फ।.सं.न.15-395/एनएमए/एचबीएल-2026

भारत सरकार

संस्कृति मंत्रालय

राष्ट्रीय संस्मारक प्राधिकरण

सार्वजनिक नोटिस

जनसाधारण के ध्यान में यह लाया जाता है कि सक्षम प्राधिकारी द्वारा संरक्षित संस्मारक - **सर्वेक्षण प्लॉट संख्या 20 के भाग में शामिल प्राचीन स्थल और पांडुराजर धिपी के अवशेष, पांडुक, जिला - बर्दवान (अब बर्धमान के नाम से जाना जाता है), पश्चिम बंगाल** का धरोहर उप-विधि का मसौदा प्राचीन संस्मारक तथा पुरातात्विक स्थल और अवशेष अधिनियम, 1958 की धारा 20(ई) के अनुसार तैयार कर लिया गया है। राष्ट्रीय संस्मारक प्राधिकरण (प्राधिकरण के अध्यक्ष और सदस्यों की सेवा की शर्तें और कार्य संचालन) नियम, 2011 के नियम 18(2) के अनुसार, उपरोक्त प्रस्तावित धरोहर उप-विधि जनसाधारण से आक्षेप या सुझाव आमंत्रित करने के लिए निम्नलिखित वेबसाइटों पर अपलोड किए गए हैं:

क. राष्ट्रीय संस्मारक प्राधिकरण www.nma.gov.in

ख. भारतीय पुरातत्व सर्वेक्षण www.asi.nic.in

ग. भारतीय पुरातत्व सर्वेक्षण, कोलकाता सर्कल www.asikolkata.in

2. किसी भी व्यक्ति को कोई आक्षेप या सुझाव हो तो वह सदस्य सचिव, राष्ट्रीय संस्मारक प्राधिकरण, 24, तिलक मार्ग, नई दिल्ली-110001 को लिखित में या ईमेल आईडी अर्थात् arch-section@nma.gov.in पर 8 **अप्रैल, 2026** तक भेज सकता है। आक्षेप या सुझाव देने वाले व्यक्ति को अपना नाम, पता और मोबाइल नंबर भी देना होगा।

3. प्राधिकरण, राष्ट्रीय संस्मारक प्राधिकरण (प्राधिकरण के अध्यक्ष एवं सदस्यों की सेवा की शर्तें तथा कार्य संचालन) नियम, 2011 के नियम 18(3) के अनुसार सक्षम प्राधिकारी एवं अन्य हितधारकों के परामर्श से 30 दिन अर्थात् 8 **अप्रैल, 2026** की अवधि समाप्त होने से पूर्व प्राप्त आपत्तियों अथवा सुझावों पर निर्णय लेगा।

सव्यसाची मारवाहा
10/3/26

(कर्नल सव्यसाची मारवाहा)

निदेशक, एनएमए

F.No. 15-395/NMA/HBL-2026
Government of India
Ministry of Culture
National Monuments Authority

PUBLIC NOTICE

It is brought to the notice of public at large that the draft Heritage Bye-Laws of Protected Monument **Ancient site and remains of Pandurajar Dhipi comprised in part of Survey plot No. 20, Panduk, District-Burdwan (now known as Bardhaman), West Bengal** has been prepared by the Competent Authority, as per Section 20(E) of Ancient Monuments and Archaeological Sites and Remains Act, 1958. In terms of Rule 18 (2) of National Monuments Authority (Conditions of Service of Chairman and Members of the Authority and Conduct of Business) Rules, 2011, the above proposed Heritage Bye-Laws are uploaded on the following websites for inviting objections or suggestions from the Public:

a. National Monuments Authority **www.nma.gov.in**

b. Archaeological Survey of India **www.asi.nic.in**

c. Archaeological Survey of India, Kolkata Circle **www.asikolkata.in**

2. Any person having any objections or suggestions may send the same in writing to Member Secretary, National Monuments Authority, 24, Tilak Marg, New Delhi- 110001 or mail at the email ID i.e. **arch-section@nma.gov.in** latest by 8th **April, 2026**. The person making objections or suggestion should also give their name, address and mobile number.

3. In terms of Rule 18(3) of National Monuments Authority (Conditions of Service of Chairman and Members of the Authority and Conduct of Business) Rules, 2011, the Authority may decide on the objections or suggestions so received before the expiry of the period of 30 days i.e. 8th **April, 2026**, in consultation with Competent Authority and other Stakeholders.

10 Mar 26

(Col. Savyasachi Marwaha)
Director, NMA

सत्यमेव जयते

GOVERNMENT OF INDIA
MINISTRY OF CULTURE
NATIONAL MONUMENTS AUTHORITY

Draft Heritage Bye-Laws for Ancient site and remains of Pandurajar Dhipi comprised in part of Survey plot No. 20, Panduk, District-Burdwan (now known as Bardhaman), West Bengal

GOVERNMENT OF INDIA
MINISTRY OF CULTURE
NATIONAL MONUMENTS AUTHORITY

In exercise of the powers conferred by section 20 E of the Ancient Monuments and Archaeological Sites and Remains Act, 1958, as amended read with Rule (22) of the Ancient Monuments and Archaeological Sites and Remains (Framing of Heritage Bye-Laws and Other Functions of the Competent Authority) Rule, 2011, the following draft Heritage Bye-Laws for the Protected Monument **"Ancient site and remains of Pandurajar Dhipi comprised in part of Survey plot No. 20, Panduk, District-Burdwan (now known as Bardhaman), West Bengal"** prepared by the Competent Authority, in consultation with the School of Planning and Architecture, Bhopal as required by Rule 18, sub-rule (2) of the National Monuments Authority (Conditions of Service of Chairman and Members of Authority and Conduct of Business) Rules, 2011, for inviting objections or suggestions from the public;

Objections or suggestions, if any, may be sent to the Member Secretary, National Monuments Authority (Ministry of Culture), 24 Tilak Marg, New Delhi-110001 or email at arch-section@nma.gov.in within thirty days of publication of the notification;

The objections or suggestions which may be received from any person with respect to the said draft bye-laws before the expiry of the period, so specified, shall be considered by the National Monuments Authority.

Draft Heritage Bye-Laws for "Ancient site and remains of Pandurajar Dhipi comprised in part of Survey plot No. 20, Panduk, District-Burdwan (now known as Bardhaman), West Bengal"

CHAPTER - 1

PRELIMINARY

1.1 Short title, Extent and Commencements:

(i) This Heritage Bye-Laws may be called the National Monuments Authority Heritage Bye-Laws 2026 of Protected Monument **"Ancient site and remains of Pandurajar Dhipi comprised in part of Survey plot No. 20, Panduk, District-Burdwan (now known as Bardhaman), West Bengal"**.

(ii) They shall extend to the entire Prohibited and Regulated Area of the monuments.

(iii) The provisions of these bye-laws shall have effect notwithstanding anything inconsistent therewith contained in any other bye-laws, whether made before or after the commencement of these bye-laws, or in any instrument having effect by virtue of any bye-laws. It shall not be obligatory to carry out amendments in these bye-laws to make them consistent with any other bye-laws.

(iv) They shall come into force with effect from the date of their publication.

1.2 Definitions: -

1. In this Heritage Bye-Laws, unless the context otherwise requires,

(a) "Ancient monument" means any structure, erection or monument, or any tumulus or place or interment, or any cave, rock sculpture, inscription or monolith, which is of historical, archaeological or artistic interest and which has been in existence for not less than one hundred years, and includes: -

(i) the remains of an ancient monument,

(ii) the site of an ancient monument,

(iii) such portion of land adjoining the site of an ancient monument as may be required for fencing or covering in or otherwise preserving such monument, and

(iv) the means of access to, and convenient inspection of an ancient monument.

(b) "Archaeological site and remains" means any area which contains or is reasonably believed to contain ruins or relics of historical or archaeological importance which have been in existence for not less than one hundred years, and includes:

(i) such portion of land adjoining the area as may be required for fencing or covering in or otherwise preserving it, and

(ii) the means of access to, and convenient inspection of the area;

(c) "Act" means the Ancient Monuments and Archaeological Sites and Remains Act, 1958, as amended;

(d) "Archaeological officer" means an officer of the Department of Archaeology of the Government of India not lower in rank than Assistant Superintendent of Archaeology.

(e) "Authority" means the National Monuments Authority constituted under Section 20 F of the Act;

(f) "Competent authority" means an officer not below the rank of Director of archaeology or Commissioner of archaeology of the Central or State Government or equivalent rank, specified, by notification in the Official Gazette, as the competent authority by the Central Government to perform functions under this Act;

Provided that the Central Government may, by notification in the Official Gazette, specify different competent authorities for the purpose of section 20C, 20D and 20E;

(g) "Construction" means any erection of a structure or a building, including any addition or extension thereto either vertically or horizontally, but does not include any re- construction, repair and renovation of an existing structure or building, or, construction, maintenance and cleansing of drains and drainage works and of public latrines, urinals and similar conveniences, or the construction and maintenance of works meant for

providing supply of water for public, or, the construction or maintenance, extension, management for supply and distribution of electricity to the public or provision for similar facilities for public;`

(h) "Government" means the Government of India;

(i) "maintain", with its grammatical variations and cognate expressions, includes the fencing, covering in, repairing, restoring and cleansing of a Protected monument, and the doing of any act which may be necessary for the purpose of preserving a Protected monument or of securing convenient access thereto;

(j) "owner" includes-

(i) a joint owner invested with powers of management on behalf of himself and other joint owners and the successor-in-title of any such owner; and

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

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

(l) "Prohibited area" means any area specified or declared to be a Prohibited area undersection 20A;

(m) "Protected area" means any archaeological site and remains which is declared to be of national importance by or under this Act;

(n) "Protected monument" means any ancient monument which is declared to be of national importance by or under this Act;

(o) "Regulated area" means any area specified or declared to be a Regulated area under section 20B of this Act;

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

(q) "Repair and renovation" means alterations to a pre-existing structure or building, but shall not include construction or re-construction;

2. The words and expressions used herein and not defined shall have the same meaning as assigned in the Act or the rules made there under.

CHAPTER - 2

Background of the Ancient Monuments and Archaeological Sites and Remains (AMASR) Act, 1958, as amended

2.1 Background of the AMASR Act:

The Heritage Bye-Laws are intended to guide physical, social and economic interventions within 300 metres in all directions of the Protected Monuments. The 300 metres area has been divided into two parts (i) the **Prohibited Area,** the area beginning at the limit of the Protected Area or the Protected Monument and extending to a distance of 100 metres in all directions and (ii) the **Regulated Area**, the area beginning at the limit of the Prohibited Area and extending to a distance of 200 metres in all directions.

As per the provisions of the Act, no person shall undertake any construction or mining operation in the Protected Area and Prohibited Area while permission for repair and renovation of any building or structure, which existed in the Prohibited Area before 16 June, 1992, or which had been subsequently constructed with the approval of Director General (DG), Archaeological Survey of India (ASI) and; permission for construction, re- construction, repair or renovation of any building or structure in the Regulated Area, must be sought from the Competent Authority.

2.2 Provision of the AMASR Act related to Heritage Bye-Laws:

Section 20E of AMASR Act, 1958, as amended and Rule 22 of Ancient Monument and Archaeological Sites and Remains (Framing of Heritage Bye-Laws and other functions of the Competent Authority) Rules, 2011, specifies framing of Heritage Bye-Laws for Protected Monuments. The Rule provides parameters for the preparation of Heritage Bye-Laws. Rule 18 of National Monuments Authority (Conditions of Service of Chairman and Members of Authority and Conduct of Business) Rules, 2011, specifies the process of approval of Heritage Bye-laws by the Authority.

2.3 Rights and Responsibilities of the Applicant:

Section 20C of AMASR Act, 1958, as amended, specifies details of application for repair and renovation in the Prohibited Area, or construction or re-construction or repair or renovation in the Regulated Area as described below:

a) Any person, who owns any building or structure, which existed in a Prohibited Area before 16th June, 1992, or, which had been subsequently constructed with the approval of the Director General, ASI and desires to carry out any repair or renovation of such building or structure, may make an application to the Competent Authority for carrying out such repair and renovation as the case may be.

b) Any person, who owns or possesses any building or structure or land in any Regulated Area, and desires to carry out any construction or re- construction or repair or renovation of such building or structure on such land, as the case may be, may make an application to the Competent Authority for carrying out construction or re-construction or repair or renovation as the case may be.

c) It is the responsibility of the applicant to submit all relevant information and abide by the National Monuments Authority (Conditions of Service of Chairman and Members of the Authority and Conduct of Business) Rules, 2011.

CHAPTER - 3

Location and Setting of the Protected Monument – Ancient site and remains of Pandurajar Dhipi comprised in part of Survey plot No. 20, Panduk, District-Burdwan (now known as Bardhaman), West Bengal

3.1 Location and Setting of the Protected Monument:

Pandu Rajar Dhipi's mound is situated in Ajay River's valley in Ausgram II block, Sadar North subdivision of Purba Bardhaman district, West Bengal.

The geographical coordinates of the Protected Monument are as follows:

Latitude: 23° 34′ 19″ N, **Longitude:** 87° 38′ 59″ E.

The ancient mound of Pandu Rajar Dhibi stretches from East to West on the Southern side of the Ajay River in East Bardhaman district. It is located in Panduk village, within the Ausgram II block, and is accessible via a narrow road to the South of the site. The mound is surrounded by a compound wall on all four sides, with roads to the South and West, and agricultural fields to the North and East. Set in a rural environment, the mound is bordered by a village and a series of water ponds to the South.

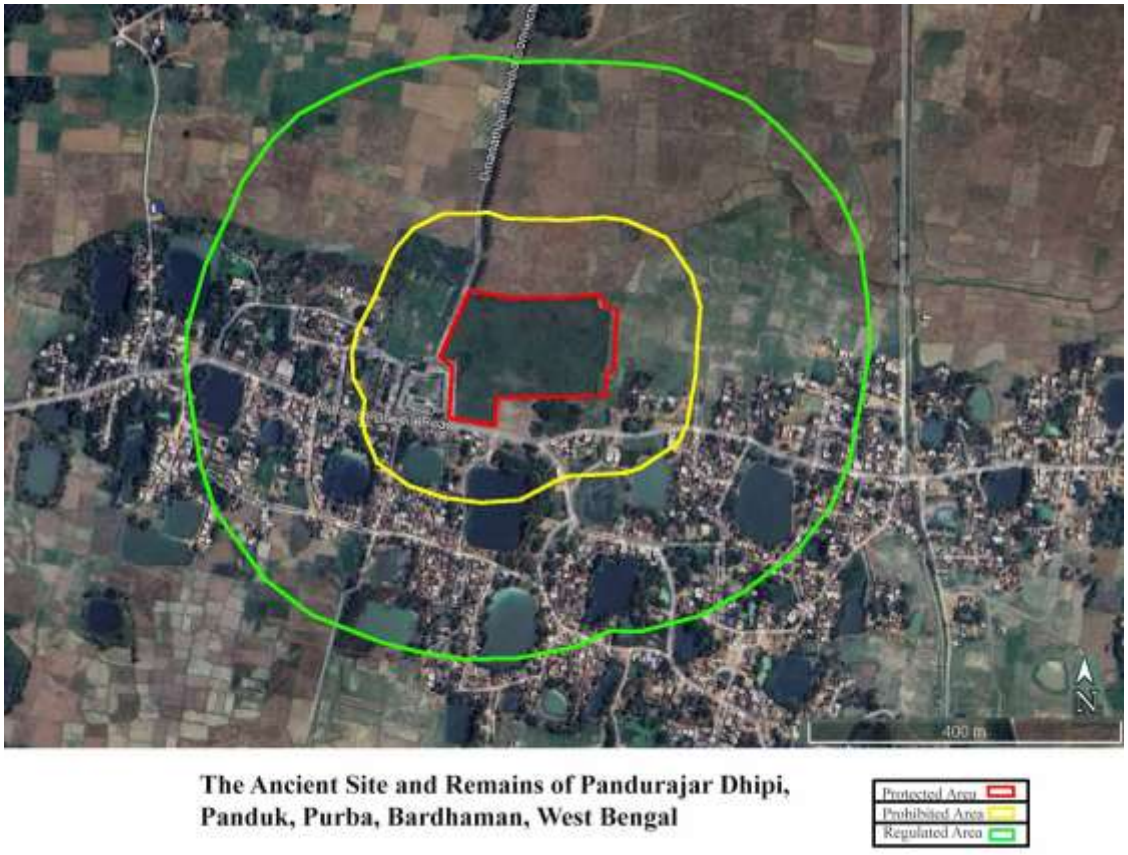


Figure 1: Source: Bhuvan Maps, https://bhuvan.nrsc.gov.in/home/index.php .

To the South lies Panduk village, and to the West, a school complex named 'Purba Panduk Dinanath Uchha Vidyalaya,' along with a playground, both of which fall within the Prohibited area of the mound. The village and the series of water ponds cover the Regulated area of the site. The entry gate is located to the South and opens onto Morbandh-Bhedia Road. The nearest railway station is in Bhedia, approximately

18 km before Bolpur from Calcutta, connected by a narrow road. The nearest airport is Kazi Nazrul Islam Airport in Andal, near Durgapur.

3.2 Protected Boundary of the Protected Monument:

The boundary of the Protected Monument Ancient site and remains of Pandurajar Dhipi comprised in part of Survey plot No. 20, Panduk, District-Burdwan (now known as Bardhaman), West Bengal may be seen in Annexure-I.

3.2.1 Gazette Notification as per ASI records:

Gazette Notification of Ancient site and remains of Pandurajar Dhipi comprised in part of Survey plot No. 20, Panduk, District-Burdwan (now known as Bardhaman), West Bengal may be seen in Annexure-II.

3.3 History of the Protected Monument:

The ancient mound of Pandu Rajar Dhibi lies in the valley of the Ajay River and provides evidence of a proto-historic civilization from the second millennium B.C. in Eastern India. The archaeological remains at the site are of exceptional significance, comparable to similar discoveries in central India and even as far as Anatolia and the Aegean world. The main mound of Pandu Rajar Dhibi is traditionally associated with King Pandu of Mahabharata fame and is notable for being the first Chalcolithic site discovered in West Bengal, India.

3.4 Description of the Protected Monument (architectural features, elements, materials, etc.):

The mound is spread across a rectangular area measuring approximately 200 metres by 140 meters, with a height of five meters at its central portion above the road level. Currently, the trenches are closed, but the site has been excavated several times for archaeological research. There are no built structures on the site, which is now covered with grass and vegetation.

3.5 Current Status:

3.5.1 Condition of the Protected Monument - condition assessment:

The maintenance and preservation of the Protected Monument is the exclusive domain of the Archaeological Survey of India (ASI). The photographs depicting the present condition of the Protected Monument are appended at **Annexure-V**.

3.5.2 Daily footfalls and occasional gathering numbers

The average footfall at the site is around 20 to 30 visitors per day.

CHAPTER - 4

Existing Zoning, if any, in the Local Area Development Plans

4.1 Existing Zoning:

No development plan is available with local authorities.

4.2 Existing Guidelines of the Local Bodies:

The site is in the rural area of Panduk village. No local guidelines are available with the local panchayat. Panchayat guidelines (The West Bengal Gram Panchayat Administration Rules, 2004) can be seen at Annexure V.

CHAPTER - 5

Information as per First Schedule, Rule 21(1) / Survey Plan of the Prohibited and the Regulated Areas on the basis of boundaries defined in Archaeological Survey of India records

5.1 Survey Plan of the Protected Monument:

The Survey Plan of the Ancient site and remains of Pandurajar Dhipi comprised in part of Survey plot No. 20, Panduk, District-Burdwan (now known as Bardhaman), West Bengal, may be seen at **Annexure-I**

5.2 Analysis of surveyed data:

5.2.1 Prohibited Area and Regulated Area details:

i. Total Protected Area of the Monument is 25374.66 Square Metres (6.27 acre) approximately.

ii. Total Prohibited Area of the Monument is 98788.64 Square Metres (24.41 acre) approximately.

iii. Total Regulated Area of the Monument is 382369.90 Square Metres (94.48 acre) approximately.

5.2.2 Description of built-up area:

North:

In the Prohibited and Regulated areas, agricultural lands are located immediately adjacent to the site's boundary. A narrow road runs along the Northwest boundary of the site, leading toward Dinanathpur.

East:

The Northern half of the Eastern side of the site consists of agricultural lands within the Prohibited and Regulated areas, while the Southern half features predominantly residential buildings (sparsely dense), along with one public building and a small water body in the Prohibited area. In the Regulated area, there are also sparsely dense residential buildings, accompanied by a few mixed-use structures and approximately five water bodies of varying sizes.

South:

There is a connecting road to the site in the Prohibited area, and across the road, there are shops and mixed-use buildings alongside a few residential and public structures. Two water bodies share the boundary between the Prohibited and Regulated areas, while the Regulated area contains six water bodies, residential buildings, and some small shops. Temples are situated near the water bodies in the village area.

West:

In the Prohibited area, there is a school named Purba Panduk Dinanath Uchha Vidyalaya, with a playground located across the road adjacent to the site. One water body is situated to the Southwest of the site, across the road, behind the commercial shops and mixed-use buildings in the Prohibited area. In the Regulated area, the Northern part features residential buildings alongside

agricultural lands, while the Southern part includes residential buildings, some mixed-use structures, and commercial shops along the road. This area also contains approximately four water bodies and several temples.

5.2.3 Description of green/open spaces:

North:

There are privately owned agricultural fields in both the Prohibited and Regulated areas, with no built structures present.

East:

There are agricultural fields in the upper part of the Prohibited and Regulated areas, while the lower part features water bodies along with some open spaces and green patches within a sparsely built residential area.

South:

There is ample open space between the compound wall and the road in the Prohibited area, which is used for parking. In the Regulated area, water bodies and green patches are interspersed within sparsely built residential neighborhoods.

West:

In the Prohibited area, there is a large playground associated with Panduk-Dinanath School, while in the Regulated area, there are patches of open space with water bodies interspersed within sparsely built residential neighborhoods.

5.2.4 Area covered under circulation - roads, footpaths etc.:

There are no roads or paved pathways on the site; however, a small trail leads from the entrance to the central part of the mound. Throughout the Prohibited and Regulated areas, there are primarily two narrow roads connecting the East-West and North-South villages, passing through the Southwest corner of the site. The Morbandh-Bhedia Road, which runs along the Southern edge of the site, connects to Bhedia Railway Station in the East and Illambazar town in the West. The Dinanathpur-Bhedia Road, located to the West of the site, connects to the Ajay River in the North and Dinanathpur in the South.

5.2.5 Existing Heights of Buildings:

North:

There is no building on the North side of the site.

East:

The building heights vary from 4.5 meters to 12 metres (The number of storeys ranges from G to G+3) approximately.

South:

The building heights vary from 4.5 meters to 12 metres (The number of storeys ranges from G to G+3) approximately.

West:

The building heights vary from 4.5 meters to 12 meters (The number of storeys ranges from G to G+3) approximately, with the school building being the tallest building in the area.

5.2.6 State Protected Monument and listed Heritage Buildings by Local Authorities, if available, within Prohibited / Regulated Area:

No state Protected monuments and listed heritage buildings specified by local authorities, are present, within the Prohibited or Regulated Area of the monument.

5.2.7 Public Amenities:

The Prohibited and Regulated Areas are equipped with essential public amenities, including a multipurpose community hall constructed by the temple trust on the western side of the Protected Monument.

5.2.8 Access to the Protected Monument:

The mound is accessed through the natural trail from the South.There is no paved pathway to access the site.

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

Infrastructure services such as drinking water facilities, dustbins, village street lighting, solid waste management, and storm water drainage facilities are present within the Prohibited and Regulated Areas of the Protected Monument.

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

No development plan is available for the area. The Panchayat guidelines can be seen at **Annexure-V.**

CHAPTER - 6

Architectural, Historical and Archaeological Value of the Protected Monument

6.1 Architectural, Historical and Archaeological Value:

The mound of Pandu Rajar Dhibi holds significant archaeological value as the first Chalcolithic site discovered in West Bengal. It is associated with King Pandu of Mahabharata fame. There was a total of six periods of occupation at the site. Excavations at Pandu Rajar Dhibi have uncovered evidence of the gradual development of Chalcolithic culture, which was eventually supplanted by iron-using populations. A significant conflagration during Period III is believed to mark this transitional phase, possibly signifying the decline of Chalcolithic culture and the emergence of the Iron Age.

6.2. Sensitivity of the Protected Monument (e.g. developmental pressure, urbanization, population pressure, etc.):

The site is encroached by parking and temporary commercial activities along the approach street of the Protected monument.

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

The site is a shallow mound that is not visible from the Regulated area, while the village and agricultural lands are visible from the mound.

6.4. Land use:

The site is under Panchayat boundaries and the existing use of Land in the Prohibited and Regulated Areas is Residential and agricultural.

6.5. Archaeological heritage remains other than the Protected Monument:

No known archaeological heritage remains are present near the mound in the Prohibited and Regulated Area.

6.6. Cultural landscapes:

There is no significant Cultural landscapes present around the Monument.

6.7 Significant natural landscapes that forms part of cultural landscape and also helps in protecting the Protected Monument from environmental pollution:

There is no significant natural landscape that forms part of cultural landscape around the monument that helps in protecting the monument from environmental pollution.

6.8. Usage of open space and constructions:

There is a large open space on the South side of the compound wall of the site and used as parking and open area by villagers. Another open ground is situated within the premise of Panduk–Dinanath School on the West side of the site which is used by schoolchildren.

6.9. Traditional, Historical and Cultural activities:

There are no traditional, historical and cultural activities being followed in the Protected, Prohibited and Regulated areas.

6.10 Skyline as visible from the Protected Monument and from the Regulated Areas:

The skyline visible from the mound reveals an agrarian landscape with clusters of trees on the Northwest to Northeast side, while the remaining skyline features a sparsely populated rural landscape interspersed with water bodies.

6.11 Traditional architecture:

The mound is situated in a rural area characterized by village life. The houses in Panduk village feature sloping tiled roofs and plastered walls, primarily consisting of single-story structures. However, modern construction is visible in areas connected to the main roads.

6.12 Developmental plan, as available, by the local authorities:

No development plans are available for the site.

6.13 Permissible Building related parameters:

6.13.1 Repair and Renovation (in Prohibited and Regulated Area):

Internal changes and adaptive reuse may be generally permitted. However, external changes shall be subject to detailed scrutiny by the Competent Authority. Such changes which include retrofitting/renovation may be permitted when the building is structurally weak or unsafe or when it has been adversely impacted by any natural calamity and renovation is absolutely necessary. Original building vocabulary and layout along with built-open relationships are to be adhered to. General repair and upkeep of buildings will be permissible, subject to prior permission from the Competent Authority.

The repair and renovation in building/structures should be sympathetic and congruous with the heritage character of the Protected monument and its surrounding areas. New cladding materials like Aluminum Composite Panels (ACP), High Pressure Laminates (HPL), laminates, tiling or glazing will not be permitted. Use of locally available building material should be encourage in carrying out repair and renovation works.

6.13.2 Reconstruction:

Reconstruction is defined in Section 2(k) of AMASR Act, 1958. Permission for reconstruction in Regulated Area is accorded as per Section 20 C (2) of the AMASR Act, 1958, as amended and Rule 6(IV) and Rule 7 AMASR (Framing of heritage Bye-Laws and other functions of the Competent Authority) Rules, 2011. In case of any type of building or structure located in the Prohibited or Regulated area of the Protected Monument or Protected Area, collapsed or damaged and found beyond repair due to natural calamities, the permission for reconstruction is accorded as per Rule 16 AMASR (Framing of heritage Bye-laws and other functions of the

Competent Authority) Rules, 2011. Reconstruction of building or structure damaged due to natural calamity shall be permissible only to the extent it is damaged. The new structure or building as a replacement to the older building in case of reconstruction shall follow the same horizontal and vertical limits as per the pre-existing structure. The use of incongruous materials in the façade such as glazing, metal cladding, Aluminum Composite Panels (ACP), High Pressure Laminates (HPL), tiles, laminates will not be permissible. The new structure should be sympathetic and congruous with the heritage character of the Protected Monuments and its surrounding area.

6.13.3 New Construction:

6.13.3 A Prohibited Area:

In general terms, as per Section 20A (4) of AMASR Act, 1958, as amended no new construction including carrying out any public work or project essential to the public or other construction, shall be permitted within the Prohibited Area of the Protected monument.

6.13.3 B Regulated Area:

Since no land-use plan/ master plan/ zoning regulations have been prepared by the local Authorities, the height and other building related parametres prescribed in this Heritage Bye-Laws will be applicable for all types of construction in the Regulated Area of the Protected Monument. All the development control norms and building regulations specified in the West Bengal Municipal (Building) Rules, 2007 as and when amended, shall be applicable. However, the height and other parameters specified in this document shall be applicable in the Regulated Area of the Protected Monument.

1. Height of the new construction on the site (including mumty, parapet, water storage tank, machine room, generator room, HVAC unit, solar panel, rainwater harvesting system, penthouse structures of terrace garden etc. or any other services on the roof):

i. The maximum height limit for new construction or additions/alteration to existing buildings shall not exceed **12.50 metres** (including mumty, parapet, water storage tank, machine room, generator room, HVAC unit, solar panel, rainwater harvesting system, penthouse structures of terrace garden etc. or any other services on the roof).

ii. Construction of the basement may not be permitted to mitigate any adverse impact on the structural, safety of the Protected Monument.

2. Usage:

i. The conversion of land within the Prohibited Area and Regulated Area of a Protected Monument or Protected Area should be done after prior consultation with the National Monuments Authority (NMA).

ii. In the agricultural fields, constructions that fall under specified exemptions may be permitted. These permissible constructions on the agricultural land include the construction of structures for dwellings and ancillary buildings for people engaged in farming or structures for the storage of crops, fodder, manure, agricultural tools, and other similar facilities.

3. Façade design:

i. The façade design of new construction must be minimalistic in nature, so that it does not overpower the Protected Monuments and the overall character of the surrounding area. The façade design should be subtle, plastered and painted in earthy colours.

ii. Plumbing and electrical services shall be concealed and not on the exterior of the building.

iii. Use of intrusive materials such as Aluminium Composite Panel (ACP), High Pressure Laminates (HPL) and any other synthetic material for exterior finishes on the exterior façade should be discouraged.

iv. Use of coloured glazed façade should be discouraged.

4. Roof design:

i. Sloping roof with tiles may be followed to blend with the vernacular architecture or flat roof with concrete slab may be followed.

ii. All services such as large air conditioning units, rooftop water storage tanks or large generator set placed on the roof to be screened off using screen walls (brick/cements sheets, louvers, jaalis or other such design elements). All of these services should be included in the maximum permissible height.

iii. Erection of Structures, even of temporary nature, using materials such as aluminium, fibre glass, polycarbonate or similar materials should be discouraged on the roof of the building. Water tanks should be screened off using brick walls.

5. Building Material:

i. Consistency in building materials and colour along all street façades of the monument may be maintained.

ii. Modern building materials such as aluminum cladding, glass bricks and any other synthetic tiles or materials should not be permitted for exterior finishes. Traditional building materials such as brick and stone should be used.

6. Colour:

The exterior colour should be of a neutral tone and in harmony with the Protected Monument, which does not create a harsh contrast with the Protected Monument and its immediate surroundings.

7. Other Regulations:

Proposals for the construction of large-scale public infrastructure projects such as Metro Rail Systems (underground or elevated), rail or road over bridges, flyovers, multi-level parking facilities, or similar development projects and construction of institutional buildings in public interest or which are essential for public, shall be subject to a detailed Heritage Impact Assessment (HIA) report. Such projects may be considered only if it is clearly established that they will not cause any significant adverse impact on the preservation, safety, security, visual integrity or accessibility of the Protected Monument or its immediate surroundings

6.14 Visitor facilities and amenities:

Visitor facilities and amenities may be provided in the vicinity of the Protected Monument as

CHAPTER – 7

Site Specific Recommendations

7.1 Site Specific Recommendations:

i. No advertisements in the form of hoardings, billboards and posters should be permitted near the Protected Monument, especially on the boundaries of the Protected Monument.

ii. Site may also have descriptive plaques based on an authentic historical narrative.

iii. Use of eco-fFriendly vehicles for movement in the vicinity of the Protected Monument may be encouraged to mitigate adverse impact on the Protected Monument due to vehicular emissions and vibrations.

iv. Construction of green buildings, including best practices like rainwater harvesting etc. should be encouraged.

v. The district administration should take proactive steps to prevent encroachment on the approach roads and public land.

vi. Any repair and renovation in the buildings abutting the perimeter of the monument should be carefully supervised so that it does not have any adverse impact on the structural integrity of the monument.

vii. LED or digital signs, plastic fibre glass or any other highly reflective synthetic material should not be used for signages in the vicinity of the Protected Monument or its immediate surrounding areas.

7.2 Other Recommendations:

i. Extensive public awareness programme may be conducted to increase public awareness about the historical and architectural significance of the Monument.

ii. The jurisdiction and the boundaries may be integrated into the local area plan that is prepared and implemented by the Burdhaman district authority as the local area plan provides a single window framework for the implementation of regulations of the Master plans as well as heritage regulations. Layout plans with urban design guidelines may also be included at the local area plan level.

iii. Provisions for differently-abled persons should be provided as per prescribed standards.

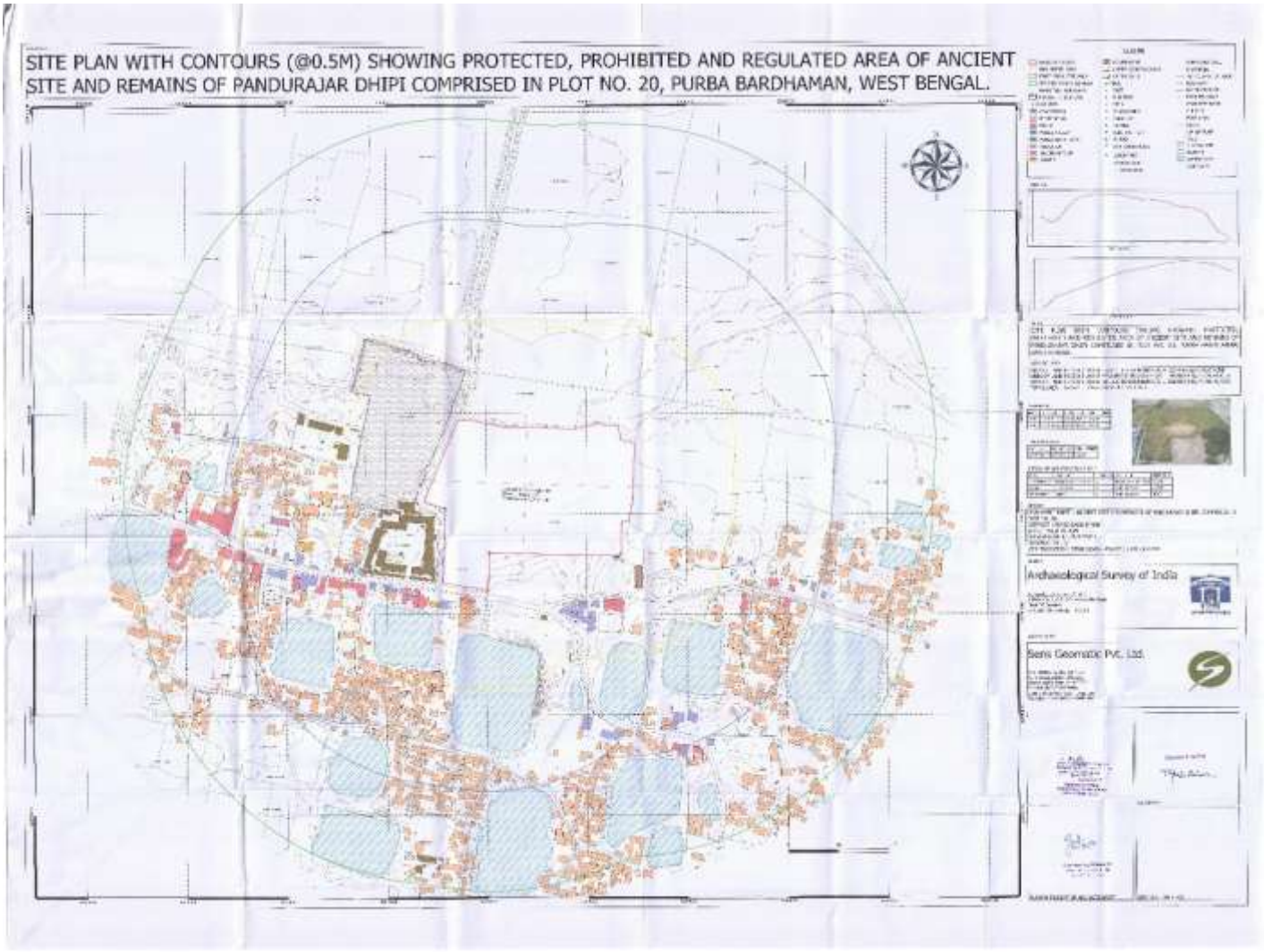
iv. The area should be declared as Plastic and Polythene free zone.

v. National Disaster Management Guidelines for Cultural Heritage Sites and Precincts may be referred at https://nidm.gov.in/PDF/pubs/NDMA/20.pdf

ANNEXURES

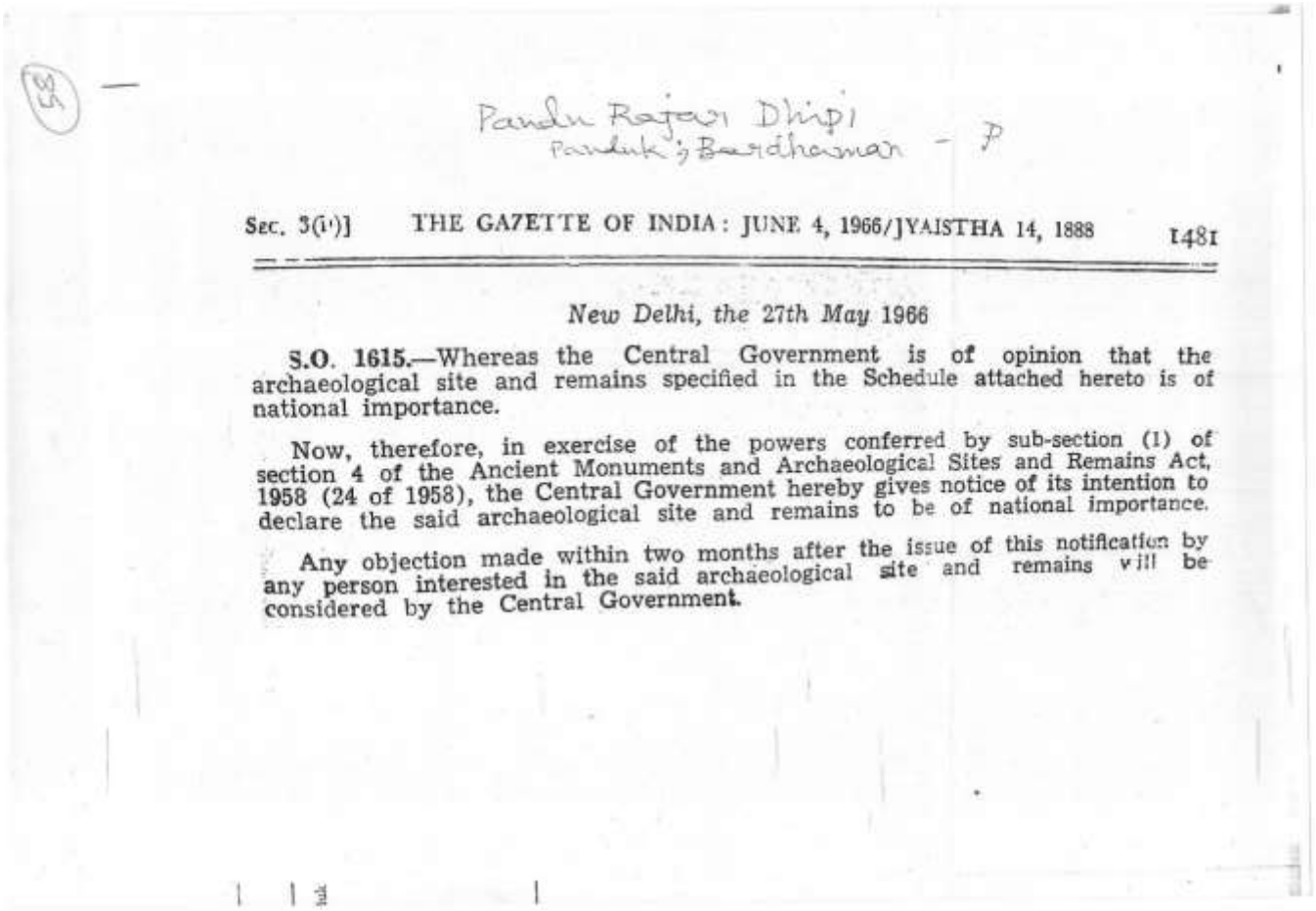
Annexure–I

Survey Plan of the Ancient Site and Remains of Pandurajar Dhipi comprised in part of Survey plot No. 20, Panduk, District-Burdwan (now known as Bardhaman), West Bengal



Annexure–II

Gazette Notification of the Protected Monument



Pandu Rajavi Dhipi
Pandu's Bardhaman - P

New Delhi, the 27th May 1966

S.O. 1615.—Whereas the Central Government is of opinion that the archaeological site and remains specified in the Schedule attached hereto is of national importance.

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

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

(61)

Pandu Rajan Dhipi - Final

Director-General Posts and Telegraphs, hereby specifies the 1st November 1966 as the date on which the Measured Rate System will be introduced in PALGHAT Telephone Exchange.

[No. 5-47/66-PHB.]

D. R. BAHL, Asstt. Director Genl. (PHB).

संचार विभाग

(डाक-तार बोर्ड)

नई दिल्ली, 26 अक्टूबर 1966

स्थायी आदेश क्रमसंख्या 3307 स्थायी आदेश क्रमसंख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए 1951 के भारतीय तार नियमों के नियम 434 के खण्ड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने पालघाट टेलीफोन केन्द्र में 1-11-66 से प्रमापित दर-प्रणाली लागू करने का निश्चय किया है।

[सं० 5-47/66—पी० एच० बी०]

डी० आर० बहल,

सहायक महानिदेशक (पी०एच०बी०).

MINISTRY OF EDUCATION

ARCHAEOLOGY

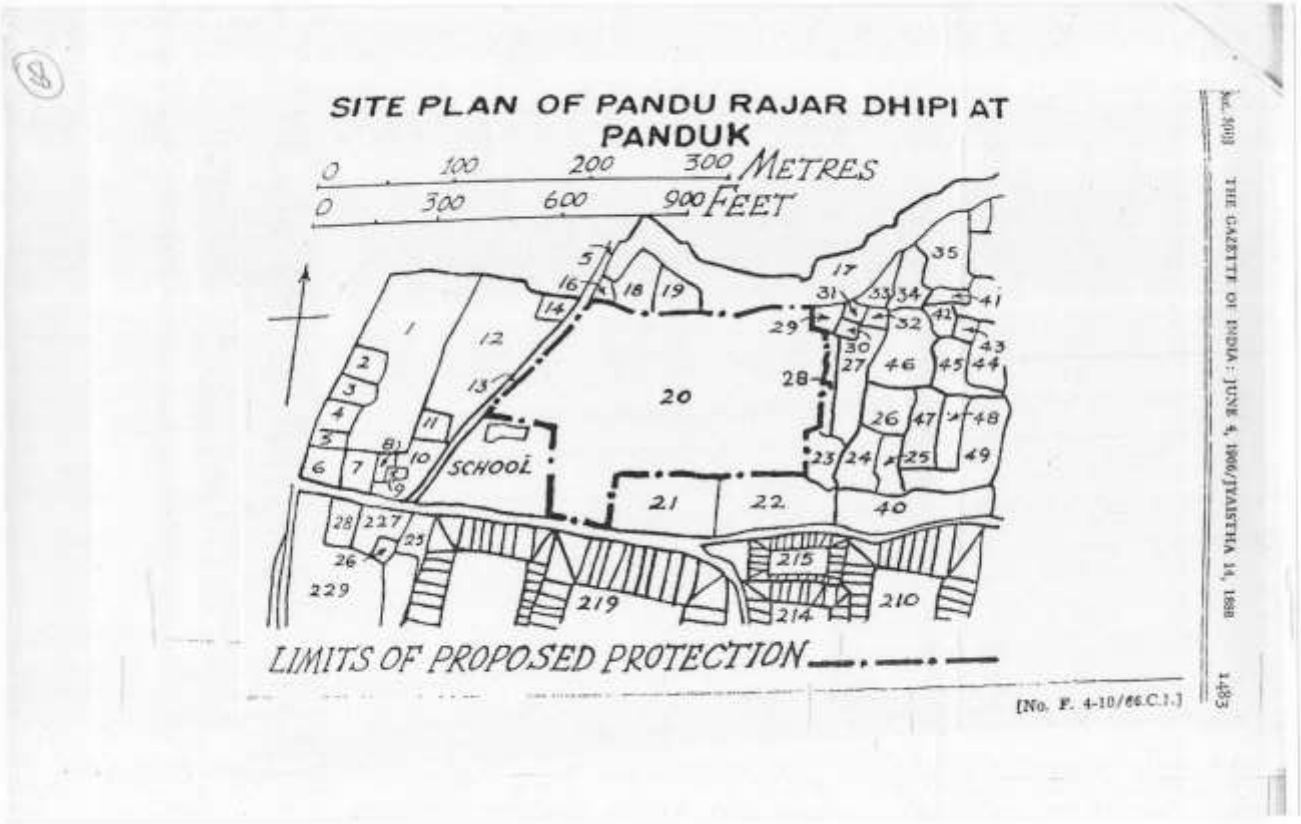
New Delhi, the 26th October 1966

S.O. 3308.—Whereas by notification of the Government of India in the Ministry of Education No. S.O. 1615, dated the 27th May, 1966, published in Part II, Section 3, sub-section (ii) of the Gazette of India dated the 4th June, 1966, the Central Government gave notice of its intention to declare the archaeological site and remains specified in the Schedule below to be of national importance.

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

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

Site Plan of the Ancient Site and Remains of Pandurajar Dhipi comprised in part of Survey plot No. 20, Panduk, District-Burdwan (now known as Bardhaman), West Bengal (*Source: Kolkata circle offi*



Annexure–IV

The West Bengal *Panchayat* (*Gram Panchayat* Administration) Rules, 2004

CHAPTER-IV

Control of building operations

1. Application in Form 4.
2. Payment of fees.
3. Exemption from permission.
4. Construction proposal to pre-suppose civic amenities.
5. Approach road or passage for building.
6. Restriction on construction over tank and water body.
7. Maximum coverage of residential building.
8. Construction of residential building.
9. Prohibition of dry latrine.
10. Classification of land for construction.
11. Manner of processing of an application.
12. Construction within the Kolkata metropolitan area.
13. Restriction for construction in the vicinity of airport or prohibited area.
14. Right of applicant if the permission or refusal is not communicated within time limit.
15. Permission for construction of building for commercial or institutional purposes.
16. Grounds for withholding or refusing permission.
17. Inspection of structure or building under construction.
18. Rate of fee for application.
19. Construction of park and garden.
20. Construction of public drain.
21. Collection and disposal of solid waste.

38. Appeal against the decision of the *Gram Panchayat*.

17. **Application in Form 4**. - (1) Subject to the provisions of rule 20, any person intending to erect a new structure or a new building or to make any addition to an existing structure or building in any area within the jurisdiction of a *Gram*, shall, for obtaining prior permission in writing of the concerned *Gram Panchayat*, make an application, in duplicate, in Form 4 to the *Gram Panchayat*. The Secretary or any other employee of the *Gram Panchayat* authorised by the *Pradhan* in this behalf, shall receive the application, in duplicate; retain one copy of it and return the other copy noting thereon the date of receipt under his signature and the seal of the *Gram Panchayat*.

(2) An application in Form 4 shall be submitted along with a plan in duplicate, of the proposed structure or building, a site plan in duplicate, copy of records of right, and copy of such other records showing title and interest of the applicant in respect of the land as may be necessary.

(3) Copies of Form 4 shall be supplied on demand by the *Gram Panchayat* to any intending applicant at a non-profit making price to be fixed by the committee referred to in sub-rule (1) of rule 10 of the West Bengal *Panchayat* (*Gram Panchayat* Miscellaneous Accounts and Audit) Rules, 1990; the Secretary shall maintain the accounts of the stock of Form 4.

(4) Notwithstanding anything contained in sub-rule (3) any person may submit his application in Form 4 under sub-rule (1) in manuscript, typewritten or otherwise mechanically prepared copy of the Form.

18. **Payment of fees**. – (1) No application under this rule shall be considered by a *Gram Panchayat* unless such application is accompanied by a receipt of the fees paid by the applicant

at such rate as may be applicable under rule 34. The Secretary or any other employee of the *Gram Panchayat*, authorised by the *Pradhan* in this behalf, shall receive the fee tendered in cash and shall immediately grant a formal receipt therefor.

(2) The fee referred to in sub-rule (1) shall not be refunded to the applicant under any circumstance.

19. **Exemption from permission**. – (1) No permission of the *Gram Panchayat* shall be necessary for erection of any thatched structure, tin shed, or tile shed, without brick wall, covering an area not exceeding eighteen square metres, and such structure or shed does not cover more than three-fourth of the total area of the land including the land appurtenant thereto.

(2) Permission of the *Gram Panchayat* shall not be necessary for repair of an existing structure or building unless,

(i) any structural change is involved, or

(ii) such repair brings any change in the existing covered area, or

(iii) such repair includes any addition of a projection from the existing structure or building ground level or upper level.

(3) Permission of a *Gram Panchayat* shall not be necessary for erection of a boundary wall unless it is made of brick or cement and the bounded area is not kept as vacant land but it is used or likely to be used as stack yard or for any commercial or institutional purpose either on open space or by erecting temporary shed.

20. **Construction proposal to pre-suppose civic amenities**. - (1) With effect from such date and with respect to such *Gram* or *Grams* as may be specified by the State Government by notification, a plan for new structure or building within the jurisdiction of a *Gram Panchayat* shall have reasonable provision for,

(a) adequate drainage facility by means of access and passage leading to existing public drains or drainage channels or by means of soak-pit having adequate capacity,

(b) sanitary facilities including garbage disposal facility, and

(c) access road or passage to the plot as referred to in rule 21.

(2) If a *Gram Panchayat* is of opinion that for the purpose of proper sanitation in a locality, any premises should have its drainage facility through a private drain owned by another plot-holder, the *Gram Panchayat* may, by a written notice to the owner of the plot - holder as also the users of such private drain, require

(i) the owner of the plot-holder to connect his house drain with such private drain, and

(ii) the owner of such private drain to permit such connection with the private drain.

(3) When a connection is made under sub-rule (2) maintenance, repair and clearing of the private drain from the point of such connection upto the public drain shall be the joint responsibility of the owners of such premises and the users of the private drain. If any dispute arises between the owners and the users in the discharge of the joint responsibilities, it shall be referred to the *Pradhan*, and his decision in such dispute shall be final and binding on the owners.

Explanation. - For the purposes of this rule, "public drain" means a drain maintained by the Central Government, the State Government or any local authority where the owner or the occupier of a building or land may cause his drains to empty.

21. **Approach road or passage for building.** – (1) With effect from such date, and with respect to such *Gram* or *Grams*, as may be specified by the State Government by notification, every structure or building shall have an approach road or passage from a public road and the minimum width of such passage or road shall be one and eight-tenth metres.

(2) If an existing passage or road over which the public have a right of way, is less than one and eight-tenth metres wide, the plot-holders on either side of such passage or road shall keep a front set-back in such manner as to allow a front set-back of nine-tenth metre on either side of the road after leaving in the middle a clear passage of one and eight-tenth metres and a rear set back of one and eight-tenth meter:

Provided that if a *Gram Panchayat* is of the opinion that an existing building or part thereof should be set-back to allow a regular passage or road of not less than one eight-tenth metres in pursuance of any development plan, the *Gram Panchayat*, after giving the owner of such building an opportunity of being heard, may refer a proposal through the *Panchayat Samiti* to the Land Acquisition Collector for acquisition of the land in question:

Provided that when the plot holders on either side of an approach passage or road allow front set-back in such manner that on leaving a front set-back of nine-tenth metre in front of each house along the passage, a continuous width of five metres for the passage or road is obtained, such passage or road may be taken over and maintained by the *Gram Panchayat*.

(3) Whenever there is a service road or approach passage available, no direct access from a building shall be permitted to a public road.

Explanation. - For the purposes of this rule, 'public road' means a National Highway referred to in the National Highway Act, 1956 (48 of 1956) or a Highway within the meaning of the West Bengal High way Act, 1964 (West Ben. Act XXVIII of 1964) or a road maintained by the *Zilla Parishad* or any other road normally used for vehicular traffic.

22. **Restriction on construction over tank and water body**. – (1) A *Gram Panchayat* shall not give permission to any erection or construction by filling up any tank, pond, or other water body, marshy land or abandoned brickfield or sand quarry, coal mine, mineral quarry or any other water area and shall take such steps as may be considered appropriate -

(a) for use of public water body, or
(b) for drainage facility in the locality, or
(c) for fire fighting purposes, or
(d) from environmental and ecological point of view, or
(e) for promotion of pisciculture, or
(f) for any other use of public interest, or
(g) for recreation purpose, or
(h) for ethnic purpose, or
(i) for production of micro and macro organism, or
(j) for production of aquatic flora and fauna:

Provided that in pursuance of any direction or order issued by any Court or a competent authority, a *Gram Panchayat* may, for reasons to be recorded in a resolution adopted in this behalf, give permission, under special circumstances for any such erection or construction.

(2) In case of illegal filling of any tank, pond or other water body, marshy land or abandoned brick field or sand quarry, coal mine, mineral quarry or any other water area, the Gram Panchayat shall immediately report the matter to the Block Development Officer and *ex-*

officio Executive Officer of the *Panchayat Samiti* and the Police Station for taking appropriate action.

23. **Maximum coverage of residential building**. - The maximum building coverage of an individual plot shall be two-third of the total area for a residential building. One-third of the total plot area that shall be kept vacant shall include front, side and rear setback spaces. The *Gram Panchayat* shall refuse all such applications for permission of any addition to an existing structure or building if the existing coverage added with the proposed addition exceeds two-third of the total plot area.

24. **Construction of residential building**. - (1) Subject to such order as may be issued by the State Government in this behalf, any structure or a building within the jurisdiction of a *Gram Panchayat* shall be erected or constructed with a set-back of at least nine-tenth metre from each side of the plot. In doing so, there shall be a minimum perpendicular distance of one and eight-tenth metres from the side of any proposed new building to the side of an existing building.

(2) Subject to the maximum height of fifteen metres, the height of a new or existing structure shall be one and half times the width of the approach road added with the width of the front set back of that building. But no setback in the building shall be allowed.

(3) The area of a habitable room shall be not less than six square metres with a minimum width of two and one-fifth metres.

(4) The area of a kitchen shall be not less than three-square metres with a minimum width of one and half metres.

(5) The area of an independent water-closet or any independent bathroom shall be not less than eight-tenth square metre with a minimum width of seventeen-twentieth metre; if a water-closet is combined with bathroom, its floor area shall not be less than one and a half square metre with a minimum width of nine-tenth metre.

(6) The height of all habitable and multipurpose rooms shall not be less than two and six-tenth metres from the surface of the floor to the lowest point of the ceiling; the height of the kitchen, water-closet, bathroom, corridor or passage shall not be less than two and one-tenth metres from the surface of the floor to the lowest point of the ceiling.

Explanation. - In this rule, "habitable room" means a room meant for human habitation other than a kitchen, bath, water closet or storeroom.

25. **Prohibition of dry latrine**. - A *Gram Panchayat* shall not accord permission for erection or construction of a dry latrine either in an existing building or as a part of a new construction.

26. **Classification of land for construction**. - If any structure or building is proposed to be erected or constructed on any land recorded otherwise than as homestead land, the *Gram Panchayat* shall withhold permission for such erection or construction until the applicant produces an order allowing change of classification of the said land by the Collector or any other competent authority having jurisdiction under any law for the time being in force.

27. **Manner of processing of an application**. - (1) On presentation of an application under sub-rule (1) of rule 17, the *Pradhan* or the *Upa-Pradhan* or any other member authorised by the *Gram Panchayat* in this behalf, shall examine the right, title and interest of the applicant in respect of the land on which the structure or the building is proposed to be erected along with

the building plan and the site plan, and, after such enquiry as may be considered necessary, shall within a period of thirty days from the date of receipt of the application, place it before the *Gram Panchayat* for granting or, as the case may be, refusing permission for the erection or construction applied for.

(2) A *Gram Panchayat* shall, when granting permission under sub-rule (1) specify a reasonable period within which the structure or the building is to be completed and if the erection or construction is not completed within the period so specified, it shall not be continued thereafter without allowing an extension of such period. The *Gram Panchayat* may, if it considers necessary, in view of the changed circumstances, require a modification of the building plan for reasons to be recorded in writing in case of delay in completion of the work.

(3) When a *Gram Panchayat* refuses permission under sub-rule (1),

(i) the applicant shall be given an opportunity of being heard;

(ii) the grounds for refusal shall be recorded in writing and communicated to the applicant;

(iii) the applicant may be allowed to submit modified proposal removing the grounds for refusal in a fresh application form or in a plain paper, as may be appropriate, with two copies of the modified building plan and other records as may be relevant, within a period of one year from the date of communication of such refusal; such proposal shall not be taken as a new proposal and the applicant shall not be required to deposit any fee as referred to in rule 34.

(4) As soon as may be, after the *Gram Panchayat* grants or refuses permission under sub-rule (1), the *Pradhan* or the *Upa-Pradhan* or the person authorised in this behalf shall communicate in writing to the applicant of the permission granted for the construction sought for or the refusal in this behalf, as the case may be. In case of permission, one approved copy of the building plan and of the site plan shall be returned to the applicant, and the date within which the erection or construction is to be completed, shall be communicated. The applicant shall be informed of the grounds of refusal and further actions that may be taken by him in this regard.

(5) Subject to the provisions of rule 28 and rule 29, communication to the applicant under sub-rule (2) shall be made by the *Gram Panchayat* within a period of sixty days from the date of receipt of the application under sub-rule (1) of rule 17.

28. **Construction within the Kolkata metropolitan area**. – (1) Notwithstanding anything contained in these rules, any application made under sub-rule (1) of rule 17 pertaining to the Kolkata metropolitan area as defined in the West Bengal Town and Country (Planning and Development) Act, 1979 (West Ben. Act XIII of 1979) shall be subject to the provisions of any rule made, or any order or direction of a competent authority issued, under the West Bengal Town and Country (Planning and Development) Act, 1979.

(2) An application under sub-rule (1) shall, within a period of thirty days from the date of receipt of the application, be forwarded by the *Gram Panchayat* with its comments to the *Zilla Parishad* having jurisdiction and the Zilla Parishad, on receipt of such application and comments of the *Gram Panchayat*, shall, on a reference of the matter to the Kolkata Metropolitan Development Authority, if necessary, return the application and other documents within a period of thirty days from the date of such receipt, with its approval or comments as the case may be, to the *Gram Panchayat* for action under sub-rule (4) of rule 27.

29. **Restriction for construction in the vicinity of airport or prohibited area**. - No person shall erect near or in the vicinity of any airport or of a prohibited area, notified as such by a

competent authority under any law for the time being force, any structure or building, tending to hazard aviation or security, as the case may be. The *Gram Panchayat*, on receipt of such application under sub-rule (1) of rule 17, shall cause an examination and enquiry under sub-rule (1) of rule 27, and forward the application within thirty days from the date of its receipt to the *Zilla Parishad* with comments; the *Zilla Parishad* on receipt of the application and the comments of the *Gram Panchayat*, shall –

(a) approve the proposal and the plan with or without any modification, or

(b) refuse the proposal and the plan, and return the application and other papers within thirty days from the date of its receipt by the *Zilla Parisahd* to the *Gram Panchayat* for appropriate action within ninety days from the date of receipt of the application.

30. **Right of applicant if the permission or refusal is not communicated within time- limit**. - If permission or refusal under sub-rule (5) of rule 27, 28 or 29 as the case may be, is not communicated by the *Gram Panchayat* within the prescribed time limit it shall be presumed that the *Gram Panchayat* has accorded such permission and it shall be lawful for the applicant to erect any structure or building conforming to the building plan and the site plan furnished by him along with the application.

31. **Permission for construction of building for commercial or institutional purposes**. – (1) The *Gram Panchayat* shall not accord permission for erection of a structure or construction of a building for commercial or institutional purposes or for establishing a factory or workshop or warehouse or godown, –

(a) in a predominantly residential area, or

(b) on a road or an approach passage having a width measuring less than five metres.

(2) There shall be a front setback of not less than one and one-fifth metre for a structure or building referred to in sub-rule (1).

(3) The maximum building coverage of a structure or building referred to in sub-rule (1) shall be three-fifth of the total plot area.

(4) In the case of a proposed building on a total land measuring between four thousand square metres, and twenty-five thousand square metres, the *Gram Panchayat* shall be handed over management and control of not less than one sixteenth of the total land accommodating public facilities like power sub-station, public transport terminal, garbage vat and such other facilities; for plots measuring more than twenty five thousand square metres, the *Gram Panchayat* shall be handed over one-tenth of the total land for such purposes.

(5) Subject to the provision of this rule, erection or construction of a building for commercial or institutional purposes, shall be governed by the rules applicable for construction of a building for residential purposes.

32. **Grounds for withholding or refusing permission.** - (1) A *Gram Panchayat* may withhold or refuse permission under sub-rule (1) of rule 27, if,

(a) the site plan, building plan, elevation, section or specification contravenes any provision of the Act or any rule framed thereunder or any other law for the time being in force;

(b) the application for permission does not contain required particulars or has not been prepared in the manner laid down in these rules;

(c) any information or document required by the *Gram Panchayat* under the Act or the rules thereunder has not been duly furnished;

(d) the proposed structure or building shall or is likely to, disturb environmental sanitation of the locality;

(e) the proposed structure or building is an encroachment on the Government land or any land vested with the *Gram Panchayat* or any other local authority.

(2) When a *Gram Panchayat* takes a decision under sub-rule (1), the procedure laid down in sub-rules (3), (4) and (5) of rule 27 shall, in so far as they are applicable, be followed.

33. **Inspection of structure or building under construction**. - (1) The *Pradhan* or the *Upa-Pradhan* or any other person authorised by the *Pradhan* in this behalf, may, at any time and without notice, inspect any structure or building in respect of which permission under sub-rule (1) of rule 27 has been given, while the work is in progress.

(2) If, on making an inspection under sub-rule (1), the *Pradhan* or any other person as aforesaid is satisfied that the structure or building is being erected, -

(a) otherwise than in accordance with the building plan as approved, or

(b) in such way as to contravene any of the provisions of the Act or these rules, the *Pradhan* may, after giving the owner of such structure or building an opportunity of being heard, make an order directing the owner to make such alterations within such time as may be specified in the order, with the object of bringing the structure or building in conformity with the approved plan.

(3) Without prejudice to the provisions of section 23 or any other law for the time being in force, the *Pradhan*, in all cases where the erection or construction of any structure or building or any other work connected therewith has been commenced or is being carried on unlawfully, may, seek the assistance of the police or with the assistance of any employee of the *Gram Panchayat*, if necessary, take such steps as he may deem fit to stop the continuance of such unlawful erection or construction. The expenditure incurred for deployment of police or employee of the *Gram Panchayat* to keep a watch on the premises, shall be realized from the person undertaking the unlawful erection or construction through the Public Demand Recovery Act.

34. **Rate of fee for application**. - Any person who makes an application under sub-rule (1) of rule 17, shall pay or cause to be paid a fee in cash to the *Gram Panchayat* as provided in the Table under these rules.

35. **Construction of park and garden**. - With effect from such date and with respect to such *Gram* or *Grams* as may be specified by notification, a *Gram Panchayat* shall endeavour to construct at least one park and garden in a vested land in every constituency of the *Gram Panchayat* and, for the said purpose, the *Gram Panchayat* shall submit proposal to the competent authority for earmarking a particular vested land.

36. **Construction of public drain**. - With effect from such date and with respect to such *Gram* or *Grams* as may be specified by notification, a *Gram Panchayat* shall endeavour to construct and maintain, where it considers necessary, a system of drainage within its predominantly residential area and sufficient outfall in or outside such residential area and, for this purpose, the *Gram Panchayat* may make use of any vacant land either under its management or as a result of set-back of any structure or building:

Provided that the *Gram Panchayat* shall not build any super-structure on any vacant land as a result of set-back of any structure or building:

Provided further that for building a system of drainage, a *Gram Panchayat* shall ensure unhindered use of any approach passage or road.

37. **Collection and disposal of solid waste**. - (1) With effect from such date and with respect to such Gram or Grams as may be specified by notification, a *Gram Panchayat* shall endeavour to build and maintain, where it considers necessary, a system of collection, removal and disposal of solid wastes from residential, commercial or institutional buildings.

(2) The *Gram Panchayat* may provide or appoint in convenient situations, including the situation arising out of any vacant land as a result of set-back of any structure or building, public receptacles, depots or places for the temporary deposit of-

(a) rubbish,

(b) offensive matters,

(c) domestic and trade refuse,

(d) Carcasses of dead animals, and

(e) Excrementitious and polluted matters.

(3) It shall be the duty of the owners or the occupiers, as the case may be, of all premises to cause all matters referred to in clauses (a) to (e) of sub-rule (2) to be collected from their respective premises and to be deposited in public receptacles, depots or places, provided or appointed under sub-rule (2), at such time and in such manner as the *Pradhan* may, on giving adequate publicity, specify.

(4) The *Gram Panchayat* shall make adequate provision for preventing receptacles, depots or places from becoming sources of nuisance.

(5) All matters deposited in public receptacles, depots or places as aforesaid and all solid wastes collected, shall be the property of the *Gram Panchayat.*

38. **Appeal against the decision of the *Gram Panchayat***. - (1) If, on receipt of an application under sub-rule (1) of rule 17, which has not been referred to the *Zilla Parishad* under rule 28 or 29 as the case may be, a *Gram Panchayat* refuses to grant permission to the erection of any structure or building, an aggrieved person may prefer an appeal to the Block Development Officer and *ex-officio* Executive Officer of the *Panchayat Samiti* within ninety days from the date of communication of such order of refusal. The Block Development Officer and *ex-officio* Executive Officer of the *Panchayat Samiti* or any other officer not below the rank of Secretary of Panchayat Samiti, on being authorised, shall decide the matter after giving notice to the parties concerned and his decision in the matter shall be final.

(2) If, on receipt of an application under sub-rule (1) of rule 17, which has been referred to the *Zilla Parishad* under rule 28 or 29 as the case may be, a *Gram Panchayat* or a *Zilla Parishad* as the case may be refuses to grant permission for the erection or construction of any structure or building, an aggrieved person may prefer an appeal to the Divisional Commissioner having jurisdiction within ninety days from the date of communication of the refusal to grant such permission. The Divisional Commissioner shall decide the matter after giving notice to the parties concerned and his decision in the matter shall be final:

Provided that if the *Gram Panchayat* fails to communicate its decision, whether in the affirmative or in the negative, within sixty days from the date of receiving the application, the

Annexure–V

Images of the Protected Monument and its surrounding areas

Image 1: Image of the Protected Monument.

Image 2: Image of the Prohibited Area.

Image 3: Image of the Regulated Area.

Image 4: South side of the Protected Monument.

Image 5: School at West side of the Protected Monument.

Image 6: North side of the Protected Monument.

Image 7: Village in the Prohibited Area.

Image 8: Boundary of the Protected Monument.

Image 9: Bird eye view of the Protected Monument.

Image 10: Protected Monument from the School Building.