

ANNEXURE -II

1. **Conservation of Heritage Sites including Heritage Building, Heritage/ Precincts and Natural Feature Areas** (Please refer clause 2.3.3 and 7.26 of this document).

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

- 1.1. **Applicability:** This regulation 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/identified in MPD.

1.1.1 *Definitions:*

- (a) "Heritage building" means and includes any building of one or more premises or any part thereof and/or structure and/or artifact which requires conservation and/or preservation for historical and/or environmental 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.
- (b) "Heritage precincts" means and includes any space that requires conservation and/or preservation for historical and/or architectural and/or aesthetic and/or cultural and/or environmental and/or ecological purpose. Such space may be enclosed by walls or other boundaries of a particular area or place or building or by an imaginary line drawn around it.
- (c) "Conservation" means all the processes of looking after a place so as to retain its historical and/or architectural and/or aesthetic and/or cultural significance and includes maintenance, preservation, restoration, reconstruction and adoption or a combination of more than one of these.
- (d) "Preservation" means and includes maintaining the fabric of a place in its existing state and retarding deterioration.
- (e) "Restoration" means and includes returning the existing fabric of a place to a known earlier state by removing accretions or by reassembling existing components without introducing new materials.
- (f) "Reconstruction" means and includes returning a place as nearly as possible to a known earlier state and distinguished by the introduction of materials (new or old) into the fabric. This shall not include either recreation or conjectural reconstruction.

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

1.3 Restrictions on Development /Re-development / Repairs etc.

- (i) No development or redevelopment or engineering operation or additions/ alterations, repairs, renovations including painting of the building, replacement of special features or plastering or demolition of any part thereof of the said listed buildings or listed precincts or listed natural feature areas shall be allowed except with the prior permission of Commissioner, MCD, Vice Chairman DDA/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 accordance with the advice of the Heritage Conservation Committee.
- (ii) 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 alternation 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.
- (iii) Provided that, only in exceptional cases, for reasons to be recorded in writing, the Commissioner, MCD/Vice Chairman DDA /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.

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

It shall be open to the Heritage Conservation Committee to consider a request for re-building/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.

- 1.5 **Preparation of List of Heritage Sites including Heritage Buildings, Heritage Precincts and Listed Natural Features Areas:** Preparation of List of Heritage Sites including Heritage Buildings, Heritage Precincts and Listed Natural Features Areas is to be prepared and supplemented by the Commissioner MCD/ Vice-Chairman DDA/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 purpose of Building Bye-laws. The list may be supplemented from time to time by Government on receipt of proposal from the agency concerned or by Government suo moto provided that before the list is supplemented, objections and suggestions from the public be invited and duly considered by the Commissioner, MCD/ Vice-Chairman DDA/Chairman NDMC and/or Government and/ or Heritage Conservation Committee.

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

1.6 **Alteration/Modification/Relaxation in Development Norms:** On the advice of the said Heritage Conservation Committee to be appointed by the Government and for reasons to be recorded in writing, the Commissioner, MCD/ Vice-Chairman DDA/Chairman NDMC shall follow the procedure as per DDA Act, 1957 to alter, modify or relax the Development Control Norms prescribed in the MPD, or Building Bye-laws 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.

1.7 **Heritage Precincts/ Natural Feature Areas:** In case of streets, precincts, areas and, (where deemed necessary by the Heritage Conservation Committee) natural feature areas notified as per the provisions of this Building Bye-Laws No. 1.5 above, development permissions shall be granted in accordance with the special separate regulation prescribed for respective streets, precincts/natural feature areas which shall be framed by the Commissioner, MCD/ Vice-Chairman DDA/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 1 newspapers for the purpose of inviting objections and suggestions from the public. All objection 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/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.

1.8 **Road Widening:** Widening of the existing roads under the Master Plan for Delhi/ 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.

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

1.10 **Maintaining Skyline and Architectural Harmony:** After guidelines are framed, building within heritage precincts or in the vicinity of heritage sites shall maintain the skyline in the precinct and follow the architectural style (without any high-rise or multistoried 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/Chairman NDMC on the advice of the Heritage Conservation Committee or separate regulations/ guidelines: if any, prescribed for respective zones by DDA/ NDMC/MCD.

1.11 **Restrictive Covenants:** Restrictions existing as on date of this Notification imposed under covenants, terms and conditions on the leasehold plots either by Government 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. However, in case of any conflict with the heritage preservation interest/environmental conservation, this Heritage Regulation shall prevail.

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

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

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

Nothing mentioned above should be deemed to confer a right on the owner /occupier of the plot to demolish or reconstruct or make alterations top his heritage building/buildings in a heritage precinct or on a natural heritage site if in the opinion of the Heritage Conservation Committee, such demolition/reconstruction/alteration is undesirable.

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

1.13 **Signs and Outdoor Display Structures Including Street Furniture on Heritage Sites:** Commissioner, MCD/Vice-Chairman DDA/Chairman NDMC on the advice of the Heritage Conservation Committee shall frame regulations or guidelines to regulate signs, outdoor display structures and street furniture on heritage sites.

1.14 **Composition of Heritage Conservation Committee:-** The Heritage Conservation Committee shall be appointed by the Government comprising of:

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| i. Special Secretary/Additional Secretary,
(Ministry of Urban Development) | Chairman |
| ii. Additional Director General (Architecture), CPWD | Member |
| iii. Structural Engineer having experience of ten years
In the field and membership of the Institution of
Engineers, India Architect having 10 years experience | Member |
| a. Urban Designer | |
| b. Conservation Architect | |
| iv. Environmentalist having in-depth knowledge
and Experience of 10 years of the subject. | Member |
| v. Historian having knowledge of the region & having
10 years experience in the field. | Member |
| vi. Natural historian having 10 years experience in the field. | Member |
| vii. Chief Planner, Town & Country Planning Organization | Member |
| viii. Chief Town Planner, MCD | Member |
| ix. Commissioner (Plg.), DDA | Member |
| x. Chief Architect, NDMC | Member |
| xi. Representative of DG, Archeological Survey of India | Member |
| xii. Secretary, Delhi Urban Art Commission | Member Secretary |
| xiii. The Committee shall have the power to co-opt up to three additional members who may have related experience. | |
| xiv. The tenure of the Chairman and Members of other than Government Department/Local Bodies shall be three years. | |

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

- (i) To advise the Commissioner, MCD/Vice Chairman DDA/Chairman NDMC whether development permission to be granted under the bye-law 7.26 and the conditions of permission.
- (ii) to prepare a supplementary list of heritage sites, which include buildings artifacts, structures, streets, areas, precincts of historic aesthetic, architectural, cultural, or environmental significance and a supplementary list of natural feature areas of environmental significance, scenic beauty including but not restricted to sacred groves, hills, hillocks, water bodies (and the areas adjoining the same), open areas, wooded areas, points, walks, rides, bridle paths etc. to which this Building Bye-law would apply.
- (iii) To advise whether any relaxation, modification, alteration, or variance of any of the Building Bye-laws is called for;
- (iv) To frame special regulations/ guidelines for precincts and if necessary for natural feature areas to advise the Commissioner, MCD/ Vice-Chairman DDA/Chairman, NDMC regarding the same;
- (v) To advise whether to allow commercial / office/hotel use in the (name the areas) and when to terminate the same;
- (vi) To advise the Commissioner, MCD/ Vice-Chairman DDA/Chairman, NDMC in the operation of this Building Bye-law to regulate or eliminate/erection of outside advertisements/ bill boards/street furniture;
- (vii) To recommend to the Commissioner, MCD/ Vice-Chairman DDA/Chairman, NDMC guidelines to be adopted by those private parties or public/ government agencies who sponsor beautification schemes at heritage sites;
- (viii) To prepare special designs and guidelines/ publications for listed buildings, control of height and essential façade characteristics such as maintenance of special types of balconies and other heritage items of the buildings and to suggest suitable designs adopting appropriate materials for replacement keeping the old form intact to the extent possible;
- (ix) To appear guidelines relating to design elements and conservation principles to be adhered to and to prepare other guidelines for the purposes of this Regulation;
- (x) To advise the Commissioner, MCD/ Vice-Chairman DDA/Chairman, NDMC on any other issues as may be required from time to time during the course of scrutiny of development permissions and in overall interest of heritage/ conservation;
- (xi) To appear before the Government either independently or through or on behalf of the Commissioner, MCD/ Vice-Chairman DDA/Chairman, NDMC in cases of Appeals under DDA/MCD/NDMC Act in cases of listed buildings / heritage buildings and listed precincts/ heritage precincts and listed natural feature areas.

1.16 **Implications of Listing as Heritage Buildings:** The Regulations do not amount to any blanket prevention of demolition or of changes to Heritage Buildings. The only requirement is to obtain clearance from Commissioner, MCD/ Vice-Chairman DDA/Chairman, NDMC and Heritage Conservation Committee from heritage point of view.

1.17 **Ownership not affected:** 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/ buildings.