

ANCIENT MONUMENTS AND ARCHAEOLOGICAL SITES AND REMAINS RULES, 1959

CONTENTS

CHAPTER 1 :- PRELIMINARY

1. Short title, extent and commencement
2. Definitions

CHAPTER 2 :- ACCESS TO PROTECTED MONUMENTS

3. Monuments governed by agreement
4. Parts of monuments not open
5. Monuments when kept open
6. Entrance fee
7. Holding of meetings, etc. in monuments
8. Prohibition of certain acts within monuments
9. Penalty

CHAPTER 3 :- CONSTRUCTION AND OTHER OPERATIONS IN PROTECTED AREA

10. Permission required for construction, etc
11. Licence required for excavation
12. Application for licence
13. Grant or refusal of licence
14. Period of licence
15. Cancellation of licence
16. Conditions of licence
17. Recovery from security
18. Demand of further security
19. Appeal
20. Return of security
21. Publication of the result of excavation
22. Return of antiquities by a licensee
23. Penalty

CHAPTER 4 :- EXCAVATION IN UNPROTECTED AREAS

24. Intimation to the Central Government
25. Approved by the Central Government
26. Deputation of an archaeological officer

CHAPTER 5 :- REPORT ON EXCAVATED ANTIQUITIES BY AN ARCHAEOLOGICAL OFFICER

27. Form of report by an archaeological officer

CHAPTER 6 :- MOVING OF ANTIQUITIES FROM CERTAIN AREA

28. Application for moving antiquities

29. Grant or refusal or permission

30. Appeal

CHAPTER 7 :- MINING OPERATION AND CONSTRUCTION NEAR PROTECTED MONUMENTS

31. Notice of intention to declare a prohibited or regulated area

32. Declaration of prohibited or regulated area

33. Effect of declaration of prohibited or regulated area

34. Application for licence

35. Grant or refusal of licence

36. Cancellation of licence

37. Appeal

38. Removal of unauthorised buildings

39. Penalty

CHAPTER 8 :- COPYING AND FILMING OF PROTECTED MONUMENTS

40. Permission required for copying certain monuments

41. Conditions of copying other monuments

42. Licence required for filming

43. Application for licence

44. Grant or refusal of licence

45. Cancellation of licence

46. Appeal

47. Certain rules not affected

48. Penalty

CHAPTER 9 :- MISCELLANEOUS

49. Manner of preferring an appeal

50. Service of orders and notices

ANCIENT MONUMENTS AND ARCHAEOLOGICAL SITES AND REMAINS RULES, 1959

In exercise of the powers, conferred by Section 38 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby makes the following rules:

CHAPTER 1 PRELIMINARY

1. Short title, extent and commencement :-

(1) These rules may be called the Ancient Monuments and Archaeological Sites and Remains Rules, 1959.

(2) They extend to the whole of India, but rule 24, rule 25, rule 27, rule 28, rule 29 and rule 30 shall not apply to the State of Jammu and Kashmir.

2. Definitions :-

In these rules, unless the context otherwise requires,-

(a) "construction" of any structure includes additions to or alterations of an existing building;

(b) "copying", together with its grammatical variations and cognate expressions, means the preparation of copies by drawing or by photography or by mould or by squeezing and includes the preparation of a cinematographic film with the aid of a hand-camera which is capable of taking films of not more than eight millimeters and which does not require the use of a stand or involve any special previous arrangement;

(c) "filming, together with its grammatical variations and cognate expressions, means the preparation of a cinematographic film with the aid of a camera which is capable of taking films of more than eight millimeters and which requires the use of a stand or involves other special previous arrangements;

(d) "form" means a form set out in the Third Schedule;

(e) "mining operation" means by operation for the purpose of searching for or obtaining minerals and includes quarrying, excavating, blasting and any operation of a like nature;

(f) "prohibited area" or "regulated area" means an area near or adjoining a protected monument which the Central Government

has, by notification in the Official Gazette, declared to be a prohibited area, or, as the case may be, a regulated area, for purposes of mining operation or construction or both:

(g) "Schedule" means a Schedule to these rules; and

(h) "section" means a section of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958).

CHAPTER 2 ACCESS TO PROTECTED MONUMENTS

3. Monuments governed by agreement :-

(1) Access to protected monuments in respect of which an agreement has been entered into between the owner and the Central Government under section 6 , or in respect of which an order has been made by that Government under section 9 , shall be governed by the provisions of the agreement or, as the case may be, the order; and nothing in rule 4, rule 5, rule 6 or rule 7 shall be construed as affecting any such agreement or order.

(2) A copy of the relevant provisions of every such agreement or order shall be exhibited in a conspicuous part of the monument concerned.

4. Parts of monuments not open :-

The Director General may, by order, direct that "any protected monument or any specified part thereof" shall not be open, permanently or for a specified period, to any person other than an archaeological officer, his agents, subordinates and workmen and any other Government servant on duty at such port.

5. Monuments when kept open :-

(1) The protected monuments specified in the First Schedule shall remain open during the hours specified against them in that Schedule; protected monuments which are not so specified and to which neither rule 3 nor rule 4 applied shall remain open from sunrise to sunset : Provided that an archaeological officer may, by notice to be exhibited in a conspicuous part of the monument, direct that a protected monument or part thereof shall be closed temporarily for such periods as may be specified in the notice.

(2) Nothing in this rule or in rule 6 shall apply to an archaeological officer, his agents, subordinates and workmen or to any other Government servant on duty at a protected monument.

6. Entrance fee :-

. . No person above the age of 15 years shall enter into a protected monument or part thereof specified as category B monuments in Part II of the Second Schedule, except on payment of fees as under :

(i) citizens of India Rs. 5/- per head;

(ii) Others.....US \$ 2 or corresponding to Rs. 100/- per head.

7. Holding of meetings, etc. in monuments :-

(1) No protected monuments shall be used for the purpose of holding any meeting, reception, party, conference or entertainment except under and in accordance with a permission in writing granted by the Central Government.

(2) Nothing in sub-rule (1) shall apply to any meeting, reception, party, conference or entertainment which is held in pursuance of a recognised religious usage or custom.

8. Prohibition of certain acts within monuments :-

No person shall within a protected monument,-

(a) do any act which causes or is likely to cause damage or injury to any part of the monument; or

(b) discharge any fire-arms ; or

(c) cook or consume food except in areas, if any, permitted to be used for that purpose; or

(d) hawk or sell any goods or wares or canvass any custom for such goods or wares or display any advertisement in any form or show a visitor round for monetary consideration except under the authority of, or under and in accordance with the conditions of a licence granted by, an archaeological officer; or

(e) beg for alms; or

(f) violate any practice, usage or custom applicable to or observed in the monument; or

(g) bring, for any purpose other than the maintenance of the monument,

(i) any animal, or

(ii) any vehicle except in areas reserved for the parking thereof.

9. Penalty :-

Whoever-

(i) unlawfully enters any protected monument or part thereof at a time when, under these rules, it is not to be kept open, or

(ii) unlawfully enters any protected monument in respect of which an order has been made under rule 5, or

(iii) contravenes any of the provisions of rule 6 or rule 7 or rule 8, shall be punishable with fine which may be extended to five hundred rupees.

CHAPTER 3 CONSTRUCTION AND OTHER OPERATIONS IN PROTECTED AREA

10. Permission required for construction, etc :-

(1) No person shall undertake any construction or mining operation with a protected area except under and in accordance with a permission granted in this behalf by the Central Government.

(2) Every application for permission under sub-rule (1) shall be made to the Central Government in Form I at least three months before the date of commencement of the construction or operation.

11. Licence required for excavation :-

No person other than an archaeological officer or an officer authorised by him in this behalf shall undertake any excavation for archaeological purposes in any protected area except under and in accordance with the terms and conditions of a licence granted under rule 13.

12. Application for licence :-

Every application for licence shall be in Form I and be made to the Director General at least three months before the proposed date of the commencement of the excavation operations.

13. Grant or refusal of licence :-

(1) On receipt of an application under rule 12 the Director General may grant a licence in Form III if he is satisfied that, having regard to the status of the applicant, the competence of the Director of excavation operations, the adequacy of the staff to be employed and other relevant factors, the licence may be granted to the applicant : Provided that no licence shall be granted unless the applicant has furnished security of such amount not exceeding rupees ten thousand as the Director General may, having regard to the circumstances of each case, require.

(2) The Director General, by order may, for reasons to be recorded in writing refuse to grant a licence in any particular case.

14. Period of licence :-

Every licence shall be in force for such period not exceeding three years as may be specified in the licence : Provided that the Director General may, on application made to him at least one month before the expiry of a licence, extend its period by one year at a time so that the aggregate period does not exceed five years.

15. Cancellation of licence :-

The Director General may, by order, cancel a licence granted under rule 13 if he is satisfied that the conduct of the excavation operations has not been satisfactory or in accordance with the conditions of the licence, or if any further security demanded under rule 18 has not been deposited within the specified time : Provided that no licence shall be cancelled unless the licensee has been given an opportunity to make his objects.

16. Conditions of licence :-

Every licence shall be subject to the following condition, namely:

(a) the licence shall not be transferable;

(b) the licensee shall give to the Director General, the Collector and the owner of the land to be excavated at least fifteen days notice in writing of the commencement of the excavation operations;

(c) the licensee shall produce the licence before the District Magistrate or the District Superintendent of Police concerned or an archaeological officer, if so required;

(d) the excavation operations shall be conducted under the supervision of the Director named in the licence who shall be present at the excavation operations for at least three-fourths of the period of the operations;

(e) the licensee shall not, without the permission of the Director General, dismantle or disturb any structures found during the excavation operations and shall make adequate arrangements for the safety of such structures and of the excavated antiquities till they are taken charge of by the Director General;

(f) the licensee shall not subject any antiquities recovered during the excavation operations to any chemical or electrolytic process of cleaning without the written permission of the Director General;

(g) an archaeological officer or his representative may inspect the excavation operations or any antiquities recovered during the operations and make notes on or copy or film the excavated structures and antiquities;

(h) the licensee shall not discontinue the excavation operation unless he has given at least fifteen days notice in writing to the Director General;

(i) at the conclusion of the excavation operation, the licensee shall give notice in writing to the owner of the land specifying the nature of the antiquities, if any, recovered during the operations;

(j) the licensee shall, within three months of the completion of the excavation operations submit to the Director General a summary report of the results of the excavation, and where the operations are carried on for a period of more than three months such report shall be submitted every quarter, and it shall be open to the Director General to punish the report in his reports or reviews; and

(k) the licensee shall as soon as practicable submit a report in Form IV to the Central Government through the Director General on the antiquities recovered during the excavation operations.

17. Recovery from security :-

The Director General may, by order, direct the deduction, from the security furnished by the licensee under rule 13, of-

(a) the value of any antiquities recovered during the excavation operations and lost or destroyed while in the custody of the licensee; and

(b) any compensation payable by the Central Government under section 27 to the owner or occupier of the land excavated by the licensee.

18. Demand of further security :-

Where during the currency of licence, any amount has been recovered under rule 17, the Director General may require the licensee, within such time as he may specify, to deposit such further sum as security as is equivalent to the amount so recovered.

19. Appeal :-

Any person aggrieved by an order of the Director General rule 13 or rule 15 or rule 17 may prefer an appeal to the Central Government; and the decision of that Government on such appeal shall be final.

20. Return of security :-

On expiration or earlier cancellation of a licence, the security deposited by the licensee or the balance thereof remaining after deduction of any amount under rule 17 shall be returned to him.

21. Publication of the result of excavation :-

Save as otherwise provided in Rule 16, the Director General shall not, without the consent of the licensee, publish the results of the excavation unless the licensee has failed to publish the results within the period specified by the Director General in this behalf.

22. Return of antiquities by a licensee :-

The Central Government may, by order, subject to such terms and conditions as may be specified, permit the licensee to retain such of the antiquities recovered during the excavation operations as may be specified therein: Provided that human relics of historical importance and antiquities which, in the opinion of the Central Government, are of national importance, shall not be permitted to be retained by the licensee.

23. Penalty :-

Whoever-

(i) unlawfully undertakes any excavation for archaeological purposes in any protected area, or

(ii) contravenes any of the conditions of a licence,

shall be punishable with fine which may extend to five thousand rupees.

CHAPTER 4 EXCAVATION IN UNPROTECTED AREAS

24. Intimation to the Central Government :-

Every State Government intending to undertake or authorise any person to undertake any archaeological excavation or other like operation in any area which is not a protected area shall intimate its intention to the Central Government at least three months prior to the proposed date of the commencement of the excavation or operation specifying the following details, namely-

(i) name, location and other details of the site;

(ii) nature of antiquities previously found;

(iii) details of previously explorations, if any;

(iv) purpose of the excavation or operation;

(v) proposed extent of the excavation or operation (a plan of the site in triplicate showing in red outline the extent of the proposed excavation or operation should be attached),

(vi) proposed duration of the excavation or operation;

(vii) amount of the proposed expenditure on the excavation or operation; and

(viii) name and status of the Director of the excavation or operation.

25. Approved by the Central Government :-

After considering the proposal, the Central Government may either approve it or advise the State Government to modify it or to abandon it altogether.

26. Deputation of an archaeological officer :-

The Central Government may depute an archaeological officer to inspect the excavation or operation while it is progress and render such advice as he deems necessary.

CHAPTER 5 REPORT ON EXCAVATED ANTIQUITIES BY AN ARCHAEOLOGICAL OFFICER

27. Form of report by an archaeological officer :-

Where, as a result of an excavation made by an archaeological officer in any area under section 21 or section 22 , any antiquities are discovered, the archaeological officer shall, as soon as practicable, submit a report in Form V to the Central Government through the Director General on the antiquities recovered during the excavation.

CHAPTER 6 MOVING OF ANTIQUITIES FROM CERTAIN AREA

28. Application for moving antiquities :-

Every application for permission to move any antiquities or any class of antiquities in respect of which a notification has been issued under sub-section (1) of section 25 shall be made in Form VI to the Director General at least three months before the proposed date of the moving.

29. Grant or refusal or permission :-

On receipt of an application under Rule 28, the Director General may, after making such enquiry as he may deem necessary, grant permission for the moving of all or any of the antiquities or, for reasons to be recorded, refuse such permission.

30. Appeal :-

Any person aggrieved by an order of the Director General under rule 29 may prefer an appeal to the Central Government and the decision of the Government on such appeal shall be Final.

CHAPTER 7 MINING OPERATION AND CONSTRUCTION NEAR PROTECTED MONUMENTS

31. Notice of intention to declare a prohibited or regulated area :-

(1) Before declaring an area near or adjoining a protected monument to be a prohibited area or a regulated area for purposes of mining operation or construction or both, the Central Government shall, by notification in the Official Gazette, give one month's notice of its intention to do so, and a copy of such notification shall be affixed in a conspicuous place near the area.

(2) Every such notification shall specify the limits of the area which is to be so declared and shall also call for objection, if any, from interested persons.

32. Declaration of prohibited or regulated area :-

After the expiry of one month from the date of the notification under rule 31 and after considering the objections, if any, received within the said period, the Central Government may declare, by notification in the Official Gazette, the area specified in the notification under rule 31, or any part of such area, to be a prohibited area, or, as the case may be, a regulated area for purposes of mining operation or construction or both.

33. Effect of declaration of prohibited or regulated area :-

No person other than an archaeological officer shall undertake any mining operation or any construction.-

(a) in a prohibited area, or

(b) in a regulated area except under an in accordance with the terms and conditions of a licence granted by the Director General.

34. Application for licence :-

Every person intending to undertake any mining operation or any construction in a regulated area shall apply to the Director General in Form VI at least three months before the date of commencement of such operation or construction.

35. Grant or refusal of licence :-

(1) On receipt of an application under rule 34, the Director General may grant a licence or, if he is satisfied that the licence asked for should not be granted, may for reasons to be recorded, refuse to grant a licence.

(2) Every licence granted under sub-rule (1) shall be in Form VIII and be subject to the following conditions, namely-

(a) the licence shall not be transferable;

(b) it shall be valid for the period specified therein; and

(c) any other condition relating to the manner of carrying out the mining operation or the construction which the Director General may specify in the licence for ensuring the safety and appearance of, and the maintenance of the approach and access to, the protected monument.

36. Cancellation of licence :-

The Director General may, by order, cancel a licence granted under rule 35 if he is satisfied that any of its conditions had been violated: Provided that no licence shall be cancelled unless the licensee has been given an opportunity to make his objections.

37. Appeal :-

Any person aggrieved by an order of the Director General made under rule 35 or rule 36 may prefer an appeal to the Central Government; and the decision of that Government on such appeal shall be final.

38. Removal of unauthorised buildings :-

(1) The Central Government may, by order, direct the owner or occupier of an authorised building in a prohibited area or in a regulated area or of a building or part thereof which has been constructed in contravention of any of the conditions of a licence granted under rule 35 to remove such building or part thereof within a period specified in that order.

(2) If the owner or occupier refuses or fails to comply with an order made under sub-rule (1), the Central Government may direct the District Magistrate to cause the building or part thereof to be removed, and the owner or occupier shall be liable to pay the cost of such removal.

39. Penalty :-

Whoever-

(i) unlawfully undertakes any mining operation or construction in a prohibited area or in a regulated area, or

(ii) contravenes any of the conditions of a licence, or

(iii) fails or refuses to comply with an order made under sub-rule (1) of rule 38,

shall be punishable with imprisonment which may extend to three months or with fine which may extend to five thousand rupees or with both.

CHAPTER 8 COPYING AND FILMING OF PROTECTED MONUMENTS

40. Permission required for copying certain monuments :-

The Director General may, by order, direct that no person other than an archaeological officer or an officer authorised by an archaeological officer in this behalf shall copy any specified monument or part thereof under and in accordance with the terms and conditions of a permission in writing granted by an archaeological officer.

41. Conditions of copying other monuments :-

(1) Any person may copy a protected monument in respect of which no order under rule 40 has been made.

(2) Nothing in sub-rule (1) shall be construed as authorising any

person other than an archaeological officer or an officer authorised by him in this behalf, while copying any such monument, to-

(a) bring into or use within the precincts of such monument a camera-stand, stool, chair, table large drawing-board, easel or any such appliance, or

(b) erect any scaffolding within such precincts, or

(c) use within such precincts any artificial light other than a flash-light synchronised with the exposure of a camera, or

(d) apply any extraneous matter, such as water, oil, grease or any moulding material, on such monument or part thereof, or

(e) prepared a direct tracing or mould or squeeze of such monument or part thereof, except under and in accordance with the terms under and conditions of a permission in writing granted by an archaeological officer.

42. Licence required for filming :-

No person other than archaeological officer or an officer authorised by him in this behalf shall undertake any filming operation at a protected monument or part thereof except under and in accordance with the terms and conditions of licence granted under rule 44.

43. Application for licence :-

Every person intending to undertake any filming operation at a protected monument shall apply to the Director General in Form IX at least three months before the proposed date of the commencement of such operation.

44. Grantor refusal of licence :-

(1) On receipt of an application under Rule 43, the Director General may grant a licence or, if he is satisfied that the licence asked for should not be granted, may, for reasons to be recorded, refuse to grant a licence: Provided that the Director General shall not grant any licence to film the interior of any protected monument, that is to say such part of any protected monument as is covered by a roof of any description, except when the film is for the purpose of education or of publishing the monument.

(2) Every licence granted under sub-rule (1) shall be in Form X and be subject to the following conditions, namely-

(a) the licence shall not be transferable and shall be valid for the period specified therein;

(b) nothing shall be done by the licensee or any member of his party which has, or may have, the effect of exposing any part of the monument or attached lawn or garden to the risk of damage;

(c) the filming operation shall be restricted to that part of the monument in respect of which the licence has been granted;

(d) no extraneous matter, such as water, oil, grease or the like shall be applied on any part of the monument;

(e) the generating plant for electric power, wherever required, shall be placed away from the monument or the attached lawn or garden;

(f) the filming operation shall not obstruct or hamper the movement of persons who may lawfully be within the precincts of the monument; and

(g) any other condition which the Director General may specify in the licence.

45. Cancellation of licence :-

The Director General, by order, may, after giving notice to the licence, cancel a licence granted under rule 44 if he is satisfied that any of its conditions has been violated.

46. Appeal :-

. - Any person aggrieved by an order of the Director General made under rule 44 or rule 45 may prefer an appeal to the Central Government; and the decision of that Government on such appeal shall be final.

47. Certain rules not affected :-

Nothing in rule 41 and no provision of a permission granted under rule 40 or a licence granted under rule 44 shall affect the operation of rule 3, rule 4, rule 5, rule 6, rule 7, rule 8, and rule 8.

48. Penalty :-

Whoever copies or films any protected monument or does any other act in contravention of any provision of this chapter or of any permission or licence granted thereunder shall be punishable with fine which may extend to five hundred rupees.

CHAPTER 9 MISCELLANEOUS

49. Manner of preferring an appeal :-

(1) Every appeal to the Central Government under the Ancient Monuments and Archaeological Sites and Remains Act, 1958, or under these rules shall be in writing and shall be preferred within one month of the date of receipt of the order appealed against.

(2) Every such appeal shall be accompanied by a copy of the order appealed against.

50. Service of orders and notices :-

Every order or notice made or issued under the Ancient Monuments and Archaeological Sites and Remains Act, 1958 , or these rules shall-

(a) in the case of any order or notice of a general nature or affecting a class of persons, be published in the Official Gazette; and

(b) in the case of any order or notice affecting a corporation or firm be served in the manner provided for the service of summons in rule 2 of O. XXIX or rule 3 of O. XX, as the case may be, in the First Schedule to the Code of Civil Procedure, 1908 ; and

(c) in the case of any order or notice affecting an individual person, be served on such person-

(i) by delivering or tendering it to the person concerned, or

(ii) if it cannot be so delivered or tendered, by delivering or tendering it to any adult male member of the family of such person or by affixing a copy thereof on the outer door or some conspicuous part of the premises in which that person is known to have last resided or carried on business or personally worked for gain, or

(iii) by sending it by registered post, acknowledgement due.