**F.No. 15-266/NMA/HBL-2023**
**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 **"Ancient Buddhist site of Sarnath including Dhamekh Stupa, the monasteries and other excavated remains, Village-Ganj, District - Varanasi"** 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, Sarnath Circle **www.asisarnathcircle.org**

2. Any person having any objections or suggestion 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 14th September, 2023. The person making objections or suggestion should also give their name and address.

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. 14th September, 2023, in consultation with Competent Authority and other Stakeholders.

Marwaha
(Col. Savyasachi Marwaha)
Director, NMA
14th August, 2023

**GOVERNMENT OF INDIA**
**MINISTRY OF CULTURE**
**NATIONAL MONUMENTS AUTHORITY**

# Draft Heritage Bye-laws for Ancient Buddhist site of Sarnath including Dhamekh Stupa, the monasteries and other excavated remains, Village-Ganj, District - Varanasi

**GOVERNMENT OF INDIA**
**MINISTRY OF CULTURE**
**NATIONAL MONUMENTS AUTHORITY**

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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 **"Ancient Buddhist site of Sarnath including Dhamekh Stupa, the monasteries and other excavated remains, Village-Ganj, District - Varanasi",** prepared by the Competent Authority, are hereby published 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 **"Ancient Buddhist site of Sarnath including Dhamekh Stupa, the monasteries and other excavated remains, Village-Ganj,District - Varanasi."**

(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.

**1.1Definitions:-**

(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 or 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;

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

(d) "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;

(e) "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;

(f) "prohibited" means means any area specified or declared to be a prohibited area under section 20A;

(g) "prohibited area" means any area specified or declared to be a prohibited area under section 20A;

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

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

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

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

(l) “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 or the rules made their under.

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## 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:**

**GPR Coordinates: Lat. 25° 22' 51.14" N Long. 83° 01' 28.28 E.**

The Centrally protected monument namely Ancient Buddhist site of Sarnath including Dhamekh Stupa, the monasteries and other excavated remains is located at village, Ganj, Sarnath. This monument is situated at 13 kilometres away from district headquarters Varanasi, Uttar Pradesh, India. Nearest Railway station is Sarnath Junction and nearest Airport is Lal Bahadur Shashtri International Airport, Babatpur Varanasi connecting to all major cities of India.

**Ancient Buddhist site of Sarnath including Dhamekh Stupa, the monasteries andother excavated remains, Village- Ganj, District – Varanasi**

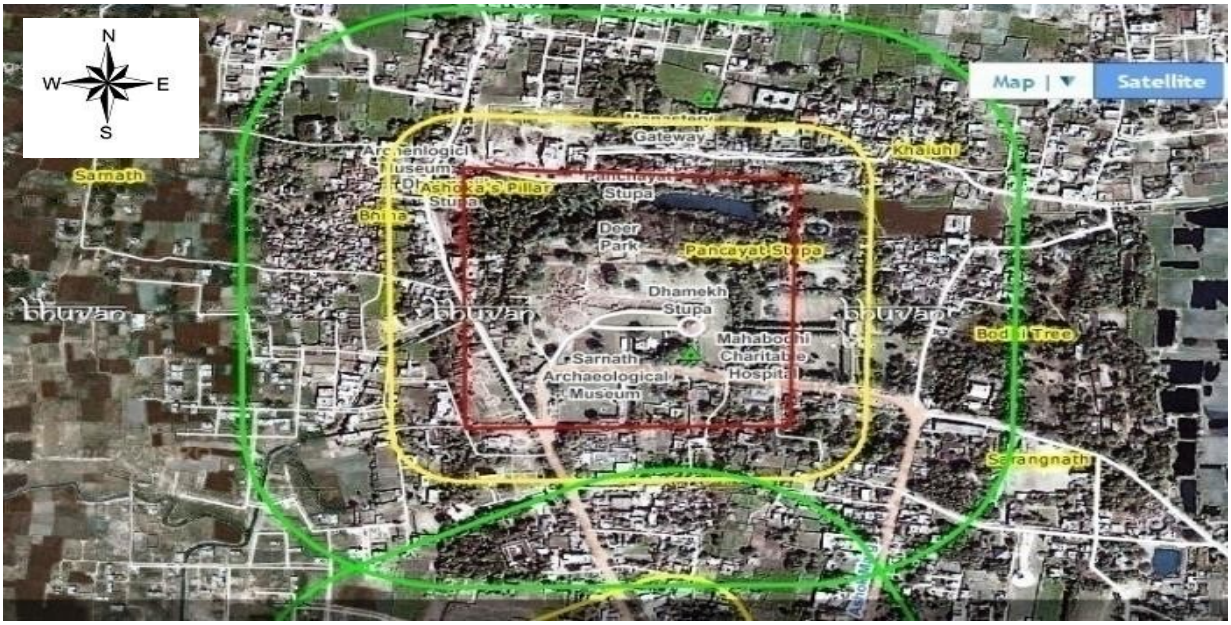


**Figure 1, Google map showing location Ancient Buddhist site of Sarnath including Dhamekh Stupa, the monasteriesand other excavated remains, Village- Ganj, District - Varanasi**

### 3.1 Protected boundary of the Monument:

It may be Seen at **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:

Sarnath is one of the most sacred places in the history of Buddhism. According to beliefs it is the place Where "Gautam Buddha after attaining enlightenment at Bodhgaya", gave his first Sermon to his previous companions who deserted him in Bodhgaya. This first sermon is known in the Buddhist chronicles as Dhammachakkapavattan which is the source of name "Dhamekh" Therefore this monument along with other sites of sarnath , forms a part of religious site. on the behalf of the history even after the period of "Buddha", the great Mauryan Emperor- Ashoka (273-32 BC)" who himself was a believer/follower of "Buddhism" also

raised many structures including" Dharmrajika stupa" and " the monolithic pillar surmounted by a lion capital.

In addition to this, the relics and remains also dictates that the famous ruler "Harsh Vardhana (606-47 AD)", who ruled in the northern part of India must have initiated fresh religious activities and restoration of the earlier building at this place. Moreover, the large monastery - "Dharmachakra-Jina Vihara" existing inside the protected limit is said to be built by "Kumara Devi" - wife of "Govinda Chandra (1114 – 1154 AD)" of the "Gahadavalas" dynasty. Whereas, it is also stated that in 1798 AD, the commissioner of Benares – "Mr. Duncan" visited this site in account of a casket of green marble inside a stone box, which was explored by the workmen of "Jagat Sing" – Diwan of "Raja Chet Singh from Banaras" who dismantled "Dharmarajika Stupa" in 1794 AD, so as to procure building materials.

Later on, many excavations were carried out in Sarnath by; Alexander Cunningham (1835-36), Major Kittoe (1851-52), Mr. C. Horne (1865), Mr. F.O. Oertel (1904-05) Sir John Marshall (1907), Mr. Hargreaves (1914-15) and Mr. Dayaram Sahni (1927-32). In, short as a result of these serial excavations, many old structures, remains including seven monasteries, Dhamekh Stupa, Dharmarajika Stupa, Apsidal Chapel, Ashoka pillar, Chankama Panchayatan temple, monolithic railings, cluster of votive stupas, number of sculptures, inscription, architectural members and other antiquities ranging in date from 3rd Century BC to 12th Century AD were discovered.

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

Dhamekh Stupa: Dhamekh Stupa is an imposing cylindrical structure having 28.5m wide base and 33.5m tall height. It's lower half portion is adorned with a broad belt of carved ornament consisting of an intricate geometric design with floral arabesques above and below it. This whole body of carving is singularly vigorous & exquisitely beautiful, while the upper portion is made of baked bricks. Inside the stupa, eight stairs are present constructed, which seems to possess statues of "Gautam Bhuddha" in earlier time. The architecture of stupa can be easily related to "Gupta" period and, during the time of excavation carried out by Alexander Cunningham (1835-36), remnants of stupa made from "Mauryan" soil were also found in the central part of Dhamekh Stupa. In addition to it, a slab dating to 6th and 7th century was also discovered, with some inscriptions read as- "Ye Dhamm Hetu Prabhava". According to Alexander Cunningham, the original stupa was about 49 feet in diameter, having a height of 40 feet and its foundation is about 28 feet below the present ground level.

Dharmarajika Stupa: Another stupa known as – "Dharmarajika Stupa", is one of the 84000 Stupas which were believed to be constructed by "Ashoka (273-32 BC)", who himself collected the relics of "Gautam Bhuddha" from the old existing stupas and established these numerous new ones on same relics. Initially, the diameter of this stupa was only 13.49 meter which was increased in 7 constructional phase and extended to 29.5 meter.

Mulgandh Kuti: An old ruined temple named "Mulgandh Kuti" is also present inside the protected boundary, which is defined as the place of meditation of "Gautam Budhha". It was built on a square plan of measuring side about 18.29m. From the remaining parts of temple, a veranda and a hall can be easily traced in the front side and according to "Hiuen-Tsang (a Chinese scholar/monk)" who visited this site during the period of "Harsh Vardhana (606-47 AD)", the height of temple was supposed to be around 61m, which was supported by massive walls. Like "Dhamekh Stupa", this temple can also be related to "Gupta" period". It was built using composite masonry brick and the exterior surface was decorated with offsets, inserts and carved stones

Ashoka Stambh: Moving few distance ahead in the west direction of "Mulgandh Kuti", some remains of the famous monolithic pillar – "Ashoka Stambh" which was also established by the great Mauryan Emperor – "Ashoka" are also present. The pillar shaft is monolithic, while the upper portion containing inverted lotus,

abacus and pillar capital are probably carved out of single stone. It is believed that originally, this monolithic pillar was crowned by a lion capital and possessed a height measuring 15.25m.

Monasteries: Till date seven monasteries have been exposed in course of various phases of archaeological excavation dating back to “Kushan” period to “Gahadwal” period. Most of them possess a uniform plan consisting of a central courtyard followed by corridor all around and surrounded with cells. But, their sizes vary from each other.

Apsidal Chapel: Made out of bricks, this structure is also exposed towards the western side of the complex, having a length of 25m and width 4.5m. This is one of the earliest structure of the site and can be related to “Mauryan” or “Sunga” period.

Votive Stupas: Fairly a large number of votive stupas having various shapes and sizes are also present exposed at the site. They are around 350 in numbers, lying scattered all around the “Dharmarajika Stupa” and “Mulgandh Kuti”.

## 3.4 Current Status:

### 3.4.1 Condition of the Monument- condition assessment:

The monument is in a good state of preservation.

### 3.4.2 Daily footfalls and occasional gathering numbers:

The average no. of visitors at the monument is 1500 per day however in the months ofJuly, August (Saavan) approx. 2000 nos. of

# CHAPTER IV

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

### 4.0 Existing zoning:

Under the "Varanasi Mahayojana – 2031", the various heritage monuments and sites are categorised under the "Heritage Monuments/Archaeological Site" zone. Also, the land on which our centrally protected monument "Ancient Buddhist site of Sarnath including Dhamekh Stupa, the monasteries and other excavated remains, Village- Ganj, District – Varanasi" stands is marked as "Heritage Site", a sub section of "Heritage Monuments/Archaeological Site" zone.

### 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 **Annexure I**

### 5.1 Analysis of surveyed data:

#### 5.1.1 Prohibited Area and Regulated Area details and their salient features:

Protected area: 211861.027 sqm

Prohibited area: 215903.837sqm. Regulated area: 620342.62 sqm.

**Salient features:**

**The height of the monument Dhamekh Stupa is 32 m from ground.**

12 wide road with open spaces surrounds the east of prohibited area. In north, the regulated area comprise Mulagandha Kuti Vihar, Deer park, Khanda Kuti Library, Bussha Temple by Mhahbodhi Society and Japanese temple etc.

The stupa covers an area of approximately 1122sqm it has typical hemispheric stupa with umbrella and railing. It is made up of concentric layers of wedge shaped brick. Several temples come in the prohibited area which are Birla, Dharmshala, Guru Bhumi temple, Tibbtean temple, Japan Srilankan Buddhist temple. Other building that comes in the prohibited area are CA quarter, CA office, hotel pathik niwas. A few acres of agriculture land also come in prohibited area. Krishna Nagar colony, Buddha Museum, Buddha temple, Lotus Nikko hotel, the Royal Residency, agricultural land and forest land also comes in Regulated area.

The surrounding area consist of pukka houses and other commercial and religious buildings built in conventional RCC construction. The built up area consist of residencies generally G+1 or G+2. The commercial area consists of shops, Hospital, Clinics, Raj English School and St. Thomas International School Damodarpur, Mahabodhi Inter College, Vaishali Restaurant Sarnath Thana and Post office etc. Few important temples and parks come in its prohibited and regulated area like in south there is Sarnath art gallery, Sankat Mochan Hanumam Temple, Sarnath museum, Vishwa shanti stupa.

In north there is Deer park, Golden temple, Brahmakumaries Global light house, Wat Thai Sarnath temple lies in west and Post office, Sarnath Rahi tourist banglow lies in the east of the monument.

#### 5.1.2 Description of built up area:

**<u>Prohibited Area:</u>**

**North -** In north side of the Prohibited boundary lies the Deer park.

**South -** Archaeological garden, Sarnath museum, built up area in from of residential, commercial, religious building and agriculture land comes in prohibited boundaries.

**East-**In prohibited area, there are some hotels, Residential areas, BudhhaMuseum, and Temples.

**West-**CA Quarters, temples lies in this direction.

**In Regulated area:**

**North -** In regulated area lies forest land (Jina Vihar) school building, temple and otheropen parks

**South -** Archaeological garden, Sarnath museum, built up area in from of residential, commercial, religious building and agriculture land comes in regulated area.

**East-** Hotels and residential area lies in this direction.

**West-** Colonies, agriculture land lies in Regulated area of this direction.

### 5.1.3 Description of green/open spaces:

**North -** In North of Stupa lies Deer park. Besides it also has architectural remainsand excavated areas.

**South –** Open space in form of marriage lawn lying in South direction. Vast open area

around the buildings and appreciable open space is available around Baudh Sadhna Kendra in South west direction.

**East-**In the East lies Mulgandh Kuti vihar.

**West-**West direction of Stupa has architectural remains and excavated areas.

### 5.1.4 Area covered under circulation- roads, footpaths etc.:

In backside i.e in east direction Dhammekh Stupa is approached by Moolgandh Kuti Vihar road. The Stupa is accessible by two side. In front it is accessed by 4.5m road joining the main road. At backside i.e. in the east it is approached by Mulgandh Kuti Vihar road which is a pedestrian road which connects Dharampal monument. The approach road to Dharampal moument joins the main 12m wide Dharampala road. TheRishipattan road divides into Sarnath Munrai road and Dharampala road. The Dhamekh Stupa is approached in front i.e. in west direction by Dharampala road. The same road even leads to Jain temple also.

### 5.1.5 Heights of buildings (Zone wise):

**Heights of building (Zone wise)**

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

**East:** Maximum height is 10m.

**West:** Maximum height is10 m.

**North:** Maximum height is 7m.

**South:** Maximum height is 10 m.

**200m - 300m from first regulated limit: (Second regulated area)**

**East:** Maximum height is 13m.

**West:** Maximum height is13 m

**North:** Maximum height is 7m.

**South:** Maximum height is 10 m.

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

No state protected monument comes in the nearby area.

### 5.1.7 Public amenities:

Museum, toilet and drinking water, signages, seating arrangement and culturalnotice board are available at the site.

### 5.1.8Access to monument:

Monument is directly accessed by a metalled road. Inside the monument too,pathway is also provided for the movement of visitors.

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

Water supply, storm water drainage, sewage are provided but there is no proper car parking and solid waste management system provided.

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

There is no particular rule and clause defined in Varanasi master plan 2031 specifically for ASI protected monument. General rule will be applicable for anydevelopment 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 Historical significance of monument is that it forms a part of a sacred place where "Gautam Buddha" after attaining enlightenment at "Bodhgaya", gave his first sermon to his previous companions who deserted him in Bodhgaya. Apart from this, the various remains of structures which are said to be built in later periods by various rulers from Maurya Dynasty, Gahadavalas dynasty and etc., who believed in "Budhhism", also add an immense historical value to the monument.

Further, monument holds a great architectural and archaeological significance as the various structures and remains dating from 3rd Century BC to 12th Century AD which include stupas, temples, monasteries, chapel, monolithic pillar, monolithic railings, cluster of votive stupas, sculptures, inscriptions, architectural members and other antiquities found during excavations, give a scope to unveil the typical planning/designing and construction styles carried out in the by-gone era, which seems to be highly influenced by religious beliefs and activities.

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

Since the city is towards urbanization, not much construction is done in the regulated area but in near future if this construction is not regulated the monument can become sensitive towards, developmental pressure, urbanisation and population pressure.

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

Since the altitude of the monument is higher than the surrounding area, it is clearly visiblefrom all the side of regulated area except from east side due to Kutivihar temple. Area within the prohibited and regulated is mostly clear however few buildings within regulated area are up to G+1 or G+2 level. So monument is almost visible from the regulated area.

### 6.3 Land-use to be identified:

Most of the area around the monument at east, north and south sides are open with greenland developed by garden and landscaped by the local body under which control it comes. But few houses and residential buildings are also found here and there.

### 6.4 Archaeological heritage remains other than protected monument:

No archaeological remains have been noticed in prohibited and regulated areas.

### 6.5 Cultural landscapes:

Due to construction of modern houses and other buildings nearby the monument, site has lost its cultural landscape.

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

Due to construction of modern houses and other buildings nearby the monument, site has lost its cultural and natural landscape. Although at the east, north and south sides someopen land are available.

**6.7 Usage of open space and constructions:**

As stated above that most of the area around the monument at east, north and south sides are open with green land developed by garden and landscaped by the local body under which control it comes. But few houses and residential buildings are also found here and there.

**6.8 Traditional, historical and cultural activities:**

No traditional and cultural activities are organised here except occasional gatherings of Buddhist monk for meditation.

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

Monument site is not visible from far distance whereas top of Dhamekh Stupa can be seen from its regulated area of east, north and south sides.

**6.10 Vernacular Architecture:**

There is no Vernacular architecture in extent in the surrounding of the site, except modern buildings.

**6.10 Vernacular Architecture:**

There is no Vernacular architecture in extent in the surrounding of the site, except modern buildings.

**6.11 Developmental plan, as available, by the local authorities:**

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

**6.12 Building related parameters:**

a) **Height of the construction on the site: -**

| Direction | Present Height in first regulated area in meters | Recommended Height in first regulated area in meters | Present Heightin second regulated area in Meters | Recommended Height in second regulated area in Meters |
|---|---|---|---|---|
| **East** | 10 | 12 | 10 | 15 |
| **West** | 10 | 12 | 10 | 15 |
| **North** | 7 | 12 | 7 | 15 |
| **South** | 10 | 12 | 10 | 15 |

Note:

1. The above mentioned height of the building excludes the height of parapetwall, mumty and water tank which should not be more then 2.5m
2. A part from this National Monument Authority can take its final decision.

**b)-FloorArea:-** sqm to 400 sqm.

**c) Usage:** Construction should be allowed only for residential purpose. Residential andresidence with shops on ground floor should be permitted in the regulated area. Institutional building like schools should be permitted. Guest houses, hotels and shops coming under commercial buildings are permitted in regulated area.

**d)-Façade design:** Facade should be matching with the natural ambience of the monument. As the residences are not much far from the monument, they should match the aesthetics of the monument.

**e)-Roof design:** As there are no traditional houses nearby the restricted area around the monument. Henceforth prevailing design can be allowed in the restricted zone.

**f)-Building material:** The modern construction material which is locally or easily available, in the market can be allowed.

**g)-Colour:** The monument is a brick structure hence the colour of the proposed construction should match with the monument.

**6.13 Visitors facilities and amenities** Museum, publication counter, Toilet, water facility, Pathway, signages, and cultural noticeboard are available at the site.

# CHAPTER VII

## Site Specific Recommendations

### 7.1 Site Specific Recommendations:

**a) Setbacks:**

- The front building edge shall strictly follow the existing street line. The minimum open space requirements need to be achieved with setbacks or internal courtyards and terraces.

**b) Projections:**

- No steps and plinths shall be permitted into the right of way at ground level beyond the obstruction free' path of the street. The streets shall be provided with the obstruction free' path dimensions measuring from the present building edge line.

**c) Signages:**

- LED or digital signs, plastic fibre glass or any other highly reflective synthetic material may not be used for signage in the heritage area. Banners may not be permitted, but for special events/fair etc. it may not be put up for more than three days. No advertisements in the form of hoardings, bills within the heritage zone will be permitted.
- Signages should be placed in such a way that they do not block the view of any heritage structure or monument and are oriented towards a pedestrian.
- Hawkers and vendors may not be allowed on the periphery of the monument.

### 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 Ancient Buddhist site known as Chaukhandi stupa, village-Ganj Baraipur, Pargana Sheopur, Tahsil Benaras, District Varanasi**

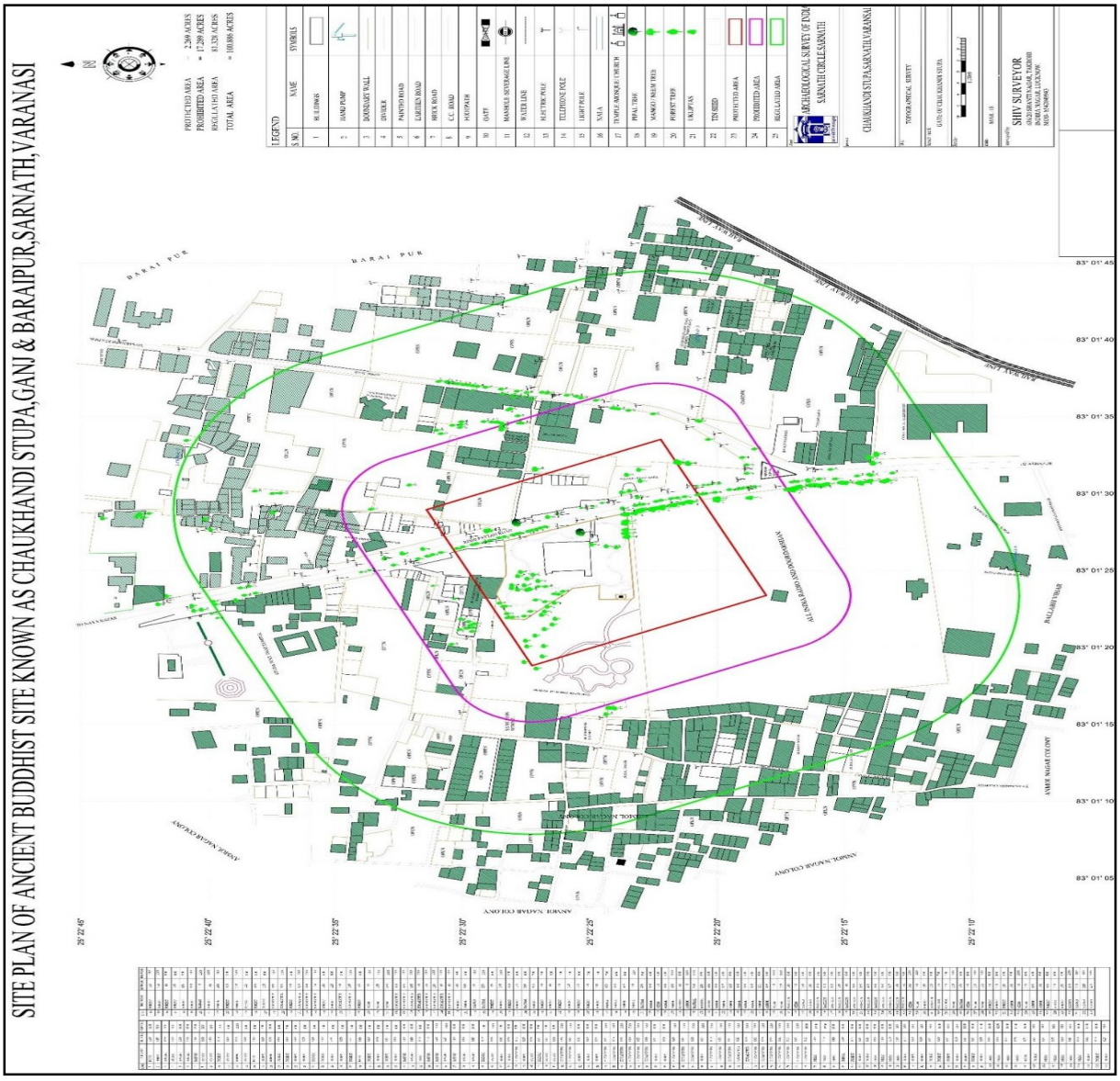


**Figure 1, Contour Plan showing protected boundary of Ancient Buddhist site known as Chaukhandi stupa, village- Ganj Baraipur, Pargana Sheopur, Tahsil Benaras, District Varanasi**

**ANNEXURE II**

**Notification as per ASI records-definition of Protection Boundaries**

PUBLIC WORKS DEPARTMENT.
BUILDING AND ROADS BRANCH.

Dated Allahabad, the 13th February, 1907

No.342M/367.- In exercise of the powers conferred by section 3(1) of the Ancient Monuments Preservation Act(VII of 1904), His Honour the Lieutenant-Governor is pleased to declare as protected the Ancient Buddhist Site known as the Chaukhandi Stupa in mauzas Ganj and Baraipur, Pargana Sheopur, Tahsil Benaras, district Benaras, with an area of 22.96 acres, including Government land measuring 5.73 acres, and bounded as follow :-

| | |
|---|---|
| On the North -East - | By a straight line starting from the centre of the east boundary of field No.57 in mauza Ganj, crossing fields Nos.132, 133,135 of Mauza Baraipur, and Nos.59,60 and 66 of Mauza Ganj, and term minating in the centre of field No.66 in mauza Ganj. |
| On the South-East- | By a straight line starting from the centre of field No.66 in Mauza Ganj, crossing fields Nos.66,78,79,81,82,83, 84,86 and 85, and terminating at the centre of West boundary of field No.85 in Mauza Ganj. |
| On the South-West- | By a straight line starting from the centre of the West boundary of field No.85 in Mauza Ganj, crossing fields No.176,88,89,115,114,112 and 97 and terminating in the centre of field No.97 in Mauza Ganj. |
| On the North-West - | By a straight line starting from the centre of field No.97 in Mauza Ganj, crossing fields Nos.97,96,100,58,56 and 57 terminating at the centre of the East boundary of field No.57 in Mauza Ganj. |

By order of the Hon'ble the Lievt.-Govr., United Provinces,

A.R. SUTHERLAND,

Secretary to Government, United Provinces.

Typed copy of Notification

**PUBLIC WORKS DEPARTMENT**
**BUILDING AND RAODS BRANCH**,

**Dated Allahabad, the 13th February, 1907**

**No.342M/367.- In exercise of the powers conferred by section 3(1) of the ancient monuments preservation Act (VII of 1904), His Honour the Lieutenant-Governor is pleased to declare as protected the ancient Buddhist site known as the Chaukhandi Stupa in mauzas Ganj and Baraipur, Pargana Sheopur, Tahsil Benaras, district Benaras, with an area of 22.96 acres, Including Government land measuring 5.73 acres, and bounded as follow:-**

**On the North-East:** **By a straight line starting from the centre of the east boundary of field no.57 in Mauza Ganj crossing field nos. 132,133,135 of Mauza Baraipur and nos. 59,60 and 66 of Mauza Ganj and terminating in the centre of field no 66 in Mauza Ganj.**

**On the South-East:** **By a straight line starting from the centre of field no. 66 in Mauza Ganj crossing fields nos.66,78,79,81,82, 83,84,86 and 85 and terminating at the centre of westboundary of field no.85 in Mauza Ganj.**

**On the South-West:** **By a straight line starting from the centre of the west boundary of field no.85 in Mauza Ganj, crossing fields nos. 176,88,89, 115,114,112 and 97 and terminating in the centre of field no.97 in Mauza Ganj.**

**On the North-West:** **By a straight line starting from the centre of field no.97 in Mauza Ganj, crossing the fields nos.97,96,100,58,56 and 57 terminating at the centre of the east boundary of field no.57 in Mauza Ganj.**

**By order of the Hon'ble the Lievt.-Govr., United Ptovinces,**

**A.R. SUTHERLAND,**

**Secretary to Government, united Provinces.**

**Existing guidelines of the local bodies/status of**

**Permissible Ground Coverage, FAR/FSI and Heights with the Regulated area for new construction, Set Backs.**

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 act-1973"** in the **"Development Authority Building Construction and Development sub method-2008"** under the clause 1.1.2 and 1.1.1 respectively.

⇨ As per the Development Authority Building Construction and Development sub method-2008 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 |
| **Detached** | 500 to 1000 | 6.0 | 6 | 3 | 1.5 | 1.25 |
| | 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 % | F.A.R. |
|---|---|---|---|
| **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 flat area 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 flat area in Sqm. | Ground cover in percent (%) | FAR |
|---|---|---|---|
| **New/Undeveloped Area** | 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 in Sqm. | Set Back (In Meters) | | | |
|---|---|---|---|---|
| | front | Rear | Side1 | side2 |
| **Up to 200 ( Except Commercial)** | 3.0 | 3.0 | - | - |
| **201 - 500 (Including Commercial)** | 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 | Set Back in Meter | | | |
|---|---|---|---|---|
| In Sqm. | Front | Rear | Side 1 | Side 2 |
| 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 (m) | Setback left around the Building (m) |
|---|---|
| 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:**

- Basement shall not be used 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 neighbouring property should be 2m away from the property where basement has to be constructed.

For different type of buildings the construction of basement should be accordingly:

| 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 allowedin 4000 Sqm. area of land andfor land more than 4000 Sqm. area 3 basement are allowed |
| | | 2. Industry | Same as ground coverage |
| | | | and 50 percentof the basement will be counted in F.A.R. |
| | | 3. Public Amenities | Double basement |

⇨ **Parking Facility:**

1. The provision of parking will be given according to the residential site area:

| Construction area of residential unit | 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 % | F.A.R. |
|---|---|---|---|
| **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 |
| | Central Business District | 50 | 1.50 |
| | | 40 | 1.75 |
| | | 30 | 2.00 |
| **B** | New / undeveloped Area | | |
| | • Convenient shop | 50 | 1.50 |
| | • Neighbourhood/ Sectorshopping centre | 40 | 1.75 |
| | • District shopping centre/ Sub | 35 | 2.00 |

| | | | |
|---|---|---|---|
| | Central business district | | |
| | Central Business District | 30 | 5.00 |
| **3.** | **Official** | | |
| i. | Constructed Area | 40 | 1.50 |
| ii. | Developed Area | 30 | 2.00 |
| iii. | New/Underdeveloped area | | |
| | • Government & Semi government | 35 | 2.00 |
| | • Professional /Commercial office | 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 / Management institute | 35 | 2.00 |
| **5.** | **Community and Institutional facilities** | | |
| **A.** | Constructed / Developed area | 35 | 1.50 |
| **B.** | New / Underdeveloped area | | |
| | • Community hall, marriage hall& 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 |

**Heritage Bye-Laws/ regulations/ guidelines if any available with localBodies.**

As it has already been defined under chapter-3 in section 3.1.9, sub section (I) & (II), **Uttar Pradesh municipal planning and development act-1973** which is amended as **Development authority building construction and development sub method-2016**, that no permission will be given to any type of construction in prohibited area of ASI declared heritage or monument. Apart from this in regulated area the permission will be granted by ASI as per the rules of The AncientMonument and Archaeological Sites and Remain Act – 1958 (Amended and Validated in 2010) . Besides this for the smart city, **Varanasi development plan (2011-2031)** has also framed wherein provisions are made for new constructions.

**Open spaces.**

Open space area standards are mentioned in "Varanasi Development authority building construction and development sub method – 2018", sub section – 2.2.1 & 2.2.3:

Residential land-use: 15 percent of layout plan is left as open space as Tot-Lot, park and play ground.

Non Residential land-use: 10 percent of layout plan is left as open space as Tot-Lot, park and play ground.

Landscape Plan:

The trees will be planted at distance of 10m on one side along the road when the road width is 9m or less than 12m.

The trees will be planted on both side along the road when road width is more than 12m.

The area of the road left after divider, footpath etc. will be used to plant trees.

In commercial planning the 20 percent of open space will be reserved for greenery and 50 trees will be planted per hectare.

In the areas like institutional area, public amenities, playground, 20 percent of open area is reserved for greenery where 25 trees are planted per hectare.

**Mobility with the Prohibited and Regulated area – Road Surfacing Pedestrian Ways, non – motorised Transport etc.**

There are no specific guidelines and Bye-Laws available for the mobility within the prohibited and regulated area of Monuments within Sarnath. Travel needs in the city area are primarily catered by personalised modes two wheeler, 3 wheelers, bicycles, tempos, car, the smaller 4-seater auto-rickshaws, the auto-rickshaws, jeeps and vans (TATA Magic).

In Sarnath/Varanasi Development plan, few suggestions are mentioned for newly established mobility which is to be created commonly for city mobilization.

- The design must be simple and easy to follow by the road users. This is to say that the traffic flows must be streamlined and the paths to be followed must be clear and simple.
- Coordinate the design and traffic controls. The geometrics designstandards should conform to the type controls and regulatory measures adopted.
- Design must be consistent with local/neighbourhood objectives. The proposed design must be conforming to the local operating conditions like speed, composition and volume of traffic.

- Provide adequate sight distances to ensure safety in operation. The approaching vehicles must have adequate right distance to safely bring thevehicles to stop in case of need.

- Geometric design/proposal confined to available space without going in for land acquisition

**Streetscapes, facades and new construction.**

**Streetscapes and Facades:-**

There are no specific Bye-Laws and Guidelines available for the Streetscapes and Facades within the Prohibited and Regulated area. Although the General guidelines for new construction in accordance with urban smart city are mentioned in Varanasi Development plan 2011- 2031

**For New construction in accordance with urban smart city (As mentioned in Varanasi Development Plan-2011-2031)**

**Street view improvement:** Projects like underground utility duct would ensure improving the streetscape and better delivery of services. Façade development of the buildings will improve aesthetic look, the installation of heritage electricity poles, improved road signage board will increase street beauty. Providing citizens with smart parking areas at commercial zones would help to reduce the count of unregulated on-street parking. Development of façade and old design of lampposts and pedestrian friendly roads will enhance the street views.

• **Traffic de-congestion:** Projects like variable message Signs, new multi-level car parking, introduction of more e-rickshaw, battery buses, introduction of multi modal nodes, smart Parking Solutions for off street parking, smart parking Solutions for On Street Parking and Smart Ticketing would ensure reduction in traffic congestion and travel time. Place making: Projects like Road & Junction Improvements; pedestrian friendly path ways and cycle tracks would help in ease of movement of traffic and encourage walking & cycling.

• **Mobility nodes:** To facilitate bicycle and battery scooty hiring, free wifi, information centre, e-suvidha kendra- Public toilets, commercial areas, parking and solar based battery charging points for e-rickshaws. To introduce an inclusive concept where non-motorised transport (NMT) modes can be facilitate to avoid on road parking to gather commuters which results in traffic congestion. Introduction of solar led charging points to facilitate e-rickshaws to charge their vehicle.

• **Rejuvenating existing heritage areas:** Projects like reuse and rejuvenation of existing heritage buildings and water ponds will ensure usage of underutilized structures. Proper lighting, signages with heritage look and conservation of bazaars through façade improvements, public places, parking etc.

**Pedestrianisation & NMT (Non-motorized Transport):** Decongestion of traffic in walled city through restriction on entry of vehicles in daytime, improvements in the pavements for pedestrians, shared bicycling, promotion of heritage walks.

**ANNEXURE IV**

**Developmental plan as available by the local authorities.**

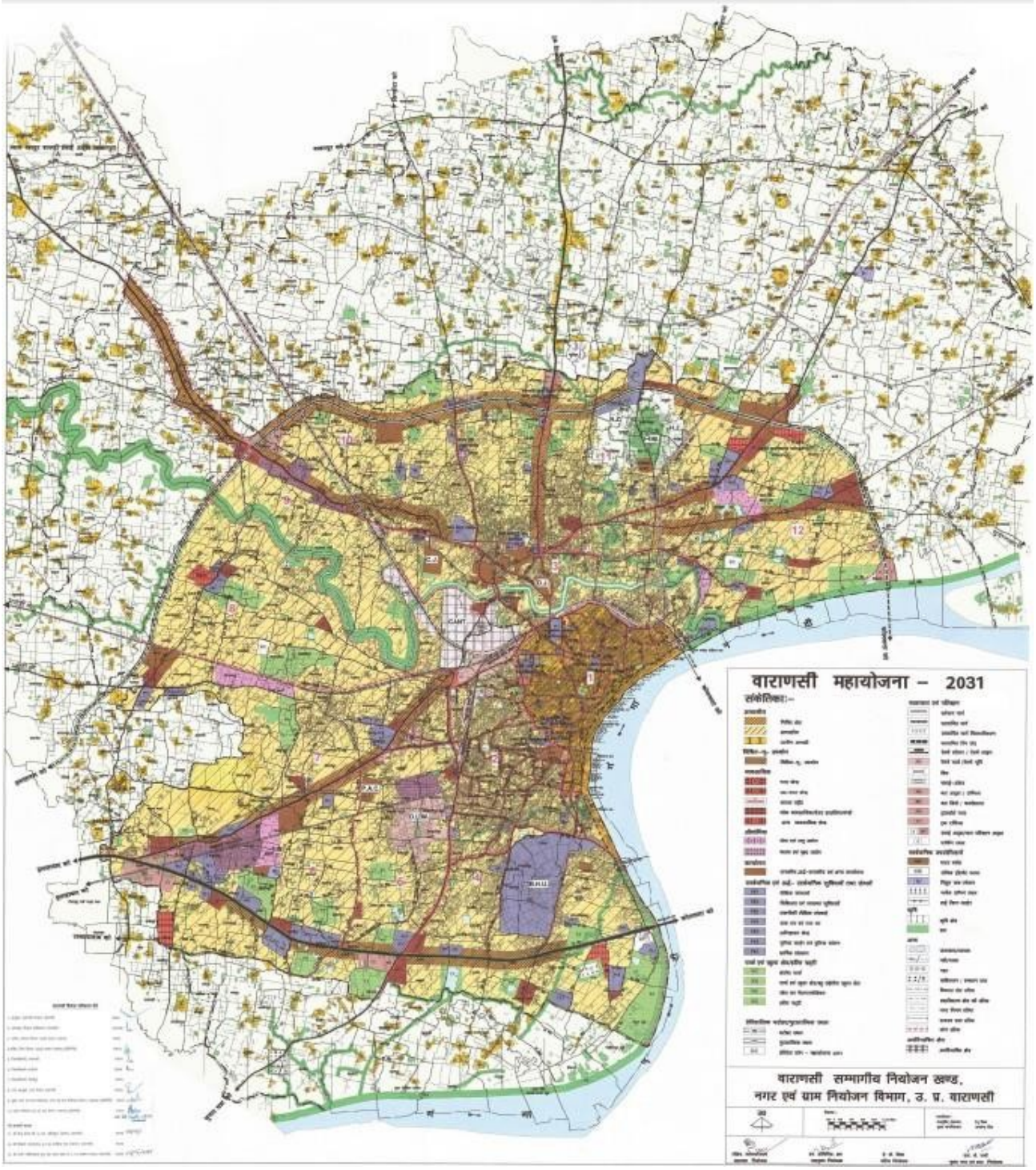


**Figure 4, City Development plan of Varanasi**

**ANNEXURE V**

**Plate 1, Views of Dhammekh Stupa**

**Plate 2, Views of Surrounding Area of Dhammekh Stupa**

Plate 3, Views of Surrounding Area of Dhammekh Stupa

Plate 4 Views of pathway going to Dhammekh Stupa

Plate 5, Views of Buddha Fountain

Plate 6, Views of Namo Buddha Guest House

**Plate 7, Views of Temple of Thailand (Thai Temple)**

**Plate 8, Views of Vishwa Shanti Temple**

**Plate 9, Views of Regulated Area**

**Plate 10, Views of Front Area of Vishwa Shanti Stupa**