

ANDHRA PRADESH ANCIENT AND HISTORICAL MONUMENTS AND ARCHAEOLOGICAL SITES AND REMAINS RULES 1960

[G.O. Ms. No. 2578, Education, 27th July 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 I

RULES

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 arrangement;
- (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, excavation, 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 II

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, directs 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 any other Government servant on duty at such part.

5. Monuments when kept open

(1) A protected monument shall normally remain open from sun-rise to sun-set provided that the Director may by notice to be exhibited in the monument directs that a protected monument or part there of 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 fees

The Director may, by order, levy a fee not exceeding twenty naye 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, 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 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
- (d) hawk or sell any goods or wares or canvass any custom for such goods or water or display any advertisement in any form or show a visitor round for monetary consideration, except under the authority of , or under and in accordance with the conditions of a licence granted by, an Archaeological Officer; or
- (e) beg for alms ; or
- (f) violate any practice, usage or custom applicable to or observed in the monument: or
- (g) bring, for any purpose other than the maintenance of the monument-
- (i) any animal, or
- (ii) any vehicle except in areas reserved for the parking thereof.

9. Penalty. – Whoever

- (i) unlawfully enters any protected monument or part thereof at a time when, under these rules, it is not to be kept open; or
- (ii) unlawfully enters any protected monument in respect of which an order has been made under rule 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 III

CONSTRUCT ON 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 authorized by him in his 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 or 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:

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 within 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 days' 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 no 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 quarter by, and it shall be open to the Director to publish the report in his 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 the 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 there of 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 IV

REPORT ON EXCAVATED ANTIQUITIES BY AN ARCHAEOLOGICAL OFFICER.

24. Form of Report by an Archaeological Officer

Whereas 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 V

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 at least 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 VI

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 a 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 and 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 term 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 or refusal of 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.
- (2) Every licence granted under sub-rule (1) shall be in Form VIII and subject to the following conditions, namely:-
 - (a) the licence shall not be transferable;
 - (b) it shall be valid for the period specified therein;
 - (c) any other condition 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.

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 unauthorized buildings

- (1) The Government may, by order, direct the owner or occupier of an unauthorized 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 a regulated area, or
- (ii) contravenes any of the conditions of a licence, or
- (iii) fails or refuses to comply with an order made under sub-rule (1) of rule 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-VII

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.
- (2) Nothing in sub-rule (1) shall be construed as authorizing 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 synchronized 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.

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 at least one month before the proposed date of the commencement of such operation.

41. Grant or refusal of licence

- (1) On receipt of an application under rule 40, the Director may grant as licence or, if he is satisfied that the licence asked for, should not be granted may, for reasons to be recorded, reuse to grant a licence:

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 publishing the monument.

- (2) Every licence granted under sub-rule (1) shall be in Form X and be subject to the following conditions, namely:-
 - a) the licence shall be not be transferable and shall be valid for the period specified therein ;
 - b) nothing shall be done by the licensee or any member of his party which has, or may have, the effect of exposing any part of the monument or attached lawn or garden to the risk of damage;
 - c) the filming operation shall be restricted to that part of the monument in respect of which the licence has been granted;
 - d) no extraneous matter, such as water, oil , grease or the like, shall be applied on any part of the monument;

- e) the generating plant for electric power, wherever required, shall be placed away from the monument or the attached lawn or garden;
- f) the filming operation shall not obstruct or hamper the movement of persons who may lawfully be within the precincts of the monument; and
- g) any other condition which the Director may specify in the 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 VIII

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 Andhre 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 8 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 make member of the family or such person or by affixing a copy there- of on the out 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,

APPENDIX

FORM I

Application for permission for construction/ mining operation with in a projected area [See rule 10 (2)]

1. Name and address of Applicant.*
2. Name of the protected area within which construction/mining operation is proposed.

Locality District

3. Nature and details of the proposed construction/mining 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 Andhra Pradesh Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1960 and the rules made thereunder.

Seal of the Organisation.

Station

Date:

Signature of the application †

* If the application is on behalf on an organization, the name thereof should be given.

† If the application is made on behalf of an organisation, the signature should be that of the head of that organization.

said.....to carry out excavation operations on the area indicating in red outline on the plan attached hereto.

The licence is granted subject to the provisions of the said Act and rules and is further subject to the condition thatofshall be the director of the excavation.

The licence is not transferable. It shall be valid for commencing withday of19.

Seal of the Department of Archaeology of
the Government of Andhra Pradesh

Station

Date: Signature of the Director of Archaeology.

FORM-IV

Report on the antiquities recovered during the excavation operation (see rule 16)

Name of site

Locality

District

Report of the period from 19 to 19

Sl. No.	Class of antiquities	Material	Number of antiquities* Complete/Fragmentary	Approximate age	Remarks
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Station

Date: Signature of the Licenses.

*In the case of potsherds, the approximate number should be stated.

FORM-V

Report on antiquities excavated by Archaeological Officer (See Rule 24)

Name of site

Locality

District

Report of the period from 19 to 19

Sl. No.	Class of antiquities	Material	Number of antiquities* Complete/Fragmentary	Approximate age	Remarks
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Station

Date: Signature of the Licenses.

*In the case of potsherds, the approximate number should be stated.

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).

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 Andhra Pradesh Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1960, and the rules made thereunder.

Seal of the Organisation.

Station
Date:

Signature of the application. †

* if the application is on behalf on an organization, the name thereof should be given.

† If the application is made on behalf of an organisation, the signature should be that of the head of that organisation.

FORM VIII

Licence for mining Operation/construction within a regulated area (See rule 32).

Whereas..... ofhas applied for a licence forin the regulated area near or adjoining.....at..... District and has undertaken to observe the provisions of the Andhra Pradesh Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1960 and the rules made thereunder.

I,.....Director of Archaeology, do hereby grant this licence under sub-rule (2) of rule 32 of the said rules to the said forin the area indicated in red outline on the plan attached hereto.

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

The licence is not transferable . It shall be valid for commencing withday of19

Deal of the Department of Archaeology
Of the Government of Andhra Pradesh.

Station
Date

Signature of the
Director of Archaeology.

FORM IX

Application for licence of filming operation at a protected monument (see rule 40)

1. Name and address of applicant*
2. Name of the monument at which the Proposed filming operation is to be Carried out.
Locality _____ District. _____
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 Andhra Pradesh Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1960, 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 name thereof should be given.

† If the application is on behalf of an organisation, the signature should be that of the head of the organisation.

FORM X

Licence for Filming Operation at a Protected Monument(see rule 41)

Whereas.....of.....has applied for a licence for filming operation at the protected monument Known asLocated atdistrict..... and has undertaken to observe the provisions of the Andhra Pradesh Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1960, and the rules made thereunder.

I,Director of Archaeology, do hereby

grant this licence under rule 41 of the said rules to the said for the carrying out of filming operation, as per script and details of seals attached hereto, in the following parts of the monuments, namely:-

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

The licence is not transferable. It shall be valid, for commencing with.....day of19.

Seal of the Department of Archaeology,
Andhra Pradesh.

Station

Date:

*Signature of the
Director of Archaeology.*