

[To be published in the Gazette of India, Extraordinary, Part II,
Section 3 Sub-section (i) of dated....]

Ministry of Culture
Archaeological Survey of India

NOTIFICATION

New Delhi :

The following text of the draft rules which the Central Government proposes to make in exercise of the powers conferred by clause (a) of sub section (2) of section 38 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958) is hereby published for the general information of the public; and notice is hereby given that any person interested in suggesting any modification or amendment or objecting to any of the provisions of the said rules may send their suggestions or objections within a period of thirty days from the date of publication of this notification in the Official Gazette, addressed to the Director General, Archaeological Survey of India, New Delhi;

Any suggestion or objection received within the said period of thirty days, shall be considered by the Central Government before finalizing the said draft rules.

DRAFT RULES

In exercise of the powers conferred by section 38 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958) the Central Government hereby makes the following rules, namely:-

CHAPTER I

[Preliminary]

1. Short title and commencement :-

(1) These rules may be called the National Monument Authority (Appointment, Functions and Conduct of Business) Rules, 2010.

(2) They shall come into force on the

.....

2. Definitions :-

In these rules, unless the context otherwise requires, -

(a) “Authority” means the National Monuments Authority constituted under section 20 F of the Act;

(b) “Act” means the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958) as amended from time to time;

(c) “Chairperson” means the Chairperson of the Authority appointed by the President under clause (a) of sub-section (2) of section 20F;

(d) “whole-time member” means a whole-time member of the Authority appointed by the Central Government under clause (b) of sub-section (2) of section 20F;

(e) “part-time member” means a part-time member of the Authority appointed by the Central Government under clause (b) of sub-section (2) of section 20 F;

(f) “large scale project” means an activity, which concerns construction or reconstruction estimated to cost not less than rupees 20 crores.

- (g) “local authority” means a municipal corporation, municipal committee, land development authorities constituted under the respective State Acts, or special area development authority, village panchayat, zila parishad, hill development council, cantonment board or such other bodies, vested with the powers to control and regulate constructions and developmental activities in their respective areas;
- (h) “annual report” means the annual report referred to in section 20P;
- (i) “Form” means a Form annexed to these rules;
- (j) “Schedule” means a Schedule appended to these rules;
- (k) “section” means the section of the Act.

CHAPTER II

[Appointment of Chairperson and Members]

3. Appointment of Chairperson :-

- (1) The Central Government shall prepare and forward a panel of three eligible persons having experience and expertise in the fields of archaeology, country and town planning, architecture, heritage, conservation architecture or law, to the President of India, who may appoint a suitable person to the post of the Chairperson.
- (2) A person for being considered for selection as Chairperson of the Authority shall furnish a declaration that no disqualification as laid down in the Act is attracted in his case.

4. Appointment of Members :-

- (1) The whole-time and part-time Members of the Authority shall be appointed on the recommendations of the Selection Committee constituted under section 20G.
- (2) A person for being considered for selection as a whole-time or part-time Member of the Authority shall furnish a declaration that no disqualification, as laid down in the Act is attracted in his case.

CHAPTER III

[Salaries, Allowances and Other conditions of service]

5. Salaries, allowances and other conditions of service :-

The salary and allowances payable to the Chairperson, whole-time members and part-time members shall be as under –

- (a) the Chairperson shall be paid a fixed salary of rupees eighty thousand per month plus other allowances as are admissible to an officer of the rank of Secretary to the Government of India;
- (b) the whole-time member shall be paid salary in the Higher Administrative Grade in the scale of pay (Rs. 75500/- plus annual increment @3% - 80000/-) plus such other allowances as are admissible to an officer of the rank of Additional Secretary to the Government of India:

Provided that if a whole-time member at the time of appointment is drawing a scale higher than the Higher

Administrative Grade, his pay shall be protected as per the existing rules of the Government of India;

- (c) the part - time member shall be paid a sitting allowance of rupee three thousand for each day he attends the meeting of the Authority subject to a maximum of rupees fifty thousand in any calendar month and be entitled to reimbursement of transportation charges at the rates notified by the concerned local authorities.

Provided that in exceptional circumstances, when a part-time member is given additional work other than the regular meetings convened by the Authority which may involve examination of detailed project reports, study of records, compilation of data on heritage matters, or any matter pertaining to urban conservation, preservation of historical environmental or similar works, the part time members shall be paid sitting allowances on a daily basis, for the additional work which may be over and above the limit of rupees fifty thousand fixed for attending regular meetings but it shall not exceed the salary of a whole-time member in any calendar month;

- (d) the medical allowance, traveling allowance and leave of the Chairperson and whole-time members shall be as are admissible to the respective levels of officers indicated above.

- (e) Every part - time member shall be entitled to draw travel allowance to attend the meeting of the Authority held outside Delhi, at the same rate as is applicable to an officer of the rank of Additional Secretary to the Government of India.

6. Service conditions of Chairperson and Members of the Authority :-

- (1) The Chairperson, whole-time member, or part-time member, unless removed under section 20J, shall hold office for a term of three years from the date on which he assumes his office.
- (2) A person who holds, or has held, the office of the Chairperson or whole-time member or part-time member of the Authority shall not be eligible for re-appointment in the Authority.
- (3) The Chairperson may resign from his office in writing under his hand addressed to the President but he shall continue to function as Chairperson until his resignation is accepted by the President.
- (4) A whole-time member or part-time member may resign from his office in writing under his hand addressed to the Central Government, but he shall continue to function in the office as member until his resignation is accepted by the Central Government.

7. General power and responsibility of Chairperson, Members and Member-Secretary:-

- (1) The Chairperson shall have the powers of general superintendence and control in conduct of the affairs of the Authority, and he shall preside over the meetings of the Authority.
- (2) The whole-time members and part-time members shall have the responsibility to assist the Chairperson in arriving at decisions on various issues brought before the Authority.
- (3) The Member Secretary shall be responsible for manpower planning, administration and all financial matters and perform the following functions, namely:-
 - (i) all proposals submitted by the competent authorities to the Authority for consideration shall be processed by the Member Secretary in accordance with the heritage bye-laws;
 - (ii) the Member-Secretary shall co-ordinate in preparation and issue of agenda papers for the meetings of the Authority in consultation with the Chairperson;
 - (iii) the Member-Secretary shall be responsible for preparation of minutes of the Authority meetings and issue of guidelines or interventions as the situation may arise in accordance with the decisions of the Authority; and
 - (iv) all recommendations of the Authority shall be authenticated by the Member Secretary.

CHAPTER IV

[Procedure and form for making recommendations]

8. Grading and classification of protected monuments and protected areas of national importance :-

- (1) For the purposes of making recommendation to the Central Government under sub-section (1) of section 4A, the Authority shall obtain public opinion and invite suggestions or objections from the public for categorization, grading and classification of monuments and archaeological sites declared to be of national importance having regard to the outstanding universal value, the historical, archaeological and architectural value and such other relevant factors.
- (2) The Authority shall after taking into consideration the objections and suggestions regarding categorization, grading and classification of monuments and archaeological sites referred to in sub-rule (2), places such monuments and archaeological sites into the broad category of grading provided in the Schedule and shall accordingly make recommendations to the Central Government under sub-section (2) of Section 4A.
- (3) The Central Government shall on receipt of duly graded and classified lists of protected monuments and protected areas, notify it in the Official Gazette and also exhibit it on its Official Web-Site.
- (4) The Authority shall obtain public opinion and invite suggestions or objections from the public and hold consultations on each occasion when it proposes to

extend the prohibited or regulated area beyond one hundred meters and two hundred meters respectively from a protected monument or protected area based on classification under section 4A, before sending its recommendations to the Central Government.

9. Functions of the National Monument Authority:-

The Authority shall regulate its own procedure to monitor the working of the Competent Authority, particularly relating to -

- (i) receipt of applications by the Competent Authority from any person, who desires to carry out any construction, re-construction or repair or renovation;
- (ii) periodicity of disposal of applications with appropriate recommendations;
- (iii) the Member Secretary of the Authority while examining the applications received from the Competent Authority shall obtain requisite details, such as site inspection notes, ground conditions, heritage bye-laws and specific comments about the visual impact on regulated or prohibited area of the protected monument or protected area;
- (iv) obtain reports and comments on impact of major public works or projects and other constructions envisaged by the Central Government and the State Government, local authorities, municipal bodies, etc., private bodies, affecting the regulated or prohibited area indicated in the bye-laws around the protected

monuments or archaeological sites and give its recommendations;

- (v) The Authority, in exceptional cases where the Competent Authority is unable to prepare the Heritage-Bylaws within the specified period of 60 days under rule 23(5) of the Ancient Monuments and Archaeological Sites and Remains (Framing of Heritage-Bylaws and other Functions of the Competent Authority) Rules, 2010, may extend the period by another 60 days.

10. Agenda for the meeting of the Authority :-

- (1) The Authority shall deliberate on the following agenda, namely:-
 - (i) examination and consideration of heritage bye-laws;
 - (ii) examination and consideration of applications received for construction, re-construction, repairs and renovations from the Competent Authority;
 - (iii) examination and consideration of major public projects, development projects and other projects related to public utility, etc.;
 - (iv) examination of proposals regarding extending prohibited or regulated area, etc.;

- (v) examination of proposals regarding categorization and classification of protected monuments and protected area and obtaining public opinion and invite objections through notification, etc.;
 - (vi) the Member Secretary shall include in the agenda for the meeting any case which, in his opinion is urgent, irrespective of any deficiency in regard to particulars or delay in its receipt.
- (2) The Authority shall evolve a system of listing the above subject matters received by it for consideration.

11. Disposal of Applications by Authority :-

- (1) The Member Secretary shall, within a period of forty-five days from the date of receipt of application from the competent authority, examine the application, taking note of the heritage bye-laws and have it included in the meeting of the Authority.
- (2) The Authority shall examine the application after taking due note of the observations of the Member Secretary and make recommendations specifying conditions as it may deem fit to the competent authority.

- (3) The Member Secretary shall convey the recommendations of the Authority to the competent authority in Form.
- (4) If the Member-Secretary after examining the applications recommended by the competent authority is of the opinion that additional information is required for taking a decision by the Authority, the same shall be conveyed to the competent authority and requisite information shall be obtained within a period of twenty-one days.

12. Appeal :-

(1) Any applicant aggrieved by the recommendation of the Authority on the basis of which the competent authority has communicated the decision, may make an appeal before the Central Government for reconsideration of his case within a period of thirty days.

(2) The Central Government shall consider the appeal and dispose off the same by issuing a speaking order within a period of sixty days:

Provided that no appeal shall be disposed off without giving the applicant an opportunity of being heard.

CHAPTER V

[Conduct of business of the Authority]

13. Meetings of the Authority :-

The Authority shall conduct meetings at least thrice in a week or more depending upon the requirement to consider the cases placed before it and to make recommendations for grant of permission.

14. Special Meetings :-

The Chairperson may either himself or on the recommendation of the Member Secretary convene extraordinary meeting of the Authority to consider and take a view on any urgent matter of importance.

15. Place of meetings and notice therefor :-

(1) The meetings of the Authority shall ordinarily be held in New Delhi or in exceptional cases at any other place as may decided by the Chairperson.

(2) The whole-time members and part-time members shall be given minimum two days notice in case of regular meetings and minimum one day notice in case of special meetings.

(3) The notice along with agenda specifying the time, date and place of the meeting shall be issued under the signature of the Member-Secretary.

- (4) The Authority may invite competent authority to participate in exceptional cases, to obtain his considered views relating to major development projects or public works, provided the Member Secretary of the Authority has made a recommendation to this effect.

16. Presiding at the meetings :-

The meetings of the Authority shall be presided over by the Chairperson and in his or her absence, *by such whole time* member as may be elected by the members present in the meeting.

17. Participation of representative of public projects :-

The Member Secretary may, if consider necessary and with the approval of the Chairperson, invite the representative of public projects or individuals, the applicant or his representative to appear before the Authority to explain the details of the proposal.

18. Decision of the Authority :-

- (1) The Authority may make recommendations on the proposals by a broad consensus, as far as possible.
- (2) Where it is not possible to reach a consensus on a proposal, it shall be decided by a majority of Chairperson, the whole-time members and part-time members present and the ex-officio member by raising of hands.
- (3) In the event of tie, the Chairperson shall have a second and casting vote.

19. Minutes of the meetings :-

- (1) The Member Secretary of the Authority shall be responsible for preparation of minutes of the meetings of the Authority and circulating the same to all the whole-time and part-time members and the ex-officio member.
- (2) The Member Secretary shall be responsible for uploading the minutes in the official web-site of the Authority after it is approved by the Chairperson.
- (3) The minutes shall be confirmed in the next meeting of the Authority and the confirmation shall be endorsed in the Minute Book by the Chairperson and the Member Secretary.
- (4) No whole-time member and part-time member shall be entitled to raise any objection in regard to the text of the minutes of any meeting unless he was present at the meeting to which it relates.
- (5) No whole-time member and part-time member shall be entitled to raise any objection in regard to the text of the minutes of any meeting after the minutes have been confirmed by the Authority.

20. Bar of Communication :-

The decision of the Authority shall not be communicated to any person or body or group of persons by any whole-time member, or part-time member, or shall it be considered as final, till the minutes of the meeting, in which the decision was taken have been duly confirmed.

CHAPTER VI

21. Impact assessment of large scale development projects in regulated areas:-

- (1) The Authority may issue detailed guidelines to provide for the manner in which the archaeological impact assessment on large scale development projects shall be undertaken.
- (2) The Authority may make recommendations for restoration of the cultural ambience which has been damaged due to construction or like activities in the past.

22. Approval of heritage bye-laws:-

- (1) The Authority shall, on receipt of proposed heritage bye-laws from the competent authority, make necessary scrutiny thereof.
- (2) The Authority shall after the scrutiny and approval of the proposed heritage-by-laws publish the same inviting objection/ suggestion from the public.
- (3) The Authority may decide on the objection/suggestions so received in consultation with Competent Authority.

- (4) The Authority shall forward each approved heritage bye-laws to the Central Government and the Director General, Archaeological Survey of India, who shall within a period of thirty days host the bye-laws on their web-site and also make them available in their offices.
- (5) The Authority shall forward each approved and gazetted heritage bye-laws to the Central Government for laying the same on the table of each House of Parliament.

CHAPTER VII

[Supporting staff of the authority]

23. Appointment of Member Secretary:-

- (1) The Central Government shall appoint an officer of the Central Government not below the rank of Joint Secretary as the Member Secretary of the Authority,
- (2) The Member Secretary shall be responsible for –
 - (a) the day-to-day administration of the Authority;
 - (b) drawing up work programmes with the approval of the Chairperson;
 - (c) implementing the work programmes and the decisions taken by the Authority; and
 - (d) matters concerning finance and accounts of the Authority.

24. Other supporting staff :-

The Central Government may provide such officers and staff, consultants, services of experts and expert bodies, as may be considered necessary for proper functioning of the Authority on the recommendations of the Member Secretary.

CHAPTER IX

[Miscellaneous]

25. Production of record:-

The Authority shall make available any of its records to the Central Government as and when these are called for.

SCHEDULE

[see rule 8]

Broad category of monuments and archaeological sites declared as of national importance on the basis of historical, archaeological, artistic and architectural value and such other relevant factors, under section 3 and 4 of the Act.

[see Rule 8 (2)]

- Category I** : Protected monuments/archaeological sites inscribed on the World Heritage Cultural Sites list of UNESCO.
- Category II** : Protected monuments and archaeological sites included in the Tentative List by the World Heritage Committee.
- Category III** : Protected monuments and archaeological sites identified for inclusion in the World Heritage Tentative List of UNESCO.
- Category IV** : Ticketed protected monuments and archaeological sites (other than the World Heritage Sites and sites included in the Tentative List).
- Category V** : Monuments and sites with adequate flow of visitors identified for charging entry fee.
- Category VI** : Living monuments which receive large number of visitors/pilgrims.
- Category VII** : Other monuments located in the Urban/ Semi urban limits and in the remote villages.
- Category VIII** : Or such other category as the Authority may deem fit.

Form

Recommendation of the National Monument Authority for grant of permission for undertaking repairs/ renovation in the prohibited area and construction/reconstruction/repairs/renovation/mining/quarrying in the regulated area of an ancient monument/ archaeological site/remains declared as of national importance under Ancient Monuments and Archaeological Sites and Remains (National Monuments Authority) Rules, 2010
[see rule 11(3)]

1. Name of the applicant :
2. Address of the applicant :
3. Name of the owner(s) :
(if the applicant is other than the owner)
4. Address of the owner(s) :
 - (a) Present address
 - (b) Permanent address
2. Whether the property is owned by Government/Public Sector Undertaking/Private Sector Undertaking/Firm
3. Name of the nearest monument or site :
 - (a) Locality :
 - (b) District :
 - (c) State :
4. Area under which the proposed construction / reconstruction/repairs/renovation is falling.....
Prohibited/Regulated area
5. Nature of the work proposed:
(repair/renovation/construction/reconstruction)
6. Category of monument or ancient site :
7. Grading of the monument or ancient site :
8. Classification of the monument or ancient site :
9. Impact of proposed construction on the monument or ancient site :
10. Recommendation/approval/disapproval of the Authority :

Place: Seal of the Authority

Date:

Signature

Member Secretary

File No...

National Monument Authority