

ANCIENT MONUMENTS AND ARCHAEOLOGICAL SITES AND REMAINS RULES, 1962

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ANCIENT MONUMENTS AND ARCHAEOLOGICAL SITES AND REMAINS RULES, 1962

In exercise of the powers conferred by Section 41 of the Maharashtra Ancient Monument and Archaeological Sites and Remains Act, 1960 (Mah. XII of 1961). and in supersession of all the rules made under the Act repealed by Section 43 of the said Act with respect to the matters covered by the following rules, the Government of Maharashtra hereby makes rules, the same having been previously published as required by subsection (1) of the said Section 41, as follows, namely

CHAPTER 1

Preliminary

1. Short, title, extent and commencement :-

(1) These rules may be called the Maharashtra Ancient Monuments and Archaeological Sites and Remains Rules, 1962.

(2) They extend to the whole of the State of Maharashtra.

(3) They shall come into force on the 8th day of October, 1962. XII of 1961.

2. Definitions :-

In these rules, unless the context otherwise requires of :-

(a) "Act" means the Maharashtra Ancient Monuments and Archaeological Sites and Remains Act, 1960 ;

(b) "Board" means the State Advisory Board constituted under subsection (1) of Section 30 ;

(c) "construction" means the construction of any structure and includes addition to, or alteration of, an existing building ;

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

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

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

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

(h) "Schedule "means a Schedule to these rules ;

(i) "Section" means a section of the Act.

CHAPTER 2

Access to Protected Monuments

3. Monuments governed by agreements :-

(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 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 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. Power to keep closed any monument or part thereof temporarily :-

Closure of the monument by written order of the Director If the opinion of the Director an emergency exists requiring temporary closure of any protected monument or part thereof to the public, he may, by order direct that a protected monument or any part thereof shall not be open during such period as may be specified by him to any person other than an Archaeological Officer, his agents, subordinates and workmen and any other Government servant on duty at such monument or part thereof;

5. Monument when kept open :-

Monuments kept open during specified hours

(1) Protected monuments which are intended to be kept open during any specified hours shall be notified by the Director in the Official Gazette in the manner as set out in the First Schedule ; protected monuments 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 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 :-

Entry only on payment of entrance fee The protected monuments or any part thereof, entry into which can be had only on payment of fee shall be notified by the State Government in the Official Gazette in the manner as set out in the Second Schedule ; and no person above the age of fifteen years shall enter any such protected monument or part thereof except on payment of a fee of fifteen paise ;

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

7. Holding of meetings etc. in monuments :-

meetings barred except with permission.

(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 subrule (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 :-

Certain acts within a protected monument prohibited(1) 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-arm ; or

(c) cook or consume food except in areas, if any, permitted to be used for that purpose by the Director or an Archaeological Officer; or

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

(e) beg for alms ; or

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

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

(i) any animal, or

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

9. Penalty :-

WhoeverUnlawful entry penalised -

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

(ii) unlawfully enter any protected monument in respect of which an order has been made under rule 4 or a notification has been issued under rule 5, or

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

CHAPTER 3

Construction and Mining and Excavation Operations in Protected Areas

10. Application for permission under Section 21 (1) for construction or carrying on mining operations

:-

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

11. Licence required for excavation :-

Act of 1958 Entry for excavation restricted Subject to the provisions of Section 24 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958, no person other than an Archaeological Officer or an officer authorised by him in this behalf shall enter upon and make excavations 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 excavation licence :-

Application in Form II, Every application for a licence under rule 13 shall be made in Form II to the Director, at least four months before the date proposed for the commencement of the excavation operations.

13. Grant or refusal of licence :-

Licence granted on Form III; Security not exceeding Rs. 10,000 statutory

(1) On receipt of an application under rule, 12 the Director may grant a licence in Form HI if he is satisfied that, having regard to the status of the applicant, the competence of the Director or 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 a security of such amount not exceeding ten thousand rupees as the Director may, having regard to the circumstances of each case, require.

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

14. Period of licence :-

Every licence granted under rule 13 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 :-

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

Provided that, no licence shall be cancelled unless the licensee has been given an opportunity of being heard.

16. Conditions of licence :-

Licence granted subject to the Act, rules and conditions stated herein Every licence granted under rule 13 shall be subject to the provisions of the Act and these rules and the following conditions, namely : -

- (a) the licence shall not be transferable ;
- (b) the licensee shall give to the Director, to the Collector, and the owner of the land to be excavated, at least fifteen days' notice in writing of the commencement of the excavation operations ;
- (c) the licensee shall produce the licence, before the Collector or the District Superintendent of Police concerned or an Archaeological Officer, if so required ;
- (d) the excavation operations shall be conducted under the supervision of the Director named in the licence, who shall be present at the excavation operations for at least three-fourth 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 shall be allowed to inspect the excavation operations or any antiquities required during the operations and make notes on, or copy or film the excavated structure 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 operations, 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 to publish the report or reviews ; and
- (k) the licensee shall, as soon as practicable, submit a report in Form IV to the State Government through the Director of the antiquities recovered during the excavation operations.

17. Recovery from security :-

Compensation to be recovered from security Where, by reason of the excavation operations carried on by the licensee, any compensation becomes payable under Section 27 to the owner or occupier of the land excavated, the Director may, by order direct that an amount equal to such compensation shall be deducted from the amount of

security furnished by the licensee under rule 13.

18. Demand for further security :-

Demand for additional 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 in that behalf, 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 State Government, whose decision on such appeal shall be final.

20. Return of security :-

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

21. Publication of results of excavation :-

(1) The licensee shall publish the results of his excavation operations within such period as may be specified in that behalf by the Director ;

(2) Save as otherwise provide in clause (I) of rule 16, the Director shall not publish such results without the consent of the licensee, unless the licensee has failed to publish them within the period specified under sub-rule (1)

22. Retention of antiquity by licensee :-

The State Government may, 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 and antiquities, which in the opinion of the State Government are of historical or archaeological 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 granted under rule 13, shall on conviction, be punished with fine which may extend to five thousand rupees.

CHAPTER 4

Report on Excavated Antiquities by 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 23, any antiquities are discovered, the Archeological Officer shall, as soon as practicable, submit a report in Form V to the State Government through the Director, on the antiquities recovered during the excavation.

CHAPTER 5

For movement of antiquities on Form VI

25. Moving of antiquities from certain areas :-

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 Collector, at least three months before the date on which it is desired to move them.

26. Grant or refusal of permission :-

On receipt of an application under rule 25, the Collector may, after making such inquiry as he may deem necessary and consulting the Director 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 Collector under rule 26 may prefer an appeal to the State Government, whose decision on such appeal shall be final.

CHAPTER 6

Construction and mining Operations Adjoining or Near protected Monuments

28. Licence required for construction and mining operations adjoining or near protected monuments :-

No person other than an Archaeological Officer shall undertake any mining operations near a protected monument or any construction on land adjoining such monument, except under and in accordance with the terms and conditions of a licence granted by the Director.

29. Application for licence :-

Application on Form VII to the Director Any person intending to undertake any mining operation or any construction as aforesaid may apply to the Director in Form VII at least three months before the date of commencement of such operation or construction.

30. Grant or refusal of licence :-

Grant of licence on Form VIII

(1) On receipt of an application under rule, 29 the Director may grant a licence in Form VIII if he is satisfied that the proposed operation or construction will not destroy or deface the protected monument or any reasonable amenities of such monument.

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

(3) Every licence granted under sub-rule (1) shall be subject to the provisions of the Act and these rules and 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 conditions relating to the manner of carrying out the mining operation or the construction which the Director may specify in the licence for ensuring the safety and appearance of, and the maintenance of the approach and access to, the protected monument.

31. Cancellation of licence :-

The Director may, by order, cancel a licence granted under rule 30, 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 an opportunity of being heard.

32. Appeal :-

Any person aggrieved by an order of the Director made under rule 30 or rule 31 may prefer an appeal to the State Government , whose decision on such appeal shall be final.

33. Removal of unauthorised buildings :-

(1) The State Government may, by order, direct the owner or occupier of any building or part thereof which has been constructed in contravention of any of the conditions of a licence granted under rule 30 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 Collector 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.

34. Penalty :-

Whoever :-

(i) unlawfully undertakes any mining operations or construction near or adjoining a protected monument, or

(ii) contravenes any of the conditions of licence granted under rule 30, or

(iii) fails or refuses to comply with an order made under sub-rule (1) of rule 33. - shall, on conviction, be punished 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

35. Further regulation of right of access :-

The right of access of the public to a protected monument shall be subject to the provision of the additional rules prescribed in this Chapter.

36. Permissions required for copying certain monuments :-

The Director may, by order, direct that no person visiting any specified monument shall copy such monument or part thereof, except under and in accordance with terms and conditions of a permission in writing granted by an Archaeological Officer.

37. Conditions of copying other monuments :-

Restrictions as to use of certain things while copying other monuments

(1) Any person may copy a protected monument in respect of which no order under rule 36 has been made.

(2) Nothing in sub-rule (1) shall be construed as authorising any person, while copying any such monuments, 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 precinct, or

(c) use within such precincts any artificial light other than a flashlight 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.

38. Licence required for filming :-

Compliance with the terms of licence. No person visiting a protected monument shall undertake any filming operation at the protected monument or part thereof, except under and in accordance with the terms and conditions of licence granted under rule 40.

39. Application for licence :-

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

40. Grant or refusal of licence :-

Form X for grant of licence

(1) On receipt of an application under rule 39, the Director may grant a licence in Form X if he is satisfied that ¹

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

(3) Every licence granted under sub-rule (1) shall be subject to the provisions of the Act and these rules and 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 or 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 lawns or garden. Here specify guides for the Director.

(f) the filming operations 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 may specify in the licence.

1. Here specify guides for the Director

41. Cancellation of licence :-

The Director may, by order, cancel a licence granted under rule 40 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 an opportunity of being heard.

42. Appeal :-

Any person aggrieved by an order of the Director made under rule 40 or rule 41 may prefer an appeal to the State Government, whose decision on such appeal, shall be final.

43. Certain rules not affected :-

Nothing in rule 37 and no provision of a permission granted under rule 36 or of a licence granted under rule 40 shall affect the operation of rules 3,4,5,6,7,8, and 9.

44. 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 ¹ [on conviction] be punished with fine which may extend to five hundred rupees.

1. Substituted by G.N.Of 15th April 1968

CHAPTER 8

State advisory Board

45. Name and Constitution of Board :-

(1) The Board to be constituted by the State Government under section 30 shall be called by the name of the Maharashtra State Board of Archives and Archaeology and shall consist of the President and other members, as follows, namely :-

(a) The Secretary to the Government of Maharashtra or any other officer of his status in charge of Education Department as may be specified by Government. Ex-Officio President

(b) The Director of Archives and Historical Monuments.

(c) Eight persons to be nominated by the State Government, on the recommendation of the Director, of whom four shall be representing archival interests and four archaeological interests.

(2) The Board may associate with itself for any particular purpose or area such number of expert Co-opted Members not exceeding ten and such number of associate members not exceeding ten, as the Board may deem fit to appoint.

46. Terms of office of members :-

Tenure of office

(1) The term of office of the members of the Board nominated under clause (c) of sub-rule (1) of the last preceding rule shall ordinarily be three years extensible by order of the State Government to a term not exceeding in the aggregate five years.

(2) An expert Co-opted Member appointed by the Board shall hold office for one year or till the next annual meeting of the Board, whichever is earlier, and be eligible for re-appointment.

(3) An Associated member appointed by the Board shall hold office till the next annual meeting of the Board, and be eligible for reappointment.

(4) Any vacancy of a member or Expert Co-opted Member or Associate Member shall be filled as early as practicable by the Board but any person nominated or appointed to fill up the vacancy shall hold office for the unexpired period of office of the person in whose place he is nominated, or appointed, as the case may be.

47. Appointment of assistant secretaries :-

The Director may nominate, [from among the members] of his staff, two persons to function as the assistant secretaries of the Board, one representing the Archives and the other the Archaeology Department.

48. Meeting of Board :-

Annual meeting in November / December

(1) The Board shall hold its annual meeting in November or December at a place and time decided at the last such meeting and if no such place and time are fixed or they are found inconvenient by the ; President at such other place or time as the President may decide :

Provided that, the first meeting of the Board after its constitution shall be held within two months from the date of its constitution at such place and time as the President may decide.

(2) The Board may hold such other meetings at such places and times for disposal of any urgent matter as the President may decide.

(3) Every meeting of the Board shall be presided over by the President and his absence by such one of the Members present as may be chosen by the meeting to be the chairman for the occasion.

[(4) No business shall be transacted at any meeting of the Board unless at least three members thereof are present from the beginning to the end of such meeting :

Provided that, no quorum shall be necessary for the transaction of business at any adjourned meeting ;

Provided further that no business which was not on the agenda of the original meeting shall be brought before such adjourned meeting.]

49. Travelling allowances to members :-

The members of the Board nominated under clause (c) of sub-rule (1) of rule 45, the -Expert Co-opted Members and the Associated Members shall be entitled to payment of travelling allowance in accordance with scale I in rule 1 (I)(b) in Section 1 of Appendix XLII-A of the Bombay Civil Services Rules, 1959, Volume II, for journeys performed by them to attend any meeting of the Board or to discharge any functions entrusted to them by the Board.

CHAPTER 9

Miscellaneous

50. Manner of preferring an appeal :-

(1) [Every appeal to the State Government under the Act or under these rules shall be preferred in form XI within one month of the date of receipt of the order appealed against]:

Provided that the time required for obtaining copies of the order appealed against shall be excluded in computing the period of one month.

]

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

51. Service of orders and notices :-

Procedure for service of orders 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 of 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 member of the family of such person or any affixing a copy thereof on the outer door at 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

FIRST SCHEDULE

(Vide rule 5)

**Hours during which the following
protected monuments or part thereof
will remain open**

S.No.	District	Locality	Name of Monument	Part of monument which shall remain open during hours other than from sunrise to sunset.	H op
(1)	(2)	(3)	(4)	(5)	

SECOND SCHEDULE

(Vide rule 6)

Protected Monuments or parts thereof entry into which can be

had only on payment of fee

S.No.	District	Locality	Name of monument	Part of monument for which payment of fee is required
(1)	(2)	(3)	(4)	(5)