic integrity is the authenticity of a property's historic identity, evidenced by the

- Association with important persons
- Distinctive physical characteristics of design, construction or form, representing work of a master
- Potential to yield important information such as illustrating social, economic history such as railway stations, town halls, clubs, markets, water works, etc.
- Technological innovations such as dams, bridges, etc.
- Distinct town planning features like squares, streets, avenues, e.g Rajpath in Lutyens, New Delhi



Historic integrity is the authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic period.

Historic integrity enables a property to illustrate significant aspects of its past. Not only must a property resemble the historic appearance but it must also retain physical materials, design features and aspects of construction dating from the period when it attained significance.

Historic context is information about historic trends and properties grouped by an important theme in the history of a community, region or nation during a particular period of time. A knowledge of historic context enables listeners to understand a historic property as a product of its time

Listing format

1. **Serial Number** : (village name / map ref / 3 digit no)
2. **PHOTOGRAPH**
3. **Name**/Historic Name/Other Names :
4. **Age / Year of construction** (Absolute or Relative):
5. **Postal Address** and Approach :
6. **Ownership** (address) :
7. **Usage:** Historical and Current :
8. **Typology:** residential, commercial, community, religious :
9. **Significance:** historical, architectural, and associative :
10. **Architectural Description** :
11. **Construction materials** :
12. **Present Condition** :
13. **Conservation requirements** :
14. Any other **information** (existing drawings, old photographs, lithos etc):
15. **Lister's name**, address with date :

