



सत्यमेव जयते

राजस्थान राजपत्र
विशेषांक

RAJASTHAN GAZETTE
Extraordinary

साधिकार प्रकाशित

Published by Authority

आषाढ 15, सोमवार, शाके 1942-जुलाई 6, 2020
Asadha 15, Monday, Saka 1942-July 6, 2020

भाग-6 (ख)

जिला बोर्डों, परिषदों एवं नगर आयोजना संबंधी, विज्ञप्तियां आदि।

**NAGAR NIGAM JAIPUR HERITAGE
JAIPUR NAGAR NIGAM HERITAGE (WALLED CITY) HERITAGE
CONSERVATION AND PROTECTION BYELAWS – 2020**

Jaipur, February 17, 2020

In exercise of the Powers Conferred by Sub-clause (iii) of clause (g) of Section 46 and Section 340 of the Rajasthan Municipalities Act, 2009 the Jaipur Nagar Nigam Heritage hereby notifies the Jaipur Nagar Nigam (Walled City) Heritage Conservation and Protection Byelaws-2020 to provide for the identification, documentation, conservation and regulation of heritage assets situated within Walled City of the Jaipur and for the matter connected therewith and incidental thereto.

1. Short title extent and commencement -

- i. These Byelaws may be called the Jaipur Nagar Nigam Heritage (Walled City) Heritage Conservation and Protection Byelaws - 2020.
- ii. These byelaws shall be applicable to the area within Walled City of Jaipur.
- iii. These byelaws shall come into force from their publication in the Official Gazette.

2. Non-application of the Byelaws - Nothing in these Byelaws shall apply to -

- i. Ancient and historical monuments, or archaeological sites or remains, declared by or under any law made by Parliament to be of national importance;
- ii. Any antiquities to which the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (Central Act No. 24 of 1958) applies;
- iii. Any antiquities or art treasure to which the Antiquities and Art Treasure Act, 1972 (Central Act No. 52 of 1972) applies; or
- iv. Any ancient or historical monuments or archaeological sites or remains or antiquities to which the Rajasthan Monuments and Archaeological Sites and Remains Act, 1961 (No. 19 of 1961) applies.

3. Definitions - In these byelaws, unless the context otherwise requires, (General definitions shall be as per Unified Building Byelaws, 2017 and amendment made therein from time to time).

- 3.1 “Adaptation” or adaptive re-use means changing a "heritage asset" categorized under regulations and listed under section (6) of these regulations, so as to suit either an existing, or a proposed use;

- 3.2 “Agreement” means an agreement that the State Heritage Committee or Heritage Cell or Municipal Corporation may enter into with any person to meet the objectives of these byelaws;
- 3.3 "Competent authority" means an officer of the State Government or local authority specified, as the competent authority by the State Government to perform functions under these byelaws;
- Provided that the State Government may, by Notification in the Official Gazette, specify different competent authorities for different functions and define their jurisdiction;
- 3.4 “Conservation”, in relation to a heritage asset, means the management of that asset in a manner that will enable the historical and/or architectural and/or aesthetic and/or cultural and/or environmental and/or ecological significance of that asset to be retained and includes the preservation, protection, restoration, re-construction, adaptation, or a combination of more than one of these;
- 3.5 “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;
- 3.6 “Heritage management plan" means a document that helps to establish the significance of a listed heritage asset in or outside the conservation area through conservation, restoration, reconstruction, adaptation, and/or future use and development of the heritage asset or heritage action zone. Heritage Management Plan shall broadly follow the below guidelines and include the following steps:
- a. Inventorying, mapping and valuation of all heritage assets
 - b. Identification of heritage management zone/zones
 - c. Preparing a shelf of projects for each zone
 - d. Mapping of investments
 - e. Prioritizing investments/projects
 - f. Implementation and monitoring mechanism
 - g. Any other aspect required for a specific heritage asset.
- 3.7 “Cultural heritage significance” means the relevance of any place to past, present and future generations based on aesthetic, cultural, historical, scientific, social or spiritual values;
- 3.8 “Development” includes:

- a. The carrying out of building, engineering, mining or other operations in, over or under land;
 - b. The making of any material change in any building or land or in the use of any building or land or change to a heritage site including any material or structural change in any heritage site or natural feature;
 - c. The demolition of any existing building, structure or erection or part of such building, structure or erection and reclamation, redevelopment, layout or subdivision of any land or building.
- 3.9 “Heritage asset” comprises of several main categories stated below which have aesthetic, cultural, historical, scientific, social, ecological, environmental or spiritual significance;
- Tangible heritage asset:
- a. Movable heritage asset – Art, craft, paintings, sculptures, coins, manuscripts, etc.
 - b. Immovable heritage asset – buildings, monuments, sites, streets, localities, precincts etc.
- Intangible heritage asset – encompasses traditions, crafts, folklore associated with a particular place, music, dance, rituals, cuisines and other symbolic cultural identities.
- Natural heritage asset – natural sites with cultural aspects such as cultural landscapes, physical, biological or geological formations
- 3.10 "Heritage building" means and includes any building of one or more premises or any part thereof and/or structure and/or artefact which requires conservation and/or preservation for historical and/or architectural and/or artisanal and/or aesthetic and/or cultural and/or environmental and/or ecological purpose and includes such portion of land adjoining such building or part thereof as may be required for fencing or covering or in any manner preserving the historical and/or architectural and/or aesthetic and/or cultural value of such building.
- 3.11 “Heritage databank” means record of all heritage assets and other related data of heritage assets;
- 3.12 “Heritage Fund” means the Heritage Fund established under these regulations;
- 3.13 "Heritage Precincts" means and includes any space, which shall include one or more heritage assets and which requires conservation and/or preservation for historical and/or architectural and/or cultural and/or aesthetic and/or environmental and/or ecological purpose. Walls or other boundaries of a particular area or place or building may enclose such space by an imaginary line drawn around it. The precinct may also include heritage streets or a *mohalla* or wall or any other area of one set character;
- 3.14 “Level of significance” means and indicates the context in which a heritage asset is important. A heritage asset can have more than one level of

significance. For the purposes of these regulations three levels of significance have been considered:

- a. National/State level significance – such assets which are of world, national or State importance and are listed in the heritage database as National/State level heritage and significance Category.
 - b. District level significance – such assets which are of district level importance and are listed in the heritage database as District level heritage and significance Category.
 - c. Local level significance – such assets which are of city level or local level importance and are listed in the heritage database as Local level heritage and significance Category.
- 3.15 “Inventorying, mapping and valuation” means identifying and documenting heritage asset namely buildings, structures, streets, landscapes, parks, gardens, and other natural features and sites which are associated with built heritage, and assigning a heritage status to these assets in terms of their levels of significance under these byelaws;
- 3.16 “Local authority” means a Municipality constituted under the Rajasthan Municipalities Act, 2009 (Act No.18 of 2009), or any other Authority declared by the State Government, to be a local authority for the purposes of these byelaws;
- 3.17 “Preservation” means maintaining a protected heritage asset so as to retard its deterioration.
- 3.18 “Protected heritage asset” means a heritage asset as declared under these byelaws;
- 3.19 “Reconstruction” means returning a heritage asset to its pre-existing condition having the same horizontal and vertical limits reassembling existing elements as nearly as possible to a known earlier state and distinguished by the introduction of materials (new or old) into the fabric. This shall not include either recreation or conjectural reconstruction.
- 3.20 “Conservation area” means any area declared as such under these Regulations, it can include a cluster of buildings or a larger geographic area like a neighborhood or precinct with aesthetic and/or social and/or ecological and/or environmental and/or spiritual significance.
- 3.21 “Repair and Renovation” means alterations to a pre-existing structure or building, but shall not include construction or reconstruction;
- 3.22 “Restoration” means and includes returning the existing fabric of a place to a known earlier state by removing accretions or by reassembling existing components without introducing new materials.

4. Institutional framework -Three tier institutional framework –

- State Heritage Committee
- Technical heritage Committee
- Heritage Cell

4.1 State Heritage Committee - The composition for the State Heritage Committee is as follows:

(i)	Chief Secretary, Government of Rajasthan, Jaipur.	Chairperson
(ii)	MLA, HawaMahal and MLA, Kishanpol, Jaipur	Members
(iii)	Hon'ble Mayor, Jaipur	Members
(iv)	Secretary-in-Charge, Urban Development and Housing, GoR, Jaipur.	Members
(v)	Secretary-in-Charge, Local Self Governance, GoR, Jaipur	Members
(vi)	Secretary-in-Charge, Art, Culture and Tourism, GoR, Jaipur.	Members
(vii)	Secretary-in-Charge, Devsthan Department, GoR, Jaipur.	Members
(viii)	Secretary-in-Charge, Transport, GoR, Jaipur.	Members
(ix)	Secretary-in-Charge, Department of Information Technology and Communication, GoR, Jaipur.	Members
(x)	Secretary-in-Charge, Public Works Department, GoR, Jaipur.	Members
(xi)	Secretary-in-Charge, Public Health Engineering and Water Resources, GoR, Jaipur	Members
(xii)	Secretary-in-Charge, Handloom and Industries, GoR, Jaipur.	Members
(xiii)	Commissioner, Jaipur Development Authority, Jaipur.	Members
(xiv)	Commissioner of Police, Jaipur	Members
(xv)	Commissioner, Jaipur Municipal Corporation, Jaipur.	Member Secretary
(xvi)	Director, Rajasthan State Archaeology and Museums, GoR, Jaipur.	Members
(xvii)	Chief Town Planner, GoR, Jaipur	Members
(xviii)	Joint Director General, World Heritage, ASI, New Delhi	Members
(xix)	Residents Welfare Association/ representatives of Walled City, Jaipur (max 02 members)	Members
(xx)	Representatives of Market Association in the Walled City, Jaipur (max 02 members)	Members
(xxi)	Convener, Indian National Trust for Art and Cultural Heritage (INTACH) Jaipur	Members

(xxii)	Historians – Dr. Rima Hooja & Dr. Giles Tillotson, Jaipur	Members
(xxiii)	Director, Indian Institute of Crafts and Design, Jaipur	Members
(xxiv)	Director, MNIT, Jaipur	Members
(xxv)	Director, DRONAH (Consultant for the Jaipur Nomination Dossier)	Members

4.2 The Committee shall primarily facilitate the heritage management agenda at the State level. The main role of the Committee will be to coordinate amongst various different departments/agencies and to facilitate, approve, and sanction various plans, proposals to administer the Heritage Fund and other activities etc. on behalf of the State Government. Provided further that any addition/subtraction of Member, Special Invitee etc. may be done by the State Government.

4.3 Technical Heritage Committee (THC) -The composition of Technical Heritage Committee is as follows:-

(i)	Chief Town Planner, Government of Rajasthan, Jaipur	Chairperson
(ii)	Expert with 15 years' experience in the field of heritage conservation	Member
(iii)	Structural Engineer having experience of 10 years in the field and membership of the Institute of Engineers	Member
(iv)	Architects having 10 years' experience and membership of the Council of Architecture: i) Urban Designer/heritage Conservation Architect Architect shall have experience in conservation architecture	Member
(v)	Director, Department of Archaeology and Museums, Jaipur	Member
(vi)	Environmentalist having in depth knowledge and experience of 10 years of subject matter	Member
(vii)	City Historian having 10 years' experience in the field	Member
(viii)	Officers of the Municipal Corporation, Jaipur: i) Chief Engineer, JMC ii) Additional Chief Town Planner, JMC	02 Members (ACTP or the Nodal Officer designated for Heritage work shall be Member Secretary of the Committee)
(ix)	Superintending Engineer, Amer Development & Management Authority	Member
(x)	Superintending Engineer, Jaipur Smart City Company	Member

	Ltd.	
(xi)	Dy. SA, ASI, Jaipur Circle	Member
(xii)	Representative of Commissioner, Traffic Police (not below the rank of Dy.S.P.)	Member
(xiii)	Representative of Managing Director, Tourism	Member

The above Committee was constituted vide order no F.13()DC planning/NNJ@[2019@SP-1](#) dated 22.02.19

4.4 Roles and Responsibilities of the Technical Heritage Committee: -

- i. To manage heritage databank based on the Heritage inventorying.
- ii. To prepare Heritage guidelines.
- iii. To provide support and input for the preparation of Zonal Development Plan of spatial development plans.
- iv. To prepare and formulate schemes for heritage tourism, including setting up amenities around the heritage site, and conducive transport and connectivity in consultation with concerned authorities.
- v. To establish training programs on methodology for conservation techniques in collaboration with institutions having such expertise or other institutions including Archaeological Survey of India, any Government Department, Educational Institutes/Private Universities of National repute providing education & training in Heritage Conservation and Management. The Technical Heritage Committee shall have power to coordinate and conduct such training by inviting these institutions.
- vi. To enter into an agreement with a private entity for the conservation and adaptive re-use of the heritage assets.
- vii. To make recommendations to the competent authority for grant of permissions.
- viii. To facilitate partnerships between inter departments and external agencies to promote cultural economies.
- ix. To oversee the working of the Heritage Cell.
- x. To consider the impact of large-scale developmental projects, including public projects as essential that may be proposed in the Heritage area/Conservation area and make recommendations in respect thereof to the competent authority/concerned agency.

4.5 Heritage Cell - The composition of Heritage Cell is as below: -

(i)	Additional Chief Town Planner	Incharge
(ii)	Deputy Commissioner, HME & HMW, JMC	Members
(iii)	Executive Engineer, HME & HMW, JMC	Members
(iv)	Assistant Town Planner, HME & HWM, JMC	Members

(v)	Architects having 05 years' experience and membership of the Council of Architecture: Urban Planner (01) Heritage Conservation Architect (02)	Members
(vi)	GIS Expert	Member
(vii)	Senior/Deputy Town Planner, JMC	Member Secretary

The above Committee was constituted vide order no F.13()DC planning/NNJ/[2019/SP-2](#) dated 22.02.19

4.6 Roles, responsibility and functions of Heritage Cell:- The Heritage Cell shall exercise or discharge the following roles, responsibility and functions, namely:

- i. To identify and prepare list and databank of heritage assets in the city;
- ii. To prepare specific heritage parameters, if required;
- iii. To coordinate in preparation and implementation of Heritage Management Plans: identify projects, initiate and guide the project development proposal preparation process;
- iv. To monitor the heritage conservation projects as permitted by the competent authority;
- v. To facilitate proposed adaptive re-use plan of the heritage asset;
- vi. To suggest improvement of infrastructure upgradation in the Conservation Area;
- vii. To conduct survey and prepare site/building plan of the any heritage asset and the conservation area declared under these regulations;
- viii. To make recommendations to the competent authority for grant of permissions;
- ix. To invite expression of interest or other such mode to identify prosperous investor/developer/Corporates/Business houses etc. from national or International level, to take up the conservation and adaptive re-use of the heritage assets with consent from owner of property/properties;
- x. To prepare special designs and guidelines / publications for listed buildings, control of height and essential façade characteristics such as maintenance of special types of balconies and other heritage items of the buildings and to suggest suitable designs adopting appropriate materials for replacement keeping the old form intact to the extent possible;
- xi. To prepare guidelines relating to design elements and conservation principles to be adhered to and to prepare other guidelines for the purposes of this Regulations;
- xii. To assist the Technical Heritage Committee in discharging the functions as required.
- xiii. The Cell may invite any expert or special invitees for its assistance and such expert and special invitees may take part in deliberations in meetings of Heritage Cell.

5. **City Stakeholder Group/City Core Group** - A city stakeholder group may be constituted by the Jaipur Municipal Corporation, Jaipur comprising community leaders and organizations that live, work, manage, use, or have other interests in the conservation and adaptation of the historic area, neighborhood, city and region. The Heritage Cell will list all the groups, entities and officials that may potentially represent the urban community.

The Stakeholders Group formation process involves the following tasks:

- Identify community groups, entities and officials that should be represented by stakeholders
- Work with these groups, entities and officials to select individuals who can represent these stakeholders
- Form the city Stakeholder Group and clearly articulate their roles, responsibilities, interests in and influence on heritage assets. Define how they will work with the Heritage Cell in the inclusive urban revitalization process.

5.1 Members to be called as special invitees as and when required:

Representatives of Royal families, Craft producers, Business owners, Schools, Universities, Public Library, Philanthropists, Foundations, Lenders (Small financing groups and Banks), Construction traders, Real Estate Developers, Property-owners, Local historical society, Neighborhood groups, Community groups, City dwellers, Civic volunteers, Local NGOs, Scholars, historians, spiritual leaders, representatives from panchayat and any other appropriate representatives may be invited as and when required to participate in the proceedings of the State Heritage Committee/Technical Committee and its proposals.

6. Categorization and classification of heritage assets. -

(1) The State Government shall, if required, on the recommendation of the Technical Heritage Committee, prescribe categories of heritage assets and while prescribing such categories it shall have regard to its era of construction, the aesthetic, cultural, historical, scientific, social, ecological, environmental or spiritual, archaeological and architectural value and such other factors as may be relevant for the purpose of such categorization.

(2) The State Government shall, if required, on the recommendation of the Technical Heritage Committee, classify all the heritage assets in accordance with the categories prescribed under sub-section 6(3) and thereafter make the same available to the public and exhibit the same on its website and also in such other manner as it may deem fit.

(3) The Grading of Listed heritage of the property if prepared, shall be in accordance with the following table: -

Grade-I National Importance/ ASI or State Department of Archaeology protected & other similar heritage assets	Grade-II State importance/State owned & other similar heritage assets	Grade-III Local importance/ private properties & other similar heritage assets
(A) Definition		

<p>Heritage Grade-I comprises buildings and precincts of exceptional national or regional importance, embodying excellence in architectural style, design, technology and material usage and/or aesthetics; they may be associated with a great historic event, personality, movement or institution. They have been and are the prime landmarks of the region/city. All-natural sites shall fall within Grade-I.</p>	<p>Heritage Grade-II (A&B) comprises buildings and precincts of regional or local importance possessing special architectural or aesthetic merit, or cultural or historical significance though of a lower scale than Heritage Grade-I. They are local landmarks, which contribute to the image and identity of the region. They may be the work of master craftsmen or may be models of proportion and ornamentation or designed to suit a particular climate.</p>	<p>Heritage Grade-III comprises building and precincts of importance for townscape; that evoke architectural, aesthetic, or sociological interest though not as much as in Heritage Grade-II. These contribute to determine the character of the locality and can be representative of lifestyle of a particular community or region and may also be distinguished by setting, or special character of the façade and uniformity of height, width and scale.</p>
<p>(B) Objective: Heritage Grade-I deserves careful preservation. These buildings need to be kept under permanent state of preservation, and recommended for protection. Interventions in such structures are to be closely monitored.</p>	<p>Heritage Grade-II deserves intelligent conservation. These buildings need to be kept under a state of preservation. Interventions in such structures should be monitored.</p>	<p>Heritage Grade-III deserves intelligent conservation (though on a lesser scale than Grade-II and special protection to unique features and attributes)</p>
<p>(C) Scope for Changes: No interventions are permitted either on the exterior or interior of the heritage building or natural features unless it is necessary in the interest of strengthening and</p>	<p>Grade-II(A): Internal changes without change in exterior façade as per Façade Control Guidelines and adaptive re-use viz Heritage Haveli/Heritage House/Guest House, Art Gallery, Museum, Art & Craft center, cultural</p>	<p>Internal changes and adaptive reuse viz Heritage Haveli/Heritage House/ Heritage Hotel/Guest House, Art Gallery, Museum, Art & Craft center, cultural center, Traditional Food center, Dance & Music center, Art & Craft</p>

<p>prolonging the life of the buildings/or precincts or any part or features thereof. For this purpose, absolutely essential and minimum changes would be allowed and they must be in conformity with the original.</p>	<p>center, Traditional Food Centre, Dance & Music center, Art & Craft Training Centre, and other such related activities may by and large be allowed but subject to strict scrutiny. Care would be taken to ensure the conservation of all special aspects for which it is included in Heritage Grade-II. Grade-II(B): In addition to the above, extension or additional building in the same plot or compound could in certain circumstances, be allowed provided that the extension/ additional buildings in harmony with (and does not detract from) the existing heritage building(s) or precincts especially in terms of height and façade.</p>	<p>Training Centre, and any commercial use with approval of competent authority other such related activities may by and large be allowed without change in exterior façade as per Façade Control Guidelines. Changes can include extensions and additional buildings in the same plot or compound. However, any changes should be such that they are in harmony with and should be such that they do not detract from the existing heritage building/precinct and aesthetics. Commercial use on Ground and First Floor may be permitted.</p>
<p>(D) Procedure: Development permission for changes would be granted by the State Government on the advice of the Technical Heritage Committee, upon satisfactory report of Heritage Impact Assessment of proposed development. Scheduled inspection of sites while development activity is underway to ensure adherence to prescribed practice.</p>	<p>Development permission for changes would be granted by the State Government on the advice of the Technical Heritage Committee, upon satisfactory report of Heritage Impact Assessment of proposed development. Scheduled inspection of sites while development activity is underway to ensure adherence to prescribed practice.</p>	<p>Development permission for changes would be granted by the Technical Heritage Committee on the advice of Heritage Cell. Scheduled inspection of sites while development activity is underway to ensure adherence to prescribed practice.</p>

<p>(E) Vistas / Surrounding Development: All development in areas surrounding Heritage Grade-I shall be regulated and controlled, ensuring that it does not mar the grandeur of, or view from Heritage Grade-I.</p>	<p>All development in areas surrounding Heritage Grade-II shall be regulated and controlled, ensuring that it does not mar the grandeur of, or view from Heritage Grade-II.</p>	<p>All development in areas surrounding Heritage Grade-III shall be regulated and controlled, ensuring that it does not mar the grandeur of, or view from Heritage Grade- III.</p>
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- 7. Inventorying, mapping and valuation of heritage assets** -The process of GIS based inventorying, mapping and valuation of all properties and heritage assets within the walled city area will be carried out by the Heritage Cell along with the agency designated by Municipal Corporation, Jaipur in coordination with City Stakeholder Group.

The Heritage Cell will gather prior heritage asset inventories, which include monuments, routes, landscapes, neighborhoods, buildings, practices, and traditions. Developing a preliminary list and map including their historical growth, the Heritage Cell in coordination with the City Stakeholder Group will then carry out a series of local workshops open to the community.

- 8. Heritage Databank** - The Heritage Cell shall compile a comprehensive databank of all heritage assets along with data connected therewith. It may also include any data pertaining to such heritage sites which have potentials to be included as protected heritage in the future. The heritage database will be maintained and periodically updated as and when required, by the Cell which will also be responsible for adding and/or removing protected heritage assets from this record.

9. Conservation Area –

(1) Every area wherein a heritage asset is situated and such area adjoining the protected heritage asset as may be specified, on the recommendation of the Heritage Cell/Technical Heritage Committee shall be the Conservation area in respect of such heritage asset.

(2) It is the character or historic interest of an area created by individual buildings and open spaces and their relationship with each other that the conservation areas seek to preserve. The overall layout and pattern of development may be just as important to the character as individual buildings. The principles of selection for designation as a conservation area are broadly as follows:

- a. areas of significant architectural or historic interest in terms of specific listed buildings and/or ancient monuments;
- b. areas of significant architectural or historic interest in terms of building groupings, which may or may not include listed buildings and/or ancient monuments, and open spaces which they abutt;
- c. areas with features of architectural or historic interest such as street pattern, historic gardens and designed landscapes;
- d. other areas of distinctive architectural or historic character.

(3) In designating a conservation area, consideration will also be given to the reasons

why it is felt that it should be protected. These may include:

- its special architectural and historic importance;
- its distinct character;
- its value as a good example of local or regional style;
- its value within the wider context of the village or town;
- its present condition and the scope for significant improvement and enhancement.

- Conservation areas are living environments that will continue to adapt and develop. Designation of a conservation area does not mean a prohibition on development. The Heritage Cell will carefully manage change to ensure that the character and appearance of conservation areas are safeguarded and enhanced. Physical and land use change in the conservation area will be based on a detailed parameter as per Zonal Development Plan/Special Area Plan.
- There will be a focus in conservation areas on the careful maintenance of public space, and the use of appropriate signage and materials for traffic management and street furniture.
- New construction will only be allowed as per these regulations.
- No person shall carry out any construction, re-construction, or renovation in a Conservation Area except with the prior permission of the Competent Authority.

10. Building Parameters and Control Guidelines –

- The Heritage Cell shall prepare Guidelines if required, in addition to these byelaws, in respect of the heritage assets in Walled city, which shall be placed before the Technical Heritage Committee for its approval.
- The heritage guidelines referred to in sub-regulation 10(1) shall, in addition to such matters as may be prescribed, include matters relating to heritage controls such as elevations, facades, courtyards, open spaces, verandahs, ekdhalya, chajjas, jharokhas, chhatris and other architectural elements etc. drainage systems, roads and service infrastructure (including electric poles, water and sewer pipelines).
 - Building parameters – Following building parameters shall be followed while granting construction/reconstruction/renovation/addition/alteration etc. within walled city:

S. No.	Technical Parameter	Norm	Remark
1.	Setback /Building line	As per prevailing Building line	No projection viz. Balcony or any covered area etc. to be constructed on road/ public street except where it is permitted by the competent authority.
2.	Ground coverage	Within Plot/property area	The character of open spaces such as courtyards etc. within the building shall be maintained as per originally constructed. Modification of open

			space/courtyard shall not be permitted.
3.	Height	<ul style="list-style-type: none"> • Roads/main Bazaars - 15m (G+3) • Internal roads - 12m (G+2) 	<ul style="list-style-type: none"> • No construction to be allowed on "Ekdhalya" (above shops) • No coverage of verandah shall be allowed.
4.	Built up area Ratio	As achieved within permissible ground coverage and permissible maximum Height/No. of floors	-
5.	Parking	As per Parking Policy for Walled City	Parking zones to be identified and parking to be allowed only in such designated areas with levy/ fee as prescribed by JMC.

No Basement shall be allowed except in the special cases, for public purposes like parking/public utilities, MRTS, etc. with specific permission of the State Government.

- b. Architectural Control Guidelines – The owners of buildings situated on main roads/main bazaars shall strictly follow the Architectural Control Guidelines for façade and all other Architectural elements like Arches, Jali, Jharokha, Railing, Colour Scheme etc. of buildings [as per Annexure(i)].

Note: No deviation/change of façade as per Architectural Control Guidelines shall be permitted. In case any owner of a building has changed the façade or erected temporary structures like hoardings, sign boards, sheds, outdoor advertising structure, poles etc., deviating the guidelines, shall have to reconstruct/restore on his own expenses, as per the approved guidelines, within 60 days of issuance of notice by Jaipur Municipal Council, in this regard, even if the front elevation of any building is approved by the Competent Authority.

11. Responsibility of the owners of heritage buildings - It shall be the duty of the owners of heritage buildings and buildings in heritage precincts or in heritage streets situated within walled city to carry out regular repairs and maintenance of the buildings on their own expenses. The State Government, the Municipal Corporation or any Authorities shall not be responsible for such repair and maintenance except for the buildings owned by the Government, the Municipal Corporation or any other authorities or except in case the repair & maintenance of any street is carried out under any special project which may include façade of privately owned buildings also.

12. Restrictions on development/redevelopment/repairs etc.-

- (1) No development or redevelopment or engineering operation or additions/alterations, repairs, renovations including painting of the building, replacement of special features or plastering or demolition of any part thereof of the said listed buildings or listed precincts or listed natural feature areas situated within walled city area shall be allowed except with the prior permission of Competent Authority. Before granting such permission, the Competent Authority concerned shall mandatorily consult the Heritage

Cell/Technical Heritage Committee and shall act accordingly.

- (2) Scope of change / Adaptive reuse implications - Works relating to changes, development or redevelopment or additions, alterations and renovation of heritage sites shall be permitted in accordance with following: -

12.1 Prohibited

- a. Demolition (part or whole) and reconstruction except in the specific case of a building getting damaged due to any natural calamity, disaster, fire, riots etc. and dilapidated condition of structure being unsafe for the public or occupants of the building.
- b. Change in the exterior façade or deviation and/or violation of Architectural/Façade Control Guidelines.
- c. Alteration or addition including structural changes (in Grade-I heritage sites/buildings).
- d. Removal or alteration of carvings, paintings and other decorative architectural elements.

12.2 Permitted by Authority

- a. Strengthening/retrofitting of structure
- b. Renovation without changing the original exterior/façade and other architectural elements of the building.
- c. Construction of boundary wall in harmony with heritage sites.
- d. Installation of internal lift.
- e. Installation of solar water heating system/solar power plant/fire safety equipment/Air conditioning system/electrical/plumbing system.
- f. Alteration or addition including structural changes (In Grade-II and Grade- III heritage sites).
- g. Internal changes and adaptive re-use (In Grade-II and Grade-III heritage sites).
- h. New doors and windows on internal/external walls (In Grade-II and Grade- III heritage sites).
- i. Extension and addition in the same compound if it is in harmony with existing heritage buildings (In Grade-IIB and Grade-III heritage sites).
- j. All other works not mentioned in sub-section (1) and (2) of Section 12 and 12.1 above.

13. Penalties –

(1) Whoever -

- a. destroys, injures, mutilates, defaces, alters, removes, disperses, misuses, imperils or allows to fall into decay a protected heritage asset, or,
- b. being the owner or occupier of protected heritage asset, contravenes an order made under these rules, or,
- c. carries out any construction, re-construction or repair and renovation in the Conservation Area without the previous permission of the competent authority or in contravention of the permission granted by the competent authority, shall be punishable under the Section 194 of the Rajasthan Municipalities Act, 2009.

- (2) Whoever contravenes any other provisions of these rules or the provisions of the Regulations, made there under shall be penalized as per the provisions of Municipal Act, 2009 or the rules and regulations framed therein.

14. Enabling mechanism -

- (1) Power of the State Government to issue directions.- The Jaipur Municipal corporation and Committees formed under there byelaws shall, in exercise of its powers or the discharge of its functions under these byelaws, be bound by such directions, as the State Government may give in writing to it from time to time.
- (2) All Authorities to assist the State heritage Committee/Technical Heritage Committee -
- a. Notwithstanding anything to the contained in any Rajasthan law, all authorities working within Jaipur (Walled City) shall be bound to assist the State Heritage Committee/Technical Heritage Committee in carrying out their functions under these byelaws and provide all the reasonable assistance required by the Committee or any officer or Member of the Committee required by them in connection with the carrying out the provisions of these byelaws.
 - b. If any dispute arises between the Technical Heritage Committee, Heritage Cell and an authority, the same shall be referred to the State Heritage Committee and the decision of the State Heritage Committee thereon shall be final and binding on all concerned.

15. Application for construction or reconstruction or repair or renovation in Conservation area - Any person, who owns or possesses any building or structure or land in any conservation area, and desires to carry out any construction or reconstruction or repair or renovation of such building or structure on such land, as the case may be, may make an application to the competent authority for carrying out construction or reconstruction or repair or renovation, as the case may be.

16. Grant of permission by competent authority within conservation area-

- (1) Every application for grant of permission under these byelaws shall be made to the competent authority.
- (2) The competent authority shall, within seven days of the receipt of the application, forward the same to the Heritage Cell to consider the impact of such construction having regard to the building parameters and Architectural Control Guidelines.
- (3) The Heritage Cell shall, within two weeks from the date of receipt of application, recommend to the concerned committee/authority with reasons to either to grant permission or refuse the same.
- (4) The concerned committee/authority shall, within one month of the receipt of recommendation from the Heritage conservation expert, either grant permission or refuse the same as so recommended by the Cell.
- (5) In case the competent authority refuses to grant permission under these byelaws, it shall, by order in writing, after giving an opportunity to the concerned person, intimate such refusal to the applicant within three months from the date of receipt of the application.
- (6) If the competent authority, after grant of the permission and during the

carrying out of the repair or renovation work or re-construction of building or construction referred to, is of the opinion (on the basis of material in its possession or otherwise) that such repair or renovation work or re-construction of building or construction is likely to have an adverse impact on the preservation, safety, security or access to the heritage asset considerably, it may refer the same to the Technical Heritage Committee with its recommendations and if so recommended, withdraw the permission granted.

- (7) The competent authority shall exhibit, on its website, all the permissions granted or refused under these Byelaws.

17. Conservation of protected heritage assets by agreement –

(1) The Heritage Cell/Technical Heritage Committee may propose to the owner of a protected heritage asset to enter into an agreement with the Jaipur Municipal Corporation within a specified period for the conservation of the heritage asset.

(2) An agreement under these Byelaws may provide for all or any of the following matters, namely; -

- a. Permission of Adaptive re-use of the heritage asset/assets
- b. The maintenance and upkeep of the heritage asset, through other private developers.
 - i. to charge any fee for entry into, or inspection of, the heritage asset, or
 - ii. to destroy, injure, mutilate, deface, alter, repair, remove or disperse the heritage asset or to allow it to fall into decay, or
 - iii. to build on or near the site of heritage asset;
- c. The facilities of access to be permitted to the public or any section thereof or the Members of the Heritage Cell/Technical Heritage Committee or to persons deputed by the owner or any officer authorized in this behalf to inspect or maintain the heritage asset.
- d. The notice to be given to the Heritage Cell/Technical Heritage Committee in case the land on which the heritage asset is situated or any adjoining land is offered for sale by the owner.
- e. The appointment of an arbitrator to decide any dispute arising out of the agreement; and
- f. Any matter connected with the maintenance and upkeep of the heritage asset which is a proper subject of agreement between the owner and the Heritage Cell/ Technical Heritage Committee.

(3) The terms of an agreement may be altered from time to time by the Heritage Cell/ Technical Heritage Committee with the consent of the owner.

(4) The Heritage Cell/ Technical Heritage Committee or the owner may, at any time after the expiration of three years from the date of execution of an agreement under this regulation, terminate it on giving six months' notice in writing to the other party;

Provided that, where the agreement is terminated by the owner he shall pay to the Jaipur Municipal Corporation the expenses, if any, incurred by it on the maintenance and upkeep of the heritage asset during the five years immediately preceding the termination of the agreement or, if the agreement has been in force for a shorter period, during the period the agreement was in force.

(5) An agreement under these byelaws shall be binding on any person claiming

to be the owner of the heritage asset to which it relates, from, through or under a party by whom or on whose behalf the agreement was executed.

18. Power to enter into agreement for the maintenance of certain protected heritage assets –

(1) The State Government by an order places any listed/ protected heritage asset owned by State Government or any local authority or any such public authority at the disposal of the Jaipur Municipal Corporation for the purpose of maintenance.

(2) The Jaipur Municipal Corporation may, for the purpose of conservation of a listed/ protected heritage asset vested in it or in which it has acquired right for the purpose of maintenance, enter into an agreement with any person, firm or trust on such terms and conditions, not inconsistent with the provisions of these byelaws, as may be specified in the agreement.

(3) Notwithstanding anything contained in these byelaws, the person, firm or trust referred to in 18 (1) shall be entitled to collect and retain the whole or such portion of the fee leviable under these byelaws and for such period, as may be agreed upon between the Jaipur Municipal Corporation and such person, firm or trust, as the case may be having regard to the expenditure involved in the maintenance of the heritage asset and collection of fee, interest on the capital invested, reasonable return of the investment and the volume of visitors.

19. Power to levy entrance fee –

(1) The Jaipur Municipal Corporation may, by notification in the Official Gazette, levy entrance fee in respect of heritage assets referred to in these byelaws at such rates as may be specified in such notification: -

Provided that the Jaipur Municipal Corporation may, by notification, exempt, wholly or partly any class of persons from the payment of entrance fee and shall be exempt if directed so by the State Government.

(2) Such entrance fee when so levied shall be collected in such manner as may be determined by the Jaipur Municipal Corporation.

20. Power to the make parameters –

(1) The Jaipur Municipal Corporation with the prior approval of the State Government may, by notification in the Official Gazette, make parameters for carrying out the provisions of these byelaws.

(2) Any additional area specific technical and other parameters may also be prepared by the Heritage Cell after approval by the Technical Heritage Committee and for carrying out the provisions of these Byelaws.

21. Power of entry- Subject to any Regulations made in this behalf, any person, generally or specially authorized by the State Government or the Jaipur Municipal Corporation in this behalf, may, whenever it is necessary so to do for any of the purposes of these Byelaws, at all reasonable times, enter upon any land or premises, and-

- a. Make any inspection, survey, measurement, valuation or enquiry;
- b. Take levels;
- c. Dig or bore into subsoil ;
- d. Set out boundaries and intended lines of work;
- e. Mark such boundaries and lines by placing marks and cutting trenches, or
- f. Do such other acts or things as may be prescribed.

Provided that no such person shall enter any boundary or any enclosed court or garden attached to a dwelling house (except with the consent of the occupier thereof) without previously giving such occupier at least twenty-four hours' notice in writing of his intention to do so.

22. Protection of action taken in good faith- No suit, Prosecution or other legal proceeding shall lie against the Jaipur Municipal Corporation or any member or officer or employee thereof for anything which is in good faith done or intended to be done under these Byelaws or technical and other parameters made there under.

23. Purchasers and persons claiming through owner bound instrument- Every person who purchases any land on which is situated a protected heritage asset in respect of which any instrument has been executed by the owner for the time being under sub-regulation 8 of regulation 12 or under regulation 10, and every person claiming any right, title or interest to or in heritage asset from, through or under an owner who executed any such instrument, shall be bound by such instrument.

24. Ownership not affected - Sale and purchase of Heritage Buildings does not require any permission from Jaipur Municipal Corporation/or Heritage Cell. The Byelaws do not affect the ownership or usage. However, such usage should be in harmony with the said Architectural Control Guidelines and building parameters. Care will be taken to ensure that the development permission relating to these buildings is given within maximum 90 days.

25. Appeal –

(1) Any person aggrieved by any order or resolution passed or purporting to have been passed, under these Byelaws by or on behalf of Jaipur Municipal Corporation/Heritage Cell/Technical Heritage Committee, any member or officer, shall file appeal before Director, Local bodies or any officer appointed by the State Government in this behalf within Sixty days from the passing of such Order or resolution.

(2) On examination of the record, Director, Local Bodies or officer appointed by the State Government in this behalf may rescind, reverse or modify such order or resolution and the order of the Director of Local bodies or any officer appointed by the State Government as aforesaid shall be final and binding.

26. Incentive Mechanism -

(1) Flexible land use/building use for heritage buildings - In cases of buildings located in non-commercial use zones included in the Heritage Conservation List, if the owner / owners agree to maintain the listed heritage building as it is in the existing state and to preserve its heritage state with allowed internal changes & due repairs and the owner / owners / lessees give a written undertaking to that effect, the owner/ owners /lessees may be allowed with the approval of the competent authority to convert part or whole thereof of the non-commercial area within such a heritage building to commercial use/uses as permitted by the competent authority under these byelaws.

Provided that if the heritage building is not maintained suitably or if the heritage value of the building is spoiled in any manner, such change of land/building use shall be disallowed by the competent authority.

(2) Transferable development rights - Facility of Transferable Development Rights shall also be allowed as per TDR policy of the State Government.

(3) Tax rebates (UD tax & other taxes as applicable) -

- a. In cases of listed buildings, if the owner / owners agree to maintain the listed heritage building as it is in the existing state and to preserve its heritage state with allowed internal changes & due repairs/ carryout sensitive adaptive reuse the owner / owners / lessees give a written undertaking to that effect, they will be given tax rebate in Urban Development Tax for residential properties / commercial properties, as approved by the State Government.

Provided that if the heritage building is not maintained suitably or if the heritage value of the building is spoiled in any manner, any tax exemption would be lost without any liability or encumbrances on the State Government/State Heritage Committee/Technical Heritage Committee or Jaipur Municipal Corporation.

- b. The State will consider all projects proposed in selected heritage properties, that wish to provide tourism related infrastructure, to be equal to tourism projects and avail the same special incentives in taxes (as mentioned in the Tourism Policy). This includes tax-holidays in Electricity Duty, Luxury tax, Entertainment tax & Sales tax, with exemptions in Stamp Duty & Land charge for rent/sale.

(4) Heritage Fund -

- a. There shall be established a fund known as the Heritage Fund for the purpose of these Byelaws.
- b. The State Government may, by the way, grant such sums of money as the State Government may think fit for being utilized for the purposes of these Byelaws.
- c. In addition to the sum of the money paid by the State Government, the following shall be credited to the Heritage Fund namely: -
 - i. Contributions, aids or donations from Central Government, national or international agencies, non-government organizations, agencies or associations, trusts, societies, individuals etc., involved with or interested in heritage conservation or other Contributions from any person or Corporate Social Responsibility (CSR) Fund.
 - ii. Any sum of money received by the Jaipur Municipal Corporation by way of fees levied under these byelaws;
 - iii. The Jaipur Municipal Corporation may levy any fee in relation to heritage conservation, Value Capture financing, betterment levy, parking fee, building permission fee etc. The amount collected as may be decided by the Jaipur Municipal Corporation may be transferred to the Heritage Fund.
 - iv. Any other sum of money received by the State Government/ Jaipur Municipal Corporation for the Purpose of Heritage Conservation.

- v. The fund shall have amounts dedicated to heritage conservation works, administrative fund and maintenance fund; expenses incurred in the carrying out the purposes of these Byelaws including the payment of allowances to the non-Government members of the Committees, payment of salaries and allowances to the Heritage Conservation Experts etc. can be funded from the administrative fund.
- vi. The Heritage Fund shall be administered by the State Heritage Committee in such manner as may be deemed fit by the committee.

By Order
(VIJAY PAL SINGH), I.A.S.
COMMISSIONER AND ADMINISTRATOR
NAGAR NIGAM, JAIPUR
GREATER AND HERITAGE,
JAIPUR,
RAJASTHAN

राज्य केन्द्रीय मुद्रणालय, जयपुर।