

GUJARAT ANCIENT MONUMENTS AND ARCHAEOLOGICAL SITES AND REMAINING RULES, 1967

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SCHEDULE 1 :- SCHEDULE

GUJARAT ANCIENT MONUMENTS AND ARCHAEOLOGICAL SITES AND REMAINING RULES, 1967

GUJARAT ANCIENT MONUMENTS AND ARCHAEOLOGICAL SITES AND REMAINING RULES, 1967

CHAPTER 1

Preliminary

1. Short title. :-

These rules may be called the Gujarat Ancient Monuments and Archaeological Sites and Remains Rules, 1967.

2. Definitions. :-

In these rules, unless the context otherwise requires,

(a) "the Act" means the Gujarat Ancient Monuments and Archaeological Sites and Remains Act, 1965 (Guj. 25 of 1965);

(b) "Board" means the State Advisory Board constituted under sub-section (1) of section 28;

(c) "construction" means the constructions of any structure and includes additions to or alterations of an existing building;

(d) "copying" together with its grammatical variations and cognate expressions, means the preparation of copies by drawing or by photography or by mould or by squeezing and includes the preparation of a cinematographic film with the aid of a hand

camera which is capable of taking film not more than eight millimeters and which does not require the use of a stand or involve any special previous arrangement;

(e) "filming", together with its grammatical variations and cognate expression, 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 involve other special arrangement;

(f) "Form" means a form set out in the Schedule;

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

(h) "prohibited area" or "regulated area" means an area near or adjoining a protected monument which the State Government has, by notification in their Official Gazette, declared to be a prohibited area or, as the case may be, a regulated area for purposes of mining operation or construction or both;

(i) "Schedule" means the Schedule appended to these rules; and

(j) "section" means a section of the Act;

(k) word and expression used hereinafter but not defined in these rules shall have the same meaning as has been assigned to them in the Act.

CHAPTER 2

Access to Protected Monuments

3. Monuments governed by agreement. :-

(1) Access to protected monuments in respect of which an agreement has been entered into between the owner and the State Government under section 6 or in respect of which an order has been made by District Judge under section 8 or by the State Government under section 9 shall be governed by the provisions of the agreement, or as the case may be, the order and nothing in rules 4, 5 or 6 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, subordinates and workmen and other Government servant on duty at such part.

5. Monuments when kept open. :-

(1) If any protected monuments are intended to be kept open during any specified hours only, a notice specifying such monuments and the hours during which they shall remain open shall be published in the Official Gazette. All protected monuments which are not so specified and to which neither rule 3 nor rule 4 applies shall remain open from sunrise to sunset:

Provided that an Archaeological Officer may, by notice to be exhibited in a conspicuous part of the monument, direct that a protected monument or part thereof shall be closed temporarily for such periods as may be specified in the notice.

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

6. Holding of meetings etc. in monuments. :-

(1) No protected monument 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 State 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.

7. Prohibition of certain acts within monuments. :-

No person shall, within a protected monument,

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

(b) discharge any fire arms; or

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

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

(e) beg for alms; or

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

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

(i) any animal; or

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

8. 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 on a notice has been published under rule 5, or

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

CHAPTER 3

Construction and Mining Operations in Protected Areas

9. Application for permission under section 21 for construction etc. :-

Every application for permission of the State Government under sub-section (1) of section 21 shall be made in Form I atleast three months before the date of commencement of the construction or as the case may be mining operation for which the permission is required.

10. Penalty. :-

Whoever unlawfully undertakes any construction, or mining operation, in any protected area shall be punishable with fine which may extend to five thousand rupees.

CHAPTER 4

11. 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 23 shall be made in Form II to the Collector at least three months before the proposed date of the moving.

12. Grant or refusal of permission. :-

On receipt of an application under rule 11, the Collector may after consulting the Director of Archaeology and 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.

CHAPTER 5

Construction and Mining Operation adjoining or Near Protected Monuments

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

(1) Before declaring an area near or adjoining a protected monument to be a prohibited area or a regulated area for the purposes of mining operation or construction or both, the State 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 objections, if any, from interested persons.

14. Declaration of prohibited or regulated area. :-

After the expiry of one month from the date of the notification under rule 14 and after considering the objections, if any, received within the said period, the State Government may declare, by notification in the Official Gazette, the area specified in the notification under rule 14 or any part of such area, to be prohibited area, or, as the case may be, a regulated area for the purpose of mining operation or construction or both.

15. 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 Collector.

16. Application for licence. :-

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

17. Grant or refusal of licence. :-

(1) On receipt of an application under rule 16, the Collector may grant a licence or, if he is satisfied that the licence asked for should not be granted, may, for reasons' to be recorded, refuse to grant a licence.

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

(a) the licence shall not be transferable;

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

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

18. Cancellation of licence. :-

The Collector may, by order, cancel a licence granted under rule 17> if he is satisfied that any of its condition has been violated: Provided that no licence shall be cancelled unless the licensee has been given an opportunity of being heard.

19. Appeal. :-

Any person aggrieved by an order of the Collector made under rule 17 or rule 18 may prefer an appeal to the State Government; and the decision of the State Government on such appeal shall be final.

20. Removal of unauthorised buildings. :-

(1) The State 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 17 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 State 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.

21. Penalty. :-

Whoever

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

(ii) contravenes any of the conditions of a licence granted under rule 16, or

(iii) fails or refuses to comply with an order made under sub-rule (1) of rule 20,

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 6

Copying and Filming of Protected Monuments

22. Permission required for copying certain monuments. :-

The Collector 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.

23. Conditions of copying other monuments. :-

(1) Any person may copy a protected monument in respect of which no order under rule 22 has been made.

(2) Nothing in sub-rule (1) shall be constructed as authorising any person other than an Archaeological Officer or an officer authorised by him in this behalf, while copying any such monument to

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

such appliance, or

(b) erect any scaffolding within such precincts, or

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

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

(e) prepare a direct tracing or mould or squeeze of such monument or part thereof,

except under and in accordance with the terms and conditions of a permission in writing granted by an Archaeological Officer.

24. Licence required for filming. :-

No person other than an Archaeological Officer or an officer authorised by him on his 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 26.

25. Application for licence. :-

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

26. Grant or refusal of licence. :-

(1) On receipt of an application under rule 25, the Collector may grant a licence in consultation with the Director, if he is satisfied that the licence asked for should not be granted may, for reason to be recorded, refuse to grant a licence:

Provided that the Collector shall not grant any licence to film the interior of any protected monument, that is to say such part of any protected monument as is covered by a roof of any description, except when the film is for the purpose of education or of publicising the monument.

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

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

- (b) nothing shall be done by the licensee or any member of his party which has, or may have the effect of exposing, any part of the monument or attached lawn or garden to the risk of damage;
- (c) the filming operation shall be restricted to that part of the monument in respect of which the licence has been granted;
- (d) no extraneous matter, such as water, oil, grease, or the like shall be applied on any part of the monument;
- (e) the generating plant for electric power, wherever required, shall be placed away from the monument or the attached lawn or garden;
- (f) the filming operation shall not obstruct or hamper the movement of persons who may lawfully be within the precincts of the monument; and
- (g) any other condition which the Collector, may specify in the licence.

27. Cancellation of licence. :-

The Collector, by order, may, after giving notice to the licensee, cancel a licence granted under rule 26 if he is satisfied that any of its condition has been violated.

28. Appeal. :-

Any person aggrieved by an order of the Collector made under rule 26 or rule 27 may prefer an appeal to the State Government; and the decision of the State Government on such appeal shall be final.

29. Certain rules not affected. :-

Nothing in rule 23 and no provision of a permission granted under rule 22 or of a licence granted under rule 26 shall affect the operation of rules 3, 4, 5, 6 and 7.

30. 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 7

State Advisory Board

31. 31. :-

- (a) The Board shall be called the "State Advisory Board of

Archaeology".

(b) The Board shall consist of ¹ [fifteen] members including the President and Vice President.

1. Subs. by Notfn. d. 6-10-1969; Guj. Oovt. Gaz.. Pt. IV-B. d. 23-10-1969. p.1668.

32. Meeting of the Board. :-

(1) The Board shall meet at least once a year at such a place as may be decided upon by the President.

(2) The number of members necessary to constitute a quorum at a meeting of the Board shall be seven including the President.

(3) Every meeting of the Board shall be presided over by the President or if the President is, for any reason, unable to attend it, by the Vice President, and if both the President and Vice President are, for any reason unable to attend it, by such Member present as may be chosen by the meeting to be President for the meeting.

(4) The Board shall keep minutes of the proceedings of each meeting of the Board and shall include therein the names of the members present.

(5) The members of the Board shall be entitled to payment of travelling and daily allowances as admissible to the first grade officers of the State Government.

33. Term of office of Members. :-

(1) The term of office of the members of the Board shall be three years from the date of the constitution of the Board

(2) Any person appointed to fill up a casual vacancy of a Member of the Board shall hold office for the unexpired period of office of the person in whose place he is appointed.

CHAPTER 8

Miscellaneous

34. Manner of preferring an appeal. :-

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

35. Service of orders and notices. :-

Every order or notice made or issued under the Act or under 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 XXIX or rule 3 of order XXX,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, acknowledgment due.

SCHEDULE 1

SCHEDULE