



### **From Chairman Editorial Board's Desk**

As you are aware, the main objective of the Institute of Town Planners India, is the promotion of the study of Town Planning, civic design and kindred subjects of science and arts. With this motive, for the publication of ITPI Journals and Planners' Newsletter, the Institute has constituted the Editorial Board, which is persistently endeavoring, to enhance and improve planning knowledge and skills. As you know the Journal and Newsletter carry articles and research papers on planning techniques, related technologies, innovative ideas, policy prescriptions and interventions. To complement these, vivid pictures of schemes of government, development authorities, and local bodies are given and information regarding important events national and international like workshops, seminars and congress on town planning are also listed in the Newsletter.

The members have given their unstinted co-operation and assistance in this effort by way of contributing articles and papers for the Journal. I express my heart felt thanks for the same; and with great pleasure we bring to you this reformatted ITPI Journal which we hope will be received well.

At this juncture I would like to put on record the untiring efforts of Shri D. S. Meshram, President, ITPI; Prof. Ashok Kumar, Editor and Secretary Publication; and the members of Editorial Board in enriching the quality of the Journal and Newsletter.

I further take this opportunity to request all the members of the Institute, specially the young planners to inculcate a habit of writing research papers and articles. In this direction, I am aware of the fact, that the onus lies on the senior members engaged in profession, education, research, to provide magnanimous guidance to the young planners.

Once again I like to solicit the co-operation and guidance of all the members for improving the quality of the Journal by contributing valuable articles and papers.

Aniyam Mathew  
Chairman Editorial Board

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## ***Efficacy of Ancient Monuments and Archaeological Sites and Remains Act, 1958, Delhi Master Plans and Delhi Building Byelaws on Heritage Conservation***

**Diwakar S. Meshram**

### **Abstract**

*Urban conservation should not be seen as a footnote to total urban development. On the contrary, it should be seen as a major aspect of town and country planning processes and accordingly measures should be taken to counter the threats posed to the traditional character of historic area. In this paper the author has made an attempt to study the provisions of the 'Ancient Monuments and Archaeological Sites and Remains Act, 1958' together with the provision of Delhi Master Plan, 2021, and Delhi Building Byelaws. Pointing out that new buildings, precincts and areas can also be of equal importance, the author argues for achieving a balance between new and old so that harmony and blend could be obtained.*

### **1. INTRODUCTION**

Rapid urbanization has changed the face of our towns and cities drastically, more so in last few decades. Due to rapid urbanization, historical monuments which have left their imprints on the character, form and face of our towns and cities are getting defaced in the lust for making land available for lucrative urban development activities. In fact historical monuments in our country are protected by Department of Archaeology of the central and state governments under The Ancient Monuments and Archaeological Sites and Remains Act, 1958. But there are large number of other monuments, buildings, palaces, towns, gates, *poles* and bridges which are not covered under the Act partly because of not being sufficiently old to qualify for protection. A major part of the buildings and monuments of this category are structures in active use and therefore form living components of the city fabric, rather than being archaeological objects. There are significantly a large number of such objects, which reflect regional and local styles, therefore buildings and monuments of this category play an important role in shaping and molding the individuality of old and traditional areas of our towns and cities. In the first section of the paper an attempt has been made to define urban conservation. In the second part of the paper the provisions of 'The Ancient Monuments and Archaeological Sites and Remains Act, 1958' has been studied. While in the third and the fourth sections the provisions of Delhi Master Plans, and Delhi Building Bye Laws have been examined with reference to Heritage Conservation, and various emerging issues have also been examined before deriving conclusions.

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## 2. URBAN CONSERVATION

The issues of urban conservation and its associated conflicts are not new and are being discussed and debated for past several decades, but have not yet been resolved. Questions like - should the old areas be preserved or should they make room for new developments? How much and to what extent it is possible to freeze development in a conservation zone? Should the cultural heritage be preserved or be allowed to retain as it is and allow to decay and what impact, the new development taking place in the vicinity would have on the conservation areas? Can a balance be achieved so that both new and old can be harmonized and blended with each other? All such questions, time and again come to the fore whenever the issues of urban conservation are discussed. However, it is not denying the fact that conservation of urban heritage not only includes individual buildings of exceptional quality and their surrounding or group of buildings but also all areas of towns which have a historical or cultural interest and require protection before much of our heritage, buildings and sites are lost forever due to vagaries of urbanization.

Urban conservation should not be seen up as a footnote in the gamut of total urban development but should be seen as a major aspect of town and country planning processes and accordingly measures should be taken to counter the known threats to the traditional character of historic areas. Before taking any new development in the vicinity of historic buildings, planning authority should take into consideration the impact the proposed development is likely to have on such buildings and its environment. Many attractive streets in our towns and cities owe their character not so much to the individual buildings, but to the harmony produced by a whole range of buildings. In general parlance conservation is the action taken to prevent decay and therefore, it embraces all such acts that prolong the life of the property. However, conservation of heritage buildings should take the precaution to allow the maximum retention of existing material along with harmony in colour, tone, texture, form and scale. At the same time, it should be identifiable from the original so that it does not falsify archaeological or historical evidence.

Conservation involves (i) prevention of deterioration (ii) preservation of the structural fabric (iii) consolidation of the structural fabric (iv) restoration and (v) rehabilitation. Prevention of deterioration would involve investigation of the causes of decay and deterioration, not only to a particular building but to the environment for taking appropriate safeguards. While the restoration is the process to revive the original character and, therefore should be based on respect for original materials, design and authentic documented evidence besides the aesthetics, historical and physical integrity of buildings. The basic aim should be to retain the buildings nearest to their original character for transfer to the next generation. While rehabilitation and reuse are processes of returning historic buildings to a state of utility i.e. putting the buildings to appropriate uses, which will not damage them and the surrounding environment.



Heritage conservation area is an area of special architectural, historical and cultural interest, the character and appearance of which is desirable to preserve and enhance including its environment. These are areas which bestow a cultural and traditional identity to the locality inspite of large or small size. In fact it is the character of the areas rather than individual buildings that are sought to be preserved or enhanced.

The World Heritage Committee have provided detailed criteria for the establishment of the list of sites and monuments proposed by various countries for world heritage. A Cultural monument must for example be authentic and have exerted great architectural influence or bear unique witness or be associated with the ideas or beliefs of universal significance or it may be an outstanding example of a traditional way of life that represents a certain culture. While a natural site may exemplify a stage of the earth's evolutionary process, or be representative of biological process, or be representative of biological evolution, or contain the natural habitats of endangered animals. It may be a scene of exceptional beauty, a spectacular view or a reserve for large number of wild animals.

### **3. THE ANCIENT MONUMENTS AND ARCHEOLOGICAL SITES AND REMAINS ACT, 1958**

The Ancient Monuments and Archeological Sites and Remains Act, 1958 was formulated to provide for the preservation of ancient and historical monuments and archaeological sites and remains of national importance through regulation of archaeological excavations and for the protection of sculptures, carvings and other like objects. The Act clearly defines the Ancient Monument (Section 2a) which means any structure, erection or monument, or any tumulus or place of interment, or any cave, rock sculpture, inscription or monolith, which is of historical, archaeological or artistic interest and which has been in existence for not less than one hundred years, and includes (i) the remains of an ancient monument, (ii) the site of an ancient monument, (iii) 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 (iv) the means of access to , and convenient inspection of an ancient monument.

AS per Act the Archaeological Site and Remains (Section 2d) means any area which contains or is reasonably believed to contain ruins or relics of historical or archaeological importance which have been in existence for not less than one hundred years, and includes (i) such portion of land adjoining the area as may be required for fencing or covering in or otherwise preserving it, and (ii) the means of access to and convenient inspection of, the area. While Protected Area (Section 2i) means any archaeological site and remains which is declared to be of national importance by or under this Act. And Protected Monument (Section 2j) means an ancient monument which is declared to be of national importance by or under this Act.



All ancient and historical monuments and all archaeological sites and remains which have been declared by the Ancient and Historical Monuments and Archaeological Sites (Section 3) and Remains (Declaration of National Importance) Act, 1951, or by Section 126 of the States Reorganization Act, 1956, to be of national importance shall be deemed to be ancient and historical monuments or archaeological sites and remains declared to be of national importance for the purposes of this Act.

There is a provision for preservation of protected monument by agreement (Section 6) for all or any of the following matters, namely:

- The maintenance of the monument;
- The custody of the monument and the duties of any person who may be employed to watch it;
- The restriction of the owner's right;
  - to use the monument for any purpose,
  - to charge any fee for entry into, or inspection of the monument,
  - to destroy, remove, alter or deface the monument, or
  - to build on or near the site of the monument;
- The facilities of access to be permitted to the public or any section thereof or to archaeological officers or to persons deputed by the owner or any archaeological officer or Collector to inspect or maintain;
- The notice to be given to the Central Government in case the land on which the monument is situated or any adjoining land is offered for sale by the owner, and the right to be reserved to the Central Government to purchase such land or any specified portion of such land, at its market value;
- The payment of any expenses incurred by the owner or by the Central Government in connection with the maintenance of the monument;
- The proprietary or other rights which are to vest in the Central Government in respect of the monument when any expenses are incurred by the Central Government in connection with the maintenance of the monument;
- The appointment of an authority to decide any dispute arising out of the agreement; and
- Any matter connected with the maintenance of the monument which is a proper subject of agreement between the owner and the Central Government.

The Act also provides for restriction on enjoyment of property rights in protected areas (Section 19) as it states:

- No person, including the owner or occupier of a protected area, shall construct any building within the protected area or carry on any mining, quarrying, excavating, blasting or any operation of a like nature in such area, or utilize such area or any part thereof in any other manner without the



permission of the Central Government; provided that nothing in this subsection shall be deemed to prohibit the use of any such area or part thereof for purposes of cultivation if such cultivation does not involve the digging of not more than one foot of soil from the surface.

- The Central Government may, by order, direct that any building constructed by any person within a protected area in contravention of the provisions of this section shall be removed within a specified period and, if the person refuses or fails to comply with the order, the Collector may cause the building to be removed and the person shall be liable to pay the cost of such removal.

Central government has the power to acquire the protected area (Section 20) if the Government is of the opinion that any protected area contains an ancient monument or antiquities of national interest and value, it may acquire such area under the provisions of the Land Acquisition Act, 1894, as if the acquisition were for a public purpose within the meaning of that Act.

Central government may, by order, direct the owner or occupier of an authorized building in a prohibited area or in a regulated area or of a building or part thereof which has been constructed in contravention of any of the conditions of a license granted to remove such building or part thereof within a period specified in that order.

- Any unauthorized building activity within the prohibited or regulated area has to be removed by the owner or occupier failing which the district magistrate of the area shall cause such constructions to be removed at the cost of owner or occupier; and
- The unauthorized mining activity or construction is punishable not only with fine but also with a sentence of imprisonment.

Notifications under the various provisions of the Ancient Monuments and Archaeological Sites and Remains Act, 1952 and Rules of 1959, the areas upto 100 meters from the protected limits, and further beyond it upto 200 meters near or adjoining protected monuments has been declared as prohibited and regulated areas respectively for purposes of both mining operations and construction.

#### **4. MASTER PLAN FOR DELHI**

Master Plan for Delhi, the first development plan for planned development of the city was promulgated on 1st September 1962, and has been used as the framework for guiding developments since then. An efficient circulation network and extensive lung spaces are the two major contributions of this Plan. The Plan also provided a useful base for regulation and development and building activity in different urban sectors. Some of the basic postulates enunciated by the Plan more than four decades ago still holds good:

- Delhi should be planned in the context of its region;



- For balanced development of the city and minimum friction, there should be decentralization of employment and its right relationship with residential areas;
- While guiding development in new areas along desirable lines, those areas that have healthy organic pattern must be conserved by checking the encroachments on undesirable and conflicting land uses; and
- Delhi is a beautiful city and its pleasing architecture should not only continue in the monumental civic and cultural centers but also should pervade in the design of all public and private buildings.

#### 4.1 Master Plan for Delhi, 2001

Master Plan for Delhi, 2001 in its preamble states that Delhi being a historic city, urban heritage of Delhi needs to be conserved. Accordingly, the Plan emphasizes modernization with conservation. Therefore, some of the old historic areas have been designated as controlled conservation areas. The Plan further states that conservation and revitalization is required in case of traditional areas and environmental upgradation and improvement is needed in other old built up areas. Most important part of the traditional housing is the Walled City. Once a beautiful city, it now presents a chaotic picture. The Walled City of Shahjanabad has become a case of vast external metropolis accommodating a part of the business district. Due to increase in population there is a large scale infill by commercial use replacing residential use. Traditional areas in the Walled City need special treatment and accordingly, the Plan suggested shifting and demolition of non-residential activity, upgrading of physical and social infrastructure, traffic and transportation, management and regulations.

Towards conservation and restoration of historical buildings, the Plan states that there are in all 411 historical monuments, sites and buildings identified by the Archaeological Survey of India within the Walled City. Out of these only 42 monuments including Red Fort (32 monuments) and Jama Masjid are protected. These monuments, sites and buildings are identified by the Archaeological Survey of India, and during reconstruction of Walled City would be treated suitably.

Surveys conducted by the Archaeological Survey of India in 1911 identified 1,321 historical monuments, sites and buildings. Out of these, only 170 monuments have been declared as protected monuments under the Archaeological Survey of India Act. All the 1,321 monuments and buildings have been identified and indicated on a plan and it is expected that while preparing layout plans, these would be suitably incorporated. In case of major monuments, it is necessary that some area around these should be identified in the Zonal and Divisional Plans, which should have building control in relation to height, materials and spread of the monuments. Further listing of buildings for conservation should be done by adopting the following criteria:

- The age of the building;
- Its special value for architectural or cultural reasons;



- Its relevance to history;
- Its association with a well-known character or event;
- Its value as part of a group of buildings;
- Its representation of certain distinct architectural styles or historical periods;
- Uniqueness of the building or any object or structures fixed to the building on forming part of the land and comprised within the curtilage of the building; and
- Any other factor relevant to the objectives of Urban Conservation.

Areas under conservation shall be suitably treated for landscape and as far as possible shall be utilized for social and cultural activities. The areas with concentration of historical buildings have been designated as controlled conservation areas, which include the Walled City of Delhi, Central Vista, Nizamuddin, area near Outab and area near Vijay Mandal. The Authority in due course of time is required to formulate special development plans for the conservation and improvement of controlled areas. Alterations or demolition of any building is prohibited in the controlled conservation areas without the consent of the Authority.

The Walled City has wide range of features and design elements which needs to be conserved. Shahjahanabad has important historical buildings, like the Red Fort, Jama Masjid, City Wall and Entry Gates, Vista of Chandni Chowk, the streetscape, Mohallas and Katras. All these elements exhibit lifestyle which is not found in any other part of the metropolitan city of Delhi. However, as large number of buildings in the Walled City are in a dilapidated state, the rebuilding and renovation of these buildings in the Walled City needs to be done sensitively by conserving the important monuments, and the architectural styles, skyline and streetscapes. At different places, the city wall of Shahjahanabad is in ruins, which should be conserved and conservation work for the wall and gates is also needed. The Bazar of Chandni Chowk could be revamped by eliminating traffic of automobiles, etc. The road and street patterns in the Walled City is the most important feature of its urban character, if conservation is to be successful in the overall perspective, it would be essential to retain city's networks as they exist. The monuments, sites and old religious buildings identified by Archaeological Survey of India within the Walled City should be restored, conserved and should not be allowed to be despoiled.

#### **4.2 Master Plan for Delhi, 2021**

Master Plan for Delhi, 2021, in its Vision makes the statement that 'Vision - 2021 is to make Delhi a global metropolis and a world class city, where all the people would be engaged in productive work with better quality of life in a sustainable environment. This will, among others, necessitate planning and action to meet the challenges of population growth ... conservation of the environment; preservation of Delhi's heritage and blending it with the new and complex modern pattern of development ... The major highlights of the Plan, under the heading Conservation of Heritage basically underlines:



- Identification of Heritage Zones and Archaeological Parks, and
- Development of Special Conservation Plans for the listed buildings and precincts.

In the Chapter on 'Conservation of Built heritage', the Master Plan states that Delhi is a historical city, whose remnants are spread right from Mehrauli to Shahjahanabad having large number of monuments scattered all over Delhi. 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. 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.

Studies conducted by the DDA and INTACH identify 1,208 historical monuments in Delhi of which the Archeological 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.

### 4.3 Conservation Strategy

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 onto the coming generations. It is suggested in the Plan that with the aim of framing policies and strategies for conservation, appropriate action plans may be taken by all concerned agencies. These should include promotion of conservation of the civic and urban heritage, architecturally significant historical landmarks, living monuments, memorials and historical gardens, riverfront, city wall, gates, bridges, vistas, public places, edicts and the ridge. It is recommended in the Plan that these should be suitably incorporated while preparing layout plans and schemes. In case of major monuments, it is necessary that surrounding area should be identified in the layout or detail plan, and should have building controls in relation to height, materials and spreads of the monuments. It will also be necessary to maintain close interaction and co-ordination between all these agencies keeping in view the following objectives and requirements:

- Maintain and update the database;
- Develop organizational capacity for heritage management;
- Define all the applicable terms;
- Listing of heritage buildings based on the criteria given in MPD, 2001
- Prepare guidelines for development, redevelopment, additions, alterations, repairs, renovations and reuse of the heritage buildings; and



- Implementing programmes for education and awareness.

#### 4.4 Heritage Zones

Heritage Zone is an area, which has significant concentration, linkage or continuity of buildings, structures, groups of complexes united historically or aesthetically by plan or physical development. The areas identified as Heritage Zones are specific heritage complex within Walled City of Delhi, Shahjahanabad, specific heritage complex within Lutyens Bungalow Zone, specific heritage complex within Nizamuddin and Humayun's Tomb Complex, specific heritage complex within Mehrauli area, specific heritage complex Vijay Mandal - Begumpur - Sarai Shahji - Lal Gumbad, and specific heritage complex within Chirag Delhi. However more areas can be added to this list based on studies by concerned agencies.

#### 4.5 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 Archeological 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. Areas designated as Archaeological Parks are Mehrauli Archaeological Park, Tughlaquabad Archaeological Park, and Sultan Garhi Archaeological Park. Other areas can be added to the list on the basis of studies.

#### 4.6 Special Conservation Plans

Each local body and land owning agency should formulate 'Special Development Plans' for the conservation and improvement of listed heritage complexes and their appurtenant areas. Alterations or demolitions of any of the listed heritage building are prohibited without the prior approval of the Competent Authority. The Development Plans and 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.

### 5. DELHI BUILDING BYE-LAWS ON CONSERVATION OF HERITAGE

As per Delhi Building Byelaws (Bye Law 23.1) 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 Government and identified in the Master Plan.



As per Byelaws, Heritage Building (Bye-Law 23.1.1a) 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. While Heritage Precincts (Bye-Law 2.1.1b)) means and includes any space that require conservation and/or preservation for historical and/or architectural and/or aesthetic and/or cultural and/or environmental and/or ecological purpose. Such spaces may be enclosed by walls or other boundaries of a particular area or place or building or by an imaginary line drawn around it. The Conservation (Bye-Law 23.1.1c) 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. And Preservation (Bye Law 23.1.1d) means and includes maintaining the fabric of a place in its existing state and retarding deterioration. As per Byelaws Restoration (Bye-Law 23.1.1e) 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. And Reconstruction (23.1.1f) 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.

It shall be the duty of the owners of heritage buildings and (Bye Law 23.2) that buildings in heritage precincts or in heritage streets to carry out regular repairs and maintenance of the buildings. Government, the Municipal Corporation of Delhi or the local bodies and authorities concerned shall not be responsible for such repairs and maintenance except for the buildings owned by the Government, the Municipal Corporation of Delhi or the other local bodies.

No development or redevelopment (Bye-Law 23.3) or engineering operations or additions or 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, MCD, Vice - Chairman DDA and Chairman NDMC. Before granting such permission, the agency concerned shall consult the Heritage Conservation Committee to be appointed by the Government and shall act in according with the advice of the Heritage Conservation Committee. 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. Provided that, only in exceptional cases, for reasons to be recorded in writing, the Commissioner, MCD, Vice - Chairman DDA and Chairman NDMC 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.

Violation of the regulations shall be punishable under Bye-Law 23.4 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, MCD, Vice - Chairman DDA and Chairman NDMC. It shall be open to the Heritage Conservation Committee to consider a request for rebuilding or reconstruction of a heritage building that was unauthorized 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.

The List of Heritage Sites (Bye-Law 23.5) including Heritage Buildings, Heritage Precincts and Listed Natural Feature Areas is to be prepared and supplemented by the Commissioner, MCD, Vice-Chairman DDA and Chairman NDMC 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 purposes of Building Byelaws. 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 will be invited and duly considered by the Commissioner, MCD, Vice - Chairman DDA and Chairman NDMC or Government and the Heritage Consideration 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 or plot boundary along with all the subsidiary structures and artifacts, etc. within the compound or plot boundary, etc; shall form part of the list. 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, MCD, Vice - Chairman DDA and Chairman NDMC shall follow the procedure as per DDA Act, 1957 to alter, modify or relax the development control norms prescribed in the Master Plan for Delhi, or Building Byelaws of Delhi if required, for the conservation or preservation or retention of historic or aesthetic or cultural or architectural or environmental quality of any heritage site.



In cases of streets, precincts, (Bye-Law 23.7) areas and (where ever deemed necessary by the Heritage Conservation Committee) natural feature areas notified as per the provisions of this Building Byelaws as mentioned above, development permissions shall be granted in accordance with the special separate regulation prescribed for respective streets, precincts and natural feature areas which shall be framed by the Commissioner MCD, Vice - Chairman DDA or Chairman NDMC 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, MCD, Vice-Chairman DDA, Chairman NDMC or 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. Widening of the existing roads under the Master Plan of Delhi or 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.

In cases of buildings located in non-commercial use zones (Bye Law 23.9) included in the Heritage Conservation List, if the owner agrees 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 or owner lessees give a written undertaking to that effect, the owner or owner 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 or 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 or hotel use shall be disallowed.

After the guidelines are framed, building within heritage precincts or in the vicinity of heritage sites shall maintain the skyline (Bye-Law 23.10) in the precinct and follow the architectural style (without any high-rise or multi-storied 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, MCD, Vice-Chairman DDA and Chairman NDMC on the advice of the Heritage Conservation Committee or separate regulations / guidelines, if any, prescribed for respective zones by DDA, NDMC or MCD. In case of any conflict with the heritage preservation interest or environmental conservation, this Heritage Regulation shall prevail.



Restrictions existing as on date of this Notification imposed under covenants, terms and conditions on the leasehold plots either by Governed or by Municipal Corporation of Delhi or by Delhi Development Authority or by New Delhi Municipal Council shall continue to be imposed in addition to Development Control Regulations. The Bye-Laws also clarifies that 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, MCD, Vice Chairman DDA, Chairman NDMC and Heritage Conservation Committee from heritage point of view. Besides, it is also clarified that sale and purchase of Heritage Buildings does not require any permission from Municipal Corporation of Delhi / Delhi Development Authority / New Delhi Municipal Council 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 or buildings. Care will be taken to ensure that the development permission relating to these buildings is given within 60 days.

As per Delhi Building Bye-Laws the Listed Heritage Buildings or Listed Heritage Precincts may be graded (Bye-Law 23.12) into three categories. Listing does not prevent change of ownership or usage. However, change of use of such Listed Heritage Building or 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. The definition of these and basic guidelines for development permission are given in Table 1.

**Table 1 Basic Guidelines for Development Permission for Listed Heritage Buildings / Precincts as per three Categories**

Grade - I	Grade - II	Grade - III
<p><b>(A) Definition</b> 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. All natural sites shall fall within Grade - I.</p>	<p>Heritage Grade - II (A and 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 in 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 regional and may also be distinguished by setting, or special character of the façade and uniformity of height, width and scale.</p>



Grade - I	Grade - II	Grade - III
<p><b>(B) Objective:</b> Heritage Grade - I richly deserves careful preservation.</p>	<p>Heritage Grade - II deserves intelligent conservation.</p>	<p>Heritage Grade - III, deserves intelligent conservation (though on a lesser scale than Grade - II and special protection to unique features and attributes).</p>
<p><b>(C) Scope for Changes:</b> 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. 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.</p>	<p>Internal changes and adaptive re-use 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>
<p><b>(D) Procedure:</b> Development permission for the changes would be given on the advice of the Heritage Conservation Committee.</p>	<p>Development permission for the changes would be given on the advice of the Heritage Conservation Committee</p>	<p>Development permission for changes would be given on the advice of the Heritage Conservation Committee.</p>
<p><b>(E) Vistas / Surrounding Development :</b> 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.</p>	<p>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.</p>	<p>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.</p>



Nothing mentioned above should be deemed to confer a right (Bye-Law 23.13) on the owner or occupier of the plot to demolish or reconstruct or make alterations to his heritage building or buildings in a heritage precinct or on a natural heritage site if in the opinion of the Heritage Conservation Committee, such demolition or reconstruction or alteration is undesirable. The Heritage Conservation Committee shall have the power to direct, especially in areas designated by them, the exterior design and height of buildings and should have their approval to preserve the beauty of the area. The composition, powers and functions of HCC have also been given in the Bye- Laws (Bye-Law 23.16).

## 6. EMERGING ISSUES

Master Plan for Delhi, 2001 emphasizes on modernization with conservation and accordingly the old historic areas of Delhi has been designated as Controlled Conservation Areas and Master Plan for Delhi, 2021 further undertakes that Authority in due course of time shall formulate Special Plans for the conservation and improvement of these areas. While Master Plan for Delhi, 2021 talks about preservation of Delhi's heritage in order to blend it with the new and complex modern development with governing principle of identification of Heritage Zones and Archaeological Parks and development of Special Conservation Plans for Listed Buildings and Precincts. But the onus of preparation of Special Conservation Plans which was on Authority in Master Plan for Delhi, 2001 has been passed onto concerned local bodies and land owning agencies, in Master Plan for Delhi, 2021. For listing of buildings for conservation, the criteria suggested in Master Plan for Delhi, 2001 has been adopted in MPD - 2021 also. Development Code of both Master Plan for Delhi, 2001 and Master Plan for Delhi, 2021 is silent on the aspects of Heritage Conservation.

In Master Plan for Delhi, 2001, the conservation strategy adopted is that the areas under conservation shall be suitably treated, while the MPD, 2021 states that built heritage of Delhi needs to be protected, nourished and nurtured and suggests that for conservation, appropriate action plans may be prepared by all the concerned agencies i.e. ASI, GNCTD, State Archaeology Department, NDMC, MCD, Cantonment Board and DDA in close interaction and co-ordination between each other. It is well know fact that achieving the co-ordination between all these agencies is a herculean task. For example, it would be interesting to observe that Archaeological Survey of India (ASI), the legal guardian of national heritage, has informed Delhi High Court that rapid urbanization of capital city of Delhi has resulted in the withering away of 12 monuments and intends to 'de protect' all these. Because these monuments, according to ASI, Delhi has lost antiquarian value. The ASI blamed commercialization of Delhi and its status of metropolitan city and lack of co-ordination between various civic agencies which aggravated the problem (Times of India, New Delhi, 29 January 2008).



As many as 35 centrally protected historical monuments and sites under the charge of the ASI across the country have simply disappeared without leaving any trace (Hindustan Times, 5 March 2008). This clearly shows that there is no co-ordination between the various concerned agencies as these agencies are not working in tandem. Therefore, for achieving proper co-ordination, it would be pertinent to fix the responsibility and accountability of all stakeholders of conservation.

In Master Plan for Delhi, 2021, the Heritage Zones have been identified besides Archaeological Parks. This was not done in the Master Plan for Delhi, 2001.

In Delhi Building Byelaws of 1983, which are applicable to DDA, NDMC and MCD, vide notification of dated 9 February 2004, Byelaw 23 has been added which deals with Conservation of Heritage Sites including Heritage Buildings, Heritage Precincts and Natural Feature Areas. These Byelaws shall apply to Heritage Sites which shall be listed in notification (s) to be issued by the Government. While the word 'Government' has not been defined in Byelaw 23, nor the MPD, 2021, it is not known who will issue the notification, whether DDA, MCD, NDMC, GNCTD or Central Government. Due to this vagueness, it becomes difficult to notify the list in the Gazette of India. This provides opportunities to the concerned agencies for delisting of building. Besides which results in further delaying the notification of list in Gazette creates pressure on the concerned agencies by the group of people who are interested in delisting.

As per Bye-Law 23.3, no development or redevelopment or engineering additions or alterations, repairs, renovations including painting of the listed building shall be allowed except with prior permission. While Bye law 6.4.1 clearly states that no notice and building permit is necessary for alterations like plastering and patch repairs, flooring and re-flooring, opening and closing of windows, construction or reconstruction of parapet, or reconstruction of portions of building damaged, white washing or painting, erection or re-erection or internal partitions, etc. Both these byelaws are required to be brought in tandem.

Under the Penalty clause (Building Bye-law 23.4), violation of the regulations shall be punishable under the provisions regarding unauthorized development. In case of proved deliberate neglect of 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 reasons, in addition to penal action provided under concerned Act, no permission to construct any new building shall be granted on the site of Heritage Building. While there appears to be no provision regarding the penal action in respect of deliberate neglect of or damage or Heritage Buildings in the acts of DDA, MCD, NDMC. This issue needs to be revisited.

Bye-Law 23.1 provides for applicability of these Regulations to Listed Heritage Buildings and Listed Heritage Precincts. While Bye-law 23.5 which provides for



preparation of List of Heritage Sites including Heritage Buildings, Heritage Precincts and List of Natural Feature Areas which is to be prepared and supplemented by the Commissioner MCD, Vice-Chairman DDA and Chairman NDMC on the advice of the Heritage Conservation Committee (to be appointed by Government vide Bye-Law 23.16). However, whether the List is required to be approved by the Heritage Conservation Committee is not clear. As the word used is advice, it may not be binding on the agencies concerned. If the concerned agencies does not notify the List what action can be taken by HCC, is also not clear. Due to these reasons, it may not be possible to notify the List, immediately.

Bye-law 23.9 provides for Incentive Uses for Heritage Buildings and Bye law 23.12 also states that listing does not prevent change of usage. However, change of use of such Listed Heritage Building is not permitted without the prior approval of HCC. But the change of use of any building or premises is in the domain of local bodies under their respective Acts. As per Law, in case of any contradiction between Act and Byelaws, the Act will prevail over the Byelaws.

Due to Commonwealth Games, the demand for hotels would increase manifold and pressure for use of Heritage Buildings for the purpose of hotels would get mounted. However, such proposals need to be considered keeping in view the damage likely to be caused to heritage buildings besides implications of infrastructure i.e. water supply, power, drainage sewerage, parking, solid waste, garbage disposal and width of road, etc. In addition such proposals may be in contravention of the Master Plan provisions, which needs to be examined in detail. To avoid such eventualities, proper safeguards are required to be provided in the Act.

Similarly there might be heritage buildings existing on land being used for large scale projects like SEZs, Knowledge Parks, Airports, etc. Such buildings are required to be treated with due caution and sensitivity. Because the suggestion to relocate the Heritage Buildings, for making land available for such development also needs to be examined with due care, caution and sensitivity. Because relocation may damage the existing grandeur of the monuments, and it may never be possible to bring them in original form.

The Heritage Conservation Committee should be appointed by the Government and it needs to be given more powers and also certain budget to deal with matters like conducting surveys, inspections and also restoration of historical building where concerned agencies are not taking any action to put the defaced buildings in original condition or form.

## 7. CONCLUSIONS

A piecemeal and half hearted approach to conservation will not yield the desired results because it requires comprehensive and integrated approach dealing



with not only individual monuments but precincts and areas in the context of overall urban form of the city. Freezing of development activities in the vicinity of monuments would also not be feasible and would also not be desirable. However, guiding change in a controlled manner with the help of Development Control Regulations, Zoning and Development Code and Building Byelaws would be more desirable to check indiscriminate growth in and around historical buildings.

In fact heritage conservation needs to be seen and practiced in the overall context of planning and development processes. As the Development Control Rules or Development Code is the part of Master Plan, the conservation aspects need to be embedded in DCR. To achieve harmony between old and new constructions and development, DCRs should be made more sensitive and effective. Planners should take steps to avoid generation of heavy traffic near these areas and heavy traffic should not be allowed through these areas. Conservation should follow the selective approach and we should bear in mind that everything built in the past does not possess historical value. New buildings, precincts and areas can also be of equal importance. Therefore, while planning we have to achieve a balance so that both new and old can be harmonized and blended with each other.

#### REFERENCES

- The Ancient Monuments and Archaeological Sites and Remains Act, 1958
- Master Plan for Delhi-1981, Government of India, New Delhi (1962).
- National Institute of Urban Affairs (1986) - Urban Conservation Safeguarding India's living Heritage
- Indian National Trust for Arts and Cultural Heritage (1988), Conservation of Immovable Property - 3, Historic Towns and Heritage Zones
- Master Plan for Delhi-2001, Government of India, New Delhi (1990).
- UNESCO, The World Heritage edited by Incafo, S.A. - Castello Mardid (1991)
- Master Plan for Delhi-2021, Government of India, New Delhi (2007).



## ***Whose Heritage, Why Conservation, Whose Ends?***

**Ashok Kumar**

### **Abstract**

*This paper critically examines the political economy issues with a focus on conservation of heritage in Delhi. Colonial built heritage, development along river Yamuna and development of mill lands in Mumbai city are used as heuristic devices to illustrate the arguments. The author questions about whose heritage should get the privileged status. Before the questioning, ethics of heritage, as far as they relate to defining its characteristics, are also discussed. Before closing, the analysis moves onto exploring the ends being pursued through conservation of heritage. The museumization of Venice and Florence are discussed so that lessons could be learnt for Indian cities, which are excessively dependent on their cultural heritage for attracting tourists. These and other lessons are specified in the concluding section of the paper.*

### **1. INTRODUCTION**

In India policy makers and architects generally view conservation of built heritage uncritically. To preserve built forms in their original shape and style remains their central concern, reuse is only incidental and transformation in terms of materiality and meanings is to be prohibited. Issues like how and why certain built forms got developed during historically specific times such as colonialism, and prior to that feudalism largely remain unaddressed by Indian planners. We are told that our built heritage has to be protected and transferred to the coming generations without damage so that future generations are able to know what kind of built forms or cities historically got developed. But what aspects of the heritage exactly should be highlighted for the coming generation remains unclear. What meanings and knowledge forms should be critically examined, awaits scrutiny.

It is my contention in this paper that built heritage reflects objective material history. Therefore it is important to know what purposes these built forms served when these were constructed by kings or imperial powers. To be sure cities historically have served only one purpose that is they have been used by the capital to accumulate wealth where the state had either continued to coerce labor for the use of capital or provided housing and other infrastructure for the reproduction of labor. Capitalism has been developed in cities historically. Beginning with Lewis Mumford many present commentators have heralded the cities as engines of economic growth.

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This paper examines some of the political economy issues with a focus on conservation of manmade, natural heritage in Delhi and development of mill lands in Mumbai city. Colonial built heritage, developments along river Yamuna and mill lands of Mumbai are used as heuristic devices to illustrate the arguments. After this introduction, in the second section of the paper, I begin by critically examining the issue of whose heritage that should be privileged. In this section I also elaborate on the ethics of heritage as they relate to its defining characteristics. The third section analyses the ends being pursued through conservation of heritage. It is in this section that the cases of the museumization of Venice and Florence are discussed with a view to learning some useful lessons for Indian cities, which are excessively dependent on their cultural heritage for attracting tourists. Apart from some concluding remarks, the last section provides the lessons learnt.

## 2. WHOSE HERITAGE

Mechanistically, heritage is classified into various forms such as manmade and natural heritage. Individual buildings, groups of buildings and entire areas could form part of manmade heritage. These artifacts could be ancient or modern in terms of time, space and style. Cultural heritage may include various dance forms, livelihoods and such other aspects. Although this classification is good starting point, it is however not very useful for critical examination of historically specific manmade and natural heritage. Other dichotomous categories of heritage are tangible versus intangible, and official and unofficial (Graham, 2002).

While this classification is useful, it does not go far enough to answer political economy concerns because it takes heritage as the finished historical product, which is being used in the present rather than something emerging out of specific historical processes, which could be transformed by the present critical episodes, events and ideologies. On the basis of ethics, a new classification is proposed. To begin with, we could outline three forms of heritage i.e. moral, unethical and immoral. Built and cultural heritage related with horrific events of the holocaust would come in the category of immoral heritage. Imperial prisons where freedom fighters were martyred would also fall in this category. All those buildings and areas where slaves were purchased, kept and used should be classified as immoral heritage. All those dwellings which used humans to carry human excreta on their heads (the process of scavenging) are to be classified as immoral heritage.

Many imperial buildings, roads and rail networks, power networks and the like, which contributed to the modernization of the conquered places and people, would form the third category of unethical heritage. This is unethical heritage because whatever the benefits to local people, these artifacts got produced through the process of domination, coercion and discrimination with elite interests at the forefront. Production of many wonders of the world would also fall in this category.



Moral heritage would include only well protected natural environments and morally deserving manmade environments. Places of moral heritage may include places like *Sabarmati Ashram* in Ahmedabad and tree protection efforts under the Chipko Movement in India. Moral heritage may have few artifacts to list at the present moment, but we must make efforts to enhance the list of moral heritage sites in inverse proportion to other two categories in order to make this world peaceful, just and sustainable.

This proposed classification takes issue with the makers of heritage by bringing their motives in the public gaze for sustained questioning and examination. This classification is not binary and could be further expanded. Most importantly this classification allows us to move freely between earlier categories, and is capable of answering political economy questions about not only who benefits from conservation but also about the role of the state in conserving certain forms of heritage and letting others perish. If we use these categories for conservation of heritage, people will come first before any discussion on buildings and environments takes place.

As I will argue in this paper, conservation of any form of heritage is foremost a political, economic and ethical issue rather than an issue of purely rational treatment of buildings and areas by conservationists and imitators of the past who would like us to preserve colonial and feudal spaces without radically considering alternative perspectives on heritage conservation. To reduce conservation of heritage to physical treatment of buildings would be making a very complex subject undeniably rudimentary.

## 2.1 Mummification and Museumization of New Delhi

Mummification is the preservation of a physical entity without any change in its physical structure. Egyptian mummies are a good example. It is freezing the objects in history and put them on display as a reminder of their existence. As far as cities are concerned, particularly those with significant built heritage, the process of mummification could be economically disastrous and ethically unwarranted. This section dwells on this issue briefly.

Attempts have been successfully made to mummify Imperial Delhi, specifically India Gate and Rajpath. It was in 1968 that the statue of George V was removed from the cupola on Rajpath (see Fig. 1). But it was only in 1989 that "a seated Gandhiji was cast in bronze but turned out to be too big to fit the cupola ... . A few years later, the question came up again with All India Freedom Fighters' Association anxious to transform India Gate's gardens into a park to commemorate the heroes of the 1942 Quit India Movement. This time the CSD, [Conservation Society of Delhi] along with INTACH, [Indian National Trust for Artistic and Cultural Heritage] got a court injunction to prevent any modification of the area, and in particular to suggest that Gandhiji's statue could be installed anywhere but not along the main Vista. There was a *déjà vu* feeling about the whole episode, and the DUAC, when asked for comments,

simply quoted what had been said by its members back in 1975" (Gupta, 2000: 169).

"Construction of Mahatma Gandhi's (the Father of the Nation) statue at India Gate in New Delhi was consistently opposed by the Delhi Urban Arts Commission and the proposal got eventually shelved. It was argued by the Delhi Urban Arts Commission that the statue would interfere with the entire ambience and historical context of the place. Domination of colonial interests in some senses still prevails even over the most sensitive and emotive national

issues such as the installing of *Bapu's* statue at India Gate. Colonial heritage takes precedence over heritage of independence. This is the general nature of conservation of built heritage in India, whereby questions about historical materiality and present concerns are not adequately debated and resolved".

This kind of attitude of preservation of colonial heritage has been on display not only for India Gate, but it has much wider spread. For example, now the Central Vista and the areas in its North and South and the Lutyen's Bungalow Zone have been designated as the Heritage Zone in the Master Plan for Delhi, 2021 (Government of India, 2007: 66; also see Fig. 2). It could be reasonably expected that physical changes in the heritage zones are likely to be prohibitively stringent. Responsibility for the preservation of colonial built heritage is voluntarily taken up by the popular media, which immediately brings to fore any violations in the Lutyen's Bungalow Zone for the concerned authorities to take remedial actions. Notwithstanding the fact that planning violations should not be condoned, the popular media in this case perpetuates colonial attitudes in relation to built and cultural heritage with the aim of perhaps unsuccessfully trying to identify with the erstwhile colonial cultures and history.

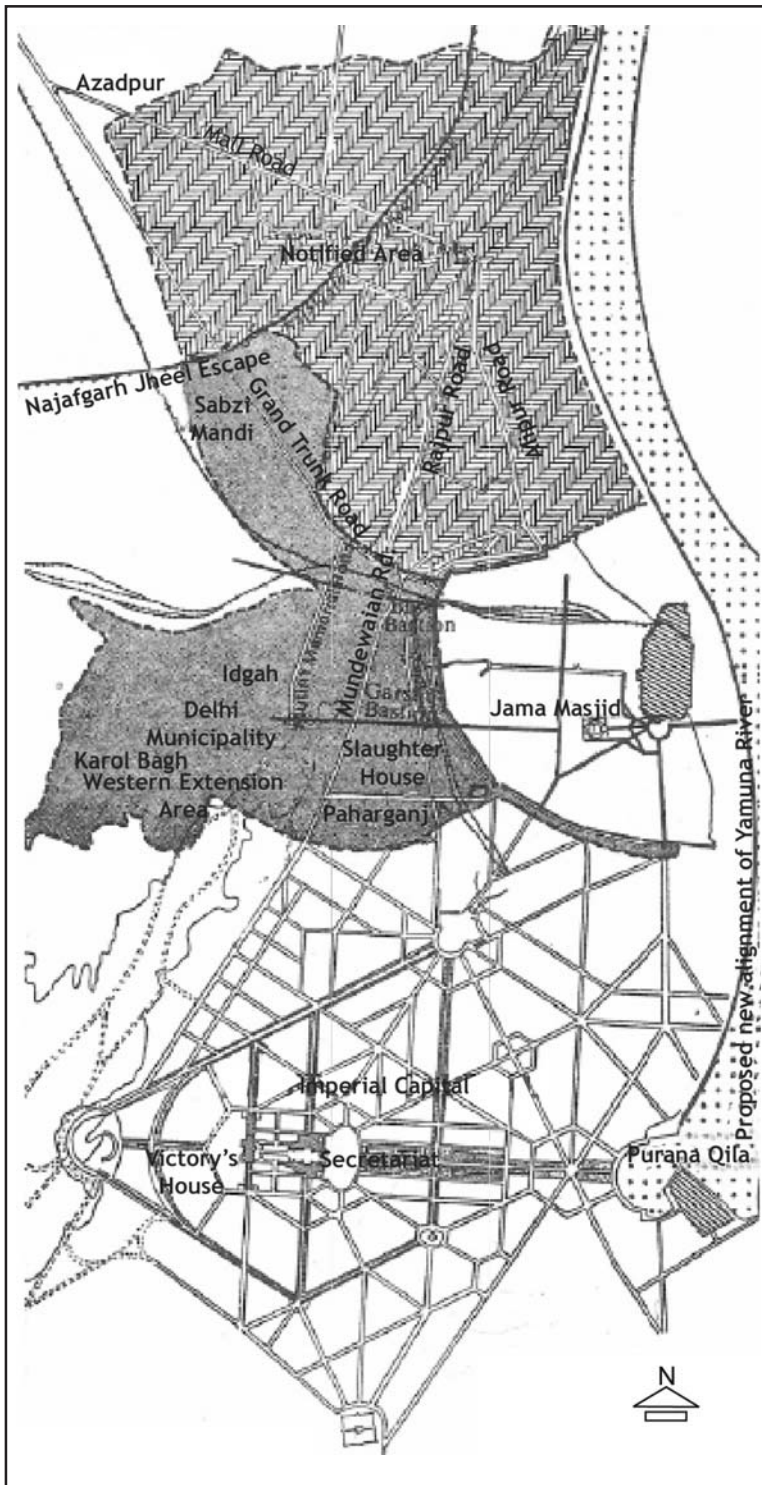
Here it is important to stress that the European planning and architectural styles formed part of the project of colonial domination of indigenous cultures and people, other instruments of domination being various forms of discourses, particularly the written text (King, 1990 and Said, 1979). 'The grand and imperial New Delhi was a visual representation of British sovereignty: an idealized world that had no room for the ordinary lives of ordinary people' (Hosagrahar, 2005: 12). Jane Jacobs eloquently puts thus:

Fig. 1 The Empty Cupola, the Canopy at Rajpath



Source: Gupta (2000).

Fig. 2 Delhi Municipality, Notified Area, Imperial City, Western Extnesions, 1914



Source: Gupta (1981).

“Colonial cities were important sites in the transfer of modern capitalist culture to new worlds. This can be seen in the architectural form and planning of such cities that regularly mimicked the cities of the imperial home. Colonial cities also operated as important sites in the deployment of technologies of power through which indigenous populations were categorized and controlled. Here town planning became the mechanism by which colonial adjudicators of cleanliness, civility and modernity were realized quite literally on the ground. Not least, it was in the name of the ideal city, that many of the most comprehensive colonial territorialisations and displacements occurred and the most rigid policies of segregation were implemented” (Jacobs, 1996: 20).

Of course it is no one’s argument that colonial heritage should not be conserved, but it should never be mummified, and constant reminders have to be given that colonial cities were implanted styles of planning and architecture for hegemonic ends without much care for the local people and cultures. Questions such as why historically, powerful spaces become the priority for heritage conservation still remains to be adequately researched?

### 3. WHY CONSERVATION OF HERITAGE

Many cities in the developing world including India have moved away from mummification and museu-



mization, and have been actively pursuing urban renewal policies. Manmade and natural heritage is being showcased and used for economic ends. It is contended that if we keep our built and natural heritage in good shape, it could be reused for economic gains. Tourists would come and spend their precious dollars in the historically specific cities and towns. Not only local governments but local communities would also get economic gains through taxes and employment opportunities. It is further argued that heritage conservation even makes economic sense. It may be so, but it is half the argument because it fails to identify who will get those employment opportunities and who will gain from enhanced local government taxes. These issues are taken up in the ensuing sub-section.

### 3.1 Natural Heritage of Delhi and the Neoliberal Ends

River Yamuna is appropriately regarded as the prominent part of the natural heritage of the city by planners, environmentalists and others. National and local policy framers and planners care for the River and would like to see it rejuvenated from the devastating impacts of pollution caused largely by untreated sewage (Government of India, 2007: 58-59). While policy failings with regard to cleaning of Yamuna River have been repeatedly documented by various authors and organizations, what is less debated is the fact that physical developments during the last few years have been causing enormous harm to the River. Three developments deserve critical scrutiny from the standpoint of natural heritage conservation. These include developments by the Delhi Metro Rail Corporation, construction of the Akshardham Temple and the Commonwealth Games Village. All these developments are either located in or very close to the riverbed of Yamuna. As we will see, religion and Neoliberal economic thinking have gravely contributed to this situation. The Master Plan for 2021 states:

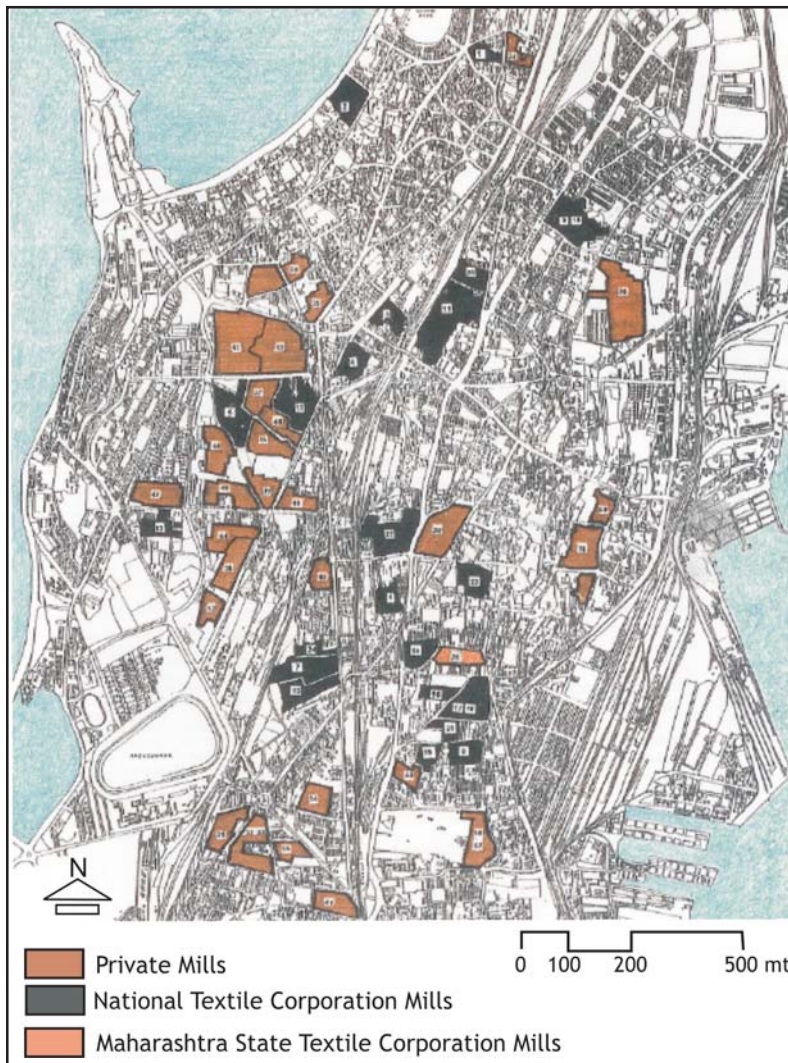
At another level, a strategy for the conservation / development of the Yamuna River Bed area needs to be developed and implemented in a systematic manner. This issue is sensitive both in terms of the environment and public perceptions. Any such strategy will need to take into account the cycle of flood occurrences and flood zones, the ground water recharge potentials and requirements, potential for reclamation derived from the foregoing considerations, designation and delineation of appropriate land uses and aesthetics of the River Front which should be more fully integrated with the city and made more accessible-physically, functionally and visually (Government of India, 2007: 59).

In the above measure proposed by Delhi Development Authority for the rejuvenation of River Yamuna, the word 'development' and 'land use' are critically significant. It seems that perhaps these two words have been used as a cover to carry out physical developments, particularly those developments that started immediately before and after the Master Plan was notified by the Government. Is water body not a land use? Why the words conservation and

development are clubbed together? We must be cautious that the term 'development' is not any other word in the statutory development plan. It has been carefully defined in the Delhi Development Act, 1957, which clearly means material changes to the physical environment apart from land use changes and demolitions. While clever policy framing may help the authority to win litigations in the courts of law, the crucial point is how far we care for our critical natural heritage when it comes in conflict with sensitive matters such as religion and Neoliberal ideology, which is no less than a religion for many law makers.

Contradictions of planning policies which are supposed to protect the natural heritage are apparent. Notwithstanding the illegal occupation of land by squatters along the banks of Yamuna River, these families are summarily removed and

**Fig. 3 Ownership of Mills in Mumbai, 2006**



Source: D'Monte (2006:111).

relocated at far flung places without paying much attention to their livelihoods and education, well being of their children and their bodily safety, same riverbed and its banks are being used for constructing large religious buildings including the temple, office space by DMRC and the prestigious Commonwealth Games Village.

### 3.2 Cotton Mills Land in Mumbai

This is the case of 243 hectares of cotton mills land located in the centre of Mumbai city being put out for sale for commercial, residential and other lucrative land uses (D'Monte, 2006: 8; also see Fig. 3). In January 2006 the Supreme Court withdrew the stay granted by the Bombay High Court on the sale of mill land granted in October 2005. Darryl D'Monte argues that the city has lost huge opportunity of using this land for open spaces and low income housing for workers' families. While the present pressing housing and open space concerns are ignored, there is

also an important issue of conservation of certain buildings in this area which are of heritage importance (see Figs. 4,5 and 6).

In 2005 another PIL was filed in the Bombay High Court by INTACH 'against the demolition of the industrial heritage on the mill lands' (Adarkar, 2006: 87). During litigation, the mill owners downplayed the heritage value of the industrial buildings. They argued that this was the prime land whose full potential should be allowed to be exploited for economic gains. In March 2006, the INTACH however won as the Bombay High Court stayed the demolition of heritage structures on mill lands. But in this entire legal battle, industrial workers whose heritage and livelihoods have been put at stake remained silent spectators. The debate has now moved onto saving the industrial heritage.

### 3.3 Learning from Venice and Florence

There are some cities in the world which primarily serve the interests of the tourists rather than their resident populations. Prominent among these are two historical cities, Venice and Florence with rich built heritage. John Reader explains:

"In truth, Venice is a large, very fine museum, which attracts over 12 million visitors per year - up to two-thirds of whom are day-trippers. The maximum tourist capacity of the historic centre has been calculated at 21,000 visitors per day, but numbers of up to 60,000 are not unusual and on some occasions over 100,000 people have flooded into the city - totally overwhelming the amenities and obliging the authorities to close the road bridge between Venice and the mainland. And in February 2004, the city authorities decided that although Venice has always been free of cars it will no longer be a pedestrian paradise, where people are free to walk wherever and however they like. The city's

**Fig. 4 Women Workers at the Looms of a Textile Mill in Mumbai**



Source: Dwivedi (2006:80).

**Fig. 5 Shree Ram Mills and a New High rise**



Source: Adarkar (2006:86).

**Fig. 6 National Textile Corporation's India United  
No. 6 Ovalooks Mahim Bay**



Source : Rustomjee (2006) 91)

narrow streets and alleys become so congested during the tourist season that a system of one-way walking is to be introduced. Furthermore, anyone attempting to walk against the flow is liable to be fined - anything from Euro 25 to Euro 500, depending on the severity of the offence" (Reader, 2004: 6).

Consequently, population of Venice has been terminally declining. 'There were about 200,000 people living in Venice when the city was at the height of its power in the sixteenth century, and probably not much less than that in the nineteenth century,

when it began to attract a significant number of visitors from foreign parts. The population was still as high as 170,000 in 1960, but since then the outflow of permanent residents has been as dramatic as the inflow of tourists. The resident population of Venice fell by nearly two-thirds during the forty years to 2000, when it stood at around 60,000 and the city's simmering love-hate relationship with tourism had split the community into two conflicting and irreconcilable groups: one living from tourism, the other in spite of it' (Reader, 2004: 6). This kind of conflict between local communities has effectively changed the very purpose of the city, the purpose of governing the city for its residents rather than tourists and visitors.

Similar situation exists in Florence, the cultural heritage capital of world, where local communities have been divided by tourists who continue to visit this historic city to enjoy its magnificent heritage. As Colini *et al* conclude:

"Paradoxically, this success has a catastrophic effect on the social and cultural life of its inhabitants, on everyday life conditions of, and on the capacity to renovate the conditions of creativity that made Florence able to become that extraordinary cradle of beauty and art in the first place. Instead, the renaissance of real estate developers, fashion traders, tourist operators and other privileged managers of commodified spaces and facilities has led to the dispersal of residents, students, artists, craftspeople, and intellectuals and to the debacle of contemporary culture" (Colini *et al*, 2009: 59).

Excessive focus on attracting tourists through cultural heritage at the expense of care for local populations could have devastating consequences causing cities to be deserted by local population. Even whatever population remains in such cities is also at loggerheads with each other disturbing the historically established peace and harmony between communities.



#### 4. CONCLUSIONS

All the cases of conservation of heritage discussed in this paper fall in the category of unethical heritage as local populations have suffered exclusion and conflicts. While Florence and Venice represent the extreme cases of museumization leading to community conflicts, New Delhi exhibits the traits of mummification of the imperial city. Preservation rather than conservation has been the norm in New Delhi. On the other hand industrial heritage faces uncertain future in the city of Mumbai where conservationists fear that land sharks may eventually gobble up mill land heritage. It is also feared that developments along the banks of river Yamuna are likely to cause considerable damage to the natural heritage of the city of Delhi.

Heritage conservation could gainfully contribute to the society if the following aspects are genuinely considered by the law and policy makers, and researchers. First, morality of heritage and materiality created through specific episodes of history must be placed at the core of research and policy making because meanings and interpretations and uses of heritage are constantly constituted and reconstituted by the elite in society. What knowledge about heritage gets transferred to the next generation would depend on the researchers, and law and policy makers. In nutshell, the subjects of history and heritage require critical examination of the kind carried out by Anthony King in the case of Delhi and other places, Edward Said for the text and Jane Jacobs for cities. Second, social and economic immoralities of heritage, be it cultural or built or natural heritage, should be brought in the full public glare so that such immoralities do not get repeated by some people in this or the coming generations. Heritage is not merely artefacts, be they natural or manmade, these are artefacts which represent thought processes pregnant with sophisticated meanings and representations. Meanings and representations which harm peoples' identities should be severely put down. As Pierre Bourdieu shows that after coming to power, the ruling elite capture the 'accumulated cultural productivity of society and also the criteria of taste for the selection and valuation of such products'. Pluralistic and secular knowledge forms and meaning making exercises about heritage should be encouraged through policies and plans. Otherwise, preferences of elites that get reflected in privileging certain forms of heritage over others without much regard to morality or sustainability would continue to dominate. Illustrations in this paper amply demonstrate this idea of Pierre Bourdieu (1977) of 'cultural capital' (Ashworth, 1994: 20). Third, and this is specific to India, heritage studies have predominant colonial and feudal focus and bias. Heritage of the marginalized and excluded are assumed to be non-existence, and even when some political forces (admittedly for purely political purposes) attempt to regenerate cultural heritage of the marginalized, they are mocked by the conservationists and others alike. I propose that we make heritage studies and policies more inclusive and local, openly reflecting past moralities and



immoralities. Fourth, we should take out preservation from conservation as it leads to freezing of spaces placed in the changing history and the present. Lastly, heritage conservation should be researched with a wider historical perspective by deploying critical methods and ideas like 'historical materialism' of Karl Marx.

#### REFERENCES

- Ashworth, G.J. (1994) 'From History to Heritage - From Heritage to History: in search of concepts and models', in G.J. Ashworth and P.J. Larkham (Eds.) *Building a New Heritage, Culture and Identity in the New Europe*, Routledge, London .
- Adarkar, N. (2006) 'Mumbai's Industrial Landscape', in Darryl D'Monte (Ed.) *Mills for Sale, the Way Ahead*, Marg Publications, Mumbai.
- Bourdieu, P. (1977) *Outline of a Theory of Practice*, Cambridge University Press, Cambridge.
- Colini, L., Pecoriello, A.L., Tripodi, L. and Zetti, I. (2009) 'Museumization and Transformation of Florence', in Libby Porter and Kate Shaw (Eds.) *Whose Urban Renaissance? An International Comparison of Urban Regeneration Strategies*, Routledge, London.
- D'Monte, D. (Ed.) (2006) *Mills for Sale, the Way Ahead*, Marg Publications, Mumbai.
- Dwivedi, S. (2006) 'Past Times: Layers of History and Culture', in Darryl D'Monte (Ed.) *Mills for Sale, the Way Ahead*, Marg Publications, Mumbai.
- Hosagrahar, J. (2005) *Indigenous Modernities: Negotiating Architecture and Urbanism*, Routledge, London.
- Government of India (2007) *Master Plan for Delhi, 2021*, Government of India, New Delhi.
- Graham, B. (2002) Heritage as Knowledge: Capital or Culture? *Urban Studies*, Vol.39, Nos.5-6, pp.1003-1017.
- Gupta, N. (2000) 'Concern, Indifference, Controversy: Reflections on Fifty Years of 'Conservation' in Delhi', in Veronique DuPont, Emma Tarlo and Denis Vidal (Eds.) *Delhi: Urban Space and Human Destinies*, Manohar Publishers, New Delhi.
- Gupta, N. (1981) *Delhi between two Empires 1803-1931*, Oxford University Press, Oxford.
- Jacobs, J. (1996) *Edge of Empire, Postcolonialism and the City*, Routledge, London.
- King, A. (1990) *Urbanism, Colonialism and the World Economy*, Routledge, London.
- Reader, J. (2004) *Cities*, Atlantic Monthly Press, New York.
- Rustomjee, S. (2006) 'Saving the Heritage of Mills', in Darryl D'Monte (Ed.) *Mills for Sale, the Way Ahead*, Marg Publications, Mumbai.
- Said, E. (1979) *Orientalism*, Vintage Books, New York.



## **Conservation of the Indigenous and Colonial Delhi**



**A.K. Jain**

### **Abstract**

*Delhi, as a repository of traditional urbanism, is unique. However, in the recent decades, by the 'property' led approach to development, the treasure of our traditional urbanism has often been trampled upon. Economic forces of urban development have overlooked the historic, cultural and symbiotic contents of the traditional urbanism. Although there is wide awareness about the heritage value of the Shahjahanabad and Lutyens' Delhi, the 'Other Delhi' developed during the Colonial era has largely remained ignored. Largely created by the Delhi Improvement Trust, these colonies are in the grip of indiscriminate construction, degrading of basic services and environment, squatting and unregulated growth. The author shows that the challenge is to arrest the decline and damage inflicted upon the DIT planned areas.*

### **1. INTRODUCTION**

Delhi breathes history. It is a city that is a living legend, whose past goes back to the 10th century B.C. and whose fabric has been enriched by the cultural influences of innumerable kingdoms. Its tapestry is embellished with the annals of glorious cities that have risen and fallen here. It is a city with a unique, vibrant, throbbing, inimitable charm of its own. It may be in the element of its location, that whenever Delhi was built, it acquired power and glory. Time and again through history, the great builders of yore fell in love with the locale and contributed immensely to the evolution of Delhi. Their affection can aptly be concluded in the Persian inscription on the ceiling of Diwan-e-Khas at Red Fort, composed by the poet Firdaus: '*Agar Firdaus barre zamin ast, hamin asto, hamin asto, hamin asto*' (if there is paradise on earth, it is this, Oh! it is this, Oh! it is this).

In the early 20th century Edwin Lutyens built the new capital at Delhi for the British Empire in India and called it the 'Rome of Hindoostan'. The Connaught Place, Central Vista, Parliament House, India Gate, Rashtrapati Bhavan, Secretariat, Lodhi Gardens and Jantar Mantar are some of the names known all over India as built heritage icons of New Delhi. Perhaps King George V, who proclaimed New Delhi as the Imperial Capital of India and Edwin Lutyens, its architect, could never imagine that they would create a panorama of India's greatness in its building. It is a kaleidoscope of India's unique heritage. At the

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same time, another colonial Delhi was in the making. This was mainly for local Indians and was closer to the ground realities, rather than the grand vision of Imperial Delhi.

While much has been written about the conservation of Shahjahanabad and New Delhi, there is almost nothing known about the Delhi's transition to a planned city by the Delhi Improvement Trust, which existed during 1937-1957. Delhi Improvement Trust or DIT covered about the same area (about 10,000 acres) as that by the Imperial Delhi or now New Delhi. Whereas Imperial Delhi was for the Britishers a showpiece of the Raj, the schemes of DIT (including earlier Delhi Municipal Committee and Delhi Town Planning Commission) were mainly for the indigenous people. These covered Darya Ganj, Motia Khan, Karol Bagh, Andha Mughal, Ahata Kidara, Paharganj, Ara Kishan, Idgah, GB Road, Bela Road, Shahdara, Sabji Mandi, Hathi Khana, Dujana House, Roshnara, Delhi-Ajmeri Gate, Kamla Nagar, Roop Nagar, Shakti Nagar, Najafgarh Road Industrial Area, Basti Rehgar, Sarai Rohilla, Shidipura and several other schemes and rehabilitation schemes for refugees, who came to Delhi after the partition of the country in 1947. This paper looks at these areas from the standpoint of heritage conservation.

## 2. CRUMBLING MUGHAL EMPIRE

The Mughal dynasty in Delhi almost came to an end when in 1803 a humiliating defeat was administered by General Lake of the East India Company. This happened near Patparganj. The East India Company appointed the first Resident of Delhi and called him 'Protector' of the battered powerless Mughal Crown. At that time, Delhi territory comprised of Delhi Division and Hissar Division. In the early years, the British and their troops settled within the Walled City, around Red Fort and Kashmere Gate. They partially reconstructed the Old City Wall and developed a residential colony named Mubarak Bagh. To provide drinking water to the old city, the Ali Mardan canal was lined and reopened. The first Census of Delhi was conducted in 1833 according to which 1,19,800 persons lived in the city.

In the year 1805, the British while setting the terms of protectorate took under their control lands, revenue and administration, although the revenue from lands near the city was to be set aside for the Emperor. After the arrival of the British, the demand for urban land increased manifold and there had been a steady increase of land values. In the early days the settlements were adhoc and crude. These started in 1817 with several summary settlements or in the form of a series of agreements. There were no regular records, surveys and maps. Delhi territory was first divided into districts in 1819. It consisted of two Parganas, the 'Northern' and the 'Southern', which included Delhi, Sonapat, Gurgaon, Rohtak and Ballabgarh. Besides acquiring and developing land for troops, camps, lines, magazines, churches, hospital, clubs, race course, golf



course, etc; several palaces and mansions were built by the British. Trevelyan planned a suburban colony by the name of Trevelyanpore, later known as Deputyganj, which was developed south of Pahari village and west of the Walled City. Urban structure of Delhi underwent basic changes, both in physical and socio-cultural terms. The Cantonment occupied one third of the area of the Walled City i.e. 468 acres out of a total of 1,437 acres.

Several schemes to meet the demands of the growing population were undertaken outside the walled city of Shahjanabad, which included the development of Sadar Bazar, Kishanganj and Deputyganj. The census of 1843 recorded a population of 1.31 lakh. In the same year water sources were surveyed and it was found that water in 555 wells out of the city's total 607 wells was brackish, and drinking water from the river was considered necessary. The first regular settlement in the three tehsils of Delhi district was made during 1842-1844. The settlement operations did not cover the estates belonging to the Raja of Ballabgarh, other *jagirdars* and chiefs. Between 1848-1853, 160 villages and an area of 193 square miles were added to Delhi from the districts of Meerut and Bulandshahr. This area is located towards the east of River Yamuna. During the revolt of 1857, the revenue records were destroyed. By way of punishment, the estates of all rebels were escheated and were subjected to summary settlement. In 1858, Delhi was annexed to the newly constituted Lieutenant Governorship of Punjab. The assessments were framed under the North-West Provinces Rules based on Regulation IX of 1883.

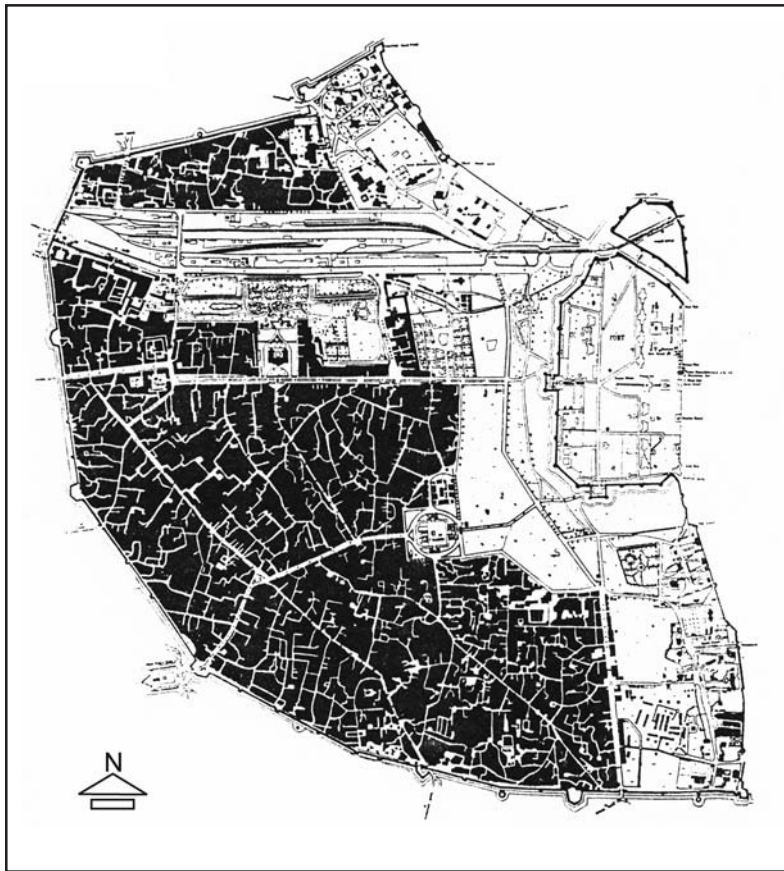
The city underwent drastic transformations after the First War of Independence of 1857. As revenge in 1858, more than one-third of the city was razed to rubble by the British soldiers. The heavily built-up areas surrounding the Red Fort were cleared. The entire population of the Walled City was forcibly ejected. At one time there were serious proposals to blow-up the entire city including the Red Fort but eventually lack of ammunition prevented this. The Mughal Emperor Bahadur Shah Zafar was arrested and sent to prison in Rangoon.

Nevertheless, work started in early 1858 for the removal of the city wall, but had to be discontinued after ten months because it was tough and counterproductive. When the city was returned to the civil authorities in 1859, it was annexed to Punjab. The infantry was centralized in Daryaganj and Kashmere Gate, where sections of the city wall were demolished and several roads were widened or constructed. In 1859, it was ordered that buildings within 500 yards radius around the Red Fort should be cleared, but Dariba and small Hindu temples falling in the clearance zone were spared. Jama Masjid continued to be a military camp till 1862, when it was released on the condition that no political meetings whatsoever would ever take place within its confines and it will function under government control.

In 1863, the Delhi Municipal Committee was formed and the jurisdiction over the walls was transferred to the civil authority. One of the earliest schemes undertaken by the Municipal Committee was the shifting of the vegetable market outside the Walled City to the nearby Subzi Mandi. In 1866, the railway lines, railway station and its road links were constructed, piercing and dividing the Walled City and causing large scale demolition. A big railway station was built mainly in Begum ka Bagh. In 1871, Delhi was given the status of a first class municipality and in 1874 the Delhi Municipal Committee was given control of Nazul (government) lands upto a three mile radius of the city walls.

The revision of the First Regular Settlement began in 1872 (Fig. 1) and was completed in 1880. Systematic record of rights and other statistical records were prepared in the form which did not much differ from the present form. This revised settlement had two remarkable features, namely, introduction of fluctuating assessment in flood prone villages and dry assessment in the canal villages. The Punjab Government sanctioned the revised settlement and Delhi was placed in the first class in the State.

Fig. 1 Delhi 1873



Government owned lands, which were termed as 'Nazul Estates' and were administered by the Deputy Commissioner or by the Delhi Municipal Committee. In 1874 the government handed over the administration of these estates to the Municipal Committee in order to provide for the improvement of the appearance of the town and health of the people. The Commissioner of Delhi at that time described the estate as 'some of the finest properties to be found anywhere, properties which would be immensely prized in any capital, and which are capable not only for being made a great source of future profit, but the improvement of which will vastly increase the comfort and health of Delhi and its neighborhood and add to the attractions of the city which so many travelers visit



from all parts of the world'. In 1881 a scheme was undertaken to establish a new quarter between Lahore Gate and Sadar Bazar according to an approved plan. In 1889 another scheme for a new quarter outside the Lahore Gate was considered. In 1905 the Commissioner of Delhi wrote 'the time has come to take up the question of extension comprehensively, and prepare outlines of a general scheme to provide for roads, streets and space for building during the next 30 years, and need for planning in the Paharganj, Sadar Bazar and Subzi Mandi suburbs'. However, no active steps were taken in this direction.

The Delhi Durbar in 1877 revived the importance of Delhi and led to the development of Civil Lines and areas north of the Walled City. With building activity regaining momentum, the Municipal Committee framed the 'building byelaws' in 1881. Another dimension added to Delhi was the introduction of industries during the late eighties. In 1892, the waterworks was opened, which introduced for the first time in Delhi, piped water supply. The construction of the sewer system came in 1895 in the Chandni Chowk area. It was during this period that piped water supply and sewerage of the Walled City were being developed. This was also the time when cities of the western world also began to develop these systems. To pay for drainage works, house tax was levied for the first time in 1902. By 1905 Delhi emerged as the undisputed commercial capital for production and distribution centre in North India.

So far the development of the city remained confined between natural barriers: the Ridge in the west and the Yamuna River in the east. Nevertheless, the shifting of the troops in 1908 from Daryaganj to the northern ridge cantonment crossed the natural barriers and led to the development of Jhandewalan. By now the Walled City was being perceived as a 'useless maze' and its surroundings as heterogeneous patches of dirty hovels, the approaches to which are 'irregular and wholly unsatisfactory'. As such, city extension and improvement schemes were prepared under which regular symmetrical streets were conceived. In 1910, Municipal Committee engaged A.U. Wilson for a survey of the Walled City, which brought out the most detailed maps of the city ever undertaken.

In view of the emerging importance of Delhi and need to exert more control on land, the Third Regular Settlement was conducted during 1906-1910. Major H.C. Beadon in 1906 undertook the work of Revision Settlement (known as the Third Regular Settlement), which formed the basis of land administration in Delhi. In this operation, extensive surveys and measurements were made and maps of 74 villages prepared in 1880 were revised. A record of Rights was also prepared according to the Punjab Land Revenue Act, 1887. Assessment Circles were fixed for three tehsils, viz. Sonapat, Delhi and Ballabgarh. These circles were categorized on the basis of the character of land, i.e. Khadar (low river line tract), Bangar (uplands), Dabar (hill areas) and Kohi area (area on sides of hills). The soils were classified into garden, chahi, nahri, sailab, bhur and



barani and the rates were fixed accordingly. Land revenue was regulated by the provisions of the Punjab Land Revenue Act, 1887 and the United Provinces Land Revenue Act, 1901 in the constituent areas, which originally belonged to the States of Punjab and United Provinces. According to the Delhi District Gazetteer (1912), there were 773 villages in the district. They were subsequently recognized as mouzas or revenue estates. Out of them 56 were classified as Zamindari, 321 pattidari and 396 bhaichari. An estate could from the beginning be either pattidari or bhaichari, but it was Zamindari khals that was required to be owned by a single proprietor.

### 3. IMPERIAL DELHI

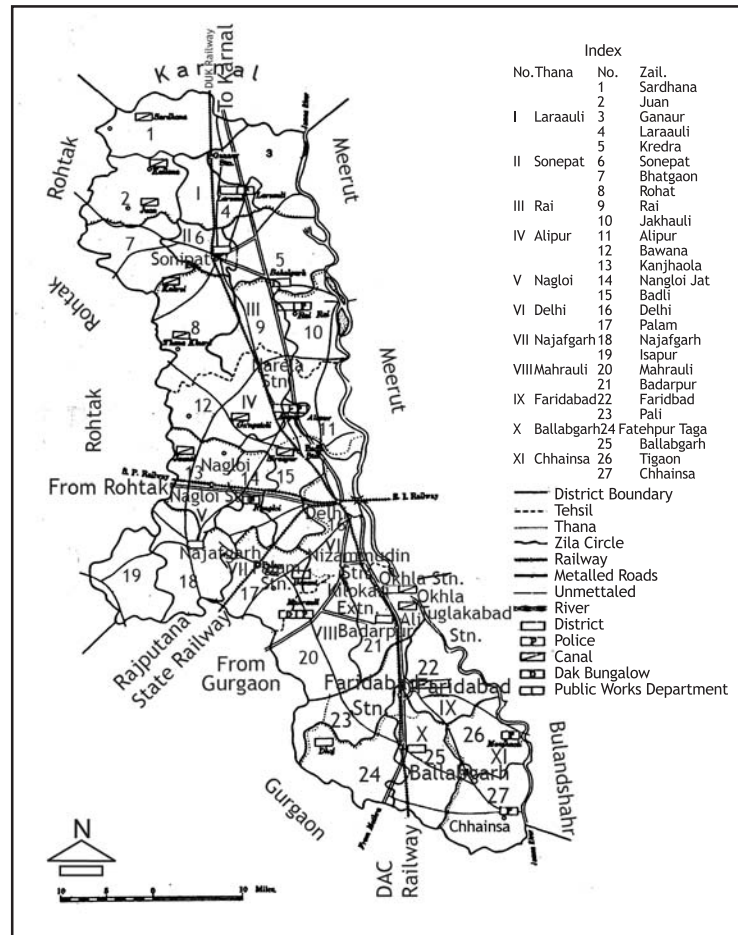
In 1911, when the population of Delhi was 4,13,000, at the historic Delhi Durbar, the destiny of Delhi took another turn. On 12 December 1911, King George V, Emperor of the British Empire, held the formal Delhi Durbar, and proclaimed that the capital of British India would henceforth be Delhi instead of Calcutta. A temporary capital complex was built in the area now known as Delhi University and the Old Secretariat during 1912-1915. Delhi Town Planning Commission (DTPC) was constituted to plan the new capital, comprising of G.S.C. Swinton, Edwin Lutyens and J.A. Brodie. However, Lord Curzon, the Ex-Viceroy, had opposed the shifting of the capital of India from Calcutta to Delhi. The trading communities in Bengal bemoaned their loss of influence. There was continued debate regarding whether the city should be located north or south of Old Delhi, while Viceroy Hardinge was nearly killed in an assassination attempt during his State entry into Delhi in 1912. The time span and cost of the project spiraled out of control while the Great War drained resources from the capital project.

New Delhi was laid out as a garden city covering 8,200 acres to accommodate a population of 65,000. It was accessible from the Walled City only through two underpasses, Minto and Hardinge Bridges. Beyond this, New Delhi was laid in a geometric pattern over a triangular base formed by Connaught Place, Viceroy House and India Gate. With its wide avenues, double row of trees, the Central Vista called Kingsway (now Rajpath) was the centerpiece of the new city. The residential areas were planned with lower and middle income employees to the north of the Vista and senior British officials to the south, in a hierarchical pattern. An amount of Rs.15 million was spent on building the city, and the first phase was completed in 1931, when the population of Delhi was recorded as 6,36,000, a growth of nearly 1,50,000 persons in one decade. After becoming the capital of India, Delhi separated from the Punjab.

Geoffrey de Montmorency, who was in charge of the capital transfer programme, on 19 March 1912, addressed the question of Delhi's expansion, mainly with regard to protecting the government from charges that the capital transfer checked the commercial expansion of Old Delhi. De Montmorency ordered the

planning of a Western Extension for the city in March 1912 by the DTPC. Viceroy Harding, in April 1912 suggested that the capital should comprise both new and old Delhi and that one officer should rule them. Viceroy Harding outlined the burden that Old Delhi would bear in his address to the DMC on 23 December 1912: "You must become a Capital City, not only in name, but in fact; you must make your town a model of municipal administration; your institutions, your public buildings, your sanitation, must be an example to the rest of India, to attain these results will demand on your part much sustained effort, and the cultivation of a high sense of public duty. I can promise that the Government of India will be prepared to sustain you in those efforts by every means in its power. We shall not forget, when building a New Delhi outside our walls, that there exists an Old Delhi besides us which claims our interest and our assistance".

Fig. 2 Delhi District 1913



In 1913, Deputy Commissioner Lieutenant Colonel H.C. Beadon wrote to the Chief Commissioner explaining the increasing pressure on Delhi (Fig. 2). The letter argued that an Improvement Trust must be created in Delhi 'before many years are passed', while the pressure on the city brought by the capital meant that it could legitimately claim aid, the city had been provided with no orderly expansion, people had been 'huddled into a totally insufficient area' leading to encroachments, slums and inflation that made building impossible. Census data showed the city expanding at between 20,000 and 24,000 people a decade, so a rate of 25,000 was assumed for the future. The actual increase between 1921 and 1931 was recorded as 1,00,605.

In 1913, land was acquired in Karol Bagh and Western Extension Areas to resettle the displaced persons from Jaisinghpura. The workers were brought to Delhi to construct the new capital. The Municipal Committee undertook the development of Sadar Bazar West and improvement of drains and sewers. It



also passed new building byelaws and proposed Lahori and Kabul Gate Improvement Schemes. New roads along the Old City ditch with development of commercial plots were constructed. These were the GB Road and BB Road schemes. In 1914, the famous British humanist-planner Patrick Geddes visited Delhi and gave a report on planning of the Walled City. The Burn Bastion Road Scheme at Kabul Gate was taken up to decongest the Khari Baoli. In 1915, Daryaganj Cantonment land was handed over to civil authorities and was used for residential purposes. Shahdara was also added to Delhi Province.

In 1916, butchers and tanners were removed from the area and resettled in Basti Reghar. At Qadam Sharif, a new slaughter house was planned in order to sanitize the old city. To discourage cattle in the city, milk cow tax was raised again. For garbage disposal in the Walled City, in 1918, a system of dhalaos (garbage bins) was started. In 1920, Daryaganj North was developed for residential plots while Daryaganj South plots were allotted to schools and charities. In 1922 the Punjab Town Improvement Act was passed, which became a town planning legislation. In 1925 Delhi Municipal Committee decided that Act should be applied to Delhi. Expansion to the north was mainly in the Civil Lines area. To the north-east were valuable garden lands and the poorly developed Subzi Mandi suburbs, while to the west lay Sadar Bazar suburbs, to the south the new city, and the river to the east. New Delhi was directly administered by the Government of India and the rest of Delhi Province by a Chief Commissioner.

New Delhi was administered centrally by the Government of India, with minor duties passed from Delhi Town Planning Committee (DTPC) to the Imperial Delhi Committee (IDC), which later became the New Delhi Municipal Committee (NDMC). The rest of Delhi Province, an area of 547 square miles out of the Punjab, was governed by a Chief Commissioner, Deputy Commissioner (Delhi Administration) based in the Civil Lines to the north of Old Delhi. They co-operated with the Delhi Municipal Committee (DMC), which was presided over by the Deputy Commissioner and attempted to bridge gap between the British Raj and local administrators. Under mounting criticism the Government was forced to cede certain powers through the Government of India Acts 1919 and 1935, although no power was devolved to Delhi Administration, which was created 4 years after the inauguration of New Delhi in 1931.

The Walled City became 'old' and was rejected as a big slum. It was relegated as a potential area of danger, insanitation and crimes. Once termed as a most glorious and beautiful city in the Orient, Shahjahanabad was now often referred to and devalued as a congested, dark and dirty hovel of overcrowded buildings. This perception started with the hostilities of the war of 1857 and was consolidated with constant comparison being made between the grand Imperial Delhi and the Old City.

The Rowlett Act disturbances of 1919 marked Mahatma Gandhi's first mass movement, which was followed by the campaigns of non co-operation in 1920-



1922, Civil Disobedience Movement in 1930-1932 and the Quit India Movement in 1942. These movements created the ground for the rejection of colonial government. The capital revealed itself as an aphoristic crises object in the field of representation. Asaf Ali, a prominent public figure, wanted the formation of Delhi Improvement Trust. The Municipal Committee, in 1926, proposed demolition of the city wall between Delhi and Ajmeri Gate. Lutyens opposed the idea to 'protect the New Delhi from the rats of Old Delhi'. However, due to heavy rains, part of the city wall collapsed. The combination of urban congestion, deteriorating health and government inaction attracted criticism from various levels of society, the sum total of which represented a significant and increasingly widespread attack on the regulation of the capital.

In 1924 Muhammad Asaf Ali, who would later represent Delhi in the Legislative Assembly, persuaded the DMC to request the extension of the Town Improvement Act (IV 1922) to Delhi. The request was made by a resolution of 16 September 1925 to which Chief Commissioner Abbott responded enthusiastically. However, the response was delayed for two years before being rejected in 1927. In response, on 10 November 1927, the DMC put forward a resolution calling for proposals to combat tuberculosis. The extension of the Town Improvement Act to Delhi had been denied on the grounds of finance. So cheaper, less comprehensive, measures were decided upon. Stow made this decision following a letter from the Secretary of the Education, Health and Lands Department of the central government, received in May 1926. This stated that due to improved financial circumstances, the government would now consider funding public health initiatives in centrally funded areas like Delhi.

In 1934, Delhi Municipal Committee acquired the Deputy Ganj area to relieve congestion in the Walled City. Land was transferred to the Delhi Municipal Committee near Jama Masjid to widen Jama Masjid Road. There were sparking rumors of British takeover of the mosque. The Jamuna Village (Bela) Improvement Scheme was proposed by the Delhi Municipal Committee. Motia Khan was planned for relocating industries and *Kabari* Market from Jama Masjid area.

Questions on insanitation, congestion and slums in old city were raised in the Legislative Assembly on 12 September 1935, Muhammad Asaf Ali followed up on his tireless campaign for an improvement trust. Asking when the government would hand over the Nazul land for development in order to aid congestion, the government replied that an officer had been placed on special duty to ascertain the degree and nature of congestion, the success so far achieved in tackling it, what should be done to remove congestion, and the way such a body establishment of the DIT. The Municipal Committee decided to pull down the rest of wall between Delhi and Ajmeri Gates in 1935 which invited strong objections from the residents of New Delhi against exposure to 'slums'. The



Government in 1936, appointed A.P. Hume as Officer on Special Duty to prepare a report on the 'Relief of Congestion in Delhi'.

#### 4. ANDREW PARKE HUME REPORT ON OLD DELHI

The report was finished on 5th May 1936 and it highlighted the deadlock between the Government and the DMC over the improvement of Nazul lands. In assessing the nature of the congestion problems, Hume focused on population description,

**Table 1 Population Increase in Delhi City, 1881-1931**

Year	Population	Decadal increase	Percentage increase
1881	173,393		
1891	192,579	19,186	11
1901	208,575	15,996	8
1911	232,837	24,262	12
1921	246,987	14,150	6
1931	347,592	100,605	40

eschewing an emphasis on disease, economy or the cultural landscape. Chapter II of his report began by pointing out the rapid increase in population in the 1930s (Table 1). The 'patchwork policy of city development' had been unable to cope with this increase, although Hume reneged on his direct criticism of the Government by arguing that Old Delhi had been congested since the days of the Mughal zenith and thus the problem was also one of great antiquity. The problem was thus identified as one of congestion of people in houses and houses on land in the Walled City of Delhi and the surrounding suburbs.

The extent of the problem was supported by a statistical analysis of the 1931 census data. On the assumption that Old Delhi could support 200 people per acre, Hume calculated that Delhi Municipality had an over population of 88,169, which was rounded up to 100,000 for 1936-1937. Hume produced a map setting forth the geography of population congestion in the city. This map was deemed as concrete basis to estimate the nature of the problem.

The Viceroy issued a note on the 'Future Administration of Delhi' on 26 September 1936 that had far reaching consequences for the Trust. Regarding Old Delhi the Viceroy concentrated power in the hands of the new Chief Commissioner E.N. Jenkins, leaving the Deputy Commissioner to deal with law and order. Hume was also named Chairman ex-officio of the New Delhi Municipality. This placed Hume in charge of all matters of improvement between the two cities.

#### 5. DELHI IMPROVEMENT TRUST

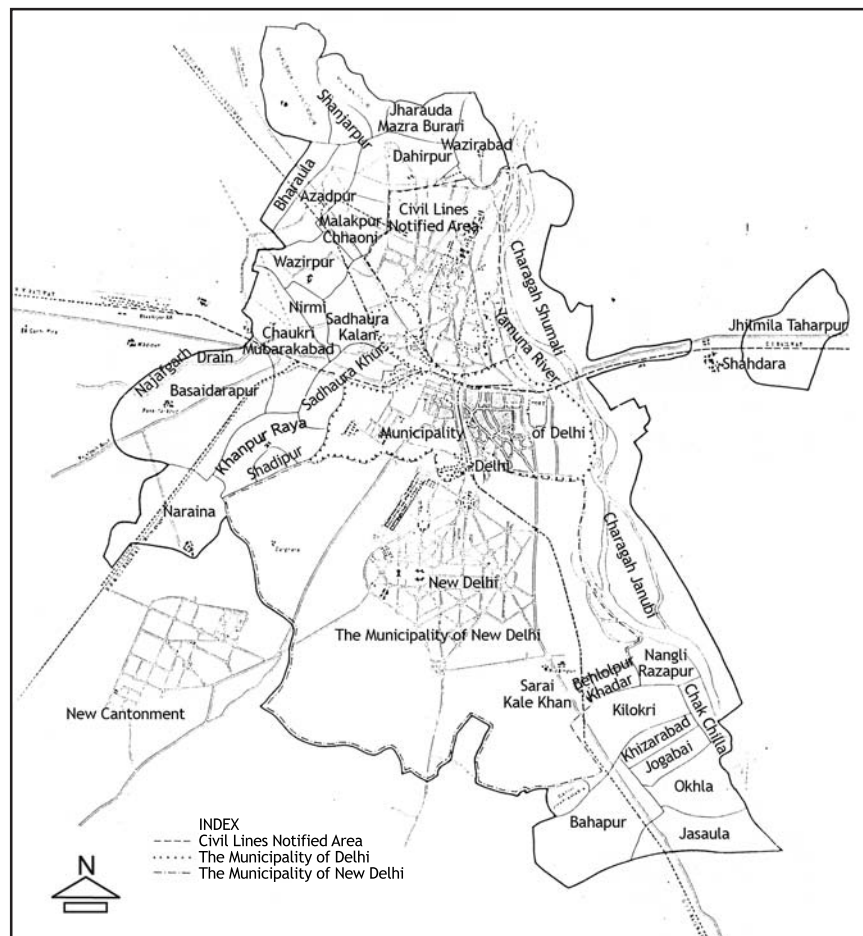
Delhi Improvement Trust was constituted under notification No. F.23-10/37-H. of 2 March 1937 of the Government of India, Department of Education, Health and Lands. This notification extended to that part of Delhi Province which is described in the schedule to the notification. After making some modifications, the United Provinces Town Improvement Act 1919 (United Provinces Act VIII of 1919) was made applicable to Delhi Province. While deciding on the form of statute best suited to conditions in Delhi, a comparison was made of the

provisions of the Punjab, United Provinces and Calcutta Improvement Trust Acts and the Rangoon Development Trust Act, and the Colombo Ordinance of 1915. An officer on special duty had studied the working of the United Provinces, Calcutta and Rangoon Acts. As a result it was decided that conditions in Delhi were more nearly to those for which the United Provinces Town Improvement Act was framed, and although this Act was in many respects deficient, it was adopted as the basic law for Delhi, and extended by virtue of section 7 of the Delhi Laws Act. Into this basic law were then grafted three sections, one section from Rangoon Development Trust Act, 1920 (Burma Act V of 1920) and one section from the Calcutta Improvement Act, 1911 (Bengal Act V of 1911) with necessary modifications in each case to make the section applicable to Delhi Province.

The Board of the Delhi Improvement Trust was incorporated under section 3 of United Provinces Town Improvement Act, 1919, as extended to the Province of Delhi, and consisted of seven trustees, comprising of an officer of the Central Public Works Department, Assistant Director of Public Health, Delhi (re-designated as Chief Health Officer, Delhi Province), and one financial adviser. The Chairman and the members were to be appointed by the Chief Commissioner by notification. The two trustees were the members of the Delhi Municipal Committee, and were elected by it. The jurisdiction (Fig. 3) of the Trust extended to the areas in the schedule to notification No. F.23-10-37-II. dated 2 March 1937. In fixing the jurisdiction, various spheres of responsibility under the Trust law were considered:

- The Nazul estates;

Fig. 3 Jurisdiction of Delhi Improvement Trust





- The local bodies, within the limits of any of which the Trust might be called upon to take action under the Act;
- The areas for control of malaria;
- The areas affected by the sewage disposal scheme; and,
- Such other areas not included in the above as may reasonably be affected by urban expansion.

Under section 54-A of the Trust Law, the British Government of India placed at the disposal of the Trust 23 Nazul estates constituted under the Punjab Land Revenue Act, subject to the terms of an agreement proposed in Government of India, Education, Health and Land Department letter No. F.1-22/37-L & O, dated 9 March 1937. The agreement was adopted by the Trust at the first meeting of the Board of Trustees held on 19 March 1937. According to this agreement, the Trust was required to use their best endeavors for the improvement and development of Nazul estates with special reference to the requirements and improvements of Delhi. The principle accepted was that the development of Nazul property can not be divorced from the general scheme for the improvement of Delhi and relief from congestion. The Nazul estate contained considerable areas of vacant land which were to be used to relieve over crowding and city improvement. It also contained some of the worst slums in the city. On the financial side the agreement stipulated that net profits from the Nazul estates were to be utilized to finance (a) the development of these estates, (b) in part, a scheme for the disposal of Delhi Sewage, and (c) a scheme for the control of malaria. By net profits it was meant that sum which was at the disposal of the Trust annually after paying to Government each year the sum of Rs.2 Lakh. The more onerous side was the task of relieving congestion and improving conditions of life in privately owned areas of Delhi city, of providing new areas for extension and of controlling haphazard and un-serviced suburban development.

The DIT had to mould its activities around the fragmented Nazul sovereign land rights of the Government of India in Old Delhi. These lands had been violently appropriated from the previous Mughal sovereignty regime after the 1857 uprising and were used for the improvement of the old city. The Trust was granted the Nazul land and yet had to pay Rs.200,000 per year for the privilege, and positioning the central government as landlord and executor. Just a week after accepting his post as special officer, Hume realized that 'It is so largely a technical job for which I have no technical qualifications and I shall have to get much estimating and details done by the Public Works Department, screwing the work out often by tact and guile'.

On 5 May 1938, the Viceroy's Private Secretary wrote to the Chief Commissioner, following His Excellency's tour of some of the Trust's early schemes. Information



was requested regarding the steps to be taken to preserve the vistas and approaches to historical monuments, to protect tombs and the city wall and to protect open spaces around objects of historical interest. It was the Viceroy's opinion that the Government's actions should be reproached for being 'actuated solely by hygienic or commercial considerations' and asked that to 'ensure that the artistic and aesthetic considerations involved are not lost sight of in planning and reconstruction schemes'. This was a major initiative to relate planning with conservation of heritage.

## 6. PLANNING AND IMPROVEMENT CRITERIA

An area could be announced in need of improvement should it be 'too badly arranged' or have 'any other sanitary defects', in line with the byelaws. The planning combined different assemblages to tackle specific cases of improvement. When such a case was decided upon, occupants on land required by the DIT were given 60 days to lodge an appeal, while the Trust could enter any land to measure, survey, assess or 'to do another thing'. However, these policing powers were checked by certain provisos; all such entries would be in sunlight hours, having given 24 hours notice in which females could be removed to an area of which were referred to as either Nazul (N) or Trust (T):

- Rebuilding or re-housing: reservation, relaying out and demolition of sites, loans for reconstruction.
- Deferred street: improving the appearances and efficiency of a causeway.
- Development: laying out a street structure and regulating construction.
- Town expansion or housing: larger scale development scheme

The schemes involved a number of steps, which were categorized as follows:

- Site preparation: purchasing, demolishing and remodeling structures, laying out property and site planning.
- Infrastructure: work on streets, drainage, water supply, lighting and open spaces.
- Construction: providing accommodation and buildings.
- Finance: advancing money for schemes and selling, letting or exchanging property.

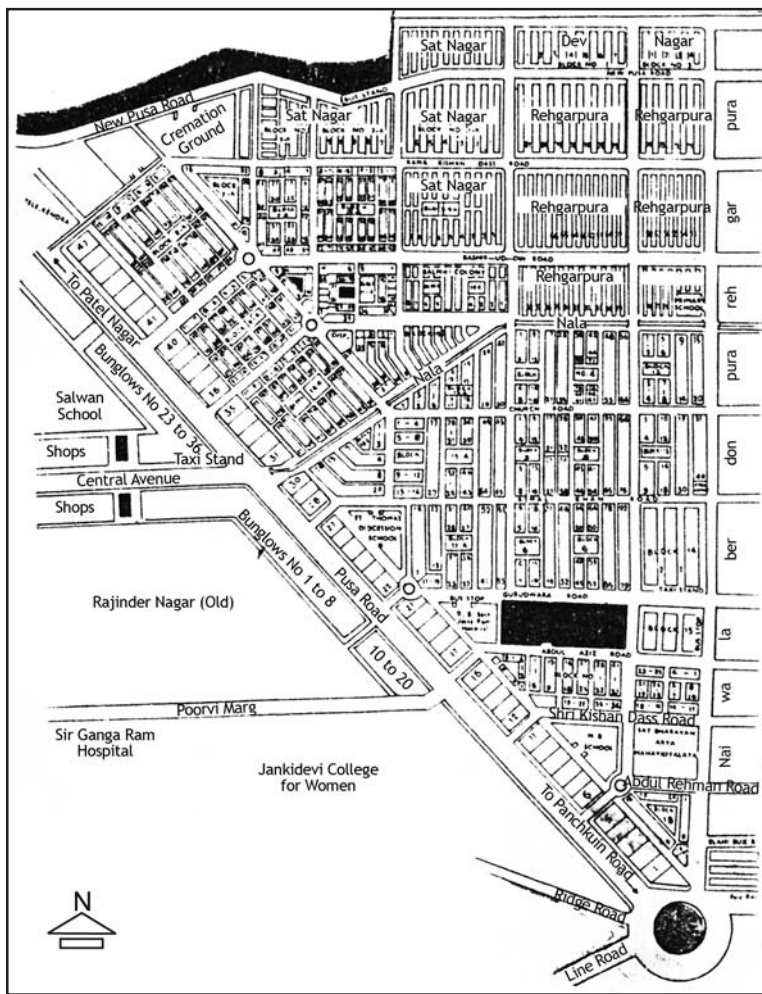
The DIT cast individual houses as congested units on the intensity map of population that demanded improvement and development. The main town expansion schemes were those of the Western Section (N7) Extension (T1) and the Northern City Extension (T2) to the north of Old Delhi. The development schemes were mostly on Nazul land. They consisted of the housing estates of Daryaganj South (N1), Ramnagar (N2) and Mondewalan (N5), and the commercial areas of Garstin Bastion Road (N9) and Subzi Mandi Fruit and Vegetable Market (N13). Deferred street development also took place on land already owned by



the Government, such as Paharganj market (N3), estate (N12) and circus (T6). Besides town expansion, the Trust account was focused on the re-housing projects of the Delhi-Ajmeri Gate Scheme (DAGS) (T3) and Hathi Khana slum clearance (T7), while the Nazul account funded similar schemes, such as that at Ahata Kidara (N11). Darya Ganj South (N1) was completed. Motia Khan Dump (N2) had been grassed over for its 'aesthetic value and effect on the health and comfort of the population of Paharganj'. Following the fears about transmission of disease between the two cities, and especially through the connecting suburbs, there was a sustained focus on improving Paharganj, which bridged New and Old Delhi. The third Nazul project concerned Paharganj's fuel and *kabari* market (N3) and targeted the drainage and sewers in western portion of the old city. The area provided a profitable and presentable vista to the track by which most people entered Delhi and framed the New Delhi Railway Station. A similar frontage exercise was partly completed through the heart of

Paharganj with the Original Road scheme (N12). The other completed schemes, such as that at Ramnagar (N4), provided valuable plots that were sold off for a profit. A similar pattern was detected in the projects still underway. The Champ de Mars project (N10) sought to landscape the area around the Red Fort; Ara Kishan (N8) slum was demolished and provided with new services, while reserving a grassed open space opposite the New Delhi Railway Station. By 1938-9, the Nazul account could pay off 29 Lakh for malaria works and Rs. 47 Lakh to the sewage works, while retaining Rs 28 Lakh to spent on collective works, besides Rs. 140 Lakh for Western Extension (N7) (Fig. 4) . The Trust account was paid Rs.5.27 Lakh to the sewage works and Rs.82.4 Lakh into the suspense account leaving only Rs.1.75 Lakh for the works. Roshnara (T1) and Northern City (T2) Extensions could only be planned, while the Hathi Khana (T7) slum clearance did not take place. Trust Schemes included:

Fig. 4 Western Extension Area





- T/1-Roshanara Extension
- T/2-Northern City Extension No. 2
- T/3-Delhi-Ajmer Gate Slum clearance
- T/4-Industrial Area
- T/5-Western Jamuna Canal closure scheme
- T/6-Paharganj Circus Improvement scheme
- T/7-Hathi Khana

Apart from Trust Schemes, authorities also took initiative on Nazul Schemes:

- N/6-Andha Mughal
- N/7-Western Extension
- N/8-Arakashan
- N/9-Garstin Bastion Road
- N/10-Champ-de-Mars Irrigation
- N/11-Ahata Kidara
- N/12-Paharganj Estate
- N/13-Subzimandi New Fruit Market
- N/14-Mohtajkhana and Old Fruit Market
- N/15-Jamuna Village.

Byelaws and broad guidelines, as given below, were used by the Trust to identify an area as insufficient or in extreme cases as a slum:

- Streets in DMC notified areas: No encroachment within seven and a half feet of what the DMC deemed was the centre of the road while no new building could be roofed with inflammable material.
- Houses: Height regulated by the width of the street, from a street width below eight feet having a maximum house height of 12 feet, to streets over 35 feet wide having houses no higher than one and a half times the street width
- Drainage: through cast iron pipes, while no pipes would pass through interior walls.
- Rooms:
  - Physical space: No room less than 10 ft high, while no 'single storeyed house' could have a courtyard of less than 15 percent the ground area, increasing by 5 percent per storey.
  - Living space: Every inhabited room needed a window or door one-eighth the size of the total floor area opening onto space six feet wide and open to the skies or a verandah. Every fireplace needed a chimney made of iron, brick or stone while the floor beneath and around the fire for three feet had to be rendered fireproof.



- Hygiene:
  - No open sewer or drain could run through an inhabited room while every 'latrine, privy or urinal' needed adequate ventilation in the form of an opening at least a foot square to open air.
  - Non-water-borne latrines needed a metal or pottery fitting with which to remove solid waste while every latrine, bathroom and cooking place was to be sufficiently drained into a Municipal drain or private cesspool.
  - The floor of every latrine or urinal was to be impermeable and to slope to allow easy drainage while the walls to a height of three feet were to be impermeable metal or masonry.
- Conduct: Toilets should be readily accessible to cleansing and 'when the outer door thereof is open, the seats shall not be visible from the street or other public place'. A DIT scheme under chapter IV of Trust Law passed through the following stages:
  - Preliminary public notification under section 36, which if land acquisition is involved takes the place of and has the same effect as a notification under section 4 of the Land Acquisition Act.
  - A period for filing of objections to acquisition of private property, and for examination of representations put in by the Municipal Committee or Notified Area concerned.
  - Administrative approval by the Trust under Section 40.
  - Administrative approval and expenditure sanction by the Chief Commissioner or the Government of India according as the estimated expenditure is less than or exceeds Rs 5 Lakh under section 41.
  - Final notification by the Chief Commissioner under section 42, which takes the place of and has the same effect as a notification under section 6 of the Land Acquisition Act.

Expenditure on development and town improvement schemes was allocated to account A-Nazul or account B-Trust accordingly, as the primary object was the development of Nazul or Trust land. In 1940, the income from Nazul schemes was separated from the new schemes of the Delhi Improvement Trust.

First report for the year 1937-1938 pointed out the inherent weakness of the organization due to its lack of assured income. In April 1938, the Trust anticipated the total cost of its duties for that year as Rs.1.37 Lakh (137,000) for administration, Rs.45.97 Lakh for Nazul works and Rs.60.95 Lakh for Trust work, but also an extra Rs.42.87 Lakh and Rs.14.78 Lakh for completion of the sewage works and the anti-malaria works respectively. As such, 35 percent of the budget was going on these latter projects, forcing the DIT to seek loans from the government.



The Trust came across criticism and resistance from the leaders as well as, from the public. Petitions were received from 1938 onwards from people affected at the ground level by the works of the DIT. In 1938 Muhammad Asaf Ali also wrote to the government reviewing the DIT attempts to relieve congestion from the Old City areas. The Trust and the DMC were denounced and the Government was also criticized, who in '... their pre-occupation with the development of New Delhi and the strict observance of a policy of isolation of the old town ... did not do much'. New Delhi's retention of sovereign land rights with regard to the DIT attracted some criticism. It was accused of failing, as a landlord, to govern its territory, but also of failing in its task of knowing its people and its land. Hume unearthed the reason for this as the tensions between the bio-political and financial domains.

The DIT had its own architectural section, (which doubled for town planning also) assisted by a couple of draftsmen. On DIT drawings the names of its architects, G.B. Deolalikar, C.S. Gupte, and draftsmen S.M. Razuddin, Srichand Kaka, Kishan Chand, H.K. Lall, O.P. Sahansra and Bakshi Jagmohan were often seen. A sub-committee under Engineer Member of the Trust (Superintending Engineer from Central PWD), a member of Trust (Lala Sri Ram) and Walter George Private Architect supervised and approved the layouts and architectural designs, before these were finally approved by the DIT Board.

In 1939, the Government set up Delhi Development Committee to study the existing situation and to make suitable recommendations so as to guide the future development of the capital. The Committee recommended that 'No single authority had a complete picture of any general or overall plan for the capital, and therefore while there was no conscious intent to work at cross purposes, this appeared inevitable because of the working of so many agencies involved in planning and development'. The Committee recommended that an advisory body be formed at the technical level to co-ordinate the activities and programmes of the various government agencies involved. The Advisory Committee had hardly been constituted when the Second World War broke out and this had its own effect on the entire pattern of the city, and the Advisory Committee could not function. Industry grew wherever it could find place to locate itself. Delhi was no more only a capital city, but a major commercial centre for distribution and shipment of goods to the north and the north-west. Industry had started taking its requisite place in the economy of the city. This sporadic industrial growth and increase in commercial activities attracted more and more people from the neighboring areas. During the war years substantial migration took place from the adjoining villages and towns to meet the increasing labor requirements. Population grew very rapidly and assumed enormous proportions. The large influx of people who migrated from the neighboring areas increased the population of Delhi from 3,48,000 in 1931 to 5,22,000 in 1941.



As a result of the War and population growth, government activities increased rapidly and new areas were developed. Lodi Colony with two storeyed apartments on grid iron pattern was developed during this period of emergency. The Lodi Estate bungalows, west of the golf course and partly wedged on the east side of the Lodi Gardens, were built for senior officials. For military personnel additional accommodation was built in the new Cantonment to the south-west of this new city. Hundreds of single and two storeyed temporary hutments were built around the secretariat blocks to provide additional office accommodation to meet the war needs. Barracks were built in the vacant plots around the India Gate Hexagon, which had originally been allotted to the princely states (Gwalior House, Jodhpur House, Bundi House, Bikaner House, etc.).

In 1943, Delhi Rent Control Ordinance was passed. Delhi Planning and Siting Committee was established for better co-ordination of planning. In 1945, Chief Commissioner, W.H. Christie made proposals on Post War Reconstruction and Slum Clearance. In 1946, the Delhi-Ajmeri Gate Scheme was finally sanctioned following a heated Delhi Municipal Committee-Delhi Improvement Trust debate. The demolition of wall was undertaken. The Chairman of Delhi Improvement Trust, J.S. Hardiman, explained that the schemes had been built to budget and had not proved unpopular with their targeted populations. The report from August 1941 showed that the other schemes, including the Andha Moghul (N6), Hathi Khana (T7) and Ara Kishan (N8) schemes had experienced problems with families wanting larger houses. By 1943 the Roshnara City Extension was nearing completion and resulted in a profit of Rs 9.45 Lakh, the Northern City Extension was on the market by 1945, while even the Hathi Khana clearance scheme delivered a profit of Rs 1.04 Lakh. The DAGS had not been part of a programme that would improve aesthetics of the capital. On the contrary, it was deemed to pose a threat to the visual and physical barrier between the two cities. On 24 June 1945, W.T. Bryant, then Chairman of the Trust, was informed that finances for the DAGS had been suspended. He noted that agitation was increasing amongst the owners of property that had been notified as under threat of acquisition since 1938. In early 1947, with the pressure of population and independence of the country in sight, the Delhi Improvement Trust proposed development of satellite towns in South Delhi. However, the partition of country halted most of these schemes.

In 1947, after the independence, Delhi witnessed one of the largest immigrations of people in history. Millions crossed the manmade borders and an estimated half a million sought shelter in Delhi. Delhi's population was, thus, doubled in just two months. Tents were pitched to house these uprooted people. Communal riots broke out on the eve of independence and there was mass movement of population across the borders. Refugees from West Punjab, Baluchistan, Sind and North West Frontier Province started coming to accept about five Lakh of additional refugee population. These were the uprooted families who sought

shelter in the lap of free India. There were, however, Muslim families who had left Delhi and gone to Pakistan. (Fig. 5) Delhi was not at all prepared for this sudden and unprecedented influx. Government, however rose to the occasion and immediately set up numerous camps to house these families. The immediate problem was shelter and for this purpose nothing could be faster than pitching of tents in all available open spaces.

This had to be done in sufficiently large concentrations to give these families a sense of security, besides providing immediate shelter from the monsoons. The camp at Kingsway was the largest in Delhi, having some three lakh of people; other camps were established at Tibbia College in Karol Bagh and at Shahdara.

Along with this programme of providing immediate and temporary shelter, the Rehabilitation Ministry, which was constituted by the Government, also started preparing long term programmes for the permanent rehabilitation of these families. Consequently agricultural lands were acquired all around Delhi wherever available. First preference was given to evacuees' agricultural property. Construction of *pucca* houses was undertaken in south and west Delhi where land was cleared, developed, and roads were laid out. As a result, a number of

Fig. 5 Old Rajinder Nagar

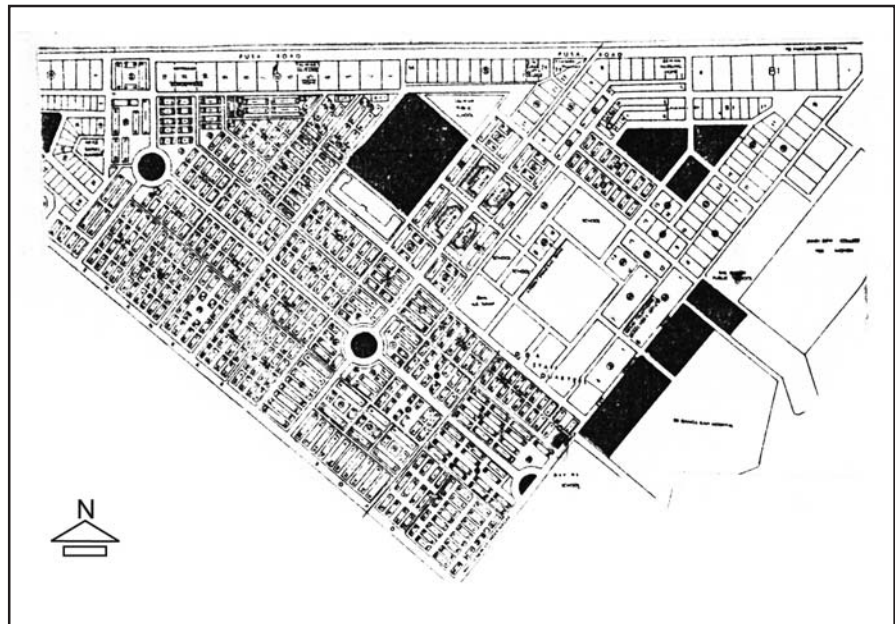
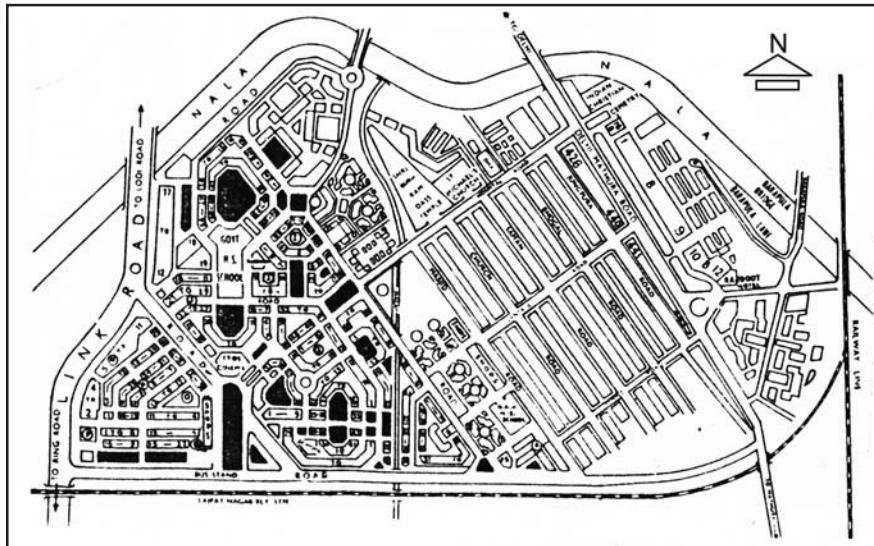


Fig. 6 Jangpura



Fig. 7 Patel Nagar



townships sprang up all around the city except in the north, where land was subject to floods almost every year. Nizamuddin, (Fig. 6) Lajpat Nagar, Kalkaji, and Malaviya Nagar, the three Patel Nagar (Fig. 7), Moti Nagar, Ramesh Nagar, Tilak Nagar were built in West Delhi. In the north, the Kingsway Camp was developed as a permanent rehabilitation colony. Gandhi Nagar was built in

Shahdara. New refugee townships in the urban fringes of Delhi at Kalkaji, Tihar and Sheikh Sarai were planned in 1948 by the Improvement Trust for the Ministry of Relief.

In 1948, Delhi Improvement Trust resumed work on the Delhi-Ajmeri Gate Scheme, where five-storey office blocks replaced the dilapidated old houses. In 1949 the Central Co-ordination Committee for the Development of Greater Delhi was established as a part of the Central Public Works Department. Through years of improvement, adjustment and resettlement, the refugees were moved into 36 permanent rehabilitation colonies. Various rudimentary services and community facilities were provided. A national emergency was met with immediate action, but large areas had deficient development. Population of Delhi in 1951 was 17.94 lakh, almost double of the 1941 population of 9.1 lakh.

The Ministry of Works, Housing and Supply undertook the construction of Vinay Nagar, Shan Nagar, Man Nagar, Kaka Nagar and Moti Bagh in the south-west. They also developed Sunder Nagar, Golf Links, Jorbagh and Krishan Nagar and sold the developed plots for private construction. The Ministry of Railways undertook construction of houses for their own employees. Private colonizers came in the market and started buying land and developed it for sale to the general public. All these activities helped a great deal to overcome the acute shortage in housing. New commercial areas were also developed and new industries started coming up in the west and in the south. Thus Delhi started expanding in all directions, without any overall plan. The DIT could not cope up with the demands of urban development and the government in 1950, appointed the Birla Committee, also known as the Delhi Improvement Trust Enquiry Committee. This Committee suggested setting up of a single planning and controlling authority for the development of the whole of urban Delhi. The



Government of India in November, 1955, set up Delhi Development (Provisional) Authority, which was replaced by Delhi Development Authority (DDA) in 1957. In December 1955 Town Planning Organization was also created, which was assigned the task of preparation of the Interim General Plan for Delhi in September 1956, and later the Draft Master Plan for Delhi in July 1960 on behalf of the Delhi Development Authority. This was finally approved by the Parliament and notified in September 1962.

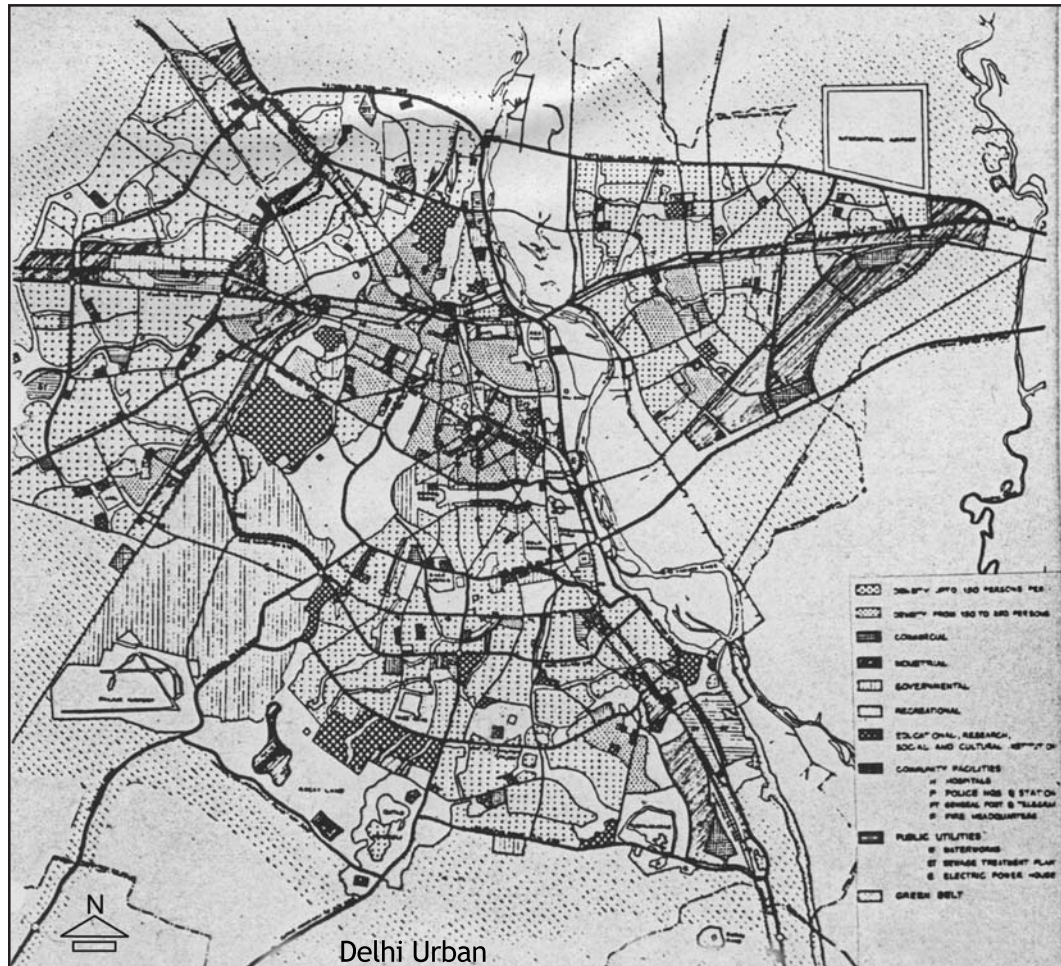
## 7. CONCLUSIONS

Delhi has a great variety of built environment: settlements, villages, heritage structures, artifacts, streets, parks, water bodies and precincts of historic, aesthetic, cultural and religious significance. However, in the recent decades, by the 'property' led approach to development, the treasure of our traditional urbanism has often been trampled upon. Economic forces of urban development have overlooked the historic, cultural and symbiotic contents of the traditional urbanism. Although there is wide awareness about the heritage value of the Shahjahanabad and Lutyens' Delhi, the 'Other Delhi' developed during the Colonial era has largely remained ignored. Largely created by the Delhi Improvement Trust, these colonies are in the grip of indiscriminate construction, degrading of basic services and environment, squatting and unregulated growth. The resultant built form of these areas is amorphous and chaotic. The situation is reaching a breakdown level with loss of harmony among human, social and physical and environmental interrelationships.

The MPD, 1962 (Fig. 8) and MPD, 2001 had recommended a three pronged strategy of urban renewal, comprising of redevelopment, rehabilitation and conservation. The Special Area of 2,600 hectare, has been sub-divided into (i) Urban Renewal Area (Walled City), (ii) Urban Renewal Area (Karol Bagh), (iii) Other Urban Renewal Areas, and (iv) Specific Use Zone Areas. The MPD, 2001 had stipulated that the Authority shall formulate the Special Development Plans for conservation and revitalization of City. The Master Plan for Delhi, 2001 under the provisions of the Special Area Plan, stated that the Maximum Ground Coverage and F.A.R. shall be the same as for residential plot in plotted developments. The Master Plan provided guidelines for preparation of Urban Renewal Scheme, which was based on the existing land use, physical condition of structure, services and facilities, circulation pattern, open space and special features. However, the old city continues to decline and deteriorate. Neither any headway could be made in the preparation of Urban Renewal Schemes nor any progress is made in the enforcement of Master Plan proposals. This is largely due to lack of clear institutional and legal framework, lack of public participation, as well as zoning disincentives inherent in the Master Plan and Zonal Plans.

In the Master Plan for Delhi 2021 a major theme is redevelopment and upgradation of old and degraded areas, while the buildings of heritage values are to be protected and conserved. The existing legal and procedural barriers

Fig. 8 Master Plan of Delhi 1962



to development have been reviewed and positive incentives, such as higher FAR, have been offered. A redevelopment scheme can be initiated by the property owners, local associations or cooperatives or authorized developers. This way the process of area by area redevelopment would start and trigger the process of decongestion and conservation, facilitating release of open space and greenery, up gradation of socio-physical infrastructure and shifting of hazardous, inflammable and noxious activities from the old city. The incentive of additional FAR, along with other measures, like liberalization of land use, time bound approvals, etc. would motivate the owners and residents to adopt the route of planned development. Strategic interventions envisage by giving a new lease of life to the old city with improved infrastructure, transportation and economic viability.

In order to address effectively the emerging issues and need of conservation and regeneration of the Old City of Delhi, mainly DIT areas, it is necessary to review the existing legal framework, organizational framework and procedures



and evolve a new framework. The broad contours of the new framework are as follows:

- Facilitating entry of new players in conservation and redevelopment such as local community, RWAs, Co-operative Societies, Financial Institutions, DMRC and Private Sector.
- Attracting private sector participation and investments by (a) bankable project approach, (b) removing unnecessary controls, (c) incentive development controls such as Transferable Development Rights, Accommodation Reservation, land use flexibility, and grant of additional FAR, (d) One window, time bound approval of projects (e) financial and tax incentives.
- Creating a dedicated organizational set up for co-ordinating conservation and regeneration, services, land management, financial and engineering functions including transport and maintenance.
- Constitution of a Regulatory Authority including monitoring of the projects.
- Leveraging strategy for conservation, redevelopment and infrastructure up-gradation.
- Review of the ASI Gazette Notification No. F8/2/90 dated 16 June 1992 regarding prohibited and control zones around the protected monuments.

Additionally, planners should create awareness, interest, partnerships and commitment among the residents, property owners and other stakeholders. Private investments can be attracted through FAR and tax incentives, thus making conservation and urban renewal self starting and participatory. It is time to initiate a proactive action to conserve and upgrade the indigenous colonial Delhi. If it is further delayed Bahadur Shah Zafar may be found turning in his grave murmuring again the following lines: 'Delhi was once a paradise, where love held sway and reigned, but its charm lies ravished now and only ruins remained'.

#### REFERENCES

- Government of India (1962) *Master Plan for Delhi-1981*, Government of India, New Delhi.
- Government of India (1990) *Master Plan for Delhi-2001*, Government of India, New Delhi.
- Government of India (2007) *Master Plan for Delhi-2021*, Government of India, New Delhi.
- Legg, S. (2007) *Spaces of Colonialism*, Blackwell, London.
- McCallum D. and Steinberg, F. (1987) Approaches to Housing Renewal, *Urban India*, Vol. XVIII, No.2, pp. 20-26.
- Naidu, R. (1994) A Conceptual Framework for Renewal of Walled Cities in India, *Ekistics*.
- Roberts, P. and Sykes, H. (Ed) *Urban Regeneration - A Handbook*, Sage, London.
- Steinberg, F. (1996) *Conservation and Rehabilitation of Urban Heritage in Developing Countries*, Habitat International, New Delhi.



## ***A Study of Heritage Regulations of the Ahmedabad Urban Development Authority***

***Jaydev Nansey***

### **Abstract**

*Many buildings of heritage importance are located in areas where land prices have risen tremendously in the near past, as a result of which there is great pressure on development of these buildings. Only the buildings of historical and archeological importance were protected as monuments through the Archeological Survey of India Act of Government of India and various State Archeology Departments under the State Ministries of Culture and Arts and various other agencies. However, legislation did not cover buildings which were 'live' and in use for both commercial and residential purposes. To bridge this gap heritage regulations should be formulated and notified within the existing framework of laws and legislations. The author argues that well drafted and executed heritage regulations will strike a fine balance between conservation and development.*

### **1. INTRODUCTION**

Understanding the meaning of the word heritage is the first step towards conserving it. Heritage is usually confused with and used in lieu of history. However, the two are distinct with different meanings and connotations. Heritage is a much wider all encompassing term which includes artifacts, built structures, places and practices of historic importance and much more. Heritage can be defined as 'something that is passed down from preceding generations to the next generation'. There are different types of heritage like cultural, art, built and natural.

Heritage regulations address a part of the heritage conglomeration i.e. the build and the natural heritage of human settlements and adjoining areas. In the conventional sense they are applied to 'buildings, artifacts, structures, areas and precincts having aesthetic or architectural or cultural or environmental significance and natural areas of scenic beauty and sacred groves, hills, hillocks, water bodies, open areas and wooded areas'.

In India heritage is an issue that is handled by both central as well as state governments as the subject is listed in the concurrent list of the Constitution of India and issue related to this subject are usually dealt with by the Art and Cultures Ministry. However, it originally is a function of the Ministry of Environment and Forests at the Centre and the Town and Country Planning Department of

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Urban Development and Urban Housing Ministries of the States. Most of the Heritage Regulations in India have been formulated under the General Development and Control Regulations (GDCR) and incorporated in the Development Plans. Mumbai and Hyderabad were amongst the pioneers to frame heritage regulations that saved many a beautiful buildings of heritage importance from the so called 'development'.

## 2. PRINCIPAL ASPECTS OF HERITAGE REGULATIONS

Many buildings of heritage importance are located in areas where land prices have risen tremendously in the near past, as a result of which there is great pressure of development on these buildings. Moreover, a buildings located in Central Business District (CBD) like Fort area in Mumbai has a much greater economical value demolished to make way for a skyscraper. It was not until the early 1970s that the threat was actually recognized. Till then only the buildings of historical and archeological importance were protected as monuments vide the Archeological Survey of India Act of Government of India and various State Archeology Departments under the State Ministries of Culture and Arts and various other agencies. However, these pieces of legislation did not cover buildings which were 'live' and in use for both commercial and residential purposes. Heritage regulations bridge this gap between the historical 'monuments' and heritage 'structures'.

Prime objective of the heritage regulations is to protect the structures and areas of heritage importance. This is achieved by a two layered dynamic system. Unlike the monuments, the heritage buildings are 'live' and functional. These buildings are also located in areas where various other urban developmental activities are in progress. Hence, the basic tenants of town planning laws are also applicable to the heritage properties and areas. However, unlike development plans under town planning rules, the plans for the heritage properties and areas have to be more flexible and dynamic.

Ideal heritage regulations will comprise of two parts. The first is the identification component under which various properties and areas are listed and classified and the operational component, whereby conservation and development of heritage properties or areas is considered. It is an integral and prerequisite part of any heritage regulations to have a listing done for the heritage properties or areas within the area of jurisdiction for the respective authority. Thereafter, these listed properties or areas are further classified into different categories so that the properties and areas are conserved and their development is also simultaneously addressed. Development and conservation seem to be contradicting concepts, but a well drafted and executed heritage regulation will effectively address both these concepts.

The second and equally important component is the heritage plan. In order to execute this plan a heritage committee is formed vide the heritage regulations.



This committee usually has experts from different disciplines related to heritage like history, archeology, architecture, conservation, environment, etc; along with the members of the controlling authorities to advise on and assist the authorities in execution of the heritage plan.

In order to strike a balance between conservation and development and in order not to penalize the owners of a heritage property or area, there are various ways and means by which incentives could be given to the owners. Some of the most common incentives are:

- Transferable development rights
- Special building use permissions
- Changes in property tax and other local taxes

These incentives must be used within the existing statutory and legal frameworks and should be offered by authorities on case to case basis as found most appropriate for the property or area. These incentives should be guided by the grading to be given to various properties or areas under the above mentioned listing. Guidelines should be formulated along with the heritage plan for awarding these incentives in which the prevailing and future development in the locality of the heritage property or area should be taken into consideration along with other factors like the limited permissible development, and activities in the property or area while conserving it as a heritage property or area, development in the areas where the TDR are to be awarded, consequences of permitting special activities on neighbourhood, prevailing and future taxation pattern, etc.

### **3. BACKGROUND OF AUDA HERITAGE REGULATIONS**

Ahmedabad Urban Development Authority (AUDA) heritage regulations were published on 20 September, 2008 vide a gazette notification. Gujarat Town Planning and Urban Development Act, 1976, Section 19 empowers the state government to formulate GDCR for development plans of urban areas, under the Gujarat State Government's existing GDCR of AUDA which were notified in 2001. The GDCR have a provision under Section 17, which states:

No development or redevelopment or change of use or engineering operations or additions, alterations, repairs, renovations including the painting of buildings, replacement of special feature or demolition of the whole or part thereof or plastering of heritage buildings and / or heritage precincts and poles shall be allowed except with the written permission of the competent authority.

The detail regulation for conservation of artifacts structures and precincts of historical and / or aesthetical and / or architectural and / or cultural value (heritage buildings and heritage precincts) shall be formulated on the basis of



Hyderabad Development Authority and Urban Development Department, Maharashtra State, Bombay. The same shall be submitted to the Government for sanction and shall be implemented accordingly.

In spite of these norms being in place, no action was taken for seven years. Meanwhile, without any legal support the Indo-French project for restoration of heritage buildings in the old walled city of Ahmedabad was being executed by Ahmedabad Municipal Corporation. On completion of this project it was found necessary by the funding agencies i.e. the French Embassy and the HUDCO that without a regulation in place, it will not be possible to implement the subsidized loan scheme for restoration of the privately owned heritage buildings. Subsequently at the end of the third phase of the Indo-French project the draft heritage regulations were put forward for the consideration of the AMC. It was after nearly four years that in 2007, the heritage regulations for conservation of heritage buildings of Ahmedabad were notified.

The first draft of the heritage rules was based on the existing heritage rules of Mumbai and Hyderabad. It was reviewed by authorities prior to their being discussed during the Sambhava III-1 seminar. Post seminar draft was again discussed in a colloquium attended by experts from heritage, law and administration. Suggestions and recommendations given at the colloquium were incorporated in the regulations and the final draft was forwarded to the Town Planning Department for their approval and notification in the state government gazette.

## **5. SALIENT FEATURES OF AUDA HERITAGE REGULATIONS**

Application is the most crucial aspect of any rules. Definitions mentioned in the beginning of the regulations encompass a wide range of built and natural heritage in the form of structures and places to which it is applicable. It further elaborates on the definition of precinct to include the adjoining areas of a heritage property. The regulations go on to define the restrictions on various activities so that they are not detrimental to the heritage value of a property. Under this section the role of the heritage committee and steps to be taken by them for granting permissions for development, redevelopment or repairs.

The regulations state the procedure to be followed for preparation of a list of heritage structures and properties and how the list should be changed in future so as to address the needs of the time. It empowers the authority to relax or modify the GDCR for conservation of a heritage property or area. It also lays down the provisions for formulation of special regulations if any needed for conservation of the listed heritage properties or areas.

A very damaging factor to heritage buildings in old city areas is road widening. These regulations clearly define steps to be taken in case of the heritage



properties that may be damaged, demolished or altered due to proposed development activities in the Development Plan of the city. Another important aspect which is usually neglected by various rules and regulations is the skyline and architectural harmony, which has been included in these regulations. It also mentions that in areas declared as heritage precincts, building design and height will be controlled by the heritage committee.

The rules allow the authority to give various incentives for conserving heritage properties like use of non commercial buildings for commercial purposes i.e. hotels, restaurants, etc. It also allows for other incentives like TDR and creating repair funds, tax incentives, etc.

Listing has been emphasized vide Section 17, 20 and 11 of the regulations. It states that the listed properties or areas should be graded into three categories. Guidelines that include the definition, objectives, scope of changes allowed and its procedure and vista surrounding development for each of these categories have been mentioned.

An important mention in the regulations is that of demolition, reconstruction and alteration of heritage properties or areas. The regulations state that the operative measures mentioned in the regulations should not be perceived as conferring a right on the occupier to carry out demolitions, reconstruction or alteration activities. In the end the regulations define the composition of heritage conservation committee and its terms of reference.

## **6. CONCLUSIONS**

Over the past seven decades, we have not given due importance to our built and natural heritage. In the recent past with India witnessing an intense urban development and a steep price hike in land values, heritage properties have suffered immensely with heritage properties being demolished or vandalized in the name of development. When Indians travel abroad, they are awe struck by the heritage buildings conserved and preserved in the other countries. Unfortunately on return we do not have the same feeling towards the heritage properties of our nation. Moreover, the common men and women neither have the time nor the energy or money to preserve the buildings that have a heritage value. It is hence imperative to have heritage regulations to assist owners in the conservation of such properties and areas.

Due care should be taken at the time of formulating the heritage regulations so as to keep them dynamic in nature. The heritage committee should be given ample powers to advise and direct the authority in taking the right decisions for conservation of heritage properties.

Government authorities, non government organizations and academic institutions should take a proactive stand and carry out listing even if the heritage regulations



are not in place. In places where such listing has already been done, care should be taken to include such listing in the heritage regulations. Great care should be taken while defining the guidelines for grading of the listed properties and areas. As far as possible heritage regulations should be formulated and notified within the existing frameworks of planning laws. Well drafted and executed heritage regulations will strike a fine balance between conservation and development.

#### REFERENCES

- Ahmedabad Municipal Corporation (2001) *Getting City back to the People*, Heritage Cell, AMC, Ahmedabad.
- Ahmedabad Urban Development Area Part III, General Development Control Regulations, AUDA, Ahmedabad, 2001.
- Chanani, S. (2007) *Heritage and Environment: An Indian Diary*, Urban Design Research Institute, Mumbai.
- Government of Gujarat (2000) *The Gujarat Town Planning and Urban Development Act, 1976*, Government Printing Press, Rajkot.
- Government of Gujarat (2007) *The Gujarat Government Gazette, Extraordinary*, Urban Development and Urban Housing Department, Gandhinagar.
- Government of Maharashtra (1997) *The Maharashtra Regional and Town Planning Act, 1966*, Government Central Press, Mumbai.
- Nansey and Associates (2001) *AMC Draft Heritage Regulations for the Old City*, Ahmedabad Municipal Corporation, Ahmedabad.
- Nansey, J. (2001) *Legal Framework for Conservation, SAMBHAVA III from Possible to Feasible*, NID, Ahmedabad.

#### ENDNOTES

- 1 SAMBHAVA series of seminars were organized at the end of each of the four phases of the Indo French Heritage Conservation Programme in Ahmedabad.



## **Revitalizing 'Chitar Oli': A Street with a Tradition**

**Ujwala Chakradeo and Priya Chaudhary**



### **Abstract**

*Asian streets are full of vigor, vitality, life, energy and variety unlike any European city, color is the main essence of these streets. However, globalization is wiping away this color from our streets, and is trying to impart uniform, monotonous character to them. Traditional Asian cultures have responded positively to complexities of this process of change. But planners of this part of the world have been highly influenced by the planning principles of western world. We need to be more aware and sensitive towards our way of living and using spaces. In addition, there is a need to sensitize future generations so that some of our traditional streets continue to vibrate with traditional character. The authors have demonstrated the same through the study of a street called Chitar Oli, an important traditional street in Nagpur, and also given the proposals for conserving identity of Chitar Oli.*

### **1. INTRODUCTION**

Asian streets are full of vigor, vitality, life, energy and variety. Unlike any European city, color is the main essence of these streets. However, globalization is wiping away this color from Asian streets, and is trying to impart uniform, monotonous character to these streets. The planners need to be aware of the quality that these streets possess and their importance is necessary to be imbibed on new generation. Asia is the largest continent and has diverse range of environmental settings. This is reflected in the evolution of distinctive architectural traditions and settlement planning. Traditional Asian cultures have responded positively to complexities of process of change. With onslaught of globalization, the rhythm of change has been disturbed and the evolution is now taking the form of revolution.

Planners of this part of the world have been highly influenced by the planning principles of western world. We need to be more aware and sensitive towards our ways of living and using spaces. We need to sensitize future generations so that some of our traditional streets continue to vibrate with traditional character. The paper is based on the study of Chitar Oli, an important traditional street of Nagpur at Central Avenue.

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## 2. NAGPUR: HISTORICAL BACKGROUND AND PRESENT STATUS

Nagpur, named after Nag River, is one of the developing cities of India, which is located at geographical centre of India. The city of Nagpur was ruled by the *Gonds* from 1550 AD to 1748 AD. Then it was ruled by *Bhoslas* from 1748 AD to 1853 A.D. till the British took over. During *Gonds* period, roads were constructed and city was divided into wards. Further, a strong three miles long protection wall was also constructed. During the period of *Bhoslas*, King *Raghuji* established two military settlements with a royal residential development, '*Mahal*'. The battle of *Sitaburdi* was fought between *Appasahbe Bhosala* and the British. A new state central province formed with Nagpur as capital and the city was divided into the eastern (old city) and the western part by creating a mound and laying railway line. In 1915, Patrick Geddes visited the city and proposed conservative surgery for decaying medieval urban fabric.

Today Nagpur (Fig. 1) is the second capital of the state of Maharashtra. Nagpur Municipal Corporation (NMC) is spread over an area of 217.65 sq km. Revised Development Plan of Nagpur with perspective 1986 - 2011 has been enforced and the Master Plan for 2011 - 2021 / 2031 is under preparation. The total area of Development Plan is 235.21 sq km including area of the NMC. Population of the city is 20.5 lakh as per 2001 Census with an average density of 95 persons per hectare while present estimated population is 23 lakh and projected population is likely to be 32 lakh by 2021. It is also an administrative, educational and cultural centre of Vidarbha region.

Fig.1 Map of Nagpur

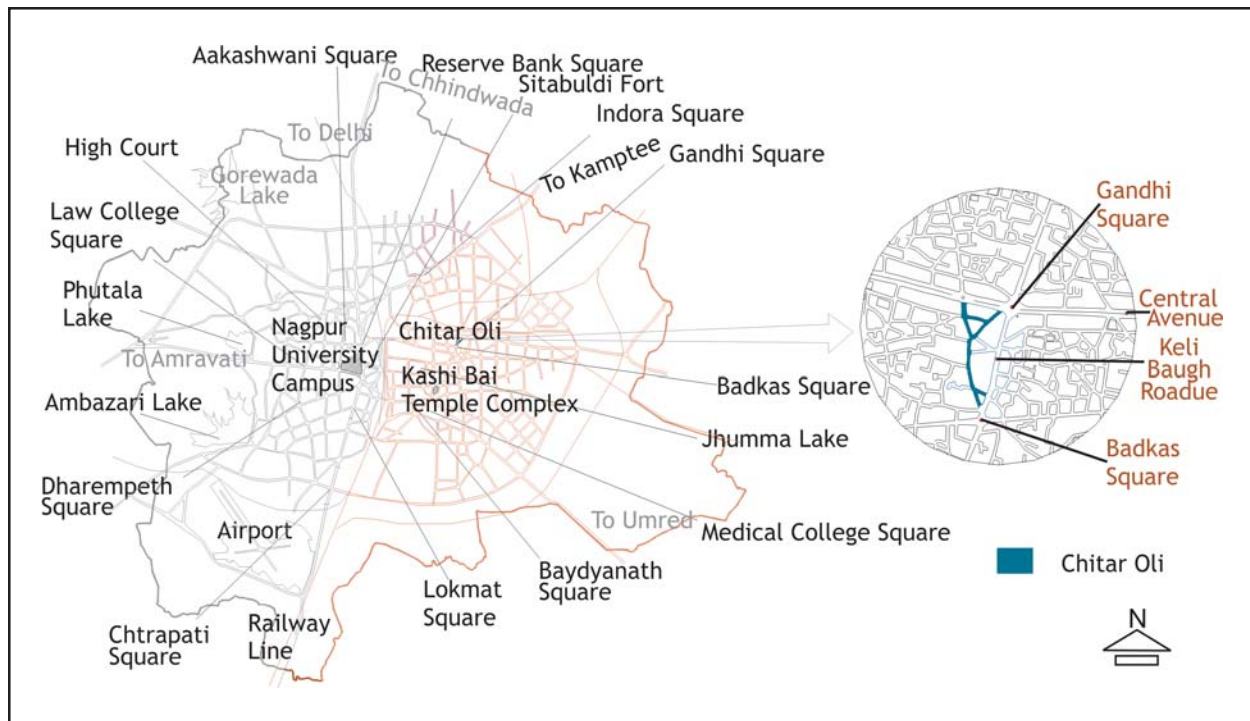


Fig. 2 Top View of Chitar Oli



### 3. THE CHITAR OLI STREET

It is one of the streets in old Nagpur with cultural heritage due to the activity of idol making which takes place there at Oli, situated in East Nagpur and is highly dense area (Fig. 2) surrounded by commercial development activities. The residential area on either side of the street, where the activity of idol making is actively carried out, has been chosen as the study. This site was allotted by *Bhosala* rulers to artisans at the outskirts of the city. There were number of communities in old Nagpur which were involved in traditional art forms such as weaving, pottery, etc. Presently, most of them have degenerated as they have changed adopted new occupations. But one such community is still active as the demand for that art form i.e. *murtikars* or sculptors and painters of Chitar Oli are increasing. *Murtikars* of this area are involved in the craft of idol making of Ganesh for festivals.

#### 3.1 *Murti* Making

The process of *murti* making is a long process taking almost three to four months. It is carried out in the house itself as there are no working areas, the whole process of *murti* making requires. Lot of semi-open spaces is needed. During the peak period (*Ganesh Utsav and Durga Puja*) the roads are encroached as the idols are

displayed along the roads. The sources of raw materials required for *murti* making and the mode of transportation are given in Table 1, and various stages involved in the *murti* making are given below:

- Mud mixed with cotton and white ink
- Thoroughly mixed and lumps broken

Table 1 The Source of Raw Material and Mode of Transportation

Raw Materials	Source	Transport	Storage	Quantity Required
Mud	Nag River or Shuhrawari Talao	Donkey	In front of the Working Place	300-400 Donkeys (for 1 <i>Murti</i> 15cm ht - 10kg Mud)
Wood	<i>Lakad Gung</i>	3 Wheelers, 5 Wheelers	In the store room / work place	As per required (For painting)
Sutli, Cotton, White ink, POP, Gum	General stories (Itwari / Chitaroli)	Cycle / Pedestrian	In the store room / work place	As per required

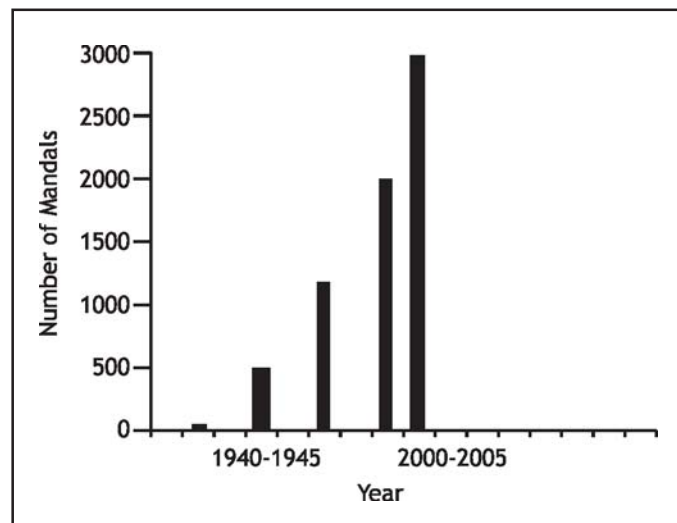
- Paste obtained is poured into the mould
- The semi-dried idol is given finishing touches
- The dried product is painted
- Painted product is dried in sunlight by blue heater.

### 3.2 Ganesh Festival

Ganesh is one of the most important and widely worshipped god in central India. Ganesh is worshipped at the beginning of every event. The emotions of Indians towards Ganesh worship were appropriately utilized by Bal Gangadhar Tilak, an activist for mass awakening who evoked feeling of patriotism amongst masses in our fight for freedom from the rule of the British. Ganesh worship was just a household affair till 19th century. It was made the public activity by Tilak in early 20th century. Every year, in the month of August or September, this festival is celebrated with vigor. The scale and enthusiasm of this celebration is magnifying every year. Beautiful Ganesh idols made up of mud, painted and decorated are ceremoniously installed at a public place and are worshipped for ten days. About 2,000 idols are worshipped publically in Nagpur apart from thousands of small idols worshipped at household level. After ten days, the idols are again ceremoniously immersed in water and hence every year there is a new demand for idols.

The increasing number of organizations (*mandals*) celebrating Ganesh festival (Fig. 3) indicate that the demand for idols and traditional art form of idol making is increasing. But Chitar Oli is facing problems due to high demand for highly valued urban land for other purposes.

Fig 3 Numbers of *Mandals*

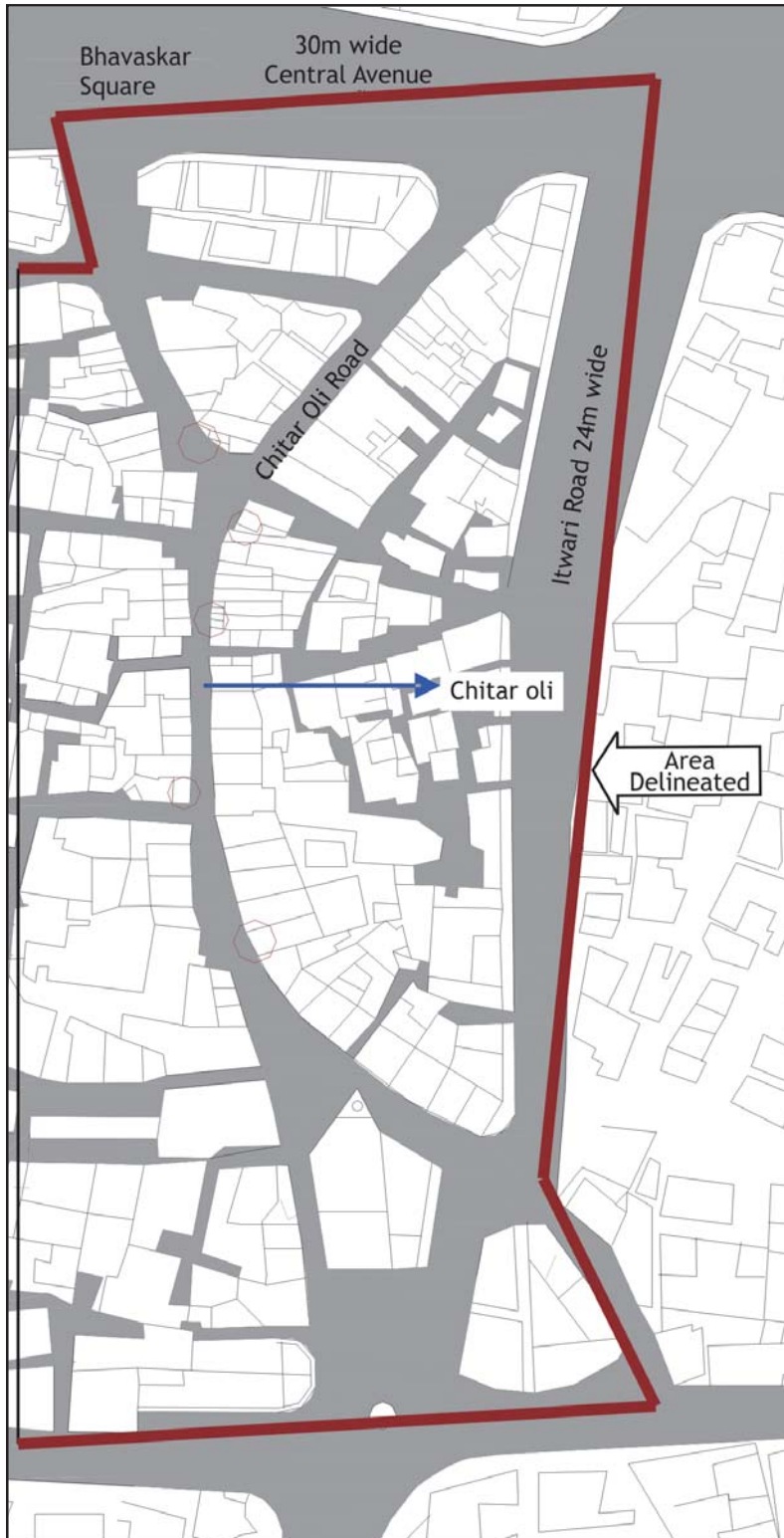


### 4. REDEVELOPMENT OF TRADITIONAL AREAS AND STREETS

Change is inevitable in urban areas. Old areas, because of redundancy of use and ever increasing demand for land and transportation are subjected to redevelopment. Revitalization is a very broad term and depending upon the area, its existing status, the component of development may vary. As the word suggests it should always be development in the sense of improving the quality of physical environment, which subsequently should lead to improving overall quality of life. Typical issues involved in such redevelopment proposals for urban areas include:

- Changing land use and incapability of the existing setup to deal with these changes;

Fig. 4 Base Map for Study Area



- Ever increasing traffic and transportation requirements; and
- Redundancy of land use or activities within the buildings or redundancy of old buildings themselves.

The most crucial issue is related to conservation against development. Old buildings and areas act as a part of heritage and are responsible for generating a 'sense of place'. Whether we need to restore, preserve, conserve or demolish them is always the crucial and critical question. Designers and planners always need to consider such issues in urban revitalization proposals. There is always a tussle between idealism and realism, so is the case with heritage conservation and development. Developed countries can afford and are much more aware about heritage conservation hence, have clear cut policies. But in case of developing countries like India, and a city like Nagpur, this dilemma is very obvious. Heritage is always considered as a hurdle and hence given a lower priority. Secondly, the important issue is what is real heritage? All such and many more issues related to conservation and development get merged and needs to be revisited again and again. In fact, Chitar Oli is not a very remarkable architectural heritage but it is related to heritage activity which has a tradition of hundreds of years.

## 5. RESEARCH METHODOLOGY

### Stage I: Site Selection

Criteria for selection of site were heritage value associated with this street and its potential for development because of its location. Chitar Oli had an advantage of nearness of raw materials such as wood and mud. Now also it has that advantage but it has become part of intense commercial development which is affecting the tradition and the traditional spaces of Chitar Oli. With the growth of the city over the passage of time the Chitar Oli now finds itself in the centre of the city and the location itself has become a threat to the street and the activity.

### Stage II: Delineation of the area for the study of Chitar Oli

Study of surrounding area was necessary to understand changes in Chitar Oli. Therefore, edges around Chitar Oli for the study were defined considering the importance and relevance of the site with reference to city in terms of economy, social, cultural and physical aspects and accordingly base map for the study area was prepared (Fig. 4).

### Stage III: Data Collection and Analysis.

To understand the problems in depth, the detailed study was carried out with respect to all the components of the chosen area for revitalization:

- The historical background, its evolution and contemporary relevance
- Its present status with reference to activities, encroachments and reasons for deterioration (Fig. 5);
- Present status of the surrounding residential area with reference to land use (Fig. 6) landownership, land value, socio-economic status of the residents (Fig. 7), activities, traffic and parking within and surrounding areas.
- Typical planning of residences of *murtikars* (Fig. 8).

Fig. 5 Age of the Buildings

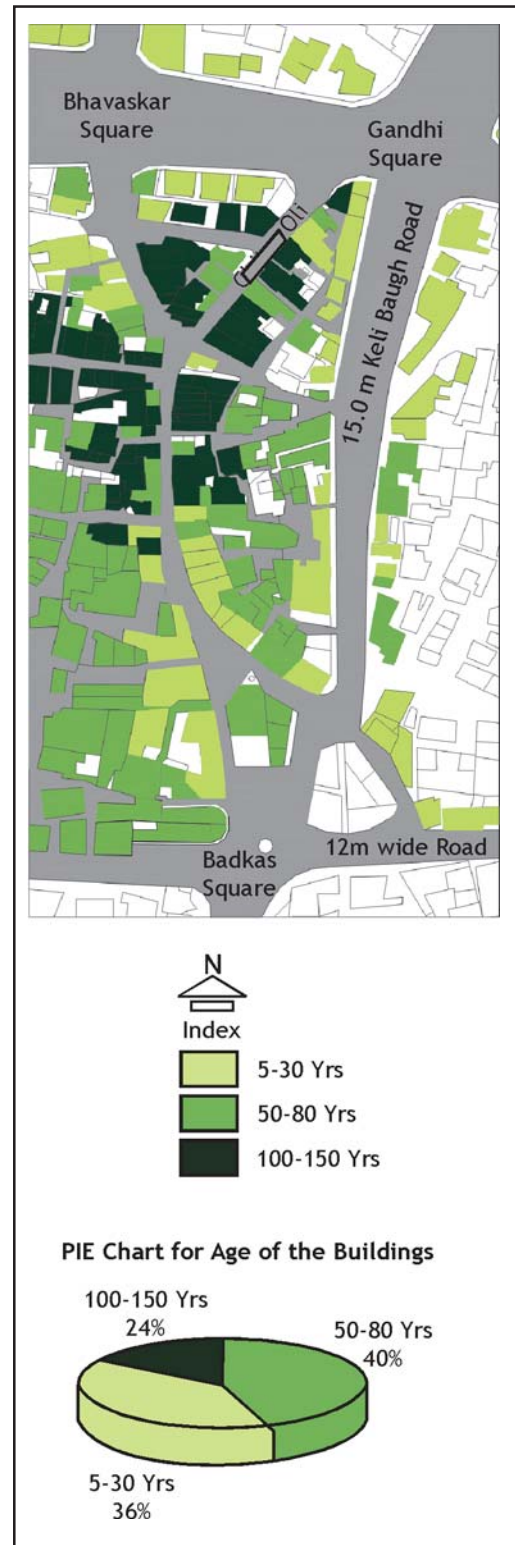
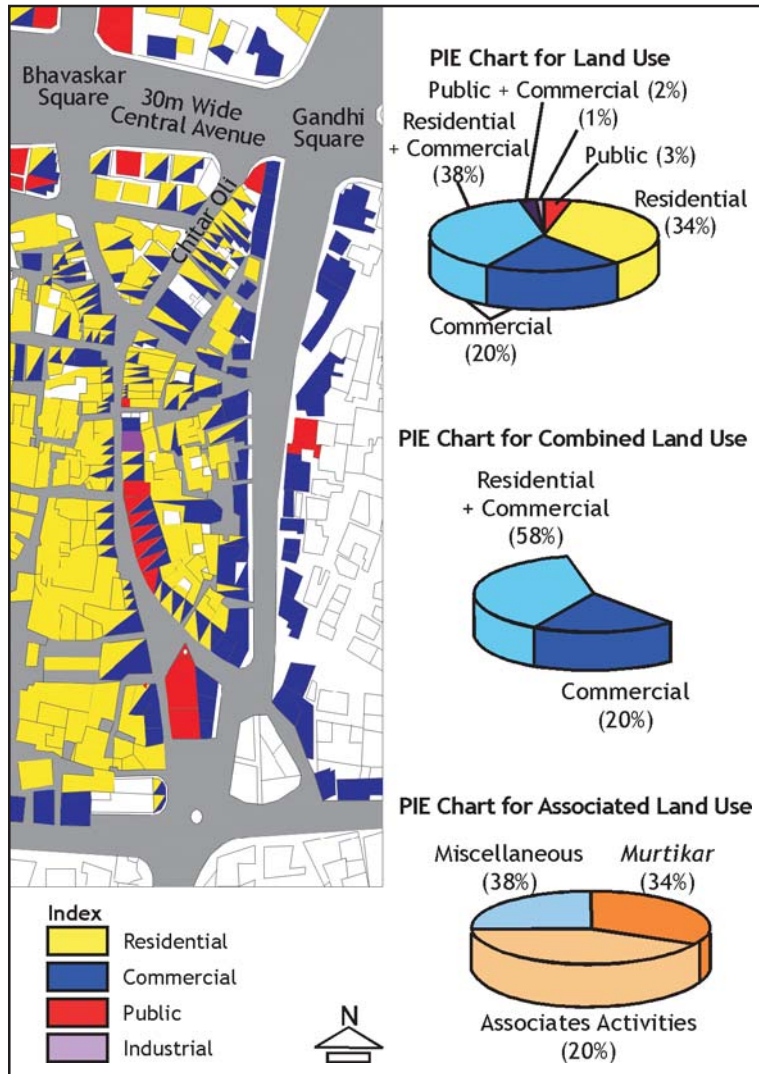


Fig. 6 Land Use Map



- Cohesive architectural character of the lane and new developments.

## 6. INFERENCE

### 6.1 *Murtikars* in Chitar Oli

- Evolution shows that the number of *murtikars* in Chitar Oli has decreased although the demand is increasing.
- The cost of *murti* has increased sharply with heavy demand as number of *sarvajanic* Ganesh Mandals are rising.

### 6.2 Land Value, Land Ownership and Land use

- Due to increasing value and private ownership, the areas originally meant for *murti* making have been leased on high rates or have been sold away.

### 6.3 Age of Building, Structural Status and Maintenance

- 24 percent of the buildings are 100 to 150 years old, 4 percent are 50 to 80 years old and 36 percent are 5 to 30 years old.

- In terms of structural status, 68 percent buildings are *pucca*, 2.2 percent are semi *pucca* and 11 percent are *kutchha*.

### 6.4 Architectural Features

- Linear planning of houses, mostly having two common walls with neighbouring buildings. Ground floor used for commercial activities and first for living. Three entrances on ground floor front façade (Fig. 8) and narrow projecting balconies on first floor. Old buildings constructed in load bearing walls and timber floors.
- Newly constructed buildings have matching planning to the old ones, constructed in framed structures (Fig. 9)

Fig. 7 Household Income and Size

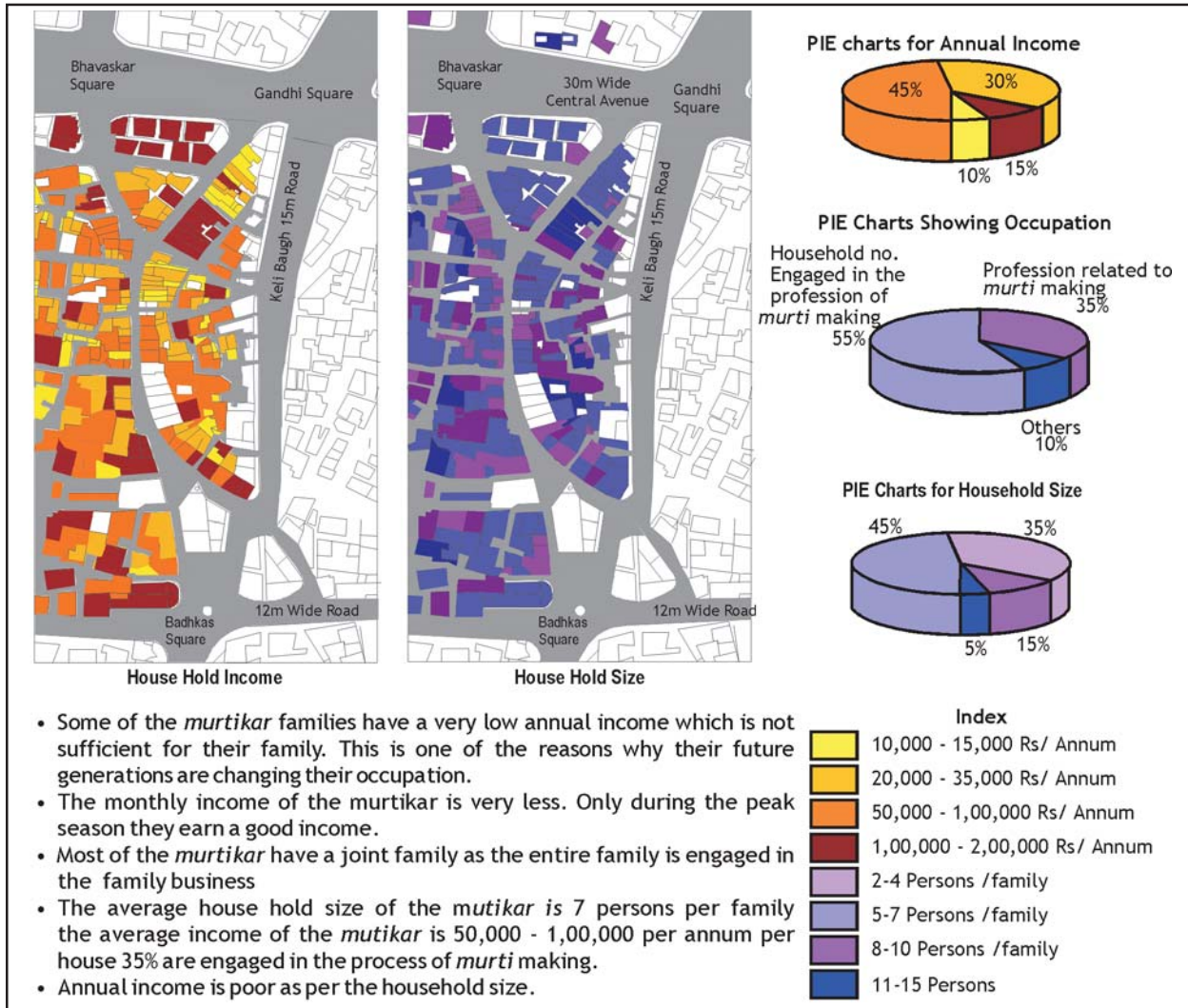


Fig. 8 Details of Residential Units

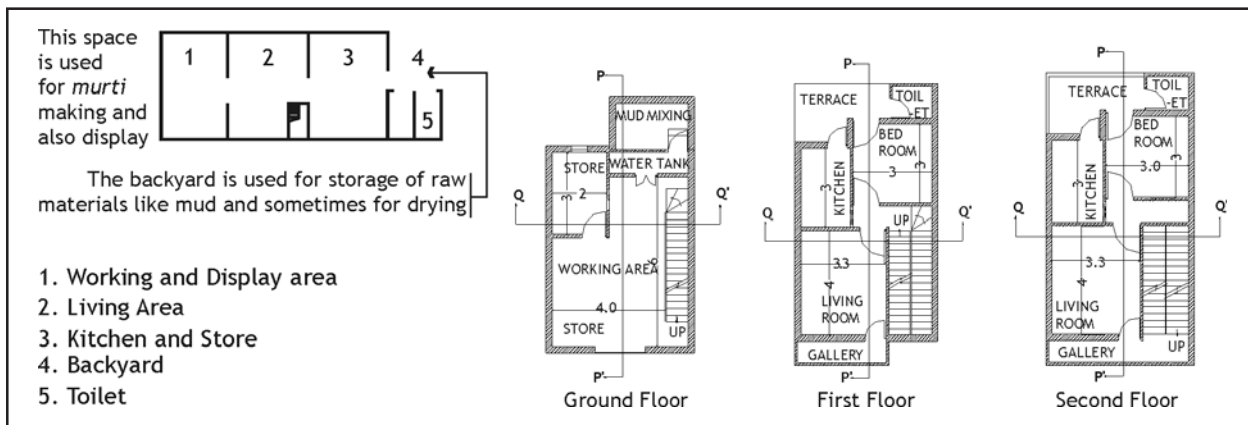


Fig. 9 Harmonizing Old and New



### 6.5 Household Size and Annual Income

- Normal household ranges from 5 to 7 members per family.
- The annual income is between Rs.50,000 to Rs.1,00,000 per annum, out of which the maximum part is earned during Ganesh and Durga Festival.
- Income is not sufficient for the households; hence people are looking for jobs other than *murti* making.

### 6.6 Traffic

- PCU value of the road is appropriate but due to the informal parking, traffic is obstructed.
- The major modes of transport are cycles and two wheelers.

### 6.7 Parking

- No formal parking place for vehicles.
- Residents have no proper parking space. Parking of two wheelers is done inside the houses.

### 6.8 Process of *murti* making

- Spaces required for the process are storage space for raw materials, molding of *murti*, drying, stacking and storage.
- Encroachment on road during peak time as space required is not available.

### 6.9 Proposals and Suggestions

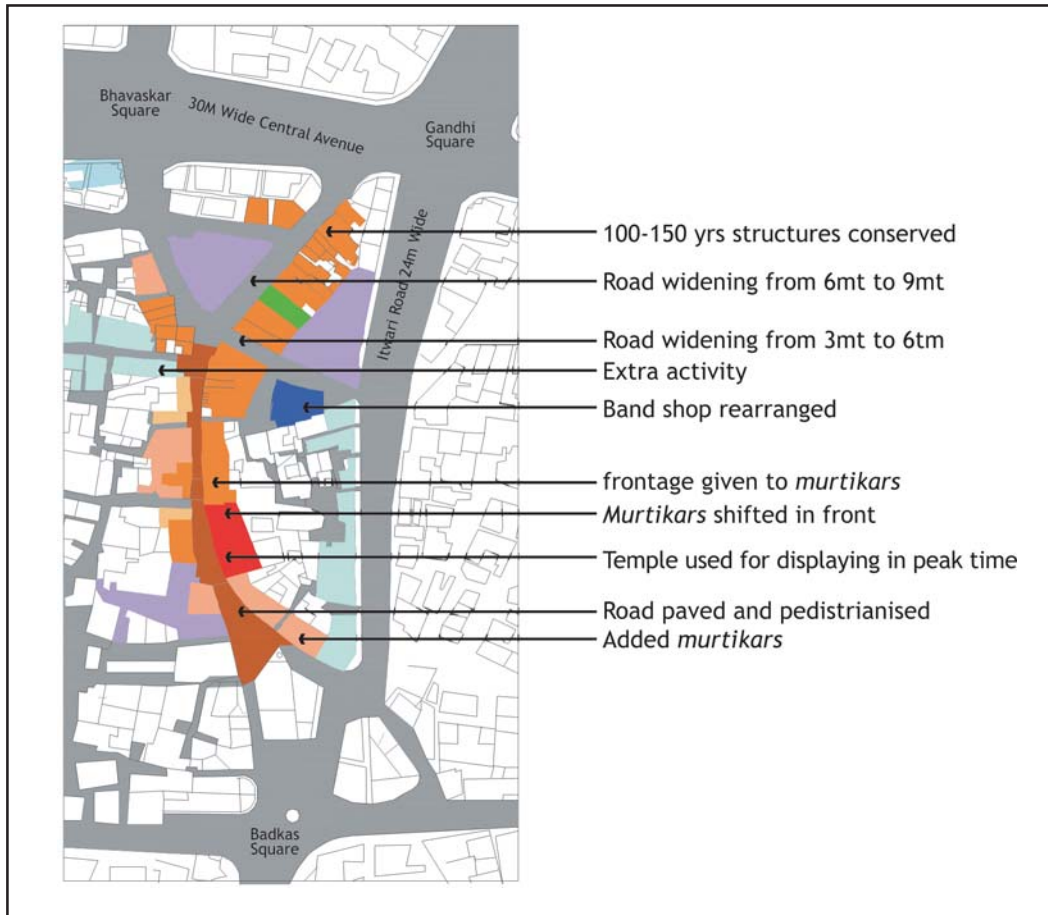
- Pedestrianisation of lanes
- Improving the maintenance level of the structures
- Creating community spaces
- Making working conditions favorable for the growth of the *murtikars* and hence conserving the identity of the lane.

## 7. CONCLUSIONS

On the basis of the survey and discussions with the people and experts, data was gathered to make some policy level suggestions. These include:

- Efforts should be made to reduce threats to the traditional *murti* making activity on this street with the help of additional resources from the government and municipality.
- The textural qualities of urban fabric in this area and the location identity are worth conserving. We may make efforts to stop relocation. Instead, conservation at the same location would be appropriate.

Fig. 10 Proposed Master Plan



Accordingly, on the basis of opinion survey the aim and objectives were decided with the broader perspective. Various options were worked out for revitalization and the Master Plan (Fig. 10) for the area has been prepared with specific proposals for pedestrianisation of the lanes, improvement in terms of maintenance of the structures, creation of community spaces apart from making overall working conditions favorable for the growth of the *murtikars* and hence conserving their identity as well as the identity of the lane. The building byelaws and regulations, which are based on western models, are needed to be amended to deal with such typical situations.



## ***Tourism as a Tool for Heritage Conservation***

**S.C. Mahagaonkar**

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### **Abstract**

*Tourism has vast potential to become a means for developing the community at a particular destination by providing the necessary infrastructure and good quality of employment. Cultural tourism brings considerable benefits to the community which receives income from tourists and therefore, culture of that community needs conservation and preservation. Culture and economy reinforce and synergize with each other. The tourism planners must carefully identify the key opportunities and constraints that will influence their ability to protect and manage tourist sites. The support and co-operation of the key stakeholders such as local community therefore are required to be fully explored.*

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### **1. INTRODUCTION**

With the increasing awareness of tourism as a strong economic factor, cultural tourism, heritage tourism, heritage conservation and sustainable development have become increasingly interlinked. It is being realized that tourism should not thrive at the cost of heritage; rather it should act as a tool for conservation of heritage. If tourism has to gain universal acceptability in all sections of society, it should serve the basic social and economic purposes and make a positive contribution to the lives of the people involved.

Cultural tourism is recognized as a distinct category since late 1970s with the realization that many people travel primarily to gain better understanding and knowledge of diverse cultures and heritage of the destination. Cultural tourism brings considerable benefits to the community which receives tourism and therefore, culture of that community needs conservation and preservation. In fact, the two are uniquely synergized and linked.

A strong affinity between tourism and heritage should be leveraged to promote conservation of unprotected architectural heritage and sites. It is easier to protect architectural monuments as heritage sites, but if the place is inhabited, then there is constant construction and reconstruction affecting the heritage area. Thus, the problem is further aggravated. At the same time there is a need to have adequate safeguards to mitigate problems created by aggressive tourism promotion in areas where traditional communities are associated with unprotected architectural heritage and sites.

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## 2. DEVELOPMENT OF TOURIST DESTINATIONS

Tourism has vast potential to become the means for developing the community at a particular destination by providing the necessary infrastructure and a good quality of employment. If heritage destination has substantial built heritage or natural heritage, it can encourage development of the local community as well as provide better incomes. It is in our interest to protect these heritage sites for future generations who could visit such destinations. There are many communities in the world where tourism has sustainably developed and brought considerable benefits and prosperity to the local people. One outstanding example is that of Spain, where a much larger number of tourists than its own population visit the country every year. It has become one of the most sought after destinations easily accessible from any part of Europe and the world. However, development of a tourist destination depends on the following aspects:

- Transport services and infrastructure in rural and regional areas.
- Proper signage for visitors to reach different locations
- Visitor centers particularly in regional areas
- Sufficient residential facilities at tourist destinations both at affordable and up market rates
- Adequate upkeep and care of the built heritage, natural heritage, the living or intangible heritage and the material heritage.

## 3. TOURISM DEVELOPMENT

Basic postulates of tourism development are:

- **Community development of destinations receiving tourists:** Community which receives tourists regularly will automatically get developed with regard to hospitality norms and their activities at the destination become better and more polished to receive tourists.
- **Socio-economic growth of the receiving community:** With more tourists going to a destination, obviously the receiving community will have to grow in terms of socio-economic stature. This is because at destinations, the tourists spend their surpluses in various activities and the local community get benefited monetarily from such spending by tourists.
- **Preservation and conservation of cultural heritage sites:** Heritage being the main stay for tourism development, it would require conservation and preservation of the built heritage and may need adaptive reuse. This would become an important activity of the site for tourists to see and experience history and architecture of buildings. In the case of natural heritage, it needs conservation and preservation for an enhanced experience for tourists. Similarly on living intangible heritage, a lot of work needs to be done at the tourists' destination, as it directly affects the local community.



- **Income Generation:** A tourist receiving community has their own cultural resources to enhance their livelihood, but that should be rejuvenated through the process of heritage tourism.

#### 4. POLICY FRAMEWORK FOR DEVELOPMENT OF TOURISM

The challenge to develop tourism would need to be brought into the policy framework by the concerned communities. While doing so, the basic considerations needs to be taken into account are:

- A balance between tourism and cultural heritage management, with the need for a strong partnership in which the psychological aspects i.e. self-esteem needs to be enhanced, because of outside recognition of the uniqueness and value of their culture, natural resources and traditional knowledge. For increasing confidence in the community, leaders of the community would require further education and training opportunities. This leads to more employment and income, further leading to increase in status for women and youth.
- Tourism interest develops an awareness of cultural heritage management, concepts, ideals and practices. Socially lack of awareness and communication appears to be the cause for general dearth of understanding and local involvement in tourism development. So a general awareness is important for the need and benefit of the community which is directly involved in developing tourism.
- Tourism is essentially a commercial activity. However, cultural values should not be sacrificed for commercial considerations. Stakeholders in cultural heritage must develop an understanding as to what extent tourism is to be promoted and how it impacts cohesion of the community to build a successful model so that funds are raised for community development initiatives, like education and general awareness.
- Obstacles in promoting tourism along with welfare of local communities are:
  - Distance of residence from key tourist sites and lack of education, inadequate social status and lack of connections may all contribute to slow tourists' growth.
  - Significant amount of start up capital is not available.
  - Insufficient public funding.
  - Involvement of stakeholders in decision-making is sometimes viewed by budget controllers as unnecessary hindrance.
  - Residents' low socio-economic status may also keep them away from becoming involved in tourism decision-making as they are concerned more with making their day to day ends meet. For many people, it is



difficult to think in the long term when their basic short term survival is in question.

- Tourism is driven by attraction and attractions are demand generators that give a customer a reason to visit a destination. Cultural heritage assets are powerful tourism products. These assets must be handled carefully and with a lot of sensitivity.
  - **Power:** Socio-political traditions dominate national and local groups of elite, sometime deliberately keeping residents in a subordinate position.
  - **Gender and Ethnicity:** Women and ethnic minorities have customarily been relegated to the margins of decision-making and have not been able to benefit from tourism. This treatment also has its roots in the socio-political traditions.
- With increase in tourism, a state of conflict is likely to emerge especially in the vacuum of effective conservation management plan. It would be desirable to provide a representative forum for the community to raise questions and concerns pertaining to tourism initiative and get proper answer from agencies initiating or implementing tourism ventures. It would also be desirable that such agencies should seek opinions of community groups and individual members of the community and provide them a chance in decision-making. This system would provide a better initiative in the growth of tourism to such destinations.

## 5. CONCLUSIONS

A tourist site management system should be prepared in which planning, development and management has been based on the assessment of all the cultural heritage values of the site. This can be established by the policies and strategies of a tourist site. It is necessary to identify different groups that are important at specific locations and those have not been involved in the management planning process. Participation by these groups may be encouraged and facilitated by involvement of specialists including tourism planners and identify necessary information of management planning for a tourist site.

- Analyze any conflicts and contradictions that arise;
- Balance the interests that have been defined, and
- Make allowances for periodic reassessment and analysis for the future.

Tourism planners must carefully identify the key opportunities and constraints that will influence their ability to protect and manage tourist sites. These issues include items which are specific to the site such as financial resources as well as outside influences like pressures for development. Support and co-operation of the key stakeholders' particularly local communities must be fully developed and solidified at this stage, as they will ultimately be the owners and implementers of management plans.



## **Conservation of Heritage: A Legal Framework for Rajasthan**

**Pradeep Kapoor**

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### **Abstract**

*Since the state of Rajasthan has very rich cultural heritage their conservation and preservation needs to be addressed in a systematic and planned manner than what is being done presently without proper support of a legal framework. The author is of the opinion that to undertake the issues in heritage, it is generally accepted that Town and Country Planning Act of a state shall have provisions for conservation but since Rajasthan does not have Town and Country Planning Act, a separate Act has been attempted by the author to develop a separate legal framework for heritage conservation.*

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### **1. INTRODUCTION**

The State of Rajasthan has rich heritage in the form of forts, *havelies*, palaces, temples, which is not merely inherited from the past but borrowed from the future. Therefore, it becomes the duty of the State to value and preserve the rich heritage of Rajasthan.

Conservation of heritage not only involves manmade heritage, which includes built environment i.e. historical monuments, architecturally important precincts and buildings, etc; but also natural heritage as well as natural environments, rivers, lakes, forests, etc. Since the state of Rajasthan has very rich cultural heritage their conservation and preservation needs to be addressed in a systematic and planned manner than what is being done presently without the proper support of a legal framework.

To undertake the issues in heritage conservation, it would be appropriate to identify the towns, precincts, buildings, natural areas, etc., which merit conservation and need to be listed based on the criteria of their historical and cultural importance. This calls for framing suitable legislation by the State Government for the conservation of natural and manmade heritage in the State. The objective of the heritage regulations should be to protect buildings and precincts of heritage importance and also the natural areas which have socio-cultural value not only to present generation but also to the future generations. In fact it is generally accepted that Town and Country Planning Act of the state shall have provisions for conservation. However, Rajasthan does not have separate Town and Country Planning Act, a new Act needs to be

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enacted, which would also include provisions about heritage and conservation. Accordingly a separate legal framework has been worked out in this paper.

## **2. SUGGESTED LEGISLATIVE FRAMEWORK FOR RAJASTHAN**

- 2.1 The Act shall be called Rajasthan Conservation of Heritage (Heritage Buildings, Heritage Precincts and Heritage Natural Areas) Act. The Act shall take effect from the date of their publication in the official gazette.
- 2.2 The Act shall apply to Heritage Buildings, Heritage Precincts and Heritage Natural Areas of the State which are listed in notifications to be issued from time to time by the State Government.
- 2.3 As soon as, may be after the Act takes effect, the State Government shall, by notification in the official gazette, constitute the State Heritage Conservation Committee.
- 2.4 As soon as, may be after the Act takes effect, the State Government shall constitute Heritage Conservation Cell in Town Planning Department, Government of Rajasthan at Jaipur to assist the State Heritage Conservation Committee. Jurisdiction of the Heritage Conservation Cell in Town Planning Department, Government of Rajasthan, shall be the entire State of Rajasthan and shall work as Nodal Department for the purpose of this Act.

### **Areas Requiring Conservation**

- 2.5 Heritage Buildings mean buildings of historic and / or architectural and / or urban design and / or cultural and / or social and / or aesthetic significance and shall include structures, artifacts other than buildings.
- 2.6 Heritage Precincts mean areas of historic and / or architectural and / or urban design and / or cultural and / or social and / or aesthetic significance. The term Heritage Precincts and Heritage Buildings shall include artifacts within the respective Heritage Precincts and Heritage Buildings.
- 2.7 Heritage Natural Areas mean natural areas of environmental significance and or of scenic beauty including but not restricted to mangroves, hills, hillocks, water bodies, open areas, wooded areas, etc., and the areas adjoining the same where required.
- 2.8 Vicinity: As defined in the list of Heritage Building, Heritage precinct and Heritage Natural Area notified by the Government.

### **Lists of Heritage Buildings, Heritage Precincts and Heritage Natural Areas**

- 2.9 Before issue of the notifications containing the said List of Heritage Buildings or Heritage Precincts or Heritage Natural Areas, the District



Heritage Conservation Committee shall prepare the said List and forward the same to the State Heritage Conservation Committee for approval.

- 2.10 The said List shall be supplemented from time to time by the District Heritage Conservation Committee and forward the same to the State Heritage Conservation Committee for approval.
- 2.11 While preparing the said List and the said supplementary List, District Heritage Conservation Committee may consult the State Heritage Conservation Committee or other experts as may be deemed necessary. Provided further that before issue of notification containing the said List or the said supplementary List by the State Government, objections and suggestions from the public shall be invited and duly considered and the List submitted to State Government for approval through State Heritage Conservation Committee.
- 2.12 On the proposals received as above, Government may issue notification of the final List or may direct revision, if any, or may reject the proposal.
- 2.13 Provided that any List, which is in the draft form and pending either for invitation or receipt of objections and suggestions or with government for approval, will in the interim period, also be deemed to be part of the Heritage List for purposes of grant of development permissions.
- 2.14 When a building or groups of buildings or natural features are listed, it would automatically mean (unless otherwise indicated) that the entire property including its compound, subsidiary structures, etc., form part of the list.
- 2.15 Listing of Heritage Buildings, Precincts or Natural Areas shall be based on pre-decided transparent parameters.

**Restriction on Development, Redevelopment, Repairs, etc; in Listed Buildings**

- 2.16 No change in the existing structures (including dimensions) or redevelopment or engineering operations or additions, alterations, in the external character or painting of buildings, replacement of special features or plastering or demolition of any part thereof of the Heritage Buildings or Heritage Precincts or Natural Areas shall be carried out except with the prior concurrence and permission of the State Heritage Conservation Committee appointed by the State Government.
- 2.17 For maintaining skyline and architectural harmony, buildings within heritage precincts or in the vicinity of listed heritage buildings or natural areas shall maintain the skyline and follow the architectural style as may be existing in the surrounding areas or as per plan prepared under the



provisions of the present Act, so as not to diminish or destroy the value and beauty of or view from the said heritage buildings or precincts or of heritage buildings and natural areas shall be in accordance with the regulations framed by the State Heritage Conservation Committee.

- 2.18 In relation to religious buildings in the said List, the changes, repairs, additions, alterations and renovations required on religious grounds mentioned in sacred texts, or as a part of holy practices laid down in religious codes may be treated as permissible, subject to their being in accordance and in consonance with the original structures and architecture, designs, aesthetics and other special features thereof. The changes referred to above will require prior approval of the State Heritage Conservation Committee.
- 2.19 Provided that before granting any permission for demolition or major alterations or additions to Heritage Buildings or buildings within Heritage Precincts or for construction, the Committee shall take a decision after inviting objections and suggestions from the public
- 2.20 Notwithstanding the provision of any regulations, no advertising sign or outdoor display structures shall be permitted on the listed buildings except in accordance with the Regulations framed for this purpose.
- 2.21 No improvement of the existing roads shall be carried out in a manner which may affect the existing Heritage Buildings (even if they are not included in a Heritage Precinct) or which may affect Heritage Natural Areas.

#### **Power to Alter, Modify or Relax Regulations**

- 2.22 State Government on the advice of the State Heritage Conservation Committee and for reasons to be recorded in writing, may alter, modify or relax the provisions of Municipal Act, Urban Improvement Act / Jaipur Development Authority Act, Rajasthan Land Revenue Act or any other Act and other Development Control Regulations, if it is needed for the conservation, preservation or retention of historic and / or architectural and / or urban design and / or cultural and / or aesthetic quality of any Heritage Buildings or Heritage Precincts and / or the preservation of any heritage Natural Areas and / or environment.

#### **Power to Prepare Special Regulations for Heritage Precincts and Heritage Natural Areas**

- 2.23 In cases of Heritage Precincts and Heritage Natural Areas notified as per the provisions of this Act, development permissions shall be granted in accordance with the separate special regulation that may be prescribed



for respective precincts and natural areas which shall be framed by Heritage Conservation Cell constituted in State Town Planning Department with the advice of the State Heritage Conservation Committee.

- 2.24 Before finalizing the separate special regulations for respective buildings, precincts and natural areas, the draft of the same shall be published in the official gazette and in leading newspapers for the purpose of inviting suggestions and objections from the public. All suggestions and objections received within a period of 30 days from the date of publication in the official gazette shall be considered by State Heritage Conservation Committee.
- 2.25 After consideration of the above suggestions and objections, State Heritage Conservation Committee, shall modify, if necessary, the aforesaid separate special draft regulations for respective buildings, precincts and natural areas and forward the same to the State Government for approval.
- 2.26 Provided that pending consideration of suggestions and objections and pending the final approval from the State Government to the above special draft regulations for respective buildings, precincts and natural areas, State Heritage Conservation Committee shall have due regard to the above special draft regulations and any circulars / guidelines already issued by the State Government in this regard while considering applications for development / redevelopment / repairs, etc; of listed Heritage Buildings and Heritage Precincts.
- 2.27 If there are any reservations shown on Heritage Buildings / Heritage Precincts / Heritage Natural Areas in Master Plan / Development Plans shall not be implemented. If required, State Heritage Conservation Committee shall move the State Government to get these reservations deleted / modified as need be. However for this purpose the required procedure under law would be followed.

**Procedure for Obtaining Permission for Construction, Development and Alteration, etc.**

- 2.28 For obtaining permission for construction, development and alteration, etc., an application as prescribed by competent authority is to be submitted before the competent authority (Development Authority, UIT, Urban Local Body or *Panchayat*) along with the prescribed fee.
- 2.29 The application in prescribed form shall accompany the following documents.
  - (a) A copy of the title deed of the property.



- (b) Key Plan: In case of Heritage Precinct and Heritage Natural Areas, a Key Plan drawn on a scale of not less than 1:10,000 showing the boundary locations of the site with respect to adjoining land marks and other physical features such as well, electric and telephone lines, etc., and natural features like trees, hills, river, etc.
  - (c) Site Plan: A Site Plan drawn on the scale of 1:500 for the sites of area up to one hectare and 1:1,000 for sites of area more than one hectare indicating the boundaries of the site with north direction, name and description of the adjacent roads with width thereof.
  - (d) Building Plans: In case of Heritage Buildings, Building Plans (five copies, at least one of which shall be on tracing cloth or cloth mounted) on the scale not less than 1:100 including the elevation, sections of the building, exact location of essential services and all architectural features. Building Plans prepared only by a registered architect (Registered by the Council of Architecture under the provision of Architect Act, 1972) will be accepted.
  - (e) Photographs of Heritage Buildings, Heritage Precincts and Heritage Natural Areas shall also be submitted with the application. In case of Heritage Buildings, photographs of important internal architectural features shall also accompany with application.
- 2.30 Building Plans received above shall be examined by the competent authority (Development Authorities, UITs, Municipal Corporations, Municipal Councils, and Village Panchayat). Where there is no qualified person available in Local Body for examining Building Plans the same may be sent to Zonal Office of the Town Planning Department of the concerned area who shall examine the Plans and send back to the competent authority within a period 30 days.
- 2.31 All such plans received by the competent authority shall be examined in accordance with the special regulations prepared under the provision of this Act.
- 2.32 The competent authority may approve the proposal with or without modifications or conditions as it may deem fit before according permission.
- 2.33 The competent authority may grant approval with or without modifications or conditions as it may deem necessary or refuse permission and thereupon shall communicate its decision to the applicant within 60 days from the submission of application to the competent authority.



### Penalties and Incentives

2.34 Any person or institution who whether on his own or at the instance of any other, carries out alteration, etc. without the required permission or which is not in accordance with any permission granted or is in contravention of any condition subject to which such permission has been granted or after such permission has duly revoked or in contravention of any modification of any condition subject to which such permission has been granted shall be punished with fine as decided by the State Heritage Conservation Committee and in case of continuing offence further fine may be imposed.

2.35 For restoration of listed heritage building, precincts and natural areas owned by an individual shall be exempted from property tax.

### Composition of State Heritage Conservation Committee and District Heritage Conservation Committee:

2.36 The composition and qualifications for membership of the State Heritage Conservation Committee is given in Table 1.

**Table 1 Qualifications for Membership of State Heritage Conservation Committee**

(i)	To be nominated by Government of Rajasthan	Chairperson
(ii)	Qualified Expert with a minimum period of 15 years experience in the field of Heritage Conservation	Vice-Chairperson
(iii)	Architect having membership of the Council of Architecture with a minimum period of 10 years experience in the field of Heritage Conservation.	Member
(iv)	Urban Planner having membership of Institute of Town Planners, India with a minimum period of 10 years experience in the field of Heritage Conservation.	Member
(v)	Expert in the field of Environment from Department of Environment, Government of Rajasthan- to be nominated by the Government.	Member
(vi)	Structural Engineer having membership of Institute of Engineers, India with a minimum period of 10 years experience in the field of Heritage Conservation.	Member
(vii)	City Historian having a minimum period of 10 years experience in the field of Heritage Conservation	Member
(viii)	Representative of INTACH	Member
(ix)	Public Representatives to be nominated by the State Government	Three Members



(x)	Concerned Chairperson of the respective District Heritage Conservation Committee	Member
(xi)	Representative of Archaeological Survey of India.	Member
(xii)	Representative of Department of Art, Culture and Tourism, Government of Rajasthan.	Member
(xiii)	Chief Town Planner, Rajasthan	Member Secretary

2.37 The State Heritage Conservation Committee shall have the powers to invite persons having special knowledge of the subject matter to meeting of the State Heritage Conservation Committee and of any of its sub-committees.

2.38 The tenure of members of category (i) to (xii) above shall be for five years. Provided, however, that the same person shall be eligible for reappointment as Members. In case there are complaints about any members or conduct of any member is not satisfactory, the State Government shall have the right to remove him and replace with another person.

2.39 Chairperson may authorize Vice-Chairperson to chair meetings of the State Heritage Conservation Committee in his absence.

2.40 Quorum for meeting of the State Heritage Conservation Committee shall be five members including Chairperson, Vice-Chairperson, Member Secretary and any three members from category (iii) to (vi).

2.41 Meeting of State Heritage Conservation Committee shall be held as often as required with a minimum of one meeting every month.

#### **Terms of Reference of the Heritage Conservation Committee**

2.42 The terms of Reference of the Heritage Conservation Committee are given below:

2.42.1 To advise local body or authority whether development permission in Listed Buildings or Listed Precincts or Listed Natural Areas should be granted under this Act and the conditions of such permission.

2.42.2 To prepare or order to prepare Conservation Plan in respect of Listed Heritage Buildings, Heritage Precincts and Heritage Natural Areas.

2.42.3 The Committee may at any time amend the Conservation Plan on the advice of District Heritage Conservation Committee.

2.42.4 To advise Local Body / Authority whether Development Permission for changes, repairs, additions, alternations and renovation to religious buildings in the List of Heritage Buildings and Heritage Precincts should be granted under this Act.



- 2.42.5 To invite and duly consider objections and suggestions from the public before grant of any permission for demolition or major alterations / additions to Heritage Buildings or Buildings within Heritage Precincts.
- 2.42.6 To advise District Heritage Conservation Committee for preparation of List and supplementary List of Heritage Buildings or Heritage Precincts or Heritage Natural Areas, and to invite and duly consider objections on Heritage Natural Areas, and to invite and duly consider objections and suggestions from the public regarding the said List and supplementary List.
- 2.42.7 To advise Local Body / Authority whether any alteration, modification or relaxation in the provisions of Development Control Regulation is called for.
- 2.42.8 To advise Local Body / Authority regarding framing special regulations for respective Heritage Buildings, Heritage Precincts and Heritage Natural Areas, and to invite and duly consider objections and suggestions from the public, and modify if necessary, the aforesaid separate special draft Regulations for respective Heritage Buildings, Heritage Precincts and Heritage Natural Areas.
- 2.42.9 To have due regard to the above special draft regulation while considering the applications for development / redevelopment / repairs, etc; of Heritage buildings and Heritage Precincts pending final sanction from the State Government.
- 2.42.10 To advise the State Government regarding deletion / modification of reservations shown on Heritage Buildings in Development Plans or on Heritage Natural Areas.
- 2.42.11 To prepare guidelines relating to conservation principles and design elements to be adhered to and to prepare other Guidelines for the purposes of this Act.
- 2.42.12 To advise on any other issues as may require from time to time during course of scrutiny of development permission cases and in overall interest of heritage and environment conservation.
- 2.42.13 On receipt of a representation or complaint from a member of public or any organization regarding damage to any heritage structure or violations made during construction of any heritage structure or violations made during construction of any structure, the committee may call for the concerned record from the concerned agency and examine the same. Thereafter, it may pass such orders as may be deemed appropriate.
- 2.42.14 To enter into an agreement with the owner of Listed Heritage Buildings, Heritage Precincts and Heritage Natural Areas for implementation of



Conservation Plan or may acquire the property by negotiations or any other means.

2.42.15 To fix the penalty as per the provision of this Act or rules prepared under the Act.

### Composition of District Heritage Conservation Committee

2.43 The composition and qualifications for membership of the District Heritage Conservation Committee is given in Table 2.

**Table 2 Qualifications for Membership of the District Heritage Conservation Committee**

(i)	District Collector	Chairperson
(ii)	Historian having knowledge and experience of heritage conservation of concerned geographical area-to be nominate by Government.	Member
(iii)	Expert in the field of Environment from Department of Environment, Government of Rajasthan	Member
(iv)	Architect having expertise in the field of Heritage Conservation and holding membership of the Council of Architecture	Member
(v)	Representative of Department of Tourism, Art and Culture, Government of Rajasthan, in the District not below the rank of Deputy Director	Member
(vi)	Representative of Department of Archeology, Government of Rajasthan, in the District not below the rank of Deputy Director.	Member
(vii)	Public Representatives to be nominated by the Government.	Two Members
(viii)	Representative of Urban Local Body	Member
(ix)	Representative of Zila Panchayat (Rural Local Body)	Member
(x)	Senior Town Planner / Deputy Town Planner	Member Secretary

2.44 The terms of reference of District Heritage Conservation Committee are given below:

2.44.1 A list of Heritage Buildings or Heritage Precincts or Heritage Natural Areas, shall be prepared and forward the same to the State Heritage Conservation Committee for approval of issuing of notification.

2.44.2 To invite public objections and suggestions on the List containing Heritage Buildings or Heritage Precincts or Heritage Natural Areas. After processing the objections suggestions received. The final list shall be submitted to State Heritage Conservation Committee for the final notification.



- 2.44.3 The said List shall be supplemented from time to time by the District Heritage Conservation Committee and forwarded to the State Heritage Conservation Committee for approval by following the procedure laid down in the Act
- 2.44.4 District Heritage Conservation Committee shall regulate advertising signs and outdoor display structures. Notwithstanding the provision of any regulation, no advertising signs or outdoor display structures shall be permitted on the listed buildings without the permission of the District Heritage Conservation Committee.

### **Finance**

- 2.45 Any expenditure to be incurred on the conduct of business by the Committee or its office or by way of allowances and honoraria to the members shall be borne from the Heritage Conservation Fund to be operated by the Heritage conservation Cell created in Town Planning Department by the State.
- 2.46 State Government may create a fund by the name of 'Heritage Conservation Fund' for the purposes of taking up heritage conservation works in accordance with conservation plans prepared under the provision of this Act and related activities in the State and shall contribute initial grant towards this Fund as corpus.

### **Revocation of Listed Heritage Buildings, Heritage Precincts and Heritage Natural Areas**

- 2.47 The State Heritage Conservation Committee may make an assessment for delisting of any listed Heritage Building, Heritage Precinct and Heritage Natural Areas at any given time on representation from owners or general public or on its own.
- 2.48 It may recommend to the Government for delisting of full or part of Heritage Building, Heritage Precinct and Heritage Natural Area. The government may approve or reject the proposal submitted by the Committee.

### **Savings**

- 2.49 Provisions of any existing Act and Regulations inconsistent with the provisions of this Act will prevail. Power to add, modify or repeal this Act shall remain with the State Government.

## **3. CONCLUSIONS**

The World Heritage Committee (UNESCO), while defining a Natural Site stated that 'it may exemplify a stage of earth's evolutionary process or be



representative of biological evaluation or contain the natural habitats of endangered animals. It may be a scene of exceptional beauty, a spectacular view or a reserve for large number of wild animals'. However, Rajasthan Government has not taken the cognition of the same and still the state has lost the tigers from wildlife sanctuaries due to negligence. Therefore, a law is required immediately before the valuable heritage of Rajasthan is lost forever.

Most of the buildings of heritage importance are located in commercial areas where land prices are shooting upwards and there is always pressure on local bodies for redevelopment of such buildings or areas. To curb such tendency not only a legal framework is required but the Act is required to be implemented and enforced for which a political will backed by the people's participation is necessary.

#### REFERENCES

- Model Heritage Conservation Regulation- 2000, circulated by Government of India to the State Governments.  
The Gujarat Town Planning and Urban Development Act, 1976.  
The Maharashtra Regional and Town Planning Act, 1966.  
UNESCO, The World Heritage edited by Incafo, S.A. - Castello Mardid (1991)





## **Urban Sustainability Guidelines and Approaches for Preservation, Rejuvenation and Renewal of an Old Historic Settlement of Kumartuli, Kolkata**

**Das Debashish**

### **Abstract**

*This paper starts by analyzing the settlement with the triad concept of 'Place, Work, Folk' of Patrick Geddes, but in the process of the research work it was found how the contemporary concepts of sustainable development could be appropriately analyzed and applied for preservation, rejuvenation and urban renewal of an old historic settlements like Kumartuli. First the aspects of social, economic and environmental sustainability were framed based on the diagnostic survey of the area and secondary sources by the author. Next these aspects were analyzed with respect to Kumartuli area and a final set was prepared. Finally guidelines and approaches about how these tools could be applied for preservation, rejuvenation and renewal of an old historic settlement to achieve social sustainability, economic and environmental sustainability are proposed.*

### **1. INTRODUCTION**

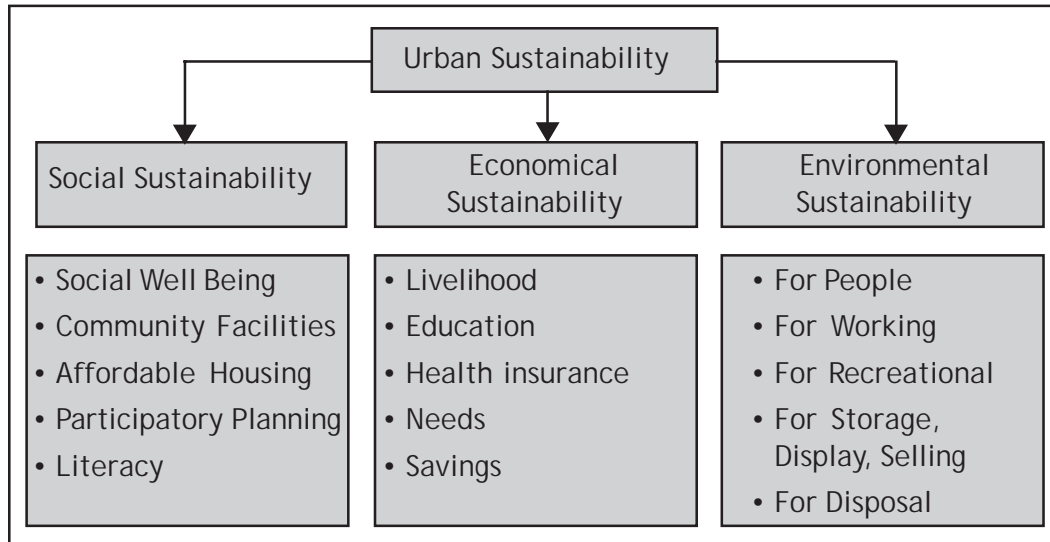
Urban sustainability has become a fashion in national and international agendas. In the early 1990s, environmentalists discussed urban sustainability at the First International EcoCity Conference in Berkeley California (Newman and Kenworthy, 1999). Internationally, the United Nations Local Agenda 21 program has emphasized increasing cities' capacity for sustainable development through local government and civil society partnerships. The recent pace of urbanization in the developing countries and its impact on our society, people and nature has been the main reasons for such a hue and cry in the society. In any society economic aspects are considered its backbone. The social aspects are taken care of by the end users of these economic activities for their sustenance and finally the overall impact on the environment by the social aspects for economic sustainability. These three triads of urban sustainability were synonymous to Geddes's Place, Work and Folk concept. The Work to economy, place to environment and folk to the people or society is transparent. Urban sustainability for a neighbourhood like Kumartuli could be best understood by the three Ss of Geddes: Sympathy (for all people and for the natural world); Synthesis (of the different parts of a system); and Synergy (the combined, co-operative actions of people working together to make their place a better place). So the process of urban sustainability is visualized and analyzed in Kumartuli by the following process.

These aspects were framed after conducting a diagnostic survey and by conducting a survey of the local people about their needs, problems and hopes.

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**Fig. 1 Identified Aspects for Kumartuli**



The overall research was carried out by taking into consideration the aspects generated from the site and people. This may not be a full list of aspects but the broad classification could be framed.

## 2. SOCIAL SUSTAINABILITY ASPECTS IN KUMARTULI

Social sustainability means all design and planning process should promote community involvement and development of social well being which would develop a sense of community, take care of safety and security, negate the feelings of social exclusion, urban fragmentation and separation. For Kumartuli some social aspects were identified after discussions with and questioning of local people.

### 2.1 Social Wellbeing

The most important is the social wellbeing of the people, meaning proper living conditions for the people, proper working conditions for the workers, places for children to develop, places for the old age people to ponder upon their history. Fig. 2 shows some existing conditions.

### 2.2. Community Facilities

Kumartuli is a community where people from various regions come to work. The community feeling

**Fig. 2 Existing Working Conditions showing Inadequate Space with no Daylight and Natural Ventilation.**



**Fig. 3 Outdoor / Community spaces being occupied for working activities occupying**



**Fig. 4 Pedestrian Lanes being used for Gali Cricket by the Children**



**Fig. 5 Housing Conditions showing Dense Urban Fabric with Kutcha Houses**



is slowly vanishing due to people engaging in various other activities as the image making industry is not improving their livelihoods. Also public spaces are being occupied by the workers for drying their images (see Fig. 3) and for storage of raw materials and finished goods, and pedestrian lanes are being used for cricket by the children (Fig. 4).

### 2.3 Affordable Housing

Condition of the existing houses is not only unsafe but also unhealthy for the workers and their family members. The dense fabric pattern (Fig. 5) prohibits proper light and ventilation into the houses and in warm humid climate of Kolkata, planning to ensure ventilation is required. Also the monthly income of the household varies from Rs. 2,000 to Rs.20,000 showing high housing affordability levels.

### 2.4 Participatory Planning

The most important aspect for sustainability of any community depends on the participation of the local people in the planning and development processes. As the workers of Kumartuli best know their problems, so their involvement should be the basis for any planning action.

### 2.5 Literacy

The most important social aspect was the literacy rate of the area. Workers get involved in image making from childhood so their basic primary education is hampered which not only prohibits them from giving their opinion on planning issues but also prohibits them in taking help of various credit facilities available.

These broad aspects of social sustainability were identified and the proposal would be to improve these living conditions for enhancing their wellbeing.



### 3. ECONOMICAL SUSTAINABILITY ASPECTS OF KUMARTULI

Highly publicized definition of sustainability to date has come from the United Nations' World Commission on Environment and Development (the Brundtland Commission) in 1987: 'Meeting the needs of the present without compromising the ability of future generations to meet their own needs'. For economic sustainability, this definition is appropriate, if analyzed based on intra-generational equity and intergenerational equity. Intra-generational equity refers to the equitable distribution of income and opportunity among members of the same generation and can include issues relating to poverty reduction, social equity, environmental justice, economic growth and development. Intergenerational equity refers to the distribution of income and opportunity among different generations and includes such issues as resource protection, reduction of resource depletion, valuing ecological services and the consideration of limits to growth.

From study done in Kumartuli it was found that the economics of clay modeling depended on input material cost, labor cost, rental cost and interest or capital cost. The capital cost has two aspects, the fixed capital and the working capital. The production cost has the input material cost and the labor cost, the rental and interest has the amount to be spent on rentals and interest on working capital. After these expenditures, it was found that the income or profit varies from Rs.1,000 to Rs. 10,000 per month and they have to feed a family of 6 to 10 members. So the economic sustainability for Kumartuli was analyzed by income pattern through decades, the sources of income, and saving patterns.

#### 3.1 Livelihood

Although the area is famous for image making industry, survey reveals that of the 2,037 earning members living in the area only 247 members are (Table 1) engaged in image making. This amounts to be about 12 percent of the earning members including children (Fig. 6) living within the area. This livelihood pattern shows that the traditional

Table 1 Distribution of Working Members in Various Occupations

No.	Occupations	Number of Earning Members	Approx. % to total
1.	Image making	247	12.11
2.	Industrial workers	185	9.11
3.	Shop owners	72	3.50
4.	Service	751	36.87
5.	Manual laborers	95	4.66
6.	Household service	108	5.30
7.	Profession/ business	232	11.37
8.	Landlord	22	1.10
9.	Hawkers	96	4.72
10.	Tailors	45	2.21
11	Electricians	18	0.88
12.	others	166	8.17
	Total	2037	100



**Fig. 6 Child Artist Earning Livelihood by Image Making**



art and culture of image making industry is not sustainable, and so planning and economic interventions are required for economic sustainability.

### 3.2 Education

For economic sustainability one of the most important aspects identified is education. As the people get educated they tend to get into diverse employment options as image making could not fulfill their needs. So the approach should be how to involve the educated generation in this industry. This could be achieved by improving the working and living conditions along with creating

varied allied professions in image making like financing, management and marketing.

### 3.3 Health Insurance

Any society is said to be economically sustainable if they could keep themselves healthy and have enough savings and health insurances to take care of their family members. This aspect was identified after discussion with the local people of Kumartuli.

### 3.4 Family Needs

Family needs are other important aspects of economy. A family should have enough earnings for the sustenance of their family for fulfilling the basic needs. The need of the people in Kumartuli is linked to their work. For example they need finance for their work, raw materials for their image making, storage spaces for them, need working areas, drying areas, display areas. If these needs are provided they could generate some income to fulfill their daily and family needs. So this is case specific, we can only make them economically viable if opportunities are provided for image making. The community level needs are markets and shops for marketing their products.

### 3.5 Savings

The most important aspect of economic sustainability is savings. This not only brings hope and aspirations in their lives but also motivates them to continue with the type of work they are engaged in. This aspect was mainly highlighted by the women of the society who feel that if they have enough savings they can educate their children, improve their houses and living condition, and also their businesses. As the workers in image making industry work only for 6 to 8 months, if they have enough savings they could sustain for the whole year.



#### **4 ENVIRONMENTAL SUSTAINABILITY ASPECTS OF KUMARTULI**

Urban environmental sustainability has no specific definition but there are various ways in which sustainability is conceptualized, defined, and practiced in an environmental context within settlements. In general, the application of environmental themes to sustainability included such notions as carrying capacity, addressing the needs of humans and the environment, and applying ecological principles to planning. In the urban context the environment is most regularly seen as something essential to humans and responsible for human well being - something that influences settlement patterns and sustains life in both a literal and sometimes a spiritual sense.

Timothy Beatley's (2000), *The Ecology of Place*, acknowledges the connection between humans and the environment and says ecological systems provide the basis for human settlement patterns. When describing sustainable communities, therefore, Beatley is sure to include the needs of humans and says outright that his vision of sustainable places and communities are 'explicitly human'. The importance of living within the ecological carrying capacity is stressed and that precepts of biology and ecology are important to include in the planning process.

The above study on environmental sustainability is for developed countries but for developing countries it would not be fair to apply these concepts without understanding the local environmental problems. In the case of Kumartuli some aspects of environmental sustainability were identified after primary surveys and visual analysis.

##### **4.1 For People**

Environment in Kumartuli was analyzed in two ways, the natural environment and the built environment. The natural environment was totally subdued by the built environment so it was very hard to identify the elements such as open spaces, trees, sky view, site ventilation, etc.

##### **4.2 For Working**

Built environment of Kumartuli is shaped by the type of work they are engaged in and the spatial requirements of the work culture. The enclosed and open spaces both interact with each other for proper functioning of their work. So the proposal needs to be made for creating these interaction spaces.

##### **4.3 For Recreational**

Existing recreational spaces need to be integrated in the renewal process so that these spaces become a part of the living and working area and do not get isolated. This would help in maintaining these public spaces.

##### **4.4 For Storage, Display, Selling**

Environment of Kumartuli is much more influenced by the process of image making industry rather than pollution by other sources. Lack of spaces and



informal pattern of the built environment like the raw material storages, finished goods storages, display areas and markets for their selling make the environment unsafe for human habitation.

#### 4.5 For Disposal

Disposal of solid waste materials from the residences and workshops create environmental problems, as there is no solid waste management scheme for Kumartuli. Thus an integrated solid waste management system is required for environmental sustainability.

### 5. GUIDELINES

#### 5.1. Proposals for Social Sustainability

**Social Wellbeing:** Social wellbeing of the people can be achieved by social coherence, social solidarity and sustainable urban shelter which would in turn promote community involvement and development of social feelings. Building and urban design should be of high aesthetic quality. Good design that is sensitive to tradition, local character, and the aspirations of the community will generate pride and respect in the development process of Kumartuli. The working, living and recreational activities are integrated in the design process.

**Community Facilities:** All development should respond to the needs of the local community, alleviate stress, and promote community engagements. The existing temples in Kumartuli and the local tea shops are the only community facility areas. So integration of the existing spaces with the common areas for old age people, women activity areas would make provisions for accessible open spaces and community facilities for physical exercise and recreation.

**Affordable Housing:** Existing houses which are in bad condition should be improved and those totally damaged should be removed. New houses should be affordable to the people and made with local materials, technology and workers should be involved in the construction process.

**Participatory Planning:** The most important aspect of social sustainability is the participation of the people in the decision making processes. Formation of welfare bodies for the working people and also for the female would make them more active. It should be ensured that local communities are consulted about the environmental impact of building development and that their views are factored in the decision planning processes.

**Literacy:** The children should be given basic primary education and then specialization in their work could be imparted through trainings, workshops, and working. A school with multiple disciplines and based on workshop concept of training could be developed where students learn, practice and earn at the same time.



## 5.2 Proposals for Economic Sustainability

**Livelihood:** Promotion of employment in clay modeling could be one of the most important tools to improve the livelihood which requires promotion and diversification of the industries in clay crafts, promotion of more skills and more qualitative production, reducing the underemployment and seasonal unemployment of the workers.

**Education:** Building a museum or school is important. Schooling facilities or different skills in clay modeling, painting and carving could be taught in these schools which in turn would help in preserving and promoting traditional art and clay making industry. The old age people could be made the teachers who could also earn an income and become self sufficient. Funding of these schools could be made by various NGOs and government. Financial aspects of this industry could also be taught here and financial institutions could provide scholarships for the students, so that poor people who can not afford to study here may get an option to learn clay modeling elsewhere. This would help in developing this small scale industry. Use of science and technology like computers and internet could be used for educating the people and bringing them at par with the pace of urbanization and globalization.

**Health Insurance:** Health is important as a healthy worker can work more efficiently than any unhealthy worker. There should be medical insurance for workers and their families. The migrant workers or seasonal workers who come from neighboring areas should also be given medical facilities.

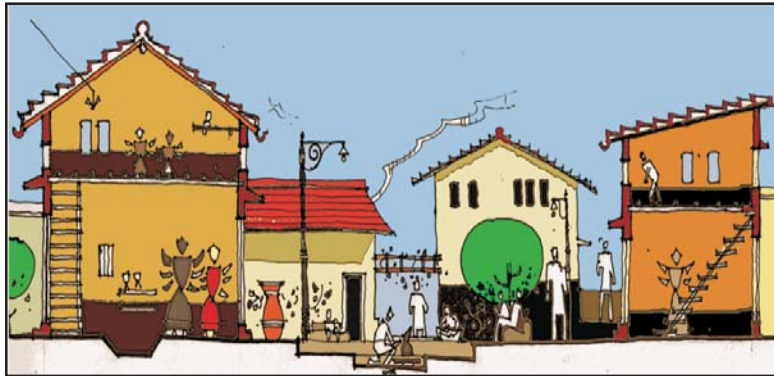
**Needs:** The approach to fulfill their needs is based on their source of livelihood and savings. This in turn demands the availability of raw materials for their work as the basic need. Therefore by market regulations the supply of input materials through a cooperative is to be constituted and bank finance could be made available. This may be run by the volunteer members of localities. This can replace the exogenous control of the Burrabaazar market. The next step is the working space for proper environment to live and work.

**Savings:** Savings is directly related to income and expenditure pattern, so banking facilities not only for the workers but also for the women in the society could help in this process. Savings gives them a self confidence not only during months of no work but also for upgrading their livelihoods and belief in their work culture.

## 5.3. Proposals for Environmental Sustainability

**For People:** Every human being requires or hopes to live in a friendly built environment. This can be achieved by providing healthy air, safe streets, good housing, greenery, environmental compliance, and sustainable resource use. In Kumartuli the people demand an environment friendly to their work culture

**Fig. 7 A Proposed Conceptual Courtyard Concept for Social Well being in Kumartuli.**



should be environment friendly such as paints, colors and plastic items should be minimized in the idol making process. Building development should be encouraged to procure materials locally in order to boost local economics.

**For Recreational:** Recreation areas should be clean with sitting areas, green areas, utility areas, etc. These areas should be provided with drinking facilities, toilets, etc. There should be identified areas for all age group people (Fig. 8).

**For Storage, Display, Selling :** As Kumartuli area lacks spaces for storage of raw materials and display of finished goods, this leads to deterioration of community spaces by occupying them. So the design of the neighbourhood should identify the spaces for each process of the image making industry. This would help in keeping the environment clean.

**Fig. 8 Proposed View Showing a Conceptual Community Recreational Area**



and livelihoods. So the approach should be to integrate the place with work and folk. The working areas should not be separated from living and recreational areas.

**For Working:** The working environment can be modified by improving working spaces with all facilities. Community working areas need to be redesigned (Fig. 7). The use of raw materials

**For Disposal:** An integrated solid waste management scheme needs to be implemented and the maintenance of the front and backyards of the residences and the working areas needs to be taken care of. Disposal of waste materials in the nearby water bodies should be avoided and community collection bins to be provided. Segregation of waste materials to be done at the primary or household level before they are dumped into the community bins. Waste materials of the working areas should be separated from the household wastes, and if possible it should be reused in the industry.

## 6. CONCLUSIONS

It is transparent from the above study that the answer to urban sustainability in developing areas depends on local solutions to local



problems. Identification of the thrust areas after discussion with common people, with stakeholders is the first step towards taking action on any aspect of sustainability. It also becomes clear that for any urban area there are sections or neighborhoods of varied nature and character, so proposals for each would vary. The study mainly focused on the place (environment) the work (economy) and people (folk) of Kumartuli and tried to develop some sustainability indicators for each aspect. These proposals were framed by taking care of local people and their work culture. This would in turn help in preserving the rich heritage and work culture of Kumartuli for preservation, rejuvenation and renewal of an old historic settlement.

#### REFERENCES

- Architetti di Roma e Provincia (2002) Participation Leadership and Urban Sustainability (Plus), Milano. <http://www.architettiroma.it/dettagli.asp>
- Giradet, H. (1998) 'Sustainable Cities: A Contradiction in Terms'? in E. Fernandez (Ed.) Environmental Strategies for Sustainable Development in Urban Areas: Lessons from Africa and Latin America, Ashgate Press, Brookfield.
- Burgess, R., M. Carmona, and T. Kolstee (1997) 'Contemporary Urban Environmental Strategies and Policies in Developing Countries: A Critical Review', in R. Burgess, M. Carmona and T. Kolstee (Eds.) The Challenge of Sustainable Cities: Neoliberalism and Urban Strategies in Developing Countries, Zed Books, Atlantic Heights.
- Charter of European Cities and Towns towards Sustainability: The Aalborg Charter. 27 May 1994. Internet: <http://www.iclei.org/europe/echarter.htm>. ICLEI. 9 Dec. 2002.
- Chowdhury, T. and Christine F. (1994) Urban Sustainability in the Third World: A Review of the Literature, Institute of Urban Studies, University of Winnipeg, Winnipeg.
- City of Seattle, Office of Sustainability and Environment (2002) Our Local Stories of Sustainability, <http://www2.cityofseattle.net/urbansustainability/2002>.
- Global Environment Technology Foundation (2002) Getf Networks: What's New, <http://www.getfnetworks.com/whatnew/2002>.
- ICLEI (2002) Local Agenda 21 Survey Report, 2001, Background Paper No. 15, Commission on Sustainable Development.
- Liasons Interuniversitaires Entre Le Nord Pas De Calais Et Le Kent (2002) Urban Sustainability: The Social and Institutional Dilemma, <http://www.ukc.ac.uk/link/pickvance.html2002>.
- Moses (2002) Mobility Services for Urban Sustainability, <http://www.moses-europe.org>.