

**The Poetics and Practices of *Newar Urbanism*:  
The Challenges of Balancing Heritage Preservation with Resident  
Empowerment in Post-Earthquake Urban Nepal**

Dr. Sabin Ninglekhu<sup>1\*</sup>, Dr. Patrick Daly<sup>2</sup>, Dr. Pia Hollenbach<sup>3</sup>

**Abstract**

**Background:** The proposed paper draws on a long-term ethnographic research project focusing on the Newari settlements destroyed by the 2015 earthquakes. In Bungamati, the research studies ongoing heritage-based rebuilding plan carried out with the support of the Center for Integrated Urban Development (CIUD) and UN Habitat. In Pilachhen, the research focuses on a similar heritage-centric rebuilding plan implemented in collaboration with the Maya Foundation, a locally-based NGO supported by philanthropists. While heritage bylaws center on cultural preservation and economic revitalization as rationale for rebuilding houses, such a mandate also creates economic and bureaucratic challenges for ordinary households. The research, as such, is located at the interface in which state-endorsed aspirational project of heritage encounters with the uncertain everyday life of the ordinary.

**Objective:** The research takes up the ‘household’ as a primary unit of analysis to investigate how state-endorsed heritage bylaws compliment and compare with the needs and desires of ordinary Newar households? It further asks: How do the regulatory top-down directives necessary to maintain uniform heritage aesthetic weigh against household-based individual agency? And lastly: How to strike a balance between the everyday urgencies of municipal and local level government representatives, obliged to their own time horizons, and the everyday complexities that the households face, namely around the politics of land inheritance and ownership as well as the challenges of getting the design right vis-à-vis obtaining a building permit?

**Methods:** The research relies on mixed method for data collection and analysis – qualitative interviews and quantitative survey. In addition, the research uses maps and photographs as active tools of data collection, analysis and illustration.

**Key results:** The research findings show that as rebuilding takes shape, there is an unfolding trade-off taking place between aesthetics and affordability; seismic safety and social justice; and cohesive urban planning and community participation.

**Key words:** *Heritage, Urban Rebuilding, Planning, Place-Making, Newar Urbanism*

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<sup>1\*</sup> *Post Doctoral Researcher, Earth Observatory of Singapore, Nanyang Technological University. Email: [singlekhu@gmail.com](mailto:singlekhu@gmail.com)*

<sup>2</sup> *Faculty Representative, Earth Observatory of Singapore, Nanyang Technological University. Email: [PatrickDaly@ntu.edu.sg](mailto:PatrickDaly@ntu.edu.sg)*

<sup>3</sup> *Senior Researcher, Department of Geography, University of Zurich. Email: [pia.hollenbach@geo.uzh.ch](mailto:pia.hollenbach@geo.uzh.ch)*

## 1. Introduction

Many historic urban settlements in the Kathmandu Valley, such as Harisiddhi, Thecho, Khokana and Bungamati, saw significant destruction due to the 2015 earthquake. The earthquake caused extensive damage to large religious complexes and prominent cultural monuments, including all of the Kathmandu Valley's UNESCO World Heritage Sites. The importance of such heritage sites for local cultural identity and ritual practices, as well as their economic value as attractions within the tourism economy, led to immediate calls from a wide range of international and local stakeholders to repair, preserve and rebuild cultural heritage sites as a core part of the post-disaster reconstruction process.

While the reconstruction and restoration of cultural heritage sites has become a common concern following conflicts and disasters, most conservation efforts focus on communal heritage in the form of prominent religious sites, cultural monuments, museums, archaeological sites, etc. As we will discuss here, the 2015 earthquakes damaged historic urban landscapes in the Kathmandu Valley that include large numbers of private commercial and residential spaces and structures. This raises a key question that we try to address in this paper. If heritage is embodied within the layout, form and aesthetic of private residential and commercial spaces, how do residents, NGOs, and governments prioritize cultural preservation against the need to rebuild quickly, efficiently and safely?

The earthquake of 25 April triggered a major humanitarian response, including support from international emergency response teams, relief and reconstruction advisors, and over US\$ 4.1 billion pledged by international donors (GoN 2015b). In August 2016, the National Reconstruction Authority (NRA) was formed and issued a national plan for rebuilding that advocated 'owner-driven' reconstruction and a fair distribution of housing aid (GoN 2015a). The NRA's plan explicitly advocated the empowerment of affected persons, and their right to participate in the design, planning and construction of their homes and commercial properties. It also promoted hazard mitigation through new seismic resistant building codes and by-laws, and the need to promote community-level economic development.

As discussed in more detail below, the initial building codes and by-laws endorsed by the NRA were criticized by stakeholders in historic urban settlements because many of the new building specifications were incompatible with traditional architectural forms and land use patterns. This created tension and exposed an inherent contradiction within the NRA's plans – strict adherence to what the government determined were safe building practices limited the possibility to rebuild historic urban neighborhoods, and prevented local stakeholders' cultural expression. In response to concerned stakeholders, and recognizing the importance of historic neighbourhoods in Kathmandu for the image of Nepal and the tourist industry, the government subsequently issued a new set of building codes and by-laws designed specifically for urban heritage areas. However, these new by-laws subsequently imposed a top-down mandate, which

provided an official statement about which aspects of heritage were most essential and therefore needed to be conserved, but also effectively limited the right of affected persons and households to determine how best to proceed with rebuilding.

In this paper, we will analyze the tensions that have emerged during the reconstruction of historic urban settlements in the Kathmandu Valley following the 2015 earthquakes. We focus on two core issues. First, we investigate how rebuilding an ‘ideal’ historic town as defined by the by-laws for historic neighbourhoods presented homeowners with practical challenges such as additional costs and bureaucratic burdens, and limited their freedom to build their houses according to their personal means and aspirations. This raises questions about how the rights of individual families to adequate housing and the rhetorical emphasis on ‘bottom up’ and participatory humanitarianism should be weighed against parallel arguments for the importance of identity and cultural heritage. Second, we unpack the reconstruction plans of several historic urban neighborhoods to show how the plans to ‘conserve’ heritage and the associated socio-cultural life can be seen as transformative and, as such, shift community dynamics and the use of space at least partially away from long held traditions, and more towards modern uses of heritage architecture for primarily economic purposes such as tourism.

### **Heritage, reconstruction and identity**

Scholars of heritage studies have long argued that cultural heritage (both tangible, physical things, and intangible cultural expressions and practices), is a fundamental aspect of cultural identity, and thus a core part of what it means to be human. Cultural heritage includes a complex range of often interconnected places and practices that are critical for socializing, worshipping, commemorating the past, and reproducing and transferring cultural values and knowledge. The destruction of cultural heritage, therefore, can have a profoundly negative impact upon individuals and communities (Waterton and Smith, 2010). An extreme illustration of this is the intentional targeting of cultural heritage during conflicts, when armed groups try to inflict emotional and psychological trauma, to at least deprive their targets of critical social infrastructure, and, in some cases, to eradicate all traces of a group’s historic claims and presence in a particular location (Daly and Rahmayati 2012; Daly and Winter 2012)). There has been an increasing recognition that the destruction of cultural heritage by disasters, while not intentional, can also undermine the cultural identity of affected communities. Additionally, research has also shown that the destruction of vernacular forms of cultural heritage can disorient disaster-affected persons and impede reconstruction efforts, because local rituals and a communal infrastructure provide residents with the venues and facilities necessary for commiseration and the carrying out of practical rebuilding functions such as community meetings (Daly and Chan, 2016).

Therefore, any approach to post-disaster reconstruction needs to consider the historical, and not only the cultural implications of damage to the built environment, but also the potential

ruptures to cultural and social practices that might accompany rebuilding plans. To do so, it is imperative to map out the cultural heritage of disaster-affected areas as part of post-disaster damage assessment and reconstruction plans, and consider the implications of any proposed changes upon the underlying social fabric of disaster-affected communities. Accordingly, the preservation and reconstruction of cultural heritage has become a common part of post-disaster rebuilding plans – especially when the disaster has impacted areas of prominent cultural significance (Daly and Rahmayati 2012). For the most part, reference to cultural heritage in post-disaster situations emphasizes communal structures such as places of worship, museums, and archaeological sites. In practical terms, it is common for some combination of national agencies, local stakeholders, and (in cases where resources are lacking) external donors and ‘experts’, to undertake careful restoration and preservation of specifically selected, highly visible sites (Crooke, 2010).

## **Newar Urbanism**

‘Newar Urbanism’ is a term that returned to the popular lexicon in the aftermath of the 2015 earthquakes. Sudarshan Raj Tiwari, a prominent scholar of Newar architecture, culture and history in the Kathmandu Valley, likens Newar Urbanism to a theatre or a stage on which the drama of everyday life of the Newar unfolds (Tiwari 2017). With his use of the words ‘stage’ and ‘drama’, Tiwari alludes to the ways in which the tangible structure of the Newars’ heritage, such as courtyards, rest houses, temples, monasteries, ponds, and water spouts, as well as houses with vernacular designs, is inextricably intertwined with the intangible rituals of culture, ethnicity and everyday life. This mode of urbanism is filled with a “dramatic display of marked symbolism” to borrow Levy’s (1992:2) description of a Newar town, Bhaktapur, in the Kathmandu Valley. Spatial divisions and demarcations are symbolic markers – “stones, shrines, temples, roads, and pathways” – which guide and regulate “symbolical enactments” that allow for the city’s endless civic dance to unfold (Levy 1992: 157). Together, the tangible and intangible structures and rituals of heritage imbue the place with social meanings and an emotional orientation. This rendering of Newar Urbanism, however, is not intended to promote Newar Urbanism as an ideal, for there is a risk of such a romanticization glossing over deep hierarchies and stark divisions along caste and gender lines within a very diverse Newar society.

In the wake of the 2015 earthquakes, Sudarshan Raj Tiwari proclaimed, ‘more than monuments and buildings, the earthquake has destroyed urbanism itself’ (Tiwari, 2015).<sup>4</sup> It is clear that Tiwari was alluding to the architectural ruins that filled the alleyways and inner roads of major traditional urban centres of the Kathmandu Valley such as Sankhu, Bhaktapur, Bungamati, Harisiddhi, and Patan. Tiwari also lamented the loss, as temporary as it may be, of the intangible matters of everyday practices and rituals that are the heritage of the Newars. What is also clear is that for the purveyors, proponents and preservationists of Newar Urbanism, the

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<sup>4</sup> Excerpt from a presentation that Tiwari gave in 2015 at Martin Chautari.

primary focus is architectural, in which culture is a matter of aesthetics present in the rituals and the festivals. For many, reclaiming Newar Urbanism, in principle, is to excavate the Newar way of life from under the rubble, and the re-erection of physical structures representing heritage. The actual practice of such a process is, however, filled with everyday critical challenges at the household level that can only be excavated through ethnography. Such an endeavor may reveal the fissures within Newar society that are the inherent features of Newar Urbanism.

## **2. Methodology**

After the 2015 earthquakes in Nepal, images of beautiful historic structures in ruin, or propped-up with make-shift braces, were widely circulated and drew attention to the depth of the cultural loss caused by the disaster. They remind us that the effects of disaster extend far beyond the present – reducing aspects of the past, and creating cultural ruptures that shape the longer-term future. The destruction of cultural heritage, from temples and palaces to the narrow winding alleys and courtyards of residential areas, creates a set of unique challenges in terms of reconstruction.

It is against this backdrop that our research in Nepal has focused on four urban neighbourhoods in the Kathmandu Valley: Bungamati, Harisiddhi, Thecho and Patan. The ongoing research is ethnographic, and primarily led by qualitative interviews. In each settlement, households affected by the earthquakes were divided into three different groups: ‘rebuilding’ – including households still rebuilding at the time of the interview; ‘complete’ – households that have completed the rebuilding and moved in; and ‘vacant’ – households with houses that either continue to lie dilapidated after the earthquake, or whose rubble has been cleared and now exists as a vacant plot waiting for rebuilding. Each group consisted of 20 households. Therefore, in each settlement, over 60 households were selected for interview. Over the past three years, we have been meeting with the members of these households at different intervals for interviews and informal conversations. Together, these regularly updated accounts of the households’ experience of the rebuilding became a basis for framing what James Holston calls the ‘ethnographic present’: “...the realm of the present that is rooted in the heterogeneity of the lived experience, which is to say, in the ethnographic present and not in the utopian futures” (Holston 1999: 48).

The research project also uses a quantitative research method. All of the households in the core areas of the settlement, affected in different degrees by the earthquakes, were selected for quantitative survey. The survey provides a comprehensive and substantive overview of the general livelihood, income standards, family size, access to social capital and financial capital, and landholding, including the general vernacular detail of their house, before and after the earthquakes. The set of data collected through the survey provides a robust context for the research in which to locate the ‘ethnographic present’. In addition, we have been conducting extensive surveys and reviews of critical planning documents since the 1990s. The 1990s marked

the beginning of the major thrust of the Nepali state towards liberalization and decentralization, inserting discourses such as ‘self-help’, ‘public private partnership’, ‘user committee’ into the public lexicon around planning and governance (Ninglekhu and Rankin 2008). As such, the current permutations vis-à-vis post-earthquake disaster governance have to be located in this particular history, which may provide antecedents for the post-earthquake frameworks for governance, such as the promotion of community-led reconstruction committees in the urban areas of the Kathmandu Valley.

In the months following the earthquakes, in each of these neighbourhoods, groups of stakeholders banded together to start mapping out reconstruction plans. This was done through community reconstruction committees and collaborations between local parties and NGOs and the Nepal government. Here, we focus on Bungamati. Bungamati’s population of 6,000 people is comprised predominantly of high-caste Newar groups, such as Tuladhar, Bajracharya and Shakya, followed by Mali and Maharjan. The Malis and Maharjans, traditionally, are gardeners and farmers, and the latter are considered the backbone of Newar society. Bajracharyas and Shakyas are high-caste priests, while Tuladhars are merchants whose livelihood is traditionally based on wooden handicrafts. The 2015 earthquakes destroyed over 550 houses in the Bungamati core. Four traditional ponds, four temples and more than ten rest houses were also destroyed. In the wake of the earthquakes, Bungamati was able to draw significant interest and attention from nationally and internationally-based organizations. This was due to a number of reasons, including the severity of the destruction of private homes as well as public monuments; the centrality of Bungamati in Kathmandu Valley’s landscape of heritage; and the inherent social and cultural capital of the place that is influential in wielding substantive institutional interest.

### **3. Policy Context**

#### **Heritage as place-making**

In the wake of the 2015 earthquakes, an ad-hoc collection of organizations, under the loose auspices of UN-Habitat, conducted damage and needs assessments, compiled research on the historic background of the settlement and its ancient Newar town layout and architectural forms, and drafted a number of parallel proposals for rebuilding Bungamati. Here we briefly discuss three such initiatives, in order to illustrate how expressions of interest in preserving cultural heritage were merged with concerns about urban planning and economic development and effectively valued transformation over preservation.

Researchers and students from K. U. Leuven University’s MA programmes in Human Settlement and Urbanism and Strategic Planning, used Bungamati as part of a project that was a combination of student practical assignment and humanitarian mission. This project was made possible via a long term association between UN-Habitat and K. U. Leuven University globally. Through field visits and extensive studio time, the researchers drafted a report in which they

situated Bungamati within the past fifty years of urban development in the Kathmandu Valley. They argued for using the ‘opportunity’ created by the earthquake to address some of the failings of Bungamati, by changing the density of the settlement, modifying traditional structures to make them seismic resistant, and leveraging cultural heritage to encourage tourism (a common theme in all the Bungamati reconstruction plans).

As a strategic next step, UN-Habitat brought Architect’s Design Associates (ADA), a group of Nepal architects that included some Bungamati residents, into the fold with the very specific remit of translating K. U. Leuven’s report into a medium that would be legible to the local community. ADA integrated its expertise and knowledge of architecture and heritage with the key components of the K. U. Leuven report to prepare a 3-D presentation for the local community, with the following aims at the core of its message:

- “To support rebuilding traditional settlements of Kathmandu Valley that are damaged by the earthquake keeping the urban fabrics intact and enhanced;
- To support rebuilding of traditional houses robust, safe and that conserve heritage values;
- To support rebuilding of the economy of the people by promoting compatible businesses and trades to heritage conservation” (Studio Kathmandu, 2016).

As part of this, they identified numerous improvements that they wanted to make to traditional architecture to increase seismic safety and also to enhance the livability of buildings: these included increasing natural ventilation and light, and accommodating modern infrastructure such as plumbing, utilities and internet connections. They drafted numerous architectural models for mixed-use commercial and residential spaces that utilized some aspects of traditional Newar architecture and use of space, while adding in new components that would support cultural tourism, such as home-stays, cafes, and souvenir shops.

Perhaps the most ambitious rebuilding plans were those proposed by ARCADIS, a global design and consultancy firm. Using an existing global partnership programme with UN-Habitat, called SHELTER, ARCADIS was asked to prepare a Master Plan for Bungamati. Under this partnership, ARCADIS’ mission statement was to “demonstrate how traditional settlements of Kathmandu Valley can be revitalized and made into livable and vibrant townships through people’s ‘processes’” (Smolders, 2015:8). While adopting an ostensibly heritage-centric approach, their plan envisioned a fundamental transformation of Bungamati, both in terms of its built environment and local economy. They proposed enhancing the infrastructure to provide better public transportation, environmentally friendly waste management systems, and open green spaces. To improve the tourist experience, they recommended a large visitor centre, a lighted night time heritage walk, an earthquake memorial park, and ‘pop-up’ public art

installations. In addition to increasing heritage tourism, they recommended establishing a vocational training centre that would focus on traditional crafts.

The final document as a guideline for rebuilding Bungamati that was eventually drafted after ARCADIS' iteration had to be converted into a 'Citizen's Charter' first, if it were to have any tangible effect on the rebuilding – as was originally envisioned when UN-Habitat first collaborated with K. U. Leuven. As such, UN-Habitat worked collaboratively with the municipality to convert the document into a 'Citizen's Charter'. While this exercise was taking place, the National Reconstruction Authority (NRA) was formed. Following this, UN-Habitat presented the document to the NRA, which was sufficiently impressed to suggest that the document, which was originally meant for Bungamati alone, should be converted into a national document for the governance of rebuilding in traditional settlements. This suggestion from the NRA was important because it opened an avenue for UN-Habitat to work with the Ministry of Urban Development, specifically with two key objectives: first, to address a few concerns around the provisions contained in the existing national document called the 'Basic Building Guideline for Settlement Development, Urban Planning and Building Construction 2015', which were not compatible with recreating the built form, or whatever remained of it, of the Newar settlements; and, second, to insert the Bungamati document as a key component of the 'Basic Building Guideline'.

The Government of Nepal's Ministry of Urban Development revised the aforementioned 'Basic Building Guideline' after the 2015 earthquakes to regulate rebuilding practices in earthquake-affected districts of Nepal. However, the Guideline included a set of provisions that failed to take into consideration the unique built form of the Newar towns in the Kathmandu Valley (PS Joshi, UN-Habitat; personal communication, November 13 2018). The following provisions were deemed to be impractical. First, it stated that row-houses would not be allowed building permits; and second, that neighbourhood roads were required to maintain a minimum width of 6 meters. If they were narrower, the government would apply 'eminent domain' to dismantle houses to make way for street-widening.<sup>5</sup> These provisions posed a major threat to the envisioned restoration of Newar Urbanism, as identified by the UN-Habitat in collaboration with the three sets of actors mentioned above. If, as Joshi said, these conditions were to be applied to the traditional towns, almost all the row houses would have to be dismantled, because most streets and alleyways in the inner parts of the settlements were less than six meters wide. In addition, the average landholding of a Newar family in these towns, excluding farmlands on the periphery, is no more than 400 square feet (based on a quantitative survey of the Newar settlements). Street-widening would leave the houses bereft of any sizable plots on which to rebuild a livable house.

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<sup>5</sup> 'Eminent domain' refers to the power of the state to stake claims over private property for public use.

To address the potentially destructive contents of the ‘Basic Building Guideline...’, UN-Habitat initiated the drafting of a separate by-law that would provide a guideline for, as well as regulate, reconstruction in the historic towns, while warding off the threat to Bungamati’s urbanism. An ad-hoc committee of three individuals – a local head of UN Habitat, a senior level policy expert, and a retired bureaucrat – worked on this by-law. The by-law, thus prepared, was, on the one hand, meant to preserve the Newar vernacular character of the place, while on the other hand, it was also to provide less stringent and more flexible grounds for households to rebuild their homes. After much lobbying and negotiating through the competing institutional interests of the NRA and the Department of Urban Development and Building Construction (DUDBC), the heritage by-law was inserted as a separate chapter in the ‘Building Guideline...’, which, over time, took on a life of its own and became a legally-binding national document to guide the rebuilding of all traditional towns in Nepal. Thus, it was guaranteed that historic urban settlements would be exempted from complying with the provisions that non-traditional, relatively modern settlements had to comply with – that the streets in the Newar towns could remain as they were and that rebuilding could restore row-housing. This particular by-law provided relief to the residents, while also preventing the complete annihilation of the Newar urban landscape. The new chapter included the following provisions that focused on the reconstruction of private houses and public monuments, and also aimed to maintain the integrity of the public spaces:

- a. The house’s façade is to have a Newari design, with wooden door and window frames of specified size and number.
- b. The interior of the house can be decorated according to one’s will, but the exterior is to display bricks.
- c. The vertical limit of the house is not to exceed 32 feet.
- d. Only one-third of the terrace can be an open space; the rest has to be covered under a slanted roof.

It is hard to find fault with calls to build stronger, more robust structures capable of withstanding future earthquakes, to address long-standing concerns about the ills of unplanned urban sprawl, and to encourage economic development. However, in the case of Bungamati, all of these reconstruction plans were explicitly framed around the importance of preserving cultural heritage, citing how the unique cultural identity of the inhabitants was embodied within traditional architectural forms. The plans, produced by experts with the endorsement of UN-Habitat, are more realistically seen as a form of place-making, where Newar heritage – usually limited to the aesthetics of the facades of buildings – was to be selectively appropriated to carry out a development agenda. The types of changes needed to address the ambitious goals of the

various parties involved in the planning would have reconfigured both the built environment, and also the social fabric and social practices of Bungamati.

While the formation of this particular by-law allowed the key policy stakeholders to institutionalize their call for the preservation of cultural heritage, as well as use the reconstruction to realize development ideals at the municipal and ‘community’ scales, our ongoing ethnographic work reveals that most of the provisions in the by-law have, directly or indirectly, created major challenges and obstacles for households that are rebuilding in accordance with their needs, necessities and desires. Some of these challenges and obstacles, documented during our fieldwork, are discussed in the following section.

#### **4. Results**

##### **The challenges of reclaiming heritage**

To reiterate: the heritage bylaw specifies and mandates the following key components of heritage-centric rebuilding that has been earlier discussed – namely, wooden door and window frames, ceiling height and terrace layout. In this context, it is important to ask how the heritage guidelines align with the practical circumstances and aspirations of individual households. In other words, what are the key challenges and obstacles that the households face as they set about rebuilding their homes in accordance with the heritage by-law?

##### *A. The facade of the house*

*Rato Machhindranath* is a historic temple that was completely destroyed by the 2015 earthquakes. Considered central to Bungamati’s identity as a heritage town, the temple is now undergoing a slow but gradual reconstruction process. Jointly funded by the Embassy of Sri Lanka and the Government of Nepal’s Department of Archaeology, the reconstruction of the temple was halted for a long period, beginning in the summer of 2017, after the foundation was dug and filled with brick and cement mortar. The contractor, to whom the rebuilding was contracted out, was caught unawares when local leaders pointed out that the bricks that had been used to build the foundation were ‘inauthentic’ because of the Roman script letters that were inscribed on them. The locals demanded that the foundation work had to be reversed and redone with bricks using Newar characters. After a long stand-off between the contractor, the local leaders and the funding authorities, a decision was made to redo the foundation work with Newar-inscribed bricks, and the reconstruction was resumed soon afterwards. This incident is worth noting because it highlights the importance of the idea of ‘authenticity’ that building materials are supposed to contain, specifically in relation to the reconstruction of the Newar heritage. In order to maintain the ‘authenticity’ of design, households are encouraged to use ‘authentic’ bricks, which are more expensive than ‘normal’ bricks, for the walls and the façade of the houses that are being rebuilt. And once the reconstruction is complete, households are

asked to cover the pillars on the outside of the house in order to maintain the ‘authenticity’ of the house.

It is the doors and windows, however, that add most to the overall cost of a Newar house. The majority of Newar households in Bungamati have intimated that, had they been free to use aluminium instead of timber for doors and windows, they would always opt for aluminium, like many residents in the non-traditional ‘modern’ neighbourhoods in the city. A wooden window would cost almost three times as much as an aluminium window of similar size. Some households felt the ‘peer pressure’ to opt for more elaborate and intricate carvings on doors and window frames, either because an adjoining house had done so, or because their house stood in front of an expensively and elaborately assembled heritage structure such as a temple or a museum. Further, because the specifications of the by-laws about the design and size of the door and window frames are quite specific, the households often struggled to meet the standards because they were not feasible on financial or practical grounds. In addition, many were unaware of the specifications because not everyone had access to the provisions of the by-laws and certainly not in a language that was comprehensible to them.<sup>6</sup> In the absence of a clear understanding of the specifications for doors and windows, it is common in places like Bungamati to come across many households who have had to constantly revise the heritage-centric design in the hope that it will be endorsed by the architects and engineers when they come to vet it. In many cases, the households have had to take out window frames after they have been installed because they were found not to comply with the heritage mandates.

### *B. The height of the house*

When the houses fell apart, they exposed the complex nature of the pattern of home and land ownership that had been passed down informally through the generations. Over the past four years, many joint families have disbanded and converted into nuclear families. One of the key factors pushing this break from the concept of joint family is the nature of land ownership and tenure; the other factor is one of the provisions in the heritage by-law that puts a cap on building height. The average landholding per family or house in the core Bungamati area is around 350 square feet - barely enough to accommodate one room per floor. If a house were to be rebuilt in the same old location, a house could not be more than 32 feet in height, as mandated by the heritage by-laws. This means that, given the limit imposed on the height of a house and the average landholding per household in the core area, an ancestral house that would accommodate two to four families before the earthquake, if and when it was rebuilt, would only have three to four rooms: just enough for one family, which, typically, comprises anywhere from four to eight family members. As such, families have no choice but to break away. There are many households in the traditional settlements who lament that the current limit on the building height

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<sup>6</sup> For example, a door or a window has to be ‘odd-bay’ – meaning, the number of window or door frames on a façade has to be odd, not even. Likewise, a window frame cannot be more than 5 feet 6 inches high and 2 feet 6 inches wide. Similar conditions apply for the door frames.

is not ‘practical’, simply because it is not able to accommodate the number of members in a family. It is equally important to note that the majority of Newar families are self-employed or have home-based entrepreneurship. That is, they run a Newar restaurant, a handicraft workshop, or a general shop, on the first floor at the ground or street level, already congesting the living space further up. We do not intend to suggest that the changing family structure – from joint to nuclear – within the Newar settlements and cultural life, is instigated solely by the limits set by the heritage bylaws. Far from it. Rather, as the respondents have intimated themselves, the by-law is just one of several factors that is pushing many Newar families away from the joint system.

### *C. The house terrace*

According to the heritage by-law, only one-third of a house terrace may be left open, while the rest has to be covered by a roof, which has to be slanted at 25 to 30 degrees. For many households, a terrace with a narrow space is problematic, primarily because it leaves no room for them to dry their grains. The majority of Newars in Bungamati continue to farm; produce from the farm, such as rice and maize, can last for three to six months, depending on family size. Others complained that the limited terrace leaves little room for the elderly people of the house to sit out in the sun. They say that there is no open public space in the town for the grain and the elderly anymore like there used to be. The number of houses has increased, while the roads have widened, gradually eating away at the open spaces that used to exist. The terrace that the by-laws demand, as such, would leave little room to offer continuity in the contemporaneous practice of everyday life, rooted in Newar culture and tradition.

While some local residents in Bungamati saw the by-laws and codes as an opportunity to not only systematize the tenuous and informal nature of landownership, but also to reclaim the heritage that is gradually lost over time, to the majority, the heritage-centric bylaws trampled on an individual’s right to manage life on his or her own terms and conditions. Getting the Newar design right, however, was, in and of itself, a fraught endeavour, a long drawn-out process that required vetting by the government after the private architect that the household has hired has produced a design. Often, an engineer, usually a government representative, would find faults in the size of the window frames, the number of window frames on the façade of the house, the size and design of the roof of the terrace, or the terrace itself, and so on. This led to further delays. In a majority of cases, the households either decided to start rebuilding without the design approval because waiting for it would seem like an unending process; or, the government experts found technical faults in the design half-way through the construction process, which left the households in a state of limbo. The shortcut route to a guaranteed shelter, as such, would be to build without the permit. In Bungamati, it is very rare to find a household that is rebuilding or has completed rebuilding after obtaining a building permit. Outside of the obstacles that are created owing to the technicalities of the design mandates, the design itself is not inclusive enough to encompass lives and livelihoods that may have very

little to do with ‘heritage’ itself. As one resident reasoned, “If heritage-centric rebuilding is for tourism, tell me how will I benefit from it? I am not into the handicraft business, I don’t have a shop to sell anything to the tourists, and they are not interested in talking to me, so it is not like I will make new friends. So, what is in it for me, really?” (Sushil Tuladhar, personal communication, July 25 2018).

## 5. Discussion

### **The importance of land and loans for rebuilding**

The provisions contained in the bylaw require the Newars to bear the responsibility of preserving the Newar identity of a place as bearers or custodians of culture and heritage. While many Newars see the rationale behind the need to preserve heritage, and its attendant economic benefits in the future, the exigencies of contemporaneous everyday circumstances also push them to question the practicality of the imperative of heritage on the grounds of rights and justice rooted in private property, summarized succinctly in a question that an interviewee posed, quite animatedly, “This is my land and I am building my house on this land. So, should I not have the primary right over what kind of house I want to build?” (Gyanendra Tuladhar, Personal Communication, August 20 2018).

This frustration, which filled the course of almost every interview we conducted in Bungamati, is primarily of a financial nature, in that the rising cost of building materials, combined with the growing quantity of the building materials needed to rebuild, have made reconstruction in general, and heritage-centric reconstruction in particular, an expensive proposition. The financial demand adds more to the overall reconstruction cost, which is already soaring due to seismic safety standards.<sup>7</sup> The heritage bylaws and the building codes, together, have made rebuilding an expensive proposition for ordinary Newars. So the question is: how do the Newars rebuild?

Most of the Newars in Bungamati, as in other traditional settlements in the Kathmandu Valley, own farmlands in the peripheries of the core areas in which they live. These are ancestral properties that have been passed down through the generations. The majority of the landowning Newars, therefore, have sold some portion of their land in order to fund most of the rebuilding cost. For the small section of the Bungamati population without surplus land, rebuilding is an insurmountable task, simply because without any land to sell, there are no resources for rebuilding. As such, these are the households that are gradually losing faith, as well as ‘resilience’, under the weight of waiting for a house that may never be rebuilt. However, in relation to those who sell land to rebuild, the loss of land has some major implications with respect to heritage – both tangible and intangible.

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<sup>7</sup> Although discussion of seismic safety standards vis-à-vis reconstruction is outside the scope of this paper, which is heritage-centric, it is worth noting, in brief, that the mandates of seismic safety standards has put a major financial pressure on households. The building codes require thicker pillars, a “double tie beam”, and foundation that is at least 5 feet deep; meaning, new structures require higher quantity of cement, bricks and iron rods, compared to the structures prior to the earthquake.

It is common to hear the Newars lament the loss of land. To many, it is linked with the ancestor's *chino* – a gift, a mark, a symbol, and a legacy. The loss of land, therefore, is also a loss of 'heritage' – a very tangible heritage. "What will remain of the Newar identity if we sell our ancestral *chino* to be occupied later by non-Newars from elsewhere?", said one of the residents (Hari Gopal Maharjan, personal communication, January 09 2018). The loss of land also signals the loss of a traditional life rooted in farming. Even though Bungamati is referred to as a 'town' in common parlance, and is in close proximity, geographically, to the urban areas of the Kathmandu Valley, it retains many rural characteristics because many Newar families continue to rely on agriculture to support their subsistence. The loss of land, whether complete or partial, also means a complete or partial loss of farming as a lifestyle and livelihood. As a result, a Newar family that relied upon seasonal grains and vegetables for a few months in every year would now have had to rely on the market to meet its daily needs. The loss of land would also mean that the Newars are left to find work outside of the agricultural field to meet their subsistence needs. Together, these would mean a gradual transformation of everyday Newar life. This is not to claim that the earthquake was the sole rupture, or sole instigator, that changed the course of Newar everyday life. Rather, it is to suggest that the earthquake expedited certain futurities of the Newar everyday life that would, otherwise, have still unfolded, albeit at a more gradual pace. For example, regardless of the earthquake, contemporary Newar youths exhibit and perform middle class modernity just like the 'mainstream' youth in the city (Liechty 2002). The transition to consumerism is made possible in large parts through the commodification of land after its 'exchange value' is made to take over its 'use value'. Based on our ongoing ethnographic research, it is fair to state that the earthquake has rapidly expedited this transition to 'modern' lifestyles.

A majority of the Newar households rely on their existing social capital for loans. A dense network of social relationships and family ties allows the Newars to mobilize their social capital to gain financial capital. It is common to come across families who have borrowed money from friends and family members. This is an informal loan arrangement, free of interest and with a flexible repayment plan. However, 'social capital' exists in a field of power (Ninglekhu and Rankin 2008). In other words, there are many households in Bungamati who do not have ready access to this form of capital. As such, some of these households, already without surplus land to sell, either relinquish under the weight of waiting, or others, who also do not have surplus land but are formally employed, find ways to access finance from different financial institutions, ranging from women's cooperatives to private banks.<sup>8</sup> These loans from friends or cooperatives offer the recipients some relief, because there is money now to inject into completing the homes whose construction has had to take pauses from time to time during

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<sup>8</sup> The much-publicized 'subsidized housing loan' from the government, which is different from the housing grant, has so far remained a chimera that has only brought frustration after initially offering hope in the wake of the earthquake.

the different phases of rebuilding, due to a lack of cash. However, they also invite elements of uncertainty into the futures of these families. In the absence of formal and regular sources of monthly income, for example, many are unsure how long the repayment of their loans will take.

Under the conditions that ensue around the politics of land and loan, the concept of ‘recovery’ takes on new meanings over time. Many equate recovery with the reclaiming of land that was sold to finance a rebuilding: “We feel like we will ‘recover’ once we have been able to reclaim (purchase back) the land that we had to sell” (Chiri Mai Tuladhar, personal communication, 12 May 2018). However, such casual statements are also underlined by an acceptance that the land will of course never come back. As such, the pursuit of ‘recovery’ may be an endless process. Likewise, even if loans are interest-free and with no formal repayment structure, they still may take several years, or even a generation, to repay. That is why, “for Bungamati to get back to the stage it was at before the earthquake, it may take at least ten years”, said another resident (Anil Tuladhar, personal communication, 12 February 2018).

Shelter, however, has to be built at some point. The primal necessities come down to the basic need to preserve bare biological life.<sup>2</sup> For the residents, preservation of cultural life is secondary. However, if the conditions are such that preserving biological life hinges on the preservation of a cultural life, in the manner that is imposed through the bylaw, households show a willingness to either bypass or subvert the bureaucratic upheavals. These upheavals are raised as a result of the regulatory frames devised as part of the post-disaster governance of the Newar towns. Given the stringent and regulatory measures of the heritage bylaw, the households have no other option but to ultimately comply with the its provisions to be able to build a house. As such, the households end up pursuing a series of strategies that will ultimately pave the way to building a house, albeit through informal means, some of which present an uncertain future. These strategies subvert as well as transgress governmental requirements.

## **6. Conclusion**

By way of conclusion, we would like to end this paper with our recollection of a meeting involving a policy maker, a local architect and a local community member. This informal meeting was organized by the architect, who wanted to discuss the everyday challenges that ordinary households were facing in their attempts to comply with the heritage bylaws. The architect, who was doing a job that demanded daily interactions with local residents around matters of land ownership and the intricacies of meeting design requirements, including the height of a house, had organized the meeting in order to share community grievances with the policy maker, who was one of the individuals behind the making of the heritage bylaw. After hearing both long and short stories about the challenges, the policy maker’s proposal was as follows: “There is a partial solution if we imagine the Bungamati core as spatially organized in three concentric circles with the *Rato Macchindranath* Temple as the centre of the circle. If so, the circle of households next to the temple have no option but to adhere to the heritage bylaws as

they are right at the heart of the heritage. The secondary circle may be exempted from certain requirements. The tertiary circle, or the third circle, because it is further away from the centre, may be accorded the benefit of their location with looser regulation”.

The plethora of paper work and the multiply-layered channels of government staff which form the different nodes of the post-disaster bureaucratic governance system that was assembled urgently in 2015, coupled with the committees of elected representatives at local and municipal levels after the 2017 elections, have ended up conjuring an edifice of ‘information’ for the citizens. When a householder goes to the local ward office, or for those willing to venture into the city, the municipal office, to inquire about the reason for their absence from the list of recipients of the housing grant (despite being ‘earthquake victims’), or how far their file for design approval has travelled up through the bureaucratic ladder since it was submitted, or their eligibility for the subsidized housing loan, the edifice very soon turns into a vortex of non-information for the ordinary people. On the one hand, this vortex leaves such ordinary people in a state of paralysis in their attempts to work with the ‘red tape bureaucracy’ amidst the urgency of their need to build a house before Dashain, or before the next monsoon, or the winter, or, in many cases, before they are due to host a deity at their house for an upcoming festival. On the other hand, it may also be argued that government representatives, mostly at the local and municipal levels, who work with their own time horizons, also have to respond to their own politics of urgency. Furthermore, the higher one works up the structure of governance and bureaucracy, the less likely it is that one will interact closely with the lived experience of the everyday life of the ordinary, and the more likely that one will encounter a statistical and stereotypical representation (Gupta 2012). Such interactions only happen through the optics of Master Plans and bylaws. As such, the practice of the everyday life of the ordinary, many of whom are filled with conditions of emotional duress and material drudgery, end up being normalized, and in some cases unfairly misrepresented, leading to unjust outcomes. Given this uncertainty, incipient in the everyday life of the ordinary, how might we call on planners and bureaucrats who work higher up the field of the everyday, to pay attention to the ‘ethnographic present’ that reveals the complex spatial and temporal realities?

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