F.No. 15-263/NMA/HBL-2023(C.No.29096)

Government of India
Ministry of Culture
National Monuments Authority

PUBLIC NOTICE

It is brought to the notice of public at large that the draft Heritage Bye-Laws of Centrally Protected Monument "**The site of Sahet-Mahet in parganas Ikauna and Balrampur, measuring 286.026 acres in the Bahraich district and 123.93 acres in the Gonda, Saravasti, U.P., Lucknow**" have been prepared by the Competent Authority, as per Section 20(E) of Ancient Monuments and Archaeological Sites and Remains Act, 1958. In terms of Rule 18 (2) of National Monuments Authority (Conditions of Service of Chairman and Members of the Authority and Conduct of Business) Rules, 2011, the above proposed Heritage Bye-Laws are uploaded on the following websites for inviting objections or suggestions from the Public:

i. National Monuments Authority **www.nma.gov.in**
ii. Archaeological Survey of India **www.asi.nic.in**
iii. Archaeological Survey of India, Lucknow Circle **www.asilucknowcircle.nic.in**

2. Any person having any objections or suggestions may send the same in writing to Member Secretary, National Monuments Authority, 24, Tilak Marg, New Delhi- 110001 or mail at the email ID **ms-nma@nic.in** and **arch-section@nma.gov.in** latest by 8th September, 2023. The person making objections or suggestion should also give their name, address and mobile number.

3. In terms of Rule 18(3) of National Monuments Authority (Conditions of Service of Chairman and Members of the Authority and Conduct of Business) Rules, 2011, the Authority may decide on the objections or suggestions so received before the expiry of the period of 30 days i.e. 8th September, 2023 in consultation with Competent Authority and other Stakeholders.

(Col. Savyasachi Marwaha)
Director, NMA
8th August, 2023

GOVERNMENT OF INDIA
MINISTRY OF CULTURE
NATIONAL MONUMENTS AUTHORITY

Draft Heritage Bye-laws for The site of Sahet Mahet in parganas Ikauna and Balrampur, measuring 286.026 acres in the Bahraich district and 123.93 acres in the Gonda, Saravasti, U.P., Lucknow

GOVERNMENT OF INDIA
MINISTRY OF CULTURE
NATIONAL MONUMENTS AUTHORITY

In exercise of the powers conferred by section 20 E of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 read with Rule (22) of the Ancient Monuments and Archaeological Sites and Remains (Framing of Heritage Bye- laws and Other Functions of the Competent Authority) Rule, 2011, the following draft Heritage Bye-laws for the Centrally Protected Monument **"The site of Sahet Mahet in parganas Ikauna and Balrampur, measuring 286.026 acres in the Bahraich district and 123.93 acres in the Gonda district U.P."** prepared by the Competent Authority, as required by Rule 18, sub-rule (2) of the National Monuments Authority (Conditions of Service of Chairman and Members of Authority and Conduct of Business) Rules, 2011, for inviting objections or suggestions from the public

The Objections or suggestions received before the specified date have duly been considered by the National Monuments Authority in consultation with the Competent Authority.

Now, therefore, in exercise of the powers conferred by clause (5) of the section 20 (E) of the Ancient Monuments and Archeological Sites and Remains Act, 1958 the National Monuments Authority, hereby make the following bye-laws namely:-

Draft Heritage Bye-Laws

CHAPTER I
PRELIMINARY

1.0 Short title, extent and commencements:-

(i) These bye-laws may be called the National Monuments Authority bye-laws 2021 of Centrally Protected Monument **"The site of Sahet Mahet in parganas Ikauna and Balrampur, measuring 286.026 acres in the Bahraichdistrict and 123.93 acres in the Gonda, Saravasti, U.P., Lucknow.**

(ii) They shall extend to the entire prohibited and regulated area of the monuments.

(iii) The provisions of these bye-laws shall have effect notwithstanding anything inconsistent therewith contained in any other bye-laws, whether made before or after the commencement of these bye-laws, or in any instrument having effect by virtue of any bye-laws. It shall not be obligatory to carry out amendments in these bye-laws to make them consistent with any other bye-laws.

(iv) They shall come into force with effect from the date of their publication.

1.1 Definitions:-

(1) In these bye-laws, unless the context otherwise requires, -

(a) "ancient monument" means any structure, erection or monument, or any tumulus or place or 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;

(b) "archaeological site and remains" 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;

(c) "Act" means the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958);

(d) "archaeological officer" means and officer of the Department of Archaeology of the Government of India not lower in rank than Assistant Superintendent of Archaeology;

(e) "Authority" means the National Monuments Authority constituted under Section 20 F of the Act;

(f) "competent authority" means an officer not below the rank of Director of archaeology or Commissioner of archaeology of the Central or State Government or equivalent rank, specified, by notification in the Official Gazette, as the competent authority by the Central Government to perform functions under this Act:

Provided that the Central Government may, by notification in the Official Gazette, specify different competent authorities for the purpose of section 20C, 20D and 20E;

(g) "construction" means any erection of a structure or a building, including any addition or extension thereto either vertically or horizontally, but does not include any re-construction, repair and renovation of an existing structure or building, or, construction, maintenance and cleansing of drains and drainage works and of public latrines, urinals and similar conveniences, or the construction and maintenance of works meant for providing supply of water for public, or, the construction or maintenance, extension, management for supply and distribution of electricity to the public or provision for similar facilities for public;

(h) "floor area ratio (FAR)" means the quotient obtained by dividing the total covered area (plinth area) on all floors by the area of the plot;
FAR = Total covered area of all floors divided by plot area;

(i) "Government" means The Government of India;

(j) "maintain", with its grammatical variations and cognate expressions, includes the fencing, covering in, repairing, restoring and cleansing of protected monument, and the doing of any act which may be necessary for the purpose of preserving a protected monument or of securing convenient access thereto;

(k) "owner" includes-

(i) a joint owner invested with powers of management on behalf of himself and other joint owners and the successor-in-title of any such owner; and

(ii) any manager or trustee exercising powers of management and the successor-in-office of any such manager or trustee;

(l) “prescribed” means maintaining the fabric of a place in its existing and retarding deterioration.

(m) “prohibited area” means any area specified or declared to be a prohibited area under section 20A;

(n) “protected area” means any archaeological site and remains which is declared to be of national importance by or under this Act;

(o) “protected monument” means any ancient monument which is declared to be of national importance by or under this Act;

(p) “regulated area” means any area specified or declared to be a regulated area under section 20B;

(q) “re-construction” means any erection of a structure or building to its pre-existing structure, having the same horizontal and vertical limits;

(r) “repair and renovation” means alterations to a pre-existing structure or building, but shall not include construction or re-construction;

(2) The words and expressions used herein and not defined shall have the same meaning as assigned in the Act.

CHAPTER II

Background of the Ancient Monuments and Archaeological sites and remains (AMASR) Act, 1958

2.0 Background of the Act:- The Heritage Bye-Laws are intended to guide physical, social and economic interventions within 300m in all directions of the Centrally Protected Monuments. The 300m area has been divided into two parts (i) the **Prohibited Area,** the area beginning at the limit of the Protected Area or the Protected Monument and extending to a distance of one hundred meters in all directions and (ii) the **Regulated Area**, the area beginning at the limit of the Prohibited Area and extending to a distance of two hundred meters in all directions.

As per the provisions of the Act, no person shall undertake any construction or mining operation in the Protected Area and Prohibited Area while permission for repair and renovation of any building or structure, which existed in the Prohibited Area before 16 June, 1992, or which had been subsequently constructed with the approval of DG, ASI and; permission for construction, re-construction, repair or renovation of any building or structure in the Regulated Area, must be sought from the Competent Authority.

2.1 Provision of the Act related to Heritage Bye-laws: - The AMASR Act, 1958, Section 20E And Rule 22 of Ancient Monument and Archaeological Sites and Remains (Framing of Heritage Bye-Laws and other function of the Competent Authority) Rules 2011, specifies framing of Heritage Bye-Laws for Centrally Protected Monuments. The Rule provides parameters for the preparation of Heritage Bye-Laws. The National Monuments Authority (Conditions of Service of Chairman and Members of Authority and Conduct of Business) Rules, 2011, Rule 18 specifies the process of approval of Heritage Bye-laws by the Authority.

2.2 Rights and Responsibilities of Applicant:- Section 20C, AMASR Act 1958, specifies details of application for repair and renovation in the Prohibited Area, or construction or re-construction or repair or renovation in the Regulated Area as described below

(a) Any person, who owns any building or structure, which existed in a Prohibited Area before 16th June, 1992, or, which had been subsequently constructed with the approval of the Director-General and desires to carry out any repair or renovation of such building or structure, may make an application to the Competent Authority for carrying out such repair and renovation as the case may be.

(b) Any person, who owns or possesses any building or structure or land in any Regulated Area, and desires to carry out any construction or re-construction or repair or renovation of such building or structure on such land, as the case may be, make an application to the Competent Authority for carrying out construction or re-construction or repair or renovation as the case may be.

(c) It is the responsibility of the applicant to submit all relevant information and abide by the National Monuments Authority (Conditions of Service of Chairman and Members of the Authority and Conduct of Business) Rules, 2011.

CHAPTER III

Location and Setting of Centrally Protected Monuments/ Sites/ Group of Monuments: The site of Mahet: 27°30'07.14"N; 82°03'03.74"E

3.0 Location and Setting of the Monument:

Location and Setting of Centrally Protected Monuments/Sites/Group of Monuments **GPS Coordinates: The site of Sahet: 27°30'35.57"N; 82°02'21.83"E The site of Mahet: 27°30'07.14"N; 82°03'03.74"E** The ancient city of Shravasti a spread of ruins, which is also known by the couple names, as Sahet Mahet. The ruins of Sahet-Mahet is situated between Ikauna and Balrampur, at 5 miles from the former and 12 miles from the latter, and at nearly equal distances from Bahraich and Gonda.

The nearest airport is Sravasti airport which is 8 kilometres from the monument but it is not an international and regular airport; The other nearest airport is Lucknow which is 190 Km far from Sahet-Mahet Archaeological site, connecting all the metro and major cities of India, as well as is connected by road with other cities of Uttar Pradesh.

The site of Sahet Mahet in parganas Ikauna and Balrampur, measuring

286.026 acres in the Bahraich district and 123.93 acres in the Gonda district

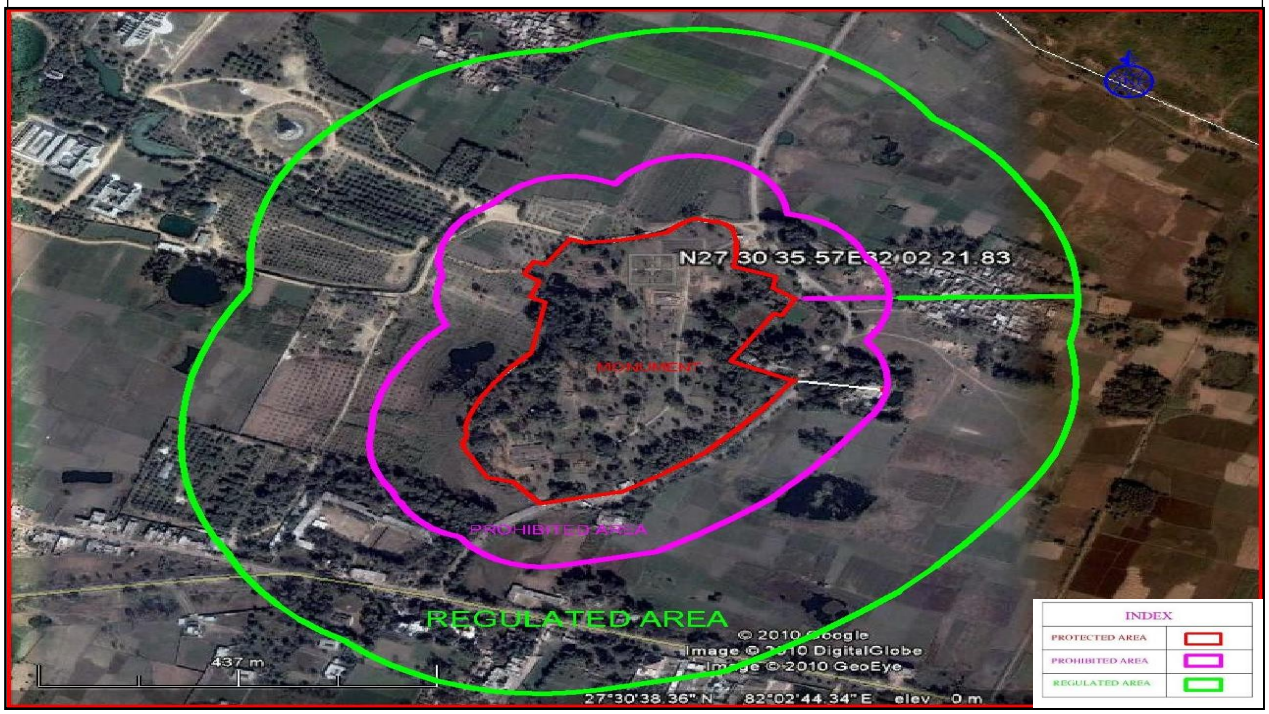


Figure 1, Google map showing The site of Sahet in parganas Ikauna and Balrampur, measuring 286.026 acresin the Bahraich district and 123.93 acres in the Gonda district

3.1 Protected boundary of the Monument:

It may be seen in **Annexure -I**

3.1.1 Notification Map/ Plan as per ASI records:

It may be seen at **Annexure - II**

3.2 History of the Monument:

Sravasti also known as Sahet-Mahet was once the capital of ancient kingdom of Kosala, where lord

Buddha, after attaining enlightenment, made this as his annual rainy season retreat. The town played host to lord Buddha for 27 years. It is believed to be founded by themythological King Shravast (hence named after him), the site holds ruins of many ancient stupas, majestic monasteries and beautiful temples. This place also has an Anand Bodhi tree, an off spring of the original Mahabodhi tree, planted by Buddha's main disciple Anathapindika.

3.3 Description of Monument (architectural features, elements, materials, etc.):

Sahet (Jetavana)

It is one of the most important sites of Sravasti, spread over 32 acres of land. Ruins of Sahet, are supposed to represent Jetavana , are spread within an irregular enclosure, the archaeological excavations conducted at regular intervals since 1863, have brought to light plinths and foundations of numerous Buddhist structures including stupas, monasteries and temples among which Gandha- Kuti, Kosamba Kuti and recently exposed Stupa-cum-tank complex in the north-western side are most significant. Most of the earliest structures, atthe site date from 1st century A.D. i.e. Kushan period, many of them are rebuilt or rennovated in later times. The largest temple is Temple-2, it is believed to stand on the site of the original Gandha-Kuti erected by Anathapindika, though its lowest exposed part belongs only to the Gupta period. Located within an oblong exclusive-wall, 34.50m longand 26.0 m wide, it consists of a sanctum and a mandapa.

Another structure around Temple-3 (built on the spot of an earlier Temple), it is said to have been built on the site of the original Kosamba-Kuti. The Temple is now completely ruined, only the remains of the shrine and Mandapa survives. In front of the Temple are two solid brick terraces, supposed to mark the site of Buddha's promenade.

Temple-1, Situated within the courtyard of a large monastery of about the tenth century A.D., has the same plan of the sanctum and mandapa. Temple-11 and 12 have the unusual planof three rooms in a row with a narrow verandah in front and a pradakshina patha around the central chamber. Temple-12, with several projections, has a porch.

Mahet (The Sravasti City)

Located on the back of the river Archiravati (Rapti), the city of Sravasti had a high earthen rampart with a brick wall running along a circuit of 5.23 Km. and pierced by several gates distinguished by high bastions. Four main gates are known as lmli darwaza, Rajgarh darwaza, Naushahra darwaza & Kandbari darwaza situated respectively at the south-west, north-west, north-east and south-east corners of Kachchi kuti.

3.4 Current Status:

3.4.1 Condition of the Monument- condition assessment:

From the maintenance point of view both the structures are in good state of preservation. Although there is a scope of further clearance of the ancient structures which are buried underneath.

3.4.2 Daily footfalls and occasional gathering numbers:

Sahet is a ticketed monument and Mahet is a non-ticketed monument. From August to March 500-1500 national and international visitors visit Sahet and Mahet per day. From April–July 200-300 local visitors from India visit the place per day

CHAPTER IV

Existing zoning, if any, in the local area development plans

4.0 Existing zoning:

Specifically for the monument there is no zoning made in the state government Act and rules.

4.1 Existing Guidelines of the local bodies:

It may be seen at **Annexure-III**

CHAPTER V

Information as per First Schedule, Rule 21(1)/ total station survey of the Prohibited and the Regulated Areas on the basis of boundaries defined in Archaeological Survey of India records.

5.0 Contour Plan of:

Survey plan may be seen at **Annexure-I**

5.1 Analysis of surveyed data:

5.1.1 Protected Area:

The site of Sahet: Approx. 103275.8 Sqm. The site of Mahet: Approx. 1547923.0 Sqm.

Prohibited Area:
The site of Sahet: Approx. 171627.2 Sqm.The site of Mahet: Approx. 627707.9 Sqm.

Regulated Area:
The site of Sahet: Approx. 517876.2 Sqm. The site of Mahet: Approx. 1390298.0 Sqm

Salient features:

The height of the monument in Sahet from ground level is as follows:Temple no.1- 3.30 m; Gandhkutti-07m; Stupa 5 No.-08 m

The height of the monument in Mahet from ground level is as follows:Angulibhaal-11.8m; Anathpindak – 11.3m; Jain temple-18.10m

Chakra Bhandar village lies in north–east direction of Sahet and south direction of Mahet while Husain Jot village lies in west direction of Mahet. Ponds and Cultivable landlies in east, west, north and south direction of prohibited and regulated area of the site of Sahet and Mahet

5.1.2 Description of built up area:

Prohibited area:

The site of Sahet

North: A road which runs from Ikauna to Mahet passes from the south direction of prohibited area, Thai Fence Life houses lies in north direction while Kabir Mathand samadhi lies in north-east direction.
South: No built up apart from Srilanka Temple is in this direction
East: Kankal Stupa, China Temple and other stupas lies in this direction
West: No built up is in this direction.

The site of Mahet
North: No built up except Transmission line and Canal is in this direction.
South: Houses, shops, Huts and temples of chakra Bhandar village and husain Jotvillage lies in this direction.
East: Purva Ram Mahadev Kuti, house and shops of Kand Bhari village lies in thisdirection.
West: No built up in this direction.

5.1.3 Description of green open spaces:

The site of Sahet
North: Open space is within the Thai Fence Life campus, nearby Samadi and Kabir Math in prohibited area. While cultivable land of Husain Jot village and Chakra BhandarVilage lies in regulated area of the site of Sahet.
South: Ponds, cultivable land lies in prohibited area. Open space is within Chaudhari Ram Bihari Buddha inter college, Jetava inter college, Jal Nigam office and Dak Bangla campus, some proposed land, ponds, cultivable land lies in regulated area.
East: Pond, cultivable land lies in the prohibited area. Ponds, Chakra Bhandar village ,cultivable land lies in regulated area.
West: Mango Orchards, cultivable land and ponds lie in prohibited and regulated area.
While proposed land for construction lies in regulated area.

5.1.4 Area covered under circulation – roads, footpaths, etc.

Since proper pathways are missing inside the site of Mahet so the calculation of footpaths is not possible while a bitumen road which is 6m wide lies in south direction of the site Mahet comes from Chakra Bhandar village and runs to the monument.
Around 3000Sqm area is covered by pathway inside the site of Sahet. this pathway connects 6m wide road of Chakra Bhandar Village.

5.1.5 Heights of buildings (Zone wise):

A. **100m – 200m from prohibited limit: (first regulated area**

East: Maximum height is 7m.
West: No built up in this direction.
North: Maximum height is 7m.
South: Maximum height is 10m.

B. 200m - 300m from first regulated limit: (second regulated area)

East: Maximum height is 7m.
West: No built up in this direction.
North: Maximum height is 7m.
South: Maximum height is 10m.

5.1.6 State protected monuments and listed Heritage Buildings by local Authorities, if available, within the Prohibited/Regulated Area:

No other state, protected monument lies in the prohibited and regulated boundaries.

5.1.7 Public amenities:

The two monuments have boundary wall, signages, drinking water, toilet facility, pathway, dustbin, bench, clock room for the visitors to keep their luggage. Wheelchair and ramp are provided for the handicap. A toilet for handicap accessed by a ramp is also given in the new toilet block which is under construction. Parking for small cars are provided inside the boundary of the monument.

5.1.8 Access to monument:

The monument is accessed by 6 m wide Bitumen road.

5.1.9 Infrastructure services (water supply, storm water drainage, sewage, solid waste management, parking etc.):

There is proper water supply in Sahet, it even has storm water drainage, sewage, solid waste management. Parking for small cars are provided inside the boundary wall.

5.1.10 Proposed zoning of the area as per guidelines of the Local Bodies:

There is no particular rule and clause defined in Balrampur and Sravasti master plan 2021-31 for ASI protected monument. General rule will be applicable for any development and construction in prohibited and regulated area.

CHAPTER VI

Architectural, historical and archaeological value of the monument

6.0 Architectural, historical and archaeological value:

The monument has great architectural value as these stupas reflect the Buddhist tradition and boast of the history of the monasteries in Balrampur. These age old stupas, majestic viharas and several temples in Sravasti establish Buddhist association with Sravasti providing it with historical value. Many ancient idols and inscriptions are excavated from the area nearby the monuments which narrates the history and connection of Gautam Buddha with this place giving it archaeological value.

6.1 Sensitivity of the monument (e.g. developmental pressure, urbanization, population pressure etc.):

There is minimum construction in regulated area in both the monuments, hence the monument has no developmental pressure, urbanization or population pressure and is safe from all these factors.

6.2 Visibility from the Protected Monument or Area and visibility from Regulated Area:

The monument is clearly visible from all the directions in prohibited and regulated area.

6.3 Land-use to be identified:

The Land-use surrounding the monument is basically agricultural, residential, institutional and commercial in form of small shops.

6.4 Archaeological heritage remains other than protected monument

In Sahet Mahastupa is found in excavation inside the compound of Sahet. In Mahet a Hindu temple, Kandhari gate are excavated in Mahet compound.

6.5 Cultural landscapes:

Sravasti is a remarkable example of cultural harmony and intermingling. It has Age-old stupas, majestic monasteries and several temples near the village of "Sahet-Mahet" establishing Buddha's association with Sravasti .The Buddhist monuments are an integral part of cultural landscape which are scattered in vast area. Sahet and Mahet are uncluttered garden that reflects Buddhist principles of peace, serenity, goodness and respect for all living things. It is a garden which includes path for wandering contemplatively and areas for visitors to sit and relax often under the shade of a graceful tree.

6.6 Significant natural landscapes that form part of cultural landscape and also help in protecting monuments from environmental pollution:

The excavated area together with other subsurface remains like the dried and expanded water bodies, water channels, fertile land and cultivated areas help to recreate the bounty of natural resources which are well described by its scholars. A lush landscape abundant in flowers, trees and water bodies as an

immediate setting for the Mahavihara, beyond which are large tracts of agricultural land forms proper cultural landscape further helping in protecting the monument from environmental pollution. The 'garden' or 'forest' retains a natural balance with the climate, hydrology and fauna and flora of the region and creates a natural landscape which further forms a part of the cultural landscape and helps in protecting the monument from environmental pollution.

6.7 Usage of open space and constructions:

The open space surrounding the monument is used as agricultural land.

6.8 Traditional, historical and cultural activities

Since the monument is an excavated site so such no traditional, cultural and traditional activities are followed till date at the monument.

6.9 Skyline as visible from the monument and from Regulated Areas:

No such skyline is formed which can be admired from the monument and from the regulated area

6.10 Traditional Architecture:

No Traditional architecture has been in prevalence around the monument.

6.11 Development plan, as available, by the local authorities:

It may be seen at **Annexure-IV**

6.12 Building related parameters:

a. Present height of the construction on the site Sahet:

Direction	Present Height in First Regulated Area (in Meters)	Recommended Height in First Regulated Area (in Meters)	Present Height in Second Regulated Area (in Meters)	Recommended Height in Second Regulated Area (in Meters)
East	7	7	7	12
West	0	0	0	12
North	7	7	7	12
South	10	10	10	12

b. Present height of the construction on the site Mahet:

Direction	Present Height in First Regulated Area (in Meters)	Recommended Height in First Regulated Area (in Meters)	Present Height in Second Regulated Area (in Meters)	Recommended Height in Second Regulated Area (in Meters)
East	7	7	7	12
West	0	0	0	12
North	0	0	0	12
South	7	7	7	12

Note:

1. The above mentioned height of the building excludes the height of parapet wall, mumty and water tank which should not be more then 2.5m

2. Apart from this National Monument Authority can take its final decision.

(b) Floor Area:-50 Sqm to 2000 Sqm.

(c) Usage: - Agriculture, Residential, Institutional and commercial in form of small shops.

d) Façade design:-No design can be recommended as the construction is ofconventional and modern nature.

(e) Roof design:-No design can be recommended as the nearby construction are is of Modern nature.

(f) Building material :-Modern construction material viz. Cement, bricks, etc.

(g) Colour:- Color should match the ambience of the monument.

6.13 Visitors facilities and amenities:

The two monuments have boundary wall, signages, drinking water, toilet facility, pathway, dustbin, bench, clock room for the visitors to keep their luggage. Wheelchair and ramp are provided for the differently abled persons. A toilet for differently abled persons accessed bya ramp is also given in the new toilet block which is under construction. Parking for smallcars are provided inside the boundary of the monument

CHAPTER VII

Site Specific Recommendations

7.1 Site Specific Recommendations:

- Heritage impact assessment in the regulated area for the mega project before any construction should be made mandatory.
- An extensive programme of public awareness should be conducted to communicate and educate about the value of public hygiene, health and heritage.

7.2 Other recommendations:

- Extensive public awareness programme may be conducted.
- Provisions for differently able persons shall be provided as per prescribed standards.
- The area shall be declared as Plastic and Polythene free zone.
- National Disaster Management Guidelines for Cultural Heritage Sites and Precincts may be referred at https://ndma.gov.in/images/guidelines/Guidelines-Cultural-Heritage.pdf

ANNEXURES

ANNEXURE I

Protected boundary of "The site of Sahet Mahet in parganas Ikauna and Balrampur, measuring 286.026 acres in the Bahraich district and 123.93 acres in the Gonda district Uttar Pradesh".

The site of Sahet

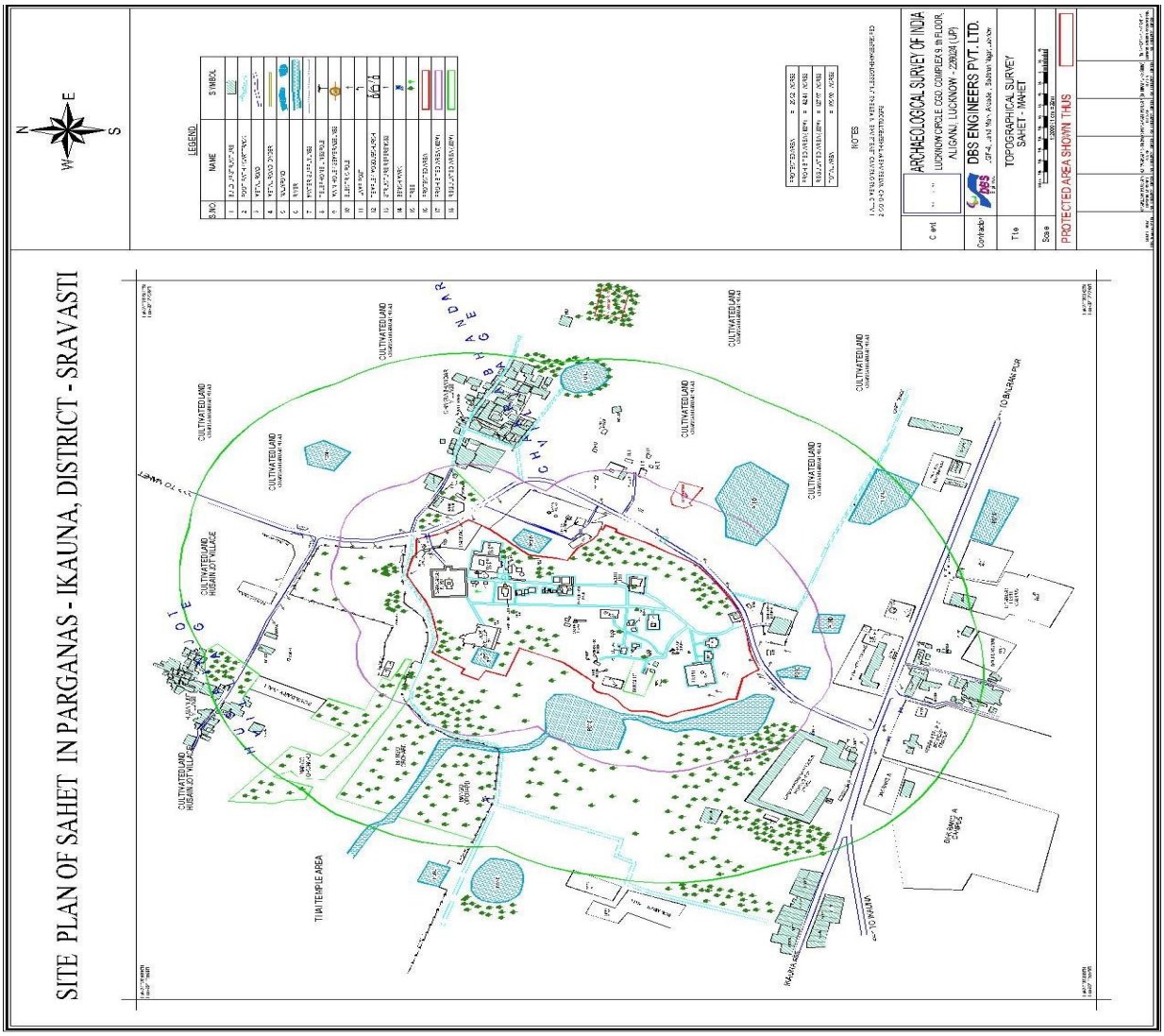


Figure 3, Contour Plan showing protected boundary of The site of Sahet in parganas Ikauna and Balrampur, measuring 286.026 acres in the Bahraich district and 123.93 acres in the Gonda district Uttar Pradesh

The site of Mahet

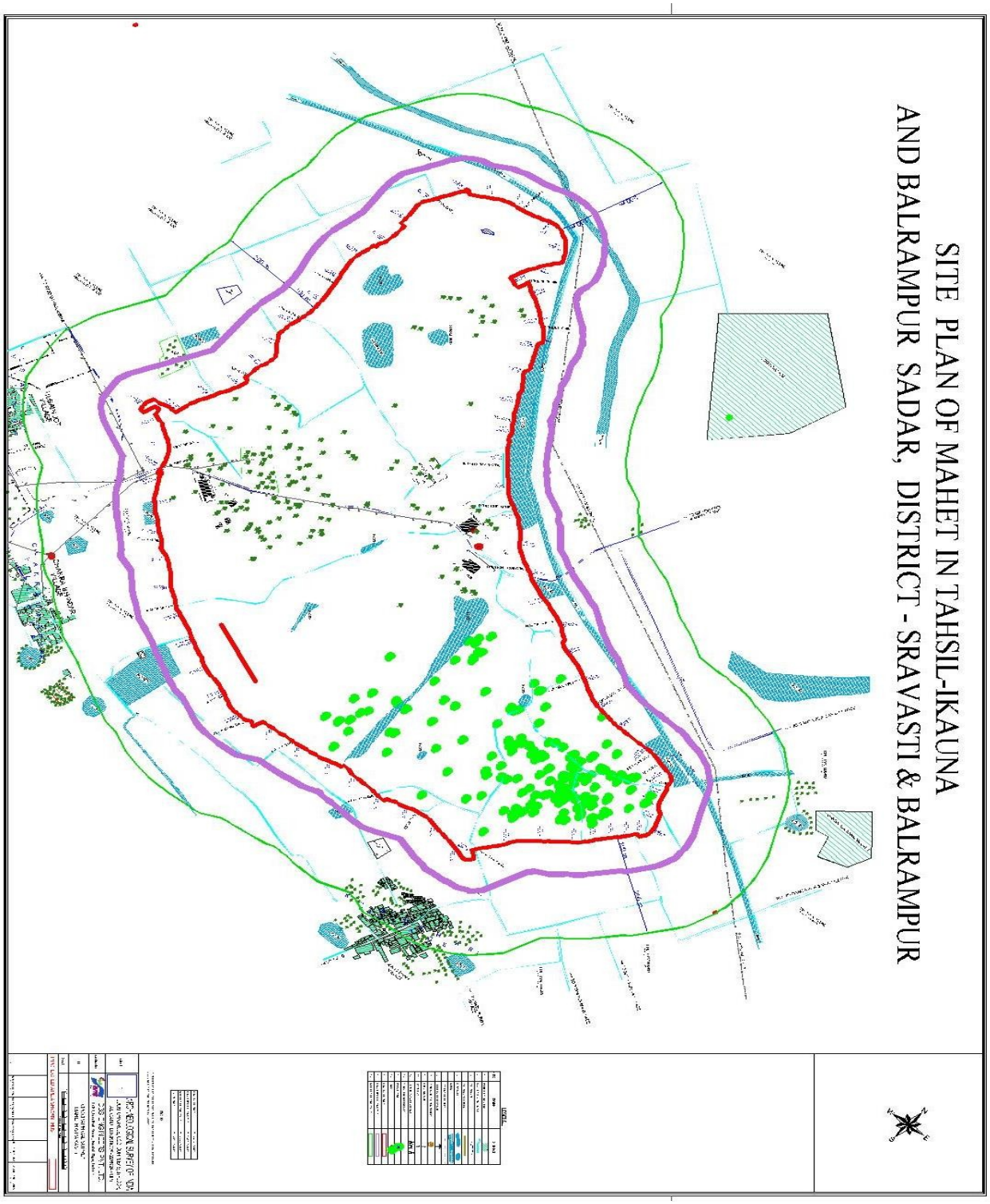
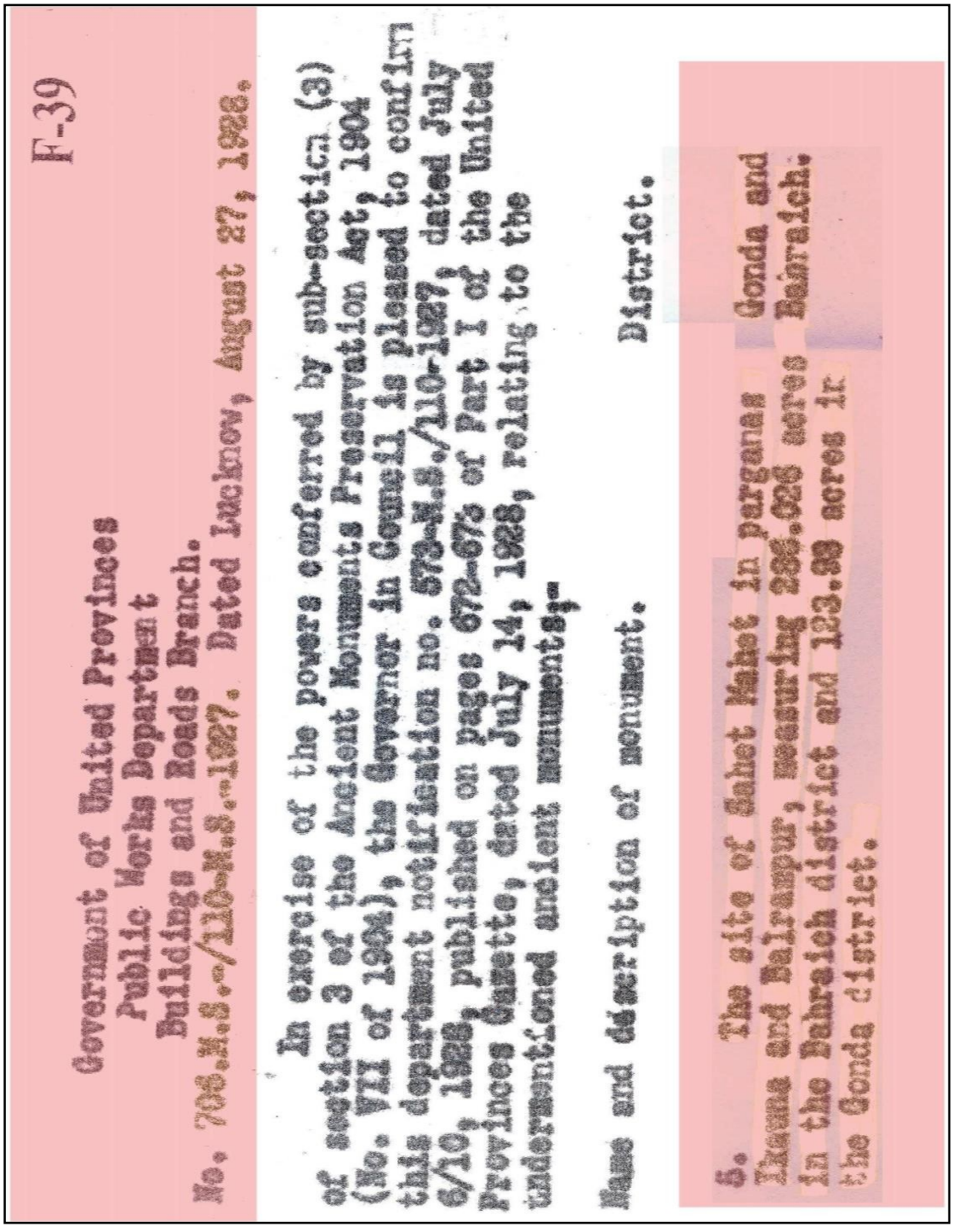


Figure 4, Contour Plan showing protected boundary of The site of Mahet in parganas Ikauna and Balrampur, measuring 286.026 acres in the Bahraich district and 123.93 acres in the Gonda district Uttar Pradesh

ANNEXURES

ANNEXURE-II

1.1. Notification map/ plan as per ASI records - definition of protection boundaries



F-39

Government of United Provinces
Public Works Department
Buildings and Roads Branch.
No. 708.M.S.-/110-M.S.-1927. Dated Lucknow, August 27, 1928.

In exercise of the powers conferred by sub-section (3) of section 3 of the Ancient Monuments Preservation Act, 1904 (No. VII of 1904), the Governor in Council is pleased to confirm this department notification no. 573-M.S./110-1927, dated July 6/10, 1928, published on pages 672-673 of Part I of the United Provinces Gazette, dated July 14, 1928, relating to the undermentioned ancient monuments:-

Name and description of monument. District.

5. The site of Gahet Mahat in pargana Khawa and Balrampur, measuring 286.026 acres in the Bahraich district and 123.89 acres in the Gonda district. Gonda and Bahraich.

Typed copy of Notification:-

Government of united provincesPublic works department Buildings and Roads Branch.
No. 706. M. S. - / 110 – M. S. – 1927. Dated Lucknow, August 27, 1928.

In exercise of the powers conferred by sub-section (3) of section 3 of the Ancient Monuments Preservation Act, 1904 (No. VII of 1904), the Governor in Council is pleased to confirm this department notification no. 573- M. S. /110-1927, dated July 6/10, 1928, published on pages 672-673 of part I of the united Providences Gazette, dated July 14, 1928, relating to the under mentioned in Ancient Monuments:-

Name and description of monument.	**District.**
5.The site of Sahet Mahet in Parganas Ikauna Gonda and Balrampur, measuring 286.026 acres in the Bahraich district and 123.93 acres in the Gonda district.	**Bahraih**

ANNEXURE III

Existing Guidelines of the local bodies / Status of

At present there are some acts of the state government wherein no specific provision are made pertaining to the heritage. However, general guidelines are specified for the construction. These guidelines are mentioned in the "**Uttar Pradesh municipal planning and development (UPMPD) act-1973"** in the **"Development Authority Building Construction and Development sub method (DABCDSM) -2008"** under the clause 1.1.2 and 1.1.1 respectively. Beside that some provisions are also made of the new constructions in the Varanasi Development plan 2011-31.

⇨ As per the Development Authority Building Construction and Development sub method-2008 the FAR/FSI are specified as below:

Specification	Plot Area (Sq. Mt.)	Front Margin	Rear Margin	Side1 Margin	Side2 Margin	FAR
Row Housing	Up to 50	1.0	-	-	-	2.00
	50 to 100	1.5	1.5	-	-	2.00
	100 to 150	2.0	2	-	-	1.75
	150 to 300	3.0	3	-	-	1.75
Semi Detached	300 to 500	4.5	4.5	3	-	1.50
	500 to 1000	6.0	6	3	1.5	1.25
Detached	1000 to 1500	9.0	6	4.5	3	1.25
	1500 to 2000	9.0	6	6	6	1.25

⇨ **Ground coverage and FAR for other Land-use:**

S .no.	Land Use	Ground Coverage in %	FAR
1.Plotted residential			
	New /Undeveloped area		
	• Upto 100 Sqm	65	2.00
	• 101-300 Sqm	60	1.75
	• 301-500 Sqm	55	1.50
	• 501-2000 Sqm	45	1.25

⇨ **Ground coverage and FAR as per constructed/new/undeveloped area. For residential flat.**

Particular	Residential flatarea in Sqm.	Ground cover in percent (%)	FAR
Constructed Area	up to 100	75	2.00
	101 to 300	65	1.75
	301 to 500	55	1.50
	501 to 2000	45	1.25

Particular	Residential flatarea in Sqm.	Ground cover in percent (%)	FAR
New/UndevelopedArea	up to 100	65	2.00
	101 to 300	60	1.75
	301 to 500	55	1.50
	501 to 2000	45	1.25

⇨ Setback for Commercial/Official/Institutional/Community/Conference hall/Public amenities, for 12.5m to 15m height:

Area of land inSqm.	Set Back (In Meters)			
	front	Rear	Side1	side2
Up to 200 (ExceptCommercial)	3.0	3.0	-	-
201 - 500 (IncludingCommercial)	4.5	3.0	3.0	3.0
More than 501 (Including Commercial)	6.0	3.0	3.0	3.0

⇨ Setback for Commercial/Official/Community/Conference hall up to three floor or upto12.5m height will be the same as above mentioned but for the Institutional/Public amenities (leaving educational building) the setback will be as follows:

Area of land in Sqm.	Set Back (In Meters)			
	front	Rear	Side1	side2
Upto 200	3	3	-	-
201-500	6	3	3	-
501-2000	9	3	3	3
2001 to 4000	9	4	3	3
4001 to 30000	9	6	4.5	4.5
Above 30001	15	9	9	9

⇨ Setback for building having height more than 12.5m.

Height of Building (Meter)	Setback left around the Building
12.5 to 15	5.0
15 to 18	6.0
18 to 21	7.0
21 to 24	8.0
24 to 27	9.0
27 to 30	10.0
30 to 35	11.0
35 to 40	12.0
40 to 45	13.0
45 to 50	14.0
Above 50	15.0

⇨ **Basement Specification:**

- As per the **Development Authority Building Construction and Development sub method (DABCDSM) -2008** basement is not allowed in the building for residential purpose. And no toilet and kitchen are allowed to be constructed in basement.

- The basement is permissible below the inner courtyard and shaft.

- The construction of basement will be done only after evaluation of the structure. The neighboring property should be 2m away where basement has to be constructed.

For different type of buildings the construction of basement is described as below:

S No.	Land area(in Sqm)	Type of Land-use	Provision for Basement
1	Upto 100	1. Residential/other non - commercial	Not Permissible
		2. Official and commercial	50 percent ground coverage is permissible
2	100 to 2000	1. Residential	20 percent ground coverage is permissible
		2. Non - Residential	Same as permissible ground coverage
3.	Above 2000	1.Group Housing/ Commercial and other multi storey buildings	Double basement are allowed in 4000 Sqm. area ofland and for land more than 4000 Sqm. area 3 basementare allowed
		2. Industry	Same as ground coverageand 50 percent of the basement will be counted in F.A.R.

⇨ **Parking Facility:**

1. The provision of parking in residential site area is as below:

Construction area of residential unit (sqm)	Car Parking for each residential unit
Upto 100 Sqm.	1.00
100-150 Sqm.	1.25
Above 150 Sqm.	1.50

2. Circulation area required for common car parking.
   I. Parking in open area – 23 Sqm.
   II. Covered parking – 28 Sqm.
   III. Parking in basement – 32 Sqm.

⇨ **Ground coverage and FAR for other Land-use:**

S.no.	Land Use	Ground Coverage in %	FAR
1.	**Plotted residential**		
A	For Developed Area		
	• Upto 100 Sqm	75	2.00
	• 101-300 Sqm	65	1.75
	• 301-500 Sqm	55	1.50
	• 501-2000 Sqm	45	1.25
B	New /Undeveloped area		
	• Upto 100 Sqm	65	2.00
	• 101-300 Sqm	60	1.75
	• 301-500 Sqm	55	1.50
	• 501-2000 Sqm	45	1.25
2.	**Commercial**		
A	For Developed Area		
	• Convenient Shop	60	2.00
	• Neighbourhood shop	40	1.75
	• Shopping street	40	1.50
	• District shopping centre/ SubCentral Business District	40	1.25
3.	**Official**		
i.	Constructed Area	40	1.50
ii.	Developed Area	30	2.00
iii.	New/Underdeveloped area		
	• Government & Semigovernment	35	2.00
	• Professional /Commercialoffice	30	2.50
4.	**Educational**		
A	Constructed / Developing area		

	• Primary or Nursery school	35	0.8
	• High school / Intermediate /Higher institutes	30	1.00
B	New / Undeveloped area		
	• Nursery school	40	0.8
	• Primary	35	1.00
	• High school / Intermediate	35	1.20
	• Degree college	35	1.50
	• Technical / Managementinstitute	35	2.00
5.	**Community and Institutional facilities**		
A.	Constructed / Developed area	35	1.50
B.	New / Underdeveloped area		
	• Community hall, marriagehall & Religious building	40	1.50
	• Other Institutes	30	2.00
6.	**Hotel**		
A.	Constructed / Developed area		
	• Till 3 star	40	1.20
	• 5 star and above	30	2.00
B.	New / Underdeveloped area		
	• Till 3 star	40	1.50
	• 5 star and above	30	2.50
7.	**Hospital**		
A.	Constructed / Developed area		
	Clinic/ Dispensary	35	1.5
	50 bedded Nursing home	35	1.5
	50-100 bedded Hospital	35	1.5
	100 & more bedded hospital	30	2.5
8.	**Open area**		
A.	**Constructed / Developed area**	2.5	0.025
B.	New / underdeveloped area	2.5	0.025

Permissible Ground Coverage, FAR/FSI and heights within the regulated area for new construction; and setbacks: The general rules of construction shall be applicable for all development projects as per the **Bihar Building Byelaws 2014**, as amended from time to time.

A.As per chapter IV (General Requirements), Section 38 (Floor Area Ratio), of the Bihar Building Byelaws 2014, the following has been mentioned:

i. The Floor Area Ratio (F.A.R) for buildings shall be decided on the basis of the road width on which the plot/site abuts as per Table 2 and 3.

Table 2: Road width and FAR table for (OLD AREA)

Cate-gory	Road Width (in meter)	FAR		Floor	Maximum Height (in meter)	Conditions
		Residential	Non Residential			
O-I	3.60 (12 ft.)	1.5	Nil	G+2	10	
O-II	4.80 (16 ft.)	1.8	Nil	G+2	10	
O-III	6.10 (20 ft.)	2.0	Nil	G+3, S+3	12	Parking shall be allowed on any floor. Under no circumstances the parking floors or provision for parking shall be used for any other purposes. Mezzanine floors or any floor partition shall be computed under FAR and counted as a floor.
O-IV	9.10 (30 ft.)	2.5	Nil	S+5	18	
O-V	12.20 (40ft.)	2.5	2.0	Maximum Height 24 meter		
O-VI	18.30 (60ft.) and above	2.5	2.5	No restriction on height and number of floors however it may be regulated by the master plan/ development plan/ zonal plan.		

Table 3: Road width and FAR table (NEW AREA)

<table>
<tr><th rowspan="2">Cate-gory</th><th rowspan="2">Road Width (in meter)</th><th colspan="2">FAR</th><th rowspan="2">Floor</th><th rowspan="2">Maximum Height (in meter)</th><th rowspan="2">Conditions</th></tr>
<tr><th>Residential</th><th>Non Residential</th></tr>
<tr><td>N-I</td><td>6.10 (20 ft.)</td><td>2.0</td><td>Nil</td><td>G+3, S+3</td><td>12</td><td rowspan="8">Parking shall be allowed on any floor. Under no circumstances the parking floors or provision for parking shall be used for any other purposes. Mezzanine floors or any floor partition shall be computed under FAR and counted as a floor.</td></tr>
<tr><td>N-II</td><td>9.10 (30 ft.)</td><td>2.5</td><td>Nil</td><td>S+5</td><td>18</td></tr>
<tr><td>N-III</td><td>12.20(40 ft.)</td><td>2.5</td><td>2.0</td><td colspan="2">Maximum Height 24 meter</td></tr>
<tr><td>N-IV</td><td>18.30(60 ft.)</td><td>2.5</td><td>2.5</td><td colspan="2" rowspan="4">No restriction on height and number of floors however it may be regulated by the master plan/ development plan/ zonal plan</td></tr>
<tr><td>N-V</td><td>24.40(80 ft.)</td><td>3.00</td><td>2.5</td></tr>
<tr><td>N-VI</td><td>27.40(90 ft.)</td><td>3.25</td><td>3.0</td></tr>
<tr><td>N-VII</td><td>30.50 (100ft.)</td><td>3.50</td><td>3.5</td></tr>
</table>

i. While sanctioning the plans on building with a road width of 12 feet and 16 feet, the Authority shall ensure that enough parking spaces for vehicles have been made within the building and that the vehicles shall not be parked on the road. Provisions related to length of the road in Table 6 shall be adhered to.

ii. Additional FAR up to 10% upto a maximum of 0.25 shall be allowed for dwelling units meant exclusively for LIG/EWS in a group housing scheme.

iii. In case of Educational, Institutional and Assembly building the maximum permissible FAR shall be 1.50 for plots up to 1000 sq. m. and 1.75 for plots above 1000 sq. m.

iv. In case of transport related activities such as; railway yards, railway station, bus stands, bus shelters, transport depot, airport, special warehousing, cargo terminals etc. the maximum permissible FAR shall be 1.50.

v. In case of Industrial buildings the maximum FAR shall be 0.5 for polluting and hazardous industries. In case of non-polluting and household industries the maximum FAR shall be 1.5.

vi. The FAR and Height of the building may also be regulated by the master plan/development plan or the zonal plan.

vii. In case the plot is affected by a road widening and the owner of the plot voluntarily surrenders the affected portion of his land to the Authority without any claim of compensation or through a TDR (Transferable Development Right) scheme implemented by the Government the owner shall be entitled to build on the remaining plot an area, calculated on the basis of the FAR as applied to the total area prior to such surrender. Provided that the surrender of the land shall be affected by a deed of transfer to be executed by the owner in favor of the Authority for widening of road.

viii. Exclusive multistory parking blocks can be provided within the required setback area without reducing the driveway for the fire tender to the extent of minimum 6 meters. This will not be included in the calculation of FAR.

ix. FAR shall not include

a. Basements or cellars and space under a building constructed on stilts and used only as a parking space, and air conditioning plant room used as accessory to the principal use;
b. Stilt Parking
c. Exclusive Multi Storey Parking made only for the purpose of parking vehicles and not put to any other use.
d. Electric cabin or substation, watchman booth of maximum size of 3 sq.m. with minimum width or diameter of 1.732 m., pump house, garbage shaft, space required for location of fire hydrants, electric fittings and water tank, society room of maximum 12 sq.mtr.
e. Projections and accessories buildings as specifically exempted from the open space/setback requirement.
f. Staircase room and lift rooms above the topmost storey, architectural features, and chimneys and elevated tanks of dimensions as permissible under the NBC; the area of the lift shaft shall be taken only on one floor.
g. 50% of the area of projected balcony as per bye laws 45(4) shall not include.

11) Additional FAR may be allowed for Government Buildings/ Government Projects with the prior approval of the Government.

B. As per chapter IV (General Requirements), **Section 39 (Height of a building)**, of the Bihar Building Byelaws 2014, the following has been mentioned:

The height of the building shall be governed by the limitations of Floor Area Ratio, open space (setbacks), and the width of the street facing the plot described as detailed below:

a. The maximum height of a building shall in no case exceed (1.5 times X the width of the road on which the plot abuts) + the front setback. It shall be applicable only in case of unused permissible FAR for plots abutting on road of average existing width not less than 9.10 m wide.
b. If a building abuts on two or more streets of different widths, the building shall be deemed to face upon the street that has the greater width and the height of the building shall be regulated by the width of the street. Provided that the roads on the other sides shall also conform to provisions made under bye law 33.

C. As per chapter IV (General Requirements), **Section 33 (Means of Access)**, of the Bihar Building Byelaws 2014, the following has been mentioned*:*

i. Every building/ plot shall abut on a public/ private means of access like streets /roads of duly formed of width as specified in these byelaws or specified in the Master Plan/ Development/Zonal Plan/Scheme. The minimum width of the road/street required for access to building in an existing colony not developed by any authorized agency such as Regional Development Authority, Municipality, Housing Board, Co-operative societies, Government and Semi government organization shall be as per the following table:

Table 4: Length of road limitation

Old area		
Sl. No.	**Maximum Length of the road in Meter**	**Minimum width of road of street in Meter**
(i)	(ii)	(iii)
1	Upto 25 meter	3.6 meter or 12 feet
2	Exceeding 25 meter and upto 100 meter	4.8 meter or 16 feet
3	Exceeding 100 meter	6.10 meter or 20 feet
Note-On less than 20 feet wide roads the encroachment from both sides will be removed by measuring 10 feet from the centre line of the width of roads declared by or belonging to Road Construction Department. Patna Municipal, Authority, Housing Board, Co-operative Societies, Government and Semi-Government Organizations. In other cases maximum 10 feet land from such revenue plot on either side will be taken into account to make it 20 feet wide road and the construction falling in between the said width of road will be removed as an encroachment. Similarly 6 feet and 8 feet land from each Revenue plot on either side will be taken into account to make it 12 feet and 16 feet wide road correspondingly.		
New Area (Residential)		
1	75	6.10 (20 ft.)
2	250	9.10 (30 ft.)
3	400	12.20 (40 feet)
4	1000	18.30 (60 ft.)
5	Above 1000	24.40 (80 ft.)
Note- If the developments only on one side of the means of access, the prescribed widths maybe reduced by 1.0 meter each case. In no case, development on plotsshall be permitted unless it is accessible by a public street of width not less than 6		
New Area		
1	200	12.20 (40 ft.)
2	400	15.00 (50 ft.)
3	600	18.30 (60 ft.)
4	Above 600	24.40 (80 ft.)

Further, in no case the means of access shall be lesser in width than the internal access ways in layouts and subdivision.

ii. No building construction activity shall happen on a road with a width of less than 12 ft. (Including Road Widening) in old area.

iii. In case of areas notified as New Areas by the authority with the approval of the department, no construction shall be allowed where the means of access is less than 20 feet.

iv. Unless and otherwise specified, development of plots shall not be permitted unless it is accessible by a public/private street with the width specified in these bye laws. The width of the road may be increased in a master plan/development plan/zonal plan but under no

circumstance the provisions for width of road shall be less than the provisions made under these bye laws.

v. In case of institutional, administrative, assembly, industrial and other non-residential and commercial activities, the minimum road width shall be 12.20 meters.

vi. In case public land is not available for the road, the plot owners on both sides of the road shall equally surrender their right over the land to the authority to accommodate the road width. The centre line of the road shall be taken as reference for such surrenders.

vii. While calculating the width of the street for the purpose of sanctioning the building plan, the average width will be taken into consideration. The building plan shall be approved on the basis of the average width of the road as notified by the authority.

viii. In case of a private road, which gives access to one or more buildings, the owner of the said private road shall develop the road and storm water drain as required by the Local Authority, and transfer the same to the Registered Residents' Welfare Association for maintenance.

D. As per chapter IV (General Requirements), **Section 34 (Minimum size of plots and road width)**, the following has been mentioned:

Table 5: Category wise size of plots

Category	Minimum road width (m)	Minimum size of plot (sq. m.)
Marriage Halls	12.20	1000
Cinema, Multiplex, Shopping Malls, Convention centers, Game centers	18.30	2000
Social clubs and amenities	12.20	1000
Multi storey car parking	12.20	1000
Office buildings	12.20	300
Primary/Upper Primary school	12.20	2000
High School , Residential school	12.20	6000
+2 College / Junior college	12.20	4000
Degree College	12.20	6000
Technical educational institution	12.20	10,000
Petrol pumps / Filling stations	12.20	500
Restaurant	12.20	500
LPG storages	12.20	500
Places of congregation	12.20	500
Public libraries	12.20	300
Conference hall	18.30	1000
Community hall	12.20	500
Nursing homes/polyclinics	12.20	300
Hotel (below three star)	12.20	2000

Hotel (three star and above)	18.30	2000
R&D Lab	18.30	1500
Group Housing	12.20	4000

Note:

i. In exceptional cases the Authority may consider revising the minimum size of plot with the approval of the Government.

ii. The above (requirement) area of minimum size of the plot may be relaxed by 5% while sanctioning the plan.

iii. No high rise building (building with a height of 15 meters and above) shall be allowed on a plot size less than 800 sq. meters.

E. As per chapter IV (General Requirements), **Section 35 (Minimum setbacks & Height for non-high rise buildings)**, of the Bihar Building Byelaws 2014, the following has been mentioned:

The minimum setbacks and height of buildings permissible in a given size/ plot for residential in non-high rising category shall be as per Table 6 and 7. The minimum setback for commercial and mercantile buildings shall be as per Table 8 and 9.

Table 6: Minimum setbacks and height of residential buildings

Sl. No.	Average depth of plot (in meters)	Building Height Upto G+2 Maxmimum-10m		Building Height Upto G+3 Maxmimum-12m		Building Height Upto G+4 Maxmimum-15m	
		Minimum Front set back (m)	Minimum Rear Set back(m)	Minimum Front set back (m)	Minimum Rear Set back (m)	Minimum Front set back (m)	Minimum Rear Set back (m)
(i)	(ii)	(iii)	(iv)	(v)	(vi)	(vii)	(viii)
1	Upto 10m	1.5	0.90	No construction shall be permitted		No construction shall be permitted	
2	Exceeding 10m & upto 15 m	1.5	1.2	2.5	1.8	No construction shall be permitted	
3	Exceeding 15m & upto 21 m	1.8	1.5	3.6	2.0	4.0	3.0
4	Exceeding 21m & upto 27 m	2.5	1.8	4.0	2.5	4.5	3.6
5	Exceeding 27m & upto 33m	3.0	2.5	4.0	3.0	5.0	4.0
6	Exceeding 33m & upto 39m	3.0	3.0	4.5	4.0	5.5	4.0
7	Exceeding 39m & upto	4.0	4.0	5.0	4.0	6.0	4.0

	45m						
8	More the 45m	4.0	4.0	6.0	4.0	6.0	4.5

Table 7- Minimum side setbacks for residential buildings

Sl. No.	Average depth of plot (in meters)	Building Height Upto G+2 Maxmimum-10m		Building Height Upto G+3 Maxmimum-12m		Building Height Upto G+4 Maxmimum-15m	
		Minimum Front set back (m)	Minimum Rear Set back(m)	Minimum Front set back (m)	Minimum Rear Set back (m)	Minimum Front set back (m)	Minimum Rear Set back (m)
(i)	(ii)	(iii)	(iv)	(v)	(vi)	(vii)	(viii)
1	Upto 10m	NIL	NIL	No construction shall be permitted		No construction shall be permitted	
2	Exceeding 10m & upto 15 m	0.75	0.75	1.5	1.5	No construction shall be permitted	
3	Exceeding 15m & upto 21 m	1.0	1.0	1.5	1.5	2.0	2.0
4	Exceeding 21m & upto 27 m	1.5	1.5	2.0	2.0	2.5	2.5
5	Exceeding 27m & upto 33m	1.5	1.5	2.5	2.5	3.0	3.0
6	Exceeding 33m & upto 39m	2.0	2.0	3.0	3.0	3.66	3.66
7	Exceeding 39m & upto 45m	3.0	3.0	3.66	3.66	4.00	4.00
8	More the 45m	3.66	3.66	4.00	4.00	4.00	4.00

Table 8- Minimum front and rear setback for commercial/ mercantile buildings

Sl. No.	Average Depth of plot (in meters)	Building Height upto 15 m	
		Minimum Front set back (m)	Minimum Rear set back (m)
(i)	(ii)	(iii)	(iv)
1	Upto 10 m (height of the building shall be restricted to 10m)	4.5	2.0
2	Exceeding 10 m and up to 15 m	4.5	3.0
3	Exceeding 15m and up to 21 m	5.5	4.0

4	Exceeding 21 m and upto 27 m	6.0	4.0
5	Exceeding 27 m and upto 33 m	6.5	4.0
6	Exceeding 33 m and upto 39 m	7.0	4.5
7	Exceeding 39 m and upto 45 m	7.5	4.5
8	More than 45 m	8.0	4.5

Table 9- Minimum side setbacks for commercial/ mercantile buildings

Sl. No.	**Average Depth of plot (in meters)**	**Building Height upto 15 m**	
		Minimum Front set back (m)	**Minimum Rear set back (m)**
(i)	**(ii)**	**(iii)**	**(iv)**
1	**Upto 10 m (height of the building shall be restricted to 10m)**	NIL	NIL
2	**Exceeding 10 m and up to 15 m**	2.0	2.0
3	**Exceeding 15m and up to 21 m**	2.5	2.5
4	**Exceeding 21 m and upto 27 m**	3.0	3.0
5	**Exceeding 27 m and upto 33 m**	4.0	4.0
6	**Exceeding 33 m and upto 39 m**	4.0	4.0
7	**Exceeding 39 m and upto 45 m**	5.0	5.0
8	**More than 45 m and upto 45 m**	5.5	5.5

F. As per chapter IV (General Requirements), **Section 40 (Off Street Parking Space)**, of the Bihar Building Byelaws 2014, the following has been mentioned:

i. In all buildings including Apartment buildings/ Group Housing, Hotels, Restaurants and Lodges, business buildings, commercial buildings, Institutional buildings like hospitals, Educational buildings like schools and colleges, multistoried buildings/complexes etc. and all other non-residential activities provision shall be made for parking spaces as per the requirements mentioned in Table 10.

ii. The parking spaces may be provided in (for all schemes)
   a. Basements or cellars
   b. on stilt floor
   c. open parking area
   d. exclusive multi-level parking or
   e. Roof top parking in case of commercial/IT/ITES and corporate building
   f. A combination of any or all of the above.

Any provision made for parking shall not be included in the FAR calculation.

Table 10: Parking space for different category of occupancies

Sl. No.	Category of building/ activity	Parking area to be provided as percentage of total built up area
(1)	(2)	(3)
1	Shopping malls, Shopping malls with Multiplexes/ Cineplexes, Cinemas, Retail shopping centre and marriage halls and banquet halls	35
2	IT / ITES complexes, Hotels, Restaurants, Lodges, Nursing Homes, Hospitals, Institutional and other commercial buildings, Assembly buildings, offices, and Industrial buildings and High-rise buildings and complexes.	30
3	Residential Building, Residential apartment buildings, Group Housing, Clinics and small offices upto 50 sqm.	25

iii Off-street parking spaces shall be provided with adequate vehicular access to a street and the area of drives, aisles and such other provisions required for adequate maneuvering of vehicles.

iv If the total off-street parking space required under these bye laws is provided by a group of property owners at a place for their mutual benefit, such parking spaces may be construed as meeting the off-street parking requirement, however, subject to the approval of the Authority. The Authority may also decide to develop such parking spaces and charge property owners to bear proportionate cost.

V Garage with locking facilities shall be included in the calculation of floor space for determining the requirement of parking space, unless this is provided in the basement of a building or under a building constructedon stilts with no external walls.

The parking spaces to be provided shall be in addition to the openspaces (setback) required around a building under these bye laws.

vi Misuse of the area specified for parking of vehicles for any other use shall be summarily removed / demolished by the Authority.

vii For parking spaces in basements and upper storey of parking floors, at least two ramps of minimum 3.6 m width or one ramp of minimum 5.4 m width and in maximum 1:10 slope shall be provided. Such ramps may bepermitted in the side and rear setbacks after leaving 3.60 meter space for movement of fire-fighting vehicles. Access to these may also be accomplished through provisions of mechanical lifts. The slab over whichthe fire tender shall move shall be cable of taking the load of fire engine, fire vehicle of atleast 45 tonnes.

ix Up to 10% of cellar may be utilized for utilities and non-habitation purpose like A/C plant room, Generator room, Electrical installations, laundry etc.

x At least 15% of the parking space in group housing, apartment buildings shall be earmarked for visitors. Such parking space shall be indicated by painting "Visitor"s parking" on the floor. The Visitors parking facility shall be open to all visitors and shall not be settled with any occupant.

xii All buildings with a height of 15 m and above will have parking space earmarked for ambulance, fire tender and physically challenged persons. Such spaces shall be clearly

indicated by painting on the floor the purpose for which the parking space is reserved.
Xii Apart from use of Basement for Services/Parking/ Storage, it may be used for other activities like library, Study Room, Games Room and Laundry only in case of Residential and Institutional Buildings.

1.1.1. Heritage byelaws/ regulations/ guidelines if any available with local bodies

A. As per the **Bihar Building Byelaws 2014:**

i. In chapter II (Administration), Section 20 (Construction near protected monuments), the following has been mentioned:

a. No construction or re-construction of any building, within a radius of 100 meters, or such other higher distance from any archaeological site, as may be decided by the Archaeological Survey of India and Bihar State Art, Culture and Youth Department from time to time, from the outer boundary of a declared protected monument shall be permitted.

b.(i) No construction above 1st floor and above 7 (seven) meters shall be allowed beyond a radius of 100 meters and within a radius of 300 meters of such monuments.

(ii) The construction or reconstruction of any building under sub-bye law (2) shall not be above 7 (Seven) meters of total height.

1) Notwithstanding anything contained in the sub-bye law (1) & (2) above, construction/re-construction/addition/alteration shall be allowed on production of clearance from A.S.I./State Archaeology Department as the case may be.

2) If a building or premises, not covered under The Ancient Monument Preservation Act, 1904, or The Ancient Monuments and Archaeological Sites and Remains Act, 1958, in the opinion of the Authority, is of historical or architectural interest, and is in danger of being demolished or altered or likely to be affected in its character by a development, the Authority shall not grant permission for construction over any land situated near the said building or premises. The matter shall be referred to the Art Commission, whose decision shall be final.

3) These provisions shall apply mutatis mutandis in respect of archaeological sites notified by the Art Commission.

4) An appeal against the decision under sub-bye law (4) shall lie with the respective Tribunal under the Act or the Municipal Act.

ii. In chapter IV (General Requirements), Section 49 (Heritage Zone), the following has been mentioned:

1) The Authority may notify the Heritage Zones in consultation with the Archaeological Survey of India, State Department of Art Culture and Youth and the Art Commission.

2) Conservation of Heritage Buildings, Heritage Precincts and Natural features: Conservation of buildings, artifacts, structures, areas and precincts of historic and /or aesthetic and/or architectural and /or cultural significance (Heritage buildings and heritage precincts) and/or natural features of environmental significance shall be taken up by the Authority in accordance with the relevant provisions in-force and those framed from time to time.

iv. (**Restriction on construction of Multi-storied building**), the following has been mentioned:

(3) Before commencement of these bye laws, where permission has been granted conditionally, such cases shall be dealt with under corresponding provisions of these Bye laws without any major change, or removal of construction, subject to the condition where violation of Heritage Zone conditions has occurred, this relaxation shall not apply.

v. In chapter V (Additional Requirements for safety and services)), Section 57

1.1.2. Open spaces

A. As per chapter IV (General Requirements), **Section 36 (Minimum setbacks for high rise buildings)**, of the Bihar Building Byelaws 2014, the following has been mentioned:
For high-rise/ multi-storied buildings, the open spaces around the building unless or otherwise specified shall be as given in the Table14.

Table 12- Minimum exterior open spaces around the buildings for all type of high rise Buildings unless otherwise specified

Sl. No.	Height of the Building (m.)	Exterior open spaces to be left out on all sides in m.	
		front setback	Side and back
1	More than15 and upto 18	6.5	4.5
2	More than 18 and upto 21	7.5	4.5
3	More than 21and upto 24	8.0	5.0
4	More than 24 and upto 27	9.0	6.0
5	More than 27 and upto 30	10.0	7.0
6	More than 30 and upto 35	11.0	7.0
7	More than 35 and upto 40	12.0	8.0
8	More than 40 and upto 45	13.0	8.0
9	More than 45 and upto 50	14.0	9.0
10	More than 50	15.0	9.0

2) In no case the minimum setbacks shall be less than those specified in Bye Law 37 for high rise buildings in the mentioned category.

3) In case of multi storied buildings the exterior open space around a building shall be of hard surface capable of taking load of fire engine weighting up to 45 tonnes.

B. As per chapter IV (General Requirements), **Section 37 (General Conditions for Setback)**, of the Bihar Building Byelaws the following has been mentioned:

1. The minimum distance between two buildings will not be less than l/3rd of the height of the taller building or 18m whichever is lower. However the minimum width of the internal road shall not be less than 4.5 meters. In all cases, the width of such open space between the buildings on a plot shall not be less than the setback specified for the tallest building subject to a minimum of three meters within a plot.
2. The setbacks/open spaces for other occupancies shall be as below;
    a. **Educational buildings** - In case of educational buildings the open spaces around the building shall not be less than 6 meter. The front set back shall be 9 meters.
    b. **Institutional buildings** - The open spaces around the building shall not be less than 6 m. The front setback shall be 9m.

c. **Assembly buildings**- The open space in front shall be not less than 12m and the other open spaces around the building shall not be less than 6m.
d. **Malls and Multiplex**– The front set back shall not be less than 12 m, the rear set back shall not be less than 7 m and the side set back shall not be less than 7m.
e. **Commercial & Storage buildings** - In case of plots with more than 1000 sq.mtr. area, the open spaces around the building shall not be less than 6.0m. The front setback shall be 9m. In all other cases it shall be as per Table 10.
f. **Industrial buildings** –The setbacks shall be as per Table 12 and 13.
g. **Hazardous occupancies** - the open spaces around the building shall not be less than 9 m. The front set back shall be 12m.
h. **Slum Improvement-**The setback norms shall not apply to slums taken up under an approved programme of the Government subject to the specific sanction of the Government.
i. **IT, ITES Buildings-**Abutting on 12 m R/W or more R/W the setback, height, number of floors and FAR shall be applicable as per commercial building in respect of corresponding road width.

1) The setbacks shall be calculated on the basis of highest provision of setback mentioned either in the above table or mentioned in these Bye Laws.
2) The setbacks are to be left after leaving the affected area of the plot/site, if any, for road widening.
3) Where a site abuts more than one road, then the front setback should be insisted towards the bigger road width and for the remaining side or sides, Side and rear setback shall be insisted.
4) For Plots above 300 sq.m a minimum 1m wide continuous green planting strip in the periphery sides are required to be developed and maintained within the side or rear setback.
5) For narrow plots having extent not more than 400 sq.m and where the length is 4 times of the width of the plot, the setbacks on sides may be compensated in front and rear setbacks so as to ensure that the overall aggregate setbacks are maintained in the site, subject to maintaining a minimum of side setback of 1m in case of buildings of height up to 10 m and minimum of 2m in case of buildings of height up to 12 m without exceeding overall permissible plinth area.
6) The master plan/development plan/zonal plan shall also specify a building line for various areas. The setbacks shall accordingly be changed without reducing the minimum required setbacks under these bye laws.

C. As per chapter IV (General Requirements), **Section 45 (Exemption in Open space)**, of the Bihar Building Byelaws the following has been mentioned:

1) Every open space provided either in the interior or exterior in respect of any building shall be kept free from any erection thereon and shall be open to the sky and no cornice, roof, or weather shade of more than 0.75 m. in width shall overhang or project over such open space.
2) A portico of up to 2.5 m. width and 4.6 m. length with a minimum height of 2.4mfrom the plinth level may be permitted within the side setback. A garage is permissible at the rear end of side open space provided no openings are located on

the side and rear boundary. Access to the top of the portico/garage should not affect the privacy of the neighboring plot.

3) The portico provided as above should not rest on the boundary wall and should be open to provide through access to the rear. In case the Portico is not a cantilevered one and supported by pillars the area shall be included in the FAR.
4) No projected balcony shall be allowed on setback less than 1.5 meters. Projected balcony shall be allowed with a width of 0.6 meters where the setback is between 1.5 meters to 2.5 meters. For setback more than 2.5 meters projected balcony shall be allowed with a width of 0.9 meters. Projected balcony shall only be allowed on the second floor and above floors. It may be allowed on first floor subject to condition that it shall not obstruct the clear vehicular and pedestrian movement around the building including movement of fire tender. 50% of the area on the projected balcony shall be taken into account for calculation of floor area.

1.1.3. Mobility with the prohibited and regulated area- road surfacing, pedestrian ways, non-motorised transport, etc.

No specific guidelines are made in the above said act and regulations regarding mobility within the prohibited and regulated area- roads facing, pedestrian ways, non-motorised transport, etc. However for road widths and means of access, the details are already stated in the above paras (sub- section 3.2.1. and 3.2).

1.1.4. Streetscapes, facades and new construction

There is no specific account made in the above said act and regulations regarding facades. However for streetscape and new construction, the details are already stated in the above paras (sub- section 3.2.1. and 3.2.3.).

ANNEXURE IV

Development plan as available by the local authorities

No zoning has been done for the area in the local area development plans/ acts/ rules. Moreover, a total station map has been provided by the ASI Patna Circle for the monument, showing the location of the monument, along with the protected, prohibited and regulated boundaries.

ANNEXURE V

View of the monument

View of the surroundings of the monument - North

View of the surroundings of the monument - East

View of the surroundings of the monument – South [100 m]

View of the surroundings of the monument – South [100-300 m]

View of the surroundings of the monument – West