

ANDHRA PRADESH ANCIENT AND HISTORICAL MONUMENTS AND ARCHAEOLOGICAL SITES AND REMAINS RULES, 1961

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**ANDHRA PRADESH ANCIENT AND HISTORICAL MONUMENTS
AND ARCHAEOLOGICAL SITES AND REMAINS RULES, 1961**

In exercise of the powers conferred by section 38 of the Andhra Pradesh Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1960, the Governor of Andhra Pradesh hereby makes the following rules, namely:-

CHAPTER 1

Preliminary

1. Short title and extent :-

(1) These rules may be called the Andhra Pradesh Ancient and Historical Monuments and Archaeological Sites and Remains Rules, 1961.

(2) They extend to the whole of the State of Andhra Pradesh.

2. Definitions :-

In these rules, unless the context otherwise requires

- (a) "Act" means the Andhra Pradesh Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1960;
- (b) "construction" means the construction of any structure and includes additions to or alterations of an existing building;
- (c) "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 cinematographic film with the aid of a hand camera which is capable of taking films of not more than eight millimeters and which does not require the use of a stand or involve any special previous arrangements.
- (d) "filming" together with its grammatical variations and cognate expressions, means the preparation of a cinematographic film with the aid of a camera which is capable of taking films of more than eight millimeters and which requires the use of a stand or involves other special previous arrangements;
- (e) "Form" means a Form appended to these rules;
- (f) "mining operation" means any operation for the purpose of searching for or obtaining minerals and includes quarrying, excavating, blasting and any operation of a like nature.
- (g) "Prohibited area" or "regulated area" means an area near or adjoining a protected monument which the Government has, by notification in the Andhra Pradesh Gazette, declared to be a prohibited area or, as the case may be, a regulated area, for purposes of mining operation or construction or both.
- (h) "Schedule" means the Schedule to these rules; and
- (i) "section" means a section of the Act.

CHAPTER 2

Access to protected Monuments.

3. Monument governed by Agreement :-

- (1) Access to a protected monument in respect of which an agreement has been entered into between the owner and the Government under Section 6 or in respect of which an order has been made by the 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 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 may, by order, direct that any specified part of a protected monument shall not be open, permanently or for a specified period, to any person other than an Archaeological Officer, his agents, subordinate and workmen and any other Government servant on duty at such part.

5. Monuments when kept open :-

(1) A protected monument shall normally remain open from sunrise to sun-set provided that the Director may, by notice to be exhibited in the monument, direct that protected monument or part thereof shall be closed temporarily in such periods as may be specified in the notice.

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

6. Entrance fee :-

The Director may, by order, levy a fee not exceeding twenty naya paise on each person entering into any protected monument or part thereof as specified in the order

Provided that the Director shall obtain the prior sanction of the Government before issuing such order.

7. Holding of meetings, etcin monuments :-

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

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

8. Prohibition of certain acts within monuments :-

No person shall, within a protected monument,-

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

(b) discharge any fire-arms;or

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

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

(e) beg for alms; or

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

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 4 or rule 5;or.

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

CHAPTER 3

Construction and other operations in protected areas

10. Permission required for construction or operation :-

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

(2) Every application for permission required under sub-section (1) of section 19 shall be made to the Director in Form I at least three months before the date of the commencement of the construction or operation.

11. Licence required for excavation :-

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

12. Application for licence :-

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

13. Grant of refusal of licence :-

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

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

14. Period of licence :-

Every licence shall be in force for such period not exceeding three years as may be specified in the licence

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

15. Cancellation of licence :-

The Director may, by order, cancel a licence granted under rule 13 if he is satisfied that the conduct of the excavation operations has not been satisfactory or in accordance with the conditions of the licence or if any further security demanded under rule 18 has not been deposited with the specified time:

Provided that no licence shall be cancelled unless the licensee has been given a reasonable opportunity to make his objections.

16. Conditions of licence :-

Every licence shall be subject to the following conditions, namely:-

- (a) the licence shall not be transferable;
- (b) the licensee shall give to the Director and the owner of the land to be excavated at least fifteen day's notice in writing of the commencement of the excavation operations;
- (c) the licensee shall produce the licence before the Collector of the district concerned or an Archaeological Officer, if so required;
- (d) the excavation operations shall be conducted under the supervision of the Director of the Excavation named in the licence who shall be present at the excavation operations for at least three-fourths of the period of the operations.
- (e) the licensee shall not, without the permission of the Director 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;
- (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;
- (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 operations unless he has given at least fifteen days' notice in writing to the Director
- (i) at the conclusion of the excavation operations, 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 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 quarterly, and it shall be open to the Director to publish the reports or reviews; and
- (k) the licensee shall, as soon as practicable, submit a report in

Form IV to the Government through the Director on then antiquities recovered during the excavation operations.

17. Recovery from security :-

The Director may, by order, direct the deduction from the security furnished by a 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 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 a licence any amount has been recovered under rule 17, the Director 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 under rule 13 or rule 15 or rule 17, may prefer an appeal to the Government and the decision of the Government on such appeal shall be final

20. Return of security :-

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

21. Publication of the result of excavation :-

Save as otherwise provided in rule 16, the Director 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 in this behalf.

22. Retention of antiquities by licensee :-

The 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 Government are of national importance, shall not be permitted to be retained by the licensee.

23. Penalty :-

Whoever -

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

(ii) contravenes any of the conditions of a licence, shall be punishable with fine which may extend to five thousand rupees.

CHAPTER 4

Report on excavated antiquities by an Archaeological Officer.

24. 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 Government through the Director on the antiquities recovered during the excavation.

CHAPTER 5

Moving of antiquities from certain areas.

25. Application for moving antiquities :-

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

26. Grant or refusal of permission :-

On receipt of an application under rule 25, the Director 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.

27. Appeal :-

Any person aggrieved by an order of the Director under rule 26 may prefer an appeal to the Government and the decision of the Government on such appeal shall be final.

CHAPTER 6

Mining operation and construction near protected monuments.

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

(1) Before declaring an area near or adjoining a protected monument to be prohibited area or a regulated area for purposes of

mining operation or construction or both, the Government shall, by notification in the Andhra Pradesh 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 ; and

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

29. Declaration of prohibited or regulated area :-

After the expiry of one month from the date of the notification under rule 28 and after considering the objections, if any, received within the said period, the Government may declare by notification in the Official Gazette, the area specified in the notification under rule 28, 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.

30. 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.

31. Application for licence :-

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

32. Grant of refusal or licence :-

(1) On receipt of an application under rule 31, the Director may grant a licence or, if he is satisfied that the licence asked for should not be granted, may, for reasons to be recorded, refuse to grant a licence.

33. Cancellation of licence :-

The Director may, by order, cancel a licence granted under rule 32 if he is satisfied that any of its conditions has been violated :

Provided that no licence shall be cancelled unless the licensee has been given a reasonable opportunity to make his objections.

34. Appeal :-

Any person aggrieved by an order of the Director made under rule 32 or rule 33 may prefer an appeal to the Government and the decision of the Government shall be final.

35. Removal of unauthorised building :-

(1) The Government may, by order, direct the owner or occupier of an unauthorised building in a prohibited area or in a regulated area or of a building or part thereof which has been constructed in contravention of any of the conditions of a licence granted under rule 32 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 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.

36. Penalty :-

Whoever -

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

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

(iii) fails or refuses to comply with an order made under sub-rule (1) of rule 35, 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 7

Copying and filming of protected monuments.

37. Permission required for copying certain monuments :-

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

38. Conditions of copying other monuments :-

(1) Any person may copy a protected monument in respect of

which no order under rule 37 has been made.

39. Licence required for filming :-

No person other than an Archaeological Officer or an officer authorised by him in this behalf shall undertake any filming operation at a protected monument or part thereof except under and in accordance with the terms and conditions of a licence granted under rule 41.

40. Application for licence :-

Every person intending to undertake any filming operation at a protected monument shall apply to the Director in Form IX atleast one month before the proposed date of the commencement of such operation.

41. Grant or refusal of licence :-

42. Cancellation of licence :-

The Director by order, may, after giving notice to the licensee, cancel a licence granted under rule 41 if he is satisfied that any of its conditions has been violated.

43. Appeal :-

Any person aggrieved by an order of the Director made under Rule 41 or rule 42 may prefer an appeal to the Government; and the decision of the Government on such appeal shall be final.

44. Certain rules not affected :-

Nothing in rule 38 and no provision of a permission granted under rule 37 or of a licence granted under rule 41 shall affect the operation of rules 3,4,5,6,7,8 and 9.

45. Penalty :-

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

CHAPTER 8

Miscellaneous.

46. Manner of preferring an appeal :-

(1) Every appeal to the Government under the Act 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.

47. Service of orders and notices :-

Every order or notice made or issued under the Act or these rules shall

(a) in the case of any order or notice of a general nature affecting a class of persons be published in the Andhra Pradesh 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 XXIX or rule 3 of Order XXX, as the case may be, in the First Schedule to the Code of Civil Procedure, 1908; and