

GOVERNMENT OF INDIA
MINISTRY OF CULTURE
NATIONAL MONUMENTS AUTHORITY

24, TILAK MARG,
NEW DELHI-110001

Subject: Advisory for forwarding application for recommendation of NOC from NMA:

Reference is invited to this offices' earlier OM issued vide F. NO. 35-12A/NMA-2022/CA dated 23.08.2022. It has been observed that despite the verbal and recorded instructions, this office is still receiving multiple applications with inaccurate information and lacking relevant information/documents with Form II. Following are some of the repetitive inadequacies found in Form II and Inspection Reports:

- (i) Mis-spelled Name and addresses of the Applicants
- (ii) Mis-match in the Name of the applicant and actual owner of the construction site;
- (iii) Self-Declaration/Affidavit regarding legal disputes and land use not attached with Form II;
- (iv) Site Plans forwarded with Form II without signatures of Registered Architects;
- (v) Hand drawn site plans forwarded with Form II;
- (vi) Height mis-match observed in Form I, Site plan, Form II and Inspection Report;
- (vii) Distance from Protected monuments provided in yards/feet and not in meters;
- (viii) A demolished building being constructed with different parameters than the original building, stated as Re-construction;
- (ix) Cases of Repair and Renovation which need to be processed at CAs' level being sent to NMA;
- (x) Details furnished in incorrect columns;
- (xi) Incorrect Category of Application stated in column 14 of Form II;
- (xii) Non-Specific Recommendations from CA at Sl. No. 19 of Form II.

2. It is pertinent to mention that a poorly prepared Form-II and lacking Inspection Report, not only hinders decision making by the Authority but also leads to delay in issuing recommendation of NOC causing delay and un-warranted harassment to the applicants.

3. In view of the above, this Advisory has been framed listing out the requisites serving as check-list for a thorough Form II & Inspection report. It is requested that the Advisory may please be adhered to before any application seeking NOC recommendation is forwarded to this Authority.

4. Further, the instructions in the Advisory should be passed to grass root level to ensure that thorough and accurate Applications/ Proposals are sent to Authority. As directed in 380th NOC Meeting, all applications lacking in any of the requisites as stated in Advisory, shall be sent back in entirety to CA offices.

5. This issues in supersession to all the previous communications on the matter and issues with the approval of Competent Authority, National Monument Authority.


(Col. Savyasachi Marwah)
Director (NMA)

Dated: 20.04.2023

To,

All The Competent Authorities/Commissioners/ RDs

ADVISORY

1. **Name and Address of the applicant :**

- (i) To be same in Form I, Inspection Report, Site Plan Self Declaration, Property ownership document and Form II.
- (ii) Incorrect spellings may be avoided.

2. **In case whether Applicant is other than the owner of the construction site:**

- (i) There should be a legal instrument giving him/her such Authority viz Power of Attorney or a Board Resolution in case of companies, Society etc;

3. **Locality of Proposed constructions:**

- (i) To be same in Form I, Inspection Report, Site Plan Self Declaration, Property ownership document and Form II.
- (ii) Incorrect spellings may be avoided.

4. **Distance from Protected monument/Area:**

This should be stated in **METRES**

5. **Nature of Work Proposed:**

- (i) **Construction:** The work should be as defined in **Section 2(dc) of AMASR Act, 1958**. There are certain types of works which DO NOT fall within the category of construction, and hence do not require taking permission;
- (ii) **Re-construction:** The work should be as defined in **Section 2(k) of AMASR Act, 1958**. Noteworthy, demolition of an old building to construct a new building with a different vertical and horizontal limit does not qualify as re-construction but construction;
- (iii) **Repair and Renovation:** This work should be as defined in **Section 2(m) of AMASR Act, 1958**.

6. **Cases to be forwarded to NMA:**

- (i) **Construction in Regulated Area** as defined in Section 20(c) (2) of AMASR Act, 1958 and Rule 6(i), 6(ii), 6(iii),6(v) and Rule 7 of CA rules 2011
- (ii) **Reconstruction in Regulated Area** as defined in Section 20(c) (2) of AMASR Act, 1958 and Rule 6(iv) and Rule 7 of CA rules 2011
- (iii) **Public Amenities-** Exemption in Section 2(dc) and Rule 6(iii) and Rule 7 of CA Rules.

7. Cases to be disposed of at CAs' level:

- (i) **Repair and Renovation in Prohibited Area** as per Section 20(C)(1) and Rule 6(vi) and Rule 8 of CA Rules;
- (ii) **Repair and Renovation in Regulated Area** as per Section 20(C)(2) and Rule 6(vii) and Rule 8 of CA Rules;
- (iii) **Construction, Re-Construction, Repair and Renovation in Prohibited and Regulated Area owing to natural Calamity** as per rule 16 of CA Rules, 2011.

8. Details of Work:

- (i) The No. of Stories, Floor Area, Basement, Height including Mumty, Parapet, Water Storage Tank etc. should be in Metre;
- (ii) Information in Form II should correspond with information in Site Plan Drawings.
- (iii) Site Plan in triplicate must be signed by a Registered Architect with his/her registration number and duly counter-signed and stamped by the respective Competent Authority to prove the authenticity of the documents. **(amended on 21.08.2023)**
- (iv) Construction to be carried out in the Built up area of more than 5000 Sqmt., should be supported by Heritage Impact Assessment Report as per format prescribed in 133rd NOC Meeting dated 29th February 2016.

9. Affidavits/Self Declaration from Applicant:

- (i) Self-declaration from the owner/applicant or a legal affidavit regarding No legal dispute and land use in r/o construction Site must be enclosed (Ref: 156th NOC Meeting dated 13th July 2017).
- (ii) In cases where construction site is exactly at 100 metres from Central Protected Monument, affidavit/ self-certification stating that the proposed work shall be executed in Regulated Area must be furnished.
- (iii) Submission of self-declarations/ legal affidavit is also applicable for govt. projects.

10. Adherence to Time Schedule:

CAs must adhere to the Prescribed time limit of 15 days as laid down in Section 20 (D)(2) of AMASR Act, 1958 to avoid un-necessary delays and inconvenience to the applicants.

11. Site Inspection Report:

- (i) Accuracy in Name of the applicant, Site Address, Distance from Centrally Protected Monument to be ensured;
- (ii) Impact of the proposed construction on the Preservation, Safety, Security and Accessibility to the monument be brought out in the site report.

12. Specific Recommendation of Competent Authority:

It has been observed that the recommendations are often copied verbatim from Inspection Report stating the history of Monument and impact of proposed construction etc. with either vague or No specific Recommendation at all. The recommendations should be objective and specific, while either stating that the case is “Recommended” or “Not Recommended”.

**Government of India
National Monuments Authority
Ministry of Culture**

24, Tilak Marg,
New Delhi -110001
Dated: 23/08/2022

F.No. 35-12A/NMA-2022/CA

OFFICE MEMORANDUM

Subject: Forwarding of NOC applications by Competent Authorities to National Monuments Authority (NMA)–reg.

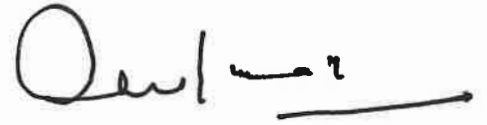
As per provisions of Section 20D(2) of Ancient Monuments and Archaeological Sites and Remains (AMASR) Act, 1958 (as amended in 2010) and Rule 10 of AMASR (Framing of Heritage Bye-Laws and other functions of the Competent Authority) Rules, 2011, after inspection and impact assessment study and documentation, the Competent Authority shall record its observations including assessment of impact of such construction on the protected monuments or protected area in question and forward the NOC application within a period of fifteen days from the date of receipt of NOC application, to the Authority as per Form –II, for construction, reconstruction, repair, renovation, as the case may be, in the prohibited or regulated area of the centrally protected monument or protected area. The Authority while considering the NOC applications forwarded by the Competent Authority have observed that in many cases the provisions of the act and rules ibid or not been followed in letter and spirit by the Competent Authority.

2. The following are the specific directives of the Authority for the strict compliance by the Competent Authorities:

- a) In many cases, the Competent Authority while forwarding Form –II does not give its specific recommendations whether the NOC may be granted or not. Under its recommendations, the Competent Authority is merely stating the facts about the proposed construction site or its immediate surroundings but not making any specific recommendations. Authority directs that all Competent Authorities while forwarding NOC applications to the Authority shall invariably give its specific recommendations whether the NOC may be granted or not. In the absence of specific recommendations of the Competent Authority, the Authority may be constrained to return the NOC application to the Competent Authority without taking any final decision. The onus for delay on this account shall entirely be of the Competent Authority.
- b) It has been observed that the prescribed timeline of 15 days from the date of receipt of NOC application, for making site inspection and impact assessment and forwarding its recommendations in Form –II along with complete documentation is not being adhered to by the Competent Authorities in the majority of cases. It has also been observed that in the case of many physical NOC applications, the date of receipt of NOC applications by the Competent Authority is not mentioned with a view to avoid identification of delays on the part of Competent Authority. The Authority has taken strong exception to this and has directed that in order to mitigate harassment to applicants due to the delay in processing of NOC applications by Competent Authority, all NOC applications shall be mandatorily submitted online through the NOAPS with immediate effect. The Competent

Authority shall pro-actively facilitate and provide necessary handholding to any applicant who requires assistance in filing online NOC application in NOAPS. Physical NOC applications shall be accepted only in those cases where the Colour Coded Zonal Map (CCZM) of centrally protected monument and protected area is not available on the BHUVAN portal.

3. This issues with the approval of Chairman, NMA.



(Bhaskar Verma)
Member Secretary
Tel: 011-23073837

To: -

1. All Competent Authorities