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THE ASSAM ANCIENT MONUMENTS AND RECORDS ACT, 1959

(Assam Act No. XXV of 1959)

**[Received the assent of the President on the 24th September,
1959]**

**An Act to provide for preservation and protection of
ancient and historical monuments and record in Assam
other than those declared by or under law made by
Parliament to be of National Importance**

Preamble. – Whereas it is expedient to provide for the preservation and protection of ancient and historical monuments and records in Assam other than those declared by or under law made by the Parliament to be National importance and certain other matters connected therewith;

It is hereby enacted in the Tenth Year of the republic of India as follows :

NOTES

This Act has been enacted to provide provisions for the preservation and protection of ancient and historical monuments and records in Assam. A greater number of famous buildings in India are already in possession or under the control of the Government but there are others worthy of preservation which are in the hands of private owners. The preservation of these is the

chief object of this Act and for such performance there is already a Central Act viz., the Ancient Monuments Preservation Act, 1904. The present Assam Act is on the same subject as that of the Central Act and also with the same object in view.

Preliminary

1. Short title, extend and commencement. –

- (1) This Act may be called the Assam Ancient Monuments and Records Act, 1959.
- (2) It extends to the whole of Assam
- (3) It shall come into force on such date as the State Government may, by notification in the office Gazette appoint.

2. Definitions.-

In this Act unless there is anything repugnant in the subject or context. –

- (a) “Ancient Monument” means any structure, erection or monument or any tumulus or place of internment, or any cave, rock sculpture, inscription or monolith, which is of historical, archaeological or artistic interest and which has been in existence for not than one hundred years and includes repealed or ceased to apply in many of the States on the commencement of the State’s Acts except for the things done before commencement of the latter Acts. The Assam Act is thereto full the objects as enunciated and detailed in the respective provisions of the Central Act. Many States in India have enacted State

Acts with similar objects for application in the respective States and in those States the provisions of Central Act shall not apply.

Miscellaneous

20. Penalties.-Whoever -

- (i) Destroys, removes, injures, alters, defaces, imperils or misuses a protected monument; or
- (ii) Being the owner or occupier of protected monument, contravenes an order made under sub-section (1) of section 8 or under sub section (1) or section 10; Shall be punishable with imprisonment, which may extend to three months, or with fine, which may extend to five thousand rupees, or both.

21. Jurisdiction to Try of offences. -

No court inferior to that of a magistrate of the First Class shall try and offence under this Act.

22. Certain offences to be cognizable.-

Notwithstanding anything contained in the Code of Criminal Procedure, 1894 (Act No. 5 of 1898) an offence under clause (i) of section 20 shall be deemed to be cognizable offence within the meaning of that Code.

23. Power to correct mistakes, etc. -

Any clerical mistake, patent error or error arising from accidental slip or omission in the description of any ancient monument declared to be a protected monument by or under this Act may, at any time, be corrected by the State Government by Notification in the official Gazette.

24. Protection of action taken under this Act.-

No suit for compensation and no criminal proceedings shall lie against any public servant in respect of any act done in good faith or intended to be done in the exercise of any power conferred by this Act.

25. Power to make rules. -

(1) The State Government, may by Notification in the official Gazette and subject to the provisions of previous publication, make rules for carrying out the purposes of this Act.

(2) All rules made under this section shall be laid for not less than fourteen days before the Assam Legislative Assembly as soon as possible after they are made, and shall be subject to such modifications as the Legislative Assembly may make during the session in which they are so laid or the sessions immediately following.

- (i) The remains of ancient monument;
- (ii) The site of an ancient monument;

- (iii) Such portion of land adjoining the site of an ancient monument as be required for fencing or covering in or otherwise preserving such monument, and
 - (iv) The means of access to, and convenient inspection of any ancient monument;
- (b) “Land” includes a revenue free estate and a permanent transferable tenure whether such an estate tenure be subject to in cumbrances or not.
- (c) “Maintain”, with its grammatical variations and cognate expressions includes the fencing, covering in repairing, restoring and cleaning of a protected monument and the doing of any act which may be necessary for the purpose of preserving protected monument or of securing convenient access thereto.

(d) “Owner” includes –

- (i) A joint owner invested with powers of management on behalf of himself and other joint owners and successor-in-title or any such owner, and
 - (ii) Any management or trustee exercising powers of management and the successor-in-office of any such manager or trustee;
- (e) “Prescribed” means prescribed by rules made under this Act;
- (f) “Superintendent” means the Superintendent of Archaeology and includes any officer authorized by the

State Government to perform the duties of the Superintendent.

NOTES

Sub-clause (a). – The definition of Ancient Monument is same as of the definition given in the Central Act and this definition is comprehensive enough to take in hand Archaeological site or remains.

Sub-clause (b). – The definition of land is also similar as the definition of land given in the Central Act.

PROTECTED MONUMENT

3. Protected Monument. –

- (1) The state Government may, by notification in the official Gazette, declare an ancient monument to be a protected monument within the meaning of this Act.
- (2) A copy of every notification published under sub-section (1) shall be fixed up in a conspicuous place on or near the monument, together with an intimation that any objections to the issue of the notification received by the State Government within one month from the date when it is so fixed up will be taken into consideration.
- (3) On the expiry of the said period of one month the Government after considering the objection, if any, shall confirm or withdraw the notification.
- (4) A notification published under this Act shall, unless and until it is withdrawn, be conclusive evidence of the fact

that the monument to which it is related in an ancient monument within the meaning of this Act.

NOTES

This section is also similar to section 3 of the Central Act and empowers the State Government under the Assam Act to declare an ancient monument to be a protected monument within the meaning of this Act.

4. Acquisition of Right in or Guardianship of an Ancient Monument. -

- (1) The Superintendent with the sanction of the State Government, may purchase, or take a lease of, or accept a gift or bequest of any protected monument.
- (2) When a protected monument is without an owner, the Superintendent may, by notification in the official Gazette, assume the guardianship of the monument.
- (3) The owner of any protected monument may, by written instrument, constitute the Superintendent the guardian of the monuments, and the Superintendent may, with the sanction of the State Government, accept such guardianship.
- (4) When the Superintendent has accepted the guardianship of a monument under sub-section (3), the owner shall except as expressly provided in this Act have the same state, right, title and interest in and to the monument as

if the superintendent had not been constituted guardian thereof.

- (5) When the Superintendent has accepted the guardianship of a monument under sub-section (3) the provisions of this Act relating to agreements executed under section 5, shall apply to the instrument executed under the said sub-section.

NOTE

This section is also similar to section 4 of the Central Act and empowers the Superintendent of Archaeology and any Officer authorized by the State Government to perform the duties of the Superintendent, to purchase or take a lease of or accept a gift or the bequest of any protected monument with the sanction of the State Government and such officer is empowered under sub-section (2) thereof to assume the guardianship of the monument when such a monument is without an owner.

5. Preservation of Ancient Monument by Agreement -

- (1) The Deputy Commissioner, when so directed by the State Government shall propose to the owner of the protected monument to enter into an agreement with the State Government, within a specified period for the maintenance of the monument in his district.
- (2) An agreement under this section may provide for all or any of the following matters, namely:
 - (a) The maintenance of the monument;

- (b) The custody of the monument and the duties of any person who may be employed to watch it;
- (c) The restriction of the owner's rights –
 - (i) To the monument for any purpose;
 - (ii) To charge any fee for entry into, or inspection of the monument;
 - (iii) To destroy, remove, alter or deface the monument; or
 - (iv) To build on or near the site of the monument;
- (d) The facilities of access to be permitted to the public or any section thereof and to persons deputed by the owner or the Deputy Commissioner to inspect or maintain the monument;
- (e) The notice to be given to the State Government in case the land on which the monument is situated or any adjoining land is offered for sale by the owner, and the right to be reserved to the State Government to purchase such land, or any specified portion of such land, at its market value;
- (f) The payment of any expenses incurred by the owner or by the State Government in connection with the maintenance of the monument;
- (g) The proprietary or other rights which are to vest in the State Government in respect of the monument when any expenses are incurred by the State Government in connection with the maintenance of the monument;

- (h) The appointment of an authority to decide any dispute arising out of the agreement; and
 - (i) Any matter connected with the preservation of the monument which is a proper subject of agreement between the owner and the State Government.
- (3) The State Government or the owner may at any time after the expiration of three years from the date of execution of an agreement under this section terminate it on giving six months' notice in writing to the other party :

Provided that where the agreement is terminated by the owner, he shall pay to the State Government the expenses, if any, incurred by it on the maintenance of the monument, during the five years immediately preceding the termination of the agreement or, if the agreement has been in force for a shorter period, during the period the agreement was in force.

- (4) Any agreement under this section shall be binding on any person claiming to be the owner of the monument to which it relates, through or under a party by whom or on whose behalf the agreement was executed.

NOTES

The provisions as contained in this section are also being provided in section 5 of the Central Act. Under this section, an ancient monument can be preserved by the State Government by entering onto an agreement with the owner of a [protected monument and detailed procedure thereof has been provided in this section.

6. Owners under disability or not in possession. –

- (1) If the owner of a protected monuments is unable, by reason of infancy or other disability, to act for himself, the person legally competent to act on his behalf may exercise the powers conferred upon an owner by section 5.
- (2) In the case of village property, the headman or other village officers exercising powers of management over such property may exercise the powers conferred upon an owner by section 5.
- (3) Nothing in this section shall be deemed to empower any person not being of the same religion as the person on whose behalf he is acting to make or execute an agreement relating to a protected monument which or any part of which is periodically used for religious worship or observance of that religion.

NOTES

This section is similar to section 6 of the Central act and provides : it the owner of a protected monument is unable to act for himself, the person legally competent to act on his behalf may exercise the powers conferred upon the owner by section 5. In case of village property, any headman or other village Officer exercising powers of management over such property may exercise the powers upon an owner by section 5.

7. Application of endowment to repair a protected monument. -

(1) If any owner or other person competent to enter into an agreement under section 5, for the maintenance of a protected monument, refuses or fails to enter into such an agreement, and if any endowment has been created for the purpose of keeping such monument in repair or for that purpose among others, The State Government may institute a suit in the court of the District judge, or, if the estimated cost of repairing the monument does not exceed on thousand rupees, may make an application to the District Judge for the proper application of such endowment or part thereof.

(2) On the hearing of an application under sub-section (1) the District Judge may summon and examine the owner and any person whose evidence appears to him necessary, and may pass an order for the proper application of the endowment or of any part thereof, and any such order may be executed as if it were a decree of the civil court.

NOTES

In cases where the owner or any other person competent to enter into an agreement under section 5 for the purpose of maintaining a protected monument refuses or fails to enter into any such agreement for such performance and if any endowment has been created for such performance, then the State Government may institute legal proceedings in the appropriate Court against such person for the proper application of such endowment of part thereof.

8. Failure of refusal to enter in an agreement. -

- (1) If any owner or other person competent to enter into an agreement under section 5 for maintenance of a protected monument refuses or fails to enter into such an agreement, the State Government may make and order providing for all or any of the matters specified in sub-section (2) of section 5 and such order shall be binding on the owner or other persons and on every person claiming title to the monument from, through or under, the owner or such other persons.
- (2) Where an order made under sub-section (1) provides that the monument shall be maintained by the owner or other persons competent to enter into agreement, all reasonable expenses for the maintenance of the monument shall be payable by the State Government.
- (3) No order under sub-section (1) shall be made unless the owner or other persons have been given an opportunity of making a representation in writing against the proposed order.

NOTES

On failure or refusal to enter into an agreement as provided under section 5, the State Government may make an order providing for all or any of the matters specified in sub-section (2) of section 5 and such order would be binding on the owner or other persons and also on every person claiming title to the monument from, through or under the owner or such person. But before passing such an order under section 8, an opportunity must be

given to such owner or other persons to make a representation against the proposed order.

9. Power to make order prohibiting contravention of agreement under section-5. –

(1) If the Superintendent apprehends that the owner or occupier of a protected monument intends to destroy, remove, alter, deface, imperil or use the monument or to build on or near the site thereof in contravention of the terms of an agreement under section 5, the Superintendent may, after giving the owner or occupier an opportunity of making a representation in writing make an order prohibiting any such contravention of the agreement :

Provided that no such opportunity shall be given in case where the Superintendent, for reasons to be recorded, is satisfied that it is not expedient or practicable to do so.

(2) Any person aggrieved by an order under this section may appeal to the State Government within such time and in such manner as may be prescribed and the decision of the State Government shall be final.

NOTES

This section empowers the Superintendent to make the order prohibiting the contravention of any agreement entered into under section 5 after giving the owner or occupier an opportunity of making a representation in writing and any person aggrieved by

any order under this section may prefer an appeal to the State Government whose decision shall be final.

10. Enforcement of agreement. -

1. If any owner or other person who is bound by an agreement for the maintenance of monument under section 5, refuses or fails within such reasonable time as the Superintendent may fix, to do any act, which in the opinion of the Superintendent may authorize any person to do any such act, and the owner or other person shall be liable to pay the expenses of doing ay such act or such portion of the expenses as the owner may be liable to pay under the agreement.
2. If any dispute arises regarding the amount of expenses payable by the owner or other person sub-section (1) it shall be referred to the State Government whose decision shall be final.

NOTES

Any person who is entered into an agreement with the State Government under section 5 and contravenes any of the clauses of the agreement under section 8, refuses or fails within a reasonable time to do any Act which in the opinion of the Superintend is necessary for the maintenance of the monument, then the Superintendent may authorize any person to do any such Act and in such an event the owner or any other person shall be liable to pay the expenses of doing any such Act and if any dispute arises as to the amount of expensed, then such person may prefer an appeal to the State Government, whose decision shall be final.

11. Purchasers at certain sales and persons claiming through owner bound by instrument executed by owner. -

Every person who purchases at a sale, for arrears of land revenue or any other public demand any land on which is situated a monument in respect of which any instrument has been executed by the owner for the time being under section 4 or section 5 and every person claiming any title to, a monument from, through or under, an owner who executed such an instrument shall be bound by such an instrument.

NOTES

In cases where the owner has entered into an agreement under section 4 or section 5 and in case where any such land on which a monument is situated an which is the subject-matter of such an agreement, then in case of sale of such land, for arrears of land revenue or any other public demand, every person who purchases the same and also claim any title to such a monument, he would be bound by an instrument executed under section 4 of section 5 of this Act.

12. Acquisition of protected monument. -

If the State Government apprehends that a protected monuments is in danger of being destroyed, injured, misused, or allowed to fall into decay, it may acquire the protected monument under the provisions of the Land Acquisition Act, 1894 (Act I of 1894) as if the maintenance of the protected monument where a public purpose within the meaning of that Act.

NOTES

Under this section, the State Government is empowered to acquire the protected monument under the provisions of the Land Acquisition Act, 1894, if the State Government apprehends that a protected monument is in danger of being destroyed, injured, misused or being allowed to fall into decay.

13. Maintenance of certain protected monuments. -

1. The State Government shall maintain every monument which has been acquired under section 12 or in respect of which any of the rights mentioned in section 4 has been acquired.
2. When the Superintendent has assumed the guardianship of a monument under section 4 he shall, for the purpose of maintaining such monument, have access to the monument at all reasonable time, by himself and by his agents, subordinates and workmen, for the purpose inspecting the monument, and for the purpose of bringing such materials and doing such acts as he may consider necessary or desirable for the maintenance thereof.

NOTES

Every monument so acquired under section 12 or in respect of which any of the rights mentioned in section 4 have been acquired, then the State Government shall maintain the same. Under sub-section (2), the Superintendent shall have access to the monument at all reasonable times by himself and by his agents for the purpose of inspecting the same and for the purpose of bringing

such materials and doing such acts as he may consider necessary or desirable for the maintenance thereof.

14. Voluntary contribution. -

The Superintendent may receive voluntary contribution towards the cost of maintaining a protected monument and may give orders as to the management and applications of any funds so received by him.

Provided that no contribution received under this section shall be applied to any purpose other than the purpose for which it was contributed.

15. Protection of place of worship from misuse; pollution or desecration. -

(1) A protected monument maintained by the State Government under this Act which is a place of worship or shrine shall not be used for any purpose inconsistent with its character.

(2) Where the State Government has acquired a protected monument under section 12, or where the Superintendent has purchased, or taken a lease or accepted a gift or bequest or assumed guardianship of a protected monument under section 4 and such monument or any other part thereof is used for religious worship or observance by any community, the Deputy Commissioner shall make the due provision for the protection of such monument or such part thereof, from pollution or desecration –

- (a) By prohibiting the entry therein except in accordance with the conditions prescribed with the concurrence of the persons, if any, in religious charge of the said monument or part thereof, and any person not entitled so to enter by the religious usage of the community by which the monument or part thereof is used; or
- (b) By taking other action as he may think necessary in this behalf.

NOTES

This section is also similar to section 13 of the Central Act. The expression “place” of worship or shrine in sub-section (1) of section 13 of the Central Act was substituted for word ‘monument’ by the Select Committee and sub-section (2) of section 13 which is similar to sub-section (2) of section 15 of the Assam Act was added on the recommendation of the Committee which is intended to safeguard against the desecration of any building periodically used for religious worship.

16. Relinquishment of Government right in a monument -

With the sanction of the State Government the Superintendent may –

- (a) Where rights have been acquired by the State Government in respect of any monument under this Act by virtue of any sale, lease, gift or will relinquish, by notification in the official Gazette the right to acquire to the persons who would for the time being the owner of the monument if such rights have not been acquired; or

(b) Relinquish any guardianship of a monument, which he has assumed under this Act.

NOTES

With the sanction of the State Government, the Superintendent may relinquish the right in a monument created under the provisions of this Act under the circumstances referred to in this section. This section is similar to section 14 of the Central Act.

17. Rights of access to certain protected monument. -

Subject to the rules made under this act the public shall have a right of access to any protected monuments.

Principles of Compensations

18. Compensation for loss or damage. -

An owner or occupier of land who has sustained any loss or damage by reason of an entry of such land or the exercise of any other power conferred by this Act shall be paid compensation by the State Government for such loss or damage.

19. Assessment of market value for compensation. -

The market value of any property which the State Government is empowered to purchase at such value under this Act, or the compensation to be paid by the State Government in respect of anything done under this Act, shall, where any dispute arises in respect of such market value or compensation, be ascertained in the manner provided in the Land Acquisition Act,

1894 (Act 1 of 1894) so an the provision thereof can be made applicable :

Provided that when making an enquiry under the Land Acquisition act, the Deputy Commissioner shall be assisted by two assessors one of whom shall be comptent person nominated by the State Government and one person nominated by the owner, or in case the owner fails to nominate any assessor within such reasonable time as may fixed by the Deputy Commissioner in this behalf, by the Deputy Commissioner.

NOTES

Sections 18 and 19. –

These Sections provided for principles of compensation to which an owner or occupier of land may be entitled, having sustained any loss or damage by reason of an entry on such land or the exercise of any other power conferred by this Act and where any dispute arises in respect of the assessment of market value or the compensation, it be ascertained in the manner provided in the Land Acquisition Act, 1894.

The provisions of the Ancient Monuments Preservation Act, 1904 has been repealed or ceased to apply in many of the States on the commencement of the States' Act except for the things done before commencement of the latter Acts. The Assam Act is thereto full the objects as enunciated and detailed in the respective provisions of the Central Act. Many States in India have enacted States Act with similar object for application in the respective States and in those States the provisions of Central Act shall not apply.

Miscellaneous

20. Penalties. – Whoever. -

(i) Destroys, removes, injures, alters, defaces, imperils or misuses a protected monument; or

(ii) Being the owner or occupier of protected monument, contravenes an order made under sub-section (1) of section 8 or under sub-section (1) or section 10; Shall be punishable with imprisonment, which may extend to three months, or with fine, which may extend to five thousand rupees or with both.

21. Jurisdiction to try of offences. -

No court inferior to that of a magistrate of the First Class shall try any offence under this Act.

22. Certain offences to be cognizable -

Notwithstanding anything contained in the Code of Criminal Procedure, 1894 (Act No. 5 of 1898) and offence under clause (i) of section 20 shall be deemed to be cognizable offence within the meaning of that Code.

23. Powers to correct mistakes, etc.

Any clerical mistake, patent error or error arising from accidental slip or omission in the description of any ancient monument declared to be a protected monument by or under this

Act may, at any time, be corrected by the State Government by Notification in the official Gazette.

24. Protection of action taken under this Act -

No suit for compensation and no criminal proceeding shall lie against any public servant in respect of any act done in good faith or intended to be done in the exercise of any power conferred by this Act.

25. Power to make rules. -

(1) The State Government may, by Notification in the official Gazette and subject to the provisions of previous publication, make rules for carrying out the purposes of this Act.

(2) All rules made under this section shall be laid for not less than fourteen days before the Assam Legislative Assembly as soon as possible after they are made, and shall be subject to such modifications as the Legislative Assembly may make during the session in which they are so laid or the sessions immediately following.

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 a cinematographic film with the aid of the hand camera which is capable of talking 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.

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

(3) In submitting proposal to the State Government the Superintendent shall specify the exact area of the land 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 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 fixed up in a conspicuous place near that 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 Monuments under repairs or when an excavation is carried on in the site or when entry of unauthorized persons in deemed by the Superintendent to be detrimental in the interest of work or preservation.

(2) In the case of a protected Monument which, or part of which, is used for religious worship observance 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 person 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 Monuments; 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 alter such modification of the terms of agreement as may be found 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 decisions take into consideration all aspects of the matter and the 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 this 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 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) 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.

- 15. Prohibition of certain acts within Monuments. -**

No person shall, within all protected Monument, -

- (a) do any act which cause 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 the 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 the 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 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, and 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. -

It 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 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 order 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.

GOVERNMENT OF ASSAM

REVENUE (SETTLEMENT) DEPARTMENT : SETTLEMENT BRANCH.

No. RSS. 497/81/3 Dated Dispur, the 17th
November/81

From : Shri H.R. Dasgupta, A.C.S.
 Deputy Sectary to the Govt. of Assam

To : All Deputy Commissioners - - -
 And
 Sub-Divisional Officers - - -

Sub : Preservation of Ancient and Historical Monuments.

Sir,

I am directed to say that it has been brought to notice of the Govt. that in addition to those Ancient and Historical monuments which are protected, there are many sites of great potential and historical value which are indiscriminately destroyed by leveling and; or tamperd in the wake of land reclamation, Jungle clearance and road construction etc. These sites also need to be preserved in view of the Archaeological potentialities and historical value.

You are therefore request to ensure that the ancient sites are not allowed to be destroyed unless a clearance received from

Archaeological experts. After examination by the Archaeological experts the sites can be declared protected if the same is considered to be Archaeological importance.

You are further request to see that under no circumstances any settlement is given on such Archaeological sites apart from the bank of ancient tanks, earthen ramparts areas containg Archaeological ruins etc. These areas may be kept free from all encroachments by strict vigilance.

Yours faithfully,

Sd/- Illegible

Deputy Secretary to the Govt.
of Assam, Revenue (s) Deptt.
Dispur.

Memo No. RSS. 497/81/3-A
Nov./81

Dated Dispur, the 17th

Copy forwarded to : -

1. Commissioners of Divisions.
2. Chairman, Assam Board of Revenue, Panbazar.
3. Director of Land Records, Assam, Bamunimaidam, Ghy- 21.
4. Director of Land Requisition Acquitition and Reforms.

5. Secretary to the Govt. of Assam, Education (CTM) Deptt.
6. Director, Archaeology and Museum, Guwahati – 1

This has the reference to his letter No. ASM. 53/General 81-82/555, dt. 11.9.81.

By Order etc.

Sd/- Illegible
Deputy Secretary to the Govt.
of Assam, Revenue (s) Deptt.
Dispur.

GOVERNMENT OF ASSAM

REVENUE (SETTLEMENT) DEPARTMENT :: SETTLEMENT BRANCH

No. RSS. 497/81/6
1982

Dated Dispur, the 24th June,

From : Shri S.N. Bhagawati, A.C.S.
Under Secretary to the Govt. of Assam

To : 1. All Deputy Commissioners.
2. All Sub-Divisional Officers.
3. All Settlement Officers.

Sub : Preservation of Ancient and Historical Monuments and
places of historical importance.

Sir,

In continuation of this Departments letter No. RSS. 497/81/3 dt. 17th November, 81 on the subject cited above, ramparts might have either been leveled down or brought under cultivation or occupied in various ways at some places, which is a position threat to the existence and preservation of the historical remains of the State. Meanwhile, there are possibilities of giving settlement/allotment to private individual/Govt. Department/undertaking etc. on the bank and dry or shallow beds of old tanks or ramparts, as also on those places where even slightest evidence of relics, such as brick-bastes potsherds and old-dressed stone is traced.

2. You are therefore requested to make a prompt study in the matter and cause preparation of detailed village-wise lists of such old tanks and earthen ramparts etc., whether these are small or big in size, in good condition or badly damaged, having only slight trace of existence. While preparing such lists, no earth works of olden times should be left out and the Revenue Officials should see that the lists are correct and comprehensive with the names of the villages, dag No,s extent of areas, etc. wherever slightest traces of old tanks, fortification or any other ruins exist, these should be mentioned in the lists. The lists so prepared may be submitted to Govt. in duplicate at a very early date.

3. You are further requested to submit a report in details regarding allotment/settlement of land at historical sites if any, to Govt. at the earliest. A report on feasibility of shifting of Govt. offices etc. if any from the historical places may also please be furnished with.

The above instructions may be strictly followed.

Yours faithfully,

Sd/-

Under Secretary to the Govt. of Assam
Revenue (s) Department.

Memo No. R.S.S. 497/81/6-A
June/1982

Dated Dispur, the 24th

Copy forwarded to : -

1. Commissioners of Divisions.
2. Chairman, Assam Board of Revenue, Guwahati – 21
3. The Director of Land Records, Assam, Bamunimaidam, Ghy – 21
4. The Director of Land Requisition, Acquisition & Reforms, Assam, Guwahati.
5. Secretary to the Govt. of Assam, Education (CTM) Deptt.
6. Director Archaeology and Museum, Guwahati – 1 with reference to his letter No. ASM.53/Gen/82-83/11. dt. 7th April/82.

By order etc.

Sd/-

Under Secretary
to the Govt. of
Assam,
Revenue(s) Deptt.