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PART - IV

GOVERNMENT OF MEGHALAYA

LAW (B) DEPARTMENT

ORDERS BY THE GOVERNOR

NOTIFICATION

The 4th April, 2012.

No.LL(B) 62/2011/16.—The Meghalaya Heritage Act, 2012 (Act No. 9 of 2012) is hereby published for general information.

MEGHALAYA ACT NO. 9 OF 2012.

(As passed by the Meghalaya Legislative Assembly)

Received the assent of the Governor on 3rd April, 2012.

Published in the Gazette of Meghalaya Extra-Ordinary issue dated 4th April, 2012.

THE MEGHALAYA HERITAGE ACT, 2012.

An

Act

to provide for conservation and protection of heritage sites which shall include buildings, artefacts, structures, areas, streets and precincts of historic or cultural or environmental significance (heritage buildings and heritage precincts) and natural features of environmental significance and sites of scenic beauty and also to provide for conservation and protection of areas of environmental sensitivity.

Be it enacted by the Legislature of the State of Meghalaya in the Sixty-third Year of the Republic of India as follows -

Short title, extent and commencement.

1. (1) This Act may be called the Meghalaya Heritage Act, 2012.

(2) It extends to the whole State of Meghalaya.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act and

any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Definitions.

2. In this Act, unless the context otherwise requires, -

(a) "Act" means the Meghalaya Heritage Act, 2012.

(b) "Authority" means the Meghalaya Heritage Authority constituted under Section 6,

(c) "conservation" means protection, preservation and restoration of heritage areas, heritage buildings and heritage precincts sites and shall include only such developmental activity that will enhance the heritage significance of the heritage within the framework of this Act;

(d) "development" with its grammatical variations means the carrying out of building, engineering mining or other operations in or over or under, land or the making of any material change, in any building or land or in the use of any building or land or change to heritage site including any material or structural change in or painting of any heritage building, or in a heritage precinct or on a listed natural fracture and includes demolition of any existing building, structure or erection or part of such building, structure or erection and reclamation, redevelopment and layout and sub-division of any land "to develop" shall be construed accordingly;

(e) "development right" means right to carry out development or to develop land or building or both and shall include the transferable development right in the form of right to utilise the floor area ratio of land utilisable either or the remainder of the land partially reserved for a public purpose or elsewhere, as may be provided in the heritage regulation as per the Master Plan;

(f) "floor area ratio" means the ratio derived by dividing the total covered area of all floors by the area of the plot;

(g) "Meghalaya" means the State of Meghalaya;

(h) "heritage areas" means those areas of archaeological or historic or architectural or aesthetic or scientific or environmental or cultural significance including natural features and sites of scenic beauty (hereinafter referred to as "listed areas" or "heritage areas" which are included in a list(s) published by a notification in the Official Gazette, by the Authority from time to time;

(i) "heritage building" means and includes any building of one or more premises or any part thereof, of structure or artefact which requires conservation or preservation for historical or architectural or artistic or artisanry or aesthetic or culture or environmental 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 or architectural or aesthetic or culture or environmental value of such building;

(j) "heritage precincts" means and includes spaces that require conservation or preservation for historical and architectural or aesthetics or cultural or environmental or ecological purpose and walls or other boundaries of a particular area or place or building which may enclose such space by and imaginary line drawn around it;

(k) "heritage sites" means those buildings, artefacts, structures, streets, area and precincts of historic of aesthete or architectural or cultural of environmental significance (hereinafter referred to as "listed buildings" or "heritage buildings" and listed precinct or "heritage precincts") and those natural features of environmental significance and

site and scenic beauty including but not restricted to, sacred groves, mountains, hills, hillocks, lakes, river and other water bodies, bridle paths (hereinafter referred to as "listed natural features") which are included in a list(s) published by notification in the Official Gazette, by the Authority from time to time;

(l) "listing" means archaeological or other systematic study or documentation of a heritage site to reveal its history and other special features and shall include the recording and analysis of artefacts, features and other material necessary for the purpose of determining the heritage value or environmental significance;

(m) "owner" includes-

(i) a joint owner invested with power of management on his own behalf and other joint owners and successors in title of any such owner; and

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

(n) "prescribed" means prescribed by rules made under this Act;

(o) "regulations" means a regulations made by the Authority under section 18 of this Act by notification in the Official Gazette;

(p) "rules" means rules prescribed under this Act; and

(q) "section" means a section of this Act.

Declaration of heritage site, etc.

3. (1) The Authority may from time to time by notification in the Official Gazette and by publication in leading newspapers from time to time declare.

buildings, artefacts, structures, streets, area and precincts of historic or architectural or aesthetic or cultural or environmental significance and those natural features of environmental significance and sites of scenic beauty including, but not restricted to, sacred groves, mountains, hills, hillocks, tablelands, sand dunes deserts, lakes, river, other water bodies and wet lands and the areas adjoining the same, open areas, wooded areas, points walks, rides bridle paths as heritage site to be protected under this Act and grade them as may be prescribed by regulations.

(2) Where the Authority is of the opinion that it is necessary so to do, it may from time to time by notification in the Official Gazette as well as publication in leading newspapers, give thirty days notice of its intention to declare as a heritage site, any building artefact structure, street area and precinct of historic or aesthetic or architectural or cultural or environmental significance and natural feature of environmental significance and site of scenic beauty including, but not restricted to, a sacred grove, mountains, hills, hillocks, tablelands, sand dunes deserts, lakes, rivers, other water bodies and wet lands and the areas adjoining the same, open areas, wooded areas, points walks, rides bridle paths for inviting objections or suggestion in writing from the person of the public or any organisation and any such notification and news paper published shall be affixed in a conspicuous place near the site.

(3) On the expiry of the said period of thirty days, Authority may after considering the objections and suggestions, if any received by it, declare by notification in the Official Gazette the building, artefact, structure, street, precincts area or natural features to be a heritage site. (4) A heritage site so declared shall be graded according to its heritage significance by the Authority and the Authority will also determine the scope for change in the heritage site, if required.

- Acquisition of heritage site. 4. The Government may, by notification in the Official Gazette from time to time acquire or take possession of any heritage site for maintenance.
- Temporary protection orders. 5. If the Authority considers that a property has or may have heritage value or environmental significance, or scenic beauty, and is likely to be adhered for any reason whatsoever, it may issue to the owner or lessee an order stopping work that prohibits any alteration of the property for a period of up to one hundred and twenty days subject to such conditions or requirement as the Authority may consider appropriate.
- Constitution of Authority. 6. (1) The Government shall constitute an Authority known as the "Meghalaya Heritage Authority" for the purpose of exercising powers and performing the function assigned under this Act.
- (2) The Authority constituted under sub-section (1) shall consist of the following: -
- | | | |
|---|---|----------|
| Chief Secretary | - | Chairman |
| Additional Chief Secretary/ Principal Secretary/Commissioner & Secretary/ Secretary, Finance Department | - | Member |
| Principal Secretary/Commissioner & Secretary/ Secretary, Urban Affairs Department | - | Member |
| Principal Secretary/Commissioner & Secretary/ Secretary, Arts and Culture Department | - | Member |
| Principal Secretary/Commissioner & Secretary/ Secretary, Tourism Department | - | Member |
| Principal Secretary/Commissioner & Secretary/ Secretary, District Council | - | Member |
| Principal Chief Conservator of Forest/Chief Conservator of Forest, Forest Department | - | Member |
| Principal Secretary/ Commissioner & Secretary/ Secretary, PWD Department | - | Member |
| Deputy Commissioners of all Districts | - | Member |
| Chief Executive Member of District Council | - | Member |
| Chief Executive Officer/Executive Officer, Municipal Boards | - | Member |
| Secretary, MUDA | - | Member |
| One Representative from INTACH, Meghalaya Chapter | - | Member |
| One Architect having ten years experience and membership of the Council of Architecture and having specialisation in Urban Design | - | Member |

One Structural Engineer having experience ten years and membership of Institution of Engineers	-	Member
One Historian having knowledge of the region and ten years experience in the field	-	Member
One Environmentalist	-	Member
3 (Three) Representative from NGO's groups	-	Member
Director, Urban Affairs	-	Member Secretary for Urban Areas
Director, Arts & Culture	-	Member Secretary for Rural Areas

(3) The Authority shall have the power to co-opt upto five additional members.

(4) For the purpose of efficient functioning of the Authority, the Authority as deemed fit, may include any other member as invitee.

**Power and
Functions of the
Authority.**

7. The functions and powers of the Authority shall be as under:-

(1) to make regulations for the conservation, protection and administration of heritage sites, including the function of granting or refusing permission for development which may affect heritage sites or their surroundings;

(ii) to list and grade the heritage sites;

(iii) to advise the Government on conservation policies relating to heritage sites;

(iv) to evolve guidelines for listing, grading and inspection for the conservation of heritage sites;

(v) to identify priorities for implementing conservation projects relating to heritage sites;

(vi) to administer the Meghalaya Heritage Conservation Fund;

(vii) to constitute, if deemed necessary, one or more committees and such committees to perform such functions as may be assigned to them, including the function of granting or refusing permission for development which may affect heritage sites or their surroundings;

(viii) to monitor the implementation of heritage conservation plans and bring any lapses or shortcomings in the implementation thereof to the notice of the Government;

(ix) grant of incentives including but not restricted to grant of development rights, if deemed necessary for conservation of heritage of environment; and

(x) any other function as may be assigned by the Government.

**Appointment of
officers and
staff.**

8. The Authority may appoint such officers and staff to assist it in preparation and implementation of heritage conservation plans as deemed fit.

reparation, approval
and sanction of
heritage conservation
plans.

9. (1) The Authority shall within such time as may be prescribed, prepare heritage conservation plans, in respect of heritage sites

(2) The heritage conservation plan may propose or provide for all or any of the following matters namely: -

(a) regulation for preservation and administration of heritage sites; (b) listing and grading of heritage sites;

(c) prescriptions for development control for conservation of heritage sites;

(d) specific design proposals in the case of heritage sites;

(e) specific urban design proposals in the case of heritage sites in order to preserve and protect the character of the area;

(f) proposals for incentives such as tax exemptions, transfer, of development rights or acquisition of property, if found necessary, for the protection of the heritage value of such heritage sites; and

(g) proposals on a case to case basis, for any relaxation of development control regulations necessary for the protection and enhancement of the heritage value of heritage sites:

Provided that all such provision of heritage conservation plan shall, as far as possible, be in conformity with the Building Bye Laws applicable to the urban areas and the Master Plans. However, in case of any conflict, the heritage conservation plans shall take precedence over the building bye laws and other planning and land revenue rules and regulation.

(h) such other matter as may be deemed necessary.

(3) After submission of the heritage conservation plans but not later than such date as may be prescribed, the Government through the State Cabinet may, after consulting the Authority either approve such plans or approve them with such modifications as the Government may consider necessary or return them to the Authority to modify the plans to prepare fresh plans in accordance with such directions as the Government may issue in this behalf and the modified plans as prepared by the Authority shall be resubmitted to the Government for its approval.

(4) The heritage conservation plan approved by the Government shall be published by the Government by notification in the Official Gazette and in leading newspaper for inviting suggestions or objections from the public. If objections and suggestion are received from the public within the period aforesaid, the Government shall consider the same and after getting opinion of the Authority, modify the heritage conservation plan accordingly, if necessary and grant sanction to the same:

Provided that once the said plans are prepared by the Authority, all permissions for development that might affect the heritage sites shall be in conformity with the said plans

control of
developments.

10.(1) After the date of preparation of the heritage conservation plans by the Authority under Section 9, all planning permissions and building licences affecting heritage sites including the views and lines of sight of or from it shall be issued by the Authority only in conformity with the provisions of the heritage regulations made and the heritage conservation plans approved.

(2) Any relaxation of the building bye laws or incentives provided under a heritage conservation plan or otherwise shall require the owner, lessee or power of attorney holder, as the case may be to execute a signed affidavit agreeing to maintain the listed heritage building in a state of good repair and to preserve its heritage value with due maintenance and such owner, lessee or power of attorney holder, as the case may be, shall permit heritage inspections after due notice by the Authority and shall duly implement the suggestions made in this regard.

(3) The owners, lessees and power of attorney holders of listed heritage sites shall not carry out development on heritage sites nor shall they demolish, alter, or add to it or undertake repairs thereof, without the prior permission of the Authority. Such permission may be refused or granted as the case may be, based on the findings of the inspections carried out by the Authority or any officer authorized by the Authority.

(4) In case demolition or major damages of a heritage building or a building in a heritage precinct, or a major development or a listed natural feature is recommended under extraordinary circumstances or major repair are to be undertaken as a result of the heritage inspection report, the Authority shall give thirty days notice in the newspapers calling for objections and suggestion from the public and take a decision after considering the objection and suggestion received if any.

(5) When the Authority comes to the conclusion that a listed heritage site is not being maintained properly or that such site needs repairs, the Authority shall serve a notice on the owner lessee or power of attorney holder, as the case may be, to maintain the heritage properly or to repair the site within thirty days of the service of the notice and such steps as to carry out the necessary repairs and recover the cost from such owner, lessee or power of attorney holder, as the case may be and if the latter fails to make the payment, the amount shall be recoverable by the Government as Arrears of land revenue.

(6) A Conservation Cell shall be created by the Authority for the maintenance and restoration of all listed heritage buildings, heritage sites and heritage areas which shall be headed by a chief architect with such specialisation in conservation architecture as may be prescribed.

(7) Such chief architect shall be supported by technical staff with prescribed qualifications and shall follow the prescribed and established guidelines for the conservation of such buildings and sites.

**Heritage Building,
Site in
Environmentally
Sensitive Areas.**

11. (1) The Government may take steps to declare areas where heritage building, site falling in environmentally sensitive areas. Within such areas, any class of industries, operations, processes construction or development activities shall be regulated, or shall not be carried out without certain safeguards.

(2) Without affecting the generality of sub-section (1), the regulations can apply to, but not restricted to, the following land use especially conversion of land from green uses such as horticulture areas, agriculture, parks, open space, wetlands, grasslands, etc., to non green use, building including floor area ratio, height, coverage and design, location and type of industries carrying out mining, tree felling, tourism activities ground water usage, use of plastic and other non degradable substances hazardous substances, construction on hill slopes, discharge of effluents soil waste disposal, noise pollution, traffic development at around or effecting heritage sites.

(3) Government shall stipulate the preparation of Master Plan in a time bound manner

which will regulate such areas under such plan and such other related matters.

(4) Before declaring any area where heritage building, site falling in an environmentally sensitive area and before sanctioning the above guidelines, the Government shall, by notification in the Official Gazette and in leading newspapers invite suggestions and objections from the public within a period of sixty days.

(5) Notwithstanding anything mentioned in sub-section (4), the restrictions and stipulations specified in sub-sections, (1), (2) and (3) mentioned above shall come into force as soon as they are formulated.

**Constitution of
Heritage Fund.**

12. (1) The Government may constitute a fund known as the Meghalaya Heritage Fund for the purpose of maintenance and improvement of heritage areas, heritage buildings, heritage precincts and heritage sites and environmental sensitivity.

(2) Government may, from time to time, allocate to the Funds money from the Consolidated Fund of the State and contributions to the Fund may also be received by way of donations, grants etc. from individuals, trusts, local bodies, companies and other agencies towards heritage conservation.

(3) Money may be advanced by the Government to the Authority, as grants of loans, on such terms and conditions as the Government may determine, for the performance of its functions under this Act.

(4) The said fund shall be administered by the Government and audited by the Accountant General every year.

(5) The Authority shall utilise the Fund for meeting -

(a) the cost of acquisition of heritage building or heritage or heritage area for the purpose of conservation.

(b) the expenditure for any development or works contemplated in the heritage conservation plant.

(6) The Authority may disburse funds to the owners, leases or power of attorney holders of Sites/ heritage buildings even if they are private, for maintenance of the buildings in good condition if such repairs are found necessary after the inspections as per clause (iv) of Section 7.

(7) The Authority shall prepare every year, a budget in respect of the next financial year with its estimated receipts and expenditure under the fund and forward to Government for approval of the same. The Government shall approve the same with or without modification.

**Dissolution of the
Authority.**

13. (1) Where the Government is satisfied that the purposes for which the Authority was established under this Act have been substantially achieved so as to render the continued existence of the Authority in the opinion of the Government unnecessary that Government may, by notification in the official Gazette, declare the Authority shall be dissolved with effect from such date as may be specified in the notification and the Authority shall be deemed to be dissolved accordingly.

(2) From the said date-

(a) all properties, funds and dues which are vested in or realisable by the Authority shall vest in or be realisable by, the Government;

(b) all liabilities which are enforceable against the Authority shall be enforceable against the Government; and

(c) for the purpose of carrying out and development which has not been fully carried out by the Authority and for the purpose of realising properties, funds and dues referred to in clause (a) the functions of the Authority shall be discharged by the Government.

Penalties.

14. (1) Whoever contravenes any provision of this Act of the rules and regulations made thereunder or fails to comply with any directions or order lawfully given to him or any requisition lawfully made upon him, shall on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both and for any subsequent offence, with imprisonment for a term which may extent to 6(six) months or with fine which may extend to five thousand rupees for every day of continuance of offence thereafter or with both. (2) In case of lawful damage, neglect, demolition or major charge to the whole or portion of a heritage site, the offender shall forfeit his right to construct any further structure of the site of to carry out any further development and the removal of the structure already constructed in a contravention of the provisions of this Act, rules, regulations or orders made or issued thereunder, shall be at the cost of the owner, lessee or power of attorney holder, as the case may be, or even the builder making the construction.

Compounding of offences.

15. (1) The Authority by general or special order in this behalf, may in special circumstances and for reasons to be recorded in writing, either before or after the institution of the proceedings, compound any offence made punishable by or under this Act:

Provided that no offence shall be compounded which is committed by failure to comply with a notice, order or requisition issued by on behalf of the Authority unless and until the same has been complied with so far as the compliance is possible.

(2) Where an offence has been compounded, the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence so compounded.

Protection of action taken in good faith.

16. No suit, prosecution or other legal proceedings shall lie against person for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act or of any rules or regulations made hereunder.

Powers to make rules.

17. The Government may by notification in the Official Gazette make rules to carry out any of the purposes of this Act including prescription of the date for approval of conservation plans.

Powers to make regulations.

18. (1) The Authority may, with the approval of the Government, make regulations concerning any matter which is to be, or may, prescribed under this Act or in respect of the Act makes no provision or makes insufficient provision and where such provision is, in the opinion of the Authority or any for the implementation of this Act.

(2) Without prejudice to the generality of its power, under sub-section (1) the Authority may make regulations to provide for all or any of the following matters, namely: -

- (a) Gradation of heritage sites declared as such for protection;
- (b) prescription of the specialisation in conservation architecture as required of the Chief Architect to head the Conservation Cell;
- (c) prescription of the qualifications of the technical staff of the Chief Architect;
- (d) prescription of the guidelines to be followed by the Chief Architect for conservation of heritage buildings and sites; and
- (e) any other matter which is to be, or may be, prescribed under this Act.

Placing of rules and Regulations.

19. Every rules and regulations made under this Act, shall, as soon as after they are made, be placed in the State Legislature of the State of Meghalaya.

Power to remove difficulties.

20. If any difficulty arising in given effect to the provisions of this Act, the Government may, by order as occasion requires, do anything which appears to it to be necessary for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiration of two years from the commencement of this Act.

L. M. SANGMA,
Secretary to the Government of Meghalaya,
Law Department.

DRAFT CABINET MEMORANDUM

THE MEGHALAYA HERITAGE REGULATIONS 2012

(Circulated under Rule 17 of Meghalaya Rules of Executive Business)

The Meghalaya Heritage Act, 2012 was enacted recently which provides for conservation of tangible site including buildings and artefacts, structures, area streets and precincts of historic, architectural, aesthetic, cultural and environmental significance and also natural sites of environmental significance and of scenic beauty and of areas of environmental sensitivity. To enforce this Act, an Authority called Meghalaya Heritage Authority will be constituted under the Chairmanship of the Chief Secretary to the Government of Meghalaya and other Officials, non-Officials to administer conservation and protection of heritage sites, to list and grade the heritage sites, to prepare heritage conservation plans and to monitor its implementation and to advise the Government on conservation policies.

Section 18 of the aforesaid Act, empowered the Authority to make regulations to provide sufficient provision for implementation of the Act. In this regard, the draft "Meghalaya Heritage Regulations, 2012" has been framed and placed at Annexure-I. The Regulations provides criteria for listing and grading of heritage sites, restrictions on development, relaxation/modification of development norms, incentives uses of heritage structures, maintaining skyline and architectural harmony, besides reserving rights for the grant of transferable development rights to owners/ lessees.

Views of Finance Department:

Views of Law Department:

The approval of Cabinet on the Meghalaya Heritage Regulations, 2012 is sought.

Principal Secretary to the Govt. of Meghalaya
Urban Affairs Department

MEGHALAYA HERITAGE REGULATIONS 2012

NOTIFICATION

Dated Shillong.....2012.

No. : In exercise of the powers conferred by Section 18 of the Meghalaya Heritage Acts, 2012 the Meghalaya Heritage Authority with the approval of the State Government is pleased to make the following regulations to conserve the heritage rites which shall include buildings, artefacts, structures, streets, areas and precincts of historic, or aesthetics, or architectural, or culture or environmentally significance and sites of science beauty, namely: -

SHORT TITLE AND COMMENCEMENT : 1. (1) These Regulations may be called the Meghalaya Heritage Regulations, 2012.

DEFINITIONS : 2. (1) In these regulations, unless the context otherwise requires: -

(a) "Act" means the Meghalaya Heritage

(b) "Authority" means the Meghalaya Heritage Authority constituted under Section 6 of the Act; and

(c) "Regulations" means the Meghalaya Heritage Regulations, 2012.

(2) Words and expressions used in these Regulations shall have the same meaning as assigned to them respectively in the Act.

RESPONSIBILITY OF THE OWNERS OF HERITAGE BUILDINGS. : 3. It shall be the duty of the owners of heritage buildings and buildings in heritage precincts or in heritage streets to carry out regular repairs and maintenance of the building concerned.

RESTRICTIONS ON DEVELOPMENT/RE-DEVELOPMENT/ REPAIRS ETC. : 4. (1) No development or redevelopment or engineering operation or additions/ alternations, 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 shall be allowed except with the prior permission of Municipal Board/ Development Authority/ Deputy Commissioner. Before granting such permission, the agency concerned shall consult the Meghalaya Heritage Authority as constituted under the Meghalaya Heritage Act 2012 and shall act in accordance with the advice of the Meghalaya Heritage Authority:

Provided that, before granting any permission for demolition or major alternations/additions to listed buildings(or buildings within listed streets or precincts), or construction at any listed natural features, or alternation of boundaries of any listed natural feature areas, objections and suggestions from the public shall be invited and shall be considered by the Meghalaya Heritage Authority:

Provided further that only in exceptional cases, for reasons to be recorded in

writing, the Municipal Board/ Development Authority/ Deputy Commissioner may refer the matter back to the Meghalaya Heritage Authority.

(2) In relation to religious buildings in the said lists, the changes, repairs, additions, alterations and renovations required on religious grounds mentioned in sacred texts, or as part of holy practices laid down in the religious codes may be treated as permissible, subject to their being in accordance and in consonance with the original structure and architecture, designs, aesthetics and other special features thereof:

Provided that while considering applications for such changes, repairs, additions, alterations and renovation, the Development Authority/ Deputy Commissioner shall act on the advice of the Meghalaya Heritage Authority.

(3) The decision of the Meghalaya Heritage Authority after such reconsideration shall be final and binding.

PREPARATION OF
LIST OF HERITAGE
SITES INCLUDING
HERITAGE
BUILDINGS,
HERITAGE
PRECINCTS AND
LISTED NATURAL
FEATURE AREAS

5. (1) The list of heritage sites including Heritage Buildings, Heritage Precincts and listed Natural Features Areas is to be prepared and supplemented by the Municipal Board/ Development Authority/ Deputy Commissioner on the advice of the Meghalaya Heritage Authority. Before being finalized, objections and suggestions from the public are to be invited and considered. The said list to which the regulation applies shall not form part of this regulation for the purpose of Building Bye-laws or Development Control Regulations. The list may be supplemented from time to time by the Government on receipt of proposal from the agency concerned or by Government *suo moto*:

Provided that before the list is supplemented, objections and suggestions from the public are invited and duly considered by the Meghalaya Heritage Authority.

(2) When a building or group of buildings or natural feature areas are listed, it would automatically mean (unless otherwise indicated) that the entire property including its entire compound / plot boundary along with all the subsidiary structures and artefacts, etc. within the compound/plot boundary, etc. shall form part of list.

CRITERIA FOR LISTING OF HERITAGE SITES

FOR : 6.

The criteria for listing of heritage sites shall be as follows:

										Abbreviations
(a)	Value for architectural, historical or cultural reasons									A
	...									
-	Architectural			A(arc)
-	historical									A(his)
-	cultural									A(cul)
(b)	The date and/or period and/or design and/or unique use of the building or artefact									B
-	period									B(per)
-	design									B(des)
-	use									B (use)
©	Relevance to social or economic history									C (seh)
(d)	Association with well-known persons or events									D(bio)
(e)	A building or groups of buildings and/or areas of distinct architectural design and/or style, historic period or the way of life having sociological interest and/or community value									E
	- style									
	-historical									
(f)	The unique value of a building or architectural features or artefact and/or being part of a chain or architectural development that would be broken if it were lost									F
(g)	Its value as part of a group of buildings									G (grp)
(h)	Representing forms of technological development									H (tec)
(i)	Vistas of natural/scenic beauty or interest, including water-front areas, distinctive and/or planned lines of sight, street line, skyline or topographical									I(sec)
(j)	Open spaces sometimes integrally planned with their associated areas having a distinctive way of life which have the potential to be areas of recreation									J
(k)	Natural heritage sites									NH
(l)	Sites of scenic beauty									(sec)

ALTERATION/ MODIFICATION/ RELAXATION IN DEVELOPMENT NORMS IN URBAN AREAS

: 7.

On the advice of the Meghalaya Heritage Authority and for reasons to be recorded in writing, the State Government shall follow the procedure as per Meghalaya Town Country Planning Act 1973 and as amended from time to time to alter, modify or relax the Development Control Norms prescribed in the Master Plan, if required, for the conservation or preservation or retention of historic or aesthetic or cultural or architectural or environmental quality or beauty or vista of any heritage site.

HERITAGE PRECINCTS IN NATURAL FEATURE AREAS

: 8.

(1) In cases of notified streets, precincts, areas and natural feature areas, development permissions shall be granted in accordance with the separate development control regulations to be prescribed for respective streets, precincts /natural feature areas which shall be framed by the Meghalaya Heritage Authority:

(2) Before finalizing such regulations for precincts, streets, natural features, areas, the draft of the same shall be published in the official gazette and in leading newspapers for the purpose of inviting objections and suggestions from the public. All objections and suggestions received within a period of 30 days from the date of publication in the Official Gazette shall be considered by the Meghalaya Heritage Authority.

(3) After consideration of the above suggestions and objections, the Meghalaya Heritage Authority shall modify (if necessary) the aforesaid draft regulations for streets, precincts, areas and natural features and forward the same to Government for notification:

Provided that pending consideration of suggestions and objections and pending final sanction from Government to the above draft regulations Municipal Board/ Development Authority/ Deputy Commissioner shall give due regard to the draft regulations while considering applications for development / re-development etc. of heritage buildings, streets, heritage precincts, areas, listed natural features.

- ROAD WIDENING : 9 (1) If road widening lines are proposed under the Development Plans / Master Plans, they shall be such that they protect and not detract from the said heritage sites.
- (i) If there are any new roads widening lines proposed in the revised draft or sanctioned Development Plans / Master Plans, the Development Authority/ Deputy Commissioner on the advice of the Meghalaya Heritage Authority shall consider the heritage provisions and environmental aspects while considering applications for development permissions in these precincts. Necessary steps may be taken to modify the Development Plans /Master Plans accordingly. Pending this action, the road widening / development of new roads shall not be carried out.
- (2) No widening of the existing roads shall be carried out in a manner which may affect the existing heritage buildings (even if they are not included in a Heritage Precinct) or which may affect listed natural features. Widening of the existing roads shall be carried out considering the existing heritage buildings (even if they are not included in a Heritage Precinct) which may affect listed natural features areas.
- DEVELOPMENT PLANS / MASTER PLANS RESERVATIONS : 10. If there are any Development Plan / Master Plan reservations proposed, such provision shall not effect unless it has the clearance of the Meghalaya Heritage Authority and the State Government.
- INCENTIVE USES FOR HERITAGE BUILDING : 11. 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 stage and to preserve its heritage stage with 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 Meghalaya Heritage Authority within permissible use zone to convert part or whole thereof of the non-commercial area within such a heritage building to commercial/own use:

Provided, that if the heritage building, is not maintained suitably or if the

heritage value of the building is altered in any manner the commercial/own use shall be disallowed.

- GRANT OF : 12. If any application for development is refused under this Regulation or TRANSFERABLE DEVELOPMENT RIGHTS (TDR) IN CASES OF LOSS OF DEVELOPMENT RIGHTS
- MAINTAINING SKYLINE AND ARCHITECTURAL HARMONY : 13. Buildings within heritage precincts or in the vicinity of heritage sites shall maintain the skyline in the precinct and follow the architectural style (without any high-rise or multi-storeyed development) as may be existing in the surrounding area, so as not to diminish or destroy the aesthetic value or the view of, or, from the said heritage sites. The development within the precinct or in the vicinity of heritage sites shall be in accordance with the guidelines framed by the Municipal Board/ Development Authority/ Deputy Commissioner on the advice of the Meghalaya Heritage Authority.
- RESTRICTIVE COVENANTS : 14. Restrictions existing as imposed under covenants, terms and conditions on leasehold plots either by the State Government or by Municipal Board of the city/town or by Development Authority shall continue to be imposed in addition to Development Control Regulations. However, in case of any conflict with the heritage preservation interest/environmental conservation, the Heritage Regulations shall prevail.
- GRADING OF THE LISTED BUILDINGS / LISTED PRECINCTS : 15. (1) Listed Heritage Buildings / Listed Heritage Precincts may be graded into three categories. The definitions of these and basic guidelines for development permissions are as follows:-

GRADE -I A) Definition	GRADE - II	GRADE III	HERITAGE PRECINCTS.
<p>Heritage Grade-I comprises building and precincts of national or historic 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.</p> <p>All natural sites shall fall within Grade-I</p>	<p>Heritage Grade-II comprises of building and precincts of regional or local importance possessing special architectural or aesthetics; merit, or cultural or historical significance though of a lower scale than Heritage Grade-I. They are local land marks, 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 of building and precincts of importance for townscape; that evoke architectural aesthetic, or sociological interest through not as much as in Heritage Grade-II. These contribute to determine the character of 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 facade and uniformity of height, width and scale.</p>	<p>A heritage precinct is an area of heritage value. It could consist of a number buildings and spaces, such as streets, with cultural or heritage significance worth recognition and conservation, or it could be an area where the relationship between various elements creates a special sense of place like mass, scale, building material, typology, roof profile and shapes or containing architectural style or elements. Precincts are of different importance and are made up of different types of elements such as houses, trees, commercial properties and public spaces combining to create a unique significance.</p>

(B) Objective:

Heritage Grade-I richly deserves careful preservation.	Héritage Grade-II deserves intelligent conservation.	Heritage Grade-III deserves intelligent conservation.(though on a lesser scale than Grade-II and special protection to unique features and attributes).	Precincts deserve appropriate repairs and maintenance and very sensitive development i.e. regarding the mass and scale and setting. It also requires conservation of its heritage and cultural significance.
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(c) Scope for changes:

<p>No interventions be permitted either on exterior or interior of the heritage building or natural features unless it is necessary in the interest of strengthening and prolonging the life of the buildings/or precincts or any part or features thereof. For this purpose, absolutely essential land minimum changes would be allowed and they must in conformity with the original.</p>	<p>Grade II (A) Internal changes and adaptive re-use may be allowed but subject to strict scrutiny. Care should be taken to ensure the conservation of all special aspects for which it is included in Heritage Grade -II.</p> <p>Grade -II (B) In addition to the above, extension or additional building in the same plot or compound may in certain circumstance, be allowed provided that the extension/additional building is in harmony with (and does not detract from) the existing heritage building(s) or precincts especially in terms of height and façade and provided that the additional building is not larger than the original property in</p>	<p>Internal changes and adaptive re-use may by and large be allowed. Changes may 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 especially in terms of height and façade and provided that the extension/additional building is not larger than the original property in mass and scale.</p>	<p>Sensitive additions, alterations, extensions, interior renovations shall be permissible but these should not alter the character of the precinct. The new interventions may be contemporary but subtle or inspired by the original character but should not be a pastiche/tasteless imitation. Reconstruction is permissible but only for buildings that are totally structurally unsafe as certified by a structural Engineer and corroborated by the Meghalaya Heritage Authority. The reconstruction should not follow the prevailing byelaws but should be governed by the precincts development guidelines which ensure that the precinct character is not diminished, yet allows for growth and good Urban design.</p>
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	terms of mass and scale.		
(D) Procedure: Development permission for changes would be given Municipal Board/ Development Authority/ Deputy Commissioner on the advice of the Meghalaya Heritage Authority. Report saying that buildings are structurally unsafe should be checked by a structural Engineer and duly cross checked by the Meghalaya Heritage Authority before allowing reconstruction.	Development permission for changes would be given Municipal Board/ Development Authority/ Deputy Commissioner on the advice of the Meghalaya Heritage Authority. Report saying that buildings are structurally unsafe should be checked by a structural Engineer and duly cross checked by the Meghalaya Heritage Authority before allowing reconstruction	Development permission for changes would be given Municipal Board/ Development Authority/ Deputy Commissioner on the advice of the Meghalaya Heritage Authority. Report saying that buildings are structurally unsafe should be checked by a structural Engineer and duly cross checked by the Meghalaya Heritage Authority before allowing reconstruction	Development permission for changes would be given Municipal Board/ Development Authority/ Deputy Commissioner, on the advice of the Meghalaya Heritage Authority to be appointed by the State Government. Report saying that buildings are structurally unsafe should be checked by a structural Engineer and duly cross checked by the Meghalaya Heritage Authority before allowing reconstruction
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 of Heritage Grade I.	All development in areas surrounding Heritage Grade II shall be regulated and controlled, ensuring that it does not mar the grandeur of, or view of Heritage Grade II.	All development in areas surrounding Heritage Grade III shall be regulated and controlled, ensuring that it does not mar the grandeur of, or view of Heritage Grade III.	All development within precincts should be regulated and controlled following the precincts guidelines or as mentioned in the regulation for specific areas.

(2) Listing does not prevent change of ownership or usage. However, change of use of such Listed Heritage Building / Listed Precincts is not permitted without the prior approval of the Meghalaya Heritage Authority. Use should be in harmony with the-said listed heritage site.

OPINION OF THE MEGHALAYA HERITAGE AUTHORITY : 16. Nothing mentioned above should be deemed to confer a right on the owner occupier of the plot to demolish or reconstruct or make alterations to his heritage building/ buildings in a heritage precinct or on a natural heritage site if in the opinion of the Meghalaya Heritage Authority, such demolition/ reconstruction/alteration is undesirable.

APPROVAL TO PRESERVE THE BEAUTY OF THE AREA : 17. The Meghalaya Heritage Authority shall have the power to direct, especially in areas designated by them, that the exterior design and height of buildings should have their approval to preserve the beauty of the area.

SIGNS AND OUTDOOR DISPLAY STRUCTURES/ INCLUDING STREET FURNITURE ON HERITAGE SITES : 18. (1) Municipal Board/ Development Authority/Deputy Commissioner on the advice of the Meghalaya Heritage Authority shall frame regulations or guidelines to regulate signs, outdoor display structures and street furniture on heritage sites in accordance with Part X -Signs and Outdoor Display Structures of the National Building Code of India, 2005.

(2) Prohibition of advertising signs and outdoor display structures in certain cases: Notwithstanding the provisions mentioned above, no advertising sign or outdoor display structures shall be permitted on buildings

of architectural, aesthetic, historical or heritage importance as may be decided by the Municipal Board/ Development Authority/Deputy Commissioner on the advice of the Meghalaya Heritage Authority or on Government buildings, save that in the case of Government buildings only advertising signs or outdoor display structures may be permitted if they relate to the activities of the said buildings or related programmes:

Provided that if the Meghalaya Heritage Authority so advises, the Municipal Board/ Development Authority/Deputy Commissioner shall refuse permission for any sign or outdoor display structure.

(3) The Municipal Board/ Development Authority/Deputy Commissioner may on the advice of the Meghalaya Heritage Authority, add or alter or amend the provisions of sub-regulations (1) and (2) above.

(4) Signs, outdoor display structures (including street furniture) will require the approval of the Meghalaya Heritage Authority, which may prescribe additional guidelines for the same.

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| IMPLICATIONS
LISTING
HERITAGE
BUILDINGS | OF
AS | : 19. The Regulations do not amount to any blanket prevention of changes to Heritage Buildings. The only requirement is to obtain clearance from the Meghalaya Heritage Authority from heritage point of view. |
| OWNERSHIP
AFFECTED | NOT | : 20. Sale and purchase of Heritage Buildings does not require any permission from Meghalaya Heritage Authority. The Regulations do not affect the ownership or usage. However, such usage should be in harmony with the said listed precincts / buildings. Care shall be taken to ensure that the development permission relating to these buildings is given within 60 days. |

APPENDIX –I

(See Regulation 12)

REGULATIONS FOR THE GRANT OF TRANSFERABLE DEVELOPMENT RIGHTS TO OWNERS/LESSEES OF HERITAGE BUILDINGS/HERITAGE PRECINCTS AND CONDITIONS FOR GRANT OF SUCH RIGHTS.

As provided in Regulations 12 the development potential of a plot of land may be separated from the land itself and may be made available to the owner of the land in the form of Transferable Development Rights (TDR). These rights may be made available and be subject to the conditions prescribed below:

1. As proposed in the Regulation, Development Rights of the owner/lessee of any Heritage Buildings who suffers loss of Development Rights due to any restrictions imposed under Regulations shall be eligible for award of Transferable Development Rights (TDR) in the form of Floor Area Ratio (FAR) to the extent and on the conditions set out below. Such award shall entitle the owner of the Heritage Building to FAR in the form of a Development Rights Certificate (DRC) which he may use himself or transfer to any other person.
2. A DRC shall be issued only on the satisfactory compliance with the conditions prescribed in this Appendix.
3. If a holder of a DRC, intends to transfer it to any other person, he shall submit the DRC to the Municipal Board/ Development Authority/ Deputy Commissioner with an appropriate application for an endorsement of the new holder's name, i.e. transferee on the said Certificate. Without such an endorsement, the transfer shall not be valid and the Certificate shall be made available for use only by the earlier original holder.
4. A holder of a DRC who desires to use the FAR credit certified therein on a particular plot of land shall attach to his application for development permission valid DRCs to the extent required.
 - (a) Any *heritage building*.
 - (b) Any heritage Precinct except with the prior approval of the Meghalaya Heritage Authority and subject to compliance with the Regulations of the particular precinct.
5. DRCs, may be used on one or more plots of lands, whether vacant or already developed or by the erection of additional storeys, or *in* any other manner *consistent* with these Regulations, but not so as to exceed *in* any plot a total built-up FAR higher than that prescribed *in* clause 8 below.
6. The FAR of a *receiving* plot shall be allowed to be exceeded by not more than 0.4 in respect of a Development Right transferred to *it*. (whether in respect of a heritage *building* or by any other means.)

7. With an application for development permission, where an owner / lessee seeks utilization of DRCs, he shall submit the DRCs to the Municipal Board/ Development Authority/ Deputy Commissioner who shall endorse thereon in writing in figures and words, the quantum of the DRCs proposed to be utilised, before granting development permission, and when the development is complete, shall endorse on the DRC in writing, in figures and words, the quantum of DRCs actually utilised and the balance remaining thereafter, if any, before issue of occupation certificate.

8. A DRC shall be issued as a certificate printed in an appropriate form prescribed by the Government. Such a certificate will be a transferable "negotiable instrument" after due authentication by the Municipal Board/ Development Authority/ Deputy Commissioner. The Municipal Board/ Development Authority/ Deputy Commissioner shall maintain a register in an appropriate form of all transactions, etc. relating to grant of utilization of DRCs.