



CREATIONS Nanditha Krishna

MY piece on "Wanted — A national culture policy" (*NSE*, January 6) brought me many letters and telephone calls. It is heartening to note that in spite of the callous attitude of our governments, people still want to preserve their heritage. Dinesh Mani, Mayor of Kochi, wrote to tell me about an initiative of the Corporation of Kochi to set up a "Centre for Heritage and Development of Memorials of Kochi". Kudos to Kochi. Someone else asked me whether it is worth preserving anything in our unplanned and overpopulated cities. Let us not forget that history was made in these cities. Their historical associations, monuments and sites are not our creations to be destroyed by us. We owe it to the future to preserve them.

In 1994-95, I served on a national heritage consultative committee, set up by the Ministry of Environment and Forests, Government of India, to draw up draft regulations for the conservation of heritage buildings, heritage precincts and natural features. The committee consisted of representatives of the Archaeological Survey of India (ASI), Ministries of Urban Development, Tourism and Environment and Forests, retired senior government officers and representatives of heritage and environmental groups from several cities. We worked very hard, studying existing and proposed legislation in India and abroad, including the British Town and Country Planning Act. The committee brought out an exhaustive docu-

ment titled "Suggested draft regulations for conservation of heritage buildings, heritage precincts and national features", incorporating and improving on the existing and evolving acts in India and the UK. Union Environment Ministers Kamal Nath and Suresh Prabhu wrote to all the State Governments and Union Territories, and to the State Chief Ministers, enclosing the draft regulations and suggesting their adoption. However, only Mumbai, Nagpur, Pune, Mahabaleshwar and Panchgani (all in Maharashtra), Hyderabad and Jaipur (Rajasthan) have notified heritage regulations, while the Calcutta Municipal Corporation Amendment Bill provides for limited heritage protection. With the exception of Hyderabad, the track record of the southern states is awful.

There is a misconception that heritage means monuments like the Taj Mahal or Mamallapuram. Heritage includes buildings, artefacts, structures, areas and precincts of historic or architectural or cultural or environmental significance, natural features of environmental significance and/or scenic beauty. The mada streets of Tamil Nadu's temple towns, the kaavus of Kerala, the Borra caves of Visakhapatnam and the downs of Ooty are equally heritage sites.

Between the State Departments of Archaeology and the ASI, only 7000 monuments enjoy "protected" status in India, as against 16,000 "Scheduled Monuments" and 500,000 listed buildings enjoying statutory heritage protection in the UK, and 1.16 million "contributing resources" in the National Register of the U.S. New York City alone has 1073 individual landmarks and 78 historic districts, bringing 22,000 properties under their historic building regulations.

UNESCO has declared 22 World Heritage Sites in India, of which only 17 are man-made and some, like Hampi, cover a large area and include several monuments. The UK has 20, U.S. has 18 and Italy has 33, as against larger nations like India with 22, the Russian Federation with 15 and China with 27. Some bias here! Surely India

Catamarans on Marina Beach, Chennai; and below, Charminar in Hyderabad



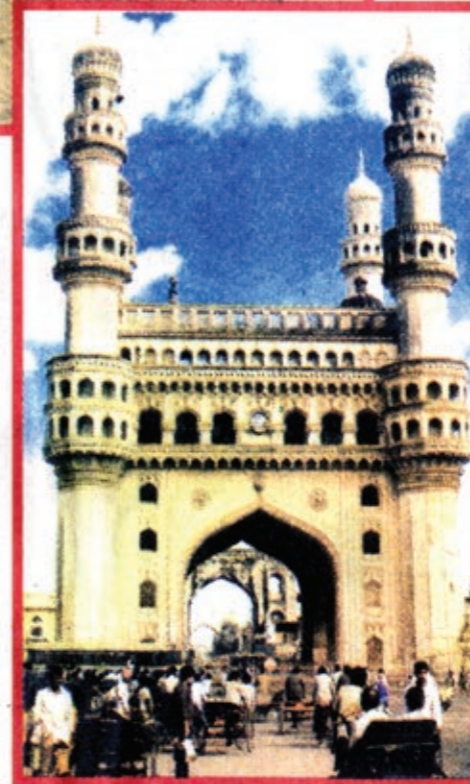
and China have more historic monuments and sites than both the UK and U.S.?

Shyam Chainani, Honorary Secretary of the Bombay Environmental Action Group (BEAG) and Convenor of the above-mentioned national committee, sent me the story of the efforts of the BEAG to introduce heritage legislation in Mumbai and elsewhere. Today, thanks to its heritage protection act, Mumbai city alone protects 700 heritage buildings, parks, sea fronts and 30 precincts. Marine Drive in Mumbai is protected as a heritage site, whereas Marina Beach in Chennai — once the world's second longest and most beautiful beach — is now an ugly public toilet and garbage dump.

The saga of the NGO effort to protect Bombay's heritage monuments and sites makes fascinating reading and can serve as a learning model for similar efforts elsewhere. Before the act, Bombay saved many of its buildings through the Rent Control Act, whose stringent rules prevented landlords from evicting tenants and demolishing old buildings, the Floor Space Index (FSI), which had already been exceeded by most buildings, and a 1977 ban on construction or reconstruction of buildings to house offices and commercial buildings in the city. In

1977, the Save Bombay Committee (SBC), now the BEAG, successfully fought the demolition of the Old Yacht Club building and several others, till the SBC set up cells for listing historic, aesthetic and architecturally important buildings, and for legal action. In retrospect, Shyam admits, prioritizing the listing of buildings was a mistake. The first priority should be the enactment of enabling legislation and regulations to provide statutory backing for the lists. Several NGOs in many cities, including my own Chennai, have long lists that carry no weight. Lists can always be prepared at short notice and extended later.

In 1988, the Government of Maharashtra notified a proposal to add a new chapter on conservation to Bombay's Development Plan (Master Plan). This was followed by the constitution of a heritage committee in 1990. In 1991, the draft Bombay Heritage Regulations was published in the gazette, inviting objections and suggestions from the public. Some 935 objections were received and heard, most approving the legislation but wanting their building to be excluded from the list! In 1995, 18 years after the first protests and 7 years after the first notification, the government conveyed its sanction to the



Development Control Regulation i.e. the heritage regulation. This was followed by notification of the Mahabaleshwar-Panchgani eco-sensitive zone.

Many people with old family homes worry what "heritage protection" would mean to their rights. The document that we produced set out some dos and don'ts, and the rights and advantages of protection. Regulations do not prevent the owners from selling — they merely

control development activity, which all cities already do in different ways. But, for a heritage building, no development, additions, alterations, renovations or repairs of heritage buildings may be allowed without special permission. The multi-storied building within the old Fort St. George at Chennai has destroyed the entire ambience. Recently, in my village, an ancient temple belonging to the HR & CE department was "renovated" by adding two new shrines in front. There were no laws to prevent this sacrilege.

A Heritage Conservation Committee must be appointed to scrutinize lists of old and heritage buildings. Not every old building needs to be protected. There must be a historic, cultural or aesthetic dimension. Even these should be further graded according to their importance.

Apart from buildings and monuments, precincts, skyline and architectural harmony must be preserved. For example, ancient temple towns had similar houses built around the central tank with their roofs sloping towards the tank to collect and direct the rainwater. In Mylapore, Chennai, the old houses have been pulled down to make way for multi-storied buildings — each one with different dimensions and frontage — while the streets are cemented and paved, preventing the intrusion of

water into the ground. During the British period, only beautiful Indo-Saracenic style public buildings were permitted on Marina Beach. Post-1967, Slum Clearance Board flats were built on the beach to house people who do not use indoor closed toilets. Seerani Arangam on the same beach is a public forum for religious and political meetings that mess up the whole beach. The result? Chennai has lost its only lung, the young have no place to

play and the old can no longer walk along the beach. Indiscriminate widening of roads and loss of pavement space could be avoided by protecting heritage precincts. Controlling precincts and the skyline could also prevent gaudy neon advertisements and obscene posters. Most European cities and towns insist on identical facades for the houses in the old quarters, leaving special areas for the construction of new multi-storied buildings.

There are also incentives envisaged by the regulations. If development were to be refused, the owner would be compensated by grant of Transferable Development Rights (TDR). Since the TDR would include FSI, it could be sold for profit. But the best way to preserve an old building is to use it, and the owner could be given the option of using it as he chooses, provided he maintains it in its existing form.

Ideally, each city should have a heritage fund to raise money for conservation. I am sure several industrialists and private individuals would come forward to contribute to the fund, like they have contributed to the National Culture Fund.

Many NGOs and individuals, including myself, have been lobbying with their municipal corporations and state governments for many years for heritage control legislation. We take a few steps forward, then the government changes and we are back to square one. Based on the draft prepared for the Ministry of Environment and Forests and the lists available in most cities, there is not much work to be done. But there are powerful vested interests to block such legislation — builders' lobbies and contractors are so powerful that they can make and break politicians. They are the biggest impediment. It needs political will and courage to pass legislation to protect urban culture. Do our politicians have it? I don't think so. But they should try — it may even fetch them votes!

The author is Director, The C P Ramaswami Aiyar Foundation, Chennai