F.No. 15-267/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 "**Excavated remains of stupa together with adjacent land comprised in whole of survey plot nos. 261, 262, 263, 264, 265, 268, 269, 270 of village Harpur Basant and 1040, 1041,1042, 1043, 1044, 1045, 1046, 1047, 1048 and 1049 of village Chakramdas" District- Vaishali, Bihar**" 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, Patna Circle **www.asipatnacircle.gov.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 16th 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. 16th September, 2023 in consultation with Competent Authority and other Stakeholders.

Marwaha

(Col. Savyasachi Marwaha)
Director, NMA
16th August, 2023

GOVERNMENT OF INDIA
MINISTRY OF CULTURE
NATIONAL MONUMENTS AUTHORITY

Draft Heritage Bye-laws for Excavated remains of stupa together with adjacent land comprised in whole of survey plot nos. 261, 262, 263, 264, 265, 268, 269, 270 of village Harpur Basant and 1040, 1041,1042, 1043, 1044, 1045, 1046, 1047, 1048 and 1049 of village Chakramdas" District-Vaishali, Bihar

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 **"Excavated remains of stupa together with adjacent land comprised in whole of survey plot nos. 261, 262, 263, 264, 265, 268, 269, 270 of village Harpur Basant and 1040, 1041,1042, 1043, 1044, 1045, 1046, 1047, 1048 and 1049 of village Chakramdas" District- Vaishali, Bihar "**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/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 Archaeological 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 **"Excavated remains of stupa together with adjacent land comprised in whole of survey plot nos. 261, 262, 263, 264, 265, 268, 269, 270 of village Harpur Basant and 1040, 1041,1042, 1043, 1044, 1045, 1046, 1047, 1048 and 1049 of village Chakramdas" District- Vaishali, Bihar."**

(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 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;

(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 or the rules made their under.

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, Rule 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:

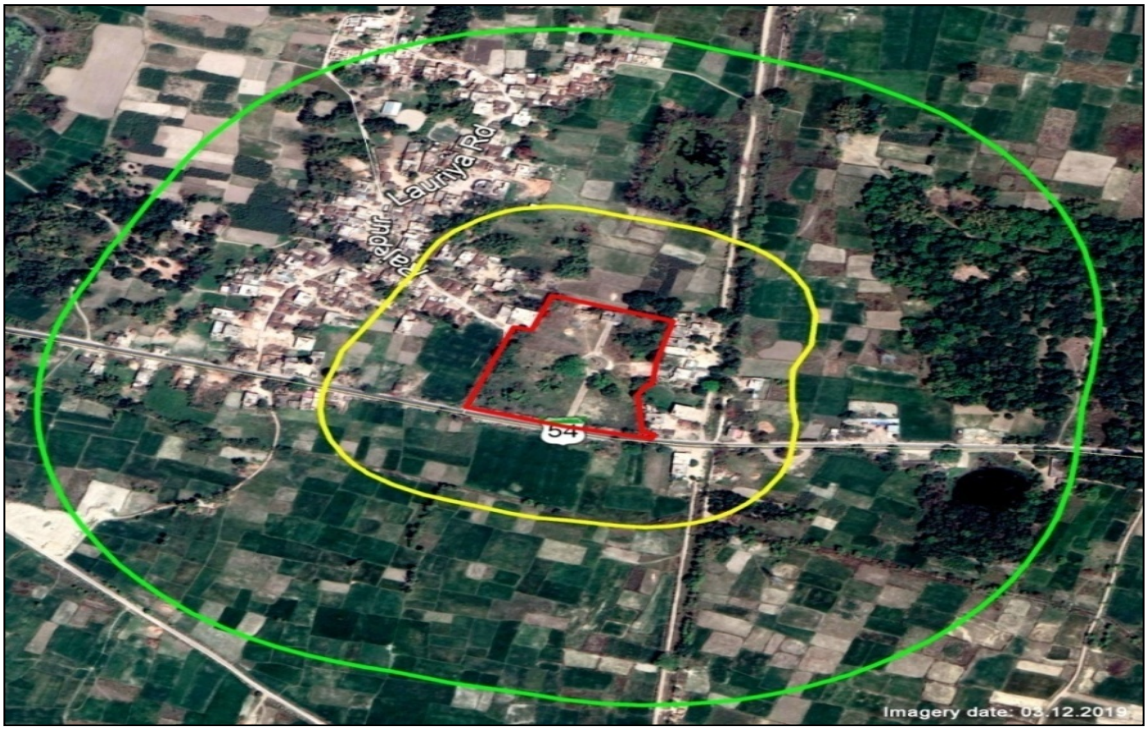
3.0 Location and Setting of the Monument:

Location and Setting of Centrally Protected Monuments/Sites/Group of Monuments

"Excavated remains of stupa together with adjacent land comprised in whole ofsurvey plot nos. 261, 262, 263, 264, 265, 268, 269, 270 of village Harpur Basant and 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048 and 1049 of village Chakramdas" Locality Harpur Basant District- Vaishali, Bihar Google Map Coordinates- 25°59'44.99"N, 85° 7'4.16"E Harpur Basant is situated about 58.7 kms north of Patna in Vaishali district of Bihar.

"Asoka column" at Kolhua, a Centrally Protected Monument is situated 4.2 km, north- west of the monument. The monument is accessible from south, through the Vishwa Shanti Stupa road, which is well connected to the SH74 (Vaishali main road) [1.6 km,East], which further connects to the Chhapra-Rewa-Muzaffarpur road (NH 722),north of the monument. Manikpur bus stop is the nearest (6.5 km, NE); it can also be reached from Muzaffarpur bus stand (35.7 km, NE). Muzaffarpur junction railway station (35.3 km, NE), is the nearest railway station, which is connected to all the major cities and places in India. The monument can also be reached by Hajipur junction railway station (38 km, S). Jaya Prakash Narayan International Airport,Patna, is at a distance of about 64.2 km, south of the monument.

"Excavated remains of stupa together with adjacent land comprised in whole of survey plot nos. 261, 262, 263, 264, 265, 268, 269, 270 of village Harpur Basant and 1040, 1041, 1042, 1043, 1044, 1045, 1046,1047, 1048 and 1049 of village Chakramdas", District- Vaishali, Bihar



Map 1: Google map showing location of – "Excavated remains of stupa together with adjacent land comprised in whole of survey plot nos. 261, 262, 263, 264, 265, 268, 269, 270 of village Harpur

Basant and 1040, 1041, 1042,1043, 1044, 1045, 1046, 1047, 1048 and 1049 of village Chakramdas", District- Vaishali, Bihar, along with the protected, prohibited and regulated areas.

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 Monuments:

The date of construction of the monument is ascribed to 5th Century B.C. to 2nd Century A.D. Lichhavis, Mauryan, and Kushana rulers have all contributed towards the construction and development of this monument. This is one among the eight relic stupa built over the corporeal remains of Buddha. The remains were distributed among eight claimants, one being the Lichhavis of Vaishali. The excavation have yielded a number of antiquities among which the relic casket containing ashes mixed with earth, a punch marked coin, some beads and gold objects are the most remarkable discovery.

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

Inner most stupa of smaller dimension, measuring 8.07 m in diameter is assignable to circa 5th Century B.C. During the rule of the Mauryans and laterunder Sungas and Kushanas the stupa was successively enlarged by brickencasing and by raising the plinth and height of the structure.

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 number of visitors at the monument is approximately about 300 persons per month. On the occasion of New Year, the visitors at the site increases to about 1000 persons. This is non-ticketed monument.

CHAPTER IV

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

4.0 Existing zoning:

The monument lies under Chakramdaspur Panchayat.

This area has not been included in any master plan so far, and therefore, no zoning has been made in the state government acts and rules for this monument.

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 Prohibited Area and Regulated Area details and their salient features:

- Protected area (approx.): 25986.84 sq.m. (6.42 acres)
- Prohibited area (approx.) : 1,03,716.39 sq.m. (25.62acres)
- Regulated area (approx.) : 4,18,904.42 sq.m. (103.51 acres)
- (Information has been obtained from the Surveyor officer, Patna circle)

Salient features:

SH74 (Vaishali main road) is well connected to all the major roads and railway stations. The monument is located on a semi-rural type of setting with mostly semi-pucca type of building construction. The monument is surrounded by agricultural fields on almost all sides, except towards the south. Towards the south of the monument is the Abhishek Pushkarni, a tank of archaeological importance

5.1.2 Description of built up area:

Prohibited Area:

North: a building single storey in height; a few hut type low rise structures; electric pole; agricultural land; open spaces with vegetation growth.

South: buildings and structures single storey in height; street side souvenir shops; Vishwa Shanti stupa road; Buddha statue; Abishek Pushkarni (pond/water body); ghats of Abishek Pushkarni; electric pole; open spaces with vegetation growth.

East: electric pole; agricultural land; open spaces with vegetation growth.

West: buildings and structures ranging from G to G+1 in height; Mahavir temple; road; overhead water tank; bore well; hand pump; electric pole;agricultural land; open spaces with vegetation growth.

North-east: agricultural land; vast open spaces with vegetation growth. [This area is used only for agricultural purposes

North-west: buildings and structures single storey in height; road; hand pump; electric pole; agricultural land; vast open spaces with vegetation growth.

South-east: buildings and structures single storey in height; street side souvenir shops; Vishwa Shanti stupa road; Abishek Pushkarni (pond/waterbody); ghats of Abishek Pushkarni; parking; lamp post; electric pole; transformer; agricultural land; vast open spaces with vegetation growth.

South-west: structures single storey in height; Shiv temple; street side souvenir shops; Vishwa Shanti stupa road; Abishek Pushkarni (pond/waterbody); ghats of Abishek Pushkarni; parking; lamp post; hand pump; open spaces with vegetation growth.

Regulated Area:

North: buildings and structures ranging from single to double storey in height; earthen road; bore well; hand pump; agricultural land; vast open spaces with vegetation growth.

South: buildings and structures ranging from single to double storey in height; Abishek Pushkarni (pond/water body); ghats of Abishek Pushkarni; Vishwa Shanti stupa road; lamp post; electric pole;

East: bore well; agricultural land; vast open spaces with vegetation growth. [This area is used only for agricultural purposes]

West: buildings and structures ranging from single to double storey in height; earthen road; bore well; electric pole; agricultural land; open spaces with vegetation growth.

South-east: buildings and structures single storey in height; restaurants; Vishwa Shanti stupa road; Abishek Pushkarni (pond/water body); ghats of Abishek Pushkarni; lamp post; electric pole; agricultural land; vast open spaces with vegetation growth.

South-west: buildings and structures ranging from single to double storey in height; Vaishali museum; Adarsh Madhya Vidyalaya (school); Durga temple; street side souvenir shops; cafeteria; Vishwa Shanti stupa road; Abishek Pushkarni (pond/water body); ghats of Abishek Pushkarni; parking; lamp post; hand pump; open spaces with vegetation growth.

North-west: buildings and structures single storey in height; road; hand pump; electric pole; agricultural land; vast open spaces with vegetation growth.

5.1.3 Description of green/open spaces:

Prohibited Area:

North: agricultural land; open spaces with vegetation growth.

South: Abishek Pushkarni (pond/water body); ghats of Abishek Pushkarni; open spaces with vegetation growth.

East: agricultural land; open spaces with vegetation growth.

West: agricultural land; open spaces with vegetation growth.

North-east: agricultural land; vast open spaces with vegetation growth. [This area is used only for agricultural purposes]

North-west: agricultural land; vast open spaces with vegetation growth.

South-east: Abishek Pushkarni (pond/water body); ghats of Abishek Pushkarni; agricultural land; vast open spaces with vegetation growth.

South-west: Abishek Pushkarni (pond/water body); ghats of Abishek Pushkarni; open spaces with vegetation growth.

Regulated area:

North: agricultural land; vast open spaces with vegetation growth.

South: Abishek Pushkarni (pond/water body); ghats of Abishek Pushkarni;

East: agricultural land; vast open spaces with vegetation growth. [This area is used only for agricultural purposes]

West: agricultural land; open spaces with vegetation growth.

South-east: Abishek Pushkarni (pond/water body); ghats of Abishek

Pushkarni; agricultural land; vast open spaces with vegetation growth.

South-west: Abishek Pushkarni (pond/water body); ghats of Abishek Pushkarni; open spaces with vegetation growth.

North-west: agricultural land; vast open spaces with vegetation growth.

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

The National Highway running from south; and the state highway from east, provides good connectivity to the nearby areas and to the city. In both prohibited and regulated limits metalled road and earthen roads are present. The area nearby the monument has a semi-rural type of setting.

5.1.5 Heights of buildings (Zone wise):

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

North: The maximum height is 7 m.

South: The maximum height is 0 m.

East: The maximum height is 0 m.

West: The maximum height is 7 m.

North-east: The maximum height is 0 m.

South-east: The maximum height is 3 m.

South-west: The maximum height is 7 m.

North-west: The maximum height is 7 m.

B. <u>200m - 300m from first regulated limit: (second regulated area)</u>

North: The maximum height is 7 m.

South: The maximum height is 0 m.

East: The maximum height is 7 m.

West: The maximum height is 7 m.

North-east: The maximum height is 7 m.

South-east: The maximum height is 7 m.

South-west: The maximum height is 7 m.

North-west: The maximum height is 7 m.

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

No state protected monuments and listed heritage buildings by local authorities are available within the prohibited/regulated area of the monument.

5.1.7 Public amenities:

No such public amenities are present inside the protected area, other than well connected footpath leading to the monument from the main gate. Vaishali museum is present to the south south-west of the monument in the first regulated area.

5.1.8 Access to monument:

The monument is accessible from south, through the Vishwa Shanti Stupa road, which is well connected to the SH74 (Vaishali main road) [1.6 km, East], which further connects to the Chhapra-Rewa-Muzaffarpur road (NH 722), north of the monument. The protected area is allowed only for pedestrians. The primary mode of transportation is by motorcycles, scooters, cars, buses, etc.

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

No such infrastructure services like water supply, storm water drainage, sewage, and solid waste management are present inside the monument. However, parking can be done outside the monument.

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

Zoning has been already mentioned in the above clauses **(3.2.1-3.2.5)** asper the:

i. Bihar Urban Planning and Development Act, 2012.
ii. Bihar Building Byelaws, 2014

CHAPTER VI

Architectural, historical and archaeological value of the monument

6.0 Architectural, historical and archaeological value:

The date of construction of the monument may be ascribed to 5th Century B.C. to 2nd Century A.D. Lichhavis, Mauryan, and Kushana rulers have all contributed towards the construction and development of this monument. This is one among the eight relic stupas built over the corporeal remains of Buddha. The remains were distributed among eight claimants, one being the Lichchavis of Vaishali. The excavation have yielded a number of antiquities among which the relic casket containing ashes mixed with earth, a punch marked coin, some beads and gold objects are the most remarkable discovery.

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

The place is pre-dominantly agricultural. The area near the monument has not developed yet, and few development and construction activities have come up in the recent year due to good connectivity to the main city via the national highway

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

Visibility from all directions of prohibited and regulated area to the monument- The monument is visible from all directions. Visibility from the monument-Vast agricultural fields along with low rise houses.

6.3 Land-use to be identified:

The land nearby, is mostly used for residential, commercial, water body and agricultural purposes.

6.4 Archaeological heritage remains other than protected monument

Abhishek Pushkarni, a holy pond/tank to the Lichhavis, located to the south ofthe monument, is of archaeological importance. Other than this, no otherarchaeological heritage remains other than the protected monuments are present within the prohibited and the regulated areas of the monument

6.5 Cultural landscapes:

The Abhishek Pushkarni, a holy pond to the Licchavis, forms a cultural landscape to the monument. Other than that, the monument lies in a rural typeof setting, surrounded by agricultural fields and water bodies.

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

The monument lies in a village type of setting away from the main city area, so environmental pollutions are comparatively less over here. The monument is surrounded by vast tracts of agricultural fields on almost all sides. There is alsoa large tank/water body of archaeological importance present to the south of the monument. Hence, they form a significant part of cultural landscape and also help in protecting the monument from environmental pollution.

6.7 Usage of open space and constructions:

The prohibited and regulated areas are covered mostly by buildings and structures ranging from G to G+1 in height, vast tracts of agricultural land and water body.

6.8 Traditional, historical and cultural activities:

It is the site of Vaishali Mahotsav, a two-day festival held on the full moon night of Baisakh (mid-April) to celebrate the birth of Lord Mahavira. Other than this no other traditional, historical and cultural activities are associated with the monument.

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

Buildings ranging from G to G+1 in height, along with vast tracts of picturesque agricultural lands and water bodies can be seen from the monument.

6.10 Traditional Architecture:

No traditional architecture is present around the monument.

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

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

6.12.1.1 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 Height in Second Regulated Area (in Meters)	Recommended Height in Second Regulated Area (in Meters)
North	7 m	7 m*	7 m	7 m*
South	0 m	0 m	0 m	0 m
East	0 m	7 m*	0 m	7 m*
West	7 m	7 m*	7 m	7 m*
North-east	0 m	7 m*	7 m	7 m*
South-east	3 m	7 m*	0 m	7 m*
South-west	7 m	7 m*	7 m	7 m*
North-west	7 m	7 m*	7 m	7 m*

Note:

1. The above mentioned height of the buildings excludes the height of the parapet wall, mumpty and water tank which should not be more than 2.5m.
2. Apart from this, National Monument Authority may take its final decision.
3. * [specified in Section C (sub-section 3.2.2. (B. ii))]

(b) Floor Area:-

30 sq. m. to 100 sq. m. approximately

(c) Usage: -

The buildings nearby are used for:

i. Residential
ii. Commercial
iii. Agricultural

d) Façade design:-

Existing building and structures in the prohibited area and theregulated area are of modern style having modern facades.

Few huts made of un-burnt bricks; some having facades smeared over with clay; and some made of branches of trees and bushes, can be seen.

(e) Roof design

The roof design near the monument can be divided into the followingheads:

a. Houses with flat concrete slab roofs.
b. Katcha or houses thatched with straw.
c. khapra or houses with clay tiled roofs or corrugated ironsheeting.

(f) Building material:

Building construction materials like brick, stone, cement, terracotta tiles, asbestos sheets, and bamboos, can be seen nearby.

(g) Colour

Variety of shades of colours can be seen in the nearby buildings andstructures.

6.13 Visitors facilities and amenities:

No such visitor facility is present inside the protected area of the monument, except well connected footpath. Parking can be done outside the monument. Vaishali museum is present to the south south-west of the monument in the first regulated area.

CHAPTER VII

Site Specific Recommendations

7.1 Site Specific Recommendations:

This site is archaeologically very potential datable to 5th century BC. Since located in a remote area surrounded by agriculture land and some village typeof houses at the north and south-west side of the monument, there may be a chance of new findings around the monument. Therefore, this thing may be kept in mind when considering the NOC proposals.

A periodic public awareness programme should be organized by the Archaeological Survey of India with the local stake holders and residents of the area so that people can understand its archaeological value.

7.2 Other recommendations:

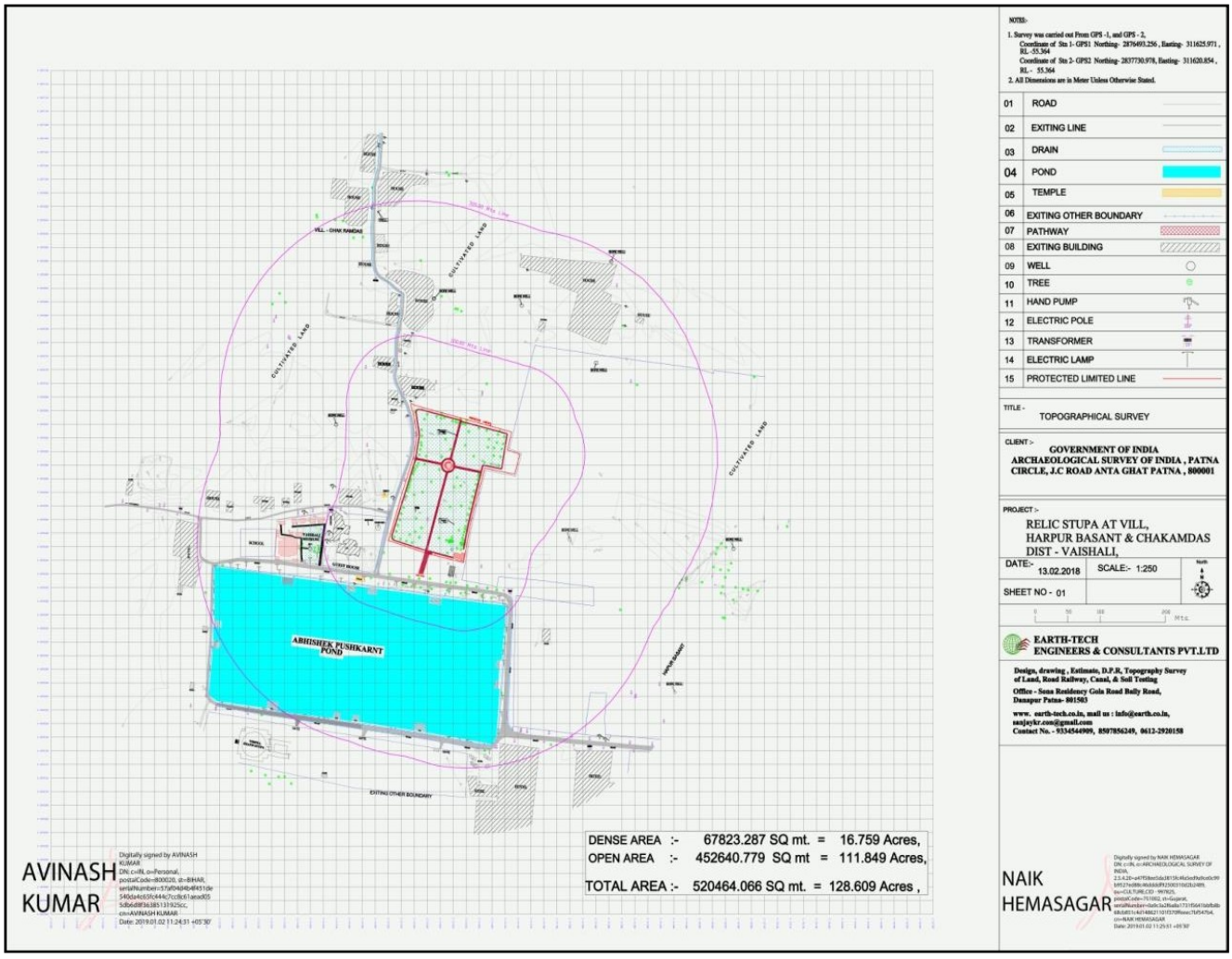
- Extensive public awareness programme may be conducted.
- Provisions for differently able persons shall be provided as per prescribed standards.
- The area shall be declared as Plastic and Polythene free zone.
- National Disaster Management Guidelines for Cultural Heritage Sites and Precincts may be referred at https://ndma.gov.in/images/guidelines/Guidelines-Cultural-Heritage.pdf
- A periodic public awareness programme should be organized in collaboration with the Archaeological Survey of India's local office along with the local stake holders and residents of the area so that people can understand its archaeological value.

Nearby this monument there is water body (pond), which is an integrated part of the temple, but not under the protection of ASI. Since, it is an integrated part of the temple, hence, efforts needs to be made for its desilting and restorations by the local authorities, and for that, ASI has to launch periodic public awareness programme to aware the local public.

ANNEXURES

ANNEXURE I

Provided information as per First Schedule [Rule 21 (1)]/ Total Station Survey/ Survey of India/ Officially commissioned survey maps (whichever is available) of the Prohibited and Regulated area on the basis of boundaries defined in ASI records



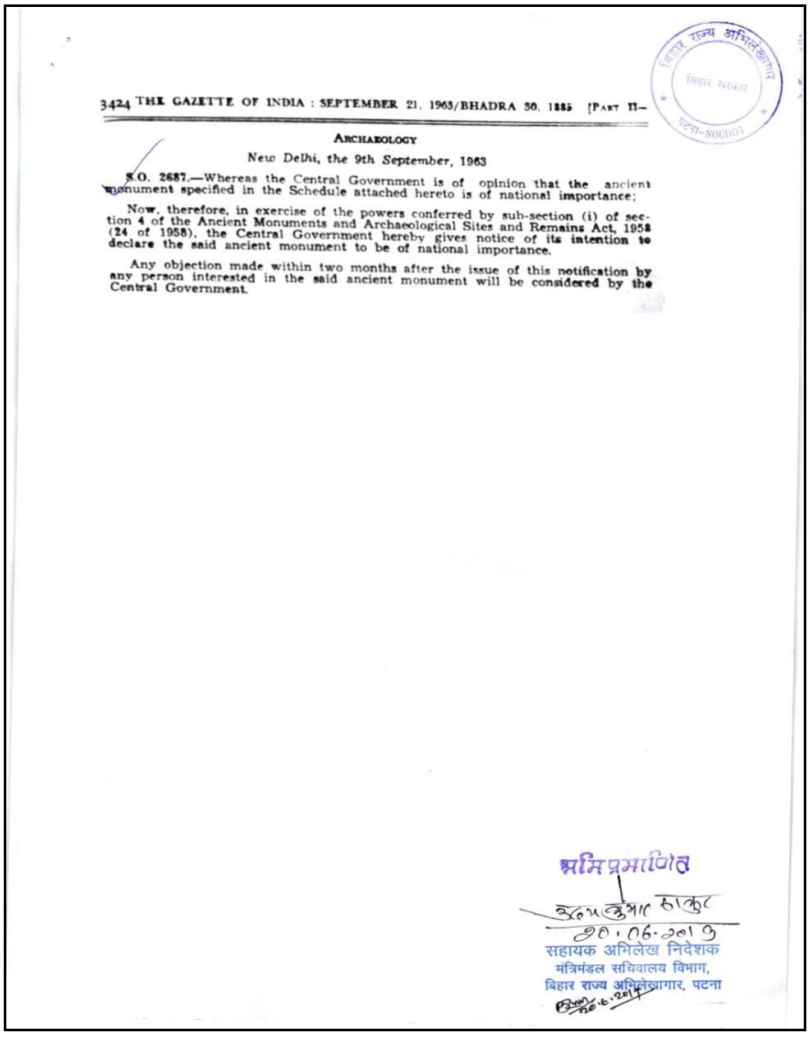
Map 2: Survey plan showing Protected, Prohibited and Regulated boundaries for- "Excavated remains of stupa together with adjacent land comprised in whole of survey plot nos. 261, 262, 263, 264, 265, 268, 269, 270 of village Harpur Basant and 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 104 and 1049 of village Chakramdas", District- Vaishali, Bihar.

ANNEXURE-II

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

The monument was protected on 24th March, 1964, vide notification No. S.O. 1157, by the name of "Excavated remains of stupa together with adjacent land comprised in whole of survey plot nos. 261, 262, 263, 264, 265, 268, 269, 270 of village Harpur Basant and 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048 and 1049 of village Chakramdas", in the district of Vaishali. [Previously, district was Muzaffarpur].

As per the Gazette notification, the protected area is 5.85 acres, while in the total station map submitted by the circle office, the area is 6.42 acres. The reason of difference in the protected area is not known.



3424 THE GAZETTE OF INDIA : SEPTEMBER 21, 1963/BHADRA 30, 1885 [PART II—

ARCHAEOLOGY

New Delhi, the 9th September, 1963

S.O. 2687.—Whereas the Central Government is of opinion that the ancient monument specified in the Schedule attached hereto is of national importance;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby gives notice of its intention to declare the said ancient monument to be of national importance.

Any objection made within two months after the issue of this notification by any person interested in the said ancient monument will be considered by the Central Government.

अभिप्रमाणित

20.06.2019

सहायक अभिलेख निदेशक
मंत्रिमंडल सचिवालय विभाग,
बिहार राज्य अभिलेखागार, पटना

SCHEDULE

Sl. No.	State	District	Tehsil	Locality	Name of monument	Revenue plot Nos. to be included under protection	Area	Boundaries	Ownership	Remarks
1	2	3	4	5	6	7	8	9	10	11
1	Bihar	Muzaffar-pur.	Vaishali	Harpur Basant and Chakramdas villages.	Excavated remains of stupa together with adjacent land comprised in whole of survey Plot Nos. 261, 262, 263, 264, 265, 268, 269, 270 of village Harpur Basant and 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048 and 1049 of village Chakramdas.	Whole of Survey plot Nos. 261, 262, 263, 264, 265, 268, 269, 270 of village Harpur Basant and 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048 and 1049 of village Chakramdas.	5·85 acres.	*North*:—Survey plot No. 254 of village Harpur Basant and survey plot No. 1050 of village Chakramdas. *East*:—Survey plot Nos. 260, 266, 267, and 274 of village Harpur Basant. *South* :—Survey plot Nos. 272 and 273 of village Harpur Basant. *West* :—Survey plot Nos. 1039 and 1116 of village Chakramdas.	Private except-ing survey plot No. 269 village Harpur Basant which is owned by the Government of Bihar	The area mentioned under col. 6 is being acquired by the Archaeological Survey of India

[No. F. 4-21/63-C.I.]

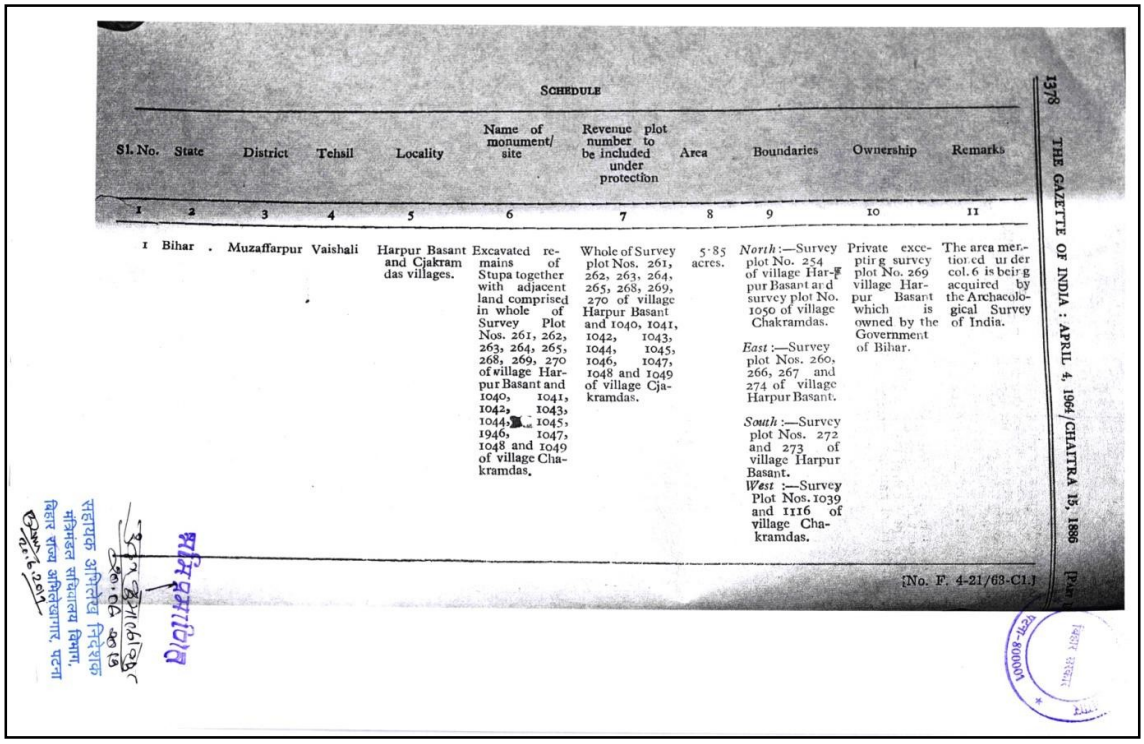
सहायक अभिलेख निदेशक
मुख्यालय संग्रहालय विभाग,
बिहार राज्य अभिलेखागार, पटना

बिहार राज्य अभिलेखागार
बिहार सरकार
पटना-800001

S.O. 1157.—Whereas by notification of the Government of India in the Ministry of Education No. F. 4-21/63-C1, dated 9th September, 1963, published in Part II, section 3, sub-section (ii) of the Gazette of India dated the 21st September, 1963, the Central Government gave notice of its intention to declare the archaeological monument specified in the Schedule below to be of national importance.

And, whereas; no objections have been received to the making of such declaration.

Now, therefore, in exercise of the powers conferred by sub-section (3) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958, (24 of 1958), the Central Government hereby declares the said archaeological monument to be of national importance.



SCHEDULE

Sl. No.	State	District	Tehsil	Locality	Name of monument/ site	Revenue plot number to be included under protection	Area	Boundaries	Ownership	Remarks
1	2	3	4	5	6	7	8	9	10	11
1	Bihar	Muzaffarpur	Vaishali	Harpur Basant and Cjakram das villages.	Excavated remains of Stupa together with adjacent land comprised in whole of Survey Plot Nos. 261, 262, 263, 264, 265, 268, 269, 270 of village Harpur Basant and 1040, 1041, 1042, 1043, 1044, 1045, 1946, 1047, 1048 and 1049 of village Chakramdas.	Whole of Survey plot Nos. 261, 262, 263, 264, 265, 268, 269, 270 of village Harpur Basant and 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048 and 1049 of village Cjakramdas.	5·85 acres.	*North*:—Survey plot No. 254 of village Harpur Basant and survey plot No. 1050 of village Chakramdas. *East*:—Survey plot Nos. 260, 266, 267 and 274 of village Harpur Basant. *South*:—Survey plot Nos. 272 and 273 of village Harpur Basant. *West*:—Survey Plot Nos. 1039 and 1116 of village Chakramdas.	Private excepting survey plot No. 269 village Harpur Basant which is owned by the Government of Bihar.	The area mentioned under col. 6 is being acquired by the Archaeological Survey of India.

[No. F. 4-21/63-Cl.]

सहायक अभिलेख निदेशक
बिहार राज्य अभिलेखागार, पटना

ARCHAEOLOGY

New Delhi, the 9th September, 1963

S.O. 2687.- Whereas the Central Government is of opinion that the ancient monument specified in the Schedule attached hereto is of national importance.

Now, therefore, in exercise of the powers conferred by sub-section (i) ofsection 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby gives notice of its intention to declare the said ancient monument to be of national importance.

Any objection made within two months after the issue of this notification by any person interested in the said ancient monument will be considered by the Central Government.

SCHEDULE

Sl. No.	State	District	Tehsil	Locality	Name of monument
1	2	3	4	5	6
1	Bihar	Muzaffarpur	Vaishali		Excavated remains of stupa together with adjacent land comprised in whole of survey plot nos. 261, 262, 263, 264, 265, 268, 269, 270 of village Harpur Basant and 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048 and 1049 of village Chakramdas

Revenue plot nos. to be included under protection	Area	Boundaries	Ownership	Remarks
7	8	9	10	11
whole of survey plot nos. 261, 262, 263, 264, 265, 268, 269, 270 of village Harpur Basant and 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048 and 1049 of village Chakramdas	5.85 acres	North - survey plot no. 254 of village Harpur Basant and survey plot nos. 1050 of village Chakramdas East – Survey of plot nos. 260,266, 267, and 274 of village Harpur Basant South – survey plot nos. 272and 273 of village Harpur Basant West – Survey plot nos 1039and 1116 of village Chakramdas	Private excepting surveyplot no. 269 village Harpur Basant which is owned by the government of Bihar	The area mentioned under col. 6 isbeing acquired by the Archaeological Survey of India

[No. F. 4-21/63-C.I.]

S.O. 1157. — Whereas by notification of the Government of India in the Ministry of Education No. F. 4-21/63-C.I, dated 9th September, 1963, published in Part II, section 3, sub-section (ii) of the Gazette of India dated the 21st September, 1963, the Central Government gave notice of its intention to declare the archaeological monument specified in the schedule below to be of national importance.

And, whereas; no objections have been received to the making of such declaration.

Now, therefore, in exercise of the powers conferred by sub-section (3) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby declares the said archaeological monument to be of natural importance.

Sl. No.	State	District	Tehsil	Locality	Name of monument
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1	Bihar	Muzaffarpur	Vaishali	Harpur Basantand Chakramdas villages	Excavated remains of stupa together with adjacent land comprised in whole of surveyplot nos. 261, 262, 263, 264, 265, 268, 269, 270 of village Harpur Basant and 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048 and 1049 of village Chakramdas

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		Chakramdas		

[No. F. 4-21/63-C.I.]

Existing Guidelines of the local bodies / Status of

Certain guidelines wherein provisions are made for the heritage/ monument canbe listed down from the following acts/ rules/ bye-laws:

A. As per the **Bihar Urban Planning and Development Act, 2012,** which is common and applicable for whole state **[Bihar Act 20, 2012],** chapter XI (Urban Arts and Heritage Commission), under section 77 (Constitution of Urban Arts and Heritage Commission for the State):

1) The Government may, by notification, constitute an Arts and Heritage Commission for the State, to be called "The Bihar Urban Arts and Heritage Commission" (hereinafter called the "Commission") which shall consist of a Chairperson and such other members, representing among others, Urban Planning, Visual Arts, Architecture, Indian History or Archaeology, Tourism and the Environmental Sciences, as specified in the notification by the Government.
2) The Commission shall make recommendations to the Government as to-
    a) The restoration and conservation of urban design and of the environment and heritage sites and buildings in the Planning Areas;
    b) The planning of future urban design and of the environment;
    c) The restoration and conservation of archaeological and historical sites and sites to high scenic beauty;
3) The powers to be exercised and the functions to be performed and the procedure to be followed by the Commission shall be such as may be specified in the notification.
4) The Government may, after consideration of the recommendations of the Commission and after giving an opportunity to the respective Planning Authority, Local Authority and other authorities concerned to make representation, issue such directions to the Planning Authority or Local Authority or other authorities concerned as they may think fit, and the Planning Authority or the Local Authority or other authorities shall complywith every such direction of the Government.

   For implementations of Bihar Urban Planning and Development (BUPD) Act 2012, Bihar Urban Planning and Development (BUPD) Rule was notified in the year-2014.

B. As per the **Bihar Building Byelaws 2014**:
In chapter II (Administration), Section 19 (Art Commission):

1) The Urban Art and Heritage Commission shall be constituted by the government. In areas and zones specified by the Urban Art and Heritage Commission, where the building plan accompanying the application seeking permission, requires the clearance of the Urban Arts and Heritage Commission, Bihar, constituted under section 77 of the Bihar Urban Planning and Development Act, 2012, the authority shall grant the permission only after the clearance is given by the said commission.

In all other cases, architectural control shall be regulated according to the provisions of these bye laws. The commission may impose such conditions and restrictions as it may think necessary including enforcement of specific colour code and architectural features.

2) The Authority, on the recommendation of the Urban Arts and Heritage Commission, may issue public notices, from time to time, prescribing the architectural norms in different zones.

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 totime.

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 maximum12 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 plots shall 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 & upto15 m	1.5	1.2	2.5	1.8	No construction shall be permitted	
3	Exceeding 15m & upto21 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 45m	4.0	4.0	5.0	4.0	6.0	4.0
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.

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

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vii. 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 be permitted 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 which the 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. / 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) Not with standing 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. In chapter V (Additional Requirements for safety and services), Section 57 (**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.

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

"Excavated remains of stupa together with adjacent land comprised in whole of survey plot nos. 261, 262, 263, 264, 265, 268, 269, 270 of village Harpur Basant and 1040, 1041, 1042, 1043, 1044, 1045,1046, 1047, 1048 and 1049 of village Chakramdas"

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