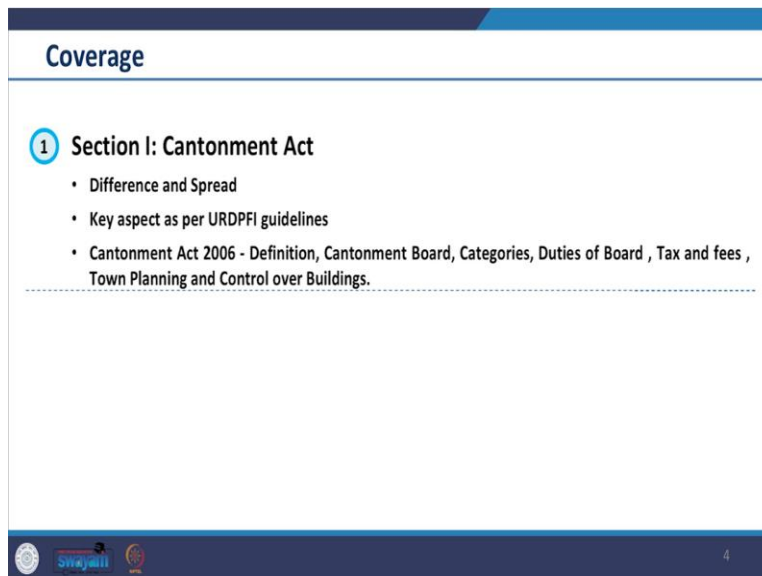


**Introduction to Urban Planning**  
**Prof. Harshit Sosan Lakra**  
**Department of Architecture and Planning**  
**Indian Institute of Technology, Roorkee**

**Lecture - 38**  
**Section I – Cantonment Act**  
**Section II – Legal Requirement for Heritage Conservation**

Welcome to the course introduction to urban planning continuing with our efforts to cover related act in the domain of urban planning we shall cover two specific acts today first being cantonment act and then the second being heritage related acts.

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So, our coverage of section one will include cantonment understanding of cantonment looking at the difference and the spread of the cantonment areas across the nation. Then, we look at the key aspects as per the URDPFI guidelines thereafter we look into particular a ct containment act of 2006. We look into key definitions what it prescribes in the act then we will look at the containment boards the various categories which are identified duties of the board.


What all they can do taxes and fees which they can collect and the town and planning and control over the buildings they have that all will be covered here.

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### Learning Outcomes

- 1 • Differentiate the Cantonment Area and describe its spread in the country.
  - Identify and review Key aspect as per URDPFI guidelines.
  - You should be able to identify key elements based on their definitions, authority, categories, duties, Tax and fees.
  - You should be able to review their Town Planning and Control over Buildings.

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Accordingly, the expected learning outcomes are that after completion of this particular section you should be able to differentiate the cantonment area and describe its spread in the country. You should be able to identify and review key aspects as per the URDPFI guidelines as well as you should be able to identify key elements based on their definitions authority categories duties tax and fees.


You should be able to further review their town planning responsibilities as well as the control they have over the buildings.

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### Coverage

- 2 **Section II: Legal Requirement for Heritage Conservation**
  - The Ancient Monuments and Archaeological sites and Remains Act, 1958, 2010 and subsequently revised 2017.
  - Heritage City Development and Augmentation Yojana (HRIDAY) by the Environment (Protection) Act, 1986.
  - The Delhi Urban Art Commission Act, 1973.
  - Key definition - Ancient Monument, antiquity, archaeological site and remains, protected area, protected monument and their implications.

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In the section 2 the coverage will include the ancient monument and archaeological sites and remains act of 1958, 2010 and subsequent revised on 2017. We will look at the heritage city development and augmentation yojana HRIDAY by the environmental protection act 1986 as well as we will be looking at Delhi urban arts commission acts of 1973. So, you will be looking at based on this ancient monument and archaeological sites and remains act.

You will be looking at the key definitions how do we really define ancient monuments antiquity archaeological sites and remains protected area protected monuments. And then we look at what are their implications as you may recollect that in the first lecture, we talked about why there is need for act so you may look at the implications of this act. After completion of the section, you should be able to list and review the acts.

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**Learning Outcomes**

- 2 • Able to identify and review key elements and aspect based on the definitions.
- Ancient Monument, antiquity, archaeological site and remains, protected area, protected monument.
- Able to review its implications.

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You should be able to identify and review key elements and aspect based on the definition ancient monuments antiquity archaeological sites and remains. You should be able to identify the protected area protected monuments and then you should be able to review what its implications would be. You may simultaneously think of the court case I mentioned in the introductory lecture of the series as well as look at many other cases as suggested in the readings and the watch.

Moving on to section 1 cantonment acts 2006, trying to understand first cantonment. Cantonment means a military garrison or a camp a permanent military station usually of a large scale where men are trained for military purpose. You must have visited cantonment area.

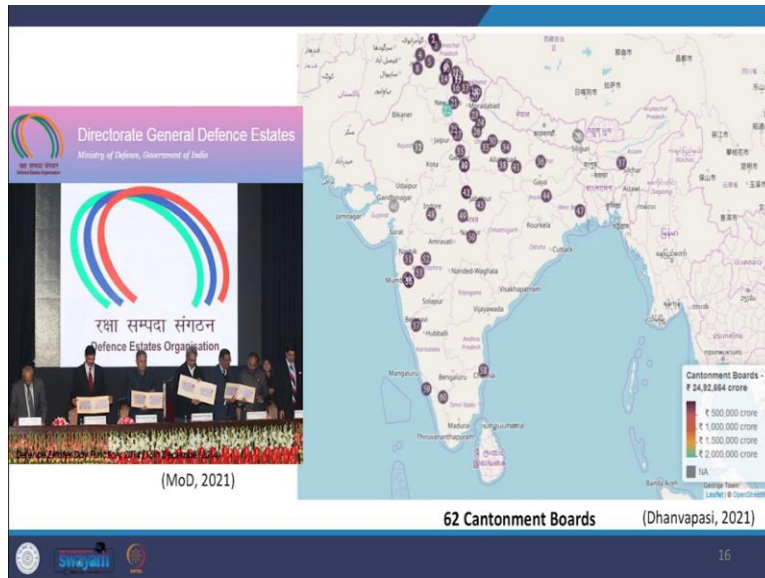
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Or lived beside it or lived you must have lived in a cantonment area. This unique structure of cantonment boards is being maintained successfully keeping in view the fact that the containment areas were are primarily meant to accommodate the military population and their connections. Cantonments are different from the military stations, in that the military stations are purely meant for the use and accommodation of the armed forces.

And these are established under an executive order, whereas the cantonments are areas which comprise of both military and civilian population. So, as for the directorate general defence state there are 62 cantonments in the country.

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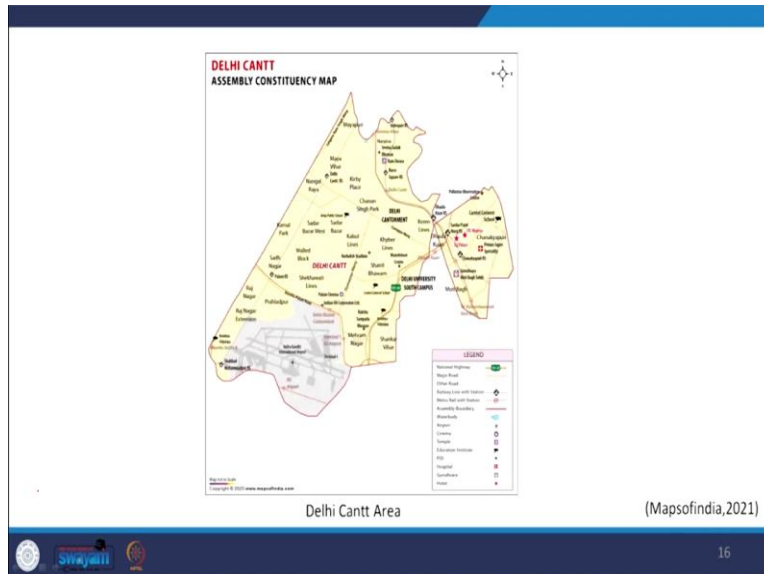
You may see in the map how are they spread across the country and most of them being on the northern side the link to the list is also given to you in the suggested reading and watch if you want to see all of them here.

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Further in the map you can see Lucknow cantonment area.

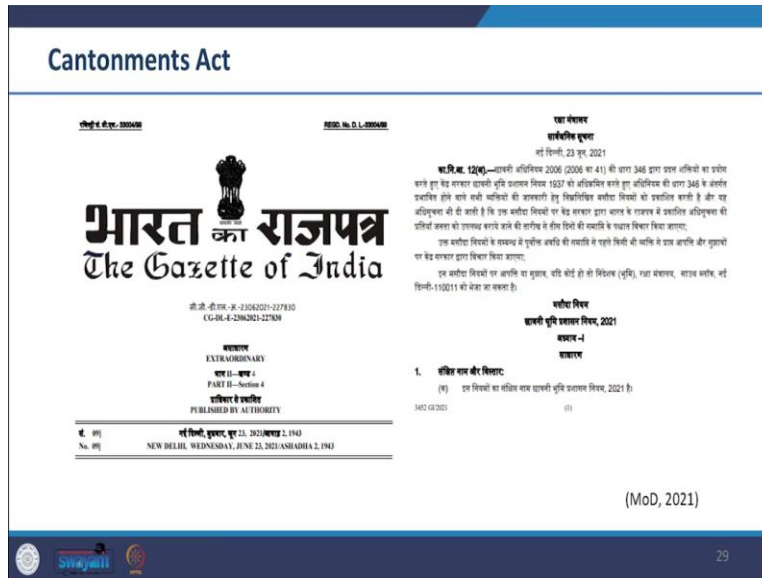
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You can see the map of Delhi cantonment it occupies 43 square kilometre in the heart of the metropolitan region as shown here. These areas are very similar to the urban areas that is what we are trying to understand in terms of their requirements for urban management and governance. So, we have all across seeing, those urban management and governance, and all the issues.

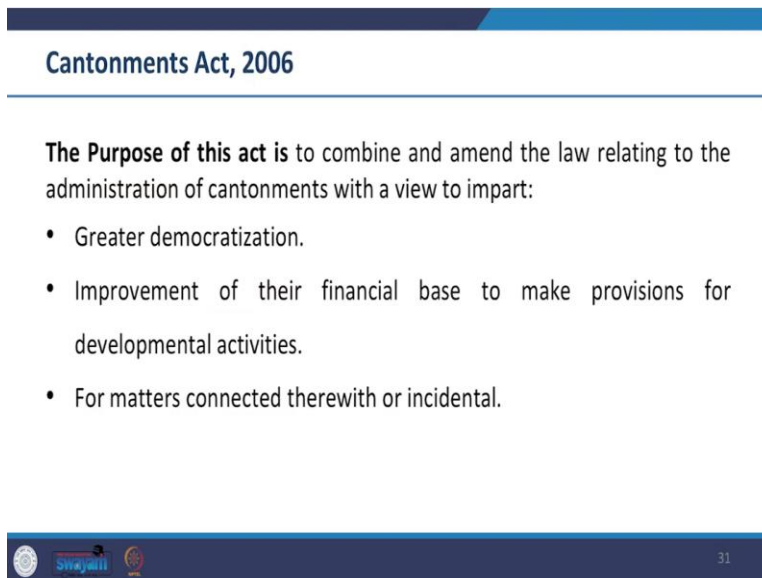
The major difference in cantonment area unlike other ULBs are that the urban self-governance of the cantonments. And the housing accommodation is subject matter of the union of India the overall municipal administration of the notified containment is the function of the cantonment board which are democratic bodies like ULBs. So, you have seen how ULBs are the democratic bodies' similar way the containment boards are also democratic bodies here.

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The ministry of defence on June 23rd, 2021, has issued the draft containment plan administration rules 2021, there is also the contentment bill 2020.

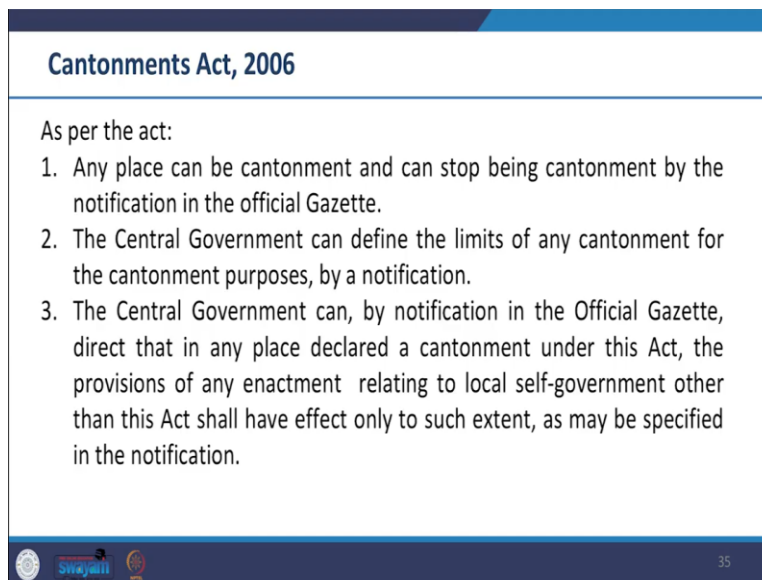
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For the purpose of review of act, and also to understand the implications and look at the various definitions we will look at 2006 containment act. The purpose of this act is to combine and amend the law relating to administration of containment with a view to impart so what is the intention impart greater democratization. So, you have also seen in 73rd and 74th constitutional amendment act. The purpose was more democratic system of governance.

So, here we look at the greater democratization, further improvement of the financial base to make provision for development activities and format is connected with all these contentment areas. So, as per the URDPFI guideline following aspects of the act are important for us to understand from the urban and regional planning point of view. So, we will look at what are those selective ones here.

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**Cantonments Act, 2006**

As per the act:

1. Any place can be cantonment and can stop being cantonment by the notification in the official Gazette.
2. The Central Government can define the limits of any cantonment for the cantonment purposes, by a notification.
3. The Central Government can, by notification in the Official Gazette, direct that in any place declared a cantonment under this Act, the provisions of any enactment relating to local self-government other than this Act shall have effect only to such extent, as may be specified in the notification.

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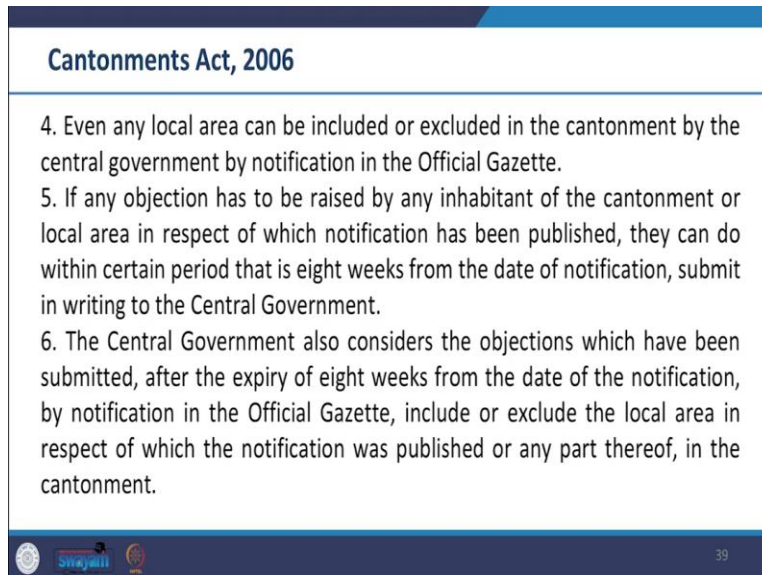
As per the act we need to know that central government can declare any place or places along with the boundaries in which forces is quartered or which is required for the service of such forces to be a cantonment. And can also declare that any such area shall cease to be in cantonment by notification in the official gazette. So, any place can be cantonment and can stop being contentment by the notification in the official gazette.

So, you may take note of this how do we really notify it or identify it furthermore we can see that central government can define the limits of any cantonment. The central government can by notification the official gazette direct that in any place declared as containment under this act the provision of any enactment relating to self-government other than this act. So, they have power to have more orders in the place.



So, central government can give additional direction apart from the provision under this act further we see that they also have the rights to alter the limits of the cantonments the cantonment act 2006 prescribed that,

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**Cantonments Act, 2006**

4. Even any local area can be included or excluded in the cantonment by the central government by notification in the Official Gazette.
5. If any objection has to be raised by any inhabitant of the cantonment or local area in respect of which notification has been published, they can do within certain period that is eight weeks from the date of notification, submit in writing to the Central Government.
6. The Central Government also considers the objections which have been submitted, after the expiry of eight weeks from the date of the notification, by notification in the Official Gazette, include or exclude the local area in respect of which the notification was published or any part thereof, in the cantonment.

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For any local area can be included or excluded in the cantonment by the central government by notification in the official gazette. If any objection has to be raised so you see there is a provision for objection so any objection that has to be raised by an inhabitant of the continent or the local area in respect to this notification can do so within a certain period. The period prescribed at this time is eight weeks from the date of notification.

It can be even further ahead of that given that it is acknowledged by the government. So, for the purpose of planning we see that any area can be declared or ceased to be cantonment even part can be declared or so and there can be directives in addition to the act. The boundary is also determined by the central government there is provision to raise objection as well for the people affected by these notifications.

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## Act Provisions

The act provides various,

- Definitions and Delimitation of Cantonment.
- About the CANTONMENT BOARDS such Elections, Members, Employees, Procedure.
- States about the Control.
- Duties and Discretionary Functions of Boards.
- Imposition of taxation.
- Preparation of Plan.

Further we will quickly browse through the act, so we see that there are definitions and delimitation of the cantonment there is details about the cantonment boards and their elections, members, employs procedure they also state about the control. They also specify the duties and discretionary functions of the boats what kind of taxes they can impose and then they are responsible for preparation of plan and then the control over the buildings.

So, there are many other responsibilities I have just selected few of them to be discussed here in very brief. So, briefly looking at the; selective definitions and delimitation of the cantonment.

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## Definitions

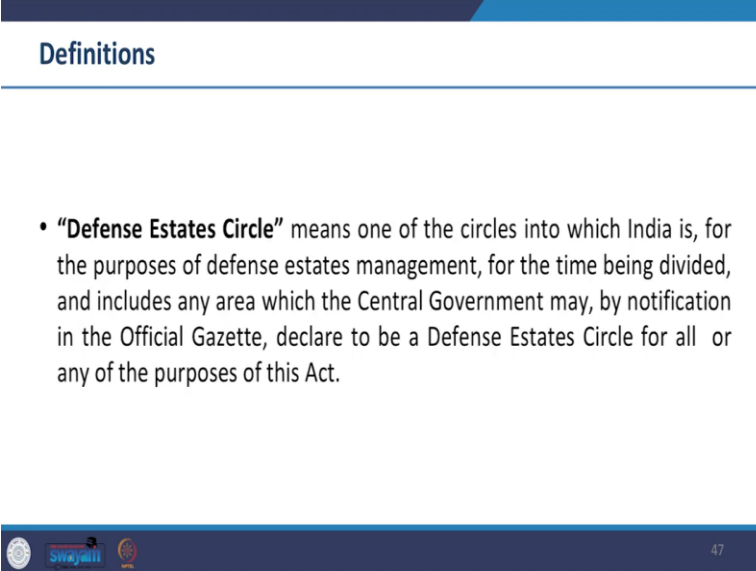
As per the act,

- **“The Civil area”** means an area declared to be a civil area by the Central Government under sub-section (1) of section 46;
- **“Civil area committee”** means a committee appointed under section 47;
- **“Command”** means one of the Commands into which India is for military purposes for the time being divided, and includes any area which the Central Government may, by notification in the Official Gazette, declare to be a Command for all or any of the purposes of this Act;

We see that the civil area, so you must have heard about several areas a civil area as per the act means an area declared to be a civil area by central government under the subsection what you are looking at this as the civil area. Further we see a civil area committee is also formed which is the committee appointed under this particular provision further we see there is a term command which means one of the commands into which India is for military purpose for the time being divided.

So, as for the national policy; where all how they are dividing the area so under which area it falls.

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The slide is titled "Definitions" and contains a single bullet point defining the term "Defense Estates Circle". The slide has a blue header and footer. The footer includes the Swajanti logo and the number 47.

**Definitions**

- **“Defense Estates Circle”** means one of the circles into which India is, for the purposes of defense estates management, for the time being divided, and includes any area which the Central Government may, by notification in the Official Gazette, declare to be a Defense Estates Circle for all or any of the purposes of this Act.

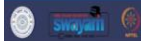
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Further we see that it also defines defense estate circle means one of the circle into which India is for the purpose of defense estates management for the time being divided as for the policy.

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## Definition of Cantonments

- The Central Government may, by notification in the Official Gazette, declare any place or places along with boundaries in which any part of the Forces is quartered or which, being in the vicinity of any such place or places, is or are required for the service of such forces to be a cantonment for the purposes of this Act and of all other enactments for the time being in force, and may, by a like notification, declare that any cantonment shall cease to be a cantonment.
- The Central Government may, by a like notification, define the limits of any cantonment for the aforesaid purposes.



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Looking at the definition of the cantonment we see that it provides the definition under subsection 1 of 3 which we have already seen through the URDPFI guidelines. We also see that the act states its power to define the boundaries of the cantonment in subsection 2 of 3 further in subsection 3 of 3 the act states that the central government shall constitute a board in accordance with the provision under the act.

Furthermore, the act also provides structure for cantonment board under chapter 3 section 10 you may pay attention to the structure and also see how it is different or similar to our urban classification as per the census of India.

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## Cantonment Board

### As per the act

- For every cantonment there shall be a Cantonment Board.
- Every Board shall be deemed to be a municipality under clause (e) of article 243P.
- **Constitution of Board for the purposes of—**
  - a) Receiving grants and allocations;
  - b) Implementing the central government schemes of social welfare, public health, hygiene, safety, water supply, sanitation, urban renewal and education.

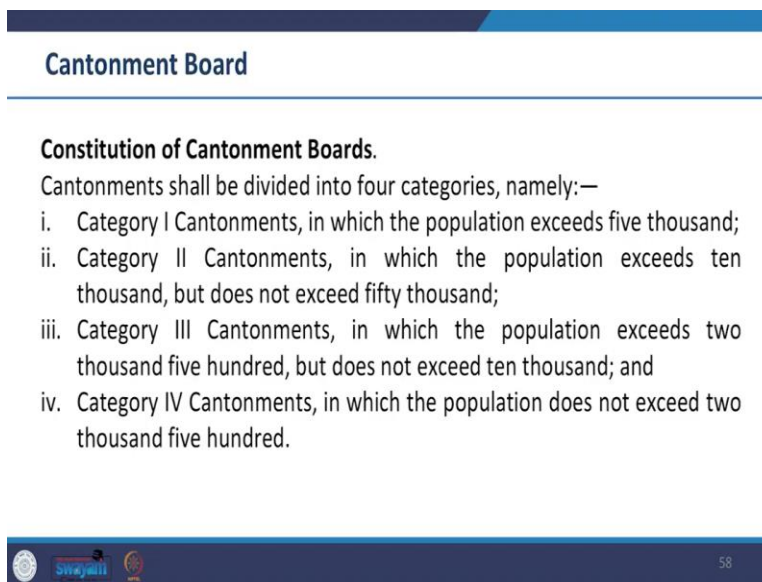


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So, as per the act for every cantonment there shall be cantonment both every board shall be deemed to be municipality under class. So, the purpose of the board; so, why they have constituted the board so you can also align with and see the urban local bodies how we had seen earlier. So, you see that the purpose of the board is for receiving grants and allocations implementing the central government schemes for social welfare public health hygiene and so on.

Further you see that board will have the perpetual which means continuous power to acquire and hold property both movable and immovable and it will also have the right to contract. And the board can sue you and can be sued for these particular duties which they will perform we shall pay attention to this structure similar to the urban classification.

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**Cantonment Board**

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**Constitution of Cantonment Boards.**  
Cantonments shall be divided into four categories, namely:—

- i. Category I Cantonments, in which the population exceeds five thousand;
- ii. Category II Cantonments, in which the population exceeds ten thousand, but does not exceed fifty thousand;
- iii. Category III Cantonments, in which the population exceeds two thousand five hundred, but does not exceed ten thousand; and
- iv. Category IV Cantonments, in which the population does not exceed two thousand five hundred.

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We see here four categories namely category 1 of the cantonments in which the population exceeds 5000. Category 2 cantonments in which population exceeds ten thousand but does not exceeds 50,000. Category 3, cantonments in which population exceeds 2500 does not exceed 10,000. Category 4, cantonments in which population does not exceeds 2500. So, these are the classification which you would like to remember. For the purpose of categorization; the population how they are categorizing it so for that purpose.

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## Cantonment Board

For the purposes of sub-section (1),

- The population is stated to be calculated in accordance with the latest official census, or, if the Central Government, by general or special order, so directs, in accordance with a special census taken for the purpose.



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The population is stated to be calculated in accordance with the latest official census or if the central government undertakes special census for this. So, they can take it directly from the census or they might perform their own special senses for this purpose. Moving forward we see that act states the duties and powers of the board as you had also seen for ULBs in 12th schedule.

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## Duties and Discretionary Functions of Boards

The duty of every board to make reasonable provision within the cantonment for—

- **Lighting streets** and other public places;
- **Watering streets** and other public places;
- **Cleansing streets, public places and drains**, abating nuisances and removing noxious vegetation;
- **Regulating offensive, dangerous or obnoxious trades, callings and practices;**



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Duties of the board it shall be the duty of every board so far as funds allows to make reasonable provision within the cantonment. For lighting the; streets and the public places watering streets and other public places cleaning streets regulating offensive dangerous or obnoxious traits.

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## Duties and Discretionary Functions of Boards

- **Removing, on the ground of public safety,** health or convenience, undesirable obstructions and projections in streets and other public places;
- **Securing or removing dangerous buildings and places;**
- **Acquiring, maintaining, changing and regulating places** for the disposal of the dead;
- **Constructing, altering and maintaining streets,** culverts, bridges, causeways, markets, slaughter-houses, latrines, privies, urinals, drains, drainage works and sewerage works and regulating their use;

Then also removing on ground of public safety removing anything which is considered unsafe for the; people. Then securing or removing dangerous buildings and places acquiring maintaining and changing and regulating places for disposal of dead. So, that is also their responsibility constructing altering and maintaining streets culverts bridges like you saw in the ULBs case as well.

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## Duties and Discretionary Functions of Boards

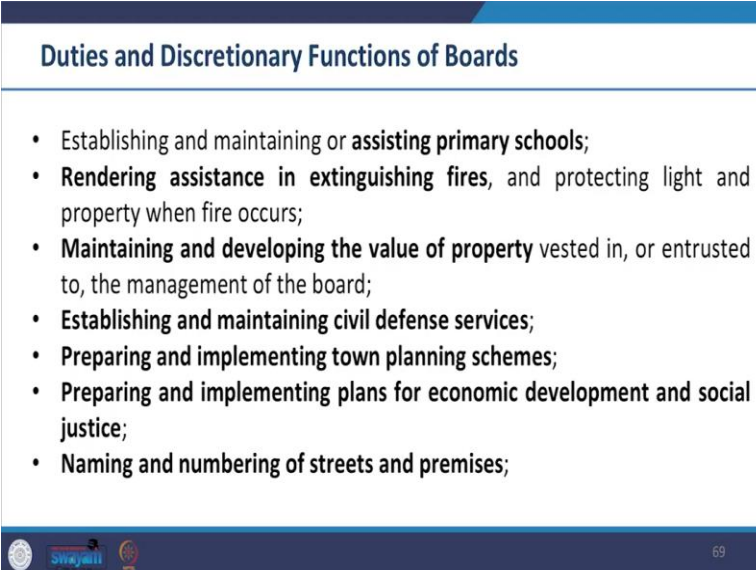
- **Planting and maintaining trees** on roadsides and other public places;
- **Providing or arranging for a sufficient supply of potable water,** where such supply does not exist, guarding from pollution water used for human consumption, and preventing polluted water from being so used;
- **Registering births and deaths;**
- **Preventing and checking spread of dangerous diseases;** establishing and maintaining a system of public vaccination and inoculation for the said objective;
- **Establishing and maintaining or supporting public hospitals,** maternity and child welfare centres and dispensaries, and providing public medical relief;

Also planting and maintaining trees on the roadside and public places, furthermore providing or arranging for sufficient supply of portable water registering births and deaths very similar to the ULBs. Preventing and checking spread of dangerous disease the health also is taken care here

furthermore we see that maintaining or supporting how public hospital is also under their duty here.

Likewise, we see that they are also responsible the list is long here. We also see that they are responsible for assisting primary school.

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**Duties and Discretionary Functions of Boards**

- Establishing and maintaining or **assisting primary schools**;
- **Rendering assistance in extinguishing fires**, and protecting light and property when fire occurs;
- **Maintaining and developing the value of property** vested in, or entrusted to, the management of the board;
- **Establishing and maintaining civil defense services**;
- **Preparing and implementing town planning schemes**;
- **Preparing and implementing plans for economic development and social justice**;
- **Naming and numbering of streets and premises**;

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And also, the fire safety here as well as protecting light and property when fire occurs further, we see that they are responsible for maintaining and developing the value of the property. They are responsible for establishing and maintaining civil defense services preparing and implementing town planning schemes, preparing and implementing plans for economic development and social justice, so we have seen the different range of such kind of plans.

They are also responsible for naming and numbering of streets and premises. So, you see all these duties they have they also are responsible for giving permission for construction of building.

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## Duties and Discretionary Functions of Boards

- According or refusing **permission to erect or re-erect building**;
- **Organizing, promoting or supporting cultural and sports activities**;
- **Celebrating Independence Day and Republic Day** and incurring expenditure thereon;
- Fulfilling any other obligation imposed upon it by or under this act or any other law for the time being in force.



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And then also; organizing promoting or supporting cultural and sports activities and so on. So, these are the long list of the duties which the cantonment board has. They may also impose taxes and fees they have general power of taxation to collect.

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## Imposition of Taxation and Fees

### General power of taxation—

The Board shall, with the previous sanction of the Central Government, impose the following taxes for the purposes of this Act:—

- a) Property Tax; and
- b) Tax on trades, professions callings and employments.

In addition to the taxes specified in sub-section (1) the Board may, for the purposes of this Act, impose any tax which under any enactment for the time being in force may be imposed in any municipality in the State in which the cantonment is situated.



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Like property tax on trades professions calling employments in addition to taxes board may also impose tax as per the municipality in that particular state.

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## Imposition of Taxation and Fees

### Charging of fees—

The board shall, for the purposes of this act, charge the following fees, namely:

- a) License fee on vehicles and animals;
- b) License fee on advertisements other than advertisements in newspapers;
- c) Fee relating to maintenance of property records;
- d) Processing fee on buildings payable along with application for sanction of the building plan;
- e) License fee on entry of vehicles;
- f) Betterment fee on the increase in land value caused by the execution of any development work; and
- g) Such other fee which the board may by regulation specify.



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The board can also charge fees such as license fees, fees related to maintenance processing charges like they are also proving buildings and then they can also charge fees for betterment. Now briefly looking at town planning and control over building so you may also slightly pay attention to this. Both as we saw is responsible to prepare land use plan, they are responsible to prepare zones for various users so we will be also looking at these zoning tool.

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## Preparation of Land Use Plan

(1) On the commencement of this Act, the Chief Executive Officer shall with the approval of the Board, cause to be prepared a spatial plan for land use to be followed in the cantonment which shall include—

- a) Earmarking of zones for residential, institutional, commercial and other activities; and
- b) Improvement schemes for areas considered sub-standard on account of narrowness of streets, poor lighting, poor ventilation or irregular line of buildings in a street.

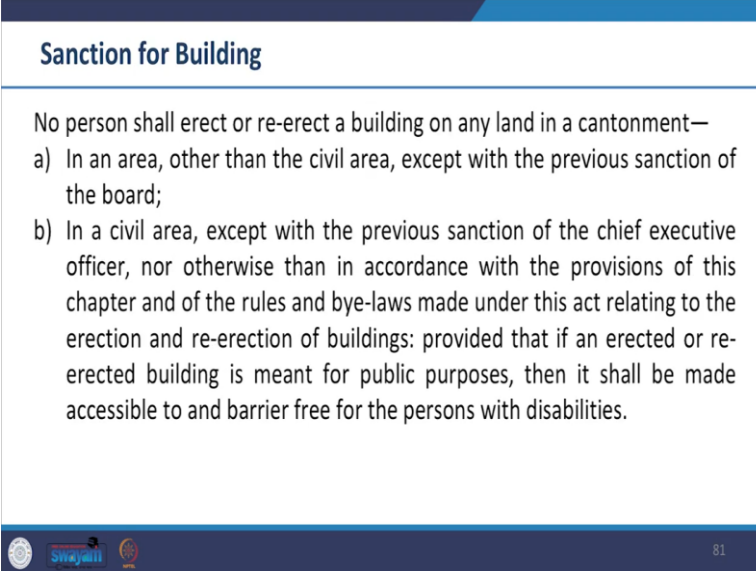
(2) The Board shall give publicity to the land use plan prepared under sub-section (1), by publishing a gist of the plan in a local newspaper.



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So, they are responsible for creating various zones. They need to have improvement schemes for areas considered substandard they are required to publicize the land use plan. So, you have seen that whenever the plan is developed that needs to be communicated to the people so they also need to publicize it.

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**Sanction for Building**

No person shall erect or re-erect a building on any land in a cantonment—

- a) In an area, other than the civil area, except with the previous sanction of the board;
- b) In a civil area, except with the previous sanction of the chief executive officer, nor otherwise than in accordance with the provisions of this chapter and of the rules and bye-laws made under this act relating to the erection and re-erection of buildings: provided that if an erected or re-erected building is meant for public purposes, then it shall be made accessible to and barrier free for the persons with disabilities.

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The model also sanctions permission for building you may pay attention no person shall erect or re-erect a building on any land in a cantonment. In an area other than civil area except with the previous sanction of the board or in a civil area except with the previous sanction of the officers involved. So, in this section, section 1 we saw cantonment area key differences in the spread of the cantonment in the country we skimmed through the selective parts of the cantonment act 2006.


And looked into the definition looked into their board categories duties taxes and then the plans they create and the control they have over the body. So, you can connect it with whatever we have been seeing in the other parts of the urban areas.

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## Section-II

### LEGAL REQUIREMENT FOR HERITAGE CONSERVATION

(The Ancient Monuments and Archaeological sites and Remains Act, 2017)



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Moving on the next part of the lecture we will look into heritage conservation and legal requirement in particular national level concerning planning domain.

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### Heritage Conservation Under SDG

The 17 SDGs have a number of targets embedded within them focusing on **heritage conservation themes and issues**.

- **Goal 11** aims to “Make cities and human settlements inclusive, safe, resilient and sustainable.” This goal envisions sustainable, liveable urban centres with universal access to green spaces. There are a total of 10 targets to be achieved under this Goal.
- **Target 11.4** specifically calls for “**Strengthening efforts to protect and safeguard the world’s cultural and natural heritage**”.



(Srinivas,2020)

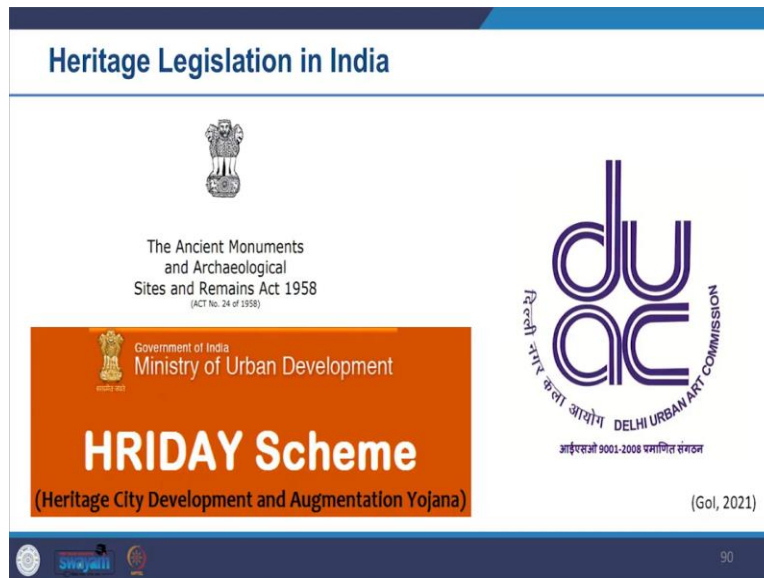


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Heritage is important and as per SDG target 11.4 specifically calls for strengthening efforts to protect and safeguard the world's cultural and natural heritage. It is important to be aware of international conventions and the national and state laws relevant to the protection and conservation of the art and cultural heritage of a country. You may also recollect that we have also done one particular session on culture and urban planning.

At the international level you see a UNESCO convention concerning the protection of the world cultural and natural heritage 1972. Which makes it necessary for India to take measures to identify protect and conserve its cultural and natural heritage. At the national level some of the listed acts include.

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The ancient monuments and archaeological sites and remains act of 1958 which was revised in 2010 and subsequent revision in 2017. We also see HRIDAY under the environmental protection act of 1986 then Delhi urban art commission act of 1973. Now let us discuss about the ancient monument and archaeological sites and remains acts of 1958 under legislative department ministry of law and justice.

So, according to this particular act the ancient monument and archaeological sites and remains act is an act of parliaments of the government of India.

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**Heritage Legislation in India**

**The Ancient Monuments and Archaeological Sites and Remains Act 1958**

- The Ancient Monuments and Archaeological Sites and Remains Act (or AMASR Act) is an act of parliament of the government of India that provides for the preservation of ancient and historical monuments and archaeological sites and remains of national importance, for the regulation of archaeological excavations and for the protection of sculptures, carvings and other like objects.
- Passed in 1958.
- The **Archaeological Survey of India functions** under the provisions of this act.

(URDPFI Guidelines, 2014)

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That provided for the preservation of ancient and historical monuments and archaeological sites. And remains of national importance for the regulation of archaeological excavation and for protection of sculptures carving and other like objects it was passed in 1958. An archaeological survey of India ASI functions under the provision of this act. We may note that all archaeological activities in the country by ASI are undertaken as per the provision of ancient monument and archaeological sites and remains act of 1958.

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**Heritage Legislation in India**

**The Ancient Monuments and Archaeological Sites and Remains Act 1958**

As per this law it protects the following:

- Heritage sites
- Monuments
- Archaeological sites
- Sculptures

(URDPFI Guidelines, 2014)

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As per the law the protection is for the following heritage sites monuments archaeological sites and sculptures. Now we will look at amendment bill of 2010, ancient monument and archaeological sites and remains act of 1958 was amended in 2010 to strengthen its penal

provisions to prevent encroachment. So, you may recollect in a discussion that there had been a lot of encroachment in these areas.

So, in order to prevent that the penal provision prevention of encroachment and illegal construction close to the monuments which was happening on a large scale so for this purpose it was revised as a result of increased pressure of habitation especially in urban areas protected monuments and sites were getting short turned in from all the sites. This affected their safety security and aesthetics.

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**Heritage Legislation in India**  
**AMASR, 2010 (Amendment)**

- The main features of the amendments were the creation of a **“Prohibited Area” 100 meter** around every national monument where no construction, public or private is permitted.
- **“Regulated Area” 200 meter** beyond the prohibited area, where any construction requires permission of a newly constituted National Monuments Authority.
- Given the unique nature of each monument, the Act also proposed heritage bye-laws for each monument to be prepared by an expert body.

(AMASR Bill, 2010)

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So, the main feature of this particular revision was that it declared the prohibited area which was like 100 meters around every national monument where no construction public or private is permitted. Then you also have regulated areas around 200 meters beyond the prohibited area where any construction requires permission of a newly constituted national monument authority NMA.

Given the unique nature of each monument the act also proposed heritage bylaws for each monument to be prepared by an expert body. Now we will look at amendment bill of 2017.

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## Heritage Legislation in India

### AMASR, 2017 (Amendment)

- Lok Sabha has passed The Ancient Monuments and Archaeological Sites and Remains (Amendment) Bill, 2017 to **allow government to take up infrastructure projects within prohibited areas around protected monuments.**
- The Bill amends the Ancient Monuments and Archaeological Sites and Remains (AMASR) Act, 1958.
- The bill authorizes the central government to allow public works based on the recommendation of the **National Monuments Authority (NMA)**, at the request of the relevant central government department, which seeks to carry out works for public purposes in a prohibited area.
- The bill authorizes NMA to consider an impact assessment of proposed public works in a prohibited area, including its archaeological impact, visual impact and heritage impact.

(AMASR Bill, 2017)



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Lok Sabha about past the ancient monument and archaeological sites and remains amendments bill 2017 to allow government to take up infrastructure projects within prohibited areas around protected monuments. So, now they could do the infrastructure projects around the monument the bill amends the ancient monuments and archaeological sites and remains acts 1958. So, bill authorizes the central government to allow the public work based on the recommendations of the NMA.

The bill authorizes NMA to consider an impact assessment, so it will look into impact assessment of the proposed public work. The kind of work which will be done at that place in the prohibited area including its archaeological impact visual impact and heritage impact. As we had covered before heritage city development and augmentation yojana HRIDAY which we; have seen in detail before. We see that this was done under the environmental protection act 1986.

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**Heritage Legislation in India**

**The Environment Protection Act, 1986**

- The natural heritage sites are also protected by **the Environment (Protection) Act, 1986**
- The Environment (Protection) Act (EPA) was enacted in 1986 with the objective of providing the protection and improvement of the environment.
- It empowers the Central Government to establish authorities charged with the mandate of **preventing environmental pollution in all its forms and to tackle specific environmental problems** that are peculiar to different parts of the country.

**THE ENVIRONMENT (PROTECTION) ACT, 1986**



MINISTRY OF ENVIRONMENT & FORESTS  
DEPARTMENT OF ENVIRONMENT, FORESTS & WILDLIFE  
GOVERNMENT OF INDIA  
NEW DELHI

The Environment (Protection) Act, 1986

No. 29 OF 1986

[29th Mar, 1986]

An Act to Provide for the Protection and Improvement of Environment and for Matters Connected therewith.

WHEREAS decisions were taken at the United Nations Conference on the Human Environment held at Stockholm in June, 1972, in which India participated, to take appropriate steps for the protection and improvement of human environment;

AND WHEREAS it is considered necessary further to implement the decisions aforesaid in so far as they relate to the protection and improvement of environment and the prevention of hazards to human beings, other living creatures, plants and property;

It is enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:

(Baruah, 2020)

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The environmental protection act EPA was enacted in 86 with the objective of providing protection and improvement of the environment. It empowers the central government to establish authorities charged with the mandate of preventing environmental pollution in all its form. And to tackle specific environmental problems that are peculiar to different parts of the country. The act is one of the most comprehensive legislation with a pretext to protection and improvement of the environment.

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**Heritage Legislation in India**

**Article 49 of the constitution**

**Article 49 of the constitution** deals with the protection of monuments and places and objects of national importance under the directive principles of state policy, which states that:

**“it shall be the obligation of the State to protect every monument or place or object of artistic or historic interest (declared by or under law made by parliament) to be of national importance, from spoliation, disfigurement, destruction, removal, disposal or export, as the case may be”.**

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Article 49 of the constitution we see deals with the protection of monuments and places and objects of national importance under the directive principles of the state policy which states that it shall be the obligation of the state to protect every monument or place or objects of artistic or

historic interest to be of national importance for spoilation disfigurement destruction removal disposal or export as the case may be.

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**Heritage Legislation in India**

**DUAC (Delhi Urban Art Commission)**

- **Aim :** To enhance and maintain the aesthetic beauty of the national capital
- DUAC is meant to advise the Centre on matters of preservation, deurban and environmental design.
- It also provides advice and guidance to any local body in respect of any project of building operations or engineering operations or any development proposal.
- Any redevelopment activity in places of historical importance must have the DUAC approval. These include the Jama Masjid, the Red Fort, the Qutub, the Humayun's Tomb, the Old Fort, and Tughlakabad, etc.

(DUAC, 2021)

We also see now moving on to Delhi urban art commission it is a statutory body formed by an act of parliament in 1973. It was established in 74 with an aim to enhance and maintain aesthetic beauty of the national capital DUAC Delhi urban art commission is meant to advise the centre on matters of preservation development and maintenance of aesthetic quality of capitals urban and environmental design.


So, any redevelopment activity in places of historical importance must have the DUAC approval. These include Jumma masjid the red fort, Qutub, Humayun's tomb and so on. Looking at some key definition for this we are referring to 2017 act.

**(Refer Slide Time: 26:08)**

**Heritage Legislation in India**

**Key Definitions**

**“Ancient Monument”** means any structure, erection or monument, or any tumulus- ancient burial mound or place of interment-grave /tomb, 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 100 years.

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Ancient monument now you may pay attention ancient monument means any structure erection or monument or any tumulus ancient burial mound or a place of intimate grave tomb or any cave rock sculpture inscription or monolith which is of historical archaeological or artistic interest and which has been an in existence for not less than 100 years. So, these all include ancient monument. So, you can see how the ranges are to declare ancient monuments.


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**Heritage Legislation in India**

**Key Definitions**

**“Ancient Monument”** includes—

- i. Remains of an ancient monument.
- ii. 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.
- iv. The means of access to, and convenient inspection of, an ancient monument.

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You see that it also includes remains of an ancient monument. Not only just the; monument but the remains of it also the site of ancient monument also the portion of land adjoining to the site as well as the means of access to the site. So, all these constitute the ancient monument you further see that it defines antiquity.

(Refer Slide Time: 27:05)

**Heritage Legislation in India**

**Key Definitions**

**“Antiquity”** includes.—

- i. Any **coin, sculpture, manuscript, epigraph**, or other work of art of craftsmanship.
- ii. Any **article, object or thing detached from** a building or cave.
- iii. Any article, object or thing illustrative of science, art, crafts, literature, religion, customs, morals or politics in bygone ages.
- iv. Any article, object or thing of historical interest.
- v. Any article, object or thing declared by the central government, by notification in the official gazette to be an antiquity for the purposes of this act.

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You might look at the detailed definition for this furthermore.

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**Heritage Legislation in India**

**Key Definitions**

**“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.
- ii. The means of access to, and convenient inspection of the area.

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You may see that archaeological site and remains are also defined which means any area which contains or is reasonably believed to contain ruins or relics of historic or archaeological importance, so that all come under this.


(Refer Slide Time: 27:28)

**Heritage Legislation in India**

**Key Definitions**

**“Protected Area”** means any archaeological site and remains which is declared to be of national importance by or under this Act;

**“Protected Monument”** means an ancient monument which is declared to be of national importance by or under this Act.

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Here you may pay attention a protected area. So, protected area means any archaeological site and remains which is declared to be a national importance by or under this act. So, it is usually notified declared so that is how you determine the protected area. Then you have protected monuments means and an ancient monument which is declared to be of national importance by or under this act. So, these you may remember protected area and protected monuments.


Let us try to understand the meaning of the protected areas looking at its implications. So, what it implies to the area which would come under the protected areas.

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**Heritage Legislation in India**

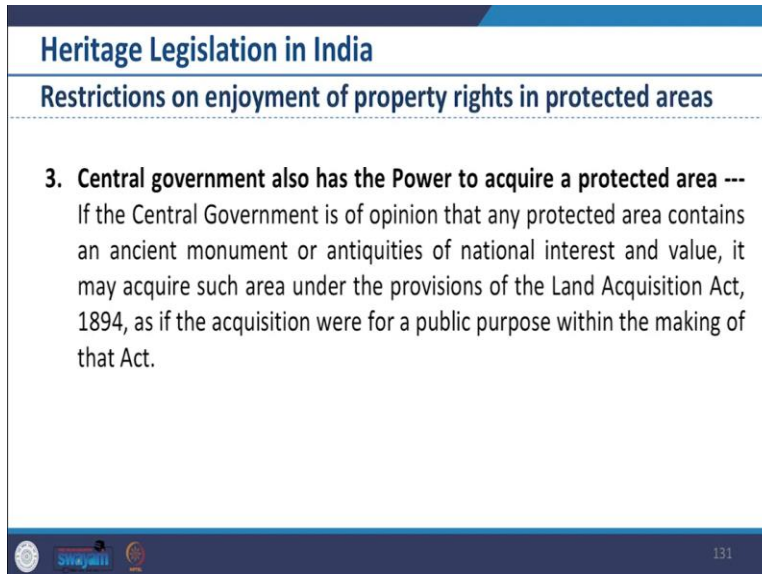
**Protected Areas**

1. No person, including the owner or occupier of a protected area, shall construct any building within the protected area or carry on any mining, quarrying, excavating, blasting or any operation of a like nature in such area, or utilize such area or any part thereof in any other manner without the permission of the Central Government.
2. The Central Government may, by order, direct that any building constructed by any person within a protected area in contravention of the provisions of sub-section (1) shall be removed within a specified period and, if the person refuses or fails to comply with the order, the Collector may cause the building to be removed and the person shall be liable to pay the cost of such removal.

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So, no person including the owner or occupier of a protected area shall construct any building within the protected area or carry on any mining quarrying and so on. So, it takes away their right there is restrictions on their right the central government may by order direct that any building constructed by any person within the protected area can be removed. So, you see the power it assigns to the government.

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**Heritage Legislation in India**

**Restrictions on enjoyment of property rights in protected areas**

**3. Central government also has the Power to acquire a protected area ---**  
If the Central Government is of opinion that any protected area contains an ancient monument or antiquities of national interest and value, it may acquire such area under the provisions of the Land Acquisition Act, 1894, as if the acquisition were for a public purpose within the making of that Act.

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Further you can see that if the government is of the opinion that any protected area contains any ancient monuments or antiquities of national interest and value. It may acquire such area under provision of land acquisition act. So, they can also acquire your land for that purpose. This act also makes provision for compensation for loss or damage to the owner so you may also get the compensation for this.

We also see that the act gives the central government power to declare ancient monuments and so on to be of national importance. So, they can declare any of those they have the power to do though. So, act provides the central government right to acquisition in a protected monument further we see that it also gives them the power to enter into agreement with the owner to protect the monument for preservation and then also for the maintenance of it.

**(Refer Slide Time: 29:32)**

## Heritage Legislation in India

### Preservation of protected monument by agreement

It empowers the central government to restrict the use of the owner with respect

- i. To the use the monument for any purpose.
- ii. To charge any fee for entry into, or inspection of, the monument.
- iii. To destroy, remove, alter or deface the monuments.
- iv. To build on or near the site of the monument.



Also, you see that it the act empowers the central government to restrict the use of owner with respect to the owner cannot like really to charge any fee for entry into the monument or destroy or remove the monument or build anything around the side. So, you may see that there might be a little conflict with the rights here and it also empowers the government to allow access to public or any officer to inspect or maintain the monument.

Furthermore, if the owner wants to sell the adjoining property central government has the right to purchase such land or any part of that land it also makes provision for appointment of an authority to decide any dispute arising out of an agreement. There is also an arrangement for settling the dispute in case owner is unable to take care of the monument then also certain arrangements are made. And then there can be also acquisition of protected monuments here by the government.

**(Refer Slide Time: 30:39)**

## Summary

- 1 Section I: Cantonment Act
  - Difference and Spread
  - Key aspect as per URDPFI guidelines
  - Cantonment Act 2006 - Definition, Cantonment Board, Categories, Duties of Board , Tax and fees , Town Planning and Control over Buildings.
- 2 Section II: Legal Requirement for Heritage Conservation
  - The Ancient Monuments and Archaeological sites and Remains Act, 1958, 2010 and subsequently revised 2017.
  - Heritage City Development and Augmentation Yojana (HRIDAY) by the Environment (Protection) Act, 1986.
  - The Delhi Urban Art Commission Act, 1973.
  - Key definition -Ancient Monument, antiquity, archaeological site and remains, protected area, protected monument and their implications.

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So, this was what we covered in section two summarizing this section we looked at the ancient monument and archaeological sites and remains act of 1958, 2010 and subsequently we saw 2017. We saw the environmental protection act of 1986 through which the HRIDAY is done. Then we see Delhi Urban Art Commission Act of 1973 and we looked at the various key definitions.

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So, these were the references used for this purpose.

**(Refer Slide Time: 31:13)**

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- DCMSME, GOI, 2021; <http://www.dcmsme.gov.in/schemes/New-Guidelines.pdf>




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## Suggested Watch and Readings

(to contemplate the Cantonment and Heritage Zones)



- [https://www.youtube.com/watch?v=cwt7z2t1B9g&ab\\_channel=CANTONMENTEXPRESS](https://www.youtube.com/watch?v=cwt7z2t1B9g&ab_channel=CANTONMENTEXPRESS)
- [https://www.youtube.com/watch?v=rmf-UdW6tEs&ab\\_channel=SBProductionPvt.Ltd.](https://www.youtube.com/watch?v=rmf-UdW6tEs&ab_channel=SBProductionPvt.Ltd.)
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- [https://www.youtube.com/watch?v=Ine3G-dV1ec&ab\\_channel=Dr.ShashiTharoorOfficial](https://www.youtube.com/watch?v=Ine3G-dV1ec&ab_channel=Dr.ShashiTharoorOfficial)





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You may also look at the suggested watch and readings. Our coverage was limited with the scope to make you aware of the topic there are enormous readings and movies available to explore few are suggested here. This is not an extensive list you may feel free to suggest more from your experience.

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 Please feel free to ask Questions. 

Let us know about any Concerns you have . 

 Do share your Opinions, Experiences and Suggestions.

Looking forward to Interacting and  Co-learning with you while exploring Cities and Urban Planning. 

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Please feel free to ask questions let us know about your concerns you have to share your opinion experiences and suggestions. Looking forward to interacting and co-learning with you; while exploring cities and urban planning. Thank you so much.