

GUIDELINES FOR THE
OWNERS OF
**Heritage
Buildings**



**THE KOLKATA
MUNICIPAL
CORPORATION**
5, S. N. Banerjee Road
Kolkata-700013



Heritage
Buildings



Heritage
Buildings

Guidelines for the Owners of

Heritage Buildings

INTRODUCTION:

Buildings with architectural significance and traditional values are considered for their preservation and conservation. These buildings playing an important role in the history of the city of Kolkata in particular and of the State in general are required to be classified and maintained properly. For this purpose it has been realised that an inventory of such buildings upon which the heritage status has been conferred is to be undertaken. Through various process and documentation stages in assistance with the Expert Committee formed by the Government of West Bengal, a list of such heritage buildings has been prepared and being up-dated regularly.

Now during such enlistment of buildings some questions by the owners of the listed heritage buildings and the proposed heritage buildings are being mooted for some time past. As such it has been decided to publish a booklet dealing with the guidelines for perusal by the owners of the heritage buildings.

(i) What is Heritage Building?

Under the provisions of Section 2 (42A) of the K.M.C. Act 1980 the definition of heritage building has been given.



Collectorate House



The definition runs thus "heritage building means any building of one or more premises, or any part thereof, which requires preservation and conservation for historical, architectural, environmental or ecological purpose and includes such portion of the land adjoining such building or any part thereof as may be required for fencing or covering or otherwise preserving such building and also includes the areas and buildings requiring preservation and conservation for the purpose as aforesaid under sub-clause (ii) of clause (a) of subsection (4) of the section 31 of the West Bengal Town and Country (Planning and Development) Act, 1979 (West Beng. Act XIII of 1979)".

(ii) What is Heritage Precinct?

Heritage Precinct may be defined as the neighbourhood or environs of a place or a group of buildings that share wholly or partly certain common physical, social, cultural significance worth preservation and conservation. Ambience can be defined as the quantitative, qualitative aspects attached to heritage building necessary for its appreciation of the space and viewing corridors.

(iii) How conservation of Heritage Building is explained?

Conservation may be defined as the process involved in the preservation of a building, precinct or artifact, in order to retain its architectural, historical, environmental or cultural significance. This term includes maintenance and according to necessity, may require preservation, restoration or reconstruction and may commonly be a combination of more than one of the above.



House of C. R. Das

Writers' Building



Raj Bhavan

(iv) How Preservation of Heritage Buildings is explained?

Preservation may be defined as the maintenance necessary in order to maintain the building precinct or artifact in its present state and to prevent and retard deterioration.

(v) How Restoration of Heritage Building is explained?

Restoration may be defined as the means necessary to return the fabric to its known earlier state (as may have existed prior to change that may have occurred by way of demolition, removal, addition etc. in contravention of the provisions of the Act, the rules and regulations framed therein) by means of the removal of accretions or reassembling existing components or by the sensitive introduction of compatible materials.

(vi) What is the responsibility of the owner?

Every owner or occupier of any heritage building declared as such by the Corporation shall maintain, preserve and conserve it and shall not change its use in contravention of the provisions of this Act or the rules or the regulations made thereunder for its maintenance, preservation or conservation. Elements of the building, which are not compatible with the whole or part of the building, should be removed with the approval of Heritage Conservation Committee.

Standard Guidelines

(a) Criteria for selection of a Heritage building

Any building depicting characteristics, historic, scientific or social value, any building associated with important social, political, cultural, scientific or technological movement,



House of Rammoban Roy

Bethune Collegiate School



Alipore Observatory



Asiatic Society



Belgachia Hostel of Medical College

any building with striking architectural significance in respect of style, design, use of construction material etc.

(b) Acquisition of K.M.C. of such heritage building

Normally no heritage building will be acquired by the Corporation but in very special cases considering the historical and traditional urgency the Corporation may acquire the heritage property under due process of law.

(c) Selling or leasing out of the Heritage Property

On prior permission from the Heritage Conservation Committee the owner of a heritage building may sell or lease out the heritage property. The owner has to apply before the Kolkata Municipal Corporation for such permission. After considering all the factors the Heritage Conservation Committee may recommend for sell or lease out.

(d) Undertaking new construction within the Heritage Property

On prior approval of the Heritage Conservation Committee new construction in a heritage property may be undertaken on fulfilment of the following conditions:

- (i) If surplus buildable land is available
- (ii) The construction shall have to be compatible with the existing heritage building.
- (iii) The drawings and designs for such construction shall be prepared and recommended by the enlisted Conservation Architect (Annx 'A').



National Library

Bourne & Shepherd



Chottalilki Gbat



Brabmo Balika Vidyalay



Currency Building

(e) Demolition of Heritage Building

Normally no heritage building shall be permitted for demolition. However, on prior approval of the Heritage Conservation Committee on the recommendation of the enlisted Conservation Architect the non-significant portion of a heritage building may be allowed to be demolished.

(f) Permission for repairing

To repair any heritage building a prior permission of the Heritage Conservation Committee is required for:

- (i) Restoration of facade, structure and interior.
- (ii) Restoration of architectural elements/features.
- (iii) Reconstruction of the portion which has been collapsed.
- (iv) Reconstruction of the portion irreparable to match with the existing critical characteristics.

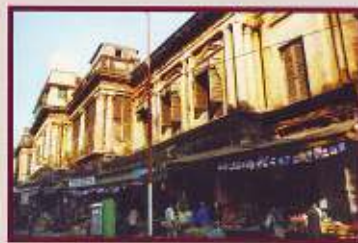
(g) Addition / alteration works of the Heritage Building

With the prior approval of the Heritage Conservation Committee the owner may undertake addition / alteration works as per the following:

- (i) Addition / alteration proposal shall be in accordance with the prevailing KMC Building Rules.
- (ii) The proposed addition / alteration shall be compatible with the existing heritage building.
- (iii) The drawings and designs shall be prepared and recommended by the enlisted Conservation Architect.

(h) Change of use of the Heritage Building

Heritage Conservation Committee may permit change of use if the proposed change is compatible with the architectural,



House of Rani Rashmoni

Esplanade Mansion



House of H.M. Bose



Greek Orthodox Church



Grand Hotel

historical, cultural and environmental fabric of the heritage building. The proposed change of use shall be in terms of the Act and Rules and Regulations of the Kolkata Municipal Corporation.

(i) Restriction on the display of signage, hoardings etc.

Normally no display of signage, hoardings etc. upon the heritage building is allowed. However, on approval from the Heritage Conservation Committee hoardings, signage etc. may be allowed if they do not obstruct the view of the heritage building or is in harmony with the heritage building.

(j) Restriction for use of material for repairing/addition/alteration

Repairing/addition/alteration works shall originally be done through traditional building materials and construction technique. Any kind of use of new material shall be done with the approval of the Heritage Conservation Committee on recommendation of the enlisted Conservation Architect.

(k) Benefits of being a Heritage Building

It will enhance the valuation of the property if properly advertised as heritage building. The Corporate houses may use these heritage buildings to promote their image as protector of heritage value of the city. One can avail oneself of the national or international funds for the maintenance of such heritage buildings if properly approached through Conservation Architect. Compatible re-use of the building may be permitted for commercial benefits. In some special cases property tax may be reduced/ exempted under Section 425 K of KMC Act, 1980.



House of Sarat Chandra Chottapadhyaya

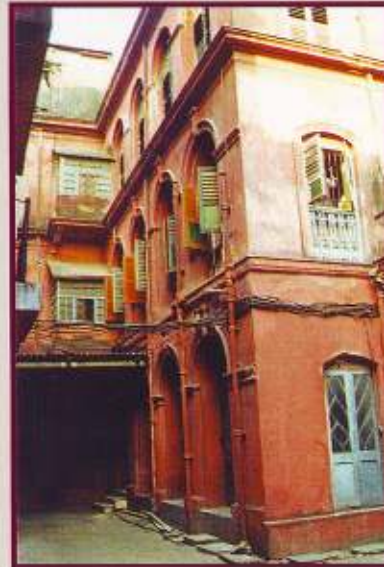
House of Kundu Family



House of Maharaja Sukhomay Roy



House of Law Family 2



House of Law Family

(I) Contact persons for further information

- (i) Chief Municipal Architect and Town Planner
1, Hogg Street, Kolkata-700087
Phone No. 2244-7606, 2244-3471 (Extn. 2501)
- (ii) Municipal Architect and Town Planner
1, Hogg Street, Kolkata-700087
Phone No. 2244-3471 (Extn. 2571)

3. Heritage Conservation Committee is constituted with the following members in addition to the Municipal Commissioner as Chairman and an Officer of the corporation as its convenor.

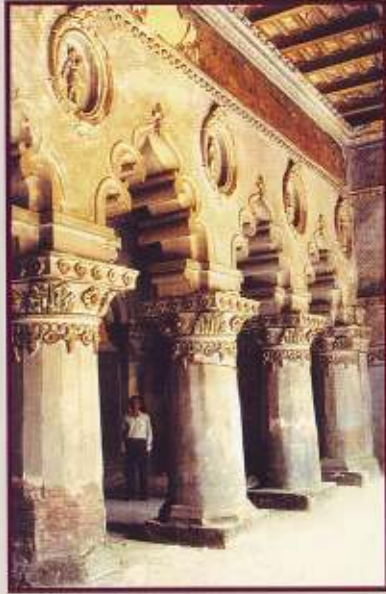
- (i) one shall be a nominee of the Kolkata Metropolitan Development Authority.
- (ii) one shall be the Director of the Development of Archaeology, Government of West Bengal, or his nominee.
- (iii) one shall be an eminent architect,
- (iv) one shall be an artist,
- (v) one shall be an environmentalist,
- (vi) one shall be a historian, and
- (vii) one shall be the Chief Valuer and Surveyor of the Corporation



Queens Mansion



House of Pasupati Bose



House of Mukherjee



Indian Association Hall



Tomb of Job Churnak

For information and perusal of the owners of heritage buildings the extracts of the relevant provisions of the K.M.C. Act 1980 are re-produced below.

Preservation and Conservation of Heritage Buildings

425A. Owner to maintain, preserve and conserve heritage building: Every owner or occupier of any heritage building declared as such by the Corporation shall maintain, preserve and conserve it and shall not change its use in contravention of the provisions of this Act or the rules or the regulations made thereunder for its maintenance, preservation or conservation.

Explanation I – The word "maintain", with its grammatical variations and cognate expressions, shall include fencing, covering, repairing, restoring or cleansing, or doing of any act which may be necessary for the purpose of preserving or conserving, of, or securing convenient access to, a heritage building.

Explanation II – "Owner" shall, notwithstanding anything contained elsewhere in this Act, include, for the purposes of this chapter, –

- (a) a joint owner of a heritage building vested with the power of management thereof on behalf of himself and any other joint owner, or successor-in-title of any such joint owner, or
- (b) a manager, or trustee, vested with the power of management of a heritage building, or successor-in-office of such manager or trustee.



Cossipore Udyan Bati

Jorabagan Police Station



Indian Museum



LIC Metropolitan Building



LIC Council House Street

425B. Power of Corporation to declare a building as a heritage building: Where the Corporation, on the recommendation of the Heritage Conservation Committee and also of the Mayor-in-Council, is of the opinion that any building in Kolkata should be preserved and conserved for historical, architectural, environmental or ecological purpose, it may declare such building as a heritage building:

Provided that during the period when any proposal for declaring building as a heritage building is under consideration of the Heritage Conservation Committee or the Mayor-in-Council, no owner of such building, or no lessee or sub-lessee to whom such building has been leased out, shall transfer such building by way of sale, lease or mortgage without the prior approval of the Municipal Commissioner.

425C. Gradation of heritage building : The gradation of a heritage building according to its historical, architectural, environmental or ecological purpose shall be such as may be prescribed.

425D. Heritage Conservation Committee : (1) The Mayor-in-Council shall constitute a Committee to be called the **Heritage Conservation Committee with the Municipal Commissioner as its Chairman and an officer of the Corporation as its Convenor.**

(2) **The Committee shall have, in addition to the Chairman and the Convenor, seven other members of whom –**

- (i) one shall be a nominee of the Kolkata Metropolitan Development Authority.
- (ii) one shall be the Director of the Development of Archaeology, Government of West Bengal, or his nominee.
- (iii) one shall be an eminent architect,



Science College

Mammatba Ganguli's House



Marble Palace



Lobia Matri Sadan

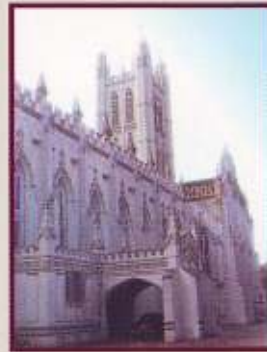


Metropolitan Institution

- (iv) one shall be an artist,
 - (v) one shall be an environmentalist,
 - (vi) one shall be a historian, and
 - (vii) one shall be the Chief Valuer and Surveyor of the Corporation.
- (3) The Committee may co-opt one person to be nominated by the concerned department of the State Government while dealing with any land or building under the management of the said department.
- (4) The Committee shall, in accordance with the provisions of this Act and the rules and the regulations made thereunder, scrutinize every application or proposal for declaration of a building as a heritage building, and recommend to, and also advice, the Mayor-in-Council in respect of the preservation and conservation of such building as a heritage building.
- (5) The Committee shall meet at such periodical interval as may be determined by the Mayor-in-Council.
- (6) The Municipal Commissioner shall, in the case of emergency, take such measures as may be necessary for the preservation and conservation of a heritage building, provided that such measures shall be required to be approved by the Heritage Conservation Committee at its meeting.

425E. Power and functions of Heritage Conservation Committee :

The Heritage Conservation Committee shall have the power to function independent of the Municipal Building Committee for purpose of preservation, conservation and maintenance of heritage buildings in so far as such power does



St. Paul Church

Military Secretariate



Nizam Palace



Mottylal Seal Free College



NCC

not offend any other provisions of this Act or the rules made thereunder relating to construction or use of building:

Provided that for erection or re-erection in a heritage building or part thereof, or for restoration of any heritage building to its old shape, design or beauty in the case of unlawful demolition, or for making any change of internal or external wall, structural pattern, floor, roof, interior or exterior architectural floor, facade or skyline, or for any other change, of a heritage building, the provisions of Chapters XXII and XXIII of this Act and the rules made thereunder shall apply *mutatis mutandis*.

425F. Power of Corporation to require, purchase or take on lease heritage building : Subject to the other provisions of this Act, the Corporation may acquire, purchase or take on lease any heritage building for the purpose of preservation and conservation thereof:

Provided that in the case of a heritage building declared as such for the purpose of preservation and conservation as required under sub-clause (ii) of clause (a) of sub-section (4) of section 31 of the West Bengal Town and Country (Planning and Development) Act, 1979 (West Ben. Act XIII of 1979), the approval of the concerned department of the State Government shall be taken.

425G. Transfer of right of development for the purpose of acquisition by agreement: When the owner of any heritage building is not willing to preserve or conserve any heritage building, the Municipal Commissioner may, for the purpose of acquisition of such heritage building by agreement and on the recommendation of the Heritage Conservation Committee and with the approval of the Mayor-in-Council, allow the transfer of right of development of



Star Theatre

Royal Insurance Building



St. Margaret College



Souabazar Rajbari



Rupbani

such heritage building, which shall be heritable and transferable, to the owner of such heritage building in such manner, and subject to such conditions, as may be prescribed.

Explanation I – "Development" shall have the same meaning as in clause (7) of section 2 of the West Bengal Town and Country (Planning and Development) Act, 1979 (West Ben. Act XIII of 1979).

Explanation II – "Right of development of a heritage building" shall mean the right of development, in the prescribed manner, of such potentials as may be available in respect of such heritage building on a plot of land different from the land and building comprising the heritage building but in the same ward of the Corporation.

425H. Right of access to heritage building acquired by Corporation: Subject to such rules or regulations as may be made under this Act, every person shall have the right of access to any heritage building acquired by the Corporation.

425-I. Sub-lease of heritage building: The Corporation shall have the right to allow the transfer of right of development to the lessee of a heritage building where the unexpired period of the term of lease is for 90 years, and to take the heritage building on sub-lease by agreement, if there is provision for such sub-lease in the deed executed between the owner and the lessee, provided that the question of payment of premium or rent in such case to the owner shall not, notwithstanding any agreement in this behalf, arise, and if the owner as confirming party to the agreement waives the right to receive any further payment of such premium or rent.

425J. Permission of concerned department of State Government before acquisition of heritage building : If the Corporation considers that it is necessary to acquire any building



Statesman House

Standard Building



YMCA Chouringhee



Tollygunge Club



Standard Chartered

declared as a heritage building for the purpose of preservation and conservation as required under sub-clause (ii) of clause (a) of sub-section (4) of section 31 of the West Bengal Town and Country (Planning and Development) Act, 1979, by agreement or under the Land Acquisition Act, 1894 (1 of 1894), permission of the concerned Department of the State Government shall be taken before such acquisition.

425K. Power to exempt rates and taxes, etc. on heritage building: If the owner of a heritage building enters into an agreement with the Corporation to maintain, preserve and conserve such heritage building properly at his own expenses, the Corporation may, in such case, exempt wholly or partly the owner of such heritage building from payment of rates of taxes or fees for supply of water or any other charge in respect of such heritage building.

425L. Agreement with owner of heritage building pending acquisition: (1) The Municipal Commissioner may, pending acquisition of a heritage building by the Corporation under this Act and with the approval of the Mayor-in-Council, propose to the owner of such heritage building to enter into an agreement with the Corporation for a specified period for the maintenance of such heritage building.

(2) The agreement as aforesaid may provide for all or any of the following matters:

- (a) maintenance of the heritage building by the owner or by any other person willing to maintain the said heritage building;
- (b) custody of the heritage building and the duties of the person who may be employed to watch it;
- (c) the restrictions of the owner's right –



Vidyasagar Hostel



Mackinnon Mackenzie



Gillander House



Kanok Building

- (i) to use the heritage building for any other purpose detrimental to its conservation,
- (ii) to charge any fee for entry into, or inspection of, the heritage building, and
- (iii) to build on or near the site of the heritage building.

425M. Voluntary contribution and agreement with any voluntary organisation, person or company :

- (1) The Municipal Commissioner may receive voluntary contributions towards the cost of maintaining any heritage building and may give order as to the management and application of such contributions for the purpose of preservation and conservation of such heritage building.
- (2) Subject to the approval of the Mayor-in-Council, the Municipal Commissioner may enter into any agreement with any person or voluntary organisation or company, whether incorporated or not, willing to preserve and conserve any heritage building on such terms and conditions as the Municipal Commissioner may determine.

425N. Taking over management and control of heritage building : (1) If the Municipal Commissioner, on receipt of any information, is satisfied that the owner of a heritage building fails to preserve or conserve the heritage building, the Municipal Commissioner may, when the heritage building is vacant and after hearing the owner, by order in writing, take over the management and control of such heritage building for the purpose of preservation and conservation thereof, suspending the right of the owner to transfer such heritage building for a maximum period of five years, subject to acquisition



Freemason Hall

General Post Office



Royal Exchange Building



Victoria Memorial

either by agreement or under the provisions of the Land Acquisition Act, 1894 (1 of 1894).

(2) The Municipal Commissioner shall thereafter notify the heritage building for letting it out by agreement to any person as tenant for the purpose as aforesaid, and the owner shall be entitled to an amount equal to the reasonable letting value of the heritage building as rentless the cost on account of preservation and conservation of the heritage building.

425O. When heritage building ceases to be heritage building : If the corporation decides that any heritage building has ceased to be of public interest or has lost its importance for any reason whatsoever, it may, with the approval of the State Government, declare that such heritage building has ceased to be a heritage building for the purposes of this Act.

425P. Penalty : (1) Any person who destroys, removes, alters, defaces or misuses any heritage building or does any act, or abets in the commission thereof, in contravention of any provision of this chapter or the rules or the regulations made thereunder, shall be punishable with rigorous imprisonment for a term which may extend to three years and also with fine which may extend to fifty thousand rupees and, in default, with further rigorous imprisonment for six months.

(2) Any court convicting any person under this section shall, by order, direct such person to restore the heritage building to its former shape and beauty at his cost, and any failure to comply with such order shall be deemed to be a continuing offence and such person shall be punishable with an additional fine of rupees two hundred and fifty for every day during which such contravention or failure continues after conviction for the first such contravention.



Commercial Library



House of Tagore Family



Great Eastern Hotel



Jorasanko Rajbari

(3) Where an offence under this section has been committed by a company, the provisions of section 619 shall apply to such company.

Explanation – For the purposes of this section, –

- (a) "person" shall include an owner, occupier, lessee, mortgagee, consultant, promoter or financier who supervises or causes erection, destruction, removal, defacement or misuse of any heritage building, and
- (b) "company" shall have the same meaning as in the *Explanation* to section 619.



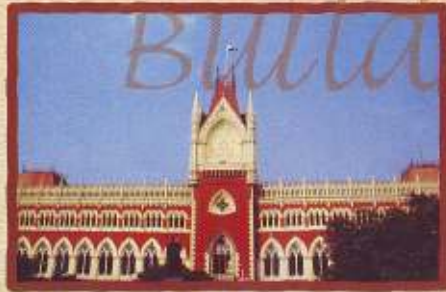
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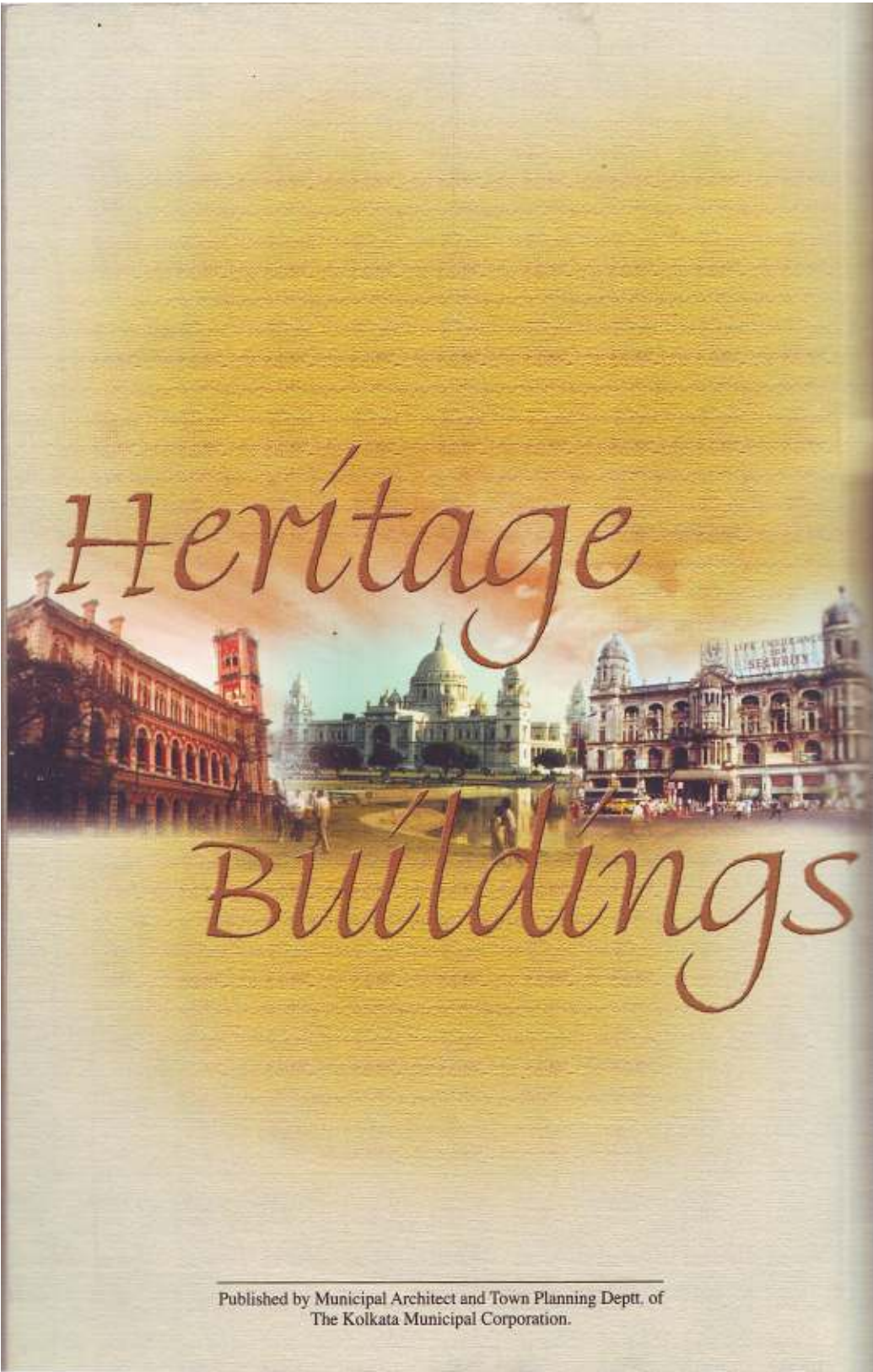
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conservation
Architect*

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Heritage Buildings





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