

**The Ancient Monuments and
Archaeological Sites and Remains Act, 1958**
(24 of 1958)

*as amended by
The Ancient Monuments and
Archaeological Sites and Remains (Amendment and
Validation) Act, 2010(10 of 2010)*

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IMPORTANT

**ALL AMENDMENTS HAVE BEEN INCORPORATED IN THE MAIN ACT AT APPROPRIATE PLACES.
THE TEXT OF AMENDING ACT IS REPRODUCED BELOW FOR REFERENCE**

**THE ANCIENT MONUMENTS AND
ARCHAEOLOGICAL SITES AND REMAINS
(AMENDMENT AND VALIDATION)**

ACT, 2010
(10 of 2010)

[29th March, 2010]

An Act further to amend the Ancient Monuments and Archaeological Sites and Remains Act, 1958 and to make provision for validation of certain actions taken by the Central Government under the said Act.

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010.

(2) Save as otherwise provided, it shall be deemed to have come into force (except sections 3,5,7 and 8 to 11) on the 23rd day of January, 2010.

2. Amendment of section 2.—On and from the 16th day of June, 1992, in the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958) (hereinafter referred to as the principal Act), in section 2,—

(i) after clause (d), the following clauses shall be inserted and shall be deemed to have been inserted, namely:—

‘(d) “Authority” means the National Monuments Authority constituted under section 20F;

(db) “competent authority” means an officer not below the rank of Director of archaeology or Commissioner of archaeology of the Central or State Government or equivalent rank, specified, by notification in the Official Gazette, as the competent authority by the Central Government to perform functions under this Act:

Provided that the Central Government may, by notification in the Official Gazette, specify different competent authorities for the purpose of sections 20C, 20D and 20E;

(dc) “construction” means any erection of a structure or a building, including any addition or extension thereto either vertically or horizontally, but does not include any re-construction, repair and renovation of an existing structure or building, or, construction, maintenance and cleansing of drains and drainage works and of public latrines, urinals and similar conveniences, or, the construction and maintenance of works meant for providing supply of water for public, or, the construction or maintenance, extension, management for supply and distribution of electricity to the public or provision for similar facilities for public;’;

(ii) after clause (h), the following clause shall be inserted and shall be deemed to have been inserted, namely:—

‘(ha) “prohibited area” means any area specified or declared to be a prohibited area under section 20A;’;

(iii) after clause (j), the following clauses shall be inserted and shall be deemed to have been inserted, namely:—

- (k) “*re-construction*” means any erection of a structure or building to its pre-existing structure, having the same horizontal and vertical limits;
- (l) “*regulated area*” means any area specified or declared under section 20B;
- (m) “*repair and renovation*” means alterations to a pre-existing structure or building, but shall not include construction or re-construction;’.

3. Insertion of new section 4A.—After section 4 of the principal Act, the following section shall be inserted, namely:

“4A. Categorisation and classification in respect of ancient monuments or archaeological sites and remains declared as of national importance under sections 3 and 4.—(1) The Central Government shall, on the recommendation of the Authority, prescribe categories in respect of ancient monuments or archaeological sites and remains declared as of national importance under sections 3 and 4, and while prescribing such categories it shall have regard to the historical, archaeological and architectural value and such other factors as may be relevant for the purpose of such categorisation.

(2) The Central Government shall, on the recommendation of the Authority, classify all the ancient monuments or archaeological sites and remains declared as of national importance under sections 3 and 4, in accordance with the categories prescribed under sub-section (1) and thereafter make the same available to the public and exhibit the same on its website and also in such other manner as it may deem fit.”

4. Insertion of new section 20A.—On and from the 16th day of June, 1992, after section 20 of the principal Act, the following section shall be inserted and shall be deemed to have been inserted, namely:—

“PROHIBITED AND REGULATED AREAS

20A. Declaration of prohibited area and carrying out public work or other works in prohibited area.—Every area, beginning at the limit of the protected area or the protected monument, as the case may be, and extending to a distance of one hundred metres in all directions shall be the prohibited area in respect of such protected area or protected monument:

Provided that the Central Government may, on the recommendation of the Authority, by notification in the Official Gazette, specify an area more than one hundred metres to be the prohibited area having regard to the classification of any protected monument or protected area, as the case may be, under section 4A.

(2) Save as otherwise provided in section 20C, no person, other than an archaeological officer, shall carry out any construction in any prohibited area.

(3) In a case where the Central Government or the Director-General, as the case may be, is satisfied that—

(a) it is necessary or expedient for carrying out such public work or any project essential to the public; or

(b) such other work or project, in its opinion; shall not have any substantial adverse impact on the preservation, safety, security of, or, access to, the monument or its immediate surrounding, it or he may, notwithstanding anything contained in sub-section (2), in exceptional cases and having regard to the public interest, by order and for reasons to be recorded in writing, permit, such public work or project essential to the public or other constructions, to be carried out in a prohibited area:

Provided that any area near any protected monument or its adjoining area declared, during the period beginning on or after the 16th day of June, 1992 but ending before the date on which the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Bill, 2010, receives the assent of the President, as a prohibited area in respect of such protected monument, shall be deemed to be the prohibited area declared in respect of that protected monument in accordance with the provisions of this Act and any permission or licence granted by the Central Government or the Director-General, as the case may be, for the construction within the prohibited area on the basis of the recommendation of the Expert Advisory Committee, shall be deemed to have been validly granted in accordance with the provisions of this Act, as if this section had been in force at all material times:

Provided further that nothing contained in the first proviso shall apply to any permission granted, subsequent to the completion of construction or reconstruction of any building or structure in any prohibited area in pursuance of the notification of the Government of India in the Department of Culture (Archaeological Survey of India) number S.O.1764, dated the 16th June, 1992 issued under rule 34 of the Ancient Monuments and Archaeological Sites and Remains Rules, 1959, or, without having obtained the recommendations of the Committee constituted in pursuance of the order of the Government of India number 24/22/2006-M, dated the 20th July, 2006 (subsequently referred to as the Expert Advisory Committee in orders dated the 27th August, 2008 and the 5th May, 2009).”

5. Amendment of section 20A.—In section 20A of the principal Act (as so inserted b section 4 of this Act), after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) No permission, referred to in sub-section (3), including carrying out any public work or project essential to the public or other constructions, shall be granted in any prohibited area on and after the date on which the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Bill, 2010 receives the assent of the President.”.

6. Insertion of new section 20B.—On and from the 16th day of June, 1992, after section 20A of the principal Act, the following section shall be inserted and shall be deemed to have been inserted, namely:—

“20B. Declaration of regulated area in respect of every protected monument.—Every
area, beginning at the limit of prohibited area in respect of every ancient monument and archaeological site and remains, declared as of national importance under sections 3 and 4 and extending to a distance of two hundred metres in all directions shall be the regulated area in respect of every ancient monument and archaeological site and remains:

Provided that the Central Government may, by notification in the Official Gazette, specify an area more than two hundred metres to be the regulated area having regard to the classification of any protected monument or protected area, as the case may be, under section 4A:

Provided further that any area near any protected monument or its adjoining area declared, during the period beginning on or after the 6th day of June, 1992 but ending before the date on which the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Bill, 2010, receives the assent of the President, as a regulated area in respect of such protected monument, shall be deemed to be the regulated area declared in respect of that protected monument in accordance with the provisions of this Act and any permission or licence granted for construction in such regulated area shall, be deemed to have been validly granted in accordance with the provisions of this Act, as if this section had been in *force* at all material times.”.

7. Insertion of new sections ZOC, 20D, 20E, 20F, 20G, 20H, 20-I, 20J, 20K, 20L, 20M, 20N, 20-O, 20P and 22Q.—After section 20B of the principal Act (as so inserted by section 6 of this Act) the following sections shall be inserted, namely:—

“20C. Application for repair or renovation in prohibited area, or construction or reconstruction or repair or renovation in regulated area.—(1) Any person, who owns any building or structure, which existed in a prohibited area before the 16th day of June, 1992, or, which had been subsequently constructed with the approval of the Director-General and desires to carry out any repair or renovation of such building or structure, may make an application to the competent authority for carrying out such repair or renovation as the case may be.

(2) Any person, who owns or possesses any building or structure or land in any regulated area, and desires to carry out any construction or re-construction or repair or renovation of such building or structure on such land, as the case may be, may make an application to the competent authority for carrying out construction or re-construction or repair or renovation, as the case may be.

GRANT OF PERMISSION BY COMPETENT AUTHORITY

20D, Grant of permission by competent authority within regulated area—(1) Every application for grant of permission under section 20C of this Act shall be made to the competent authority in such manner as may be prescribed.

(2) The competent authority shall, within fifteen days of the receipt of the application, forward the same to the Authority to consider and intimate impact of such

construction (including the impact of large-scale development project, public project and project essential to the public) having regard to the heritage bye-laws relating to the concerned protected monument or protected area, as the case may be: Provided that the Central Government may prescribe the category of applications in respect of which the permission may be granted under this subsection and the application which shall be referred to the Authority for its recommendations.

(3) The Authority shall, within two months from the date of receipt of application under sub-section (2), intimate to the competent authority impact of such construction (including the impact of large-scale development project, public project and project essential to the public).

(4) The competent authority shall, within one month of the receipt of intimation from the Authority under sub-section (3), either grant permission or refuse the same as so recommended by the Authority.

(5) The recommendations of the Authority shall be final.

(6) In case the competent authority refuses to grant permission under this section, it shall, by order in writing, after giving an opportunity to the concerned person, intimate such refusal within three months from the date of receipt of the application to the applicant, the Central Government and the Authority

(7) If the competent authority, after grant of the permission under sub-section (4) and during the carrying out of the repair or renovation work or reconstruction of building or construction referred to in that sub-section, is of the opinion (on the basis of material in his possession or otherwise) that such repair or renovation work or reconstruction of building or construction is likely to have an adverse impact on the preservation, safety, security or access to the monument considerably, it may refer the same to the Authority for its recommendations and if so recommended, withdraw the permission granted under sub-section (4) if so required:

Provided that the competent authority may, in exceptional cases, with the approval of the Authority grant permission to the applicant referred to in subsection (2) of section 20C until the heritage bye-laws have been prepared under sub-section (1) of section 20E and published under sub-section (7) of that section.

(8) The Central Government, or the Director-General, as the case may be, shall exhibit, on their website, all the permissions granted or refused under this Act. 20E.
Heritage bye-laws.- (1) The competent authority, in consultation with Indian National Trust for Arts and Cultural Heritage, being a trust registered under the Indian Trusts Act, 1882 (2 of 1882) or such other expert heritage bodies as may be notified by the Central Government, shall prepare heritage bye-laws in respect of each protected monument and protected area.

(2) The heritage bye-laws referred to in sub-section (1) shall, in addition to such matters as may be prescribed, include matters relating to heritage controls such as elevations, facades, drainage systems, roads and service infrastructure (including electric poles, water and sewer pipelines).

(3) The Central Government shall, by rules, specify the manner of preparation of detailed site plans in respect of each protected area or protected monument or prohibited area or regulated area, the time within which such heritage bye-laws shall be prepared and particulars to be included in each such heritage bye-laws.

(4) The competent authority for the purpose of preparation of detailed site plans and heritage bye-laws may appoint such number of experts or consultants as it may deem fit.

(5) A copy of each of the heritage bye-laws prepared under sub-section (1) shall be forwarded to the Authority for its approval.

(6) A copy of the heritage bye-laws as approved by the Authority under subsection (5) shall be laid before each House of Parliament.

(7) Each heritage bye-laws shall, be made available by the competent authority to the public, by exhibiting the same on its website and also in such other manner as it may deem fit, immediately after laying the same before each House of Parliament.

NATIONAL MONUMENTS AUTHORITY

20F. Constitution of National Monuments Authority.—(1) The Central Government shall, by notification in the Official Gazette, constitute an Authority to be called as the National Monuments Authority.

(2) The Authority shall consist of,—

(a) a Chairperson, on whole-time basis, to be appointed by the President, having proven experience and expertise in the fields of archaeology, country and town planning, architecture, heritage, conservation-architecture or law;

(b) such number of members not exceeding five whole-time members and five part-time members to be appointed, on the recommendation of the Selection Committee referred to in section 20G. by the Central Government, having proven experience and expertise in the fields of archaeology, country and town planning, architecture, heritage, conservation-architecture or law;

(c) the Director-General as member, *ex officio*.

(3) The tenure of the whole-time Chairperson or every whole-time member and every part-time member, of the Authority shall be three years from the date on which he assumes office as such and shall not be eligible for re-appointment:

Provided that, save as otherwise provided in clause (c) of sub-section (2), any person who has held any post in the Archaeological Survey of India or in the Ministry of Culture of the Government of India or a State Government or has not been found fit to

be considered for being appointed to any such post shall, not be eligible to be appointed as the Chairperson or a member of the Authority:

Provided further that any person, who had either been granted a permission or licence or refused any such permission or refused grant of a licence or any person or any of his relative having any interest in a prohibited area or a regulated area shall not be eligible to be appointed as a Chairperson or member.

Explanation.—For the purposes of this section, “relative” means—

- (i) spouse of the Chairperson or member of the Authority;
- (ii) brother or sister of the Chairperson or member of the Authority;
- (iii) brother or sister of the spouse of the Chairperson or member of the Authority;
- (iv) brother or sister of either of the parents of the Chairperson or member of the Authority;
- (v) any lineal ascendant or descendant of the Chairperson or member of the Authority;
- (vi) any lineal ascendant or descendant of the spouse of the Chairperson or member of the Authority;
- (vii) spouse of the person referred to in clauses (ii) to (vi);

(4) An officer, not below the rank of Joint Secretary to the Government of India, shall be the Member Secretary of the Authority.

(5) The Central Government shall provide such number of officers and other employees as may be necessary for discharge of functions by the Authority under this Act.

20G. *Selection Committee for selection of members of Authority.*—(1) Every whole-time member and every part-time member of the Authority shall be selected by a Selection Committee consisting of the following persons, namely:—

- (a) Cabinet Secretary — Chairperson, *ex officio*;
- (b) Secretary in the Ministry of Culture —member, *ex officio*;
- (c) Secretary in the Ministry of Urban development— member, *ex officio*;
- (d) three experts, having proven experience and expertise in the fields of archaeology, architecture, heritage or conservation-architecture to be nominated by the Central Government

(2) The Selection Committee referred to in sub-section (1) shall regulate its own procedure for the purposes of selecting whole-time members and part-time members of the Authority.

20H. *Salary, allowances and meetings of Authority:*—(1) The salaries and allowances payable to the whole-time Chairperson and whole-time members, and the other terms and conditions of their service or fees or allowances payable to the part-time members, of the Authority shall be such as may be prescribed:

Provided that neither the salary and allowances nor the other terms and conditions of service of the whole-time Chairperson and whole-time members shall be varied to their disadvantage after their appointment.

(2) The Authority shall regulate its own procedure for the purposes of holding its meetings (including quorum of such meetings) and granting permissions under this Act.

(3) All the decisions of the Authority shall be published in such manner as it may decide and also on its own website and on the website of the Central Government.

20-I. Functions and powers of Authority.—(1) The Authority shall exercise or discharge the following powers or functions, namely:—

(a) make recommendations to the Central Government for grading and classifying protected monuments and protected areas declared as of national importance under sections 3 and 4, before the commencement of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010;

(b) make recommendations to the Central Government for grading and classifying protected monuments and protected areas which may be declared after the commencement of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010, as of national importance under section 4;

(c) oversee the working of the competent authorities;

(d) to suggest measures for implementation of the provisions of this Act;

(e) to consider the impact of large-scale developmental projects, including public projects and projects essential to the public which may be proposed in the regulated areas and make recommendations in respect thereof to the competent authority;

(f) to make recommendations to the competent authority for grant of permission.

(2) The Authority shall, for the purpose of discharging functions under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) while trying a suit in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents;

(c) any other matter which may be prescribed.

201. Removal of Chairperson and members.—(1) Notwithstanding anything contained in sub-section (3) of section 20F, the President in the case of the Chairperson and the Central Government in the case of whole-time member and part-time member may, by order, remove from office, the Chairperson or any such member of the Authority, if he—

(a) has been adjudged an insolvent; or

(b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

- (c) has become physically or mentally incapable of acting as Chairperson or member; or
- (d) has acquired such financial or other interests as is likely to *affect* prejudicially his functions; or
- (e) has so abused his position as to render his continuance in office prejudicial to the public interest.

(2) The Chairperson or any member of the Authority shall not be removed under clauses (d) and (e) of sub-section (1) unless he has been given a reasonable opportunity of being heard in the matter.

20K. Restriction on future employment by Chairperson and members.—On ceasing to hold office, the Chairperson or whole-time member of the Authority, as the case may be, shall, subject to the provisions of this Act, be ineligible, for a period of five years from the date on which they cease to hold office, for further employment (including as consultant or expert or otherwise) in any institution, agency or organisation of any nature mainly dealing with archaeology, country and town planning, architecture, heritage and conservation-architecture or whose matters had been before the Chairperson or such member.

20L . Power of Central Government to issue directions to Authority.—(1) Without prejudice to the foregoing provisions of this Act, the Authority shall, in exercise of its powers or the discharge of its functions under this Act, be bound by such directions on question of policy, other than those relating to technical and administrative matters, as the Central Government may give in writing to it from time to time: Provided that the Authority shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Central Government, whether a question is one of policy or not, shall be final.

20M. Power of Central Government to issue directions to competent authority.— Without prejudice to the foregoing provisions of this Act, the competent authority shall, in exercise of its powers or the discharge of its functions under this Act, be bound by such directions, as the Central Government may give in writing to it from time to time.

20N. Power of Central Government to supersede Authority.—(1) If, at any time the Central Government is of the opinion,—

- (a) that, on account of circumstances beyond the control of the Authority, it is unable to discharge the functions or perform the duties imposed on it by or under the provisions of this Act; or
- (b) that the Authority has persistently defaulted in complying with any direction given by the Central Government under this Act or in the discharge of the functions or performance of the duties imposed on it by or under the provisions

of this Act and as a result of such default the financial position of the Authority or the administration of the Authority has suffered; or

- (c) that circumstances exist which render it necessary in the public interest so to do, the Central Government may, by notification in the Official Gazette, supersede the Authority for such period, not exceeding six months, as may be specified in the notification and appoint a person or persons as the President may direct to exercise powers and discharge functions under this Act:

Provided that before issuing any such notification, the Central Government shall give a reasonable opportunity to the Authority to make representations against the proposed super session and shall consider the representations, if any, of the Authority.

(2) Upon the publication of a notification under sub-section (1) superseding the Authority,—

- (a) the Chairperson and all other whole-time members and part-time members shall, as from the date of super session, vacate their offices as such;
- (b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the Authority shall, until the Authority is reconstituted under sub-section (3), be exercised and discharged by the person or persons referred to in sub-section (1); and
- (c) all properties owned or controlled by the Authority shall, until the Authority is reconstituted under sub-section(3), vest in the Central Government.

(3) On or before the expiration of the period of super session specified in the notification issued under sub-section (1), the Central Government shall reconstitute the Authority by a fresh appointment of its Chairperson and other whole-time members and part-time members and in such case any person who had vacated his office under clause (a) of sub-section (2) shall not be deemed to be disqualified, subject to the provisions of sub-section (3) of section 20F for reappointment for the remaining period.

(4) The Central Government. shall cause a copy of the notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before each House of Parliament at the earliest.

*20-0 Bar of jurisdiction of civil court.—*No Civil Court shall have jurisdiction in respect of any matter which the Authority is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

20P. Annual report.—(1) The Authority shall prepare once in every year, in such form and at such time as may be prescribed by the Central Government, an annual report giving full description of all the activities of the Authority for the previous year.

(2) A copy of the report received under sub-section (1) shall be laid, as soon as may be after it is received, before each House of Parliament,

20Q. Power to call for information.—Where the Central Government considers it expedient so to do, it may, by order in writing call upon the Authority or the competent authority, as the case may be, to furnish in writing such information, in such form and manner as may be prescribed, relating to its affairs as the Central Government may require.”.

8. Amendment of section 30.—In section 30 of the principal Act,—

(a) in sub-section (1),—

(i) for the words “imprisonment which may extend to three months”, the words “imprisonment which may extend to two years” shall be substituted;

(ii) for the words “fine which may extend to five thousand rupees”, the words “fine which may extend to one lakh rupees” shall be substituted;

(b) in sub-section (2), for the words “fine which may extend to five thousand rupees”, the words “imprisonment which may extend to two years or with fine which may extend to one lakh rupees or with both” shall be substituted.

9. Insertion of new sections 30A, 30B and 30C.—After section 30 of the principal Act, the following sections shall be inserted, namely:—

“30A. Punishment for construction, etc., in prohibited area.—Whoever raises, on and after the date on which the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Bill, 2010, receives the assent of the President, any construction in the prohibited area, shall be punishable with imprisonment not exceeding two years or with fine which may extend to one lakh rupees or with both.

30B. Punishment for construction, etc., in regulated area—Whoever raises, on and after the date on which the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Bill, 2010, receives the assent of the President, any construction in the regulated area without the previous permission of the competent authority or in contravention of the permission granted by the competent authority, shall be punishable with imprisonment not exceeding two years or with fine which may extend to one lakh rupees or with both.

30C. Offences by officers of Government.—If any officer of the Central Government enters into or acquiesces in any agreement to do, abstains from doing, permits, conceals or connives at any act or thing whereby any construction or reconstruction takes place in a prohibited area or regulated area, he shall be punishable with imprisonment for a term which may extend three years, or with fine, or with both.”.

10. Insertion of new sections 35A and 35B.—After section 35 of the principal Act, the following sections shall be inserted, namely:—*J “35A. Obligation to survey the protected prohibited area and regulated areas.—(1) The Director-General shall, within such time as may be specified by the Central Government, conduct a survey or cause survey to be conducted in respect of all prohibited areas and regulated areas for the purpose of detailed site plans.*

(2) A report in respect of such survey referred to in sub-section (1) shall be forwarded to the Central Government and to the Authority.

35B. Identification of un-authorized constructions on or after 16th June, 1992.—(1) The Director-General shall, within such time as may be specified by the Central Government, identify or cause to be identified, all constructions (of whatever nature) made on and after the 16th day of June, 1992 in all prohibited areas and regulated areas and, thereafter, submit from time to time a report in respect thereof to the Central Government.

(2) The Director-General shall, for the purposes of sub section (1), have the power to call for information from the local bodies and other authorities.”.

11. Amendment of section 38.—In section 38 of the principal Act, in sub-section (2), after clause (c), the following clauses shall be inserted, namely:—

- “(ca) the categories of ancient monuments or archaeological sites and remains, declared as of national importance, under sub-section (1) of section 4
- (cb) the manner of making application for grant of permission under sub-section (1) of section 20D;
- (cc) the category of applications in respect of which the permission may be granted and applications which shall be referred to the Authority for its recommendation, under sub-section (2) of section 20D;
- (cd) the other matters including heritage controls such as elevations, facades, drainage systems, roads and service infrastructure (including electric poles, water and sewer pipelines) under sub-section (2) of section 20E;
- (ce) the manner of preparation of detailed site plans in respect of each prohibited area and regulated area and the time within which such heritage bye-laws shall be prepared and particulars to be included in each such heritage bye- laws under sub-section (3) of section 20E;
- (cf) salaries and allowances payable to, and the other terms and conditions of service of, the whole-time Chairperson and whole-time members, or fees or allowances payable to the part-time members, of the Authority under sub-section (1) of section 20H;
- (cg) the form in which and time at which the Authority shall prepare an annual report giving full description of its activities for the previous year under section 20P;
- (ch) the form and manner in which the Authority and competent authority shall furnish information to the Central Government under section 20Q;”.

12. Validation of action taken, etc., under notification No. S.O. 1764, dated 16th

June, 1992.—Notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority-

- (a) any thing done or purported to be done or any action taken or purported to be taken by the Central Government, except as provided in the second proviso to sub-section (3) of section 20A, immediately before the commencement of this Act, in pursuance of the notification of the Government of India in the Department of Culture (Archaeological Survey of India) number S.O.1764, dated the 16th June, 1992 issued under rule 34 of the Ancient Monuments and Archaeological Sites and Remains Rules, 1959, shall be deemed to be and deemed to have always been done or taken validly and in accordance with law at all material times [except as provided in the second proviso to sub-section (3) of section 20A] and no action taken or thing done (including any order made, agreement entered into, or notification issued for constituting any Expert Advisory Committee) in connection with any permission granted or licence issued for any construction in a prohibited area or a regulated area in respect of a protected monument, shall be deemed to be invalid or ever to have become invalid except as provided in the second proviso to sub-section (3) of section 20A merely on the ground that the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958) or the rules, orders or notifications issued thereunder did not contain any provision for constitution of an Expert Advisory Committee or Advisory Committee, as the case may be;
- (b) no suit, claim or other proceedings shall be instituted, maintained or continued in any court, tribunal or other authority for any permission or licence granted by the Central Government or the Director-General under the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958) or any rule, order or notification made there under for carrying out any repair, renovation or construction work or for undertaking any public work or public project before the commencement of this Act;
- (c) no claim or challenge shall be made in or entertained by any court, tribunal or other authority solely on the ground that the Central Government or the Director-General did not take into consideration any of the provisions of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958) as amended by the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010, in granting any permission or licence for the purpose of carrying out any mining or repair, renovation or construction work in a prohibited area or a regulated area at any time between the 16th day of June, 1992 and the date of commencement of this Act.

13. Repeal and savings.—(1) The Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Ordinance, 2010 (Order 1 of 2010), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act.

THE ANCIENT MONUMENTS AND ARCHAEOLOGICAL SITES AND REMAINS ACT, 1958

INTRODUCTION

There are two Acts relating to ancient monuments—The Ancient Monuments Preservation Act, 1904, and the Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Act, 1951. The Act of 1951 merely declares certain monuments, etc., to be of national importance and the Act of 1904 applies also to such monuments. While under the Constitution of India, the subject “Ancient and historical monuments; archaeological monuments; archaeological sites and remains”, has been distributed under three heads, namely:—Union List, Entry 67—Ancient and historical monuments and records, and archaeological sites and remains, declared by or under law made by Parliament to be of national importance; State list, Entry 12— Ancient and historical monuments and records other than those declared by or under law made by Parliament to be of national importance; and concurrent List, Entry 40—Archaeological sites and remains other than those declared by or under law made by Parliament to be of national importance. The Act of 1904 governs all ancient monuments whether falling in the Central field or the State field, and vests all executive powers in the Central Government. The then existing position relating to ancient monuments was found to be unsatisfactory, and the need was felt to legislate a self-contained law at the Centre which would apply exclusively to ancient monuments, etc., of national importance falling under Union List, Entry 67 and to archaeological sites and remains falling under Concurrent List, Entry 40. To achieve this objective the Ancient Monuments and Archaeological Sites and Remains Bill was introduced in the Parliament.

STATEMENT OF OBJECTS AND REASONS

Under the Government of India Act, 1935, the subject “Ancient and historical monuments; archaeological monuments; archaeological sites and remains” fell within Entry 15 of the Federal List. Under the Constitution, this subject has been distributed under three different heads, namely,—

Entry 67, Union List—Ancient and historical monuments and records, and archaeological sites and remains, declared by or under law made by Parliament to be of national importance.

Entry 12, State List—Ancient and historical monuments and records other than those declared by or under law made by Parliament to be of national importance, and

Entry 40, Concurrent List—Archaeological sites and remains other than those declared by or under law made by Parliament to be of national importance.

There are at present two Acts in force relating to ancient monuments—the Ancient Monuments Preservation Act, 1904, and the Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Act, 1951. The Act of 1951 merely declares certain monuments etc., to be of national importance and the Act of 1904 applies also to such monuments.

While the Constitution has distributed the subject-matter under three different heads the Act of 1904 governs all ancient monuments whether falling in the Central field or the State field, and vests all executive power in the Central Government. The position of the existing law relating to ancient monuments is far from satisfactory. The present Bill purports to be a self-contained law at the Centre which will apply exclusively to ancient monument, etc., of national importance falling under Entry 67 of List 1 and to archaeological sites and remains falling under Entry 40 in the Concurrent List. Simultaneously, the State Governments would be advised to enact a similar law in respect of ancient monument etc., falling under Entry 12 in the State List. In this manner, the Central and State fields will be clearly demarcated and the existing confusion and overlapping of jurisdiction arising from the Act of 1904 will be eliminated.

2. The Bill is broadly modelled on the Act of 1904. It, however, contains a few new provisions which are intended to overcome certain difficulties which have been experienced in the working of the Act of 1904. Some of the important new provisions are as follows:

- (a) The Act of 1904 confers wide powers upon Collectors. In the interests of uniformity and integrated policy, it is proposed to transfer some of these functions to the Director-General of Archaeology.
- (b) The Constitution (Seventh Amendment) Act, 1956, permits the declaration of ancient monuments, etc., to be of national importance by notification. Clause 4 of the Bill confers the necessary powers on the Central Government in this behalf.
- (c) One of the main difficulties experienced in regard to protected monuments etc., owner by private persons is the refusal of such owners to enter into an agreement with the Central Government for the maintenance of the monuments. The Bill provides that where an owner of a protected monument refuses to enter into such agreement, the Central Government may make an order for the maintenance of the monument which shall be binding on the owner. (Clause 9).
- (d) Power is being given to regulate excavation in archaeological sites which are not declared to be of national importance. (Clause 24).
- (e) Provision is being made for compulsory purchase of antiquities and other objects of historical or archaeological importance on payment of compensation [Clauses 23 (3) and 28].

3. The Act of 1951, and section 126 of the States Reorganisation Act, 1956, are being repealed without affecting the declarations made thereby.”

ACT 24 OF 1958

The Ancient Monuments and Archaeological Sites and Remains Bill having been passed by both the Houses of Parliament received the assent of the President on 28th August, 1958. It came on the Statute Book as THE ANCIENT MONUMENTS AND ARCHAEOLOGICAL SITES AND REMAINS ACT, 1958 (24 of 1958).

LIST OF AMENDING ACTS AND ORDINANCE

1. The Antiquities and Art. Treasures Act, 1972 (52 of 1972) (w.e.f. 5-4-1976).
2. The Delegated Legislation Provisions (Amendment) Act, 2004 (4 of 2005) (w.e.f. 11-1-2005).
3. The Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010 (10 of 2010).

THE ANCIENT MONUMENTS AND ARCHAEOLOGICAL SITES AND REMAINS ACT, 1958¹

(24 of 1958)

[28th August, 1958]

An Act to provide for the preservation of ancient and historical monuments and archaeological sites and remains of national importance, for the regulation of archaeological excavations and for the protection of sculptures, carvings and other like object.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called The Ancient Monuments and Archaeological Sites and Remains Act, 1958.

²[(2) It extends to the whole of India.]

(3) It shall come into force on such date³ as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—In this Act, unless the context otherwise requires,---

- (a) “ancient monument” means any structure, erection or monument, or any tumulus or place of interment, or any cave, rock sculpture, inscription or monolith, which is of historical, archaeological or artistic interest and which has been in existence for not less than one hundred years, and includes—
- (i) the remains of an ancient monument,
 - (ii) the site of an ancient monument,
 - (iii) such portion of land adjoining the site of an ancient monument as may be required for fencing or covering in or otherwise preserving such monument, and
 - (iv) the means of access to, and convenient inspection of an ancient monument;
- (b) “antiquity” includes—
- (i) any coin, sculpture, manuscript, epigraph, or other work of art or craftsmanship,

¹ The Act has been extended to —

(a) The Union Territory of Goa, Daman and Diu, by Goa, Daman and Diu (Laws) Regulation, 12 of 1962 (w.e.f. 15-8-1963). Goa is now a State, *vide* Act 18 of 1987, sec. 3 (w.e.f.30-5-1987).

(b) The Union territory of Dadra and Nagar Haveli, i’y Dadra and Nagar Haveli (Laws) Regulation, 6 of 1963 (w.e.f. 1-7-1965>.

(c) The Union Territory of Pondicherry by Pondicherry (Laws) Regulation, 7 of 1963 (w.e.f. 1-10-1963).

² Subs. by Act 52 of 1972, sec. 33, for sub-section (2) (w.e.f. 5-4-1976).

³ Came into force on 15-10-1959, *vide* S.O. 2307, dated 15th October, 1959, published in the Gazette of India, Extra., Pt. II, Sec. 3 (1) dated 15th October, 1959. In Sikkim came into force on 1-4-1980, *vide* Gazette of India, Pt. 11, Sec. 3 (i), dated 29th March, 1980.

- (ii) any article, object or thing detached from a building or cave,
- (iii) any article, object or thing illustrative of science, art, crafts, literature, religion, customs, morals or politics in bygone ages,
- (iv) any article, object or thing of historical interest, and
- (v) any article, object or thing declared by the Central Government by notification in the Official Gazette, to be an antiquity for the purposes of this Act.

which has been in existence for not less than one hundred years;

- (c) ‘archaeological officer’ means an officer of the Department of Archaeology of the Government of India not lower in rank than Assistant Superintendent of Archaeology;
- (d) “archaeological site and remains” means any area which contains or is reasonably believed to contain ruins or relics of historical or archaeological importance which have been in existence for not less than one hundred years, and includes—
 - (i) such portion of land adjoining the area as may be required for fencing or covering in or otherwise preserving it, and
 - (ii) the means of access to, and convenient inspection of the area;

¹[(da)“Authority” means the National Monuments Authority constituted under section 20F;]

¹[(db) “competent authority” means an officer not below the rank of Director of archaeology or Commissioner of archaeology of the Central or State Government or equivalent rank, specified, by notification in the Official Gazette, as the competent authority by the Central Government to perform functions under this Act:

Provided that the Central Government may, by notification in the Official Gazette, specify different competent authorities for the purpose of sections 20C, 20D and 20E;]

¹[(dc)“construction” means any erection of a structure or a building, including any addition or extension thereto either vertically or horizontally, but does not include any re-construction, repair and renovation of an existing structure or building, or, construction, maintenance and cleansing of drains and drainage works and of public latrines, urinals and similar conveniences, or, the construction and maintenance of works meant for providing supply of water for public, or, the construction or maintenance, extension, management for supply and distribution of electricity to the public or provision for similar facilities for public;]

- (e) “Director-General” means the Director-General of Archaeology, and includes any officer authorised by the Central Government to perform the duties of the Director-General;
- (f) “maintain”, with its grammatical variations and cognate expressions, includes the fencing, covering in, repairing, restoring and cleansing of a protected

¹ Ins, by Act 10 of 2010, sec. 2(i) (w.r.e.f. 16-6-1992).

monument, and the doing of any act which may be necessary for the purpose of preserving a protected monument or of securing convenient access thereto;

(g) “owner” includes—

- (i) a joint owner invested with powers of management on behalf of himself and other joint owners and the successor-in-title of any such owner; and
- (ii) any manager or trustee exercising powers of management and the successor-in-office of any such manager or trustee;

(h) “prescribed” means prescribed by rules made under this Act;

¹[(ha) “prohibited area” means any area specified or declared to be a prohibited area under section 20A;]

(i) “protected area” means any archaeological site and remains which is declared to be of national importance by or under this Act;

(j) “protected monument” means any ancient monument which is declared to be of national importance by or under this Act;

²[(k) “re-construction” means any erection of a structure or building to its re-existing structure, having the same horizontal and vertical limits;]

²[(l) “regulated area” means any area specified or declared under section

²[(m) “repair and renovation” means alterations to a pre-existing structure or building, but shall not include construction or re-construction;]

COMMENTS

Protected area

Jaisalmer Fort including ancient temple has been declared to be ancient and historical monuments and archaeological sites and remains of national importance. Thus, the combined effect of clauses (d) and (i) of section 2 and section 3 of the Act is that Jaisalmer Fort with its entire precincts is a protected area being an archaeological site and remains of national importance for the purpose of the Act and, therefore, the respondents (Union of India and others) are within their right to proceed against any building constructed by any person within that area in contravention of the provision of sub-section (1) of section 19 of the Act; *Han Shanker v. Union of India*, AIR 2000 Rajasthan 26.

Protected monument

Sri Kollur Mookambika temple is not an “ancient monument”. It is also declared to be of National importance. Therefore it cannot be declared “protected monument”; *K. Shivara, n Karanath v. State of Karnataka*, AIR 2000 Kant 193.

³[2A. Construction of references to any law not in force in the State of Jammu and Kashmir.—Any reference in this Act to any law which is not in force in the State of Jammu and Kashmir shall, in relation to that State, be construed as a reference to the corresponding law, if any, in force in that State.]

¹ Ins, by Act 10 of 2010, sec. 2(ii) (w.r.e.f. 16-6-1992).

² Ins, by Act 10 of 2010, sec. 2(iii) (w.r.e.f. 16-6-1992).

³ Ins, by Act 52 of 1972, sec. 33 (w.e.f. 5-4-1976).

ANCIENT MONUMENT AND ARCHAEOLOGICAL SITES AND REMAINS OF NATIONAL IMPORTANCE

3. Certain ancient monuments, etc., deemed to be of national importance.—All ancient and historical monuments and all archaeological sites and remains which have been declared by the Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Act, 1951 (71 of 1951), or by section 126 of the State Reorganizations Act, 1956 (37 of 1956), to be of national importance shall be deemed to be ancient and historical monuments or archaeological sites and remains declared to be of national importance for the purpose of this Act.

4. Power of Central Government to declare ancient monument, etc., to be of national importance.—(1) Where the Central Government is of opinion that any ancient monument or archaeological site and remains not included in section 3 is of national importance, it may, by notification in the Official Gazette, give two months' notice of its intention to declare such ancient monument or archaeological site and remains to be of national importance; and a copy of every such notification shall be affixed in a conspicuous place near the monument or site and remains, as the case may be.

(2) Any person interested in any such ancient monument or archaeological site and remains may, within two months after the issue of the notification, object to the declaration of the monument, or the archaeological site and remains, to be of national importance.

(3) On the expiry of the said period of two months, the Central Government may, after considering the objections, if any, received by it, declare by notification in the Official Gazette, the ancient monument or the archaeological site and remains, as the case may be, to be of national importance.

(4) A notification published under sub-section (3) shall, unless and until it is withdrawn, be conclusive evidence of the fact that the ancient monument or archaeological site and remains to which it relates is of national importance for the purposes of this Act.

¹[**4A. Categorisation and classification in respect of ancient monuments or archaeological sites and remains declared as of national importance under sections 3 and 4.**—(1) The Central Government shall, on the recommendation of the Authority, prescribe categories in respect of ancient monuments or archaeological sites and remains declared as of national importance under sections 3 and 4, and while prescribing such categories it shall have regard to the historical, archaeological and architectural value and such other factors as may be relevant for the purpose of such categorisation.

(2) The Central Government shall, on the recommendation of the Authority, classify all the ancient monuments or archaeological sites and remains declared as of national importance under sections 3 and 4, in accordance with the categories prescribed under sub-section (1) and thereafter make the same available to the public and exhibit the same on its website and also in such other manner as it may deem fit.]

¹ Ins, by Act 10 of 2010, sec. 3 (w.e.f. 29-3-2010).

COMMENTS

Historical monuments

Viceregal Lodge at Shimla is a harbinger of Colonial past, with architecturally grandeur and beauty of Elizabethian Era and stands a mute witness to the transition of independence to the people of India after sustained non-violent struggle by the Father of Nation, Mahatma Gandhi. The Government of India was directed to notify the entire area of the Viceregal Lodge as a protected ancient monument. Thus the protection and preservation of Viceregal Lodge and the appurtenant land as historical heritage has become *fait accompli* by the order of the Supreme Court. Supreme Court also directed the Government of India to maintain all national monuments under the respective Acts and to ensure that all of them are properly maintained; *Rajeev Mankotia v. Secretary to the President of India*, AIR 1997 SC 2766.

PROTECTED MONUMENTS

5. Acquisition of rights in a protected monument.—(1) The Director-General may, with the sanction of the Central Government, purchase, or take a lease of, or accept a gift or bequest of, any protected monument.

(2) Where a protected monument is without an owner, the Director-General may, by notification in the Official Gazette, assume the guardianship of the monument.

(3) The owner of any protected monument may, by written instrument, constitute the Director-General the guardian of the monument, and the Director-General may, with the sanction of the Central Government, accept such guardianship.

(4) When the Director-General has accepted the guardianship of a monument under subsection (3), the owner shall, except as expressly provided in this Act, have the same estate, right, title and interest in and to the monument as if the Director-General has not been constituted a guardian thereof.

(5) When the Director-General has accepted the guardianship of a monument under subsection (3), the provisions of this Act relating to agreements executed under section 6 shall apply to the written agreements executed under the said sub-section.

(6) Nothing in this section shall affect the use of any protected monument for customary religious observances.

6. Preservation of protected monument by agreement.—(1) The Collector, when so directed by the Central Government, shall propose to the owner of a protected monument to enter into an agreement with the Central Government within a specified period for the maintenance of the monument.

(2) An agreement under this section may provide for all or any of the following matters, namely:—

- (a) the maintenance of the monument;
- (b) the custody of the monument and the duties of any person who may be employed to watch it;
- (c) the restriction of the owner's right—
 - (i) to use the monument for any purpose,
 - (ii) to charge any fee for entry into or inspection of, the monument,

- (iii) to destroy, remove, alter or deface the monument, or (iv) to build on or near the site of the monument
- (d) the facilities of access to be permitted to the public or any section thereof or to archaeological officers or to persons deputed by the owner or any archaeological officer or the Collector to inspect or maintain the monument;
- (e) the notice to be given to the Central Government in case the land on which the monument is situated or any adjoining land is offered for sale by the owner, and the right to be reserved to the Central Government to purchase such land or any specified portion of such land, at its market value;
- (f) the payment of any expenses incurred by the owner or by the Central Government in connection with the maintenance of the monument;
- (g) the proprietary or other rights which are to vest in the Central Government in respect of the monument when any expenses are incurred by the Central Government in connection with the maintenance of the monument;
- (h) the appointment of an authority to decide any dispute arising out of the agreement; and
- (i) any matter connected with the maintenance of the monument which is a proper subject of agreement between the owner and the Central Government.

(3) The Central Government or the owner may, at any time after the expiration of three years from the date of execution of an agreement under this section, terminate it on giving six months' notice in writing to the other party: Provided that where the agreement is terminated by the owner, he shall pay to the Central Government the expenses, if any, incurred by it on the maintenance of the monument during the five years immediately preceding the termination of the agreement or, if the agreement has been in force for a shorter period, during the period the agreement was in force.

(4) An agreement under this section shall be binding of any person claiming to be the owner of the monument to which it relates, from, through or under a party by whom or on whose behalf the agreement was executed.

7. Owners under disability or not in possession.—(1) If the owner of a protected monument is unable, by reason of infancy or other disability, to act for himself, the person, legally competent to act on his behalf may exercise the powers conferred upon an owner by section 6.

(2) In the case of village property, the headman or other village-officer exercising powers of management over such property may exercise the powers conferred upon an owner by section 6.

(3) Nothing in this section shall be deemed to empower any person not being of the same religion as the person on whose behalf he is acting to make or execute an agreement

relating to a protected monument which or any part of which is periodically used for the religious worship or observances of that religion.

8. Application of endowment to repair a protected monument.—(1) If any owner or other person competent to enter into an agreement under section 6 for the maintenance of a protected monument refuses or fails to enter into such an agreement, and if any endowment has been created for the purpose of keeping such monument in repair or for that purpose among others, the Central Government may institute a suit in the court of the district Judge, or if the estimated cost of repairing the monument does not exceed one thousand rupees, may make an application to the district Judge, for the proper application of such endowment or part thereof.

(2) On the hearing of an application under sub-section (1), the district Judge may summon and examine the owner and any person whose evidence appears to him necessary and may pass an order for the proper application of the endowment or of any part thereof, and any such order may be executed as if it were a decree of a civil court.

9. Failure or refusal to enter into an agreement.—(1) If any owner or other person competent to enter into an agreement under section 6 for the maintenance of a protected monument refuses or fails to enter into such an agreement, the Central Government may make an order providing for all or any of the matters specified in sub-section (2) of section 6 and such order shall be binding on the owner or such other person and on every person claiming title to the monument from, through or under, the owner or such other person.

(2) Where an order made under sub-section (1) provides that the monument shall be maintained by the owner or other person competent to enter into an agreement, all reasonable expenses for the maintenance of the monument shall be payable to the Central Government.

(3) No order under sub-section (1) shall be made unless the owner or other person has been given an opportunity of making a representation in writing against the proposed order.

10. Power to make order prohibiting contravention of agreement under section 6.—(1) If the Director-General apprehends that the owner or occupier of a protected monument intends to destroy, remove, alter, deface, imperil or misuse the monument or to build on or near the site thereof in contravention of the terms of an agreement under section 6, the Director-General may, after giving the owner or occupier an opportunity of making a representation in writing, make an order prohibiting any such contravention of the agreement: Provided that no such opportunity may be given in any case where the Director-General, for reasons to be recorded, is satisfied that it is not expedient or practicable to do so.

(2) Any person aggrieved by an order under this section may appeal to the Central Government within such time and in such manner as may be prescribed and the decision of the Central Government shall be final.

11. Enforcement of agreement.—(1) If an owner or other person who is bound by an agreement for the maintenance of a monument under section 6 refuses or fails within such reasonable time as the Director-General may fix, to do any act which in the opinion of the

Director-General is necessary for the maintenance of the monument, the Director-General may authorize any person to do any such act, and the owner or other person shall be liable to pay the expenses of doing any such act or such portion of the expenses as the owner may be liable to pay under the agreement.

(2) If any dispute arises regarding the amount of expenses payable by the owner or other person under sub-section (1), it shall be referred to the Central Government whose decision shall be final.

12. Purchasers at certain sales and persons claiming through owner bound by instrument executed by owner.—Every person who purchases, at a sale for arrears of land revenue or any other public demand, any land on which is situated a monument in respect of which any instrument has been executed by the owner for the time being under section 5 or section 6, and every person claiming any title to a monument from, through or under, an owner who executed any such instrument, shall be bound by such instrument.

13. Acquisition of protected monuments.—If the Central Government apprehends that a protected monument is in danger of being destroyed, injured, misused, or allowed to fall into decay, it may acquire the protected monument under the provisions of the Land Acquisition Act, 1894 (.1 of 1894), as if the maintenance of the protected monument were a public purpose within the meaning of that Act.

14. Maintenance of certain protected monuments.—(1) The Central Government shall maintain every monument which has been acquired under section 13 or in respect of which any of the rights mentioned in section 5 have been acquired. (2) When the Director-General has assumed the guardianship of a monument under section 5, he shall, for the purpose of maintaining such monument, have access to the monument at all reasonable times, by himself and by his agents, subordinates and workmen, for the purpose of inspecting the monument and for the purpose of bringing such materials and doing such acts as he may consider necessary or desirable for the maintenance thereof.

15. Voluntary contributions.—The Director-General -may receive voluntary contributions towards the costs of maintaining a protected monument and may give orders as to the management and application of any funds so received by him:

Provided that no contribution received under this section shall be applied to any purpose other than the purpose for which it was contributed.

16. Protection of place of worship from misuse, pollution or desecration.—(1) A protected monument maintained by the Central Government under this Act which is a place of- worship or shrine shall not be used for any purpose inconsistent with its character.

(2) Where the Central Government has acquired a protected monument under section 13, or where the Director-General has purchased, or taken a lease or accepted a gift or bequest or assumed guardianship of a protected monument under section 5 and such monument or any part thereof is used for religious worship or observances by any community, the Collector shall make due provision for the protection of such monument or part thereof, from pollution or desecration—

(a) by prohibiting the entry therein, except in accordance with the conditions prescribed with the concurrence of the persons, if any, in religious charge of the said monument or part thereof, of any person not entitled so to enter by the religious usages of the community by which the monument or part thereof is used, or (b) by taking such other action as he may think necessary in this behalf.

17. Relinquishment of Government rights in a monument.—With the sanction of the Central Government, the Director-General may,—

(a) where rights have been acquired by the Director-General in respect of any monument under this Act by virtue of any sale, lease, gift or will, relinquish, by notification in the Official Gazette, the rights so acquired to the person who would for the time being be the owner of the monument if such rights had not been acquired; or

(b) relinquish any guardianship of a monument which he has assumed under this Act.

18. Right of access to protected monument.—Subject to any rules made under this Act, the public shall have a right of access to any protected monument.

COMMENTS

Section 18 of the Act only creates a right in the public to have access to any protected monument. It would of course, be subject to any rule made under the Act, but by no stretch of imagination this provision can be pressed into service for prescribing any age beyond which a guide shall not have the right to hold a licence to carry on his profession. The right to access to monuments given under section 18 to the public is apparently not connected with the profession which is carried on by the guide holding an identify card! licence issued by the competent authority. As a member of public even a guide may have a right to visit or enter into a protected monument complying with the rules which may be applicable to any visitors/tourists as member of the public; *B.P. Sharma v. Union of India*, AIR 2003 SC 3863.

PROTECTED AREAS

19. Restrictions on enjoyment of property rights in protected areas.—(1) No person, including the owner or occupier of a protected area, shall construct any building within the protected area or carry on any mining, quarrying, excavating, blasting or any operation of a like nature in such area, or utilise such area or any part thereof in any other manner without the permission of the Central Government:

Provided that nothing in this sub-section shall be deemed to prohibit the use of any such area or part thereof for purposes of cultivation if such cultivation does not involve the digging of not more than one foot of soil from the surface.

(2) The Central Government may, by order, direct that any building constructed by any person within a protected area in contravention of the provisions of sub-section (1) shall be removed within a specified period and, if the person refuses or fails to comply with the order the Collector may cause the building to be removed and the person shall be liable to pay the cost of such removal.

COMMENTS

Jaiselmer Fort with its entire area precincts is a protected area being an archaeological site and remains of national importance for the purposes of the Act and, therefore, the competent authority are within their right to proceed against any building constructed by any person within that area; *Han Shankar v. Union of India*, AIR 2000 Rajasthan 26.

20. Power to acquire a protected area.—If the Central Government is of opinion that any protected area contains an ancient monument or antiquities of national interest and value, it may acquire such area under the provisions of the Land Acquisition Act, 1894 (1 of 1894), as if the acquisition were for a public purpose within the meaning of that Act.

¹“PROHIBITED AND REGULATED AREAS

20A. Declaration of prohibited area and carrying out public work or other works in prohibited area.—Every area, beginning at the limit of the protected area or the protected monument, as the case may be, and extending to a distance of one hundred metres in all directions shall be the prohibited area in respect of such protected area or protected monument:

Provided that the Central Government may, on the recommendation of the Authority, by notification in the Official Gazette, specify an area more than one hundred metres to be the prohibited area having regard to the classification of any protected monument or protected area, as the case may be, under section 4A.

(2) Save as otherwise provided in section 20C, no person, other than an archaeological officer, shall carry out any construction in any prohibited area.

(3) In a case where the Central Government or the Director-General, as the case may be, is satisfied that—

- (a) it is necessary or expedient for carrying out such public work or any project essential to the public; or
- (b) such other work or project, in its opinion; shall not have any substantial adverse impact on the preservation, safety, security of or, access to, the monument or its immediate surrounding,

it or he may, notwithstanding anything contained in sub-section (2), in exceptional cases and having regard to the public interest, by order and for reasons to be recorded in writing, permit, such public work or project essential to the public or other constructions, to be carried out in a prohibited area:

Provided that any area near any protected monument or its adjoining area declared, during the period beginning on or after the 16th day of June, 1992 but ending before the date on which the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Bill, 2010, receives the assent of the President*, as a prohibited area in respect of such protected monument, shall be deemed to be the prohibited area declared in respect of that protected monument in accordance with the provisions of this Act and any permission or licence granted by the Central Government or the Director-General, as the case may be, for the construction within the prohibited area on the basis of the recommendation of the Expert

¹ Ins, by Act 10 of 2010, sec. 4 (*w.r.e.f.* 16-6-1992).

* 29th March, 2010.

Advisory Committee, shall be deemed to have been validly granted in accordance with the provision of this Act, as if this section had been in force at all material times.

Provided further that nothing contained in the first proviso shall apply to any permission granted, subsequent to the completion of construction or re-construction of any building or structure in any prohibited area in pursuance of the notification of the Government of India in the Department of Culture (Archaeological Survey of India) number S.O.1764, dated the 16th June, 1992 issued under rule 34 of the Ancient Monuments and Archaeological Sites and Remains Rules, 1959, or, without having obtained the recommendations of the Committee constituted in pursuance of the order of the Government of India number 24/22/2006-M, dated the 20th July, 2006 (subsequently referred to as the Expert Advisory Committee in orders dated the 27th August, 2008 and the 5th May, 2009).]

¹[(4) No permission, referred to in sub-section (3), including carrying out any public work or project essential to the public or other constructions, shall be granted in any prohibited area on and after the date on which the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Bill, 2010 receives the assent of the President.]

²**[2oB. Declaration regulated area in respect of every protected. monument.—**Every area, begin in at the limit of prohibited area in respect of every ancient monument and archaeological site and remains, declared as of national importance under sections 3 and 4 and extending to a distance of two hundred meters in all directions shall be the regulated area in respect of every ancient monument and archaeological site and remains:

Provided that the Central Government may, notification in the Official Gazette, specify an area more than two hundred meters to be the regulated area having regard to the classification of any protected monument or protected area, as the case may be, under section 4A:

Provided further that any area near protected monument or its adjoining area declared, during the Fio1Eiegiining on or after the 6th day of June, 1992 but ending before the date on which the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Bill, 2010, receives the assent of the President*, as a regulated area in respect of such protected monument, shall be deemed to be the regulated area declared in respect of that protected monument in accordance with the provisions of this Act and any permission or license granted for construction in such regulated area shall, be deemed to have been validly granted in accordance with the provisions of this Act, as if this section had been in force at all material times.]

³**[20C. Application for repair or renovation in prohibited area, or construction or re-construction or repair or renovation in regulated area.—** (1) Any person, who owns any building or structure, which existed in a prohibited area before the 16th day of June, 1992, or, which had been subsequently constructed with the approval of the Director-General and desires to carry out any repair or renovation of such building or structure, may make an

¹ Ins, by Act 10 of 2010, sec. 5 (w.e.f. 29-3-2010)

² Ins, by Act 10 of 2010, sec. 6 (w.e.f. 16-6-1992)

³ Ins, by Act 10 of 2010, sec. 7 (w.e.f. 29-3-2010)

* 29th March, 2010.

application to the competent authority for carrying out such repair or renovation as the case may be.

(2) Any person, who owns or possesses any building or structure or land in any regulated area, and desires to carry out any construction or re-construction or repair or renovation of such building or structure on such land, as the case may be, may make an application to the competent authority for carrying out construction or re-construction or repair or renovation, as the case may be.]

¹[GRANT OF PERMISSION BY COMPETENT AUTHORITY

20D. Grant of permission by competent authority within regulated area.— (1) Every application for grant of permission under section 20C of this Act shall be made to the competent authority in such manner as may be prescribed.

(2) The competent authority shall, within fifteen days of the receipt of the application, forward the same to the Authority to consider and intimate impact of such construction (including the impact of large-scale development project, public project and project essential to the public) having regard to the heritage bye-laws relating to the concerned protected monument or protected area, as the case may be:

Provided that the Central Government may prescribe the category of applications in respect of which the permission may be granted under this sub-section and the application which shall be referred to the Authority for its recommendations.

(3) The Authority shall, within two months from the date of receipt of application under sub-section (2), intimate to the competent authority impact of such construction (including the impact of large-scale development project, public project and project essential to the public).

(4) The competent authority shall, within one month of the receipt of intimation from the Authority under sub-section (3), either grant permission or refuse the same as so recommended by the Authority.

(5) The recommendations of the Authority shall be final.

(6) In case the competent authority refuses to grant permission under this section, it shall, by order in writing, after giving an opportunity to the concerned person, intimate such refusal within three months from the date of receipt of the application. to the applicant, the Central Government and the Authority.

(7) If the competent authority, after grant of the permission under sub-section (4) and during the carrying out of the repair or renovation work or re-construction of building or construction referred to in that sub-section, is of the opinion (on the basis of material in his possession or otherwise) that such repair or renovation work or re-construction of building or construction is likely to have an adverse impact on the preservation, safety, security or access to the monument considerably, it may refer the same to the Authority for its recommendations and if so recommended, withdraw the permission granted under sub-section (4) if so required:

¹ Ins, by Act 10 of 2010, sec. 7 (w.e.f, 29-3-2010).

Provided that the competent authority may, in exceptional cases, with the approval of the Authority grant permission to the applicant referred to in sub-section (2) of section 20C until the heritage bye-laws have been prepared under sub-section (1) of section 20E and published under sub-section (7) of that section.

(8) The Central Government, or the Director-General, as the case may be, shall exhibit, on their website, all the permissions granted or refused under this Act.]

¹[**20E. Heritage bye-laws.**—(1) The competent authority, in consultation with Indian National Trust for Arts and Cultural Heritage, being a trust registered under the Indian Trusts Act, 1882 (2 of 1882), or such other expert heritage bodies as may be notified by the Central Government, shall prepare heritage bye-laws in respect of each protected monument and protected area:

(2) The heritage bye-laws referred to in sub-section (1) shall, in addition to such matters as may be prescribed, include matters relating to heritage controls such as elevations, facades, drainage systems, roads and service infrastructure (including electric poles, water and sewer pipelines).

(3) The Central Government shall, by rules, specify the manner of preparation of detailed site plans in respect of each protected area or protected monument or prohibited area or regulated area, the time within which such heritage bye-laws shall be prepared and particulars to be included in each such heritage bye-laws.

(4) The competent authority for the purpose of preparation of detailed site plans and heritage bye-laws may appoint such number of experts or consultants as it may deem fit.

(5) A copy of each of the heritage bye-laws prepared under sub-section (1) shall be forwarded to the Authority for its approval.

(6) A copy of the heritage bye-laws as approved by the Authority under sub-section (5) shall be laid before each House of Parliament.

(7) Each heritage bye-laws shall, be made available by the competent authority to the public, by exhibiting the same on its website and also in such other manner as it may deem fit, immediately after laying the same before each House of Parliament.]

¹[**NATIONAL MONUMENTS AUTHORITY**

20F. Constitution Of National Monuments Authority.—(1) The Central Government shall, by notification in the Official Gazette, constitute an Authority' to be called as the National Monuments Authority.

(2) The Authority shall consist of, -

- (a) a Chairperson, on whole-time basis, to be appointed by the President, having proven experience and expertise in the fields of archaeology, country and town planning, architecture, heritage, conservation- architecture or law;
- (b) such number of members not exceeding five whole-time members and five part-time members to be appointed, on the recommendation of the Selection Committee referred to in section 20G. by the Central Government, having proven experience and expertise in the fields of archaeology, country and town planning, architecture, heritage, conservation-architecture or law;

¹ Ins, by Act 10 of 2010, sec. 7 (w.e.f. 29-3-2010).

(c) the Director-General as member, *ex officio*

(3) The tenure of the whole-time Chairperson or every whole-time member and every part-time member, of the Authority shall be three years from the date on which he assumes office as such and shall not be eligible for re-appointment:

Provided that, save as otherwise provided in clause (c) of sub-section (2), any person who has held any post in the Archaeological Survey of India or in the Ministry of Culture of the Government of India or a State Government or has not been found fit to be considered for being appointed to any such post shall, not be eligible to be appointed as the Chairperson or a member of the Authority:

Provided further that any person, who had either been granted a permission or license or refused any such permission or refused grant of a license or any person or any of his relative having any interest in a prohibited area or a regulated area shall not be eligible to be appointed as a Chairperson or member.

Explanation.—For the purposes of this section, “relative” means—

- (i) spouse of the Chairperson or member of the Authority;
- (ii) brother or sister of the Chairperson or member of the Authority;
- (iii) brother or sister of the spouse of the Chairperson or member of the Authority;
- (iv) brother or sister of either of the parents of the Chairperson or member of the Authority;
- (v) any lineal ascendant or descendant of the Chairperson or member of the Authority;
- (vi) any lineal ascendant or descendant of the spouse of the Chairperson or member of the Authority;
- (vii) spouse of the person referred to in clauses (ii) to (vi);

(4) An officer, not below the rank of Joint Secretary to the Government of India, shall be the Member Secretary of the Authority.

(5) The Central Government shall provide such number of officers and other employees as may be necessary for discharge of functions by the Authority under this Act.]

¹[20G. Selection Committee for selection of members of Authority.—(1) Every whole-time member and every part-time member of the Authority shall be selected by a Selection Committee consisting of the following persons, namely:—

- (a) Cabinet Secretary — Chairperson, *ex officio*;
- (b) Secretary in the Ministry of Culture — member, *ex officio*;
- (c) Secretary in the Ministry of Urban development — member, *ex officio*;
- (d) three experts, having proven experience and expertise in the fields of archaeology, architecture, heritage or conservation-architecture to be nominated by the Central Government.

(2) The Selection Committee referred to in sub-section (1) shall regulate its own procedure for the purposes of selecting whole-time members and part-time members of the Authority.]

¹ Ins, by Act 10 of 2010, sec. 7 (w.e.f. 29-3-2010).

¹[**20H. Salary, allowances and meetings of Authority.**—(1) The salaries and allowances payable to the whole-time Chairperson and whole-time members, and the other terms and conditions of their service or fees or allowances payable to the part-time members, of the Authority shall be such as may be prescribed:

Provided that neither the salary and allowances nor the other terms and conditions of service of the whole-time Chairperson and whole-time members shall be varied to their disadvantage after their appointment.

(2) The Authority shall regulate its own procedure for the purposes of holding its meetings (including quorum of such meetings) and granting permissions under this Act.

(3) All the decisions of the Authority shall be published in such manner as it may decide and also on its own website and on the website of the Central Government.]

¹[**20-I. Functions and powers of Authority.**—(1) The Authority shall exercise or discharge the following powers or functions, namely:—

- (a) make recommendations to the Central Government for grading and classifying protected monuments and protected areas declared as of national importance under sections 3 and 4, before the commencement of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010*;
- (b) make recommendations to the Central Government for grading and classifying protected monuments and protected areas which may be declared after the commencement of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010*, as of national importance under section 4;
- (c) oversee the working of the competent authorities;
- (d) to suggest measures for implementation of the provisions of this Act;
- (e) to consider the impact of large-scale developmental projects, including public projects and projects essential to the public which may be proposed in the regulated areas and make recommendations in respect thereof to the competent authority;
- (f) to make recommendations to the competent authority for grant of permission.

(2) The Authority shall, for the purpose of discharging functions under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) while trying a suit in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) any other matter which may be prescribed]

¹[**20J. Removal of Chairperson and members.**—(1) notwithstanding anything contained in sub-section (3) of section 20F, the President in the case of the Chairperson and the Central Government in the case of whole-time member and part-time member may, by order, remove from office, the Chairperson or any such member of the Authority, if he—

¹ Ins, by Act 10 of 2010, sec. 7 (w.e.f. 29-3-2010).
* 29th March, 2010

- (a) has been adjudged an insolvent; or
- (b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or
- (c) has become physically or mentally incapable of acting as Chairperson or member; or
- (d) has acquired such financial or other interests as is likely to affect prejudicially his functions; or
- (e) has so abused his position as to render his continuance in office prejudicial to the public interest.

(2) The Chairperson or any member of the Authority shall not be removed under clauses (d) and (e) of sub-section (1) unless he has been given a reasonable opportunity of being heard in the matter.]

¹**[20K. Restriction on future employment by Chairperson and members.**—On ceasing to hold office, the Chairperson or whole-time member of the Authority, as the case may be, shall, subject to the provisions of this Act, be ineligible, for a period of five years from the date on which they cease to hold office, for further employment (including as consultant or expert or otherwise) in any institution, agency or organization of any nature mainly dealing with archaeology, country and town planning, architecture, heritage and conservation-architecture or whose matters had been before the Chairperson or such member.]

¹**[20L. Power of Central Government to issue directions to Authority.**—(1) Without prejudice to the foregoing provisions of this Act, the Authority shall, in exercise of its powers or the discharge of its functions under this Act, be bound by such directions on question of policy, other than those relating to technical and administrative matters, as the Central Government may give in writing to it from time to time:

Provided that the Authority shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Central Government, whether a question is one of policy or not, shall be final.]

¹**[20M. Power of Central Government to issue directions to competent authority.**—Without prejudice to the foregoing provisions of this Act, the competent authority shall, in exercise of its powers or the discharge of its functions under this Act, be bound by such directions, as the Central Government may give in writing to it from time to time.

¹**[20N. Power of Central Government to supersede Authority.**—(1) If, at any time the Central Government is of the opinion,—

- (a) that, on account of circumstances beyond the control of the Authority, it is unable to discharge the functions or perform the duties imposed on it by or under the provisions of this Act; or
- (b) that the Authority has persistently defaulted in complying with any direction given by the Central Government under this Act or in the discharge of the functions or performance of the duties imposed on it by or under the provisions of this Act and as

¹ Ins, by Act 10 of 2010, sec. 7 (*w.e.f.* 29-3-2010).

a result of such default the financial position of the Authority or the administration of the Authority has suffered; or

(c) that circumstances exist which render it necessary in the public interest so to do, the Central Government may, by notification in the Official Gazette, supersede the Authority for such period, not exceeding six months, as may be specified in the notification and appoint a person or persons as the President may direct to exercise powers and discharge functions under this Act:

Provided that before issuing any such notification, the Central Government shall give a reasonable opportunity to the Authority to make representations against the proposed suppression and shall consider the representations, if any, of the Authority.

(2) Upon the publication of a notification under sub-section (1) superseding the Authority,—

- (a) the Chairperson and all other whole-time members and part-time members shall, as from the date of suppression, vacate their offices as such;
- (b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the Authority shall, until the Authority is reconstituted under sub-section (3), be exercised and discharged by the person or persons referred to in sub-section (1); and
- (c) all properties owned or controlled by the Authority shall, until the Authority is reconstituted under sub-section (3), vest in the Central Government.

(3) On or before the expiration of the period of super session specified in the notification issued under sub-section (1), the Central Government shall reconstitute the Authority by a fresh appointment of its Chairperson and other whole-time members and part-time members and in such case any person who had vacated his office under clause (a) of sub-section (2) shall not be deemed to be disqualified, subject to the provisions of sub-section (3) of section 20F for reappointment for the remaining period.

(4) The Central Government shall cause a copy of the notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before each House of Parliament at the earliest.

¹**[20.O. Bar of jurisdiction of civil court—**No civil court shall have jurisdiction in respect of any matter which the Authority is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.]

¹**[20P. Annual report.—**(1) The Authority shall prepare once in every year, in such form and at such time as may be prescribed by the Central Government, an annual report giving full description of all the activities of the Authority for the previous year.

(2) A copy of the report received under sub-section (1) shall be laid, as soon as may be after it is received, before each House of Parliament.]

¹ Ins, by Act 10 of 2010, sec. 7 (w.e.f. 29-3-2010).

¹[20Q. **Power to call for information.**—Where the Central Government considers it expedient so to do, it may, by order in writing call upon the Authority or the competent authority, as the case may be, to furnish in writing such information, in such form and manner as may be prescribed, relating to its affairs as the Central Government may require.]

ARCHAEOLOGICAL EXCAVATIONS

21. Excavations in protected areas.—An archaeological officer or an officer authorized by him in this behalf or any person holding a license granted in this behalf under this Act (hereinafter referred to as the licensee) may, after giving notice in writing to the Collector and the owner, enter upon and make excavations in any protected area.

22. Excavations in areas other than protected areas.—Where an archaeological officer has reason to believe that any area not being a protected area contains ruins or relics of historical or archaeological importance, he or an officer authorized by him in this behalf may, after giving notice in writing to the Collector and the owner, enter upon and make excavations in the area.

23. Compulsory purchase of antiquities, etc., discovered during excavation operations.—(1) Where, as a result of any excavations made in any area under section 21 or section 22 any antiquities are discovered, the archaeological officer or the licensee, as the case may be, shall,—

(a) as soon as practicable, examine such antiquities and submit a report to the Central Government in such manner and containing such particulars as may be prescribed;

(b) at the conclusion of the excavation operations, give notice in writing to the owner of the land from which such antiquities have been discovered, of the nature of such antiquities.

(2) Until an order for the ²[compulsory acquisition] of any such antiquities is made under sub-section (3), the archaeological officer or the licensee, as the case may be, shall keep them in such safe custody as he may deem fit.

(3) On receipt of a report under sub-section (1), the Central Government may make an order for the ³[compulsory acquisition of any such antiquities].

(4) When an order for the ²[compulsory acquisition] of any antiquities is made under sub-section (3), such antiquities shall vest in the Central Government with effect from the date of the order.

24. Excavations, etc., for archaeological purposes.—No State Government shall undertake or authorise any person to undertake any excavation or other like operations for archaeological purposes in any area which is not a protected area except with the previous approval of the Central Government and in accordance with such rules or directions, if any, as the Central Government may make or give in this behalf.

¹ Ins. by Act 10 of 2010, sec. 7 (w.e.f. 29-3-2010).

² Subs. by the Act 52 of 1972, sec. 33, for “compulsory purchase” (w.e.f. 5-4-1976).

³ Subs. by Act 52 of 1972, sec. 33, for “compulsory purchase any such antiquities at their market value” (w.e.f. 5-4-1976).

PROTECTION OF ANTIQUITIES

25. Power of Central Government to control moving of antiquities.—(1) If the Central Government considers that any antiquities or class of antiquities ought not to be moved from the place where they are without the sanction of the Central Government; the Central Government may, by notification in the Official Gazette, direct that any such antiquity or any class of such antiquities shall not be moved except with the written permission of the Director-General.

(2) Every application for permission under sub-section (1) shall be in such form and contain such particulars as may be prescribed.

(3) Any person aggrieved by an order refusing permission may appeal to the Central Government whose decision shall be final.

26. Purchase of antiquities by Central Government.—(1) If the Central Government apprehends that any antiquity mentioned in a notification issued under sub-section (1) of section 25 is in danger of being destroyed, removed, injured, misused or allowed to fall into decay or is of opinion that, by reason of its historical or archaeological importance, it is desirable to preserve such antiquity in a public place, the Central Government may make an order for the ¹[compulsory acquisition of such antiquity] and the Collector shall thereupon give notice to the owner of the antiquity ²[to be acquired].

(2) Where a notice of ³[compulsory acquisition] is issued under sub-section (1) in respect of any antiquity, such antiquity shall vest in the Central Government with effect from the date of the notice.

(3) The power of ³[compulsory acquisition] given by this section shall not extend to any image or symbol actually used for *bona fide* religious observances.

PRINCIPLES OF COMPENSATION

27. Compensation for loss or damage.—Any owner or occupier of land who has sustained any loss or damage or any diminution of profits from the land by reason of any entry on or excavations in, such land or the exercise of any other power conferred by this Act shall be paid compensation by the Central Government for such loss, damage or diminution of profits.

28. Assessment of market value or compensation.—(1) The market value of any property which the Central Government is empowered to purchase at such value under this Act or the compensation to be paid by the Central Government in respect of anything done under this Act shall, where any dispute arises in respect of such market value or compensation, be ascertained in the manner provided in sections 3, 5, 8 to 34, 45 to 47, 51 and 52 of the Land Acquisition Act, 1894 (1 of 1894), so far as they can be made applicable:

Provided that, when making an enquiry under this said Land Acquisition Act, the Collector shall be assisted by two assessors, one of whom shall be a competent person nominated by the Central Government and once a person nominated by the owner, or, in case

¹ Subs. by Act 52 of 1972, sec. 33, for “compulsory purchase of such antiquities at its market value” (w.e.f. -4-1976).

² Subs. by Act 52 of 1972, sec. 33, for “to be purchased” (w.e.f 5-4-1976).

³ Subs. by Act 52 of 1972, sec. 33, for “compulsory purchase” (w.e.f. 5-4-1976).

the owner fails to nominate an assessor within such reasonable time as may be fixed by the Collector in this behalf, by the Collector.

¹[(2) For every antiquity in respect of which an order for compulsory acquisition has been made under sub-section (3) of section 23 or under sub-section (1) of section 26, there shall be paid compensation and the provisions of sections 20 and 22 of the Antiquities and Art Treasures Act, 1972 shall, so far as may be, apply in relation to the determination and payment of such compensation as they apply in relation to the determination and payment of compensation for any antiquity or art treasure compulsorily acquired under section 19 of that Act.]

MISCELLANEOUS

29. Delegation of powers.—The Central Government may, by notification in the Official Gazette, direct that any powers conferred on it by or under this Act shall, subject to such conditions as may be specified in the direction, be exercisable also by—

- (a) such officer or authority subordinate to the Central Government, or
- (b) such State Government or such officer or authority subordinate to the State Government, as may be specified in the direction.

30. Penalties.—(1) Whoever—

- (i) destroys, removes, injures, alters, defaces, imperils or misuses a protected monument, or
- (ii) being the owner or occupier of a protected monument, contravenes an order made under sub-section (1) of section 9 or under sub-section (1) of section 10, or
- (iii) removes from a protected monument any sculpture, carving, image, bas-relief, inscription, or other like object, or
- (iv) does any act in contravention of sub-section (1) of section 19, shall be punishable with ²[imprisonment which may extend to two years], or with ³[fine which may extend to one lakh rupees], or with both.

(2) Any person who moves any antiquity in contravention of a notification issued under sub-section (1) of section 25 shall be punishable with ⁴[imprisonment which may extend to two years or with fine which may extend to one lakh rupees or with both] and the Court convicting a person of any such contravention may by order direct such person to restore the antiquity to the place from which it was moved.

⁵[30A. Punishment for construction, etc., in prohibited area.—Whoever raises, on and after the date on which the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Bill, 2010, receives the assent of the President*, any construction in the prohibited area, shall be punishable with imprisonment not exceeding two years or with fine which may extend to one lakh rupees or with both.]

¹ Subs. by Act 52 of 1972, sec. 33, for sub-section (2) (w.e.f. 5-4-1976).

² Subs. by Act 10 of 2010, sec. 8(a)(i), for “imprisonment which may extend to three months” (w.e.f. 29-3-2010).

³ Subs. by Act 10 of 2010, sec. 8(a)(ii), for “fine which may extend to five thousand rupees” (w.e.f. 29-3-2010),

⁴ Subs. by Act 10 of 2010, sec. 8(b), for “fine which may extend to five thousand rupees” (w.e.f. 29-3-2010).

⁵ Ins. by Act 10 of 2010, sec. 9 (w.e.f. 29-3-2010).

* 29th March, 2010.

¹**[30B. Punishment for construction, etc., in regulated area.**—Whoever raises, on and after the date on which the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Bill, 2010, receives the assent of the President*, any construction in the regulated area without the previous permission of the competent authority or in contravention of the pension granted by the competent authority, shall be punishable with imprisonment not exceeding two years or with fine which may extend to one lakh rupees or with both.]

¹**[30C. Offences by officers of Government.**—If any officer of the Central Government enters into or acquiesces in any agreement to do, abstains from doing, permits, conceals or connives at any act or thing whereby any construction or re-construction takes place in a prohibited area or regulated area, he shall be punishable with imprisonment for a term which may extend three years, or with fine, or with both.]

31. Jurisdiction to try offences.—No Court inferior to that of a Presidency Magistrate or a Magistrate of the 1st class shall try any offence under this Act.

32. Certain offences to be cognizable.—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (5 of 1898)⁺, an offence under clause (i) or clause (iii) of sub-section (1) of section 30, shall be deemed to be a cognizable offence within the meaning of that Code.

33. Special provision regarding fine.—Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898 (5 of 1898)⁺⁺, it shall be lawful for any Magistrate of the first class specially empowered by the State Government in this behalf and for any Presidency Magistrate to pass a sentence of fine exceeding two thousand rupees on any person convicted of an offence which under this Act is punishable with fine exceeding two thousand rupees.

34. Recovery of amounts due to the Government.—Any amount due to the Government from any person under this Act may, on a certificate issued by the Director-General or an archaeological officer authorized by him in this behalf be recovered in the same manner as an arrear of land revenue.

35. Ancient monuments, etc., which have ceased to be of national importance.—If the Central Government is of opinion that any ancient and historical monument or archaeological site and remains declared to be of national importance by or under this Act has ceased to be of national importance, it may, by notification in the Official Gazette, declare that the ancient and historical monument or archaeological site and remains, as the case may be, has ceased to be of national importance for the purposes of this Act.

²**[35A. Obligation to survey the protected prohibited area and regulated areas.**—(1) The Director-General shall, within such time as may be specified by the Central Government, conduct a survey or cause survey to be conducted in respect of all prohibited areas and regulated areas for the purpose of detailed site plans.

(2) A report in respect of such survey referred to in sub-section (1) shall be forwarded to the Central Government and to the Authority.

²**[35B. Identification of un-authorized constructions on or after 16th June, 1992.**—(1) The Director-General shall, within such time as may be specified by the Central Government, identify or cause to be identified, all constructions (of

¹ Ins, by Act 10 of 2010, sec. 9 (w.e.f. 29-3-2010).

* 29th March, 2010.

+ See now the Code of Criminal Procedure, 1973 (2 of 1974).

++ Section 29 of the Code of Criminal Procedure, 1973 (2 of 1974).

² Ins, by Act 10 of 2010, sec. 10 (w.e.f. 29-3-2010).

whatever nature) made on and after the 16th day of June, 1992 in all prohibited areas and regulated areas and, thereafter, submit from time to time a report in respect thereof to the Central Government.

(2) The Director-General shall, for the purposes of sub-section (1), have the power to call for information from the local bodies and other authorities.]

36. Power to correct mistakes, etc.—Any clerical mistake, patent error or error arising from accidental slip or omission in the description of any ancient monument or archaeological site and remains declared to be of national importance by or under this Act may, at any time, be corrected by the Central Government by notification in the Official Gazette.

37. Protection of action taken under the Act.—No suit for compensation and no criminal proceeding shall lie against any public servant in respect of any act done or in good faith intended to be done in the exercise of any power conferred by this Act.

38. Power to make rules.—(1) The Central Government may, by notification, in the Official Gazette and subject to the condition of previous publication, make rule for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the prohibition or regulation¹ by licensing or otherwise of mining, quarrying, excavating, blasting or any operation of a like nature near a protected monument or the construction of buildings on land adjoining such monument and the removal of unauthorized buildings;

(b) the grant of licenses and permissions to make excavations for archaeological purposes in protected areas, the authorities by whom and the restrictions and conditions subject to which, such licenses may be granted, the taking of securities from licensees and the fees that may be charged for such licenses;

(c) the right of access of the public to a protected monument and the fee, if any, to be charged there for;

¹[(ca) the categories of ancient monuments or archaeological sites and remains, declared as of national importance, under sub-section (1) of section 4A;]

¹[(cb) the manner of making application for grant of permission under sub-section (1) of section 20D;]

¹[(cc) the category of applications in respect of which the permission may be granted and applications which shall be referred to the Authority for its recommendation, under sub-section (2) of section 20D;]

¹[(cd) the other matters including heritage controls such as elevations, facades, drainage systems, roads and service infrastructure (including electric poles, water and sewer pipelines) under sub-section (2) of section 20E;]

¹[(ce) the manner of preparation of detailed site plans in respect of each prohibited area and regulated area and the time within which such heritage bye-laws shall be prepared and particulars to be included in each such heritage bye-laws under sub-section (3) of section 20E;]

¹[(cf) salaries and allowances payable to, and the other terms and conditions of service of, the whole-time Chairperson and whole-time

¹ Ins, by Act 10 of 2010, sec. 11 (w.e.f. 29-3-2010).

members, or fees or allowances payable to the part-time members, of the Authority under sub-section (1) of section 20H;]

¹[(cg) the form in which and time at which the Authority shall prepare an annual report giving full description of its activities for the previous year under section 20P;]

¹[(ch) the form and manner in which the Authority and competent authority shall furnish information to the Central Government under section 20Q;]

(d) the form and contents of the report of an archaeological officer or a licensee under clause (a) of sub-section (1) of section 23;

(e) the form in which applications for permission under section 19 or section 25 may be made and the particulars which they should contain;

(f) the form and manner of preferring appeals under this Act and the time within which they may be preferred;

(g) the manner of service of any order or notice under this Act;

(h) the manner in which excavations and other like operations for archaeological purposes may be carried on;

(i) any other matter which is to be or may be prescribed.

(3) Any rule made under this section may provide that a breach thereof shall be punishable,—

- (i) in the case of a rule made with reference to clause (a) of sub-section (2) with imprisonment which may extend to three months, or with fine which may extend to five thousand rupees, or with both;
- (ii) in the case of rule made with reference to clause (b) of sub-section (2), with fine which may extend to five thousand rupees;
- (iii) in the case of rule made with reference to clause (c) of sub-section (2), with fine which may extend to five hundred rupees.

²[(4) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

39. Repeals and saving.—(1) The Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Act, 1951 (71 of 1951), and section 126 of the States Reorganization Act, 1956 (37 of 1956), are hereby repealed.

(2) The Ancient Monuments Preservation Act, 1904 (7 of 1904), shall cease to have effect in relation to ancient and historical monuments and archaeological sites and remains declared

¹ Ins. by Act 10 of 2010, sec. 11 (w.e.f. 29-3-2010).

² Subs. by Act 4 of 2005, sec. 2 and Sch., for sub-section (4) (w.e.f. 11-1-2005).

by or under this Act to be of national importance, except as respects things done or omitted to be done before the commencement of this Act.

THE ANCIENT MONUMENTS AND ARCHAEOLOGICAL SITES AND REMAINS RULES, 1959¹

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 I 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 rules 24, 25, 27, 28, 29 and 30 shall not apply to the State of Jammu and Kashmir.

(3) They shall come into force on the 15th day of October, 1959.

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 ²[and video 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 ²[including video 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, from 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 II 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, 5, 6 or 7

¹ Vide S.O. 2307, dated 15th October, 1959, published in the Gazette of India, Extra., Pt. II, Sec. 3(a), dated 15th October, 1959.

² Ins, by G.S.R. 90, dated 30th January, 1991 (w.e.f. 1-3-1991).

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 ¹[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 applies shall remain open from sunrise to sunset:

²[Provided that an archaeological officer, or any officer of the Archaeological Survey of India authorized by him in this behalf may, by notice to be exhibited in 'a' consp'.rn2 part of a protected monument, direct that a protected monument or part thereof shall,—

- (i) Be kept open beyond the said period; or
- (ii) (ii) Be closed temporarily for such period as may be specified by the notice].

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

³**6. Entrance fee.**—No person above the age of 15 years shall enter into a protected monument or part thereof:—

(a) specified as category 'A' monuments in Part I of the Second Schedule, except on payment of fees as under:

⁴[(i) Citizens of India and visitors of SAARC (Bangladesh, Nepal, Bhutan, Sir Lanka, Pakistan,

¹ Subs. by G.S.R. 800(E), dated 17th October, 2000, for "any specified part of a protected monument" (w.e.f. 2840-2000).

² Subs. by SO. 5002, dated 13th December, 1969.

³ Subs. by G.S.R. 112(E), dated 27th February, 2008, for rule 6 (w.e.f. 28-2-2008). Rule 6, before substitution, stood as under "6. Entrance fee—No person above the age of fifteen years shall enter any protected monument or part thereof,—

(a) Specified as category A monuments in Part I of the Second Schedule, except on payment as follows:—

(i) Citizens of India — Rs. 10 per head;

(ii) Others — US \$ 5 or Indian Rs. 250 per head.

(b) Specified as category B monuments in Part II of the Second Schedule, except on payment as follows:—

(i) Citizens of India — Rs. 5 per head;

(ii) Others — US \$ 2 or Indian Rs. 100 per head.

Provided further that an archaeological officer, or any officer of the Archaeological Survey of India authorized by him in this behalf may exempt, members of delegations sponsored by the Central Government or a State Government, State Guest and persons accompanying such delegations or guest, from the payment of such fee:

Provided also that the Director-General may, by order, direct that, on such occasions and for such periods as may be specified in the order, no fee shall be charged for entry into a protected monument or part thereof."

⁴ Subs. by G.S.R. 164(E), dated 5th March, 2008, for item (i) (w.e.f. 5-3-2008). Item (i), before substitution, stood as under:

"(i) citizens of India Rs. 10 per head."

Maldives and Afghanistan) and BIMSTEC Countries (Bangladesh, Nepal, Bhutan, Sri Lanka, Thailand and Myanmar).—Rs. 10 per head]

(ii) others Rs. 250 per head.

(b) specified as category 'B' monuments in Part II of the Second Schedule, except on payment of fees as under:

¹[(i) Citizens of India and visitors of SAARC (Bangladesh, Nepal, Bhutan, Sri Lanka, Pakistan, Maldives and Afghanistan) and BIMSTEC Countries (Bangladesh, Nepal, Bhutan, Sri Lanka, Thailand and Myanmar).—Rs. 5 per head]

(ii) others 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 recognized 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

²[(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 or take his photograph for monetary consideration, except under, the authority of, or under and in accordance with the conditions of, a license granted by an archaeological officer;]

(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 7 or rule 8,

shall be punishable with fine which may be extended to five hundred rupees.

CHAPTER III

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.

¹ Subs. by G.S.R. 164(E), dated 5th March, 2008, for item (i) (w.e.f. 5-3-2008). Item (i), before substitution, stood as under:

² Subs. by S.O. 935, dated 16th February, 1971, for clause (d).

(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. License required for excavation.—No *person* other than an archaeological officer or an officer authorized by him in this behalf shall undertake any excavation for archeological purposes in any protected area except under and in accordance with the terms and conditions of a license granted under rule 13.

12. Applications for license.—Every application for license shall be in Form II and be made to the Director-General at least three months before the proposed date of the commencement for the excavation operations.

13. Grant or refusal of license.—(1) On receipt of an application under rule 12, the Director-General may grant a license in Form III if he is satisfied that, having regard to the status of the applicant, the competence of the Director of the excavation operations, the adequacy of the staff to be employed and other relevant factors, the license may be granted to the applicant:

Provided that no license 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 license in any particular case.

14. Period of license.—Every license shall be in force for such period not exceeding three years as may be specified in the license:

Provided that the Director-General may, on application made to him at least one month before the expiry of a license, extend its period by one year at a time so that the aggregate period does not exceed five years.

15. Cancellation of license.—The Director General may, by order, cancel a license 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 license, or if any further security demanded under rule 18 has not been deposited within the specified time:

Provided that no license shall be cancelled unless the licensee has been given an opportunity to make his objections.

16. Conditions of license.—Every license shall be subject to the following conditions, namely:—

- (a) the license 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 license 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 license 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 publish the report in his reports or reviews; and
- (k) the licensee shall as soon as practicable submit a report in Form *W* 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 license, 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 passed under 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 license, 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 Governments 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 license,
- shall be punishable with fine which may extend to five thousand rupees.

CHAPTER IV

EXCAVATION IN UNPROTECTED AREAS

24. Intimation to the Central Government.—Every State Government intending to undertake or authorize 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 V

**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 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 VI

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 Vito 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 VII

MINING OPERATION AND CONSTRUCTION NEAR PROTECTED MONUMENTS

31. Notice or 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 and in accordance with the terms and conditions of a licence granted by the Director-General.

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

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

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- (a) the license 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 license for ensuring the safety and appearance of, and the maintenance of the approach and access to the protected monument.

36. Cancellation of license.—The Director-General may, by order, cancel a license granted under rule 35 if he is satisfied that any of its conditions had been violated:
Provided that no license 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 unauthorized buildings.—(1) The Central Government may, by order, direct the owner or occupier of an authorized 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 license 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 license, 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 VIII

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 authorized by an archaeological officer in this behalf shall copy any specified monument or part thereof except 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 authorizing any person other than an archaeological officer or an officer authorized 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

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- (b) erect any scaffolding within such precincts, or
- (c) use within such precincts any artificial light other than a flash-light synchronized with the exposure of a camera, or
- (d) apply any extraneous matter, such as water, oil, grease or any molding material, on such monument or part thereof, or
- (e) prepare 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. License required for filming.—¹[(1)] No person other than archaeological officer or an officer authorized 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 license granted under rule 44.

²[(2) Nothing in sub-rule (1) shall apply to any person undertaking video filming from exterior of a protected monument except those specified in the Second Schedule in respect of which video-filming shall be permitted on payment of rupees 25:

Provided it is for non-commercial purpose and does not involve any cast and use of a stand or in any way interfere with customary and religious practices and work of repairs.]

43. Application for license.—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. Grant or refusal of license.—(1) On receipt of an application under rule 43, the Director-General may grant a license ²[on payment of a fee of Rs. 5,000 (rupees five thousand) in case of professional and other agencies] or, if he is satisfied that the license asked for should not be granted, may, for reasons to be recorded, refuse to grant a license:

Provided that the Director-General shall not grant any license 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 license granted under sub-rule (1) shall be in Form X and be subject to the following conditions, namely:—

- (a) the license 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 license 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;

¹ Rule 42 renumbered as sub-rule (1) thereof by G.S.R. 90, dated 30th January, 1991 (w.e.f. 1-3-1991).

² Ins, by G.S.R. 90, dated 30th January, 1991 (w.e.f. 1-3-1991).

- (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 license.

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45. Cancellation of license.—The Director-General, by order, may, after giving notice to the license, cancel a license 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 rules 3, 4, 5, 6, 7, 8 and 9.

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 license granted there under shall be punishable with fine which may extend to five hundred rupees.

**CHAPTER IX
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 Order O(IX or rule 3 of Order 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.

SCHEDULES
¹[FIRST SCHEDULE PEN

HOURS DURING WHICH CERTAIN MONUMENTS OR PART THEREOF WILL REMAIN Open
(Vide rule 5)

Serial No.	State	District	Locality	Name of monument	Part of monument which shall remain open during hours other than from sunrise to sunset	Hours of opening
1	2	3	4	5	6	7
1. 2.	Andhra Pradesh	Hyderabad	Hyderabad City	Char Minar	(i) Second storey and upwards (ii) Remaining area	(i) From 9 a.m. to 5.30 p.m. or sunset whichever is earlier. (ii) From sunrise to 10 p.m.
Bihar	Patna	Kumrahar	Site of Mauryan Palace	Whole	From 9 a.m. to 5.30 p.m. or sunset whichever is earlier.	
3.	Bihar	Patna	Nalanda (Bargaon)	All mounds, structures and buildings enclosed in the acquired area	Fenced area containing excavated remains	From 9 a.m. to 5.30 p.m. or sunset whichever is earlier.
4.	Delhi	Delhi	Delhi Zail	Afsar Wala-ki-masjid	Garden	From sunrise to 10 p.m.
5.	Delhi	Delhi	Delhi Zail	Gateways of Abadi Bagh Bu-Halima	Garden	From sunrise to 10 p.m.
6.	Delhi	Delhi	Delhi Zail	Jantar Mantar	Whole	From sunrise to 10 p.m.
7.	Delhi	Delhi	Delhi Zail	Kotla Firoz Shah	Garden	From sunrise to 10 p.m.
8.	Delhi	Delhi	Delhi Zail	Tomb of Afsar Wala	Garden	From sunrise to 10 p.m.
9.	Delhi	Delhi	Delhi Zail	Tomb of Khan Khanan	Garden	From sunrise to 10 p.m.
10.	Delhi	Delhi	Mehrauli Zail	Group of buildings at Hau.z Khas	Garden	From sunrise to 10 p.m.

¹ Subs. by S.C. 5002, dated 13th December, 1969.

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1	2	3	4	5	6	7
11.	Delhi	Delhi	Mehrauli Zail	Qutb archaeological area	Garden	From sunrise to 10 p.m.
12.	Madras	South Arcot	Gingee	Fortress including monuments on Krishnagiri and Rajagiri Hills.	Whole	From 9 a.m. to 5.30 p.m. or sunset whichever is earlier.
13.	Maharashtra	Aurangabad	Ajanta	Ajanta Caves	Whole	From 9 a.m. to 5.30 p.m. or sunset whichever is earlier.
14.	Maharashtra	Aurangabad	Aurangabad	Tomb of Rabia Daurani (Bibi-ka-Maqbara)	Garden	From sunrise to 10 p.m.
15.	Maharashtra	Bombay (Suburban)	Kanheri	Buddhist Caves	Whole	From 9 a.m. to 5.30 p.m. sunset whichever is earlier
16.	Maharashtra	Kolaba	Gharapuri	Elephanta Caves	Whole	From 9 a.m. to 5.30 p.m. or sunset whichever is earlier.
17.	Maharashtra	Poona	Karla	Cave Temples	Whole	From 9 a.m. to 5.30 p.m. or sunset whichever is earlier.
18.	Mysore	Bangalore	Bangalore	Tipu Sultan's Palace	Garden	From sunrise to 10 p.m.
19.	Mysore	Bijapur	Bijapur	Gol Gumbaz	Garden	From sunrise to 10 p.m.
20.	Mysore	Mandya	Seringapatnam	Dana Daulat Bagh	(i) Palace (ii) Garden	(i) From 9 a.m. to 5.30 p.m. or sunset whichever is earlier (ii) From sunrise to 10 p.m.
21.	My sore	My sore	Somanathpur	Kesava Temple	Whole	From 9 a.m. to 5.30 p.m. or sunset whichever is earlier.

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1	2	3	4	5	6	7
22.	Rajasthan	Ajmer	Ajmer	Marble pavilion and balustrade on the Ana agar Bund and the ruins of the marble Ham am behind the Ana agar Dam.	Whole	From sunrise to 10 p.m.
23.	Uttar Pradesh	Agra	Agra	Taj Mahal	Whole	¹ [From sunrise to sunset, except on full moon days and two days preceding and two days following, when it shall be open <i>from</i> sunrise to sunset and from 8.30 p.m. to 12.30 a.m. The monument shall remain closed on every Friday, except to those offering customary afternoon prayers in the mosque in the Taj Mahal Complex between 12.00 hours to 14.00 hours and an Archaeological Officer, his agents, subordinates, workmen or any other Government servant on duty.]
24.	Uttar Pradesh	Lucknow	Lucknow	Residency buildings.	(i) Model Room (ii) Garden	(i) From 9 a.m. to 5.30 p.m. or sunset, whichever is earlier. (ii) From sunrise to 10 p.m.]

¹ Subs. by G.S.R. 529(E), dated 10th July, 2008 (w.e.f. 167-2008).

¹[SECOND SCHEDULE

PROTECTED MONUMENTS OR PARTS THEREOF ENTRY INTO WHICH CAN BE HAD ONLY ON PAYMENT OF FEE

(See rule 6)

sch. 2]

PART I

39.

Category 'A' Monuments

Serial No.	State	District	Locality	Name of monument	Part of monument for which payment of fee is required
1	2	3	4	5	6
1.	Karnataka	Bellary	Hampi Kamalapuram Krishnapuram Venkatapuram	Group of monuments	Ancient enclosures, Kamalapuram; Royal enclosures Kamalapuram Hazara Ram Temple, Kamalapuram Zanana enclosures, Kamalapuram Krishna Temple, Krishnapuram; Vithal Temple, Venkatapuram, Pattabhirama Temple, Kamalapuram Achutaraya Temple, Venkatapuram.
2.	Karnataka	Bijapur	Pattadakal	Group of temples	Whole, except Virupaksha Temple.
3.	Maharashtra	Aurangabad	Ajanta	Ajanta Caves	Whole
4.	Maharashtra	Aurangabad	Ellora	Ellora Caves	Group of caves
5.	Maharashtra	Bombay (Kolaba)	Gharapuri	Elephanta Caves	Cave nos. 1 to 5 and fenced area in front
6.	Madhya Pradesh	Chhattarpur	Khajuraho	Western group of temples	Whole, except Matangesvara temple
7.	Madhya Pradesh	Raisen	Sanchi	Buddhist Monuments	Whole
8.	National Capital Territory of Delhi	Delhi	Delhi Zail	Humayun's Tomb	Whole monument and gardens within the enclosure wall and gateway
9.	National Capital Territory of Delhi	Delhi	Mehrauli	Qutab, Archaeological area	Whole, except Qutab Minar from inside.
10.	Orissa	Puri	Konarak	Sun Temple	Ancient Monuments of the Black Pagoda and ruins of all ancient edifices, images, structures, basement, pillars, carvings, walls, gateways, etc., of the complex.

¹ Subs. by G.S.R. 306, dated 10th July, 1996.

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1	2	3	4	5	6
11.	Tamil Nadu	Chengai Anna	Mahabali-puram	Group of monuments at Mahabalipuram	Whole
12.	Uttar Pradesh	Agra	Agra	Agra Fort	Archaeological area
13.	Uttar Pradesh	Agra	Agra	Taj group of monuments	The Taj and its garden and grounds, including the Jawab on the east, the pavilions on east and west sides of the grounds as well as all the towers (except the two towers flanking the Masjid) and the Great Southern Entrance Gateway with the cloisters on its flanks, the old Mughal Acqueduct in the Taj with the Central Marble Tank, the well at the Taj Garden and the drinking fountain in the west enclosure wall of the Taj Garden.
14.	Uttar Pradesh	Agra	Fatehpur Sikri	Fatehpur Sikri group of monuments	The entire area bounded on the south by the compound wall to the south of Jodhabai Palace and further eastwards by the road leading to the southern entrance of Diwan-i-am quadrangle, on the east by the Diwan-i-am quadrangle; on the north by the walls enclosing the Diwan-i-Khas, Ankh Michauli Hospital, Zanana Garden and Birbal's daughter's palace and on the west by the wall enclosing the horse's stable.]

¹ MONUMENTS OR PARTS THEREOF ENTRY INTO WHICH CAN BE HAD ONLY ON PAYMENT OF FEE
41

(vide rule 6)

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Serial No.	State	District	Locality	Name of monument	Part of monument which payment of fee is requi
1	2	3	4	5	6
1.	Andhra Pradesh	Chittor	Chandragiri	Raja and Rani Mahal	Whole
2.	Andhra Pradesh	Hyderabad	Golkonda	Golkonda Fort	Whole
3.	Assam	Sibsagar	Garhagaon	Ahom Raja's Palace	Whole
4.	Bihar	Nalanda	Nalanda (bargain)	All mounds, structures and buildings enclosed in the acquired area, Nalanda	Fenced area containing excavated remains.
5.	Bihar	Patna	Kumrahar	Site of Mauryan Palace	Whole
6.	Bihar	Rohtas	Sasaram	Shershah Sun Tomb	Whole
7.	Bihar	Vaishali	Chakramdas	Ancient ruins, Vaishali	The Stupa, Ashokan Pillar, mounds and excavat remains
8.	Gujarat	Ahmedabad	Lothal	Excavated remains at Lothal	Whole
9.	Gujarat	Mehsana -	Mocihera	Sun Temple	Sun temple, Sun tank, Kund and carved stones v images, temples and underground cell.
10.	Gujarat —	Mehsana	Patan	Rani-ki-Vav	Whole
11.	Jammu & Kashmir	Udhampur	Kiramchi	Group of temples v	Whole complex
12.	Jammu & Kashmir	Udhampur	Ramnagar	Ramnagar Palace	Palace attributed to Raja Suchet Singh.
13.	Karnakata – Karnataka Kamakaka	Bangalore	Bangalore	Tipu Sultan Palace	Whole
14.		Bijapur	Aihole	Durga Temple Complex	Whole
15.		Bijapur	Badami	Jaina and Vishnu caves	Whole
16.	Karnakata	Bijapur	Bijapur	Gol Gumbaz	The Mausoleum and garden
17.	Karnataka	Bijapur	Bijapur	Ibrahim Rouza	Whole

¹ Subs. by G.S.R 306, dated 10th July, 1996.

1		3	4	5	6
18.	Karnakaka	Chitaldurg	Chitaldurg	Chitaldurg	Fortress and temples on the hill
19.	Karnataka Karnataka —	Mandya	Srirangapatna	Dana Daulat Bagh	Palace complex and garden
20.		Mysore	Somanathapura	Sri Kesava Temple	Whole
21.		Kannur	Pallicherry	Bekal Fort	Whole
22.	Maharashtra	Aurangabad	Aurangabad	Tomb of Rabia Daurani (Bibi-ki-Maqbara)	Tomb and the garden
23. - 24.	Maharashtra Maharashtra ‘	Aurangabad Bombay suburban	Daulatabad Kanheri	Daulatabad Fort Caves	Daulatabad Fort and monuments therein Buddhist caves
25.	Maharashtra	Kolaba	Alibag	Hirakota Old Fort	Whole
26.	Maharashtra —	Kolaba	Raigad	Raigad Fort	Whole
27.	Maharashtra	Nasik	Pathardi	Pandav Lena Caves	Whole
28.	Maharashtra	Pune	Junnar	Junnar Caves and inscriptions	Whole
29.	Maharashtra	Pune	Karla	Cave temples	Whole
30.	Maharashtra	Pune	Pune	Shaniwarwada	Old citadel known as Shaniwarwada
31.	Maharashtra	Sholapur	Sholapur	Old Fort	Whole
32.	Madhya Pradesh	Dhar	Mandu	Group of monuments	Royal enclosures (Jahaz Mahal, Hindola Mahal and other palatial remains)
33.	Madhya Pradesh	Gwalior	Gwalior	Gwalior Fort	Badal mahal, Mansingh’s Palace, Sas bahu temples, Teli ka Mandir
34.	Madhya Pradesh	Nimar (East)	Burhanpur	Palace situated in the Fort (Shahi Quila)	Whole
35.	Madhya Pradesh	Raipur	Sirpur	Group of monuments (Laxman temple)	Whole
36.	National Capital Territory of Delhi	Delhi	Delhi Zail	Delhi Fort	Archaeological area
37.	National Capital Territory of Delhi	Delhi	Delhi Zail	Tomb of Safdarjurig	Whole with all its enclosures, wall, gateway and gardens
38.	National Capital Territory of Delhi	Delhi	Purana Quila	Purana Quila	Gateways, bastions and gardens, Quila-i-Khaona Mosque and Sher Mandan (from outside).

1	2	3	4	5	6
39.	Orissa	Pun	Bhubaneswar	Raja Rani Temple	Whole
40.	Orissa —	Pun	Jagmara	Udaygiri and Khandagiri	All ancient caves, structures and other monuments or remains situated on the Udaygiri and Khandagiri hills except the Temple of Parasnath on the top of the Khandagiri hill and also the temple in front of Harabhuji and the Trisula Caves.
41.	Rajasthan -	Bharatpur	Deeg	Deeg Palace	Whole
42.	Rajasthan	Chittor	Chittorgarh	Fort	Victory tower and other buildings
43.	Rajasthan -	Udaipur	Kumbhalgii	Fort of Kumbhalgarh	Whole
44.	Tamil Nadu	Dindigul	DindiSul	Fort	Whole
45.	Tamil Nadu	Madras	Fort St. George	Fort St. George	Part of the Fort complex where objects are on display for public writing.
46.	Tamil Nadu	Pudukkottai	Tirumayam	Fort	Whole
47.	Tamil Nadu	South Arcot	Gingee	Rajagiri Fort and Krishnagiri Fort	Whole (Annual festival is held every year during the month of May and fee will remain suspended for 10 days at Rajagiri Fort, Gingee)
48.	Tamil Nadu	Tiruchirapalli	Kodumabur	Muvarkoil	Surrounding sub-shrines, stone enclosures, and stone well on the north-east corner.
49.	Uttar Pndesh	Agra	Agra	Group of monuments at Ram Bagh	Whole
50.	Uttar Pradesh	Agra	Agra	Itimad-ud-daula's Tomb	Whole
51.	Uttar Pradesh	Agra	Sikandara	Akbar's Tomb	Whole
52.	Uttar Pradesh	Agra	Sikandara	Mariam's Tomb	Whole
53.	Uttar Pradesh	Bahraich	Sahet-Mahet	Monuments of Sravasti	Excavated remains at Sahet within the fenced area
54.	Uttar Prdesh Uttar Pradesh	Jhansi Jaunpur	Jhansi Jaunpur	Rani Jhansi Mahal Fort (old)	Whole Whole
56.	Uttar Pradesh	Lucknow	Lucknow	Residency Buildings	Model Room and the garden
57.	Uttar Pradesh	Varanasi	Sarnath	Excavated remains at Samath	Whole
58.	West Bengal	Murshidabad	Hazarduari	Hazarduari Palace	Parts of the palace complex where objects are also on display.]

**¹ MONUMENTS OR PARTS THERE OF ENTRY INTO WHICH
CAN BE HAD ONLY ON PAYMENT OF FEE
(Vide rule 6)**

[Sch. 2

S. No.	Name of the monument	Locality	State
1.	Rani Jhansi Fort	Jhansi	Uttar Pradesh
2.	Jantar Mantar	Delhi	Delhi
3.	Rahim-Khane-Khanan Tomb	Delhi	Delhi
4.	Karanghar Palace	Sibsagar	Assam
5.	Rang-dhar Pavellion	Sibsagar	Assam
6.	Avantiswami Temple	Avantipura	Jammu& Kashmir
7.	Rock cut caves	Masrur	Himachal Pradesh
8.	Kangra Fort	Kangra	Himachal Pradesh
9.	Cooch Behar Palace	Cooch Behar	West Bengal
10.	Bishnupur Temples	Bishnupur	West Bengal
11.	Rani Roopmati Pavilion	Mandu	Madhya Pradesh
12.	Hoshang Shah's Tomb	Mandu	Madhya Pradesh
13.	Hoshand Shah's Palace	Mandu	Madhya Pradesh
14.	Brihadeshwara Temple	Gangaikonda Cholapuram	Tamilnadu
15.	Temples and sculpture gallery	Lakkundi	Karnataka
16.	Bellary Fort	Bellary	Karnataka
17.	Nanjangud Fort	Nanjangud	karnataka
18.	Bagh Caves	Bagh	Madhya Pradesh
19.	Auragabad Caves	Aurangabad	Maharashtra
20.	Raigarh hill monuments	Colaba	Maharashtra
21.	Cave temple and inscriptions	Bhaja	Maharashtra
22.	Ratnagiri monuments	Ratnagiri	Orissa
23.	Lalitgiri monuments	Lalitgiri	Orissa
24.	Fort and structures Lower	Chandragiri	Andhra Pradesh
25.	Upper Fort	Chandragiri	Andhra Pradesh
26.	Ruined Buddhist stupa and other remains	Amravati	Andhra Pradesh
27.	Four-storeyed rock-cut Hindu temple	Undavalli	Andhra Pradesh
28.	Thousand Pillared temple	Hanamkonda	Andhra Pradesh
29.	Warrangal Fort	Warrangal	Andhra Pradesh
30.	Buddhist Monuments:—	Guntapalle	Andhra Pradesh

- (i) Rock-cut temple
(ii) Large Monastery
(iii) Small Monastery
(iv) Brick Chaitya
(v) Ruined Mandapa
(vi) Stone build stupa and large group of stupas

¹ Ins. by G.S.R 799(E), dated 17th October, 2000

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31.	Ashokan rock edicts	Junagadh	Gujarat
32.	Buddhistic Cave	Junagadh	Gujarat
33.	Baba Pyare Khapra Kodia Caves	Junagadh	Gujarat
34.	Champaner monuments	Champaner	Gujarat
35.	Suraj Kund Monastery	Lakarpur	Haryana
36.	Shiekh Chili's Tomb	Thaneshwar	Haryana
37.	Group of four maidans	Charaideo	Assam
38.	Ahom Palace	Garhgaon	Assam
39.	Bishnudol	Jaisagar	Assam
40.	Devidol	Jaisagar	Assam
41.	Excavated Site	Vikramshila	Bihar
42.	Bekal fort	Bekal	Kerala
43.	Hill of Nagar (Agraharam junakonda with the ancient remains)	Pullareddigudem	Andhra Pradesh
44.	Rock-cut Jam temple	Sittannavassal	Tamilnadu
45.	Natural cavern with stone bed and Brahmi and old Tamil inscriptions called Eladipattam	Sittannavassal	Tamilnadu
46.	Leh Palace	Leh	Jammu & Kashmir
47.	Sultangarhi	Delhi	Delhi
48.	Tomb of Lord Cornwallis	Ghazipur	Uttar-Pradesh
49.	Observatory of Mansingh	Varanasi	Uttar Pradesh
50.	Fort of Kalinjar, together with the parapet walls, with the gateways and the monuments inside it, viz Sita Kunda, Sits Sez, Patalganga, Pandu Kund, Bhaironka-jhirka, Siddh-ki-gumpha, Bhagwan-Sez, Pani-ka-an-ian, Mrigithara, Kothtirth, Linga temple of Nilakanthal etc.	Kalinjar	Uttar Pradesh
51.	Mehtab Bagh on the river bank Taj facing	Agra	Uttar Pradesh
52.	Kotla Feroz Shah with remaining walls, bastions and gateways and gardens, the Old Mosque and well and other ruined buildings it contains	Delhi	Delhi
53.	Tughiaqabad Fort (Palace area) and Tomb of Tughlaq Ghiasudin	Delhi Delhi.]	

***The Ancient Monuments and Archaeological Sites [Sch. 3 Form I
and Remains Rules, 1959***

THIRD SCHEDULE

FORM I

**APPLICATION FOR PERMISSION FOR CONSTRUCTION/MINING
OPERATION WITH A PROTECTED AREA**

(Vide rule 10)

1. Name and address of applicant (If the application is on behalf of an organization, the name thereof should be given)

2. Name of the protected area within which construction/mining operation is proposed—

Locality District..... State
.....

3. Nature and details of the proposed construction/mining operation in respect of which permission is sought.

(In the case of construction, a site-plan in triplicate showing in red outline the location of the building in relation to the protected area and the plan and elevation of the building should be attached; and the colour, external appearance and method of the screening of the building and the depth down to which the soil will be excavated for the appurtenances of the building should be specified.

In the case of mining operation, a site-plan in triplicate showing in red outline the extent of the operation in relation to the protected area should be attached, and details, regarding the depth down to which the operation is to be carried out, the mode of the operation, the method of the muffling of sound, the kind and charge of blasting material and the depth and number of blast-holes to be fired at a time should be specified.)

4. Purpose of the proposed construction/mining operation.

5. Approximate duration and date of commencement of the proposed construction! mining operation.

I declare that the above information is correct. I also undertake to observe the provisions of the Ancient Monuments and Archaeological Sites and Remains Act, 1958, and the rules made thereunder.

Seal of the organisation

Station

Date.....

Signature of the applicant
(If the application is on behalf
of an
organisation, the
signature should be
that of the head of the
organisation.)

FORM II

APPLICATION FOR LICENCE TO EXCAVATE IN A PROTECTED AREA

(Vide rule 12)

1. Name and address of applicant (If the application is on behalf of an institution, the name thereof should be given)
2. Name of site—

Locality.....DistrictState

.....

3. Extent of the proposed excavation (a plan of the site in triplicate showing in red outline the extent of the proposed excavation should be attached).
4. Approximate duration and date of commencement of the proposed excavation.
5. Approximate expenditure on the proposed excavation.
6. Name and status of the Director of the proposed excavation.
7. Details of photographic, surveying and other equipments available for the proposed excavation.

Sch. 3 Form IV)

The Ancient Monuments and Archaeological Sites and Remains Rules, 1959

I declare that the above information is correct. I also undertake to observe the provisions of the Ancient Monuments and Archaeological Sites and Remains Act, 1958, and the rules made thereunder.

Seal of institution

Date.....

Station Signature of the applicant
(If the application is on behalf of an institution, the signature should be that of the head of the institution, which term includes the Registrar of a University.)

FORM III
LICENCE FOR EXCAVATION IN A PROTECTED AREA
(Vide rule 13)

Whereas has applied for a license for carrying out excavation operation in the protected area known as at .District .State and has undertaken to observe **the** provisions of the Ancient Monuments and Archaeological Sites and Remains Act, 1958, and the rules made thereunder and has further deposited the sum of Rs (Rupees only) as required by the rules, I .Director-General of Archaeology, do hereby grant this license under sub-rule (1) of rule 13 of the said rules to the said to carry out excavation operations in the area indicated in red outline on the plan attached hereto.

The license is granted subject to the provisions of the said Act and rules and is further subject to the conditions that of . shall be the Director of the excavation.

The license is not transferable. It shall be valid for commencing with day of 19..... /20

Seal of the Department of Archaeology of the Government of India.

Station.....
Date.....

Signature of the Director-
General of Archaeology

FORM IV
REPORT ON ANTIQUITIES EXCAVATED IN A PROTECTED AREA
(Vide rule 16)

Name of site.....

Locality

District

State

Report for the period19..... /20..... to19..... /20.....

Serial No.	Class of antiquities	Material	Number of antiquities (in the case of pot- shreds, the approximate- mate number should be stated)	Approximate age	Remarks
			Complete Fragmentary		

Station.....

Date.....

Signature of the Licen

*The Ancient Monuments and Archaeological Sites
and Remains Rules, 1959*

**FORM V
REPORT ON EXCAVATED ANTIQUITIES BY AN
ARCHAEOLOGICAL OFFICER**

(Vide rule 27)

Name of site

Locality

District

State

Report for the period from19...../20.....to.....19...../20.....

Serial No.	Class of antiquities	Material		Number of antiquities Fragmentary	(in the case of pot- shreds, the approxi- mate number should be stated)	Approximate age	Remarks		
		Complete							

Station.....

Date.....

Signature of the Archaeological Officer

**FORM VI
APPLICATION FOR THE MOVING OF ANTIQUITIES**

(Vide rule 28)

1. Name and address of applicant (If the application is on behalf of an organisation, the name thereof should be given)
2. Name of the place from which antiquities are to be moved—

Locality District State

3. Description of antiquities proposed to be moved (Photographs showing details of the antiquities should be attached)
4. Approximate date of moving

5. Purpose of moving

6. Whether the antiquities or any of them are objects of worship.

I declare that the above information is correct.

Seal of the Organisation

Station.....

Date.....

Signature of applicant
(if the application is on behalf
of an Organisation, the
signature should be that of the
head of that Organisation).

Sch. 3 Form VIII

***The Ancient Monuments and Archaeological Sites and Remains
Rules, 1959***

FORM VII

**APPLICATION FOR LICENCE FOR MINING OPERATION/CONSTRUCTION
WITHIN A REGULATED AREA**

(Vide rule 34)

1. Name and address of applicant (If the application is on behalf of an organisation, the name thereof should be given)
2. Name of the monument near or adjoining which the regulated area is situated—

Locality.....District.....State.....

3. Nature and details of the proposed mining operation/construction in respect of Which permission is sought.

(In the case of mining operation, a site-plan in triplicate showing in red outline the extent of the operation in relation to the monument and the regulated area should be attached; and the details regarding the depth down to which the operation is to be carried out, the mode of the operation, the method of the muffling of sound, the kind and charge of blasting material and the depth and number of blast-holes to be fired at a time should be specified. In the case of construction, a site-plan in triplicate showing in red outline the location of the building in relation to the monument and the regulated area and the plan and elevation of the building should be attached; and the colour, external appearance and method of the screening of the building and depth down to which the soil will be excavated for the appurtenances of the building should be specified.)

4. Purpose of the proposed mining operation/construction.
5. Approximate duration and date of commencement of the proposed mining operation/construction.

I declare that the above information is correct. I also undertake to observe the provisions of the Ancient Monuments and Archaeological Sites and Remains Act, 1958, and the rules made thereunder.

Seal of organisation
Station

Date...

Signature of the applicant
(If the application is on
behalf of an
organisation, the
signature should be
that of the head of that
organisation)

FORM VIII
LICENCE OF MINING OPERATION/CONSTRUCTION WITHIN
A REGULATED AREA
(Vide rule 35)

Whereas..... ofhas applied for a license for in the regulated area near or adjoining..... atDistrict..... State, and has undertaken to observe the provisions of the Ancient Monuments and Archaeological Sites and Remains Act, 1958, and the rules made thereunder, I Director-General of Archaeology, do hereby grant this license under sub-rule (1) of rule 35 of the said rules to the said..... for.... in the area indicated in red outline on the plan attached hereto.

The license is granted subject to the provisions of the said Act and rules and is further subject to the following conditions, namely:—

The license is not transferable. It shall be valid for commencing withday of19...../20
Seal of the Department of Archaeology of the Government of India.
Station

Date.....

Signature of the Director-
General of Archaeology.

The Ancient Monuments and Archaeological Sites and Remains Rules, 1959
[Sch. 3 Form VIII
FORM IX APPLICATION FOR LICENCE OF FILMING OPERATION AT
A PROTECTED MONUMENT
(Vide rule 43)

1. Name and address of applicant. (If the application is on behalf of an organization, the name thereof should be given)

2. Name of the monument at which the proposed filming operation is to be carried out.

Locality District State

3. Part of the monument proposed to be filmed.

4. Nature and purpose of the proposed filming operation and the context in which the monument is proposed to be filmed (relevant extract of the script should be attached in triplicate and details of the scenes to be filmed should be furnished in triplicate).

5. Number of persons in the cast.

6. Approximate duration and date of commencement of proposed filming operation.

I declare that the above information is correct. I also undertake to observe the provisions of the Ancient Monument and Archaeological Sites and Remains Act, 1958, and the rules made there under.

Seal of the organization

Station.....

Date.

Signature of applicant (If the application is on behalf of an organization, the signature should be that of the head of the organization).

FORM X
LICENCE FOR FILMING OPERATION AT A PROTECTED MONUMENT
(Vide rule 44)

Whereas..... of..... has applied for a license for filming operation at the protected monument known as.... located atDistrict State.....and has undertaken to observe the provisions of the Ancient Monuments and Archaeological Sites and Remains Act, 1958, and the rules made there under, IDirector-General of Archaeology, do hereby grant this license under rule 44 of the said..... rules of said for the carrying out of filming operation, as per script and details of scenes attached hereto, in the following parts of the monuments, namely:

The license is granted subject to the provisions of the said Act, and rules and is further subject to the following conditions, namely:—

The license is not transferable. It shall be valid forcommencing with day of19/20.....

Seal of the Department of Archaeology of the Government of India

Station.....

Date.....

Signature of Director-General of Archaeology