

the "K6" Jubilee design British telephone kiosk on the perimeter of the compound of the Mint, (an eighteen twenties structure). Listed for its 'use' was the Victorian hand-pump in the compound of the Petit Sanatorium at Cumballa Hill, near Warden Road. Listed as groups of buildings of a distinct historic period were INHS ASVINI (the Naval hospital complex in South Colaba, which had been the subject of prolonged arguments and battles with the Navy), the cantonment style bungalows in the Defence Area at Colaba and Cusrow Baug on Colaba Causeway (which last was almost deleted from the Heritage List). Listed for depicting ways of life were the Goan style precincts of Mathar Pakhadi and Khotachiwadi together with Banganga Tank and Precinct, the Orient Club on the Chowpatty sea face, and the Bombay Gymkhana Central Pavilion. Listed for their historical value were the Naval Dockyard buildings, which also had been the subject of a prolonged battle with the Navy. Listed for their uniqueness were Ambedkar Road at Lalbaug, the Art Deco sea front façade at Marine Drive, the sea fronting residences at Apollo Bunder and Bora Bazaar Street. Listed for its value was the Eros Cinema as the apex in a line of Art Deco buildings. Listed for representing stages of technological development were Esplanade Mansion (Bombay's first cast iron prefabricated structure, which had been built in the late 1860s as Watson's Esplanade Hotel), Crawford Market's main hall, Bombay Central Railway Station, the warehouses of Sassoon Dock and the old storage unit of the Bombay Ice Factory at Mazagaon. Also Listed in this category were selected textile mills in the Parel area, (the subject of a hot controversy and court battles fifteen years later). Listed for "its incomparable vista of the harbour and mainland, of great potential public recreational value" was the Sassoon Fish Harbour waterfront for which we had fought a long hard battle in the Bombay High Court.

Preparing a Heritage List by itself is not enough; many towns and cities have Heritage Lists, but without legal backing, heritage buildings and precincts continue to be demolished. This legal backing can come about if Heritage Lists and Heritage Regulations are made part of the Master Plan. At that time, the MRTP Act provided four methods to prepare or modify a Development Plan (Master Plan of a municipal area) – of which the Development Control Regulations are a part.

The normal procedure is for the Planning Authority, which is generally the Municipal Corporation or the Municipal Council, to prepare a new Development Plan. Secondly, the Planning

Authority can, under section 37, propose a modification to an existing Development Plan. Thirdly, Government, can, under section 37, direct the Planning Authority to modify the Development Plan. Fourthly, Government, under section 31(1), can modify a Draft Development Plan submitted to the Government for approval by the Planning Authority. The final powers rest with Government since all Development Plans and modifications to them have to be sanctioned by Government.

Late in 1990, the Urban Development Department had almost finalised the Draft Development Control Regulations for Greater Bombay and wished to sanction these quickly. If the Heritage Regulations had to be enacted by the Government, this would have to be done as a section 31(1) modification along with all the other modifications which the Government wished to make. D.T. Joseph, asked me for the Heritage List since he wished to gazette it at the same time as the regulations. I pointed out to him that the List was by no means complete and, further, that there were several errors. He asked me what the percentage of errors would be and I told him that it could be as high as 5%. He said that as Listing is a continuous process, the incompleteness of the List was not a problem. As regards the errors, he could live with the figure of 5%; the errors could be removed at the time of hearing public objections and suggestions. In fact that was what the whole suggestions and objections process was for. This sort of decision-making is rare in Government and shows the contribution that a bold and enlightened civil servant can make. Full marks must be given to him.

After some last minute brushing up, Heritage Committee Chairman Jamsheed Kanga submitted the List to the Government. In his covering letter of 5th September 1990, he pointed out that the List was a preliminary one which would need amendment but was nevertheless being submitted at this stage for two reasons. Firstly it would enable the Government to commence its scrutiny and secondly the Government could send the List to the Municipal Corporation. As per the provisions of section 46 of the MRTP Act, any proposal of this nature, shall be given 'due regard' by the Planning Authority when development permissions are given. Such a proposal, even though in draft form, therefore has a considerable degree of statutory force.

This last crucial point of sending the List to the Municipal Corporation was not acted upon at all. There was severe resistance to implementation of the Heritage List, then and later, from