

## **NOTIFICATION**

Dated Itanagar, the 15<sup>th</sup> January, 1993.

No. RES (H) 131/ 76(Vol-I). - In pursuance of the provision of sub-section (1) of the Act final "The Arunachal Pradesh Ancient Monuments, Archaeological Site And Remains Preservation Rules 1990" is hereby published for general information and implementation.

### **THE ARUNACHAL PRADESH ANCIENT MONUMENTS, ARCHAEOLOGICAL SITES AND REMAINS PRESERVATION RULES, 1990**

#### **CHAPTER-I**

#### **PRELIMINARY**

##### **1. Short title and commencement:**

(1) These rules may be called the Arunachal Pradesh Ancient monument Archaeological Sites and Remains Preservation Rules, 1990.

(2) They shall come into force on the date of this publication in the Official Gazette.

##### **2. Definitions:**

In these rules, unless the context otherwise requires,-

(a) "Act" means the Arunachal Pradesh Ancient Monument Archaeological Sites and Remains Preservation Act, 1987(Act No. 4 of 1990);

(b) "Construction" means construction of any structure and includes addition to or alterations of an existing building;

(c) "Section" Means a section of the Arunachal Pradesh Ancient Monuments, Archaeological Sites and Remains Preservation Act, 1987(Act No. 4 of 1990);

(d) Words and expressions not defined but defined in the Act shall have the same meaning respectively.

## CHAPTER-II

### PROTECTED MONUMENTS-DECLARATION OF

#### **3. Manner of enquiry before an ancient monument may be declared to be protected:**

(1) The Archeological Officer may 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 evidence as may be available to him.

(2) On obtaining evidences which the Archaeological Officer considers sufficient for protection of a Monument, he shall submit necessary proposals to the Government for protection of the same under intimation to the Deputy Commissioner concerned.

(3) In submitting a proposal to the government the Archaeological Officer 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 , erection of any structure and for laying out of gardens, part etc.

#### **4. Recommendation of the Deputy Commissioner**

The Deputy Commissioner shall within one month from the date of the receipt of the report from the Archaeological Officer, submit to the Government his objection if any against the proposal of the Archaeological Officer together with alternative suggestions. The 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 Archaeological Officer cause necessary pillars and fencing to be fixed demarcating the area appearing in the notification and required for preservation of the protected monuments.

#### **6. Restriction of public entry into the Monument during repairs**

(1) The Archaeological Officer may be order to fixed up in a conspicuous place near the monument, prevent entry into the site of the protected monument of any person not specifically authorised by him to do so, during such periods of time when the monuments is under repair or when an excavation is carried

on in the site or when entry of unauthorized persons is deemed by the Archaeological Officer 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 authorised by the Archaeological Officer 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 is established by the Archaeological Officer, 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 Archaeological Officer, shall cause an enquiry regarding the ownership of the monument and failing to assert in any owner readily, he shall notify the matter in such a manner as may be deemed fit calling for objection/claim regarding ownership of the monument to be filled within a period of one month.
- (3) On receipt of the objection/claims under sub-rule(2), the Deputy Commissioner shall fix the ownership of the monument and report the name of the owner to the Archaeological Officer, and to the 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 Archaeological Officer shall assume the guardianship of the monument under sub-section(2) of Section 4.

##### **8. Appeal**

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

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

## **9. Terms of agreement**

- (1) As soon it is proposed that a monument is to be protected under agreement with the owner, the Archaeological Officer 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 Archaeological Officer 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 Government.
- (3) The Government shall after such modification of the terms of agreement as may be found necessary forward the approval agreement to the Deputy Commissioner with necessary intimation to the Archaeological Officer.
- (4) The Deputy Commissioner shall not direct any owner to enter into an agreement with the Government unless the agreement is approved by the Government under Sub-rule (3).

## **CHAPTER – IV**

### **ACCESS TO, AND CONSTRUCTION AND OTHER OPERATIONS IN THE SITE OF THE MONUMENTS**

#### **10. Rights of access of public to monument**

- (1) Access to protect monuments in respect of which an agreement has been entered into between the owner and the Government under section 5, shall be governed by the terms of the agreement.
- (2) Right of public of access of monument other than those mention in sub-rule(1) , shall be as laid down by an order of the Archaeological Officer shall be exhibited in a conspicuous part of the monument.

#### **11. Monument when kept open**

- (1) The Archaeological Officer, 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 agent, subordinates and workmen and any other Government servant on duty at such part.
- (2) The Archaeological Officer 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.

#### **12. Entrance Fee: - public entry in to a monument shall ordinarily be free**

Provided that the Archaeological Officer may with previous approval of the Government, direct that no persons above the age of fifteen years shall enter a monument on such occasions and for such period as may be specified except on payment of a fee as prescribed by the Government from time to time

#### **13. Holdings 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 or any authority empowered by it.
- (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.

#### **14. Prohibition of certain acts within Monument**

No person shall within a protected Monument, -

- (a) do any act which causes or likely to cause any damage or injury to any part of the Monument; or
- (b) discharge any fire arms: or
- (c) cook or consume any 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 Archaeological Officer or his agent; or
- (e) beg for alms; or
- (f) violate any practice usage or custom applicable to or observed in the Monuments: or
- (g) bring, for any purpose other than the maintenance of the Monuments; or
- (h) any animal; or
- (i) any vehicle except in the areas reserved for the parking thereof.

#### **15. Excavation**

Subject to the provisions of the Act and the rules may there under the Archaeological Officer may, with the previous approval of the Government undertake excavations for maintenance purposes in the site of an ancient Monument.

#### **16. Result of excavation**

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

#### **17. Removal of Antiquities**

If the Government considered that any sculptures, carryings, images has reliefs, inscriptions or other like subjects ought not to 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 remove without the written permission of the Archaeological Officer.

### **18. Removal of antiquities by the Archaeological Officer**

- (1) The Government to an order, direct that the Archaeological Officer may remove any of the objects mentioned in the rule 18, if in the opinion of the 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 the Government for removal of an object of antiquity, it shall specify the place where such antiquities are to be preserved.

### **19. Duties of the owner of antiquities**

As soon as the Archaeological Officer is authorized by the 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 handover the objects to the Archaeological Officer when approach for the purpose.

### **20. Permission for removal**

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

### **21. Appeal**

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

### **22. Compensation**

If any person aggrieved by any action taken under rules 18, 19, 20, 21 and 22 proves to be satisfaction of the Government that he has suffered any loss or damage by reason of the above actions, the Government may consider payment of such compensation to the person as may appear to the Government reasonable.

## **CHAPTER – V**

### **MISCELLANEOUS**

#### **23. Copying of certain monuments**

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

#### **24. Condition 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 scaffolding or to apply any such extraneous matter on the Monuments, as in the opinion of the Archaeological Officer granting the permission are detrimental to the Archaeological interest.

T. Ringu,  
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