

THE ASSAM ANCIENT MONUMENTS AND RECORDS RULES, 1964

CHAPTER I

Preliminary

1. Short title and extent

- (1) These Rules may be called the Assam Ancient Monuments and Records Rules, 1964.
- (2) They shall extend to the whole of Assam.

2. Definitions

In these Rules, unless the context otherwise requires,-

- (a) 'Act' means the Assam Ancient Monuments and Records Act, 1959 (Assam Act no. XXV of 1959);
- (b) 'construction' means the construction of any structure and includes addition to or alterations of an existing building;
- (c) 'Copying' 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) 'section' means a section of the Assam Ancient Monuments and Records Act, 1959(Assam Act No. XXV of 1959).

CHAPTER II

Protected Monuments- Declaration of

3. Manner of enquiry before an Ancient Monuments may be declared to be protected

- (1) The Superintendent shall, before a notification under Section 3 is issued, cause a thorough enquiry as to the antiquity of the monument to be protected, and shall determine as accurately as possible the age of the Monument on such evidences as may be available to him.
- (2) On obtaining evidences which the Superintendent considers sufficient for protection of a Monument, he shall submit necessary

proposals to the State Government for protection of the same under intimation to the Deputy Commissioner concerned.

- (3) In submitting a proposal to the State Government the Superintendent shall specify the exact area of the land that is required for the purpose of preserving the Monument in proper manner, with facilities for approach road, reaction of any structures and for laying out of gardens.

(4) Recommendations of the Deputy Commissioner

The Deputy Commissioner shall within one month from the date of the receipt of the report from the Superintendent, submit to the State Government his objection if any against the proposal of the Superintendent together with alternative suggestions. The State Government may issue a Notification under Section 3, notwithstanding the fact that no report has been received from the Deputy Commissioner in this behalf.

(5) Demarcation of site

As soon as a notification has been confirmed under sub-section (3) of Section 3, the Superintendent shall cause necessary pillars and fencings to be fixed demarcating the area appearing in the notification and required for preservation of the protected Monument.

(6) Restriction of Public entry into a Monument during repairs

- (1) Superintendent may, by an order to be fixed up in a conspicuous place near the Monument, prevent entry into the site of the protected Monument of any person not specifically authorized by him to do so, during such periods of time when the Monument is under repairs or when an excavation is carried on in the site or when entry of unauthorized persons is deemed by the Superintendent to be detrimental in the interest of work of preservation.
- (2) In the Case of a protected Monument which, or part of which, is used for religious worship or observances by any community, the person or persons whose entry into the Monument is required for the purpose of religious observances, shall be deemed to be persons authorized by the Superintendent for such entry under sub-rule (1).

CHAPTER III

Guardianship over Monuments, and their maintenance

7. Determination of the owner

- (1) As soon as the antiquity of a Monument has been established by the Superintendent, he shall report the matter to the Deputy Commissioner for determining the ownership of the Monument.
- (2) The Deputy Commissioner, immediately on receipt of the report from the Superintendent, shall cause an enquiry regarding the ownership of the Monument; and failing to ascertain any owner readily, he shall notify the matter in such manner as may be deemed fit calling for petitions regarding ownership of the Monument to be filed within a period of one month.
- (3) On receipt of the petitions, as under sub-rule (2), the Deputy Commissioner shall fix the ownership of the Monument, and report the name of the owner to the Superintendent and to the State Government with intimation to the owner so fixed.
- (4) In the event of there being no claim regarding ownership of the Monument within the specified time, the Monument shall be deemed to have no owner ; and the Superintendent shall assume the guardianship of the Monument under sub- section (2) of Section 4.

8. Appeal

- (1) Any person or aggrieved by the decision regarding the ownership of a Monument as under sub-rule (3) or (4) of rule 7, may prefer an appeal to the State Government within thirty days from the date of notification or of communicating the decision of the Deputy Commissioner.
- (2) The decision of the State Government in respect of the ownership shall be final and binding on all concerned.

9. Terms of agreement

- (1) As soon as it is proposed that a Monument is to be protected under agreement with the owner, the superintendent shall draw up a list of items in respect of which the agreement has to be executed in the interest of the proper maintenance of the Monument.
- (2) The Superintendent shall draw up a draft agreement on the basis of the items of agreement, and shall work out the financial estimates involved on both the parties on maintenance of the Monument. The draft agreement and the financial estimates so worked out shall be forwarded by him to the State Government.

- (3) The State Government shall after such modification of the terms of agreement as may be found necessary forward the approved agreement to the Deputy Commissioner with necessary forward the approved agreement to the Deputy Commissioner with necessary intimation to the Superintendent.
- (4) The Deputy Commissioner shall not direct any owner to enter into an agreement with the State Government unless the agreement is approved by the State Government under sub-rule (3).

10. Appeal

- (1) Any person aggrieved by an order of the Superintendent made under section 9, may prefer an appeal to the State Government within a period of thirty days from the date of receipt of the order of the Superintendent.
- (2) An appeal made under sub-rule (1) shall be submitted through the Deputy Commissioner of the district in which the protected Monument is situated.
- (3) The State Government shall before giving its decision take into consideration all aspects of the matter and recommendation made by the Deputy Commissioner.
- (4) Notwithstanding an appeal made by an owner under sub-rule (1) an order of the Superintendent passed under section 9, shall be valid and of effect during the time from the date on which the order is passed till the date on which it is revoked or modified by the State Government on consideration of the appeal.

CHAPTER IV

Access to, and construction and other operation, in the site of the monuments

11. Rights of Public of access to Monuments

- (1) Access to protect Monuments in respect of which an agreement has been entered into between the owner and the State Government under section 5, shall be governed by the terms of the agreement.
- (2) Right of public of access to Monuments other than those mentioned in sub-rule (1), shall be as laid down by an order of the Superintendent from time to time.
- (3) A Copy of the relevant provisions of the agreement or a copy of the order of the Superintendent shall be exhibited in a conspicuous part of Monument.

12. Monuments when kept open

- (1) The Superintendent, by order may direct subject to the provisions of section 15 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.
- (2) The Superintendent may by order specify the hours during which a protected Monument shall remain open to public, and a copy of such order shall be exhibited in a conspicuous place in the Monument.

13. Entrance Fee - Public entry into a Monument shall ordinarily be free

Provided that the Superintendent may, with previous approval of the State Government, direct that no person above the age of fifteen years shall enter a Monument, on such occasions and for such periods as may be specified, except on payment of a fee of twenty five naye paise.

14. Holding of meeting, 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 or any authority empowered by it.
- (2) Noting 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.

15. Prohibition of certain acts within Monuments

No person shall, within a protected Monument,-

- (a) do any act which causes or is likely to cause any 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 an advertisement in any form or show a visitor round for monetary consideration, except under the authority of the Superintendent or his agent ;or
- (e) beg for alms ;or
- (f) violate any practice, usage or custom applicable to or observe in the Monument ;or
- (g) bring, for any purpose other than the maintenance of Monument,-

- (i) any animal, or
- (ii) any vehicle except in the areas reserved for the parking thereof.

16. Excavation

- (1) Subject to the provisions of the Ancient Monuments and Archaeological Sites and Remains Act, 1958(24 of 1958) and the rules made there under, the Superintendent may, with the previous approval of the State Government, undertake excavations for maintenance purposes in the site of an ancient Monument.
- (2) No Person other than the Superintendent or any agent authorized by him, and the workmen appointed or employed by him shall undertake any such excavation in the site of an ancient Monument.

17. Result of excavation

Where as a result of such excavation made by the Superintendent in any site of a Monument, any antiquities are discovered, the Superintendent shall, as soon as practicable, submit a report to the State Government on the antiquities recovered during the excavation.

18. Removal of antiquities

If the State Government considers that any sculptures, carving, images, has reliefs, inscriptions or other like objects ought not be removed from the place where they are, it may by notification direct that any such objects or any such class of objects shall not be removed without written permission of the Superintendent.

19 Removal of antiquities by Superintendent

- (1) The State Government may, by an order, direct that the Superintendent may remove any of the objects mentioned in rule 18, if in the opinion of the State Government such removal of the objects has become necessary for the purpose of better maintenance of the objects.
- (2) Whenever such direction is issued by State Government for removal of an object of antiquity, it shall specify the place where such antiquities are to be preserved.

20. Duties of the owner of antiquities

As soon as the Superintendent is authorized by the State Government under orders, to remove any object of antiquity under rule 19, it shall be the duty of the owner if any , of the objects to hand over the objects to the Superintendent when approached for the purpose.

21. Permission for removal

Any person may apply to the Superintendent for permission to remove any of the objects mentioned in rule 18, specifying the object or objects which he proposes to move.

22. Appeal

If the Superintendent refuses to grant such permission, the applicant may appeal to the State Government whose decision, shall be final.

23. Compensation

If any person aggrieved by any actions taken under rules 18, 20, 21 and 22, proves to the satisfaction of the State Government that he has suffered any loss or damage by reason of the above actions, the State Government may consider payment of such compensation to the person as may appear to the State Government reasonable.

CHAPTER V

Miscellaneous

24. Copying of certain Monuments

The Superintendent may, by order, direct that no person other than an archaeological officer shall copy any specified Monument or part thereof except under a permission in writing granted by the Superintendent or an archaeological officer.

25. Conditions of copying

Nothing in rule 24, shall be construed as authorizing any person other than an archaeological officer while copying any such Monuments to bring into use such materials, equipments or artificial lights except flash lights for exposure of a camera, or to erect such a scaffolding or to apply any such extraneous matter on the Monuments, as, in the opinion of the Superintendent or any archaeological officer granting the permission, are detrimental to the archaeological interest.

S.M. RAHMAN
Secy. To the Govt. of Assam
Education (PTM) Deptt.