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Urban Cultural Heritage in Delhi, India: An Asset for the Future or a Neglected Resource?

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Summary
The attractiveness of cities and their national and international competitiveness are partly determined by "soft" and "intangible" factors: cultural, social, and individual aspects are becoming the basis for the "unique competitive edge" that cities have and play a crucial role with regard to the creation of identity. In Delhi, every epoch of the city's rich history has left its traces, and the Indian capital has numerous monuments, gardens, historic areas, and ancient buildings as a result. Affected by globalization and urbanization, Delhi has been increasingly turning into a globalized metropolis, which has had a major impact on its urban fabric.
Framed against the backdrop of the changing concepts and perception of urban heritage, this article focuses on the question of how Delhi's unique urban heritage should be safeguarded. The responsibility for this task does not lie with the authorities alone, but is embedded in the complex structure of public, private, individual, and collective stakeholders acting at different levels with their respective interests. These diverse stakeholders act within the scope of a differentiated set of rules and legislation. Thus, safeguarding urban heritage and integrating it into the urban planning process requires laws and regulations specifically relevant to cultural heritage and not just planning instruments. The institutional and legal framework of heritage protection in Delhi, its implementation, and the complex challenges that go with this are investigated.

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Rapid urbanization and cultural heritage in Indian megacities

Today, the attractiveness of cities in an international and national context is increasingly governed by aspects that exceed economic measures, such as the attraction of foreign investment and international transactions (Hall 2000, Bassett 2005 et al.). “Soft” and “intangible” factors are playing a growing role, and cultural, social, and individual characteristics of cities are becoming important along with locational and functional aspects (Rypkema 2005). These are relevant for the conception of a successful urban development strategy, for inter-city competition, and the pursuit of upgrading within the global hierarchy of cities, for example. Within the cities, though, questions about identity and quality of life are becoming ever more important (Léautier 2007).

Cultural assets in particular are gaining great importance in this context, as culture is the basis for the “unique competitive edge” that cities have (Zukin 1995: 2) and plays a crucial role in societal cohabitation. Friedmann (2006: 2) calls the culture of a city (which is understood as the heritage of its man-made environment and the distinctiveness and vibrancy of its cultural life) one of seven clusters of regional assets, which should be the focus of long-term endogenous development that will create wealthy regions of cities. Therefore, urban heritage is of special significance in the vast expanse of the contemporary city (Rypkema 2005). Especially in Asia, cities are vibrant, living entities where life on the streets and a sense of living history are palpable (Friedmann 2006: 7). Culture in the sense of cultural objects and practices as well as cultural value, traditions, and ways of life is not only significant here with regard to economic development, in terms of the promotion of certain economic sectors, jobs, and capital, but it also plays a crucial role with regard to cultural solidarity, education, aesthetics, religion, spirituality, and the creation of identity.

Which cultural, social, and economic aspects play a role in safeguarding the cultural heritage of an Indian megacity, however? Is it treated as an asset and included in the planning for future development? Or is it neglected by stakeholders and threatened by the rapid growth of the cities, high population pressure, weak institutions, the high degree of informality that exists, infrastructural congestion, and other consequences of urbanization and globalization processes? This paper, which looks at Delhi as an example, investigates how complex the set of aspects is which influence the protection of urban heritage in times of globalized urbanization.

The information presented here is based on the analysis of literature, legal documents, and empirical data gained through qualitative interviews that were conducted in Delhi from October 2010 to November 2013 with representatives of civil society, NGOs, municipal and government bodies, international organizations, and (conservation) architects, consultants, academics, and citizens in general.

Delhi's past, present, and future

Archaeological excavations in the area that is now Delhi have revealed that there have been continuous settlement activities there ever since the third or fourth century B.C. In the course of its history, Delhi has been marked religiously and politically by Hinduism, Islam, British colonization, and — after it gained independence — by the creation of a democratic India.

The city of Delhi was first mentioned in the national epic "Mahabharata," which was written around 1000 B.C. and is one of the major scriptures of Hinduism. An Islamic imprint of the area began with the erection of the Delhi Sultanate in 1206. Between the 13th and 17th century, numerous new cities were built on the area where today's megacity lies due to the changing dynasties of the Delhi Sultanates (Fernandes 2006). After that, the Islamic empire of the Mogul dynasty arose, covering the area of today's North India, and was ruled from various places, including Delhi intermittently. With the foundation of Shahjahanabad between 1638 and 1648, today's Old Delhi, which is seen as the peak of Islamic urban development on the Indian subcontinent, Delhi reverted to being the permanent capital (Krafft 1996).

During the establishment of British colonial power in the second half of the 18th century, Delhi's political position at first diminished gradually before the decision was made in 1911 to transfer the capital of British India from turbulent Calcutta back to Delhi again (Krafft 1996). As a result of this decision, Delhi's population grew by 100,000 inhabitants within a decade, and the British constructed a new city, New Delhi, with the aim of creating one of the most magnificent capitals in the world. The dualism resulting from this — the traditional old city (Shahjahanabad) and the planned new city in the center — still persists today (Mann 2006).

India's independence and the division of the subcontinent in 1947 had a great influence on Delhi's development. Due to the population movements among Muslim and Hindu inhabitants in Pakistan and Bangladesh as well as in India during the phase of partition of the former British colonies, the fastest population growth in the history of the city occurred: within a decade, Delhi's population doubled from 700,000 (1941) to 1.4 million (1951). Together with inappropriate infrastructural conditions, this led to significant problems: lack of a sufficient supply of water, sewage and waste disposal, accommodation, transport facilities, and, most of all, jobs (Mann 2006). The total population of 5 million that was expected for 1981 had already been achieved in the late 1970s; in 1981, 5.7 million inhabitants lived in Delhi (Nath 1993). This trend has continued ever since, and the city has kept on growing at a high rate and in an unplanned manner. In 2011, Delhi's population was around 16.7 million (Government of India 2011).

Besides having a political function as a capital, Delhi is an important industrial center and has a wide range of production industries spanning everything from traditional crafts to the production of commodities and consumer goods — and even has an automotive sector of its own. Furthermore, it contributes to the development of

service-oriented industries and the production of information technology (Nath 2007). The neoliberal orientation of the Indian economy is evident in the current town-planning aims and measures included in the Master Plan for Delhi for 2021: the infrastructure is to be extended, economic growth is to be kept high, and residents' living conditions are to be improved. However, the main aim of the Master Plan is to turn Delhi into a "global metropolis and a world-class city" (DDA 2007: 2). The private sector is to be increasingly included in the urban development process, as the investment potential of the public purse alone is too low to be able to achieve the ambitious aims. A profound change in this context can be found in the opening of the land and housing market to private investors in the wake of the economic liberalization that has been taking place since the 1990s. This has led to an enormous rise in the price of land and consequently to an increase in land speculation (Kundu 2003, Baviskar 2006). This development is affecting Delhi's urban fabric, because the city is gradually turning into a globalized metropolis with a modern infrastructure, luxurious housing estates, and modern shopping malls (Dupont 2011).

Safeguarding Delhi's cultural heritage

Every epoch of Delhi's rich history has left its traces on the city: there are remnants of old walls, ruins, small tombs and mosques, great monuments, public gardens, historic areas, and urban patterns — as Spear has said, "Delhi can point to a history as chequered and more ancient than the 'eternal' city of Rome" (Spear 1945: 1). These ruins provide monumental evidence of past life and prove the outstanding significance of the former metropolises that were located on the site of today's megacity. However, the current processes of urbanization, globalization, and economic liberalization are threatening these historic sites and traditional areas. Some of the structures are carefully looked after, and attempts have been made to include them in current and future planning, but the majority of them are unprotected and in danger of vanishing as time goes on.

To protect a city's history, it is necessary to create an understanding of its cultural heritage and decide what is worth being protected. This issue is treated in different ways in different countries. Nowadays, it is negotiated within a context that is much fuzzier than it was during times of unchallenged national institutions. Today, the stakeholders involved in this negotiation come from a variety of areas and include private interest groups, non-governmental organizations, global and supranational institutions, and civil society.

The understanding of "urban heritage" in India

In order to analyze which aspects play a role in safeguarding a city's cultural heritage, one needs to understand how it is embedded in its local and cultural context. This context varies widely in different parts of the world. In Indian megacities, not

only the challenges (namely, high population pressure, rapid urban growth, and fast-paced infrastructural developments) differ from the "Western" situation, for example, but also living traditions, the traditional perception of historic buildings, and the concept of authenticity. The term "cultural heritage" was coined by "the West" and is therefore not easily applicable to the context of "non-Western" societies (Menon 2003). What one has to agree upon first is the assumption (which is also "Western") that historic buildings and remnants need to be protected and conserved. This assumption has become mainstream internationally and found its way into conservation principles, guidelines, and the laws of "non-Western" cultures, although there are different views and ideas about it. Unlike the "European" view that historic buildings have to be kept as evidence of stages of common progress, various contrasting understandings also exist. In some cultures, it is not linearity but cyclicity (e.g., the act of becoming and passing, creating and disappearing) is an "ultimate truth" that is regarded as being natural and irrevocable (Kraas 2002: 140, Karlström 2005: 339). In India, for example, the sanctity of a site is often seen as being more important than a building. In this view, buildings are seen as continuously evolving artefacts and not as static objects (Mehrotra 2009: 101).

In the course of globalizing processes, the term and concept of authenticity is also being refined. Before the formulation of the Nara Document in 1994, the former European perspective — which reflected "an elitist search of an all-uniting authenticity concept" (Falser 2008: 130) — was internationalized and transferred to "non-European" cultures within the scope of colonialism and later in terms of principles and charters of international organizations. The Nara Document marked an important step "towards a global respect for cultural diversity with increased flexibility for regional interpretations of authenticity" (Falser 2008: 130f.). Today, interest in local history, traditions, and cultural identities is growing, and indigenous knowledge systems and practices are attracting more and more attention, as is their role in the protection of cultural heritage (Menon 2003). Furthermore, the need to develop "a greater understanding of the values represented by the cultural properties themselves" is underlined "as well as respecting the role such monuments and sites play in contemporary society — suggesting that significance evolves" (Mehrotra 2009: 99). An effective and sustainable link between a society and its heritage can be ensured by understanding the diversity of its cultures (Bandarin 2012: xvi). This leads to the call for locally and culturally appropriate ways of protecting a country's heritage. In urban areas, sites of historic significance and value are embedded in a particularly complex context and a living and evolving urban fabric. Their heritage consisting of multiple layers of history, and tradition is strongly interwoven with diverse cultures and varied traditions of the communities living there. In this complex situation, there is no common, shared concept or definition of the term "urban heritage" in India today. Rather, two main perspectives exist: an intellectual debate and a deviating definition, which is followed by official institutions.

The intellectual and professional debate about the protection of urban heritage in India, which is reflected in the approach taken by several non-governmental initiatives,[1] is rethinking the term and trying to overcome the limitations of focusing mainly on single large monuments or temples. In this discussion, "urban heritage" is associated with vernacular housing, historic settlements, cultural landscapes, and with traditional skills, traditions, culture, and the livelihoods people have. The past is no longer separated from the present and the future. Rather, it is regarded as a continuity and fluent modernization and adaptation of traditions, skills, beliefs, and practices that need to be included in the image of the future and seen as resources for it (Mehrotra 2009: 101). In India, the discussion is only just starting about the economic benefits of cultural heritage and its value beyond cultural tourism as a basis for creative industries, for building social capital, community development, and job creation, for example, and beyond this, as a resource for learning, education, and social inclusion and creation of a sense of identity.

To implement this idea of urban heritage, it is important to understand exactly what this living heritage in Indian cities is. Which tools and methods are appropriate and required in order to protect it, to develop it, and to integrate it into the urban planning process? Conservation professionals in India are now starting to look at the topic from a broad urban perspective. As cities are living organisms referring to the past, existing today, and longing for a prosperous future, cultural heritage deserves a strong living component. Many structures of historical significance in India are still places of living traditions and everyday cultural practices for local communities and religious groups. They are still in use, in a traditional and a contemporary way. For this reason, conventional ideas and practices of conservation, restoration, and protection cannot simply be applied to these sites without taking local characteristics into account (Mehrotra 2009: 98f.). This is why it is not desirable to follow these conventional conservation objectives, such as the protection of the authenticity or integrity of the physical and social fabric of an urban complex in this context. So the safeguarding of historic areas in Indian cities "remains an aspiration that is subject to continuous compromise and adaptation" (Bandarin 2012: ix). Protecting the cultural heritage of a city goes beyond the protection of structures and materials; rather, it is characterized as dealing with and managing a conglomerate of built structures, values, traditions, meanings, and communities evolving and changing over time.

This discussion corresponds to UNESCO's Historic Urban Landscape Approach, which propagates shifting the focus away from protecting individual buildings or even groups of buildings only from an architectural, visual, or monument perspective. Moreover, it is important to include the "overall context and setting and

1 See, for example, the Humayon's Tomb — Sunder Nurser — Hazrat Nizamuddin Basti Urban Renewal Project by the Aga Khan Trust for Culture (AKDN) (www.akdn.org/hcp/india.asp) and the work done by the Indian National Trust for Art and Cultural Heritage (INTACH) (www.INTACH.org).

(enmesh) tangible and intangible values and associations that people have with [a] place or landscape" (Taylor 2012: 273). Furthermore, it is important to include the different layers of perceptions that different stakeholders have about the significance of certain areas (Jokilehto 2008 in Taylor 2012: 273).

In contrast to this intellectual and academic debate about the term "urban heritage" and the way in which it should be protected, those institutions that are officially responsible for defining the direction for safeguarding India's urban heritage have a different understanding. They still hold a view brought to India during colonial times, namely an understanding of a material heritage built of stone (Falser 2008: 116). This has led to public protection activities being concentrated on individual monuments, buildings, and tangible historic structures. So far, public activity in the field of heritage protection has been limited to identifying and indexing the uniqueness of certain important monuments and their need for protection, such as the Taj Mahal in Agra and the Red Fort in Delhi.

The primary organization responsible for the protection of India's cultural heritage is the Archaeological Survey of India (ASI) under the Ministry of Culture. Its main concern is the maintenance of ancient monuments, archaeological sites, and remains of national importance. The rules and ideals of conservation guidelines published in 1923 by John Marshall, the first Director General of the ASI (1904–1928) in colonial India, have continued to play an important role to this day. Referring to these guidelines, the ASI promotes the preservation and conservation of ruins, but refuses to restore or rebuild any ancient structures (Verma 2013). Marshall's guidelines are rooted in the idea of a linear concept of time where the "'authenticity' of a building is fixed in the past and cannot 'evolve' over time. There is a clear distinction between time past and time present" (Menon 2003).

Marshall had an interesting debate with the London-based Society for the Protection of Ancient Buildings (SPAB) on the difficulty of putting general rules on conservation into the context of India's great local cultural varieties and even made a distinction as to how to approach "dead" and "living" monuments. "Dead" monuments "were to be historicized, i.e. their 'authenticity' maintained […] and the 'first duty' of archaeology was 'not to renew them but to preserve them.' […] 'Living' monuments [were] defined as monuments still in use for the purpose for which they were originally designed, mostly though not entirely religious structures […]" (Marshall 1990, paragraph 25 and 26 in Sengupta 2013: 35). Still, his manual "represents the attempts of a centralized state to regulate the practice of monumental preservation (in a general manner); however, the reality on the ground often turned out to be a sobering experience" (Sengupta 2013: 35). Marshall's idea was that the "historical value (of dead monuments) is gone when their authenticity is destroyed" (Marshall 1906: 3–4 in Sengupta 2013: 25). This old European discussion, projected into the Indian context, still determines the ASI's official approach to be "one of stabilising monuments to ensure their continued survival rather than examining, questioning or

even discussing ways in which their contemporary relevance can be reinterpreted or reinvented" (Mehrotra 2009: 100).

Although the ASI is slowly opening up to widen its focus beyond a monumental understanding of cultural heritage and towards an inclusion of the urban fabric and community issues, in an operational way it is still limited to the traditional understanding. The organization recently published new conservation guidelines, but although it has attempted to make some changes, e.g., making references to concepts like restoration, "the contradiction inherent in grafting new ideas to Marshall's original text remains unresolved" (Menon 2013). Another interesting detail here is that in India, only buildings that are more than 100 years old can be officially declared as part of the country's heritage. This strict definition completely leaves out the field of modern heritage and heritage of the 20th century, like the planned city of Chandigarh, designed amongst others by Le Corbusier and Pierre Jeanerret in post-independence India (after 1947).

With regard to the understanding of the economic value of heritage, the official Indian discourse has not yet included this perspective. The so-called "heritage asset" has not yet been identified in an economic or a social or cultural way and therefore has not been promoted by official institutions so far. In general, the population's cultural heritage is not regarded as a resource in India, at least not at the level where this could be formalized and institutionalized. The only value that cultural heritage is felt to have at the moment is for tourism. The impact of Indians' heritage in the sense of their education, identity, community, and social cohesion has not been felt yet.

The institutional and legal framework of heritage protection

Today, safeguarding a country's or a city's cultural heritage is no longer a task for the public authorities alone, but it involves a complex combination of public and private, individual and collective stakeholders acting at different levels, all of whom have their respective interests. These diverse stakeholders act in an area within a differentiated set of rules and legislations.

In Delhi, the network of stakeholders participating in the management of cultural heritage is very complex. Being the capital and one of India's seven Union Territories, the National Capital Territory (NCT),[2] Delhi is under the direct administration of the National Government. At the same time, it is perceived as a state and therefore has an elected government as well: the Government of the National Capital Territory of Delhi (GNTCD), which is headed by a Chief Minister and has a Legislative Assembly with 70 members and the Lieutenant Governor (LG) as its

2 It is important to note here that the urban region of Delhi now exceeds the geographical borders of the National Capital Territory (NCT) and is referred to as the National Capital Region (NCR). The NCR falls under the territorial jurisdiction of the State Governments of NCT, Haryana, Uttar Pradesh, and Rajasthan.

administrative head. The Lieutenant Governor is nominated by the President of India, which means that the Central Government has significant influence in the city (Zimmer 2012: 6). The LG is also the chairman of the Delhi Development Authority (DDA), a body corporate under the Ministry of Urban Development (MoUD) controlled by the Central Government of India (GoI), with the power to acquire, hold, and dispose of property in Delhi. The DDA is responsible for planning the city and preparing its "master plan" as well as "zonal plans." As for safeguarding urban cultural heritage in Delhi, the DDA plays no role in day-to-day operations,[3] but it is important for the urban planning process in which cultural heritage is and should be included. At the local level, Delhi is governed by five municipalities. These are responsible for implementing the planning and providing civic services. The cantonment is the smallest, military part. The New Delhi Municipal Corporation (NDMC) is responsible for what is known as "Lutyen's Delhi," the part of the city built by the British. The rest of Delhi is divided into three parts governed by the North Delhi Municipal Corporation (NDMC), East Delhi Municipal Corporation (EDMC), and South Delhi Municipal Corporation (SDMC).[4]

In Delhi, there are three different categories of man-made cultural heritage that are protected: (a) monuments of national importance, (b) state-protected monuments, and (c) monuments protected under the urban local bodies (ULBs). The protection of (a), "monuments of national importance," is the ASI's responsibility. This central organization formulates policies and guidelines, whereas the implementation of these policies and guidelines and the maintenance of the monuments is the responsibility of local circles, like the ASI Delhi Circle. In Delhi, 174 monuments of national importance exist (ASI 2011), including the two world heritage sites known as Humayon's Tomb and Qutb Minar. No private or public construction is allowed within 100 meters of the listed monuments (prohibited area), but some construction and renovation work can be carried out within an additional 200 meters of them (restricted area). To enact the regulations for these areas ("site-specific byelaws"), a new body has recently been established, which is called the National Monuments Authority (NMA). If someone wants to construct anything within the regulated area, the NMA cannot be approached directly. Instead, plans have to be submitted to the competent authority, a body located within the state government, which will forward them to the NMA for clearance.

On the state level, (b), there are 33 protected monuments listed by the Department of Archaeology of the GNTC (GNCTD 2011), including tombs and ancient city gateways. On the local level, (c), the NDMC has notified 141 buildings within Lutyen's Delhi as protected heritage. The respective municipalities are responsible for the

3 With the exception of a handful of small conservation projects implemented by the Delhi Urban Heritage Foundation (DUHF), which was set up by the DDA in 1999.

4 Up to 2012, these three parts were governed as a single unit by the Municipal Corporation of Delhi (MCD). The aim of the trifurcation into smaller units was to achieve better provision of civic amenities and make the new units "workable" and enhance their performance (Times of India 2011).

protection of these monuments and are supported and monitored by the Delhi Urban Arts Commission (DUAC) and the Heritage Conservation Committee (HCC). Both are agencies of the Central Government of India. The DUAC provides advice and guidance to the Central Government as well as to the ULBs for maintaining the aesthetic quality of urban and environmental design in Delhi, especially with regard to projects with a large-scale impact on the urban fabric. The HCC was established through an order by the High Court of Delhi to monitor the implementation of bye-laws regarding the protection of state- and locally protected heritage structures through the ULBs. No alteration or addition to these buildings may be undertaken without the permission of the respective body and the HCC. Proposals for alterations to listed buildings or buildings in their direct vicinity have to be sent to the municipalities, which forward them to the HCC. Once the HCC gives its approval, it forwards the proposal for clearance to the DUAC, and only then is permission given to implement the project.

In 2001, the MCD published a list of 775 protected heritage structures in its area, including buildings, precincts, and natural features (GNCTD 2010). Due to various bureaucratic problems and a lack of clarity as to who is responsible for notifying the list, namely the MCD or the Government of NCT Delhi, the list only became official in 2010. Ultimately, 767 structures were listed under Section 23 of the Delhi Building Byelaws, 1983. The basis for these official listings is a publication by the Delhi Chapter of the Indian National Trust for Architectural and Cultural Heritage (INTACH). This publication includes 1,208 buildings in Delhi that are of archaeological, historical, or architectural importance. There are many more historic edifices that are not protected by any legislation, however. Some of these unlisted monuments are religious sites. This means that they come under the responsibility of religious bodies (e.g., the Delhi Waqf Board, which is the owner of numerous Islamic buildings in Delhi), which do not specifically maintain them under conservation aspects.

In addition to these main public stakeholders, NGOs and civil society play an important role in the protection of Delhi's cultural heritage. One of the most important NGOs in this field in India is INTACH, both at a national level and — through its regional chapters — at a local level as well (Nanda 1999). NGOs support the official institutions and often fill gaps left by them. Assuming that the aim is not only to protect outstanding monuments, but to safeguard society's cultural heritage, the concern of many NGOs is to promote the protection of smaller structures and to integrate the relationship between tangible and intangible heritage[5] and the notion of living heritage in their work. To achieve this, they are active in many fields, orga-

5 Tangible heritage includes buildings and historic places, monuments and artifacts etc., which are considered worthy of preservation for the future. The term "intangible cultural heritage" refers to "practices, representations, expressions, knowledge, skills […] that communities, groups and […] individuals recognize as part of their cultural heritage" (UNESCO 2003).

nizing public awareness programs, producing documentation, in policy-making, consultancy, fundraising, project implementation, heritage education, and staging cultural events, for instance.

Creating awareness and a sense of belonging throughout society is very important. Delhi's innumerable smaller and officially unprotected monuments, privately owned buildings, and its living heritage can only be successfully and sustainably protected if civil society participates in the process. As this kind of heritage is very important for neighborhoods or designated groups in society, such as religious or minority groups, and for citizens' sense of identity, civil society has to be seen as one of the most important stakeholders in the protection of urban heritage (interview 36).

The environment and the opportunity for action for all these stakeholders are determined by a complex framework of policies and regulations. To safeguard urban heritage and include it in the urban planning process, it is necessary to take planning instruments into account as well as laws and regulations specifically relevant to Delhi's cultural heritage.

Table 1: Heritage-specific regulations and planning instruments in Delhi

Heritage-specific regulations		Planning instruments	
National importance (incl. precinct)/world heritage	• UNESCO world heritage convention (1972) (UNESCO) • Venice Charter (1964) (int.) • Nara Document of Authenticity (1994) (int.) • Burra Charter (1999/2013) (int.) • AMASR Act (1958/2010), AMASR Rules (1959/2011) • National Policy for Conservation of the Ancient Monuments, Archaeological Sites and Remains Protected by the ASI of India (2014) • Site-specific byelaws (NMA)	• Master Plan for Delhi 2021 (DDA) • DUAC Act (1973)	**City level**
State-protected	• Delhi Ancient and Historical Monuments and Archaeological Sites and Remains Act (2004) (GNCTD)	• Zonal Development Plans	**City zones**
Locally protected		• Local Area Plans (municipalities; forthcoming)	**City wards**
Unprotected/religious sites	• Indian Charter for the Protection of Unprotected Monuments (INTACH) • Waqf Act	• Building Byelaws and Development Regulations 1983 (DDA)	**Buildings**

Source: Authors' own findings.

Charters and conventions such as the UNESCO World Heritage Convention, the Venice Charter, the Nara Document, and the Australian ICOMOS Burra Charter represent international principles for the protection of (urban) cultural heritage (see Table 1). Having signed these documents, the principles included are officially followed in India.

In February 2014, the ASI published its new conservation policy, "National Policy for Conservation of the Ancient Monuments, Archaeological Sites and Remains Protected by the ASI of India" (ASI 2014). This is the first serious review since John Marshall's conservation manual was published in 1923 (Menon 2013). In general, the ASI's work is regulated through the Ancient Monuments and Archaeological Sites and Remains Act (AMASR) from 1958, which was amended in 2010 and is based on an act formulated in 1904 by the British. In order to manage the prohibited and regulated area around centrally protected monuments, the NMA is in the process of creating site-specific byelaws for each of these monuments. The idea is that these byelaws are created through consulting bodies such as INTACH and given to the competent authorities for scrutiny and to the NMA for approval. Once the byelaws are in place, they are to be included in the municipal building byelaws and implemented by the municipalities. The state-protected monuments are protected under the Delhi Ancient and Historical Monuments and Archaeological Sites and Remains Act (2004), which is enacted by the Legislative Assembly of the GNCTD. Additionally, Section 23 of the DDA's Building Byelaws and Development Regulations 1983 (amended in 2003) is of great importance for these monuments and those protected under the ULBs.

Besides these heritage-specific regulations, various important planning instruments play a role in the protection of Delhi's urban heritage. The two most important ones are the Master Plan for Delhi up to 2021 formulated by the DDA and the Delhi Urban Arts Commission Act 1973. The Master Plan for Delhi deals with the city as a whole and formulates the overall planning goals and visions for Delhi's future development. What is most relevant for the protection of Delhi's cultural heritage is the declaration of six heritage zones, three archaeological parks, and the request for ULBs and land-owning agencies to formulate "Special Development Plans" for the conservation and improvement of listed heritage complexes and their precincts (DDA 2007: 128). The Delhi Urban Arts Commission Act has been formulated to preserve, develop, and maintain the aesthetic quality of urban and environmental design within Delhi.

As the Master Plan only lays out the development of Delhi in a general manner, the city has been divided into 16 planning zones for which more detailed zonal plans are to be developed. The elaboration has only been "sanctioned" for six of them so far, and in any case, the content of these plans is still too broad to "address the need for context-specific development controls" (US Aid 2008: 3). To overcome this shortcoming, the municipalities, supported by consultants, are preparing local area plans

laid out on ward level, but they are not at the stage of being implemented yet. The prime objective of these plans is to create area-specific development controls and building byelaws based on local needs, characteristics, and contexts (US Aid 2008: ix). The localization of heritage structures is a specific task in this exercise.

Implementation — a complex set of challenges

Headlines like "Slow pace of Chandni Chowk redevelopment worries MCD panel" (The Indian Express 2009) can regularly be found in the daily newspapers. The ambitious plans of the Delhi Government to redevelop Chandni Chowk, the main road through Delhi's historic center, Shahjahanabad, have been tabled for more than 12 years now. "Garbage knocking on heritage's door" (Khandekar 2009) is an article describing how the courtyard of a 14th-century mosque is used as a garbage tip by residents from the surrounding neighborhood. These articles both indicate there are enormous problems regarding the protection of Delhi's cultural heritage. Bearing in mind the controversial nature of the discussion, the diverse understanding of urban heritage in India, the complex institutional and legal framework outlined above, and the local conditions, the complex set of reasons for this precarious situation is increasingly clear; conceptual, structural, operational, and societal reasons all play a role.

The extended understanding of urban heritage has not found its way into policies and guidelines yet and therefore has not trickled down to the level of implementation. The heritage-specific acts and laws, such as the AMASR Act of 2010 or the Delhi Ancient and Historical Monuments and Archaeological Sites and Remains Act of 2004, are based on the understanding that old buildings are monuments. Consequently, they only refer to individual structures and buildings listed under the respective authority. The site-specific heritage byelaws currently developed by the NMA are meant to regulate development in the buffer zone around the monuments, but these guidelines are targeted to serve the monuments, not the inclusive development of their surroundings.

The ASI's newly formulated National Policy for Conservation also leaves issues unresolved. Admittedly, the new policy tries to include important innovations like putting monuments into perspective and seeing them as part of their surroundings, recognizing the importance of local communities and traditional craftsmanship as an integral part of the conservation process, but even so, this document is only relevant for monuments of national importance. This leads to the existence of isolated projects with few if any connections to once associated structures, although these monuments are often linked to structures perceived as being of minor importance through shared architectural typologies, pilgrimage circuits, patronage structures, the circulation of processional images, or urban patterns, for example (Chanchani 2013). Furthermore, diverse use of monuments deviating from the original usage is not permitted, which does not fit in well with the diversity of Indian culture and today's

requirements. INTACH is trying to overcome these shortcomings with its *Indian Charter for the Protection of Unprotected Monuments*, but as this document has no legal status, its use is not obligatory. Therefore, there are no adequate procedural systems and tools which can be adapted to sites when it comes to applying theories of conservation, continuity of culture, and suchlike.

If one takes a closer look at the process of urban planning, it becomes clear that the multiplicity of stakeholders with their particular interests and the multiplicity of rules and regulations taking effect at different levels have become an obstacle to protecting Delhi's cultural heritage. There are gaps and overlaps in responsibilities and jurisdictions. This especially leads to difficulties in the protection of cultural heritage in an inclusive and holistic way when going beyond single structures and monuments. In Delhi, the only planning document that goes beyond this monument-based understanding of heritage is the Master Plan up to 2021. This identifies six heritage zones as areas that have "significant concentration, linkage or continuity of buildings, structures, groups or complexes united historically or aesthetically by plan or physical development" (DDA 2007: 127). Furthermore, it identifies three Archaeological Parks as areas "distinguishable by heritage resource and land related to such resources, which has potential to become an interpretative and educational resource for the public in addition to the value as a tourist attraction" (DDA 2007: 127). The Master Plan for 2021 recommends creating a sound basis for decisions regarding built heritage and Archaeological Parks through the evaluation of pertinent aspects like "form and design, materials and substance, use and function, traditions and techniques, location and setting, spirit and feeling and other internal and external factors" (DDA 2007: 127). It furthermore states that the local bodies and land-owning agencies should formulate Special Development Plans for the conservation and improvement of listed heritage complexes and their appurtenant areas (DDA 2007: 128). None of these plans exists yet. In reality, the 2021 Master Plan includes a great deal of wishful thinking, but no road map to explain how this can be translated into action. This is rooted in the situation that the DDA, mandated with the planning of the city and responsible for the purview of land, does not have a proper connection to the local level, as the implementation of the planning is in the hands of the municipalities.[6] In general, there is little knowledge at the planning level about the existing status of development, as there are only poor-quality maps and base data available. Furthermore, the municipalities have very little ownership and involvement in the planning process itself (US Aid 2008: 3).

Although it is mentioned in the first level of planning (the Master Plan up to 2012; DDA 2007: 126), the idea of urban heritage as being more than (individual) historic monuments, but also historic complexes and cities, historical gardens, etc. has not

6 To overcome this situation, the DDA is currently making an effort to set up a Heritage Cell to implement the vision of the DUHF. This Cell is going to act as a facilitation center and will coordinate with multiple government agencies on conservation projects (The Economic Times, June 16, 2014).

been integrated into the plans and legislation that regulate the actual work on the ground. The plans and legislation that guide the day-to-day work of the municipalities, such as the building byelaws, only look at heritage protection from the perspective of monuments. It is mentioned in the building byelaws that "all development in areas surrounding Heritage […] shall be regulated and controlled, ensuring that it does not mar the grandeur of, or view from, Heritage […]" (Puri 2010: 85) and that development permission for heritage precincts shall be granted in accordance with separate regulations for respective streets and areas cleared by the Heritage Conservation Committee (HCC).

However, given that the Master Plan and the Zonal Development Plans are too broad in nature to guide measures on the ground and that the Local Area Plans and the site-specific heritage byelaws are not at the stage of implementation yet, there is a lack of connection and cohesion between the planning tools for local areas around heritage structures. If one looks at a single building, assuming that the owner knows and accepts that it is a listed edifice, the regulation is more or less clear, for example. But as soon as one "steps out" of the building and looks at a street or an urban pattern, the cohesion is lost. This situation is magnified by zooming out from a neighborhood to an area or even the whole city.

Another important aspect here is that the establishment of buffer zones around listed monuments where development is restricted or prohibited leads to a situation in which all building measures in these areas are very difficult. Taking the huge number of heritage structures in Delhi and their distribution over large parts of the city into account, a very large portion of Delhi's urban area is affected by these restrictions or prohibitions. This leads to constrained development and to illegal construction work on a huge scale.

In addition to these structural inadequacies, there are deficiencies on the operational level. One major problem is the ineffective enforcement of laws and legislation, which is rooted in the inadequate institutional capacity at the municipal level. The municipalities' staffers are often not skilled enough to deal with the complexity of problems and sometimes are not even able to handle basic tasks like solid waste management and maintenance of basic infrastructure. Hence, the incorporation of heritage protection into their portfolio is a big challenge (interview 44).[7] In the Town Planning Department of the MCD, for example, there are only a few dedicated urban planners (US Aid 2008: 27), with little or no expertise in the field of heritage conservation (interview 44). So at the local level, where the implementation of the planning and heritage legislation actually happens, resources and capacities

7 To date, 52 intensive interviews lasting an average of 60 minutes each were conducted in Delhi with representatives of four NGOs, numerous members and experts of municipal and government bodies, UNESCO staffers, as well as with (conservation) architects, consultants, academics, the private sector, and individuals from civil society. Some of the findings from these interviews have been included in this article.

are low — the complex concept of "urban heritage" is far from being part of the day-to-day operations.

The problem of inadequate equipment and capacity is not only an issue in the municipalities, but also within the ASI and the State Department of Archaeology. The ASI, for example, is mainly run by administrative officers with no training in and exposure to conservation or archaeology. Most of the people working at the ASI are trained engineers; not many of them are historians or archaeologists. A small number of conservation architects have started to be employed in recent years, however (interview 36). Even if there are skilled individuals working in the right positions and they are interested in the topic, they often have a huge workload and so many different responsibilities that heritage protection ends up near the bottom of their list of priorities (interview 37). Besides this, a general problem among the government authorities is the rotational system that exists. This leads to a frequent change of officers, with each of them having their own priorities and preferences. Many projects have not been able to be pushed forward continuously or successfully completed because of this fluctuation (as in Chandni Chowk and Jama Masjid in Old Delhi, for example).

This situation within the municipalities influences the private owners of heritage buildings or of buildings close to (listed) heritage structures. As there are neither adequate databases nor enough knowledge and expertise about heritage protection within the municipality, it is very difficult for private owners to recognize that they own a listed building at all or to get information about how to deal with their property. If someone owns a listed heritage building or a building close to a listed monument, there are rules to follow and restrictions to be heeded. Since not even the authority responsible knows how to proceed in many cases, the enforcement of the law is weak; laws are often broken, sometimes deliberately, sometimes unwittingly (interviews 42 and 44).

In general, heritage regulation in Delhi is prohibitory in character and not enabling. There are mainly restrictions and no incentives for owners of listed heritage buildings, inducing negative attitudes towards the protection of historic structures. There is no difference between public and private ownership, and no specific policy for private heritage buildings. Having such specific policies with innovative ideas would be important to encourage private owners to maintain their buildings by providing tax incentives and loan opportunities, for example. Sometimes, Indian law is even obstructive with regard to private conservation. For instance, if money is needed to renovate (or restore) a building, loans are only available if the building is less than 15 years old. That means that owning a historic building puts one in a dilemma, as one is not allowed to tear it down to rebuild it, nor is it possible to get a loan for its restoration (interview 36).

Generally, awareness about the importance of protecting one's cultural heritage is growing in India, both within the government and within society. This can be seen,

for example, in the increase in available funds or growing media coverage over the last five years. Even so, the issue is not a priority topic; it is far from being a mainstream topic inherent in societal thinking. The inclusion of the community and cooperation with it are keys to success, especially beyond the conservation of individual monuments. Here, the cultural perception of society and people's general attitude towards the protection of cultural heritage plays an important role. In Delhi, different tendencies prevail within the population on the perception of cultural heritage and the importance of its protection: the poorer section of society — even if it is aware of the heritage status or the historic value of some buildings — has more urgent problems to solve than heritage protection and conservation. Furthermore, the owners of historic buildings often do not live in them anymore, but rent out their properties. Over time, a complex system of multi-tenancy has emerged (Jain 2004: 37). This has led to the situation where neither the tenants feel responsible for the conservation and maintenance of the buildings, nor do the owners. Sometimes they just wait for the buildings to collapse, as they only get the opportunity to build new ones on that particular spot when this happens (interview 40).

There are a growing number of people in India who call themselves heritage lovers. In general most of them can be associated with the Indian middle class, a growing section of society. They are practically creedal about the importance of protecting cultural heritage. They run a number of initiatives like NGOs, heritage walks, and heritage photography clubs. But the general public and the majority of Delhi's middle class is either unaware of the importance of protecting their cultural heritage or just not interested. They are increasingly longing for a modern, global lifestyle and "Western" standards (Brosius 2009: 221). Constructions made of glass and steel fit into their understanding of modernity much better than traditional houses do. Consequently, they are not willing to invest money in old buildings and deal with the inconveniences that life entails in such buildings. This leads to the situation where members of the middle class leave their traditional dwellings to move to modern houses in different areas of the city. With more and more families choosing not to live in the traditional setup of joint families anymore, the old structures either get subdivided or individual families move to other areas. A vicious circle emerges from this situation: a major transformation is taking place in many historic areas. Currently, a lot of small businesses are being established (mainly small-scale manufacturing or trading setups). This means that a great deal of labor is coming in and former residential localities are being converted into workshop spaces or storage areas. These traders and businessmen coming from outside do not have any particular feelings or attachment to buildings and these areas; they are only interested in running a business (interview 38). The social fabric that used to exist is losing its value, and traditional neighborhoods are being eroded, as in the area around Old Delhi Railway Station in Old Delhi (interview 50). Additionally, former social communities and identities, defined by one's cast, profession, or religion, for example, are generally weakening. It is no longer common for children to adopt the same

profession as their parents. This means social ties in the neighborhood are not as strong as they were in earlier generations anymore, so people find it easier to move away from their old community now (interview 40).

These complex social and economic processes have an impact on redevelopment projects. One of the major problems when implementing such projects is the resistance of the local community, on the part of residents as well as businessmen and traders. Most of them do not want change, partly as many of the processes happening there are informal arrangements. Along with formalization and registration of all residents and economic processes, redevelopment would have unwanted effects on people and their informal networks, habits, and arrangements, like payment of taxes, trading restrictions, or traffic control.

Conclusion

The investigation of the institutional and legal framework of heritage protection in Delhi as well as its implementation, the complex set of current and future challenges and social reality in this field exemplify the fact that the protection of urban heritage in Indian megacities is a complex task. It shows that the different perspectives and interests of stakeholders converge and diverge in an intertwined way. It furthermore underlines the fact that heritage protection is not primarily a question of rules, regulations, and laws. Implementation — particularly in the multi-level settings of urban areas with their enormous social complexity — requires a multidisciplinary, holistic, and integrative approach. The different dimensions of heritage protection, including the structural and planning dimension, the societal dimension, and the economic dimension, all need to be addressed in an integrative way. At a different level, education is also touched on: the awareness about one's own history, the recognition of a differentiated perception of majority and minority cultures, the social understanding and desire for a pronounced acknowledgement of urban heritage as an asset and value are all strongly influenced by the different levels of education that people possess. Moreover, the role of strong, influential individuals on different levels (international, national, regional, local) is becoming evident. The role of civil society and the local community is crucial, and an economic component is also becoming essential. In this context, the economies of urban heritage are to be realized, including the recognition of heritage as an asset — a view that has not developed in India yet, but will become important in future.

Finally, the question arises as to which possible measures could be taken into account in the context of the multi-dimensional, mega-urban heritage setting. A balanced combination of different aspects would seem fruitful here. A review of the planning legislation taking the realities on the ground into account, combined with economic measures beyond tourism, like adaptive reuse options, seems to be a suitable direction for strengthening the urban heritage agenda. It is important to utilize, link, and integrate individual and local initiatives and offer incentives for

private heritage protection. Additionally, awareness programs, capacity building, the strengthening of the municipalities, and the establishment of a systematic heritage education curriculum can support civil society's understanding and backing of urban heritage. Promoting the participation of civil society and fostering citizens' identification with their heritage through cultural events or "adopt a monument" initiatives will be crucial. Another key issue in relation to all developments, though, seems to be the establishment of a unique Indian concept of urban heritage which reflects the idea and understanding of the subject in the way it is intrinsically existent within Indian society. One important part of this concept could be a flexible character to make it adaptable to the many different local realities all over the country. The development of an Indian concept of urban heritage by integrating all the stakeholders with a special focus on civil society can help to meet today's challenges, to protect the testimony of India's rich history and to develop its value for today's and future generations.

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