

**Architectural Conservation and Historic Preservation**  
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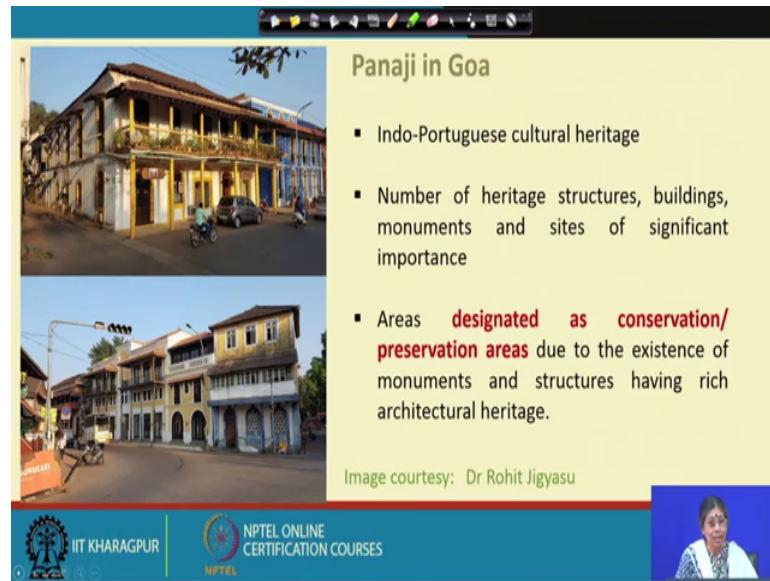
**Lecture - 36**  
**Historic Areas and Heritage Zones – India**

You know last lectures we have been discussing about the heritage zones, and we have discussed several examples from European countries and other countries and seen that how we have also done the main street program we have seen that. That how through regulations and policies and awareness they have been able to successfully preserve heritage areas not just monument, and how they are also becoming very living cities and economically viable areas.

Let us see what are the possibilities and what is happening in Indian scenario because we also have a beautiful heritage areas and which have not been maintained very well. There are a lot of problems of infrastructures Shahjahanabad, Ahmedabad we know which has been recently declared as the world heritage cities.

Now, all over India there are various types of and various sizes various scales of heritage areas, areas which we think should be declared as a heritage area. Let us see that what is happening there and what are the acts regulations, and what are the policy framework whether there are any or we need to do something about it. We will talk about some of these heritage zones and heritage areas in India.

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### Panaji in Goa

- Indo-Portuguese cultural heritage
- Number of heritage structures, buildings, monuments and sites of significant importance
- Areas **designated as conservation/preservation areas** due to the existence of monuments and structures having rich architectural heritage.

Image courtesy: Dr Rohit Jigyasu

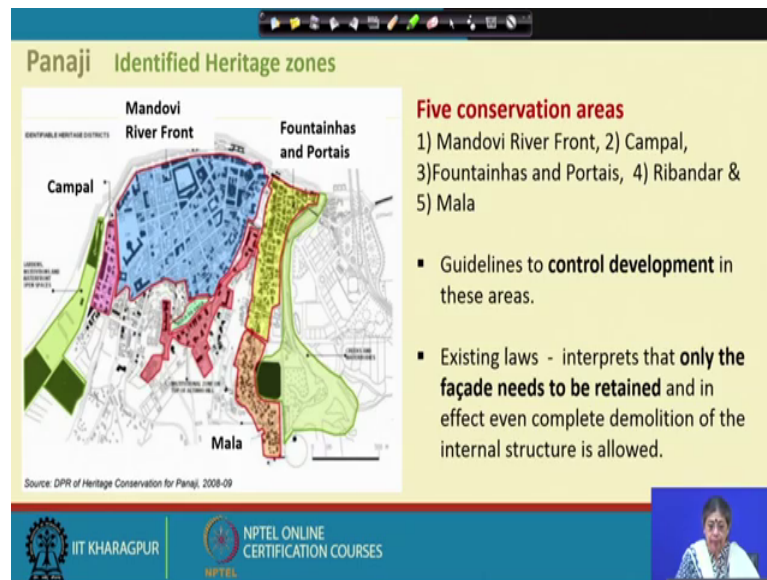
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Let us take this one Panaji in Goa and beautiful structures and townscape not that just monument these are the townscape value and we as we can see that they have been preserved well. But we do not see any high rise there in the vicinity, and beautifully maintained they are very living areas with the home stays and shops commercial areas and that is why it is very popular with the tourists.

Now, why it is important and what is contributed to this unique townscape of Panaji Goa is the indo Portuguese cultural heritage, and a number of heritage structures and buildings and monuments and sites all of significant importance and areas have been designated as conservation and preservation area.

So, we have been doing something about it. And why they have been designated is due to the existence of monuments and structures having rich architectural heritage. So, it is not only the monuments, it is also been taking care of the rich architectural heritage which is surrounding the monuments. There may be monument there may not be monuments.

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Now what has it has been done is that it the Goa town and country planning department has identified heritage zone and they have identified 5 of them; Mondavi river front which is here and the Campal and Fountainhas and river burn, Ribandar and Mala.

Now, one may ask a question that they are in quite close proximity to each other and; what is the necessary of declaring them or designating as 5 separate conservation area. The reason is that that when one looks into the historical background and the what has been preserved there and the characteristics they definitely have a different types of heritage. They may be natural, there may be there historically, they are different townscape was different and land use wise activity wise they are different.

So, this becomes very important to like the Fountainhas there are the monuments there and the fountains there and which are offer different types and historically they have been developing over the years with different types of architectural character and now also they have a with different types of land uses and activities.

So, that is why is very important to designate them as 5 different areas because the policy framework rules and regulations, what would be the intervention degrees of interventions they will be definitely have a different types and different types of intervention difference implementation policies. So, what for each of that area has been implemented is the guidelines to control development in these area it is not that is no development will be allowed, but to control the development and existing laws. But there is a fallacy

because the existing law interprets that only the façades needs to be retained and as a result and sometimes it also can end up in complete demolition of the internal structure and it may be alone. So, it becomes a facade retention and that is something one needs to be concerned about.

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**Panaji in Goa Heritage Conservation Initiatives**

**1. The Town and Country Planning Department**  
Nodal agency responsible for the heritage conservation in the city.

**2. Charles Correa Foundation (CCF)**  
proposals for heritage conservation in the city

**Survey and Listing of Heritage Structures**

- The Town and Country Planning Department (T&CP) listed all the structures and sites in the city having heritage value.
- **118 heritage structures/ sites** in Panaji itself located in the heritage zones earmarked
- ODP for Panaji has included as many as **40 buildings, houses, sites and monuments** which needs to be addressed for conservation on priority

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Who are the organization and institutes we are working in Panaji Goa? You can see that there are the different images of the different areas where be here you can completely make out that this one is a ha this one is a new area new building which has been happening in this area. But also important is that they have maintained the or they have purposely designed a different type of streetscapes another whereas, this is of course, from an old era.

So, that with the new development is mercy, but what is important in this particular picture that we can see that some sort of high rises and new structures are coming which is changing the character of this area in this is something which probably is not the purpose of this one.

Let us see who are the organization one is the town and country planning department and who is the nodal agency who is working and one is the Charles Correa foundation who makes the proposals for conservation of city. It is very important that not only everything should be with the government department, but also the other organizations should take part and they are really taking part in making proposals.

Now, for this what is important and that is why the involvement of the educational institutions and other organization is important apart from the government organization is survey and listing of the heritage structure. We are not talking about monuments we are talking about the entire area or part of a city or which we have seen.

So, survey listing of the heritage state. And what is the listing? The listing is just not inventory it has to be legalized we will talk about that. So, the town encounter planning department has listed all the structures in sight in the city having heritage value 118 heritage structures and sites in Panaji itself located in the heritage zones earmarked there may be some structure which is outside the designated heritage areas.

ODP that is outline development plan for Panaji has included as many as 40 buildings houses, sites and monuments which needs to be address for conservation on a priority basis. That means, there are certain structures which need to be addressed originally because of the structure reason or maybe because of the significance. So, this survey listing is a very important part of when we would sort of designate the heritage zones.

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**Panaji Heritage Listing**

**Factors under consideration to categorise the heritage structures**

1. Heritage Precincts
2. Street group
3. Architecture
4. Historical importance
5. Cultural and social personality
6. National Importance

The heritage structures have been graded in various **categories** viz. **Grade-I, Grade IIA, Grade IIB, Grade III and Grade IV.**

Several heritage structures in core city areas are not protected at all and are being demolished to make way for commercial high rises.

Now, what are the factors under consideration to categorize the heritage structure? Because we seen that 40 structures are more important. So, there has to be some categorization. It will never happen that all the structures in a designated heritage zone will be offer same significance or will have the same implication and objective. So, there has to be a grading.

Now, what are the factors which are considered for this categorization? One is the heritage precincts and also this is in relation to the 5 types of heritage zone what we have seen that we have said that they are 5 different areas because of certain factors.

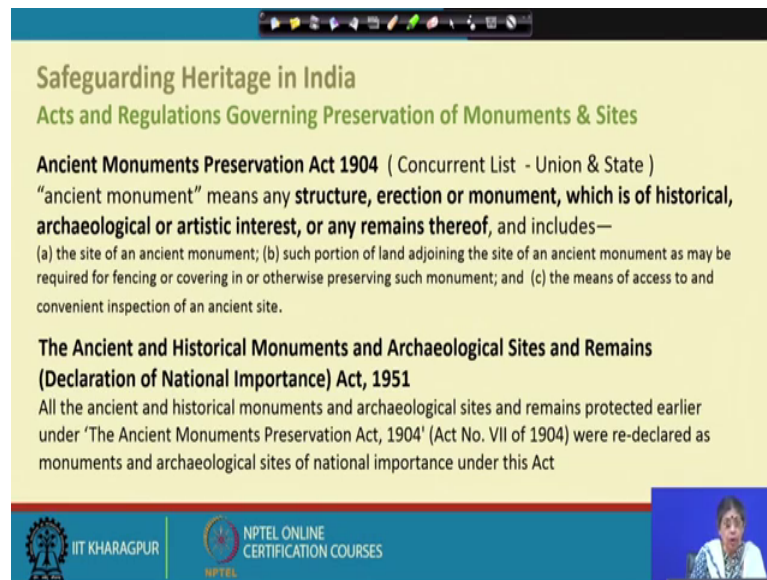
One is this heritage precincts, the street group, the architecture, historical importance cultural and social personality, who have been there and what are the events there and of nationally important. There may be because go there are groups of a world heritage size there and it is not in Tennessee, but all over the Goa. So, there may be some heritage zone which is of a national importance and protected by the archaeological survey of India.

So, keeping that in mind even with inherited zone the heritage structures have been created under various categories according to the Goa Panaji town and country planning department grade I, grade IIA, grade IIB and grade 3 and grade 4. So, they have a 1 2 3 4 5 categories they have designated because each one of them or each category the structures or pressings or size within each category will have a different implication. But then when all these things are in place then why this is happening?

Several heritage structures in the core city areas are not protected at all and are becoming demolish are being demolished to make way for the commercial high rises. Why it is happening? That even when we are designating a heritage zone it is not possible and it is not required also that all the structures are listed there will be some structures sites or pressings which will have some significance value and they will be graded and listed, the statutory provisions.

But there will be the structures there will be the site which are not listed in an heritage area and there this type of structures are coming up which is obviously, changing the townscape value of this heritage zone. Then the question comes that in spite of all these heritage regulations and designation of the heritage areas and the listing and the grading which is a very positive steep that why this is happening.

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**Safeguarding Heritage in India**  
**Acts and Regulations Governing Preservation of Monuments & Sites**

**Ancient Monuments Preservation Act 1904** ( Concurrent List - Union & State )  
“ancient monument” means any **structure, erection or monument, which is of historical, archaeological or artistic interest, or any remains thereof**, and includes—  
(a) the site of an ancient monument; (b) such portion of land adjoining the site of an ancient monument as may be required for fencing or covering in or otherwise preserving such monument; and (c) the means of access to and convenient inspection of an ancient site.

**The Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Act, 1951**  
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

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Now, let us talk about go back to in India what are the acts regulation governing the preservation of the monument and sites? Because now we have to see at the national level that what is the act which we can which should help us or which can enable us to take care of these issues.

See historically the ancient monument preservation act 1904 was there. Now, this preservation of monuments comes under a concurrent list. Concurrent is that that where the same act can be under the union list and under the state list and that is why we see that there are certain monuments which are we are calling of national importance which is protected by archaeological survey of India and there are certain monuments under the same act which is reserved by the state archaeology of the respective states or Indian territories. So, that is why it is concurrently is that both state and the union comes into the picture.

So, according to this chart this act the site of an ancient monuments is included such portion of the land adjoining the site of an ancient monument as may be required for fencing covering, they are also included and the means to access. So, it all clearly identifies that what are the provisions of this act and it means the structure erection or monument which is of historical archaeological or artistic interest or maybe remains there or there may be just the foundation is there or may be certain portion is there. So, this is in 1904.



This then was further modified in 1951 after our independence and which was saying that they are offered declared as a national importance. All the ancient and historic monuments and archaeological sites and remains protected earlier under the previous act where they declared as the monument and archeological sites of national importance under this act because after independence there was a modification to this act and they were included and some there was an addition to that list also.

But all of them were coming under the national. But the act also gave the prohibition for declaring the monument sites or pressings or artifacts under the state archeology.

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**Safeguarding Heritage in India**  
**Acts and Regulations Governing Preservation of Monuments & Sites**

**ASI Notification 1992**

- Notification **prohibited new constructions within a 100m radius of any ASI monument** in the country.
- Controlled development within the regulated area of the monument, which was fixed at 200m.
- Reconstruction allowed in prohibited area

**AMASR Act 2010**

- Establishment of National Monuments Authority.
- Redefinition of **100 metres as prohibited** and
- **100 to 300 metres as regulated** area around the monument
- Heritage bye laws for each of the centrally protected monuments

The diagram illustrates the zones around a monument. At the center is the 'Protected area' (blue rectangle). Surrounding it is the 'Prohibited area' (red ring). The outermost ring is the 'Regulated area' (orange ring). A small inset image shows a monument in a city setting.

1992, ASI, ASI gave a notification what is the reason for notification if you see this image there from Delhi a monument is actually surrounded very in close vicinity of the monument a lot of new structures are coming up it is happening everywhere Delhi has the most number of the archaeologically protected monuments in one city. So, Delhi was affected a lot. So, that is why ASI gave a notice notification in 1992 which prohibited new construction within a 100 meter radius of any ASI monument in the country in the country. So, it was a true distinction was all over India.

Control development within the regulated area of the monument which was fixed as 200 meter and reconstruction allow in the prohibited area prohibited area means the area of the monument itself. One must remember that even if ASI gave a notification in 1992 it is giving that area of 100 meter and 200 meter which is outside the protected area and



which is protected or under the jurisdiction of ASI. Land comes under state and land may be privately owned or may be some other agencies another. So, the issue comes that lag the land comes under the state jurisdiction and the development of the land which is a private land or not ASI land how ASI can give a notification for certain areas.

But however, 1992 onwards this was in place, ASI had a special committee, they were looking after the development around that area and discontinued, but in out later on there was a serious case against that that there was and that how ASI can control the development of land. And it was not happening actually because in reality Delhi to some extent ASI, but you see that what types of development have been happening they were encroachment and other problems were always happening there.

So, that is why it was, but before I go to the next provision I must say that still we can see that it was very monument centric it was not talking taking care of the land outside. But anyway because of these limitations of this notification there was a case if the high court and against the ASI with ASI can really give such notification and as a result of that in 2010 there was in first an amendment and AMASR act came up.

Due to that act there was a separate authority which was established the national monument authority, and what it did is that this national monument authority now had the jurisdiction to permit or allow or to give his opinion about the development around the monuments and that was 100 meter and 100 to 200, 300 meters that is the remaining 200 meter as the regulated area and first 100 meter as the prohibited area.

And these law according to this act that whatever is the law regulations by laws happening in that particular area city all over India, but this act will supersede any other law and act. So, as a result what is happening this is happening that if there is a protected area that if for example, if this is this is a monument here and this is the boundary of the monument let us say which is clearly established.

So, this becomes the protected area which will be under ASI, ASI will take care of that there is no sort of controversy regarding that. But now these new act says that as a buffer of that that 100 meter around that area that will be declared as a prohibited area; that means, no new construction will be allowed in that area. Existing buildings they can just do internal repair and even if it is demolished the earlier form has to be maintained, but outside that this 200 meter radius area that is the regulated area. What is says this

regulated area will have a special bye laws according to the character of that area and that according to the special bye laws the development that will be regulated.

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**Acts and Regulations Governing Preservation of Monuments & Sites**

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Old Town  
Bhubaneswar

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Let us see that what is the implication of this act new act. First of all this notional 100 meter and 300 meter that is quite notional if the particular area has may have a different thing, but the act has the provision to say that for each of the monument these this is a notional one, but this 100 to 200 meter 300 meter that has to be further specifically delineated and special heritage boilers has to be done for that area.

But again this I am saying its notional, but when you talk about the act when the people who are staying there they actually will go by the 100 meter and 300 meter because they are being affected by this act.

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Old Town Bhubaneswar

Legend:

- ASI protected monuments
- Prohibited area(100m radius)
- Regulated area (200m radius)

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Now, this Bhubaneswar this is the old town of Bhubaneswar. Now, as you can see that there are. So, many temples and structure within the old town of Bhubaneswar and each of this structure you see the ASI protective monuments there is a sort of a boundary then around that 100 meter there is a prohibited area; that means, only construction will be allowed there except of course, it says that for infest infrastructure means emergency infrastructure.

And the government ASI and the in collaboration with the tourism department can do something for the facilities of the tourist and other we even within the prohibited area and the ASI protected monuments of course, it was always a lot to do the ASI, but it has to be done in collaboration with the ASI. Now, then you can see the regulated area.

Now, what is the happening because of that? That now we can see bubbles of these 100 200 meter prohibited regulated zone which is happening and there are areas, there are areas which are sort of outside these areas which is happening and so can it be possible that these areas within will have some sort of development and outside will some sort of a development and there.

So, it becomes really sort of its not a very practical solution, it is not a feasible solution, but what happened because of this act there was some control on the immediate vicinity of the monuments the people knew that or the authority knew that they have to take a permission from the national monument, authority for this permission and others.

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**Safeguarding Heritage in India**  
**Acts and Regulations Governing Preservation of Monuments & Sites**

**Model Town and Regional Planning and Development Law in 1962**  
Central Town and Country Planning Organization or TCPO  
Basis for various States to enact Town and Country Planning Acts, with modifications to suit local conditions.

This model Law was revised by TCPO in year 1985 as  
**Model Regional and Town Planning and Development Law**  
to enact a comprehensive urban and regional planning legislation in all the States

**Provision**  
Constitution of State Regional and Town Planning Board by the State Government for the purpose of advising on the delineation of the region for the planned development

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Now, again I am saying what is coming out of that is. So, there are certain limitation of these slots first of all the. So, many authorities are involved the local town planning it sometimes can be the panchayat, if they are in the rural areas and there can be the local master plans, local development plan. So, there can be a very situation and to create or to develop that formula that so many heritage monument centric heritage plan is also huge task mammoth task. And that it started, but I am not sure that how many have been really been done.

Now we see, so what is really the issue? Issue is that on one hand we have the ASI protective monument, nationally protected monument which has given an act around the monument. So, it is very monument centric. On the other hand we are seeing a larger area as we have seen in Bhubaneswar which as a area has its own identity. Now, there can be sub zones, within that has an identity it is an integrated whole within that integrated whole these bubbles of different types of acts and other things is actually disintegrating the area.

Now and also what is important is the land is under the state jurisdiction. So, whatever happening in that area has to come under an act, but that AMASR act took care of that. He said that the permission has to be obtained from the national monument authority, but it will be implemented through the state competent authority which will be a state authority. So, that was taken care of as far as the legal implications are cannot concerned.

So, basically they talking about a larger area where or there are the monuments and that area what should be the development, in that area if that area has a specific character how they will be not only preserve how they will continue to be living entity a living area where people will act. So, some change and development has to be a permissible. So, let us talk about then taking the enemy on one side then what ASI has done. Let us talk about then the who takes care of what are the laws or legal prohibition into our town and country planning organization, because now we are seeing that it actually is the issue of the town and country planning.

Now, town and country planning TCPO who is the epics body of the town planning which happens it is not only the urban area is also the country planning, so the Peoria urban areas or the suburban area small town. So, let within that, so model town and regional planning and development law in 1962 under the central town and country planning organization TCPO it gave a basis for various states to enact town and country planning acts with modification to suit the local condition.

So, this is a model one within which according to this model each and every place or state town coming should have its own act, which is a state under the state jurisdiction and to suit the local condition. So, they can modify that. So, this model is just a guideline. It is not a statutory backing. But this guideline is very important it has the flexibility or at the same time it takes care of the Indian sub continent as a whole.

Now, what is saying that all the states urban area should have this act the comprehensive urban regional planning legislation. What is the prohibition? Prohibition is constitution of a state regional and town planning board by the state government for the purpose of advising on the delineation of the region for plan development.

There are other provision also I am just talking about the provision which is more related to this heritage zone and heritage areas. So, advising on the delineation of the region for a plan development that region can be a part of a town that can entire old part it can be a larger region, but what is important that it is really talking about the delineation or the designation. And this is very important this region can be of varied scales and types and other, but the state has to do that the concern state.

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**Safeguarding Heritage in India**  
**Acts and Regulations Governing Preservation of Monuments & Sites**  
**Model Regional and Town Planning and Development Law 1985**

Model Law provided 3 steps for the administration of this law:

- a) Preparation of existing land use map
- b) Preparation of an outline development plan and comprehensive development plan and their enforcement
- c) Preparation of detailed schemes of development or redevelopment as envisaged in the plans and their implementation.

Perspective Plan-vision 2030 and Comprehensive Development Plans,  
Bhubaneswar & Cuttack BCUC, IIT Kharagpur

The slide includes a map of India in the top right corner and a detailed land use map of a region in the bottom right corner, both highlighted with red rectangles. The bottom of the slide features the IIT Kharagpur logo and the text 'NPTEL ONLINE CERTIFICATION COURSES'. A small video inset in the bottom right corner shows a person speaking.

Now, the model law provided three steps for the administration of this law. One is preparation of the existing land use map because we are talking about the activities. So, one has to have an updated information that what is the land use plan because to this TCPO act one sort of guides out what types of activities and the development control regulations.

Preparation of an outline development plan and comprehensive development plan for their enforcement because it should have a legal implication. And then preparation of a detail schemes of development or redevelopment as envisaged in the plans and their implementation and this is something very interesting because within the town and country planning act there is a provision for special areas.

And these special areas does not mean only heritage zone it can be a sort of a slam area, it can be sort of something which is an area which is affected by the flood an area which is affected by over congestion an area which is has some other infrastructure issues. So, this actually is giving a prohibition for a detail scheme. For developmental redevelopment as envisage in the plan and their implementation and that can is a part of this town and country planning act.

So, if a state or a city adults the town planning act under that this provision of that, and what are the provision of this, what are the possibilities under the spatial areas one can even give that, what will be the façade, what will be the townscape, what will be the

infrastructure apart from the activities and the users and other thing. So, it has the provision. So, we seen that that even on the town and country planning act under a special regulation one can take care of the of a part of a city or even a whole old core of a city as a special area and give you special regulations for that.

So, this is what has been actually, so that means that the special area whatever is designated it has to be a part of the overall development plan and that in that case only it can have a statutory backing. So, that has been done Bhubaneswar. In Bhubaneswar and it has we have seen earlier that it has to be stern start from the higher level a regional plan, the city plan and the local plan.

See in Bhubaneswar it was a very opportunity for us we took part in the competency development plan perspective plan in vision 2030 which was done by the Orissa urban development, so Bhubaneswar and Cuttack. So, we see that there are for the entire area there was a perspective plan which was for not only for Bhubaneswar, Cuttack and some other smaller towns in the vicinity and within that there are special comprehensive plan for Cuttack separately and Bhubaneswar. And within Bhubaneswar now we can see that that area which when talking about the old city code is one of the area and which under this act has been designated as a perspective plan.

So, in our next lecture we will continue with this that what are the possibilities under the town and country planning act, and how we can take care of these heritage areas or special characteristics under this act.

Thank you.