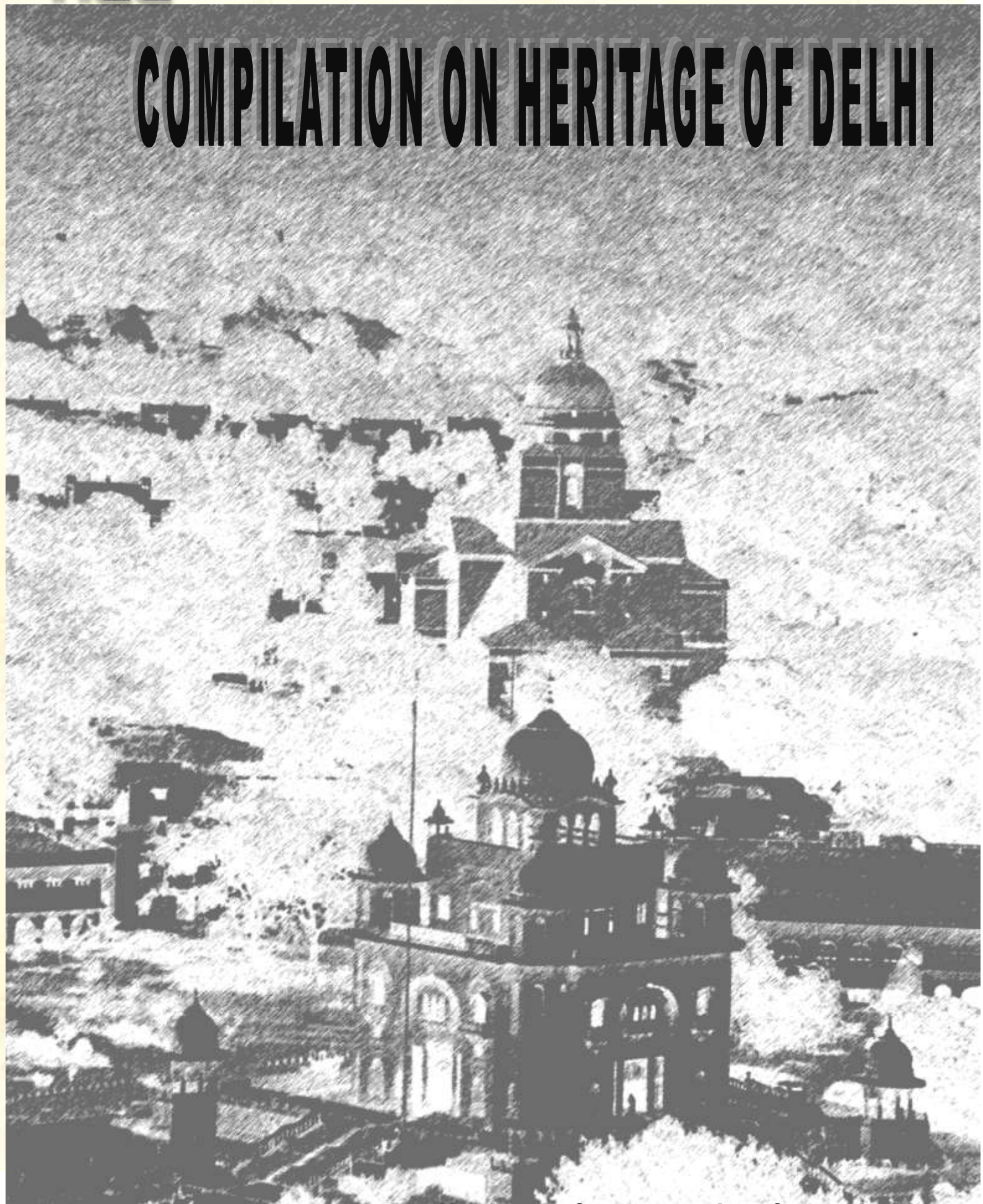


hcc

# COMPILATION ON HERITAGE OF DELHI



**Heritage Conservation Committee**

**hcc**

# **COMPILATION ON HERITAGE OF DELHI**

**Heritage Conservation Committee**

**Core-6A, India Habitat Centre, Lodhi Road, New Delhi-110 003**

## PREFACE

The Heritage Conservation Committee at its meeting held on 27.08.2012 decided to bring out a comprehensive compilation on heritage which would act as a reference document for all heritage related aspects. The work was entrusted to the Secretariat of the HCC. The Secretariat took up this work in right earnest and approached all public bodies in Delhi concerned with the heritage of the City. Based on the material and data furnished by these bodies the Compilation on Heritage was prepared. The information provided by these bodies on their respective websites was also valuable in preparation of the Compilation. However, the information in respect of the Cantonment area could not be incorporated for want of requisite data and material from the Delhi Cantonment Board.

While the attempt here has been to highlight the functions of each of the organizations together with the laws, regulations etc. governing them the Compilation would need to be improved from time to time to incorporate further details of the heritage structure in Delhi including brief background of each building together with their dated photographs, the present status of each of the heritage structures.

We welcome any suggestions for making this compilation more useful for the stakeholders.

**Vinod Kumar**  
**Member-Secretary**  
**Heritage Conservation Committee**

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### HCC Team :

- Sh. Amit Mukherji, Consultant
- Smt. Indu Rawat, Admin. Coordinator



## **FOREWORD**

The compilation on heritage is an outcome of an initiative taken by the Ministry of Urban Development at its meeting held on 09.11.2011 under the Chairmanship of Secretary (UD) on the subject of Conservation and Preservation of Urban Heritage Fabric for having a comprehensive reference document which would contain all aspects relating to heritage pertaining to the city of Delhi. The task of preparation of this compilation was entrusted to the Secretariat of the HCC as decided by the HCC at its meeting held on 27.8.2012. Concerted efforts were made by the team (comprising of Sh. Vinod Kumar, Member-Secretary, HCC, Sh. Amit Mukherji, Consultant and Smt. Indu Rawat) to collect relevant details from the organizations in Delhi working on heritage by the Heritage Team. The outcome of their effort and the guidance given by the HCC from time to time has resulted in this useful document which has been titled as "Compilation on Heritage of Delhi".

I am thankful to the following organizations who have provided requisite material which helped in compilation of this document :-

- Heritage Conservation Committee
- Delhi Urban Heritage Foundation
- Archaeological Survey of India
- Department of Archaeology GNCTD
- Central Public Works Department
- INTACH Delhi Chapter
- Aga Khan Trust
- Delhi International Airport Limited (DIAL)
- Delhi Urban Art Commission (DUAC)

**D. DIPTIVILASA**  
**Chairman**  
**Heritage Conservation Committee**

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# HISTORICAL BACKGROUND OF DELHI

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Delhi was a centre of habitation right from the Stone-age. As a site for habitation, Delhi was governed by some natural advantages particular to its geographical location- the presence of a perennial river; hills for the supply of stones for construction; a buffer in times of war and a very rich agricultural hinterland to feed a colossal urban population, engaged in non-agricultural pursuit. The wider regional importance of Delhi historically stemmed from its crucial geographical location on an important trade route, the Uttarapatha that ran along the Gangetic plain and linked up to the Silk Route.

Over the years, various habitations came up in the triangular area formed by the River Yamuna and the Ridge. Archaeological findings have revealed continuous cultural layers from 3<sup>rd</sup>-4<sup>th</sup> C BC to the Mughal Period, and pottery fragments that date from approximately 1000-500 BC. Rulers of successive dynasties that conquered Delhi developed portions of land in this triangular region of Delhi, each with their distinct walls, forts and supporting fabric—creating over time its various cities.

As early as the thirteenth century, the idea of Delhi was internalized by the citizens and poets, who referred to it as *Hazrat-i-Dehli* (revered Delhi) or the *Shahr* (the City). **Lal Kot, the 1st city of Delhi** was founded by the Tomar dynasty in 1060 AD. The Chauhans replaced the Tomars in the mid-12th C and enlarged Lal Kot to form Qila Rai Pithora. There were Muslim rulers in Delhi, the Turks from Central Asia, from AD 1192. Delhi grew to be the capital of an empire in the time of the Delhi Sultanate, with the establishment of **Siri, the 2nd city of Delhi**. Ghiyasuddin Tughlaq (r. 1320-24), the first of the Tughlaq kings who followed the Khaljis built **Tughlaqabad, the 3rd city of Delhi**. Muhammad-bin-Tughlaq linked the older cities of Lal Kot and Siri with two walls, from AD 1326-27, to build **Jahanpanah, the 4th city of Delhi**. Firoz Shah Tughlaq(1351-1388) built **Firozabad, the 5th city of Delhi**, on the banks of the Yamuna. Unlike the several other dynasties who ruled from Delhi, the Sayyid (15th C) and Lodi Dynasties (mid 15th C) have not left behind any particular city. Delhi was then intermittently the capital of the Mughal Empire (with a hiatus from the mid-16th to mid-17th centuries) and Emperor Humayun, in AD 1533, built **Dinpanah, the 6th city of Delhi**. In AD 1639, Shahjahan shifted the Mughal capital of the Mughal Empire back to Delhi and the walled city of **Shahjahanabad, the 7th city of Delhi was built**. These cities—fragments of which we can see still see today—respected the topography and ecology of the region and coexisted with the earlier settlements even when they supplanted them. Rarely can there be found anywhere in the world, so many contiguous manifestations of the city form—shaped by, and resulting in, a unique density of human interaction—as in Delhi.

Delhi sustained as an Imperial capital for over 300 years and again after an interregnum. The British defeated the Marathas in AD 1803 and took over Delhi. In AD 1911, they moved their capital from Calcutta to Delhi and New Delhi, the capital of the erstwhile British Empire in the east was built to the south-west of the old walled city of Shahjahanabad.

The Imperial Cities of Delhi' are both outstanding examples of town planning of their time,

- **Shahjahanabad** , the capital city of the Mughal Empire established by the Mughal Emperor Shahjahan in the mid 17th century (1638- 1857), that represented the apogee of town- planning in medieval India; and ,
- **New Delhi**, planned in 1912-13, as the capital of the erstwhile British Empire in India, reflecting the fusion of two dominant themes of the early twentieth century city planning- the City Beautiful (vistas) and the Garden city (verdure) concepts.



Although Shahjahanabad and New Delhi are today engulfed within what is now termed as the National Capital Territory of Delhi, the original urban morphology of each of these cities remains intact. The original extent of the city as designed during the Mughal period forms the core area in the case of Shahjahanabad and the city limits as drawn out by Sir Edwin Lutyens and H Baker forms the core area in the case of New Delhi.

### Shahjahanabad

The location of the walled city of Shahjahanabad, on high land on the western bank of the River Yamuna, was a point where important land routes converged. The city was encircled by an 8 kilometer long wall, pierced by a number of gates and wickets. The largest and grandest structure within the city is the palace citadel, **Qila-i-Mubarak (Red Fort)**, laid out fronting the Yamuna and planned to house the imperial court and the residential quarters of the king and his harem. **Chandni Chowk**, a ceremonial pathway, is the mile long, east west ceremonial axis, at one end of which is the Qila-i-Mubarak and at the other end the **Fatehpuri Masjid**. Important public buildings and commercial establishments were located along this ceremonial axis among them the *kotwali* (main police station), Sunehri Masjid, a mosque built in 1721-22 This ceremonial street was divided into three sections by two historic squares. The one nearest to the fort was originally called Kotwali Chowk, but is today known popularly as Phawwara chowk after the phawwara or fountain established here in the 1870s. The area north of Chandni Chowk had a large private garden on a 54 acre plot and large estates of the nobility.

Another major focal point in the walled city is **Jama Masjid**, the most impressive structure in Shahjahanabad besides the Red Fort. It is still the largest mosque in India, and was patronised by the emperor himself. Till today, it serves as the main congregational mosque of the city and can hold upto 25,000 people

**Faiz Bazaar**, a commercial street links the Delhi Gate of the palace to the Delhi Gate of the walled city. In later years, this became the principal north-south route through the city connecting Civil Lines and New Delhi. To the east of this street lies Daryaganj, literally 'the mart by the river'. The last nodal feature of this imperial city is **Qasi Hauz**, the main water reservoir, situated at the junction of four important bazaars. These six elements, in conjunction with the locations of the city gates, dictated the hierarchical structure of the street pattern and spatial distribution of the population.

A basic network of five major arterials leading from the gates to different parts of the walled city were built as spines of major activity-these roads linked the gates in the city walls to Fatehpuri Masjid, Qasi Hauz, Jama Masjid and Kalan Masjid. Commercial activities exist all along these spines, closer to areas of administrative or institutional importance. In the interstices of the main arteries and landmarks is the city that grew organically. The junction or crossing of two streets forms a 'chowk'. Other streets of a lower hierarchy are access roads to residential areas. The network also created social areas, known as *mohallas*, *katras* and *kuchas*. Essentially, settlements came up in the quadrant bounded by Chandni Chowk, Faiz Bazaar, and the city wall. The residential areas are introvert spaces and independent social and environmental entities.

As the capital of a rich empire and an important centre of trade, Shahjahanabad had some of the most famous specialist markets. Some that exist till today include Dariba Kalan, the gold and silver ware market; Kinari bazaar, the gilt and sequin market; Khari Baoli, the spice market; Katra Neel, the fabrics market and many more.

The architectural buildings in this imperial city display a great synthesis of styles. There was also an exchange of cultural meaning across sectarian lines. The lotus and kalash, held sacred by the Hindu tradition, became a part of the mosques and tombs of the city and beyond. Equally, the Hindu and

Jain temples of Shahjahanabad display the cusped arches and fluted domes of the mature Mughal style, often inaccurately designated 'Islamic'. The builders used a style that is neither 'Hindu' nor 'Muslim', (irrespective of whether or not the function of a particular building was a religious one). They used styles that consciously sought to incorporate meaningful elements from different traditions. This syncretism can be seen in historic buildings throughout Shahjahanabad.

In the period after the Mughal rule was substituted by Colonial rule, the city went through a process of evolution and change. Commercial sectors with low densities witnessed a considerable increase in density. Although the city has not experienced much change in the traditional urban morphology of the city, the density within has definitely increased.

### **New Delhi**

The city designed by Sir Edward Lutyens and Herbert Baker, redefined the architecture and urbanism of Delhi in the process of addressing contemporary imperatives. At its core is the formal centre piece, Rajpath (originally Kingsway) axis, which remains the most characteristic image of the former Imperial Capital, with the iconic buildings, the Rashtrapati Bhawan located on Raisina Hill, flanked by the large blocks of Secretariat buildings at the northern end, sweeping eastward to a hexagonal roundabout, India Gate. This remains the most characteristic image of the former Imperial Capital that reflected the fusion of the two dominant themes of early twentieth century city planning – the City Beautiful (vistas) and the Garden City (verdure). The main cross axis, Queensway (now Janpath) runs south from the business district, Connaught Place. The rest of the city has a range of avenues, from a modest 60 feet to 300 hundred feet, with the grand axis of 440 feet, with a planted parkway of several avenues of trees.

In the architecture of the buildings, Indian elements and motifs were used, drawing inspiration from Buddhist religious complexes on the one hand, and Mughal buildings and the bungalow on the other. The overwhelming aesthetic within which these elements were deployed captured the spirit of syncretism evident in Delhi for many centuries- a synthesis of Western classical geometry and Indian motifs.

*No buffer zone has been designated for Shahjahanabad as the layout is inward looking, not requiring a setting beyond the peripheral walls for it to retain its integrity. However, a buffer has been retained towards the Yamuna as the original concept was a city along the banks of the river. The River Yamuna has changed course over the years moving away from the city wall. The space thus created has been retained as a buffer in order to retain the sanctity of a city along the river.*

*The central vista is the focus of the layout of New Delhi, and the sight lines along the central vista need to be preserved. A buffer has been demarcated along this axis. The core of the city the central vista, as laid out by Lutyens was to connect visually to Jami Masjid to its north and Purana Qila to its east. This triangle of sight lines needs to be preserved. A buffer has therefore been retained to the north and east. Further Nizamuddin the site of the dargah of the Sufi Saint Nizamuddin Auliya and its accompanying large concentration of tombs from various periods needs to be preserved and has therefore been incorporated into the buffer for the World Heritage city of Delhi. Towards the west of New Delhi, the diplomatic area has been incorporated into the buffer, to preserve important vistas leading to the Viceregal building. The principal street, Shanti Path in this area was oriented to provide a direct view of the dome of the Viceregal building above the treetops.*

### **Justification of Outstanding Universal Value:**

Delhi is without doubt, a city of international standing and significance. Diverse historical, cultural and environmental exigencies have created the city that is today recognized globally as the capital of an important developing nation. Delhi's **aura of a capital city** goes back many centuries. and its outstanding universal value stems from the fact that it was the **capital of significant kingdoms and**



**often sub-continental empires**, which in many ways facilitated the **development of a cultural synthesis** that flowered into a sophisticated and mature form and in turn exerted an influence over a wide geographical area. Over several centuries, the city has defined its uniqueness in its ever evolving morphological and architectural styles as a result of its continuous amalgamation of ideas and ideologies. Such exigencies and syncretism has left a distinct mark on its tangible footprint with the development of new vocabulary of architecture where form, function and symbolism played an important role.

Delhi's unique cultural landscape evolved from the mingling of multiple streams of cultural impulses from the Islamic and European worlds. The extension of its integrated culture was the result of cross fertilisation in the process of continuous development as a major centre of power, culture and learning in the medieval world. The result is the hybrid architectural styles and planning principles

### **Developments in Architecture**

- Mughal architecture in Delhi received a strong infusion of architectural styles and techniques brought in by earlier Turk rulers. This led to the development of a distinct Delhi style, characterized by an innovative mix of technologies, materials and decorative motifs. There was also an exchange of cultural meaning across sectarian lines. Over the centuries the builders of Delhi built in a style that is neither 'Hindu' nor 'Muslim'. They used styles that consciously sought to incorporate meaningful elements from different traditions.

- The sense of civic design prevalent in England in the late 17th century influenced Sir E Lutyens' designs for New Delhi. In the east of central London – an axial complex worked upon by Sir Christopher Wren, John Webb and Nicholas Hawksmoor framed a vista towards the Queen's House, designed by Inigo Jones in the 1630s. As a civic ensemble this was a key influence. Sir Edwin Lutyens was influenced by the 'High Game of Classical Architecture' and his heroes were Palladio and

- Wren. In the architectural detailing of the buildings in New Delhi, Sir Edwin Lutyens picked up motifs and forms from the Mughal past and that of India's ancient Buddhist sites and introduced these into the powerful tradition of classicism prevalent in the west at that time. A syncretism can be seen in historic buildings throughout New Delhi, in all both components being nominated as part of the World Heritage City, Shahjahanabad and New Delhi.

### **Developments in Town Planning**

Similarly an interchange of ideas led to unique town planning principles apparent in the design of the two cities.

- The Manasara, one of the Hindu texts on architecture collectively called the Vastu Shastra, prescribes a bow-shaped form for a city on a river, and this is the plan that Shahjahanabad roughly followed. The eastern wall of the city, parallel to the river, could be viewed as the string of the bow, and parallel to this ran the main north-south street, linking the Kashmir gate in the north with the Delhi gate in the south. The other main street of the city could be viewed as the arrow placed in the bow, running from the main entrance to the Red Fort westwards to the Fatehpuri mosque. The palace complex therefore stood at the junction of the main north-south and east-west axes, where in the Hindu text a temple would have been located. In this arrangement the main congregational mosque of the city, the Jama Masjid, was off-centre with regard to the main streets. In terms of Persian texts such as the Rasa'il-e-Ikhwan-us-Safa, which viewed ideal city plans as mirroring the anatomy of man, the Jama Masjid would be the heart in relation to the Red Fort which was the head, and the east-west street which was the backbone. The plan of Shahjahanabad therefore clearly shows both Hindu and Persian Sufi influences, in keeping with the long Delhi tradition of synthesis, and the general Mughal polity of liberality and inclusion *vis a vis* Hindu subjects.

- At the time that Lutyens was involved in the design and planning of New Delhi, three major English developments related to the Garden City concept – Letchworth Garden City (1904),

Hampstead Garden Suburb (1905/1908) and Welwyn Garden City (1920), were iconic exemplars. These three iconic plans and the more informal, though sometimes, as with Hampstead Garden Suburb, geometrically precise, residential neighbourhoods influenced the design of New Delhi. The formal clear view central vista, integrated into the design of New Delhi was influenced by the layout in Washington and to some extent, the axial vista of the *Champs Elysees* in Paris. This synthesis between the City Beautiful Movement and the Garden City concept added a verdant, picturesque quality forming the setting for the set-piece central groupings, with visual interconnection between the two, adding value to both. Edwin Lutyens used this syncretism as an appropriate basis upon which to plan New Delhi, drawing inspiration from two very significant themes of early 20th century city planning. Another unique feature seen in the planning of New is the way Lutyens integrated buildings and settings.

***(v)The nominated site is an outstanding example of traditional human settlements and land use, which is representative of cultures, especially when it has become vulnerable under the impact of irreversible change.***

The various cities within Delhi were built as capitals of the ruling dynasty at different times in response to very specific social, political and cultural catalysts. The walled city of Shahjahanabad and New Delhi were planned as imperial cities displaying very strong imperial character manifested in features like the ceremonial pathway, iconic buildings anchoring both ends of the ceremonial pathway, etc. The urban morphology of two of these, remain intact till today.

In Shahjahanabad, cultural sophistication and an inclusive urban morphology evolved due to both episodic and processual experiences of urban dynamism. Shahjahanabad exemplified a grand conceptualization of urban space, inspired by former urban experiences in Delhi, other cities of India, tales from Persia of well planned cities and most importantly, the proclivities of the ruler himself. Three empires dominated the Asian world where Islam had spread, the Ottoman Empire in Turkey, the Safavids in Persia and Mughals in India. Of these the Mughal Empire probably covered the largest area and commanded maximum resources. The city built by the Emperor of this Mughal Empire exemplifies the grandeur associated with the Mughals.

The town planning of Shahjahanabad was no doubt influenced by Iranian ideas – as expressed in texts like the *Rasail Ikhwan al Safa*, and the examples of West Asian cities, such as Isfahan. But scholars believe that the plan of Shahjahanabad was equally influenced by the ancient Indian texts on architecture – the *Vastu Shastra*. Moreover, the organic growth of the city in the centuries following its establishment has reflected the assimilative tendencies in Indian society – with various religious sects, occupational and ethnic groups finding space within the city without any one being privileged over the others. A combination of the imperial nature of the city, manifested in features like the ceremonial Chandni Chowk, anchored at either end by the Red Fort and Fatehpuri mosque and the unique morphology of the city dictated by Hindu and Persian texts and palpable till today in the lanes and bylanes of the city, make it an outstanding example of town planning

New Delhi, the imperial capital saw the fusion of two dominant themes of early twentieth century city planning – the City Beautiful (vistas) and the Garden City (verdure), concepts that had world relevance in city planning of the early twentieth century. The genius of the design lies in its integration of vista (views) and verdure (greenery) and added to this, the imperial character manifested in features like the central vista, flanked by the grand Viceregal house at one end and the India gate at the other makes it an unique and unparalleled example of town planning. The city built between 1913 and 1931, was seen by the British administration as *an opportunity which had till then never occurred, and which would probably never recur*, that of building of one of the finest cities in the world.

**Statement of authenticity and/or integrity**

Delhi is a living city. It accommodates the remains of over a thousand years of building in different states of preservation. The authenticity of the form and design of the nominated area varies in the areas proposed for consideration. Location and setting of the cities has been largely retained. Form and design has remained authentic to a very high degree in both cities. While Shahjahanabad no longer remains an Imperial capital, the function of New Delhi as an imperial city remains, albeit as the capital of an independent sovereign nation.

### **Shahjahanabad**

In the walled city of Shahjahanabad, the physical form remains intact. The city has evolved with time, most significantly as a result of the aftermath of historical events like the Uprising of 1857, which has changed the spatial character of parts of the walled city, however, in most parts of the city, the urban morphology and monumental buildings of the Mughal period remain intact and the residential structures have been rebuilt on the original footprint. In certain areas commercial developments have replaced the residents in the original buildings, adding considerably to the load on its infrastructure. The six nodal features identified, the ceremonial access, the fortified citadel, the congregational mosque, the bazaars and commercial streets still retain their original form and design.

### **New Delhi**

New Delhi has served the Republic of India since 1947 as the new capital city, following India's Independence after the departure of the Raj in June 1948. The Viceroy's House is now the Rashtrapati Bhavan, residence of the President of the Republic of India. The original form and design of the planned city of New Delhi, together with its setting remains unchanged to this day. The synthesis of the Garden City Movement and City Beautiful Movement, both very strong town planning concepts of the 19th century have been almost wholly preserved (with the exception of the commercial district of Connaught place which has seen some change in the building heights). The cross section of the streets with the original avenue planting is still retained. Having completed their life span these trees now need to be replaced and a comprehensive proposal has been prepared for replanting of the avenues.



# Agencies concerned with heritage

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The agencies concerned with the protection of Delhi's built heritage are :-

1. Heritage Conservation Committee (HCC) under the Ministry of Urban Development
2. Archaeological Survey of India (ASI)
3. State Archaeological Department, Govt. of NCT of Delhi
4. Delhi Development Authority (DDA)
5. MCD (EDMC, SDMC, NDMC)
6. Central Public Works Department
7. Cantonment Board, Delhi
8. INTACH
9. Aga Khan Trust

The survey conducted by the DDA and INTACH identified 1208 historical monuments. The number of monuments under the jurisdiction of each body are as follows :-

1. ASI	-	174
2. MCD	-	767
3. Central Public Works Department	-	20
4. NDMC	-	141
5. State Archaeological Department	-	06
6. Cantonment Board	-	.....
7. DIAL	-	02

## Master Plan -2021 Provisions

The Delhi Master Plan-2021 has a separate Chapter (Chapter No.10-[Annexure-I](#)) on the conservation of the built heritage wherein it has defined the major objectives and requirements. It has also identified 'Six' historical significant areas as heritage zones and 'Three' Archaeological Parks (Mahrauli, Sultan Garhi and Tughlakabad). The Master Plan also suggests that each local body shall formulate special development plans for the conservation and improvement of listed heritage complexes and their pertinent areas.

# HERITAGE CONSERVATION COMMITTEE

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Setup by incorporating a new section 23 in Delhi Building Bylaws, 1983( [Annexure II](#)) for the protection of Heritage buildings, Heritage precincts and Natural feature areas in Delhi

## COMPOSITION OF HCC

### Chairman

1. Special Secretary / Additional Secretary, Ministry of Urban Development

### Members

2. Addl. DG(Arch.), CPWD
3. Chief Engineer (Structure) in the CDO, CPWD
4. Chief Planner, TCPO
5. Chief Town Planner, MCD
6. Commissioner (Plg.), DDA
7. Chief Architect, NDMC
8. Representative of DG, ASI
9. Sh. D.S. Meshram (Urban Designer)
10. Dr. Narayni Gupta (Historian)
11. Prof. A.G.K. Menon (Conservation Architecture)
12. Prof. M. Shaheer (Environment)
13. Director, National Museum of Natural History (NH)
14. Prof. K.T. Ravindran, Urban Designer
15. Ms. Gurmeet S. Rai, Director, CRCI
16. Convener, Delhi Chapter, INTACH
17. Secretary, DUAC (Member Secretary)

## APPLICABILITY

HCC regulations apply to Heritage sites including buildings, artifacts, structures, areas and precincts of historic, architectural, aesthetic, cultural or environmental value herein after referred to as listed Heritage Buildings / Listed Heritage Precincts etc.

The published list of heritage buildings under the jurisdiction of NDMC and MCD could be perused at [Annexures III and IV](#), respectively.

### Grade - I

Comprises Buildings etc. of national or Historic importance

### Scope for Change

No interventions be permitted either on exterior or interior of the Heritage Building etc. unless it is necessary in the interest of strengthening and prolonging the life of the building etc.

#### **Grade – II**

Comprises of building etc. of regional or local importance possessing special architectural or aesthetic merit or historical significance

#### **Grade II (A)**

Internal changes and adaptive reuse may by and large be allowed

#### **Grade – II (B)**

In addition to above extension to additional building in same plot or compound could in certain circumstances allowed provided it is in harmony with existing building etc.

#### **Grade – III**

Comprises building and precincts of importance for townscape that evoke architectural, aesthetics or sociological interest

Internal changes and adaptive reuse may by and large be allowed. Changes can include extensions and additional buildings in the same plot / compound provided they are in harmony with the existing building etc.

#### **Responsibility of Owners of Heritage Buildings**

It shall be the duty of owners of Heritage Buildings etc. to carryout regular repairs and maintenance of the buildings

#### **Restrictions on Development / Re-Development / Repair etc.**

No Development or re-development or Engineering operation or Additions / Alterations, Repairs etc. including painting of the Building shall be allowed except with the prior permission of the concerned local authority viz. DDA, MCD, NDMC as the case may be.

Before granting permission local authority concerned shall consult the HCC.

#### **Procedural Aspects**

##### **Grade-I Buildings**

- (a) All necessary building plans including individual floor plans, elevation, sections etc. (in duplicate)
- (b) The necessary proforma of planning permission duly completed and signed by the competent authority.
- (c) Photographs (aerial wherever possible) showing existing physical characteristics of the area proposed to be developed/redeveloped Minimum size 8" x 10". The location of points from where the photographs have been taken should be indicated on site / location plan.



- (d) Report explaining the concept and significance of building, whether the building is proposed for re-use and special features that influenced the design which may also include, description of site and controls, regulations applicable including land-use, height restrictions, envelop controls and parking schedule of accommodations and parking provided, percentage of coverage and FAR achieved etc.
- (e) Typical presentation clearly showing external finishing materials and architectural expressions/elements with colour scheme, detailed specification for all base materials to be used in restoration, reconstruction and additions must accompany the drawings.
- (f) Technical reports covering various aspects.

### **Grade-II & III Buildings**

Besides aforesaid requirement, the following additional materials/documents shall be required to be submitted.

- (a) Site Plan, layout plan, parking plan of development/ redevelopment of the area at an appropriate scale (in duplicate) clearly indicating the existing area, all repairs and additions. The changes must be shown in red color including any alteration proposed in the landscape.
  - (b) Three-dimensional model on presentation showing land-scaping, existing monuments/ruins, if any, and general traffic system also showing development/ structures in the vicinity/surroundings with their height and distances from the proposed site at an appropriate scale.
  - (c) Location plans/site plan indicating important roads or landmarks so as to clearly identify the site.
  - (d) Landscape plans of the project – Building drawings of proposals should be accompanied by landscape plans, identifying clearly the soft areas and hard areas for parking, play areas for children in different age groups, sites for planting trees and the particular tree species, the street furniture and external light fittings, surface drainage system and the design of the boundary walls along with location of gates and their design. Landscape plans must provide the original landscape with details of original species and materials.
- The project drawings at subpara (a) & (g) and necessary proforma at subpara (b) are to be submitted to the Committee by the local bodies. The rest of materials may be submitted to the Committee direct by the architect/promoter within seven days from the day, plans etc. are submitted to the Committee by the local bodies.

The Member-Secretary in consultation with the Chairman may call for additional material/documents for facilitating consideration of the proposal or exempt promoter/architect from submission of any of the aforesaid material/document on a request from the promoter/architect.

HCC held 29 meetings till date.

# DELHI URBAN HERITAGE FOUNDATION

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Delhi Development Authority has been making concerted efforts to ensure upkeep and proper maintenance of buildings of heritage value. The Delhi Master Plan-2001 has already designated five historically significant areas as Controlled Conservation Areas.

- Walled City of Delhi,
- *Central Vista*
- Nizamuddin
- Area near Qutub (presently being identified as Mehrauli Heritage Zone)
- Area near Vijay Mandal.

## **Heritage Awards:**

An awareness program had been initiated by instituting awards-DDA Urban Heritage Awards (since 1993) to the buildings, which reflect the architectural images, social values and traditions of its time. Till now 27 buildings have been recognized under these awards

## **Delhi Urban Heritage Foundation:**

Further, with a view to safeguard the built and natural heritage of Delhi through collaborative efforts of all concerned, Delhi Heritage Foundation (DUHF) has been set up by DDA, in exercise of its power under Sec.5-A of Delhi Development Act, under the Chairmanship of Hon'ble Lt.Governor of Delhi and notified vide [gazette notification No. Part –II- Section 3- sub section ii, dated September 28,1999.](#)

## **Objectives/Functions:**

At 3 (e) To promote reuse of old buildings for appropriate utilization.

At 3 (g) To provide assistance to individuals,

# The Archaeological Survey of India (ASI)

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The Archaeological Survey of India (ASI), under the Ministry of Culture, is the premier organization for the archaeological researches and protection of the cultural heritage of the nation. Maintenance of ancient monuments and archaeological sites and remains of national importance is the prime concern of the ASI. Besides it regulate all archaeological activities in the country as per the provisions of the **Ancient Monuments and Archaeological Sites and Remains Act, 1958** ([Annexure VI](#)). It also regulates Antiquities and Art Treasure Act, 1972.

For the maintenance of ancient monuments and archaeological sites and remains of national importance the entire country is divided into 24 Circles. The organization has a large work force of trained archaeologists, conservators, epigraphist, architects and scientists for conducting archaeological research projects through its Circles, Museums, Excavation Branches, Prehistory Branch, Epigraphy Branches, Science Branch, Horticulture Branch, Building Survey Project, Temple Survey Projects and Underwater Archaeology Wing.

## Activities

ASI is a large organization with an organized work force at the base and the Director General at the apex. Its major activities inter-alia are as under :-

Conducting archaeological explorations and excavations;

- Maintenance, conservation and preservation of protected monuments and archaeological sites and remains of national importance;
- Chemical preservation of monuments and antiquarian remains;
- Architectural survey of monuments;
- Epigraphical and numismatic studies;
- Setting up and re-organization of Site Museums;
- Training in Archaeology;
- Bringing out archaeological publications;
- Archaeological expeditions outside India ;
- Horticulture operation in and around ancient monuments and sites.
- Implementation and regulation of - The Ancient Monuments and Archaeological Sites and Remains Act, 1958;
- The Antiquities and Art Treasures Act, 1972, etc.

## Organisation

The Archaeological Survey of India (ASI) is the premier organization for the archaeological research, scientific analysis, excavation of archaeological sites, conservation and preservation of protected monuments and areas of national importance, maintenance of site museums and overall regulation of legislations related to antiquities and art treasures.



For the administrative convenience the entire country is divided into 24 Circles. Each Circle is headed by a Superintending Archaeologist (S.A.), who is further assisted by Deputy Superintending Archaeologist (Dy.S.A.), Deputy Superintending Archaeological Engineer (Dy.S.A.E.), Assistant Superintending Archaeologist (A.S.A.), Assistant Superintending Archaeological Engineer (A.S.A.E.), Assistant Archaeologists (A.A.) and Conservation Assistants (C.A.).

For conducting specialised archaeological researches there are also 6 Excavation Branches, 1 Prehistory Branch, 1 Building Survey Project, 2 Temple Survey Projects, 2 Epigraphy Branches, 1 Science Branch and Underwater Archaeology Wing in the Archaeological Survey of India.

**The Ancient Monuments and Archaeological Sites and Remains Act, 1958** defines an 'Ancient Monument' as follows:-

**Ancient Monument** means any structure, erection or monument, or any tumulus or place of interment, or any cave, rock-sculpture, inscription or monolith which is of historical, archaeological or artistic interest and which has been in existence for not less than 100 years and includes—

1. Remains of an ancient monument,
2. Site of an ancient monument,
3. Such portion of land adjoining the site of an ancient monument as may be required for fencing or covering in or otherwise preserving such monument, a
4. The means of access to, and convenient inspection of, an ancient monument;

The section 2(d) defines archaeological site and remains as follows:

**Archaeological site and remains means** any area which contains or is reasonably believed to contain ruins or relics of historical or archaeological importance which have been in existence for not less than one hundred years, and includes—

1. Such portion of land adjoining the area as may be required for fencing or covering in or otherwise preserving it, and
2. The means of access to, and convenient inspection of the area;

### **Protection of monuments**

The Archaeological Survey of India (ASI) under the provisions of the AMASR Act, 1958 protects monuments, sites and remains of national importance by giving a two-month's notice for inviting objections, if any in this regard.

After the specified two-month's period, and after scrutinizing the objections, if any, received in this regard, the ASI makes decision to bring a monument under its protection.

There are at present more than 3650 ancient monuments and archaeological sites and remains of national importance. These monuments belong to different periods, ranging from the prehistoric

period to the colonial period and are located in different geographical settings. They include temples, mosques, tombs, churches, cemeteries, forts, palaces, step-wells, rock-cut caves, and secular architecture as well as ancient mounds and sites which represent the remains of ancient habitation.

These monuments and sites are maintained and preserved through various Circles of the ASI spread all over the country. The Circles look after the research on these monuments and conservation activities, while the Science Branch with its headquarters at Dehradun carries out chemical preservation and the Horticulture Branch with its headquarters at Agra is entrusted with the laying out gardens and environmental development.

The list of monuments in Delhi under the jurisdiction of the ASI could be perused at [Annexure-VII](#)

# DEPARTMENT OF ARCHEOLOGY GNCTD

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With a view to protect and maintain monuments in Delhi other than those of national importance protected and maintained by the Archaeological Survey of India, Department of Archaeology has been established in Delhi Administration in the year 1978. The main activities of the Department are conservation, preservation, and beautification of monuments other than those maintained by the Archaeological Survey of India; survey, listing, documentation, acquisition and protection of monuments; archaeological explorations and excavations; setting up of thematic museums; educational activities and bringing out departmental publications. In order to arouse awareness about the rich cultural heritage of the city, mass awareness campaigns are launched in collaboration with the NGOs. Special efforts are made to involve NGOs, RWAs, PSUs and Corporate bodies in the maintenance and upkeep of the monuments under the overall supervision of the Department of Archaeology and develop them as tourist spots.

## **Functions :**

Preservation of cultural heritage in Delhi is one of the foremost functions of the Department of Archaeology which includes protection and maintenance of monuments other than those protected and maintained by Archaeological Survey of India.

## **The main functions of the Department are as follows :**

1. Conservation and preservation of monuments.
2. Landscaping and development of garden around the monuments and develop them as tourist Spots.
3. Chemical preservation of monuments and antiquarian remains.
4. Maintenance of monuments through NGOs, Residential Welfare Associations, Public Sector Undertakings and Corporate Bodies under the over all supervision of the Department of Archaeology.
5. Survey, listing and documentation of monuments.
6. Archaeological explorations and excavations.
7. Undertaking educational activities including mass awareness Programmes to arouse consciousness among the citizens of the Delhi about their cultural heritage.
8. Setting up of Archaeological Museum.



9. Bringing out departmental publications.

### **Organisation**

Department of Archaeology comes under Art & Culture sector. Secretary (Art & Culture) is at the apex of the organization for over all guidance and supervision of the department. Addl. Secretary (Art, Culture & Language) is the ex-officio Director of Archaeology. Deputy Director of Archaeology is the Head of Office assisted by officers in the fields of conservation, monuments, museum and excavations with supporting staff.

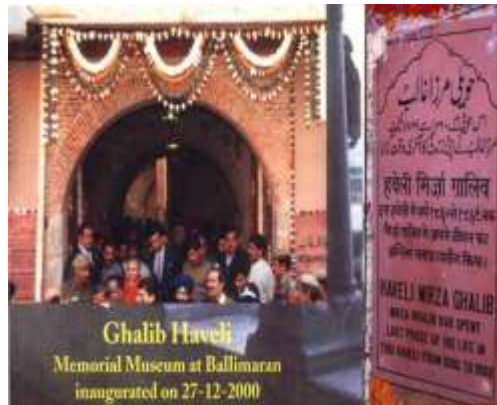
### **Protection of monuments :**

While the national monuments are governed under the provisions of the Ancient Monuments and Archaeological Sites and Remains Act 1958, other monuments of local importance are governed under the provisions of the “**Delhi Ancient and Historical Monuments and Archaeological Sites and Remains Act - 2004**” ([Annexure-VIII](#)). Those monuments which are not under the jurisdiction of ASI come under the purview of State Department of Archaeology. These remaining monuments are covered by the “Delhi Ancient and Historical Monuments and Archaeological Sites and Remains Act - 2004” which will be protected in phased manner. Notification for six monuments in and around Badarpur was issued for protection.

### **Conservation of monuments :**

Delhi possess a rich and varied cultural heritage spreading over millennia of history and is dotted with a number of historical monuments of great historical importance. All out efforts are made to ensure that approach to conservation is scientific with due emphasis on upgradation of skills and involvement of professionals and maximum use of modern techniques in conservation. After completing the conservation work, illumination and development of garden/landscaping work taken up and develop them as tourist complexes. The Govt. of Delhi is making concerted efforts for preservation and restoration of monuments

## ACHIEVEMENTS



### 2. Mirza Ghalib Memorial

The Haveli of Mirza Ghalib at Gali Qasim Jaan, Ballimaran, Chandni Chowk was restored and conserved aesthetically to its original splendor. A memorial museum was set up at the site within the acquired area with various facets of Ghalib's life which was inaugurated and opened to the Public on 27-12-2000 on the birth anniversary of Mirza Ghalib. The memorial is opened to the Public on all days from 10 AM to 5 PM except on Mondays and Gazetted holidays.

### 3. Renovation of historically important monuments:

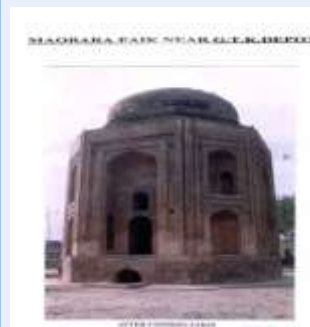
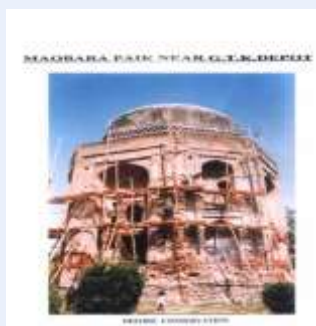
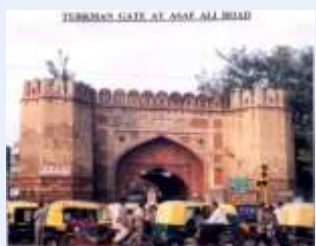
Major renovation/restoration of historically important monuments have been completed viz. Dara Shikoh Library Building at Kashmere Gate, Mutiny Memorial at Northern Ridge, Shikargah at Jaunti, Maqbara Paik near GTK Bus Depot, Zail at Bawana, Baradari & Tomb at Sadhana Enclave, Bijri Khan's Tomb at R.K.Puram Sector-III, Ghalib's Haveli and Hindustani Dawahana at Ballimaran, Northern & Southern Guard Houses on Northern Ridge, Mahal at Qudsia Garden, Turkman Gate at Asaf Ali Road, Chaumchi Khan's Tomb at Mehrauli, three monuments in Delhi Golf Club and another three monuments in Qutb Golf Course.

### 4. Archaeological Excavation:

Department of Archaeology has undertaken excavations at three places in Delhi viz. Mandoli in East Delhi, Bhorgarh in North Delhi and Jhatikara in West Delhi. Excavations at these sites gave an insight to the history of the city by pushing back to the late Harappan times of 2nd millennium B.C. The excavated objects will be displayed in the proposed Archaeological Museum

Before Renovation

After Renovation





**MUTINY MEMORIAL ON NORTHERN RIDGE**



**During Conservation**

## **PLANS PROPOSED**

### **Setting up of Museums:**

#### **1. Archaeological Museum at Dara Shikoh Library Building, Kashmere Gate:**

An Archaeological Museum is proposed to be set up shortly to display sculptures, bronzes, arms and armory, arts and crafts, coins and excavated material. The museum will be provided with modern display techniques including lighting arrangements.

#### **2. Museum at Qudsia Mahal near ISBT, Kashmere Gate:**

Keeping in view the heritage importance of the monument, architectural grandeur and the general ambience of the area, availability of the space and inherent limitations of the old structure, it is proposed to set up a Museum in this monument on the theme "Queens/Royalty and Prominent/women of Delhi form 17th to 19th century" would be a major tourist attraction.

#### **3. Interpretation Centre near Qutub:**

It is proposed to set up an Interpretation Centre of international standard near Qutub Minar which will highlight the history, culture and life styles of Rajput and Sultanate periods as well as technology applied in construction of the Minar and other monuments. The basic idea of the Interpretation Centre is to provide an opportunity to guide the national and international tourists, who visit Qutub Minar Complex, a World Heritage Site.

**Mass awareness programme:**

In order to arouse consciousness among the children and citizens of Delhi about their rich cultural heritage of the city , it is proposed to undertake awareness programmes including establishing Cultural Clubs in schools, organization of exhibitions and launching mass awareness campaigns through the media appealing the citizens to safeguard the monuments from the vandalism and maintain them for posterity and also making maximum involvement of public including NGOs and Residential Welfare Associations in these activities.

As a new policy, the Department of Archaeology will undertake conservation work of five historically important monuments in Delhi every year. All out efforts are made to ensure that approach to conservation is scientific with due emphasis on up gradation skills and involvement of professionals and maximum use of modern techniques in conservation. An expert committee under the chairmanship of Secretary (Art & Culture) has been set up comprising of prominent experts from various disciplines to advice and oversee the activities of the conservation of monuments.

Special efforts are made to involve NGOs, Residential Welfare Associations, Public Sector undertakings and Corporate Bodies in maintenance and upkeep of monuments under the overall supervision of the Department of Archaeology under specific guidelines through MOU under Bhagidari Scheme. In order to arouse consciousness among the citizens of Delhi about rich cultural heritage of the city, mass awareness campaigns are launched involving public and in collaboration with the NGOs and RWAs.

# CPWD

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A Cell under the overall control of ADG (Arch) with CA (NDR) as chairman was constituted in CPWD as per OM No. 2/11/2011-WII (CPWD)/EW-I dated 30/3/2012.

The role of Cell is limited to rendering advice to the Ministry of Urban development, other Ministries and various field units within CPWD on heritage issues. The execution shall be taken up by respective Zonal Chief Engineers.

A List of Heritage properties which are under the control of CPWD is placed at [Annexure-IX](#).

## **Contribution of the organization -**

- Special training session and specialized courses are being organized by CPWD Training Institute at regional level to bring awareness among the Architects and Engineers of CPWD about the conservation & restoration of the Heritage buildings. Efforts are on to associate SPA Delhi, INTACH & Aga Khan Foundation etc. for the preparation of specialized training capsules, to train architects & engineers of CPWD.
- Items related to the preservation of Heritage structure after consultation with ASI has already been included in the DSR-2012.
- Procedure & guidelines related to the Heritage structures have been framed by the ADG (Arch) are under approval, once approved will be incorporated in the CPWD manual.
- CPWD has approximately 50,000 drawings related to the Heritage buildings under its control. Efforts are on to explore the possibility of getting technical expertise for preservation / restoration of these drawings.

**Limitations** - The Senior Architect (NDR-HQ) has been appointed as the nodal officer of the Heritage cell. The SA (NDR-HQ) finds it difficult to coordinate the conservation work because of the regular work pressure of the unit. A dedicated team headed by a Senior Architect having Superintending Engineers (Civil & Electrical), Executive Engineers (Civil & Electrical) and Officer from Horticulture as team members may be constituted to look after the conservation work.

**Suggestions** - Expertise in maintenance, rehabilitation and restoration of heritage properties could be developed gradually, by sponsoring Engineers, Architects and Horticulturists for specialization through short term training courses, seminars/workshops etc. and also by sponsoring officers for higher studies in the field of conservation. Till expertise is developed in house, expert bodies like School of Planning & Architecture, INTACH etc. could be engaged on case to case basis.



# INTACH DELHI CHAPTER

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The Indian National Trust For Art and Cultural Heritage (INTACH) is a non-profit organization set up in 1984 to involve its members in protecting and conserving India's vast natural, built and cultural heritage. It is governed by charter for the conservation of unprotected architectural Heritage and sites in india.

The Indian National Trust for Art and Cultural Heritage (INTACH) has 150 chapters across the country. The Delhi Chapter, started in 1984, has been involved in a variety of programmes and activities that have helped promote the cause of INTACH and heritage conservation. INTACH is governed by the [INTACH Charter](#). Some of the key areas of its activities are:

- ✿ Preparing a comprehensive inventory of the built heritage of Delhi;
- ✿ Taking legal initiatives to protect heritage buildings at risk;
- ✿ Interacting with members through periodic meetings and weekly updates of heritage related news;
- ✿ Carrying out model conservation projects;
- ✿ Organizing outreach programmes to generate awareness among public through heritage walks, teacher training workshops and interaction with school and college students;
- ✿ Networking with stakeholders, both government and other like-minded organizations to further the cause of heritage conservation; and,
- ✿ Publishing books, pamphlets etc. pertaining to the architectural and cultural heritage of Delhi.

## Chronology of Achievements

INTACH Delhi Chapter has actively taken up cases to protect heritage at risk. To ensure preservation of threatened heritage structures, the Chapter has effectively networked with local government bodies, and on occasions it has also approached the Courts at various levels to seek orders for redressal. Some legal initiatives undertaken by the Delhi Chapter of INTACH include:

### **Nizamuddin Railway Station Case, 1994**

A petition was filed against Northern Railway's proposal to expand the Nizam-ud-din Railway Station in an insensitive manner. INTACH Delhi Chapter along with the Nizam-ud-din Residents Welfare Association filed a petition in the High Court against the proposal and succeeded in preserving the original splendor of the building.

### **India Gate Cannopy Issue, 1996**

There were proposals afloat to demolish the Cannopy of King George V in front of India Gate. To forestall such action the Delhi Chapter in association with the Conservation Society of Delhi filed a PIL, demanding a stay on the proposal. A division bench of the High Court admitted the PIL and restrained the Government from removing, altering or even modifying the canopy.

### **The Connaught Place and Rajiv Chowk Issue, 1996**

INTACH Delhi Chapter along with the Conservation Society of Delhi filed a PIL in the High Court against the renaming of Connaught Place and Connaught Circus, as Rajiv Chowk and Indira Chowk respectively, which would destroy their historic connotations. This case is still pending in the High Court of Delhi, though, in the course of time, the issue may well be forgotten.

### **The Wazukhana case, Jama Masjid, 1999**

In 1999, an unauthorized structure was erected on the southern side of the Jama Masjid. A Public Interest Litigation was filed in the High Court and INTACH Delhi Chapter succeeded in getting the illegal structure demolished.

### **Regulation for Protecting Heritage Properties, 2003**

INTACH Delhi Chapter and DDA conducted a pioneering listing exercise and published the results in two volumes in 2000. As a result, two local government bodies namely MCD and NDMC, issued appeals in the newspapers in 2002 for the protection of listed buildings in their areas of jurisdiction.

Despite these appeals, more than eight buildings were demolished between 2002 and 2003. This prompted INTACH Delhi Chapter to file a Public Interest Litigation in the Court pleading urgent formulation of building regulations to ensure the enforcement of heritage protection. As a result of this case, an apex body, the Heritage Conservation Committee (HCC) was constituted by the Ministry of Urban Development in 2005, to monitor the heritage of Delhi. The objective of HCC is to examine all activities pertaining to heritage structures and persuade the civic authorities to issue notifications for protection of heritage buildings. The HCC is now functioning in a manner similar to the Delhi Urban Art Commission (DUAC) to enhance the quality of Delhi's urban environment.

#### **Police Memorial, Chanakyapuri, 2004**

On an initiative by INTACH Delhi Chapter, a petition signed by about 150 eminent citizens was submitted to the President, Prime Minister, Minister of Home Affairs to oppose the design of the Police memorial structure proposed to be constructed in Chanakyapuri. It was planned to be approximately 150 feet high and would have obstructed the view of Rashtrapati Bhavan from Shanti Path, besides becoming an incongruous element in Lutyen's Delhi. The Delhi High Court stayed the construction of the Memorial and the proposal was referred back to the DUAC which they recommended that the structure be removed /shifted and a new design worked out.

#### **Overhead Metro near Qutub Minar Complex, 2006**

The Delhi Metro has done a remarkable job in Delhi, but some of its proposals were perceived to be inimical to the heritage ambience of the city. An aggressive campaign was therefore launched in 2006 against the building of the overhead metro line near the Qutub Minar Complex. After considerable debate and discussions, the campaign was successful, leading to the diversion of the overhead metro line to an alternate route.



# AGA KHAN TRUST

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Date of constitution : 3rd July 1978

Statutory/bye Laws governing the organization : Aga Khan Foundation India

Status : Branch of Foreign Company, Registered u/s 592 of Companies Act.

Aga Khan Trust for Culture and Aga Khan Foundation (India) are a part of the Aga Khan Development Network.

The Aga Khan Development Network ("AKDN") is a group of private, non-denominational, international development agencies with contemporary mandates, working to improve the welfare and prospects of people in Asia and Africa. In the countries in which they operate, the agencies address problems experienced by all citizens, irrespective of race, ethnicity, gender or religion. While each agency pursues its own mandate, all of them work together within the overarching framework of the Network so that their different pursuits can interact and reinforce one another. AKFI together with its affiliate (s), the Aga Khan Trust for Culture, both agencies of the Aga Khan Development Network, has been engaged, inter-alia, since 2007 in a major Urban Renewal Project in the Humayun's Tomb - Sunder Nursery - Hazrat Nizamuddin Basti area of Delhi.

The Aga Khan Trust for Culture (AKTC) focuses on the physical, social, cultural and economic revitalization of communities in the Muslim world. It includes the Aga Khan Award for Architecture, the Aga Khan Historic Cities Programme, the Aga Khan Music Initiative in Central Asia, the on-line resource ArchNet.org and the Aga Khan Program for Islamic Architecture at Harvard University and the Massachusetts Institute of Technology. The Museums & Exhibitions unit coordinates the development of a number of museum and exhibition projects.

In Delhi the Aga Khan Foundation and the Aga Khan Trust for Culture are engaged in The Humayun's Tomb - Sunder Nursery - Hazrat Nizamuddin Basti Urban Renewal Project. The project combines a cultural heritage project with socioeconomic initiatives. The overall objective of the project is to improve the quality of life for people in the area.

Following the successful restoration of the Humayun's Tomb gardens in 2004, the Urban Renewal project commenced with the signature of a Public-Private Partnership memorandum of understanding on 11 July 2007. The non-profit partnership includes the Archaeological Survey of India, the Central Public Works Department, the Municipal Corporation of Delhi, the Aga Khan Foundation and the Aga Khan Trust for Culture. The project will unify the three zones into an urban conservation area of considerable breadth and cultural significance while improving the quality of life for resident population.

The project integrates conservation, socioeconomic development and urban and environmental development objectives in consultation with local communities and relevant

stakeholders. Since its inception, the project has attracted additional partners and received co-funding from the Sir Dorabji Tata Trust, Fort Foundation, World Monuments Fund, Sir Ratan Tata Trust, the Embassy of the United States, J.M. Kaplan Fund, amongst others.

### **List of Heritage Buildings/monuments/natural features areas etc. under their jurisdiction**

The 250 hectare site is the densest ensemble of medieval Islamic architecture in India. Apart from the World Heritage site of the Humanyun's Tomb the Sunder Nursery and the Nizamuddin Basti has over 100 monuments/historic gateways/structures. The Site also includes the Sunder nursery which covers 27 hectares of green space. The site has several rare varieties of trees and plants in Delhi and an extensive Bonsai collection. Nearly 20,000 saplings have been planted in the nursery as per the new landscape plan developed under the project.

### **Contribution of the organization on heritage aspects**

The project ensures that conservation standards and process are established through the works being undertaken on the monuments in Humanyun's Tomb - Nizamuddin Basti-Sunder Nursery by adhering to established Indian and international conservation philosophy and principles. It stringently maintains authenticity of the original design in both form and material substance by employing hundreds of master craftsmen working with traditional building materials. Under the programme several trainings have been held for masons, architects, archaeologists and engineers in the use of traditional crafts such as tile making and in the use of lime. The work is limited to the Nizamuddin areas as per MoU with CPWD, MCD and ASI.

# DELHI INTERNATIONAL AIRPORT LTD. (DIAL)

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This authority has the following to monuments existing on IGI Airport Land

- a) Sohail Sarai
- b) Sarai Gumbad (Tomb of Sohail)

Out of above two monuments, the Sarai Gumbad is the listed monument as per notification issued by Government of Delhi

Even though DIAL has not formulated any guidelines for conservation / preservation of the above two monuments, it is taking adequate precautions to preserve and maintain these two monuments.



# DELHI URBAN ART COMMISSION (DUAC)

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The Delhi Urban Art Commission is an autonomous body set up by an Act of Parliament in 1973 to advise the Government of India in the matter of preserving, developing and maintaining the aesthetic quality of urban and environmental design within Delhi, and to provide advice and guidance to any local body in respect of any project of building operations or engineering operations or any development proposal which affects or is likely to affect the skyline or the aesthetic quality of the surroundings or any public amenity provided therein.

The Commission is also entrusted with the responsibility of conservation, preservation and beautification of monumental buildings, public parks and public gardens etc. as stipulated in Section 11(e) of the DUAC Act, 1973 ([Annexure-XI](#)). In accordance with this while examining proposals referred to the Commission for scrutiny the Commission ensures that the heritage aspects if it forms a part of the proposal in the proposal are adequately taken care off by the project proponent.

## 10. CONSERVATION OF BUILT HERITAGE

### 10.1 CONSERVATION OF BUILT HERITAGE

Delhi is a historical city, whose remnants are spread right from Mehrauli to Shahjahanabad having large number of monuments scattered all over Delhi. The built heritage of Delhi is an irreplaceable and non-renewable cultural resource. Besides being part of life for many, it has educational, recreational and major tourism potential. It enhances Delhi's environment, giving it identity and character. It encompasses culture, lifestyles, design, materials, engineering and architecture.

The Heritage Resources include symbols of successive civilizations and cities that came up over the millennia, historic buildings and complexes, historical gardens, water engineering structures and their catchments, the remains of fortified citadels, places for worship and for the deceased, historic cities and villages, unearthed heritage and their components.

The surveys conducted by the DDA & INTACH identify 1208 historical monuments in Delhi of which the Archeological Survey of India has declared 170 monuments as protected. In addition to these MCD, NDMC and the State Archaeological Department have published lists of Heritage Buildings.

### 10.2 CONSERVATION STRATEGY

The agencies concerned with the protection of Delhi's Built Heritage are ASI, GNCTD, State Archaeology Department, NDMC, MCD, Cantonment Board and DDA.

Built heritage of Delhi needs to be protected, nourished and nurtured by all citizens and passed on to the coming generations. It is suggested that with the aim of framing policies and strategies for conservation, appropriate action plans may be prepared by all the agencies. These should include promotion of conservation of the civic and urban heritage, architecturally significant historical landmarks, living monuments, memorials and historical gardens, riverfront, city wall, gates, bridges, vistas, public places, edicts and the ridge.

It is recommended that these should be suitably incorporated while preparing layout plans / schemes. In case of major monuments it is necessary that the surrounding area should be identified in the layout / detail plan, and should have building controls in relation to height, material and spread of the monuments.

It will also be necessary to maintain close interaction and coordination between all these agencies keeping in view the following objectives and requirements.

- i. Maintain and update a database.
- ii. Develop organizational capacity for heritage management.
- iii. Define all the applicable terms.
- iv. Listing of Heritage Buildings based on the following criteria:
  - (a) The age of the building;
  - (b) Its special value for architectural or cultural reasons or historical periods;
  - (c) Its relevance to history;
  - (d) Its association with a well-known character or event;
  - (e) Its value as part of a group of buildings;
  - (f) The uniqueness of the building or any object or structures fixed to the building or forming part of the land and comprised within the curtilage of the building.
- v. Prepare guidelines for development, redevelopment, additions alterations, repairs, renovations and reuse of the heritage buildings.
- vi. Implementing programmes for education and awareness.

### 10.3 HERITAGE ZONES

Heritage Zone is an area, which has significant concentration, linkage or continuity of buildings, structures, groups or complexes united historically or aesthetically by plan or physical development. The following areas have been identified as Heritage Zones as indicated in the Zonal Plan:

- i. Specific heritage complex within Walled City of Delhi, Shahjahanabad
- ii. Specific heritage complex within Lutyens Bungalow Zone
- iii. Specific heritage complex within Nizamuddin and Humayun's Tomb Complex.
- iv. Specific heritage complex within Mehrauli area.
- v. Specific heritage complex within Vijay Mandal - Begumpur - Sarai Shahji - Lal Gumbad.
- vi. Specific heritage complex within Chirag Delhi.

However more areas can be added to this list based on studies by concerned agencies.



**23. Conservation of Heritage Sites including Heritage Buildings, Heritage/Precincts and Natural Feature Areas**

Conservation of heritage sites shall include buildings, artifacts, structures, areas and precincts of historic, aesthetic, architectural, cultural or environmentally significant (Heritage Buildings and Heritage Precincts), natural feature areas of environmental significance or sites of scenic beauty.

## 1. Subs. for -

**23. Signs and Outdoors Display Structures**

23.1 No advertising signs (including hoardings) on buildings or on land shall be displayed without the prior approval of the Authority. The standards specified in Part X - Signs and outdoor display structures of National Building Code of India published by Indian Standards Institutions, shall be applicable." vide Ministry of Urban Development and Poverty Alleviation, Govt. of India Notification dt. 9.2.2004

**23.1 Applicability:** This regulation shall apply to heritage sites which shall include those buildings, artifacts, structures, streets, areas and precincts of historic, architectural, aesthetic, cultural or environmental value (hereinafter referred to as Listed Heritage Buildings / Listed Heritage Precincts) and those natural feature areas of environmental significance or of scenic beauty including but not restricted to, sacred groves, hills, hillocks, water bodies (and the areas adjoining the same), open areas, wooded areas, points, walks, rides, bridle paths (hereinafter referred to as "listed natural feature areas") which shall be listed in notification(s) to be issued by Government/identified in Master Plan.

**23.1.1 Definitions**

- (a) "Heritage Building" means and includes any building of one or more premises or any part thereof and/or structure and/or artifact which requires conservation and/or preservation for historical and/or architectural and/or artisanary and/or aesthetic and/or cultural and/or environmental and/or ecological purpose and includes such portion of land adjoining such building or part thereof as may be required for fencing or covering or in any manner preserving the historical and/or architectural and/or aesthetic and/or cultural value of such building.
- (b) "Heritage Precincts" means and includes any space that require conservation and/or preservation for historical and/or architectural and/or aesthetic and/or cultural and/or environmental and/or ecological purpose. Such space may be enclosed by walls or other boundaries of a particular area or place or building or by an imaginary line drawn around it.
- (c) "Conservation" means all the processes of looking after a place so as to retain its historical and/or architectural and/or aesthetic and/or cultural significance and includes maintenance, preservation, restoration, reconstruction and adoption of a combination of more than one of these.
- (d) "Preservation" means and includes maintaining the fabric of a place in its existing state and retarding deterioration.
- (e) "Restoration" means and includes returning the existing fabric of a place to a known earlier state by removing accretions or by reassembling existing components without introducing new materials.
- (f) "Reconstruction" means and includes returning a place as nearly as possible to a known earlier state and distinguished by the introduction of materials (new or old) into the fabric. This shall not include either recreation or conjectural reconstruction.

**23.2 Responsibility of the Owners of Heritage Buildings:** It shall be the duty of the owners of heritage buildings and buildings in heritage precincts or in heritage streets to carry out regular repairs and maintenance of the buildings. The Government, the Municipal Corporation of Delhi or the Local Bodies and Authorities concerned shall not be responsible for such repair and maintenance except for the buildings owned by the Government, the Municipal Corporation of Delhi or the other local bodies.

**23.3 Restrictions on Development / Re-development / Repairs etc**

- (i) No development or redevelopment or engineering operation or additions / alterations, repairs, renovations including painting of the building, replacement of special features or plastering or demolition of any part thereof of the said listed buildings or listed precincts or listed natural feature areas shall be allowed except with the prior permission of Commissioner, MCD, Vice Chairman DDA/ Chairman NDMC. Before granting such permission, the agency concerned shall consult the Heritage Conservation Committee to be appointed by the Government and shall act in accordance with the advice of the Heritage Conservation Committee.
- (ii) Provided that, before granting any permission for demolition or major alterations/ additions to listed buildings (or buildings within listed streets or precincts, or



परिशिष्ट-ग

अध्ययन/पुनर्विचार किये जा रहे नई दिल्ली नगर पालिका परिषद् क्षेत्र चार विरासत भवनों की सूची

ग्रेड-I

क्र.सं.	भवन/अहादा का नाम	अवस्थान
1.	जैनपथ स्थित राष्ट्रीय संग्रहालय के समीप भारतीय पुरातत्व सर्वेक्षण का कार्यालय भवन	जनपथ एवं मौलाना आजाद रोड क्रासिंग

ग्रेड-II

क्र.सं.	भवन/अहादा का नाम	अवस्थान
1.	उप-राष्ट्रपति भवन	मौलाना आजाद रोड
2.	पुलिस थाना तथा परिसर	संसद मार्ग

ग्रेड-III

क्र.सं.	भवन/अहादा का नाम	अवस्थान
4.	बर्मन रेजिडेंस	जैन मन्दिर रोड

URBAN DEVELOPMENT DEPARTMENT  
NOTIFICATION

Delhi, the 1st October, 2009

F.No. 4/2/2009/UD/16565.—Whereas a list of 147 Heritage Sites including Heritage Buildings, Heritage Precincts and Listed Natural Feature Areas prepared by the Chairperson, New Delhi Municipal Council, on the advice of the Heritage Conservation Committee, was published in the newspaper on June 8, 2005 as a public notice inviting objections and suggestions from all persons likely to be affected thereby within a period of thirty days from the date of publication of the notice.

And whereas copies of the said notice were made available to the public on 8th June, 2005.

And whereas all objections and suggestions received in respect to the above mentioned public notice have been duly considered by the Heritage Conservation Committee.

And whereas out of the original list of 147 heritage buildings and precincts referred to the NDMC by the HCC, two buildings/precincts have not been found suitable for listing by the NDMC (Annexure-B) and four buildings/precincts are being studied and reconsidered by the NDMC (Annexure-C).

Now, therefore, in exercise of the powers conferred by Bye-laws 23.1 and 23.5 of Delhi Building Bye-laws, 1983

read with sub-section (17) of Section 2 of the New Delhi Municipal Council Act 1994, the Government hereby publishes the following list of 141 Heritage Sites including Heritage Buildings, Heritage Precincts and Listed Natural Feature Areas for general information (Annexure-A)

By Order and in the Name of the Lt. Governor of the National Capital Territory of Delhi,

R. C. MEENA, Jt. Secy.

ANNEXURE—A

LIST OF 141 HERITAGE BUILDINGS IN NDMC AREA FOR NOTIFICATION

GRADE-I

Sr. No.	Name of Building/ Precincts	Location
1	2	3
1.	Safdarjung's Tomb	West of Crossing of Aurobindo Marg and Lodhi Road
2.	Jantar-Mantar	Parliament Street
3.	India Gate	LBZ, Central Vista
4.	India Gate Canopy	LBZ, Central Vista
5.	Building with in the President Estate	President Estate
6.	Jaipur Column	Infront of Rashtrapati Bhawan
7.	North Block and South Block	LBZ, Central Vista
8.	Parliament House and Campus	LBZ, Central Vista
9.	Central Vista Precincts	LBZ, Central Vista at Rajpath
10.	Hyderabad House and Campus	Near India Gate Circle
11.	Baroda House and Campus	Near India Gate Circle
12.	Dominion Columns	Near South Block
13.	National Archives and Campus	Janpath
14.	Cathedral Church of Redemption and Campus	Church Road
15.	Shikargah	Teen Murti House
16.	Lal Bangla-1	Delhi Golf Club

URBAN DEVELOPMENT DEPARTMENT  
NOTIFICATION

Delhi, the 25th February, 2010

F.No. 7(367)/227/2002/UD/841.—Whereas a list of 775 Heritage Sites including Heritage Buildings, Heritage Precincts and Listed Natural Feature Areas prepared by Commissioner, MCD, in the jurisdiction of Municipal Corporation of Delhi on the advice of Heritage Conservation Committee was published in the newspaper on the 3rd and 4th June, 2001 as a public notice, inviting objections and suggestions from all persons likely to be affected thereby within a period of thirty days from the date of publication of the notice;

And whereas copies of the said notice were made available to the public on the 3rd and 4th June, 2001;

And whereas all objections and suggestions received in respect of the above mentioned public notice have been duly considered by the Heritage Conservation Committee constituted by the Government of India vide Notification No. S.O. 904(E) dated the 6th August, 2004.

And whereas out of the original list of 775 heritage sites including heritage buildings, heritage precincts and listed natural feature areas referred to the Heritage Conservation Committee by Municipal Corporation of Delhi, one building / precinct has not been found suitable for listing by HCC (Annexure-B) and in respect of six building / precincts, MCD is providing the required information to HCC for consideration (Annexure-C).

Now, therefore, in exercise of the powers conferred by Bye-laws 23.1 and 23.5 of Delhi Building Bye-Laws, 1983 read with sub-section (21A) of Section 2 of the Delhi Municipal Corporation Act, 1957, the Government hereby publishes the following list of 767 Heritage Sites including Heritage Buildings, Heritage Precincts and Natural Feature Areas for general information (Annexure-A).

By Order and in the Name of Lt. Governor of the  
National Capital Territory of Delhi,  
B.V. SELVARAJ, Principal Secy.

ANNEXURE-A

LIST OF HERITAGE SITES INCLUDING HERITAGE BUILDING, PRECINCTS  
AND NATURAL FEATURE AREAS OF DELHI UNDER THE JURISDICTION OF  
MUNICIPAL CORPORATION OF DELHI

1 (A) ZONE-A (WALLED CITY) (GRADE-I)

S.No.	Building/Precincts	Location
1.	Idgah	West of Paharganj
2.	Fatehpuri Masjid	Chandni Chowk
3.	Old Delhi Railway Station	S.P. Mukherji Marg
4.	Sunehri Masjid	Chandni Chowk
5.	Gurudwara Sis Ganj	Chandni Chowk
6.	St. Mary's Church	S. P. Mukherji Marg
7.	Gateway of Zinat Mahal	Lal Kuan
8.	Lal Mandir	Chandni Chowk
9.	Bridge near Lahore Gate, Red Fort	Red Fort
10.	Mosque of Ghaziuddin Khan	Ajmeri Gate
11.	Anglo- Arabic Public School	Ajmeri Gate
12.	Rehmani Masjid	Ajmeri Gate
13.	Holy Trinity Church	Turkman Gate
14.	Mosque Shah Gulam Ali	Kuncha Mir Hashim, Turkman Gate
15.	Dargah Shah Gulam Ali	Kuncha Mir Hashim, Turkman Gate
16.	Sunehri Masjid	West of Netaji Subhash Marg, Daryaganj

रजिस्ट्री सं० डी० एल-33004/99

REGD. NO. D. L.-33004/99



# भारत का राजपत्र

## The Gazette of India

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)  
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नई दिल्ली, मंगलवार, सितम्बर 28, 1999/आश्विन 6, 1921  
NEW DELHI, TUESDAY, SEPTEMBER 28, 1999/ASVINA 6, 1921

दिल्ली विकास प्राधिकरण  
अधिसूचना

नई दिल्ली, 28 सितम्बर, 1999

का. आ. 791(अ).—दिल्ली विकास अधिनियम 1957 (1957 का 61) की धारा 57 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए दिल्ली विकास प्राधिकरण एतद्वारा केन्द्रीय सरकार के पूर्व अनुमोदन से निम्नलिखित विनियम अनादा है :—

दिल्ली शहरी विरासत संस्था विनियम, 1999

दिल्ली विकास प्राधिकरण ने सभी संबंधितों के सहयोग के नगर को निर्मित और प्राकृतिक विरासत की रक्षा करने के उद्देश्य से अधिनियम की धारा 5-क में दी गई शक्तियों का प्रयोग करते हुए दिल्ली शहरी विरासत संस्था की स्थापना की। इस संस्था का कार्य इन विनियमों के अधीन शासित होगा।

ये विनियम राजपत्र में प्रकाशित होने की तिथि से तत्काल लागू होंगे।

2. परिभाषा :—

जब तक प्रसंग अथवा अर्थ में अन्यथा अपेक्षित न हो, इन विनियमों में

- (1) "अधिनियम" से अभिप्राय दिल्ली विकास अधिनियम, 1957 (1957 का 61) से है।
- (2) "प्राधिकरण" से अभिप्राय अधिनियम की धारा 3 के अंतर्गत गठित दिल्ली विकास प्राधिकरण से है।
- (3) "दिल्ली शहरी विरासत संस्था" से अभिप्राय प्राधिकरण द्वारा अधिनियम की धारा 5-क के अंतर्गत गठित समिति से है।
- (4) "सदस्य" से अभिप्राय दिल्ली शहरी विरासत संस्था के सदस्यों से है।

3. लक्ष्य और उद्देश्य :—

क. राजधानी नगर (दिल्ली) की निर्मित और प्राकृतिक विरासत, जिसकी सुरक्षा, विकास और पोषण सभी नागरिकों द्वारा किए जाने को ज़रूरत है, के संरक्षण के लिए नीतियां तैयार करना और उनको कार्यान्वित करना और इसे भाषी पोटियों को सौंपना।

(ख) नगरीय और शहरी विरासत के संरक्षण को बढ़ावा देना, जिसमें निम्नलिखित शामिल हैं :—

2860 GI/99

(1)



- (1) वास्तुकला को दृष्टि से महत्वपूर्ण और सिस्पकाव कार्य।
- (2) ऐतिहासिक महत्व के भवन
- (3) नगरीय और शहरी विद्युत्ता के तकनीकी और वैज्ञानिक महत्व पर जोर देना।
- (4) सामाजिक-सांस्कृतिक महत्व के विद्यमान स्मारक और
- (5) स्मारक और ऐतिहासिक उद्यान, आदि।
- (6) नदी तट, नगर चार दीवारी, गैट्स, पुल, छोटे मार्ग, सार्वजनिक स्थल, इडिफिक्स एवं रोडकट फारमेशन जैसी शहरी पर्यावरणात्मक परिसम्पत्तियों की सुरक्षा और सुधार करना।
- (7) ऐतिहासिक दृष्टि से महत्वपूर्ण स्ट्रीट एवं रूप स्केप का संरक्षण और सुधार करना।
- (8) समुचित उपयोग हेतु पुरानी इमारतों के पुनः उपयोग को बढ़ावा देना।
- (9) नगर के शहरी विकास प्रक्रिया की प्रवृत्ति के रूप में संरक्षण को बढ़ावा देना।
- (10) शहरी विरासत के सभी या कुछ अवयवों की रक्षा करने के प्रयासों में व्यक्तिगत, संस्थागत और गैर सरकारी संगठनों को सहायता उपलब्ध कराना।
- (11) विरासत भवनों, विरासत जैन और महत्वपूर्ण क्षेत्रों का संरक्षण।
- (12) संस्था द्वारा यथा निर्दिष्ट विशेष क्षेत्रों के संबंध में मार्ग निर्देशों की सिफारिश करना।
- (13) विरासत एवं विकास संस्था द्वारा यथा निर्दिष्ट क्षेत्रों की नीतियों और कार्यक्रमों की समीक्षा करना।
- (14) विरासत से संबंधित प्रस्तावों और नीतियों की तैयारी करना, उनको जांच करना और समीक्षा करना।

#### 4. गठन

संस्था में निम्नलिखित शामिल होंगे :—

- |   |             |
|---|-------------|
| (1) उपरज्यपाल, दिल्ली                             | —अध्यक्ष    |
| (2) उपाध्यक्ष, दि.वि.प्रा.                        | —उपाध्यक्ष  |
| (3) मुख्य सचिव, राष्ट्रीय राजधानी क्षेत्र, दिल्ली | —सदस्य      |
| (4) वित्त सदस्य, दि.वि.प्रा.                      | —सदस्य      |
| (5) अभियंता सदस्य, दि.वि.प्रा.                    | —सदस्य      |
| (6) आयुक्त (योजना), दि.वि.प्रा.                   | —सदस्य      |
| (7) मुख्य वास्तुकार, दि.वि.प्रा.                  | —सदस्य सचिव |

इसके अतिरिक्त इस संस्था के सहयोगित सदस्य प्रतिष्ठित इतिहासकार, पुरातत्व/कलाकार, गैर सरकारी संगठन, दिल्ली के प्रसिद्ध नागरिक और ए.ए.सी., आई.टी.डी.सी., डी.टी.डी.सी.सी., केन्द्र सरकार, राष्ट्रीय राजधानी क्षेत्र दिल्ली, सरकार एवं अन्य सरकारों से होंगे। सहयोगित सदस्यों की संख्या दस से अधिक नहीं होगी।

सहयोगित सदस्यों का कार्यकाल दो वर्ष होगा।

कार्य/शक्तियाँ :—

यह संस्था शहरी विरासत के संदर्भ में निम्नलिखित तरीके से कार्य करेगी:—

- (1) किसी विरासत-भवन, विरासत-अवशेष/परिवेश अथवा क्षेत्रों में एवं राजधानी शहर की प्राकृतिक सम्पदा जैसे नदी-मुहाने, रिज तथा पहाड़ों का निमार्ण होने आदि की रक्षा करने, संरक्षित/सुरक्षित रखने अथवा उनकी ऐतिहासिकता, सौन्दर्य, सांस्कृतिक और वास्तुविद्यीय कोटि को बनाए रखने के लिए, यदि आवश्यकता हो तो सरकार/प्राधिकरण के अनुमोदन से विद्यमान विनियमों के प्रावधानों को परिवर्तित करने, संशोधित करने अथवा उनमें छूट देने, के कार्य।
- (2) केवल आपवादित मामलों में भवनों अथवा क्षेत्रों के मूलस्वरूप, वास्तुविद्यीय ऐतिहासिक विशेषताओं में परिवर्तन किए बिना, ए.एस.आई. के अधीन आने वाले बड़े छोड़कर विरासत-भवनों/क्षेत्रों में विशेष परिचालनों की अनुमति देने के कार्य। इसके अतिरिक्त यह संस्था निम्नलिखित शक्तियों को भी इस्तेमाल करेगी।
- (3) अकेले ही अथवा जिन्हें यह संस्था आवश्यक समझे, ऐसी अन्य संस्थाओं/व्यक्तियों के सहयोग से ऐसे अन्य कार्य करना जो उद्देश्यों को प्राप्त करने में सहायक हों।

(IV) अधिनियम

1 अन्य अधिनियम-दि.वि.प्र. शहरी विपणन विधि

(1) पुरस्कार का भुगतान

(2) संस्थापना व्यय

(3) अन्य भुगतान

(iii) संस्था उचित छातों और अन्य संबंधित रिकार्डों का रखरखाव करेगी और हुलन-पत्र सहित छातों का वार्षिक विवरण इस प्रकार से तैयार करेगी, जैसा प्राधिकरण निर्धारित करेगा।

10. छातों का प्रचालन

संस्था के बैंक छातों का प्रचालन वित्त सदस्य द्वारा प्राधिकृत अधिकारी द्वारा किया जाएगा।

11. व्यय करने की शक्तियाँ

संस्था को अपने लक्ष्यों एवं उद्देश्यों को बढ़ावा देने और प्राप्त करने के लिए समय-समय पर किए जाने वाले खर्चों को स्वीकृत करने की शक्ति होगी। सदस्य सचिव को समय-समय पर संस्था द्वारा निर्धारित सीमा तक आकस्मिक व्यय करने की शक्तियाँ होंगी।

[ सं. एच. यू. पी. डब्ल्यू/सी. ए./ (336) डी. यू. एच. पी./99/80 ]

विश्व मोहन बंसल, सचिव एवं आयुक्त

## DELHI DEVELOPMENT AUTHORITY

## NOTIFICATION

New Delhi, the 28th September, 1999

S. O. 791(E).—In exercise of the powers conferred by Section 57 of the Delhi Development Act, 1957 (61 of 1957), the Delhi Development Authority hereby makes, with the previous approval of the Central Government, the following regulations, namely:—

## DELHI URBAN HERITAGE FOUNDATION REGULATIONS, 1999.

With a view to safeguard the built and natural heritage of the city through collaborative efforts of all concerned, the Delhi Urban Heritage Foundation is set up by Delhi Development Authority in exercise of its powers under Section 5-A of the Act. The business of the Foundation will be governed under these Regulations.

These Regulations shall come into force immediately from the date of their publication in the Official Gazette.

## 2. DEFINITIONS:

In these regulations, unless there is anything inconsistent with the context or meaning:—

- (i) "Act" means the Delhi Development Act, 1957 (61 of 1957).
- (ii) "Authority" means the Delhi Development Authority constituted under Section 3 of the Act.
- (iii) "Delhi Urban Heritage Foundation" means the Committee constituted by the Authority under Section 5-A of the Act.
- (iv) "Members" shall mean the members of the Delhi Urban Heritage Foundation.

## 3. AIMS AND OBJECTIVES:

- (a) To frame and implement policies for conservation of Built and Natural heritage in the capital city (Delhi) which needs to be protected, nourished and nurtured by all citizens and pass it on to the coming generations.
- (b) To promote conservation of the civic and urban heritage which includes:
  - (i) Architecturally significant and Artisanary works.
  - (ii) Historical landmarks.
  - (iii) Focus on technical & scientific significance of civic and Urban heritage.
  - (iv) Living monuments having socio-cultural value, and

- (v) Memorials and Historical Gardens, etc.
- (c) To protect and improve environmental assets of the city such as Riverfront, city wall, gates, bridges, vistas, public places, edicts and rockcut formation.
- (d) To conserve and improve historically significant streets and roof scapes.
- (e) To promote reuse of old buildings for appropriate utilisation.
- (f) To promote conservations as an attitude to the City's urban development process.
- (g) To provide assistance to individuals, institutions and NGOs in their efforts to save all or in parts components of urban heritage.
- (h) Conservation of heritage buildings, heritage zones and areas of significant value.
- (i) To recommend guidelines related to special areas as designated by the Foundation.
- (j) To review the policies and programmes of areas as designated by the Foundation of the Heritage and development.
- (k) To prepare, examine and review the proposals and policies as related to the heritage.

#### 4. CONSTITUTION

The Foundation shall comprise the following :—

(i) Lt. Governor of Delhi	—	Chairman
(ii) Vice-Chairman, DDA	—	Vice-Chairman
(iii) Chief Secretary, National Capital Territory of Delhi	—	Member
(iv) Finance Member, DDA	—	Member
(v) Engineer Member, DDA	—	Member
(vi) Commissioner (P.G.), DDA	—	Member
(vii) Chief Architect, DDA	—	Member-Secretary.

In addition, the Foundation shall co-opt members from eminent Historians, archaeologists/Artists, NGOs, renowned citizens of Delhi and from DUAC, ITDC, DTDC, Central Government, Government of N.C.T. of Delhi & others. The number of co-opted Members shall not exceed TEN.

The tenure of the co-opted members shall be two years.

#### 5. FUNCTIONS/POWERS :

The foundation shall perform the functions with reference to the Urban Heritage in the following manner :—

- (i) To alter, modify or relax provisions of existing regulations, with the approval of Govt./Authority if it is needed for protection, conservation, preservation or retention of historical, aesthetic, cultural, architectural quality of any heritage building, heritage precincts or zones as well as natural assets of the Capital City such as river Front, Ridge and Rock Formations, etc.
- (ii) To permit major alterations to heritage buildings or areas excluding those which are under ASI, only in exceptional cases, without changing the character, architectural/historical features of the building or areas.

In addition, the Foundation shall also exercise the following powers :—

- (iii) To do all such other acts and things either alone or in conjunction with other Organisations or persons as the Foundation may consider necessary incidental or conducive to the attainment of the objectives.
- (iv) To form an Advisory Committee comprising members from DDA, Government and Local Bodies, Institutions and NGOs associated with heritage development of Delhi, to advice on matters related to the Foundation and its

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policies and proposals.

- (v) Subject to such control and restrictions as may be prescribed by the Authority, the Foundation may post such number of administrative, technical, ministerial and other personnel as is the minimum required through Commissioner (Personnel), DDA by means of redeployment alone.

6. **POWERS OF THE CHAIRMAN :**

The Chairman shall have the powers to take necessary steps as he may deem fit within the framework of these Regulations. However, they shall be subject to the confirmation of the Foundation in its next meeting.

7. **MEETINGS:**

- (i) The office of the Foundation shall be located in the office of the Chief Architect in Vikas Minar, IP Estate, New Delhi.
- (ii) The Foundation shall meet as and when necessary and shall have the power to regulate its own procedure.
- (iii) The meetings of the foundation shall take place in the office of Lt. Governor of Delhi at Raj Niwas, Delhi.
- (iv) The Chief Architect of the Authority shall act as the Member-Secretary of the Foundation and shall keep the record of the meetings and the follow up action.
- (v) The presence of seven members shall be necessary to form a quorum.

8. **FEES AND ALLOWANCES:**

- (i) The members of the Foundation (other than the members of the Authority & official members) shall be paid out of Pocket Expenses @ Rs. 400/- per day for attending the meetings of the Foundation and for any other works of the Foundation done by such members; and
- (ii) Whenever a member, who is not a resident of Delhi, has to come from outstation to Delhi specially to attend a meeting of the Foundation, he shall be paid mileage allowance for the journey at such rate as is admissible to an officer of the Authority of the first grade.
- PROVIDED: that in case of Member of Parliament, who is also a member of the Foundation, the said daily and mileage allowance will be admissible when the Parliament is not in Session and on production of certificate by the member that he has not drawn any such allowance for the same journey and halts from any other Government source.

9. **FINANCE, ACCOUNTS AND AUDIT:**

- (i) The expenses for setting up the Foundation and its operational activities shall be met by the DDA from Urban Development Fund, other receipts from Central Government, G. N. C. T. D./Local Bodies and donations, etc.
- (ii) Separate Bank Account shall be opened to record various receipts and payments relating to Delhi Urban Heritage Fund Account. The receipts and payments relating to urban heritage fund shall be classified under Nazul Account-II as below:

Receipt Head:

A. Nazul A/c II

VII- C - Deposits and Advances.

(b) Other suspense items.

(ii) Deposits

(c) Other advances - DDA Urban Heritage Fund

(1) Receipts from Central and State Govt.

(2) Receipts from Urban Development Fund.

(3) Receipts from DDA - other agencies.

(4) Other receipts/donations.

Payment Head

A- Nazul A/c II

9-C - Deposits & Advances.

(iv) Advances.

(1) Other Advances - DDA Urban Heritage Fund.

(1) Payment of Awards.

(2) Est. Expenses.

(3) Other payments.

(iii) The foundation shall maintain proper Accounts and other relevant records and prepare annual statement of accounts including the balance sheet in such form as the authority may prescribe.

10. OPERATION OF ACCOUNTS:

The Bank Account of the Foundation will be operated by an Officer so authorised by Finance Member.

11. POWERS TO INCUR EXPENSES:

The Foundation shall have the power to sanction such expenses from time to time as it considers necessary for the promotion and achieving of the aims and objectives of the Foundation. The Member - Secretary shall have the powers to incur contingent expenses upto the limit from time to time as fixed by the Foundation.

[No. HUPW/CA(336) DUHP/99/80]  
V.M. BANSAL, Commr. cum- Secy.

- (4) इस संस्था तथा इसकी नीतियों एवं प्रक्रियाओं से संबंधित मामलों पर सलाह देने के लिए दिल्ली विकास प्राधिकरण, सरकार, स्थानीय निकायों, संस्थानों तथा दिल्ली के विकास एवं विरासत से संबंधित गैर-सरकारी संगठनों के सदस्यों की एक सलाहकार समिति का गठन करना।
- (5) प्राधिकरण द्वारा तथा निर्धारित नियंत्रणों और प्रतिबंधों के अधीन आयुक्त (कार्मिक), दि.वि.प्रा. के माध्यम से पुनर्नियुक्ति द्वारा यह संस्था उक्तनी संख्या में प्रशासनिक, तकनीकी, अनुसंधानीय और अन्य कार्मिक नियुक्त कर सकती है, जिसे कि आवश्यक हो।

#### 6. अध्यक्ष की शक्तियाँ :—

अध्यक्ष के पास इन विनियमों के अंतर्गत आवश्यक कार्यवाही करने जो वह उचित समझे, नी शक्तियाँ होंगी। तथापि, इस संस्था की अगामी बैठक में उसकी पुष्टि की जाएगी।

#### 7. बैठकें :—

- (i) इस संस्था का कार्यालय विकास मीनार, आई.पी. एस्टेट, नई दिल्ली में मुख्य वास्तुकार के कार्यालय में स्थित होगा।
- (ii) संस्था के सदस्य जब भी आवश्यक होगा आपस में मिलेंगे और उनको अधिकार होगा कि वे अपनी कार्यविधि को विनियमित करें।
- (iii) इस संस्था की बैठकें राज निवास, दिल्ली में उपराज्यपाल के कार्यालय में होंगी।
- (iv) प्राधिकरण के मुख्य वास्तुकार संस्था के सदस्य शक्ति के रूप में कार्य करेंगे और बैठकों और अनुवर्ती कार्रवाई का रिकार्ड रखेंगे।
- (v) कौशल बनाने के लिए सात सदस्यों की उपस्थिति आवश्यक है।

#### 8. फीस और भर्षे :—

- (i) संस्था के सदस्यों (प्राधिकरण के सदस्यों एवं कार्यालयी सदस्यों को छोड़कर) को संस्था की बैठकों में शामिल होने और इन सदस्यों द्वारा संस्था के अन्य कार्यों के लिए प्रतिदिन 400/- रु. जेब चार्ज अदा किया जाएगा।
- (ii) जब भी कोई सदस्य जो दिल्ली के निवासी नहीं है और जिन्हें दिल्ली के बाहर से विशेष रूप से संस्था की बैठक में उपस्थित होने के लिए आना पड़ता है, उनको यात्रा के लिए मील भत्ता दिया जाएगा। यह मील भत्ता प्राधिकरण के प्रथम श्रेणी के अधिकारियों के लिए स्वीकार्य दर के अनुसार दिया जाएगा।

यहाँ कि संसद सदस्य जो संस्था के भी सदस्य हैं, को उक्त दैनिक और मील भत्ता तभी दिया जाएगा, जब संसद सत्र नहीं चल रहा हो और सदस्य इस आरक्षण का प्रमाण-पत्र दें कि उन्होंने इस यात्रा अथवा उद्देश्य के लिए इस प्रकार का कोई भत्ता, किसी भी सरकारी स्रोत से नहीं लिया है।

#### 9. वित्त, लेखा और लेखापरीक्षा :—

- (i) संस्था और उसके प्रचालक कार्यकलापों के लिए खर्च दिल्ली विकास प्राधिकरण द्वारा शहरी विकास निधि, केन्द्र सरकार, राष्ट्रीय राजधानी क्षेत्र दिल्ली सरकार/स्थानीय निकायों और दान इत्यादि से अन्य प्राप्तियों से किया जाएगा।
- (ii) दिल्ली शहरी विरासत निधि खाते से संबंधित विभिन्न प्राप्तियों और भुगतान का रिकार्ड रखने के लिए अलग बैंक खाता खोला जाएगा। शहरी विरासत निधि से संबंधित प्राप्तियों और भुगतान को विन्यायसूत्र नजूल खाते-II के अंतर्गत वर्गीकृत किया जाएगा।

#### प्राप्त शीर्ष :—

क. नजूल खाता-II

(vii)-ग जमा एवं अग्रिम

ख. अन्य उचित भर्षे

(ii) जमा

ग. अन्य अग्रिम, दि.वि.प्रा. शहरी विरासत निधि

1. केन्द्र और राज्य सरकार से प्राप्तियों

2. शहरी विकास निधि से प्राप्तियों

3. दि.वि.प्रा.-अन्य एजेंसियों से प्राप्तियों

4. अन्य प्राप्तियों/दान

भुगतान शीर्ष :

क. नजूल खाता-II

ग. जमा एवं अग्रिम



- (1) Other Advances - DDA Urban Heritage Fund.  
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(2) Est. Expenses.  
(3) Other payments.

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[No. HUPW/CA/(336) DUHP/99/80]  
V.M. BANSAL, Commr. cum- Secy.

**The Ancient Monuments and  
Archaeological Sites and Remains Act, 1958  
(24 of 1958)**

***as amended by  
The Ancient Monuments and Archaeological  
Sites and Remains (Amendment and  
Validation) Act, 2010(10 of 2010)***

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**IMPORTANT**

**ALL AMENDMENTS HAVE BEEN INCORPORATED IN THE MAIN ACT AT APPROPRIATE PLACES.  
THE TEXT OF AMENDING ACT IS REPRODUCED BELOW FOR REFERENCE**



**THE ANCIENT MONUMENTS AND ARCHAEOLOGICAL  
SITES AND REMAINS (AMENDMENT AND VALIDATION)  
ACT, 2010**  
(10 of 2010)

[29th March, 2010]

*An Act further to amend the Ancient Monuments and Archaeological Sites and Remains Act, 1958 and to make provision for validation of certain actions taken by the Central Government under the said Act.*

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

**1. Short title and commencement.**—(1) This Act may be called the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010.

(2) Save as otherwise provided, it shall be deemed to have come into force (except sections 3,5,7 and 8 to 11) on the 23rd day of January, 2010.

**2. Amendment of section 2.**—On and from the 16th day of June, 1992, in the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958) (hereinafter referred to as the principal Act), in section 2,—

(i) after clause (d), the following clauses shall be inserted and shall be deemed to have been inserted, namely:—

‘(d) “Authority” means the National Monuments Authority constituted under section 20F;

(db) “competent authority” means an officer not below the rank of Director of archaeology or Commissioner of archaeology of the Central or State Government or equivalent rank, specified, by notification in the Official Gazette, as the competent authority by the Central Government to perform functions under this Act: Provided that the Central Government may, by notification in the Official Gazette, specify different competent authorities for the purpose of sections 20C, 20D and 20E;

(dc) “construction” means any erection of a structure or a building, including any addition or extension thereto either vertically or horizontally, but does not include any re-construction, repair and renovation of an existing structure or building, or, construction, maintenance and cleansing of drains and drainage works and of public latrines, urinals and similar conveniences, or, the construction and maintenance of works meant for providing supply of water for public, or, the construction or maintenance, extension, management for supply and distribution of electricity to the public or provision for similar facilities for public;’

(ii) after clause (h), the following clause shall be inserted and shall be deemed to have been inserted, namely:—

‘(ha) “prohibited area” means any area specified or declared to be a prohibited area under section 20A;’

(iii) after clause (j), the following clauses shall be inserted and shall be deemed to have been inserted, namely:—

‘(k) “*re-construction*” means any erection of a structure or building to its pre-existing structure, having the same horizontal and vertical limits;

(1) “*regulated area*” means any area specified or declared under section 20B;

(m) “*repair and renovation*” means alterations to a pre-existing structure or building, but shall not include construction or re-construction;’.

**3. Insertion of new section 4A.**—After section 4 of the principal Act, the following section shall be inserted, namely:

*“4A. Categorisation and classification in respect of ancient monuments or archaeological sites and remains declared as of national importance under sections 3 and 4.—(1) The Central Government shall, on the recommendation of the Authority, prescribe categories in respect of ancient monuments or archaeological sites and remains declared as of national importance under sections 3 and 4, and while prescribing such categories it shall have regard to the historical, archaeological and architectural value and such other factors as may be relevant for the purpose of such categorisation.*

*(2) The Central Government shall, on the recommendation of the Authority, classify all the ancient monuments or archaeological sites and remains declared as of national importance under sections 3 and 4, in accordance with the categories prescribed under sub-section (1) and thereafter make the same available to the public and exhibit the same on its website and also in such other manner as it may deem fit.”*

**4. Insertion of new section 20A.**—On and from the 16th day of June, 1992, after section 20 of the principal Act, the following section shall be inserted and shall be deemed to have been inserted, namely:—

#### **“PROHIBITED AND REGULATED AREAS**

*20A. Declaration of prohibited area and carrying out public work or other works in prohibited area.—Every area, beginning at the limit of the protected area or the protected monument, as the case may be, and extending to a distance of one hundred metres in all directions shall be the prohibited area in respect of such protected area or protected monument:*

Provided that the Central Government may, on the recommendation of the Authority, by notification in the Official Gazette, specify an area more than one hundred metres to be the prohibited area having regard to the classification of any protected monument or protected area, as the case may be, under section 4A.

(2) Save as otherwise provided in section 20C, no person, other than an archaeological officer, shall carry out any construction in any prohibited area.

(3) In a case where the Central Government or the Director-General, as the

case may be, is satisfied that—

(a) it is necessary or expedient for carrying out such public work or any project essential to the public; or

(b) such other work or project, in its opinion; shall not have any substantial adverse impact on the preservation, safety, security of, or, access to, the monument or its immediate surrounding, it or he may, notwithstanding anything contained in sub-section (2), in exceptional cases and having regard to the public interest, by order and for reasons to be recorded in writing, permit, such public work or project essential to the public or other constructions, to be carried out in a prohibited area:

Provided that any area near any protected monument or its adjoining area declared, during the period beginning on or after the 16th day of June, 1992 but ending before the date on which the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Bill, 2010, receives the assent of the President, as a prohibited area in respect of such protected monument, shall be deemed to be the prohibited area declared in respect of that protected monument in accordance with the provisions of this Act and any permission or licence granted by the Central Government or the Director-General, as the case may be, for the construction within the prohibited area on the basis of the recommendation of the Expert Advisory Committee, shall be deemed to have been validly granted in accordance with the provisions of this Act, as if this section had been in force at all material times:

Provided further that nothing contained in the first proviso shall apply to any permission granted, subsequent to the completion of construction or reconstruction of any building or structure in any prohibited area in pursuance of the notification of the Government of India in the Department of Culture (Archaeological Survey of India) number S.O.1764, dated the 16th June, 1992 issued under rule 34 of the Ancient Monuments and Archaeological Sites and Remains Rules, 1959, or, without having obtained the recommendations of the Committee constituted in pursuance of the order of the Government of India number 24/22/2006-M, dated the 20th July, 2006 (subsequently referred to as the Expert Advisory Committee in orders dated the 27th August, 2008 and the 5th May, 2009).”

**5. Amendment of section 20A.**—In section 20A of the principal Act (as so inserted by section 4 of this Act), after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) No permission, referred to in sub-section (3), including carrying out any public work or project essential to the public or other constructions, shall be granted in any prohibited area on and after the date on which the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Bill, 2010 receives the assent of the President.”.

**6. Insertion of new section 20B.**—On and from the 16th day of June, 1992, after section 20A of the principal Act, the following section shall be inserted and shall be deemed to have been inserted, namely:—



*“20B. Declaration of regulated area in respect of every protected monument.—Every*

area, beginning at the limit of prohibited area in respect of every ancient monument and archaeological site and remains, declared as of national importance under sections 3 and 4 and extending to a distance of two hundred metres in all directions shall be the regulated area in respect of every ancient monument and archaeological site and remains:

Provided that the Central Government may, by notification in the Official Gazette, specify an area more than two hundred metres to be the regulated area having regard to the classification of any protected monument or protected area, as the case may be, under section 4A:

Provided further that any area near any protected monument or its adjoining area declared, during the period beginning on or after the 6th day of June, 1992 but ending before the date on which the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Bill, 2010, receives the assent of the President, as a regulated area in respect of such protected monument, shall be deemed to be the regulated area declared in respect of that protected monument in accordance with the provisions of this Act and any permission or licence granted for construction in such regulated area shall, be deemed to have been validly granted in accordance with the provisions of this Act, as if this section had been in *force* at all material times.”.

**7. Insertion of new sections ZOC, 20D, 20E, 20F, 20G, 20H, 20-I, 20J, 20K, 20L, 20M, 20N, 20-O, 20P and 22Q.—**After section 20B of the principal Act (as so inserted by section 6 of this Act) the following sections shall be inserted, namely:—

*“20C. Application for repair or renovation in prohibited area, or construction or reconstruction or repair or renovation in regulated area.—(1)* Any person, who owns any building or structure, which existed in a prohibited area before the 16th day of June, 1992, or, which had been subsequently constructed with the approval of the Director-General and desires to carry out any repair or renovation of such building or structure, may make an application to the competent authority for carrying out such repair or renovation as the case may be.

(2) Any person, who owns or possesses any building or structure or land in any regulated area, and desires to carry out any construction or re-construction or repair or renovation of such building or structure on such land, as the case may be, may make an application to the competent authority for carrying out construction or re-construction or repair or renovation, as the case may be.

#### **GRANT OF PERMISSION BY COMPETENT AUTHORITY**

*20D, Grant of permission by competent authority within regulated area—(1)* Every application for grant of permission under section 20C of this Act shall be made to the competent authority in such manner as may be prescribed.

(2) The competent authority shall, within fifteen days of the receipt of the application, forward the same to the Authority to consider and intimate impact of such

construction (including the impact of large-scale development project, public project and project essential to the public) having regard to the heritage bye-laws relating to the concerned protected monument or protected area, as the case may be: Provided that the Central Government may prescribe the category of applications in respect of which the permission may be granted under this subsection and the application which shall be referred to the Authority for its recommendations.

(3) The Authority shall, within two months from the date of receipt of application under sub-section (2), intimate to the competent authority impact of such construction (including the impact of large-scale development project, public project and project essential to the public).

(4) The competent authority shall, within one month of the receipt of intimation from the Authority under sub-section (3), either grant permission or refuse the same as so recommended by the Authority.

(5) The recommendations of the Authority shall be final.

(6) In case the competent authority refuses to grant permission under this section, it shall, by order in writing, after giving an opportunity to the concerned person, intimate such refusal within three months from the date of receipt of the application to the applicant, the Central Government and the Authority

(7) If the competent authority, after grant of the permission under sub-section (4) and during the carrying out of the repair or renovation work or reconstruction of building or construction referred to in that sub-section, is of the opinion (on the basis of material in his possession or otherwise) that such repair or renovation work or reconstruction of building or construction is likely to have an adverse impact on the preservation, safety, security or access to the monument considerably, it may refer the same to the Authority for its recommendations and if so recommended, withdraw the permission granted under sub-section (4) if so required:

Provided that the competent authority may, in exceptional cases, with the approval of the Authority grant permission to the applicant referred to in subsection (2) of section 20C until the heritage bye-laws have been prepared under sub-section (1) of section 20E and published under sub-section (7) of that section.

(8) The Central Government, or the Director-General, as the case may be, shall exhibit, on their website, all the permissions granted or refused under this Act. 20E. *Heritage bye-laws.*- (1) The competent authority, in consultation with Indian National Trust for Arts and Cultural Heritage, being a trust registered under the Indian Trusts Act, 1882 (2 of 1882) or such other expert heritage bodies as may be notified by the Central Government, shall prepare heritage bye-laws in respect of each protected monument and protected area.

(2) The heritage bye-laws referred to in sub-section (1) shall, in addition to such matters as may be prescribed, include matters relating to heritage controls such as elevations, facades, drainage systems, roads and service infrastructure (including electric poles, water and sewer pipelines).

(3) The Central Government shall, by rules, specify the manner of preparation of detailed site plans in respect of each protected area or protected monument or prohibited area or regulated area, the time within which such heritage bye-laws shall be prepared and particulars to be included in each such heritage bye-laws.

(4) The competent authority for the purpose of preparation of detailed site plans and heritage bye-laws may appoint such number of experts or consultants as it may deem fit.

(5) A copy of each of the heritage bye-laws prepared under sub-section (1) shall be forwarded to the Authority for its approval.

(6) A copy of the heritage bye-laws as approved by the Authority under subsection (5) shall be laid before each House of Parliament.

(7) Each heritage bye-laws shall, be made available by the competent authority to the public, by exhibiting the same on its website and also in such other manner as it may deem fit, immediately after laying the same before each House of Parliament.

### **NATIONAL MONUMENTS AUTHORITY**

*20F. Constitution of National Monuments Authority.—*(1) The Central Government shall, by notification in the Official Gazette, constitute an Authority to be called as the National Monuments Authority.

(2) The Authority shall consist of,—

(a) a Chairperson, on whole-time basis, to be appointed by the President, having proven experience and expertise in the fields of archaeology, country and town planning, architecture, heritage, conservation-architecture or law;

(b) such number of members not exceeding five whole-time members and five part-time members to be appointed, on the recommendation of the Selection Committee referred to in section 20G. by the Central Government, having proven experience and expertise in the fields of archaeology, country and town planning, architecture, heritage, conservation-architecture or law;

(c) the Director-General as member, *ex officio*.

(3) The tenure of the whole-time Chairperson or every whole -time member and every part-time member, of the Authority shall be three years from the date on which he assumes office as such and shall not be eligible for re-appointment:

Provided that, save as otherwise provided in clause (c) of sub-section (2), any person who has held any post in the Archaeological Survey of India or in the Ministry of Culture of the Government of India or a State Government or has not been found fit to



be considered for being appointed to any such post shall, not be eligible to be appointed as the Chairperson or a member of the Authority:

Provided further that any person, who had either been granted a permission or licence or refused any such permission or refused grant of a licence or any person or any of his relative having any interest in a prohibited area or a regulated area shall not be eligible to be appointed as a Chairperson or member.

*Explanation.*—For the purposes of this section, “relative” means—

- (i) spouse of the Chairperson or member of the Authority;
- (ii) brother or sister of the Chairperson or member of the Authority;
- (iii) brother or sister of the spouse of the Chairperson or member of the Authority;
- (iv) brother or sister of either of the parents of the Chairperson or member of the Authority;
- (v) any lineal ascendant or descendant of the Chairperson or member of the Authority;
- (vi) any lineal ascendant or descendant of the spouse of the Chairperson or member of the Authority;
- (vii) spouse of the person referred to in clauses (ii) to (vi);

(4) An officer, not below the rank of Joint Secretary to the Government of India, shall be the Member Secretary of the Authority.

(5) The Central Government shall provide such number of officers and other employees as may be necessary for discharge of functions by the Authority under this Act.

20G. *Selection Committee for selection of members of Authority.*—(1) Every whole-time member and every part-time member of the Authority shall be selected by a Selection Committee consisting of the following persons, namely:—

- (a) Cabinet Secretary — Chairperson, *ex officio*;
- (b) Secretary in the Ministry of Culture —member, *ex officio*;
- (c) Secretary in the Ministry of Urban development— member, *ex officio*;
- (d) three experts, having proven experience and expertise in the fields of archaeology, architecture, heritage or conservation-architecture to be nominated by the Central Government

(2) The Selection Committee referred to in sub-section (1) shall regulate its own procedure for the purposes of selecting whole-time members and part-time members of the Authority.

20H. *Salary, allowances and meetings of Authority.*—(1) The salaries and allowances payable to the whole-time Chairperson and whole-time members, and the other terms and conditions of their service or fees or allowances payable to the part-time members, of the Authority shall be such as may be prescribed:

Provided that neither the salary and allowances nor the other terms and conditions of service of the whole-time Chairperson and whole-time members shall be varied to their disadvantage after their appointment.

(2) The Authority shall regulate its own procedure for the purposes of holding its meetings (including quorum of such meetings) and granting permissions under this Act.

(3) All the decisions of the Authority shall be published in such manner as it may decide and also on its own website and on the website of the Central Government.

*20-I. Functions and powers of Authority.—*(1) The Authority shall exercise or discharge the following powers or functions, namely:—

(a) make recommendations to the Central Government for grading and classifying protected monuments and protected areas declared as of national importance under sections 3 and 4, before the commencement of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010;

(b) make recommendations to the Central Government for grading and classifying protected monuments and protected areas which may be declared after the commencement of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010, as of national importance under section 4;

(c) oversee the working of the competent authorities;

(d) to suggest measures for implementation of the provisions of this Act;

(e) to consider the impact of large-scale developmental projects, including public projects and projects essential to the public which may be proposed in the regulated areas and make recommendations in respect thereof to the competent authority;

(f) to make recommendations to the competent authority for grant of permission.

(2) The Authority shall, for the purpose of discharging functions under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) while trying a suit in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents;

(c) any other matter which may be prescribed.

*201. Removal of Chairperson and members.—*(1) Notwithstanding anything contained in sub-section (3) of section 20F, the President in the case of the Chairperson and the Central Government in the case of whole-time member and part-time member may, by order, remove from office, the Chairperson or any such member of the Authority, if he—

(a) has been adjudged an insolvent; or

(b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

- (c) has become physically or mentally incapable of acting as Chairperson or member; or
- (d) has acquired such financial or other interests as is likely to *affect* prejudicially his functions; or
- (e) has so abused his position as to render his continuance in office prejudicial to the public interest.

(2) The Chairperson or any member of the Authority shall not be removed under clauses (d) and (e) of sub-section (1) unless he has been given a reasonable opportunity of being heard in the matter.

*20K. Restriction on future employment by Chairperson and members.—*On ceasing to hold office, the Chairperson or whole-time member of the Authority, as the case may be, shall, subject to the provisions of this Act, be ineligible, for a period of five years from the date on which they cease to hold office, for further employment (including as consultant or expert or otherwise) in any institution, agency or organisation of any nature mainly dealing with archaeology, country and town planning, architecture, heritage and conservation-architecture or whose matters had been before the Chairperson or such member.

*20L . Power of Central Government to issue directions to Authority.—*(1) Without prejudice to the foregoing provisions of this Act, the Authority shall, in exercise of its powers or the discharge of its functions under this Act, be bound by such directions on question of policy, other than those relating to technical and administrative matters, as the Central Government may give in writing to it from time to time: Provided that the Authority shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Central Government, whether a question is one of policy or not, shall be final.

*20M. Power of Central Government to issue directions to competent authority.—*Without prejudice to the foregoing provisions of this Act, the competent authority shall, in exercise of its powers or the discharge of its functions under this Act, be bound by such directions, as the Central Government may give in writing to it from time to time.

*20N. Power of Central Government to supersede Authority.—*(1) If, at any time the Central Government is of the opinion,—

- (a) that, on account of circumstances beyond the control of the Authority, it is unable to discharge the functions or perform the duties imposed on it by or under the provisions of this Act; or
- (b) that the Authority has persistently defaulted in complying with any direction given by the Central Government under this Act or in the discharge of the functions or performance of the duties imposed on it by or under the provisions



of this Act and as a result of such default the financial position of the Authority or the administration of the Authority has suffered; or

- (c) that circumstances exist which render it necessary in the public interest so to do, the Central Government may, by notification in the Official Gazette, supersede the Authority for such period, not exceeding six months, as may be specified in the notification and appoint a person or persons as the President may direct to exercise powers and discharge functions under this Act:

Provided that before issuing any such notification, the Central Government shall give a reasonable opportunity to the Authority to make representations against the proposed super session and shall consider the representations, if any, of the Authority.

(2) Upon the publication of a notification under sub-section (1) superseding the Authority,—

- (a) the Chairperson and all other whole-time members and part-time members shall, as from the date of super session, vacate their offices as such;
- (b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the Authority shall, until the Authority is reconstituted under sub-section (3), be exercised and discharged by the person or persons referred to in sub-section (1); and
- (c) all properties owned or controlled by the Authority shall, until the Authority is reconstituted under sub-section(3), vest in the Central Government.

(3) On or before the expiration of the period of super session specified in the notification issued under sub-section (1), the Central Government shall reconstitute the Authority by a fresh appointment of its Chairperson and other whole-time members and part-time members and in such case any person who had vacated his office under clause (a) of sub-section (2) shall not be deemed to be disqualified, subject to the provisions of sub-section (3) of section 20F for reappointment for the remaining period.

(4) The Central Government shall cause a copy of the notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before each House of Parliament at the earliest.

*20-0 Bar of jurisdiction of civil court.*—No Civil Court shall have jurisdiction in respect of any matter which the Authority is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

*20P. Annual report.*—(1) The Authority shall prepare once in every year, in such form and at such time as may be prescribed by the Central Government, an annual report giving full description of all the activities of the Authority for the previous year.

(2) A copy of the report received under sub-section (1) shall be laid, as soon as may be after it is received, before each House of Parliament,

20Q. *Power to call for information.*—Where the Central Government considers it expedient so to do, it may, by order in writing call upon the Authority or the competent authority, as the case may be, to furnish in writing such information, in such form and manner as may be prescribed, relating to its affairs as the Central Government may require.”.

**8. Amendment of section 30.**—In section 30 of the principal Act,—

(a) in sub-section (1),—

(i) for the words “imprisonment which may extend to three months”, the words “imprisonment which may extend to two years” shall be substituted;

(ii) for the words “fine which may extend to five thousand rupees”, the words “fine which may extend to one lakh rupees” shall be substituted;

(b) in sub-section (2), for the words “fine which may extend to five thousand rupees”, the words “imprisonment which may extend to two years or with fine which may extend to one lakh rupees or with both” shall be substituted.

**9. Insertion of new sections 30A, 30B and 30C.**—After section 30 of the principal Act, the following sections shall be inserted, namely:—

*30A. Punishment for construction, etc., in prohibited area.*—Whoever raises, on and after the date on which the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Bill, 2010, receives the assent of the President, any construction in the prohibited area, shall be punishable with imprisonment not exceeding two years or with fine which may extend to one lakh rupees or with both.

*30B. Punishment for construction, etc., in regulated area.*—Whoever raises, on and after the date on which the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Bill, 2010, receives the assent of the President, any construction in the regulated area without the previous permission of the competent authority or in contravention of the permission granted by the competent authority, shall be punishable with imprisonment not exceeding two years or with fine which may extend to one lakh rupees or with both.

*30C. Offences by officers of Government.*—If any officer of the Central Government enters into or acquiesces in any agreement to do, abstains from doing, permits, conceals or connives at any act or thing whereby any construction or reconstruction takes place in a prohibited area or regulated area, he shall be punishable with imprisonment for a term which may extend three years, or with fine, or with both.”.

**10. Insertion of new sections 35A and 35B.**—After section 35 of the principal Act, the following sections shall be inserted, namely:— *J* “35A. *Obligation to survey the protected prohibited area and regulated areas.*—(1) The Director-General shall, within such time as may be specified by the Central Government, conduct a survey or cause survey to be conducted in respect of all prohibited areas and regulated areas for the purpose of detailed site plans.

(2) A report in respect of such survey referred to in sub-section (1) shall be forwarded to the Central Government and to the Authority.

*35B. Identification of un-authorized constructions on or after 16th June, 1992.—*(1) The Director-General shall, within such time as may be specified by the Central Government, identify or cause to be identified, all constructions (of whatever nature) made on and after the 16th day of June, 1992 in all prohibited areas and regulated areas and, thereafter, submit from time to time a report in respect thereof to the Central Government.

(2) The Director-General shall, for the purposes of sub section (1), have the power to call for information from the local bodies and other authorities.”.

**11. Amendment of section 38.—**In section 38 of the principal Act, in sub-section (2), after clause (c), the following clauses shall be inserted, namely:—

- “(ca) the categories of ancient monuments or archaeological sites and remains, declared as of national importance, under sub-section (1) of section 4
  
- (cb) the manner of making application for grant of permission under sub-section (1) of section 20D;
  
- (cc) the category of applications in respect of which the permission may be granted and applications which shall be referred to the Authority for its recommendation, under sub-section (2) of section 20D;
  
- (cd) the other matters including heritage controls such as elevations, facades, drainage systems, roads and service infrastructure (including electric poles, water and sewer pipelines) under sub-section (2) of section 20E;
  
- (ce) the manner of preparation of detailed site plans in respect of each prohibited area and regulated area and the time within which such heritage bye-laws shall be prepared and particulars to be included in each such heritage bye-laws under sub-section (3) of section 20E;
  
- (cf) salaries and allowances payable to, and the other terms and conditions of service of, the whole-time Chairperson and whole-time members, or fees or allowances payable to the part-time members, of the Authority under sub-section (1) of section 20H;
  
- (cg) the form in which and time at which the Authority shall prepare an annual report giving full description of its activities for the previous year under section 20P;
  
- (ch) the form and manner in which the Authority and competent authority shall furnish information to the Central Government under section 20Q;”.

**12. Validation of action taken, etc., under notification No. S.O. 1764, dated 16th**



**June, 1992.**—Notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority-

- (a) any thing done or purported to be done or any action taken or purported to be taken by the Central Government, except as provided in the second proviso to sub-section (3) of section 20A, immediately before the commencement of this Act, in pursuance of the notification of the Governrient of India in the Department of Culture (Archaeological Survey of India) number S.O.1764, dated the 16th June, 1992 issued under rule 34 of the Ancient Monuments and Archaeological Sites and Remains Rules, 1959, shall be deemed to be and deemed to have always been done or taken validly and in accordance with law at all material times [except as provided in the second proviso to sub-section (3) of section 20A] and no action taken or thing done (including any order made, agreement entered into, or notification issued for constituting any Expert Advisory Committee) in connection with any permission granted or licence issued for any construction in a prohibited area or a regulated area in respect of a protected monument, shall be deemed to be invalid or ever to have become invalid except as provided in the second proviso to sub-section (3) of section 20A merely on the ground that the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958) or the rules, orders or notifications issued thereunder did not contain any provision for constitution of an Expert Advisory Committee or Advisory Committee, as the case may be;
- (b) no suit, claim or other proceedings shall be instituted, maintained or continued in any court, tribunal or other authority for any permission or licence granted by the Central Government or the Director-General under the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958) or any rule, order or notification made there under for carrying out any repair, renovation or construction work or for undertaking any public work or public project before the commencement of this Act;
- (c) no claim or challenge shall be made in or entertained by any court, tribunal or other authority solely on the ground that the Central Government or the Director-General did not take into consideration any of the provisions of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958) as amended by the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010, in granting any permission or licence for the purpose of carrying out any mining or repair, renovation or construction work in a prohibited area or a regulated area at any time between the 16th day of June, 1992 and the date of commencement of this Act.

**13. Repeal and savings.**—(1) The Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Ordinance, 2010 (Order 1 of 2010), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act.

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# **THE ANCIENT MONUMENTS AND ARCHAEOLOGICAL SITES AND REMAINS ACT, 1958**

## **INTRODUCTION**

There are two Acts relating to ancient monuments—The Ancient Monuments Preservation Act, 1904, and the Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Act, 1951. The Act of 1951 merely declares certain monuments, etc., to be of national importance and the Act of 1904 applies also to such monuments. While under the Constitution of India, the subject “Ancient and historical monuments; archaeological monuments; archaeological sites and remains”, has been distributed under three heads, namely:—Union List, Entry 67—Ancient and historical monuments and records, and archaeological sites and remains, declared by or under law made by Parliament to be of national importance; State list, Entry 12— Ancient and historical monuments and records other than those declared by or under law made by Parliament to be of national importance; and concurrent List, Entry 40—Archaeological sites and remains other than those declared by or under law made by Parliament to be of national importance. The Act of 1904 governs all ancient monuments whether falling in the Central field or the State field, and vests all executive powers in the Central Government. The then existing position relating to ancient monuments was found to be unsatisfactory, and the need was felt to legislate a self-contained law at the Centre which would apply exclusively to ancient monuments, etc., of national importance falling under Union List, Entry 67 and to archaeological sites and remains falling under Concurrent List, Entry 40. To achieve this objective the Ancient Monuments and Archaeological Sites and Remains Bill was introduced in the Parliament.

## **STATEMENT OF OBJECTS AND REASONS**

Under the Government of India Act, 1935, the subject “Ancient and historical monuments; archaeological monuments; archaeological sites and remains” fell within Entry 15 of the Federal List. Under the Constitution, this subject has been distributed under three different heads, namely,—

Entry 67, Union List—Ancient and historical monuments and records, and archaeological sites and remains, declared by or under law made by Parliament to be of national importance.

Entry 12, State List—Ancient and historical monuments and records other than those declared by or under law made by Parliament to be of national importance, and

Entry 40, Concurrent List—Archaeological sites and remains other than those declared by or under law made by Parliament to be of national importance.

There are at present two Acts in force relating to ancient monuments—the Ancient Monuments Preservation Act, 1904, and the Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Act, 1951. The Act of 1951 merely declares certain monuments etc., to be of national importance and the Act of 1904 applies also to such monuments.



While the Constitution has distributed the subject-matter under three different heads the Act of 1904 governs all ancient monuments whether falling in the Central field or the State field, and vests all executive power in the Central Government. The position of the existing law relating to ancient monuments is far from satisfactory. The present Bill purports to be a self-contained law at the Centre which will apply exclusively to ancient monument, etc., of national importance falling under Entry 67 of List 1 and to archaeological sites and remains falling under Entry 40 in the Concurrent List. Simultaneously, the State Governments would be advised to enact a similar law in respect of ancient monument etc., falling under Entry 12 in the State List. In this manner, the Central and State fields will be clearly demarcated and the existing confusion and overlapping of jurisdiction arising from the Act of 1904 will be eliminated.

2. The Bill is broadly modelled on the Act of 1904. It, however, contains a few new provisions which are intended to overcome certain difficulties which have been experienced in the working of the Act of 1904. Some of the important new provisions are as follows:

- (a) The Act of 1904 confers wide powers upon Collectors. In the interests of uniformity and integrated policy, it is proposed to transfer some of these functions to the Director-General of Archaeology.
  - (b) The Constitution (Seventh Amendment) Act, 1956, permits the declaration of ancient monuments, etc., to be of national importance by notification. Clause 4 of the Bill confers the necessary powers on the Central Government in this behalf.
  - (c) One of the main difficulties experienced in regard to protected monuments etc., owner by private persons is the refusal of such owners to enter into an agreement with the Central Government for the maintenance of the monuments. The Bill provides that where an owner of a protected monument refuses to enter into such agreement, the Central Government may make an order for the maintenance of the monument which shall be binding on the owner. (Clause 9).
  - (d) Power is being given to regulate excavation in archaeological sites which are not declared to be of national importance. (Clause 24).
  - (e) Provision is being made for compulsory purchase of antiquities and other objects of historical or archaeological importance on payment of compensation [Clauses 23 (3) and 28].
3. The Act of 1951, and section 126 of the States Reorganisation Act, 1956, are being repealed without affecting the declarations made thereby.”

### **ACT 24 OF 1958**

The Ancient Monuments and Archaeological Sites and Remains Bill having been passed by both the Houses of Parliament received the assent of the President on 28th August, 1958. It came on the Statute Book as THE ANCIENT MONUMENTS AND ARCHAEOLOGICAL SITES AND REMAINS ACT, 1958 (24 of 1958).

### **LIST OF AMENDING ACTS AND ORDINANCE**

1. The Antiquities and Art. Treasures Act, 1972 (52 of 1972) (w.e.f. 5-4-1976).
2. The Delegated Legislation Provisions (Amendment) Act, 2004 (4 of 2005) (w.e.f. 11-1-2005).
3. The Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010 (10 of 2010).



# THE ANCIENT MONUMENTS AND ARCHAEOLOGICAL SITES AND REMAINS ACT, 1958<sup>1</sup>

(24 of 1958)

[28th August, 1958]

*An Act to provide for the preservation of ancient and historical monuments and archaeological sites and remains of national importance, for the regulation of archaeological excavations and for the protection of sculptures, carvings and other like object.*

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:

## PRELIMINARY

**1. Short title, extent and commencement.**—(1) This Act may be called The Ancient Monuments and Archaeological Sites and Remains Act, 1958.

<sup>2</sup>[(2) It extends to the whole of India.]

(3) It shall come into force on such date<sup>3</sup> as the Central Government may, by notification in the Official Gazette, appoint.

**2. Definitions.**—In this Act, unless the context otherwise requires,-----

- (a) “ancient monument” means any structure, erection or monument, or any tumulus or place of interment, or any cave, rock sculpture, inscription or monolith, which is of historical, archaeological or artistic interest and which has been in existence for not less than one hundred years, and includes—
- (i) the remains of an ancient monument,
  - (ii) the site of an ancient monument,
  - (iii) such portion of land adjoining the site of an ancient monument as may be required for fencing or covering in or otherwise preserving such monument, and
  - (iv) the means of access to, and convenient inspection of an ancient monument;
- (b) “antiquity” includes—
- (i) any coin, sculpture, manuscript, epigraph, or other work of art or craftsmanship,

<sup>1</sup> The Act has been extended to —

(a) The Union Territory of Goa, Daman and Diu, by Goa, Daman and Diu (Laws) Regulation, 12 of 1962 (w.e.f. 15-8-1963). Goa is now a State, *vide* Act 18 of 1987, sec. 3 (w.e.f.30-5-1987).

(b) The Union territory of Dadra and Nagar Haveli, i'y Dadra and Nagar Haveli (Laws) Regulation, 6 of 1963 (w.e.f. 1-7-1965>.

(c) The Union Territory of Pondicherry by Pondicherry (Laws) Regulation, 7 of 1963 (w.e.f. 1-10-1963).

<sup>2</sup> Subs. by Act 52 of 1972, sec. 33, for sub-section (2) (w.e.f. 5-4-1976).

<sup>3</sup> Came into force on 15-10-1959, *vide* S.O. 2307, dated 15th October, 1959, published in the Gazette of India, Extra., Pt. II, Sec. 3 (1) dated 15th October, 1959. In Sikkim came into force on 1-4-1980, *vide* Gazette of India, Pt. 11, Sec. 3 (i), dated 29th March, 1980.

- (ii) any article, object or thing detached from a building or cave,
- (iii) any article, object or thing illustrative of science, art, crafts, literature, religion, customs, morals or politics in bygone ages,
- (iv) any article, object or thing of historical interest, and
- (v) any article, object or thing declared by the Central Government by notification in the Official Gazette, to be an antiquity for the purposes of this Act.

which has been in existence for not less than one hundred years;

- (c) ‘archaeological officer” means an officer of the Department of Archaeology of the Government of India not lower in rank than Assistant Superintendent of Archaeology;
- (d) “archaeological site and remains” means any area which contains or is reasonably believed to contain ruins or relics of historical or archaeological importance which have been in existence for not less than one hundred years, and includes—
  - (i) such portion of land adjoining the area as may be required for fencing or covering in or otherwise preserving it, and
  - (ii) the means of access to, and convenient inspection of the area;
- <sup>1</sup>[(da) “Authority” means the National Monuments Authority constituted under section 20F;]
- <sup>1</sup>[(db) “competent authority” means an officer not below the rank of Director of archaeology or Commissioner of archaeology of the Central or State Government or equivalent rank, specified, by notification in the Official Gazette, as the competent authority by the Central Government to perform functions under this Act:  
 Provided that the Central Government may, by notification in the Official Gazette, specify different competent authorities for the purpose of sections 20C, 20D and 20E;]
- <sup>1</sup>[(dc) “construction” means any erection of a structure or a building, including any addition or extension thereto either vertically or horizontally, but does not include any re-construction, repair and renovation of an existing structure or building, or, construction, maintenance and cleansing of drains and drainage works and of public latrines, urinals and similar conveniences, or, the construction and maintenance of works meant for providing supply of water for public, or, the construction or maintenance, extension, management for supply and distribution of electricity to the public or provision for similar facilities for public;]
- (e) “Director-General” means the Director-General of Archaeology, and includes any officer authorised by the Central Government to perform the duties of the Director-General;
- (f) “maintain”, with its grammatical variations and cognate expressions, includes the fencing, covering in, repairing, restoring and cleansing of a protected

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<sup>1</sup> Ins, by Act 10 of 2010, sec. 2(i) (w.r.e.f. 16-6-1992).

monument, and the doing of any act which may be necessary for the purpose of preserving a protected monument or of securing convenient access thereto;

(g) “owner” includes—

- (i) a joint owner invested with powers of management on behalf of himself and other joint owners and the successor-in-title of any such owner; and
- (ii) any manager or trustee exercising powers of management and the successor-in-office of any such manager or trustee;

(h) “prescribed” means prescribed by rules made under this Act;

<sup>1</sup>[(ha) “prohibited area” means any area specified or declared to be a prohibited area under section 20A;]

(i) “protected area” means any archaeological site and remains which is declared to be of national importance by or under this Act;

(j) “protected monument” means any ancient monument which is declared to be of national importance by or under this Act;

<sup>2</sup>[(k) “re-construction” means any erection of a structure or building to its re-existing structure, having the same horizontal and vertical limits;]

<sup>2</sup>[(l) “regulated area” means any area specified or declared under section

<sup>2</sup>[(m) “repair and renovation” means alterations to a pre-existing structure or building, but shall not include construction or re-construction;]

## COMMENTS

### Protected area

Jaisalmer Fort including ancient temple has been declared to be ancient and historical monuments and archaeological sites and remains of national importance. Thus, the combined effect of clauses (d) and (i) of section 2 and section 3 of the Act is that Jaisalmer Fort with its entire precincts is a protected area being an archaeological site and remains of national importance for the purpose of the Act and, therefore, the respondents (Union of India and others) are within their right to proceed against any building constructed by any person within that area in contravention of the provision of sub-section (1) of section 19 of the Act; *Han Shanker v. Union of India*, AIR 2000 Rajasthan 26.

### Protected monument

Sri Kollur Mookambika temple is not an “ancient monument”. It is also declared to be of National importance. Therefore it cannot be declared “protected monument; *K. Shivara, n Karanath v. State of Karnataka*, AIR 2000 Kant 193.

<sup>3</sup>**[2A. Construction of references to any law not in force in the State of Jammu and Kashmir.—**Any reference in this Act to any law which is not in force in the State of Jammu and Kashmir shall, in relation to that State, be construed as a reference to the corresponding law, if any, in force in that State.]

<sup>1</sup> Ins, by Act 10 of 2010, sec. 2(ii) (w.r.e.f. 16-6-1992).

<sup>2</sup> Ins, by Act 10 of 2010, sec. 2(iii) (w.r.e.f. 16-6-1992).

<sup>3</sup> Ins, by Act 52 of 1972, sec. 33 (w.e.f. 5-4-1976).



## **ANCIENT MONUMENT AND ARCHAEOLOGICAL SITES AND REMAINS OF NATIONAL IMPORTANCE**

### **3. Certain ancient monuments, etc., deemed to be of national importance.—**

All ancient and historical monuments and all archaeological sites and remains which have been declared by the Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Act, 1951 (71 of 1951), or by section 126 of the State Reorganizations Act, 1956 (37 of 1956), to be of national importance shall be deemed to be ancient and historical monuments or archaeological sites and remains declared to be of national importance for the purpose of this Act.

**4. Power of Central Government to declare ancient monument, etc., to be of national importance.—**(1) Where the Central Government is of opinion that any ancient monument or archaeological site and remains not included in section 3 is of national importance, it may, by notification in the Official Gazette, give two months' notice of its intention to declare such ancient monument or archaeological site and remains to be of national importance; and a copy of every such notification shall be affixed in a conspicuous place near the monument or site and remains, as the case may be.

(2) Any person interested in any such ancient monument or archaeological site and remains may, within two months after the issue of the notification, object to the declaration of the monument, or the archaeological site and remains, to be of national importance.

(3) On the expiry of the said period of two months, the Central Government may, after considering the objections, if any, received by it, declare by notification in the Official Gazette, the ancient monument or the archaeological site and remains, as the case may be, to be of national importance.

(4) A notification published under sub-section (3) shall, unless and until it is withdrawn, be conclusive evidence of the fact that the ancient monument or archaeological site and remains to which it relates is of national importance for the purposes of this Act.

<sup>1</sup>**[4A. Categorisation and classification in respect of ancient monuments or archaeological sites and remains declared as of national importance under sections 3 and 4.—**(1) The Central Government shall, on the recommendation of the Authority, prescribe categories in respect of ancient monuments or archaeological sites and remains declared as of national importance under sections 3 and 4, and while prescribing such categories it shall have regard to the historical, archaeological and architectural value and such other factors as may be relevant for the purpose of such categorisation.

(2) The Central Government shall, on the recommendation of the Authority, classify all the ancient monuments or archaeological sites and remains declared as of national importance under sections 3 and 4, in accordance with the categories prescribed under sub-section (1) and thereafter make the same available to the public and exhibit the same on its website and also in such other manner as it may deem fit.]

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<sup>1</sup> Ins, by Act 10 of 2010, sec. 3 (w.e.f. 29-3-2010).

## COMMENTS

### Historical monuments

Viceregal Lodge at Shimla is a harbinger of Colonial past, with architecturally grandeur and beauty of Elizabethian Era and stands a mute witness to the transition of independence to the people of India after sustained non-violent struggle by the Father of Nation, Mahatma Gandhi. The Government of India was directed to notify the entire area of the Viceregal Lodge as a protected ancient monument. Thus the protection and preservation of Viceregal Lodge and the appurtenant land as historical heritage has become *fait accompli* by the order of the Supreme Court. Supreme Court also directed the Government of India to maintain all national monuments under the respective Acts and to ensure that all of them are properly maintained; *Rajeev Mankotia v. Secretary to the President of India*, AIR 1997 SC 2766.

### PROTECTED MONUMENTS

**5. Acquisition of rights in a protected monument.—**(1) The Director-General may, with the sanction of the Central Government, purchase, or take a lease of, or accept a gift or bequest of, any protected monument.

(2) Where a protected monument is without an owner, the Director-General 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 Director-General the guardian of the monument, and the Director-General may, with the sanction of the Central Government, accept such guardianship.

(4) When the Director-General has accepted the guardianship of a monument under sub-section (3), the owner shall, except as expressly provided in this Act, have the same estate, right, title and interest in and to the monument as if the Director-General has not been constituted a guardian thereof.

(5) When the Director-General has accepted the guardianship of a monument under sub-section (3), the provisions of this Act relating to agreements executed under section 6 shall apply to the written agreements executed under the said sub-section.

(6) Nothing in this section shall affect the use of any protected monument for customary religious observances.

**6. Preservation of protected monument by agreement.—**(1) The Collector, when so directed by the Central Government, shall propose to the owner of a protected monument to enter into an agreement with the Central Government within a specified period for the maintenance of the monument.

(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 right—
  - (i) to use 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 or to archaeological officers or to persons deputed by the owner or any archaeological officer or the Collector to inspect or maintain the monument;
- (e) the notice to be given to the Central 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 Central 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 Central Government in connection with the maintenance of the monument;
- (g) the proprietary or other rights which are to vest in the Central Government in respect of the monument when any expenses are incurred by the Central 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 maintenance of the monument which is a proper subject of agreement between the owner and the Central Government.

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

**7. Owners under disability or not in possession.**—(1) If the owner of a protected monument 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 6.

(2) In the case of village property, the headman or other village-officer exercising powers of management over such property may exercise the powers conferred upon an owner by section 6.

(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 the religious worship or observances of that religion.

**8. Application of endowment to repair a protected monument.—(1)** If any owner or other person competent to enter into an agreement under section 6 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 Central Government may institute a suit in the court of the district Judge, or if the estimated cost of repairing the monument does not exceed one 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 a civil court.

**9. Failure or refusal to enter into an agreement.—(1)** If any owner or other person competent to enter into an agreement under section 6 for the maintenance of a protected monument refuses or fails to enter into such an agreement, the Central Government may make an order providing for all or any of the matters specified in sub-section (2) of section 6 and such order shall be binding on the owner or such other person and on every person claiming title to the monument from, through or under, the owner or such other person.

(2) Where an order made under sub-section (1) provides that the monument shall be maintained by the owner or other person competent to enter into an agreement, all reasonable expenses for the maintenance of the monument shall be payable to the Central Government.

(3) No order under sub-section (1) shall be made unless the owner or other person has been given an opportunity of making a representation in writing against the proposed order.

**10. Power to make order prohibiting contravention of agreement under section 6.—(1)** If the Director-General apprehends that the owner or occupier of a protected monument intends to destroy, remove, alter, deface, imperil or misuse the monument or to build on or near the site thereof in contravention of the terms of an agreement under section 6, the Director-General 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 may be given in any case where the Director-General, 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 Central Government within such time and in such manner as may be prescribed and the decision of the Central Government shall be final.

**11. Enforcement of agreement.—(1)** If an owner or other person who is bound by an agreement for the maintenance of a monument under section 6 refuses or fails within such reasonable time as the Director-General may fix, to do any act which in the opinion of the

Director-General is necessary for the maintenance of the monument, the Director-General may authorize any person to do any such act, and the owner or other person shall be liable to pay the expenses of doing any 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 under sub-section (1), it shall be referred to the Central Government whose decision shall be final.

**12. 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 5 or section 6, and every person claiming any title to a monument from, through or under, an owner who executed any such instrument, shall be bound by such instrument.

**13. Acquisition of protected monuments.**—If the Central Government apprehends that a protected monument 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 (.1 of 1894), as if the maintenance of the protected monument were a public purpose within the meaning of that Act.

**14. Maintenance of certain protected monuments.**—(1) The Central Government shall maintain every monument which has been acquired under section 13 or in respect of which any of the rights mentioned in section 5 have been acquired. (2) When the Director-General has assumed the guardianship of a monument under section 5, he shall, for the purpose of maintaining such monument, have access to the monument at all reasonable times, by himself and by his agents, subordinates and workmen, for the purpose of 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.

**15. Voluntary contributions.**—The Director-General may receive voluntary contributions towards the costs of maintaining a protected monument and may give orders as to the management and application 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.

**16. Protection of place of worship from misuse, pollution or desecration.**—(1) A protected monument maintained by the Central 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 Central Government has acquired a protected monument under section 13, or where the Director-General has purchased, or taken a lease or accepted a gift or bequest or assumed guardianship of a protected monument under section 5 and such monument or any part thereof is used for religious worship or observances by any community, the Collector shall make due provision for the protection of such monument or 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, of any person not entitled so to enter by the religious usages of the community by which the monument or part thereof is used, or (b) by taking such other action as he may think necessary in this behalf.

**17. Relinquishment of Government rights in a monument.**—With the sanction of the Central Government, the Director-General may,—

(a) where rights have been acquired by the Director-General 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 rights so acquired to the person who would for the time being be the owner of the monument if such rights had not been acquired; or

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

**18. Right of access to protected monument.**—Subject to any rules made under this Act, the public shall have a right of access to any protected monument.

### COMMENTS

Section 18 of the Act only creates a right in the public to have access to any protected monument. It would of course, be subject to any rule made under the Act, but by no stretch of imagination this provision can be pressed into service for prescribing any age beyond which a guide shall not have the right to hold a licence to carry on his profession. The right to access to monuments given under section 18 to the public is apparently not connected with the profession which is carried on by the guide holding an identify card! licence issued by the competent authority. As a member of public even a guide may have a right to visit or enter into a protected monument complying with the rules which may be applicable to any visitors/tourists as member of the public; *B.P. Sharma v. Union of India*, AIR 2003 SC 3863.

### PROTECTED AREAS

**19. Restrictions on enjoyment of property rights in protected areas.**—(1) No person, including the owner or occupier of a protected area, shall construct any building within the protected area or carry on any mining, quarrying, excavating, blasting or any operation of a like nature in such area, or utilise such area or any part thereof in any other manner without the permission of the Central Government:

Provided that nothing in this sub-section shall be deemed to prohibit the use of any such area or part thereof for purposes of cultivation if such cultivation does not involve the digging of not more than one foot of soil from the surface.

(2) The Central Government may, by order, direct that any building constructed by any person within a protected area in contravention of the provisions of sub-section (1) shall be removed within a specified period and, if the person refuses or fails to comply with the order the Collector may cause the building to be removed and the person shall be liable to pay the cost of such removal.



## COMMENTS

Jaiselmer Fort with its entire area precincts is a protected area being an archaeological site and remains of national importance for the purposes of the Act and, therefore, the competent authority are within their right to proceed against any building constructed by any person within that area; *Han Shankar v. Union of India*, AIR 2000 Rajasthan 26.

**20. Power to acquire a protected area.**—If the Central Government is of opinion that any protected area contains an ancient monument or antiquities of national interest and value, it may acquire such area under the provisions of the Land Acquisition Act, 1894 (1 of 1894), as if the acquisition were for a public purpose within the meaning of that Act.

### <sup>1</sup>“PROHIBITED AND REGULATED AREAS

**20A. Declaration of prohibited area and carrying out public work or other works in prohibited area.**—Every area, beginning at the limit of the protected area or the protected monument, as the case may be, and extending to a distance of one hundred metres in all directions shall be the prohibited area in respect of such protected area or protected monument:

Provided that the Central Government may, on the recommendation of the Authority, by notification in the Official Gazette, specify an area more than one hundred metres to be the prohibited area having regard to the classification of any protected monument or protected area, as the case may be, under section 4A.

(2) Save as otherwise provided in section 20C, no person, other than an archaeological officer, shall carry out any construction in any prohibited area.

(3) In a case where the Central Government or the Director-General, as the case may be, is satisfied that—

- (a) it is necessary or expedient for carrying out such public work or any project essential to the public; or
- (b) such other work or project, in its opinion; shall not have any substantial adverse impact on the preservation, safety, security of or, access to, the monument or its immediate surrounding,

it or he may, notwithstanding anything contained in sub-section (2), in exceptional cases and having regard to the public interest, by order and for reasons to be recorded in writing, permit, such public work or project essential to the public or other constructions, to be carried out in a prohibited area:

Provided that any area near any protected monument or its adjoining area declared, during the period beginning on or after the 16th day of June, 1992 but ending before the date on which the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Bill, 2010, receives the assent of the President\*, as a prohibited area in respect of such protected monument, shall be deemed to be the prohibited area declared in respect of that protected monument in accordance with the provisions of this Act and any permission or licence granted by the Central Government or the Director-General, as the case may be, for the construction within the prohibited area on the basis of the recommendation of the Expert

<sup>1</sup> Ins, by Act 10 of 2010, sec. 4 (w.r.e.f. 16-6-1992). \* 29th March, 2010.

Advisory Committee, shall be deemed to have been validly granted in accordance with the provision of this Act, as if this section had been in force at all material times.

Provided further that nothing contained in the first proviso shall apply to any permission granted, subsequent to the completion of construction or re-construction of any building or structure in any prohibited area in pursuance of the notification of the Government of India in the Department of Culture (Archaeological Survey of India) number S.O.1764, dated the 16th June, 1992 issued under rule 34 of the Ancient Monuments and Archaeological Sites and Remains Rules, 1959, or, without having obtained the recommendations of the Committee constituted in pursuance of the order of the Government of India number 24/22/2006-M, dated the 20th July, 2006 (subsequently referred to as the Expert Advisory Committee in orders dated the 27th August, 2008 and the 5th May, 2009).]

<sup>1</sup>[(4) No permission, referred to in sub-section (3), including carrying out any public work or project essential to the public or other constructions, shall be granted in any prohibited area on and after the date on which the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Bill, 2010 receives the assent of the President.]

<sup>2</sup>[2oB. **Declaration regulated area in respect of every protected. monument.**—Every area, begin in at the limit of prohibited area in respect of every ancient monument and archaeological site and remains, declared as of national importance under sections 3 and 4 and extending to a distance of two hundred meters in all directions shall be the regulated area in respect of every ancient monument and archaeological site and remains:

Provided that the Central Government may, notification in the Official Gazette, specify an area more than two hundred meters to be the regulated area having regard to the classification of any protected monument or protected area, as the case may be, under section 4A:

Provided further that any area near protected monument or its adjoining area declared, during the Fio1Eiegiining on or after the 6th day of June, 1992 but ending before the date on which the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Bill, 2010, receives the assent of the President\*, as a regulated area in respect of such protected monument, shall be deemed to be the regulated area declared in respect of that protected monument in accordance with the provisions of this Act and any permission or license granted for construction in such regulated area shall, be deemed to have been validly granted in accordance with the provisions of this Act, as if this section had been in force at all material times.]

<sup>3</sup>[20C. **Application for repair or renovation in prohibited area, or construction or re-construction or repair or renovation in regulated area.**— (1) Any person, who owns any building or structure, which existed in a prohibited area before the 16th day of June, 1992, or, which had been subsequently constructed with the approval of the Director-General and desires to carry out any repair or renovation of such building or structure, may make an

<sup>1</sup> Ins, by Act 10 of 2010, sec. 5 (w.e.f. 29-3-2010)

<sup>2</sup> Ins, by Act 10 of 2010, sec. 6 (w.e.f. 16-6-1992)

<sup>3</sup> Ins, by Act 10 of 2010, sec. 7 (w.e.f. 29-3-2010) \* 29th March, 2010.



application to the competent authority for carrying out such repair or renovation as the case may be.

(2) Any person, who owns or possesses any building or structure or land in any regulated area, and desires to carry out any construction or re-construction or repair or renovation of such building or structure on such land, as the case may be, may make an application to the competent authority for carrying out construction or re-construction or repair or renovation, as the case may be.]

## <sup>1</sup>[GRANT OF PERMISSION BY COMPETENT AUTHORITY

**20D. Grant of permission by competent authority within regulated area.—** (1) Every application for grant of permission under section 20C of this Act shall be made to the competent authority in such manner as may be prescribed.

(2) The competent authority shall, within fifteen days of the receipt of the application, forward the same to the Authority to consider and intimate impact of such construction (including the impact of large-scale development project, public project and project essential to the public) having regard to the heritage bye-laws relating to the concerned protected monument or protected area, as the case may be:

Provided that the Central Government may prescribe the category of applications in respect of which the permission may be granted under this sub-section and the application which shall be referred to the Authority for its recommendations.

(3) The Authority shall, within two months from the date of receipt of application under sub-section (2), intimate to the competent authority impact of such construction (including the impact of large-scale development project, public project and project essential to the public).

(4) The competent authority shall, within one month of the receipt of intimation from the Authority under sub-section (3), either grant permission or refuse the same as so recommended by the Authority.

(5) The recommendations of the Authority shall be final.

(6) In case the competent authority refuses to grant permission under this section, it shall, by order in writing, after giving an opportunity to the concerned person, intimate such refusal within three months from the date of receipt of the application. to the applicant, the Central Government and the Authority.

(7) If the competent authority, after grant of the permission under sub-section (4) and during the carrying out of the repair or renovation work or re-construction of building or construction referred to in that sub-section, is of the opinion (on the basis of material in his possession or otherwise) that such repair or renovation work or re-construction of building or construction is likely to have an adverse impact on the preservation, safety, security or access to the monument considerably, it may refer the same to the Authority for its recommendations and if so recommended, withdraw the permission granted under sub-section (4) if so required:

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<sup>1</sup> Ins, by Act 10 of 2010, sec. 7 (w.e.f, 29-3-2010).



Provided that the competent authority may, in exceptional cases, with the approval of the Authority grant permission to the applicant referred to in sub-section (2) of section 20C until the heritage bye-laws have been prepared under sub-section (1) of section 20E and published under sub-section (7) of that section.

(8) The Central Government, or the Director-General, as the case may be, shall exhibit, on their website, all the permissions granted or refused under this Act.]

<sup>1</sup>**[20E. Heritage bye-laws.—**(1) The competent authority, in consultation with Indian National Trust for Arts and Cultural Heritage, being a trust registered under the Indian Trusts Act, 1882 (2 of 1882), or such other expert heritage bodies as may be notified by the Central Government, shall prepare heritage bye-laws in respect of each protected monument and protected area:

(2) The heritage bye-laws referred to in sub-section (1) shall, in addition to such matters as may be prescribed, include matters relating to heritage controls such as elevations, facades, drainage systems, roads and service infrastructure (including electric poles, water and sewer pipelines).

(3) The Central Government shall, by rules, specify the manner of preparation of detailed site plans in respect of each protected area or protected monument or prohibited area or regulated area, the time within which such heritage bye-laws shall be prepared and particulars to be included in each such heritage bye-laws.

(4) The competent authority for the purpose of preparation of detailed site plans and heritage bye-laws may appoint such number of experts or consultants as it may deem fit.

(5) A copy of each of the heritage bye-laws prepared under sub-section (1) shall be forwarded to the Authority for its approval.

(6) A copy of the heritage bye-laws as approved by the Authority under sub-section (5) shall be laid before each House of Parliament.

(7) Each heritage bye-laws shall, be made available by the competent authority to the public, by exhibiting the same on its website and also in such other manner as it may deem fit, immediately after laying the same before each House of Parliament.]

## <sup>1</sup>**[NATIONAL MONUMENTS AUTHORITY**

**20F. Constitution OF National Monuments Authority.—**(1) The Central Government shall, by notification in the Official Gazette, constitute an Authority' to be called as the National Monuments Authority.

(2) The Authority shall consist of, -

- (a) a Chairperson, on whole-time basis, to be appointed by the President, having proven experience and expertise in the fields of archaeology, country and town planning, architecture, heritage, conservation- architecture or law;
- (b) such number of members not exceeding five whole-time members and five part-time members to be appointed, on the recommendation of the Selection Committee referred to in section 20G. by the Central Government, having proven experience and expertise in the fields of archaeology, country and town planning, architecture, heritage, conservation-architecture or law;

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<sup>1</sup> Ins, by Act 10 of 2010, sec. 7 (w.e.f. 29-3-2010).

(c) the Director-General as member, *ex officio*

(3) The tenure of the whole-time Chairperson or every whole-time member and every part-time member, of the Authority shall be three years from the date on which he assumes office as such and shall not be eligible for re-appointment:

Provided that, save as otherwise provided in clause (c) of sub-section (2), any person who has held any post in the Archaeological Survey of India or in the Ministry of Culture of the Government of India or a State Government or has not been found fit to be considered for being appointed to any such post shall, not be eligible to be appointed as the Chairperson or a member of the Authority:

Provided further that any person, who had either been granted a permission or license or refused any such permission or refused grant of a license or any person or any of his relative having any interest in a prohibited area or a regulated area shall not be eligible to be appointed as a Chairperson or member.

*Explanation.*—For the purposes of this section, “relative” means—

- (i) spouse of the Chairperson or member of the Authority;
- (ii) brother or sister of the Chairperson or member of the Authority;
- (iii) brother or sister of the spouse of the Chairperson or member of the Authority;
- (iv) brother or sister of either of the parents of the Chairperson or member of the Authority;
- (v) any lineal ascendant or descendant of the Chairperson or member of the Authority;
- (vi) any lineal ascendant or descendant of the spouse of the Chairperson or member of the Authority;
- (vii) spouse of the person referred to in clauses (ii) to (vi);

(4) An officer, not below the rank of Joint Secretary to the Government of India, shall be the Member Secretary of the Authority.

(5) The Central Government shall provide such number of officers and other employees as may be necessary for discharge of functions by the Authority under this Act.]

<sup>1</sup>[**20G. Selection Committee for selection of members of Authority.**—(1) Every whole-time member and every part-time member of the Authority shall be selected by a Selection Committee consisting of the following persons, namely:—

- (a) Cabinet Secretary — Chairperson, *ex officio*;
- (b) Secretary in the Ministry of Culture — member, *ex officio*;
- (c) Secretary in the Ministry of Urban development — member, *ex officio*;
- (d) three experts, having proven experience and expertise in the fields of archaeology, architecture, heritage or conservation-architecture to be nominated by the Central Government.

(2) The Selection Committee referred to in sub-section (1) shall regulate its own procedure for the purposes of selecting whole-time members and part-time members of the Authority.]

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<sup>1</sup> Ins, by Act 10 of 2010, sec. 7 (w.e.f. 29-3-2010).



<sup>1</sup>[**20H. Salary, allowances and meetings of Authority.**—(1) The salaries and allowances payable to the whole-time Chairperson and whole-time members, and the other terms and conditions of their service or fees or allowances payable to the part-time members, of the Authority shall be such as may be prescribed:

Provided that neither the salary and allowances nor the other terms and conditions of service of the whole-time Chairperson and whole-time members shall be varied to their disadvantage after their appointment.

(2) The Authority shall regulate its own procedure for the purposes of holding its meetings (including quorum of such meetings) and granting permissions under this Act.

(3) All the decisions of the Authority shall be published in such manner as it may decide and also on its own website and on the website of the Central Government.]

<sup>1</sup>[**20-I. Functions and powers of Authority.**—(1) The Authority shall exercise or discharge the following powers or functions, namely:—

- (a) make recommendations to the Central Government for grading and classifying protected monuments and protected areas declared as of national importance under sections 3 and 4, before the commencement of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010\*;
- (b) make recommendations to the Central Government for grading and classifying protected monuments and protected areas which may be declared after the commencement of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010\*, as of national importance under section 4;
- (c) oversee the working of the competent authorities;
- (d) to suggest measures for implementation of the provisions of this Act;
- (e) to consider the impact of large-scale developmental projects, including public projects and projects essential to the public which may be proposed in the regulated areas and make recommendations in respect thereof to the competent authority;
- (f) to make recommendations to the competent authority for grant of permission.

(2) The Authority shall, for the purpose of discharging functions under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) while trying a suit in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) any other matter which may be prescribed]

<sup>1</sup>[**20J. Removal of Chairperson and members.**—(1) notwithstanding anything contained in sub-section (3) of section 20F, the President in the case of the Chairperson and the Central Government in the case of whole-time member and part-time member may, by order, remove from office, the Chairperson or any such member of the Authority, if he—

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<sup>1</sup> Ins, by Act 10 of 2010, sec. 7 (w.e.f. 29-3-2010). \* 29th March, 2010



- (a) has been adjudged an insolvent; or
- (b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or
- (c) has become physically or mentally incapable of acting as Chairperson or member; or
- (d) has acquired such financial or other interests as is likely to affect prejudicially his functions; or
- (e) has so abused his position as to render his continuance in office prejudicial to the public interest.

(2) The Chairperson or any member of the Authority shall not be removed under clauses (d) and (e) of sub-section (1) unless he has been given a reasonable opportunity of being heard in the matter.]

<sup>1</sup>**[20K. Restriction on future employment by Chairperson and members.—**On ceasing to hold office, the Chairperson or whole-time member of the Authority, as the case may be, shall, subject to the provisions of this Act, be ineligible, for a period of five years from the date on which they cease to hold office, for further employment (including as consultant or expert or otherwise) in any institution, agency or organization of any nature mainly dealing with archaeology, country and town planning, architecture, heritage and conservation-architecture or whose matters had been before the Chairperson or such member.]

<sup>1</sup>**[20L. Power of Central Government to issue directions to Authority.—**(1) Without prejudice to the foregoing provisions of this Act, the Authority shall, in exercise of its powers or the discharge of its functions under this Act, be bound by such directions on question of policy, other than those relating to technical and administrative matters, as the Central Government may give in writing to it from time to time:

Provided that the Authority shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Central Government, whether a question is one of policy or not, shall be final.]

<sup>1</sup>**[20M. Power of Central Government to issue directions to competent authority.—**Without prejudice to the foregoing provisions of this Act, the competent authority shall, in exercise of its powers or the discharge of its functions under this Act, be bound by such directions, as the Central Government may give in writing to it from time to time.

<sup>1</sup>**[20N. Power of Central Government to supersede Authority.—**(1) If, at any time the Central Government is of the opinion,—

- (a) that, on account of circumstances beyond the control of the Authority, it is unable to discharge the functions or perform the duties imposed on it by or under the provisions of this Act; or
- (b) that the Authority has persistently defaulted in complying with any direction given by the Central Government under this Act or in the discharge of the functions or performance of the duties imposed on it by or under the provisions of this Act and as

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<sup>1</sup> Ins, by Act 10 of 2010, sec. 7 (w.e.f. 29-3-2010).

a result of such default the financial position of the Authority or the administration of the Authority has suffered; or

(c) that circumstances exist which render it necessary in the public interest so to do, the Central Government may, by notification in the Official Gazette, supersede the Authority for such period, not exceeding six months, as may be specified in the notification and appoint a person or persons as the President may direct to exercise powers and discharge functions under this Act:

Provided that before issuing any such notification, the Central Government shall give a reasonable opportunity to the Authority to make representations against the proposed suppression and shall consider the representations, if any, of the Authority.

(2) Upon the publication of a notification under sub-section (1) superseding the Authority,—

- (a) the Chairperson and all other whole-time members and part-time members shall, as from the date of suppression, vacate their offices as such;
- (b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the Authority shall, until the Authority is reconstituted under sub-section (3), be exercised and discharged by the person or persons referred to in sub-section (1); and
- (c) all properties owned or controlled by the Authority shall, until the Authority is reconstituted under sub-section (3), vest in the Central Government.

(3) On or before the expiration of the period of super session specified in the notification issued under sub-section (1), the Central Government shall reconstitute the Authority by a fresh appointment of its Chairperson and other whole-time members and part-time members and in such case any person who had vacated his office under clause (a) of sub-section (2) shall not be deemed to be disqualified, subject to the provisions of sub-section (3) of section 20F for reappointment for the remaining period.

(4) The Central Government shall cause a copy of the notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before each House of Parliament at the earliest.

<sup>1</sup>**[20..O. Bar of jurisdiction of civil court—**No civil court shall have jurisdiction in respect of any matter which the Authority is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.]

<sup>1</sup>**[20P. Annual report.—**(I) The Authority shall prepare once in every year, in such form and at such time as may be prescribed by the Central Government, an annual report giving full description of all the activities of the Authority for the previous year.

(2) A copy of the report received under sub-section (1) shall be laid, as soon as may be after it is received, before each House of Parliament.]

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<sup>1</sup> Ins, by Act 10 of 2010, sec. 7 (w.e.f. 29-3-2010).

<sup>1</sup>[20Q. **Power to call for information.**—Where the Central Government considers it expedient so to do, it may, by order in writing call upon the Authority or the competent authority, as the case may be, to furnish in writing such information, in such form and manner as may be prescribed, relating to its affairs as the Central Government may require.<sup>1</sup>

## ARCHAEOLOGICAL EXCAVATIONS

**21. Excavations in protected areas.**—An archaeological officer or an officer authorized by him in this behalf or any person holding a license granted in this behalf under this Act (hereinafter referred to as the licensee) may, after giving notice in writing to the Collector and the owner, enter upon and make excavations in any protected area.

**22. Excavations in areas other than protected areas.**—Where an archaeological officer has reason to believe that any area not being a protected area contains ruins or relics of historical or archaeological importance, he or an officer authorized by him in this behalf may, after giving notice in writing to the Collector and the owner, enter upon and make excavations in the area.

**23. Compulsory purchase of antiquities, etc., discovered during excavation operations.**—(1) Where, as a result of any excavations made in any area under section 21 or section 22 any antiquities are discovered, the archaeological officer or the licensee, as the case may be, shall,—

- (a) as soon as practicable, examine such antiquities and submit a report to the Central Government in such manner and containing such particulars as may be prescribed;
- (b) at the conclusion of the excavation operations, give notice rewriting to the owner of the land from which such antiquities have been discovered, of the nature of such antiquities.

(2) Until an order for the <sup>2</sup>[compulsory acquisition] of any such antiquities is made under sub-section (3), the archaeological officer or the licensee, as the case may be, shall keep them in such safe custody as he may deem fit.

(3) On receipt of a report under sub-section (1), the Central Government may make an order for the <sup>3</sup>[compulsory acquisition of any such antiquities].

(4) When an order for the <sup>2</sup>[compulsory acquisition] of any antiquities is made under sub-section (3), such antiquities shall vest in the Central Government with effect from the date of the order.

**24. Excavations, etc., for archaeological purposes.**—No State Government shall undertake or authorise any person to undertake any excavation or other like operations for archaeological purposes in any area which is not a protected area except with the previous approval of the Central Government and in accordance with such rules or directions, if any, as the Central Government may make or give in this behalf.

<sup>1</sup> Ins. by Act 10 of 2010, sec. 7 (w.e.f. 29-3-2010).

<sup>2</sup> Subs. by the Act 52 of 1972, sec. 33, for "compulsory purchase" (w.e.f. 5-4-1976).

<sup>3</sup> Subs. by Act 52 of 1972, sec. 33, for "compulsory purchase any such antiquities at their market value" (w.e.f. 5-4-1976).



## PROTECTION OF ANTIQUITIES

**25. Power of Central Government to control moving of antiquities.—**(1) If the Central Government considers that any antiquities or class of antiquities ought not to be moved from the place where they are without the sanction of the Central Government; the Central Government may, by notification in the Official Gazette, direct that any such antiquity or any class of such antiquities shall not be moved except with the written permission of the Director-General.

(2) Every application for permission under sub-section (1) shall be in such form and contain such particulars as may be prescribed.

(3) Any person aggrieved by an order refusing permission may appeal to the Central Government whose decision shall be final.

**26. Purchase of antiquities by Central Government.—**(1) If the Central Government apprehends that any antiquity mentioned in a notification issued under sub-section (1) of section 25 is in danger of being destroyed, removed, injured, misused or allowed to fall into decay or is of opinion that, by reason of its historical or archaeological importance, it is desirable to preserve such antiquity in a public place, the Central Government may make an order for the <sup>1</sup>[compulsory acquisition of such antiquity] and the Collector shall thereupon give notice to the owner of the antiquity <sup>2</sup>[to be acquired].

(2) Where a notice of <sup>3</sup>[compulsory acquisition] is issued under sub-section (1) in respect of any antiquity, such antiquity shall vest in the Central Government with effect from the date of the notice.

(3) The power of <sup>3</sup>[compulsory acquisition] given by this section shall not extend to any image or symbol actually used for *bona fide* religious observances.

## PRINCIPLES OF COMPENSATION

**27. Compensation for loss or damage.—**Any owner or occupier of land who has sustained any loss or damage or any diminution of profits from the land by reason of any entry on or excavations in, such land or the exercise of any other power conferred by this Act shall be paid compensation by the Central Government for such loss, damage or diminution of profits.

**28. Assessment of market value or compensation.—**(1) The market value of any property which the Central Government is empowered to purchase at such value under this Act or the compensation to be paid by the Central 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 sections 3, 5, 8 to 34, 45 to 47, 51 and 52 of the Land Acquisition Act, 1894 (1 of 1894), so far as they can be made applicable:

Provided that, when making an enquiry under this said Land Acquisition Act, the Collector shall be assisted by two assessors, one of whom shall be a competent person nominated by the Central Government and once a person nominated by the owner, or, in case

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<sup>1</sup> Subs. by Act 52 of 1972, sec. 33, for "compulsory purchase of such antiquities at its market value" (w.e.f. -4-1976).

<sup>2</sup> Subs. by Act 52 of 1972, sec. 33, for "to be purchased" (w.e.f. 5-4-1976).

<sup>3</sup> Subs. by Act 52 of 1972, sec. 33, for "compulsory purchase" (w.e.f. 5-4-1976).

the owner fails to nominate an assessor within such reasonable time as may be fixed by the Collector in this behalf, by the Collector.

<sup>1</sup>[(2) For every antiquity in respect of which an order for compulsory acquisition has been made under sub-section (3) of section 23 or under sub-section (1) of section 26, there shall be paid compensation and the provisions of sections 20 and 22 of the Antiquities and Art Treasures Act, 1972 shall, so far as may be, apply in relation to the determination and payment of such compensation as they apply in relation to the determination and payment of compensation for any antiquity or art treasure compulsorily acquired under section 19 of that Act.]

### MISCELLANEOUS

**29. Delegation of powers.**—The Central Government may, by notification in the Official Gazette, direct that any powers conferred on it by or under this Act shall, subject to such conditions as may be specified in the direction, be exercisable also by—

- (a) such officer or authority subordinate to the Central Government, or
- (b) such State Government or such officer or authority subordinate to the State Government, as may be specified in the direction.

**30. Penalties.**—(1) Whoever—

- (i) destroys, removes, injures, alters, defaces, imperils or misuses a protected monument, or
- (ii) being the owner or occupier of a protected monument, contravenes an order made under sub-section (1) of section 9 or under sub-section (1) of section 10, or
- (iii) removes from a protected monument any sculpture, carving, image, bas-relief, inscription, or other like object, or
- (iv) does any act in contravention of sub-section (1) of section 19, shall be punishable with <sup>2</sup>[imprisonment which may extend to two years], or with <sup>3</sup>[fine which may extend to one lakh rupees], or with both.

(2) Any person who moves any antiquity in contravention of a notification issued under sub-section (1) of section 25 shall be punishable with <sup>4</sup>[imprisonment which may extend to two years or with fine which may extend to one lakh rupees or with both] and the Court convicting a person of any such contravention may by order direct such person to restore the antiquity to the place from which it was moved.

<sup>5</sup>[30A. Punishment for construction, etc., in prohibited area.—Whoever raises, on and after the date on which the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Bill, 2010, receives the assent of the President\*, any construction in the prohibited area, shall be punishable with imprisonment not exceeding two years or with fine which may extend to one lakh rupees or with both.]

<sup>1</sup> Subs. by Act 52 of 1972, sec. 33, for sub-section (2) (w.e.f. 5-4-1976).

<sup>2</sup> Subs. by Act 10 of 2010, sec. 8(a)(i), for "imprisonment which may extend to three months" (w.e.f. 29-3-2010).

<sup>3</sup> Subs. by Act 10 of 2010, sec. 8(a)(ii), for "fine which may extend to five thousand rupees" (w.e.f. 29-3-2010),

<sup>4</sup> Subs. by Act 10 of 2010, sec. 8(b), for "fine which may extend to five thousand rupees" (w.e.f. 29-3-2010).

<sup>5</sup> Ins. by Act 10 of 2010, sec. 9 (w.e.f. 29-3-2010).

\* 29th March, 2010.



<sup>1</sup>**[30B. Punishment for construction, etc., in regulated area.**—Whoever raises, on and after the date on which the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Bill, 2010, receives the assent of the President\*, any construction in the regulated area without the previous permission of the competent authority or in contravention of the pension granted by the competent authority, shall be punishable with imprisonment not exceeding two years or with fine which may extend to one lakh rupees or with both.]

<sup>1</sup>**[30C. Offences by officers of Government.**—If any officer of the Central Government enters into or acquiesces in any agreement to do, abstains from doing, permits, conceals or connives at any act or thing whereby any construction or re-construction takes place in a prohibited area or regulated area, he shall be punishable with imprisonment for a term which may extend three years, or with fine, or with both.]

**31. Jurisdiction to try offences.**—No Court inferior to that of a Presidency Magistrate or a Magistrate of the 1st class shall try any offence under this Act.

**32. Certain offences to be cognizable.**—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (5 of 1898)<sup>+</sup>, an offence under clause (i) or clause (iii) of sub-section (1) of section 30, shall be deemed to be a cognizable offence within the meaning of that Code.

**33. Special provision regarding fine.**—Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898 (5 of 1898)<sup>++</sup>, it shall be lawful for any Magistrate of the first class specially empowered by the State Government in this behalf and for any Presidency Magistrate to pass a sentence of fine exceeding two thousand rupees on any person convicted of an offence which under this Act is punishable with fine exceeding two thousand rupees.

**34. Recovery of amounts due to the Government.**—Any amount due to the Government from any person under this Act may, on a certificate issued by the Director-General or an archaeological officer authorized by him in this behalf be recovered in the same manner as an arrear of land revenue.

**35. Ancient monuments, etc., which have ceased to be of national importance.**—If the Central Government is of opinion that any ancient and historical monument or archaeological site and remains declared to be of national importance by or under this Act has ceased to be of national importance, it may, by notification in the Official Gazette, declare that the ancient and historical monument or archaeological site and remains, as the case may be, has ceased to be of national importance for the purposes of this Act.

<sup>2</sup>**[35A. Obligation to survey the protected prohibited area and regulated areas.**—(1) The Director-General shall, within such time as may be specified by the Central Government, conduct a survey or cause survey to be conducted in respect of all prohibited areas and regulated areas for the purpose of detailed site plans.

(2) A report in respect of such survey referred to in sub-section (1) shall be forwarded to the Central Government and to the Authority.

<sup>2</sup>**[35B. Identification of un-authorized constructions on or after 16th June, 1992.**—(1) The Director-General shall, within such time as may be specified by the Central Government, identify or cause to be identified, all constructions (of

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<sup>1</sup> Ins. by Act 10 of 2010, sec. 9 (w.e.f. 29-3-2010). \* 29th March, 2010.

+ See now the Code of Criminal Procedure, 1973 (2 of 1974).

++ Section 29 of the Code of Criminal Procedure, 1973 (2

of 1974). <sup>2</sup> Ins. by Act 10 of 2010, sec. 10 (w.e.f. 29-3-2010).



whatever nature) made on and after the 16th day of June, 1992 in all prohibited areas and regulated areas and, thereafter, submit from time to time a report in respect thereof to the Central Government.

(2) The Director-General shall, for the purposes of sub-section (1), have the power to call for information from the local bodies and other authorities.]

**36. 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 or archaeological site and remains declared to be of national importance by or under this Act may, at any time, be corrected by the Central Government by notification in the Official Gazette.

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

**38. Power to make rules.**—(1) The Central Government may, by notification, in the Official Gazette and subject to the condition of previous publication, make rule for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the prohibition or regulation' by licensing or otherwise of mining, quarrying, excavating, blasting or any operation of a like nature near a protected monument or the construction of buildings on land adjoining such monument and the removal of unauthorized buildings;

(b) the grant of licenses and permissions to make excavations for archaeological purposes in protected areas, the authorities by whom and the restrictions and conditions subject to which, such licenses may be granted, the taking of securities from licensees and the fees that may be charged for such licenses;

(c) the right of access of the public to a protected monument and the fee, if any, to be charged there for;

<sup>1</sup> [(ca) the categories of ancient monuments or archaeological sites and remains, declared as of national importance, under sub-section (1) of section 4A;]

<sup>1</sup> [(cb) the manner of making application for grant of permission under sub-section (1) of section 20D;]

<sup>1</sup> [(cc) the category of applications in respect of which the permission may be granted and applications which shall be referred to the Authority for its recommendation, under sub-section (2) of section 20D;]

<sup>1</sup> [(cd) the other matters including heritage controls such as elevations, facades, drainage systems, roads and service infrastructure (including electric poles, water and sewer pipelines) under sub-section (2) of section 20E;]

<sup>1</sup> [(ce) the manner of preparation of detailed site plans in respect of each prohibited area and regulated area and the time within which such heritage bye-laws shall be prepared and particulars to be included in each such heritage bye-laws under sub-section (3) of section 20E;]

<sup>1</sup> [(cf) salaries and allowances payable to, and the other terms and conditions of service of, the whole-time Chairperson and whole-time

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<sup>1</sup> Ins, by Act 10 of 2010, sec. 11 (w.e.f. 29-3-2010).

members, or fees or allowances payable to the part-time members, of the Authority under sub-section (1) of section 20H;]

<sup>1</sup>[(cg) the form in which and time at which the Authority shall prepare an annual report giving full description of its activities for the previous year under section 20P;]

<sup>1</sup>[(ch) the form and manner in which the Authority and competent authority shall furnish information to the Central Government under section 20Q;]

(d) the form and contents of the report of an archaeological officer or a licensee under clause (a) of sub-section (1) of section 23;

(e) the form in which applications for permission under section 19 or section 25 may be made and the particulars which they should contain;

(f) the form and manner of preferring appeals under this Act and the time within which they may be preferred;

(g) the manner of service of any order or notice under this Act;

(h) the manner in which excavations and other like operations for archaeological purposes may be carried on;

(i) any other matter which is to be or may be prescribed.

(3) Any rule made under this section may provide that a breach thereof shall be punishable,—

- (i) in the case of a rule made with reference to clause (a) of sub-section (2) with imprisonment which may extend to three months, or with fine which may extend to five thousand rupees, or with both;
- (ii) in the case of rule made with reference to clause (b) of sub-section (2), with fine which may extend to five thousand rupees;
- (iii) in the case of rule made with reference to clause (c) of sub-section (2), with fine which may extend to five hundred rupees.

<sup>2</sup>[(4) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

**39. Repeals and saving.**—(1) The Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Act, 1951 (71 of 1951), and section 126 of the States Reorganization Act, 1956 (37 of 1956), are hereby repealed.

(2) The Ancient Monuments Preservation Act, 1904 (7 of 1904), shall cease to have effect in relation to ancient and historical monuments and archaeological sites and remains declared by or under this Act to be of national importance, except as respects things done or omitted to be done before the commencement of this Act.

<sup>1</sup> Ins, by Act 10 of 2010, sec. 11 (w.e.f. 29-3-2010).

<sup>2</sup> Subs. by Act 4 of 2005, sec. 2 and Sch., for sub-section (4) (w.e.f. 11-1-2005).

# THE ANCIENT MONUMENTS AND ARCHAEOLOGICAL SITES AND REMAINS RULES, 1959<sup>1</sup>

*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:—*

## CHAPTER 1 PRELIMINARY

**1. Short title, extent and commencement.**—(1) these rules may be called the Ancient Monuments and Archaeological Sites and Remains Rules, 1959.

(2) They extend to the whole of India, but rules 24, 25, 27, 28, 29 and 30 shall not apply to the State of Jammu and Kashmir.

(3) They shall come into force on the 15th day of October, 1959.

**2. Definitions.**—In these rules, unless the context otherwise requires,—

- (a) “construction” of any structure includes additions to or alterations of an existing building;
- (b) “copying”, together with its grammatical variations and cognate expressions, means the preparation of copies by drawing or by photography or by mould or by squeezing and includes the preparation of a cinematographic film <sup>2</sup>[and video 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;
- (c) “filming”, together with its grammatical variations and cognate expressions, means the preparation of a cinematographic film <sup>2</sup>[including video film] with the aid of a camera which is capable of taking films of more than eight millimeters and which requires the use of a stand or involves other special previous arrangements;
- (d) “Form” means a Form set out in the Third Schedule;
- (e) “mining operation” means by operation for the purpose of searching for or obtaining minerals and includes quarrying, excavating, blasting and any operation of a like nature;
- (f) “prohibited area” or “regulated area” means an area near or adjoining a protected monument which the Central Government has, by notification in the Official Gazette, declared to be a prohibited area, from as the case may be, a regulated area, for purposes of mining operation or construction or both;
- (g) “Schedule” means a Schedule to these rules; and
- (h) “section” means a section of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958).

## CHAPTER II ACCESS TO PROTECTED MONUMENTS

**3. Monuments governed by agreement.**—(1) Access to protected monuments in respect of which an agreement has been entered into between the owner and the Central Government under section 6, or in respect of which an order has been made by that Government under section 9, shall be governed by the provisions of the agreement or, as the case may be, the order; and nothing in rule 4, 5, 6 or 7

<sup>1</sup> Vide S.O. 2307, dated 15th October, 1959, published in the Gazette of India, Extra., Pt. II, Sec. 3(a), dated 15th October, 1959.

<sup>2</sup> Ins. by G.S.R. 90, dated 30th January, 1991 (w.e.f. 1-3-1991).



shall be constructed as affecting any such agreement or order.

(2) A copy of the relevant provisions of every such agreement or order shall be exhibited in a conspicuous part of the monument concerned.

**4. Parts of monuments not open.**—The Director-General may, by order, direct that <sup>1</sup>[any protected monument or any specified part thereof] 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 port.

**5. Monuments when kept open.**—(1) The protected monuments specified in the First Schedule shall remain open during the hours specified against them in that Schedule; protected monuments which are not so specified and to which neither rule 3 nor rule 4 applies shall remain open from sunrise to sunset:

<sup>2</sup>[Provided that an archaeological officer, or any officer of the Archaeological Survey of India authorized by him in this behalf may, by notice to be exhibited in 'a' consp'.m2 part of a protected monument, direct that a protected monument or part thereof shall,—

- (i) Be kept open beyond the said period; or
- (ii) (ii) Be closed temporarily for such period as may be specified by the notice].

(2) Nothing in this rule or in rule 6 shall apply to an archaeological officer, his agents, subordinates and workman or to any other Government servant on duty at a protected monuments.

<sup>3</sup>**[6. Entrance fee.**—No person above the age of 15 years shall enter into a protected monument or part thereof:—

(a) specified as category 'A' monuments in Part I of the Second Schedule, except on payment of fees as under:

<sup>4</sup>[(i) Citizens of India and visitors of SAARC (Bangladesh, Nepal, Bhutan, Sir Lanka, Pakistan,

<sup>1</sup> Subs. by G.S.R. 800(E), dated 17th October, 2000, for "any specified part of a protected monument" (w.e.f. 2840-2000).

<sup>2</sup> Subs. by SO. 5002, dated 13th December, 1969.

<sup>3</sup> Subs. by G.S.R. 112(E), dated 27th February, 2008, for rule 6 (w.e.f. 28-2-2008). Rule 6, before substitution, stood as under "6. Entrance fee—No person above the age of fifteen years shall enter any protected monument or part thereof,—

(a) Specified as category A monuments in Part I of the Second Schedule, except on payment as follows:—

(i) Citizens of India — Rs. 10 per head;  
(ii) Others — US 5 5 or Indian Rs. 250 per head.

(b) Specified as category B monuments in Part 11 of the Second Schedule, except on payment as follows:—

(i) Citizens of India — Rs. 5 per head;  
(ii) Others — US \$ 2 or Indian Rs. 100 per head.

Provided further that an archaeological officer, or any officer of the Archaeological Survey of India authorized by him in this behalf may exempt, members of delegations sponsored by the Central Government or a State Government, State Guest and persons accompanying such delegations or guest, from the payment of such fee:

Provided also that the Director-General may, by order, direct that, on such occasions and for such periods as may be specified in the order, no fee shall be charged for entry into a protected monument or part thereof."

<sup>4</sup> Subs. by G.S.R. 164(E), dated 5th March, 2008, for item (i) (w.e.f. 5-3-2008). Item (i), before substitution, stood as under:  
"(i) citizens of India Rs. 10 per head."

Maldives and Afghanistan) and BIMSTEC Countries (Bangladesh, Nepal, Bhutan, Sri Lanka, Thailand and Myanmar).—Rs. 10 per head]

(ii) others Rs. 250 per head.

(b) specified as category 'B' monuments in Part II of the Second Schedule, except on payment of fees as under:

<sup>1</sup>[(i) Citizens of India and visitors of SAARC (Bangladesh, Nepal, Bhutan, Sri Lanka, Pakistan, Maldives and Afghanistan) and BIMSTEC Countries (Bangladesh, Nepal, Bhutan, Sri Lanka, Thailand and Myanmar).—Rs. 5 per head]

(ii) others Rs. 100 per head.]

**7. Holding of meetings, etc. in monuments.**—(1) No protected monuments 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 Central Government,

(2) Nothing in sub-rule (1) shall apply to any meeting, reception, party, conference or entertainment which is held in pursuance of a recognized religious usage or custom.

**8. Prohibition of certain acts within monuments.**—No person shall within a protected monument,—

(a) do any act which causes or is likely to cause damage or injury to any part of the monument; or

(b) discharge any fire-arms; or

(c) cook or consume food except in areas, if any, permitted to be used for that purpose; or

<sup>2</sup>[(d) hawk or sell any goods or wares or canvass any custom for such goods or wares or display any advertisement in any form or show a visitor round or take his photograph for monetary consideration, except under, the authority of, or under and in accordance with the conditions of, a license granted by an archaeological officer;]

(e) beg for alms; or

(f) violate any practice, usage or custom applicable to or observed in the monument; or

(g) bring, for any purpose other than the maintenance of the monument,—

(i) any animal or,

(ii) any vehicle except in areas reserved for the parking thereof.

**9. Penalty.**—Whoever—

(i) unlawfully enters any protected monument or part thereof at a time when, under these rules, it is not to be kept open, or

(ii) unlawfully enters any protected monument in respect of- which an order has been made under rule 5, or

(iii) contravenes any of the provisions of rule 6 or 7 or rule 8,

shall be punishable with fine which may be extended to five hundred rupees.

### CHAPTER III

#### CONSTRUCTION AND OTHER OPERATIONS IN PROTECTED AREA

**10. Permission required for construction, etc.**—(1) No person shall undertake any construction or mining operation with a protected area except under and in accordance with a permission granted in this behalf by the Central Government.

<sup>1</sup> Subs. by G.S.R. 164(E), dated 5th March, 2008, for item (i) (w.e.f. 5-3-2008). Item (i), before substitution, stood as under:

<sup>2</sup> Subs. by S.O. 935, dated 16th February, 1971, for clause (d).

(2) Every application for permission under sub-rule (1) shall be made to the Central Government in Form I at least three months before the date of commencement of the construction or operation.

**11. License required for excavation.**—No *person* other than an archaeological officer or an officer authorized by him in this behalf shall undertake any excavation for archeological purposes in any protected area except under and in accordance with the terms and conditions of a license granted under rule 13.

**12. Applications for license.**—Every application for license shall be in Form II and be made to the Director-General at least three months before the proposed date of the commencement for the excavation operations.

**13. Grant or refusal of license.**—(1) On receipt of an application under rule 12, the Director-General may grant a license in Form III if he is satisfied that, having regard to the status of the applicant, the competence of the Director of the excavation operations, the adequacy of the staff to be employed and other relevant factors, the license may be granted to the applicant:

Provided that no license shall be granted unless the applicant has furnished security of such amount not exceeding rupees ten thousand as the Director-General may, having regard to the circumstances of each case, require.

(2) The Director-General, by order may, for reasons to be recorded in writing refuse to grant a license in any particular case.

**14. Period of license.**—Every license shall be in force for such period not exceeding three years as may be specified in the license:

Provided that the Director-General may, on application made to him at least one month before the expiry of a license, extend its period by one year at a time so that the aggregate period does not exceed five years.

**15. Cancellation of license.**—The Director General may, by order, cancel a license granted under rule 13 if he is satisfied that the conduct of the excavation operations has not been satisfactory or in accordance with the conditions of the license, or if any further security demanded under rule 18 has not been deposited within the specified time:

Provided that no license shall be cancelled unless the licensee has been given an opportunity to make his objections.

1. Conditions of license.—Every license shall be subject to the following conditions, namely:—

- the license shall not be transferable;
- the licensee shall give to the Director-General, the Collector and the owner of the land to be excavated at least fifteen days' notice in writing of the commencement of the excavation operations;
- the licensee shall produce the license before the District Magistrate or the District Superintendent of Police concerned or an archaeological officer, if so required;
- the excavation operations shall be conducted under the supervision, of the Director named in the license who shall be present at the excavation operations for at least three-fourths of the period of the operations;
- the licensee shall not, without the permission of the Director General, dismantle or disturb any structures found during the excavation operations and shall make adequate arrangements for the safety of such structures and of the excavated antiquities till they are taken charge of by the Director-General;



- (f) the licensee shall not subject any antiquities recovered during the excavation operations to any chemical or electrolytic process of cleaning without the written permission of the Director—General;
- (g) an archaeological officer or his representative may inspect the excavation operations or any antiquities recovered during the operations and make notes on, or copy or film, the excavated structures and antiquities;
- (h) the licensee shall not discontinue the excavation operation unless he has given at least fifteen days' notice in writing to the Director- General;
- (i) at the conclusion of the excavation operation, the licensee shall give notice in writing to the owner of the land specifying the nature of the antiquities, if any, recovered during the operations;
- (j) the licensee shall, within three months of the completion of the excavation operations submit to the Director-General a summary report of the results of the excavation, and where the operations are carried on for a period of more than three months such report shall be submitted every quarter, and it shall be open to the Director- General to publish the report in his reports or reviews; and
- (k) the licensee shall as soon as practicable submit a report in Form *W* to the Central Government through the Director-General on the antiquities recovered during the excavation operations.

**17. Recovery from security.**—The Director-General may, by order, direct the deduction, from the security furnished by the licensee under rule 13, of—

- (a) the value of any antiquities recovered during the excavation operations and lost or destroyed while in the custody of the licensee; and
- (b) any compensation payable by the Central Government under section 27 to the owner or occupier of the land excavated by the licensee.

**18. Demand of further security.**—Where during the currency of license, any amount has been recovered under rule 17, the Director-General may require the licensee, within such time as he may specify, to deposit such further sum as security as is equivalent to the amount so recovered.

**19. Appeal.**—Any person aggrieved by an order of the Director-General passed under rule 13 or rule 15 or rule, 17 may prefer an appeal to the Central Government; and the decision of that Government on such appeal shall be final.

**20. Return of security.**—On expiration or earlier cancellation of a license, the security deposited by the licensee or the balance thereof remaining after deduction of any amount under rule 17 shall be returned to him.

**21. Publication of the result of excavation.**—Save as otherwise provided in rule 16, the Director General shall not, without the consent of the licensee, publish the results of the excavation unless the licensee has failed to publish the results within the period specified by the Director-General in this behalf.

**22. Return of antiquities by a licensee.**—The Central Government may, by order, subject to such terms and conditions as may be specified, permit the licensee to retain such of the antiquities recovered during the excavation operations as may be specified therein:

Provided that human relics of historical importance and antiquities which, in the opinion of the Central Governments are of national importance, shall not be permitted to be retained by the licensee.

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**23. Penalty.—Whoever---**

- (i) unlawfully undertakes any excavation for archaeological purposes in any protected area, or
  - (ii) contravenes any of the conditions of a license,
- shall be punishable with fine which may extend to five thousand rupees.

**CHAPTER IV**

**EXCAVATION IN UNPROTECTED AREAS**

**24. Intimation to the Central Government.**—Every State Government intending to undertake or authorize any person to undertake any archaeological excavation or other like operation in any area which is not a protected area shall intimate its intention to the Central Government at least three months prior to the proposed date of the commencement of the excavation or operation specifying the following details, namely:—

- (i) name, location and other details of the site;
- (ii) nature of antiquities previously found;
- (iii) details of previous explorations, if any;
- (iv) purpose of the excavation or operation;
- (v) proposed extent of the excavation or operation (a plan of the site in triplicate showing in red outline the extent of the proposed excavation or operation should be attached);
- (vi) proposed duration of the excavation or operation;
- (vii) amount of the proposed expenditure on the excavation or operation; and
- (viii) name and status of the Director of the excavation or operation.

**25. Approved by the Central Government.**—After considering the proposal, the Central Government may either approve it or advise the State Government to modify it or to abandon it altogether.

**26. Deputation of an archaeological officer.**—The Central Government may depute an archaeological officer to inspect the excavation or operation while it is progress and render such advice as he deems necessary.

**CHAPTER V**

**REPORT ON EXCAVATED ANTIQUITIES BY AN  
ARCHAEOLOGICAL OFFICER**

27. Form of report by an archaeological officer.—Where, as a result of an excavation made by an archaeological officer in any area under section 21 or 22, any antiquities are discovered, the archaeological officer shall, as soon as practicable, submit a report in Form V to the Central Government through the Director-General on the antiquities recovered during the excavation.

**CHAPTER VI**

**MOVING OF ANTIQUITIES FROM CERTAIN AREA**

**28. Application for moving antiquities.**—Every application for permission to move any antiquities or any class of antiquities in respect of which a

notification has been issued under sub-section (1) of section 25 shall be made in Form Vito the Director-General at least three months before the proposed date of the moving.

**29. Grant or refusal or permission.**—On receipt of an application under rule 28, the Director-General may, after making such enquiry as he may deem necessary, grant permission for the moving of all or any of the antiquities or, for reasons to be recorded, refuse such permission.

**30. Appeal.**—Any person aggrieved by an order of the Director-General under rule 29 may prefer an appeal to the Central Government and the decision of the Government on such appeal shall be final.

## CHAPTER VII

### MINING OPERATION AND CONSTRUCTION NEAR PROTECTED MONUMENTS

**31. Notice or intention to declare a prohibited or regulated area.**— (1) Before declaring an area near or adjoining a protected monument to be a prohibited area or a regulated area for purposes of mining operation or construction or both, the Central Government shall, by notification in the Official Gazette, give one month's notice of its intention to do so, and a copy of such notification shall be affixed in a conspicuous place near the area.

(2) Every such notification shall specify the limits of the area which is to be so declared and shall also call for objection, if any, from interested persons.

**32. Declaration of prohibited or regulated area.**—After the expiry of one month from the date of the notification under rule 31 and after considering the objections, if any, received within the said period, the Central Government may declare, by notification in the Official Gazette, the area specified in the notification under rule 31, or any part of such area, to be a prohibited area, or, as the case may be, a regulated area for purposes of mining operation or construction or both.

**33. Effect of declaration of prohibited or regulated area.**— No person other than an archaeological officer shall undertake any mining operation or any construction,—  
(a) in a prohibited, area, or

(b) in a regulated area except under and in accordance with the terms and conditions of a licence granted by the Director-General.

**34. Application for license.**—Every person intending to undertake any mining operation or any construction in a regulated area shall apply to the Director-General in Form VI at least three months before the date of commencement of such operation or construction.

**35. Grant or refusal of license.**—(1) On receipt of an application under rule 34, the Director-General may grant a licence or, if he is satisfied that the license asked for should not be granted, may for reasons to be recorded, refuse to grant a license.

(2) Every license granted under sub-rule (1) shall be in Form VIII and be subject to the following conditions, namely:—



**Rule 41]**

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- (a) the license shall not be transferable;
- (b) it shall be valid for the period specified therein; and
- (c) any other condition relating to the manner of carrying out the mining operation or the construction which the Director-General may specify in the license for ensuring the safety and appearance of, and the maintenance of the approach and access to the protected monument.

**36. Cancellation of license.**—The Director-General may, by order, cancel a license granted under rule 35 if he is satisfied that any of its conditions had been violated: Provided that no license shall be cancelled unless the licensee has been given an opportunity to make his objections.

**37. Appeal.**—Any person aggrieved by an order of the Director-General made under rule 35 or rule 36 may prefer an appeal to the Central Government; and the decision of that Government on such appeal shall be final.

**38. Removal of unauthorized buildings.**—(1) The Central Government may, by order, direct the owner or occupier of an authorized building in a prohibited area or in a regulated area or of a building or part thereof which has been constructed in contravention of any of the conditions of a license granted under rule 35 to remove such building or part thereof within a period specified in that order.

(2) If the owner or occupier refuses or fails to comply with an order made under sub-rule (1), the Central Government may direct the District Magistrate to cause the building or part thereof to be removed, and the owner or occupier shall be liable to pay the cost of such-removal.

**39. Penalty.**—Whoever—

- (i) unlawfully undertakes any mining operation or construction in a prohibited area or in a regulated area, or
  - (ii) contravenes any of the conditions of a license, or
  - (iii) fails or refuses to comply with an order made under sub-rule (1) of rule 38.
- shall be punishable with imprisonment which may extend to three months, or with fine which may extend to five thousand rupees, or with both.

**CHAPTER VIII**

**COPYING AND FILMING OF PROTECTED MONUMENTS**

**40. Permission required for copying certain monuments.**—The Director- General may, by order, direct that no person other than an **archaeological officer or an officer authorized by an archaeological officer in this behalf shall copy any specified monument or part thereof except under** and in accordance with the terms and conditions of a permission in writing granted by an archaeological officer.

**41. Conditions of copying other monuments.**—(1) Any person may copy a protected monument in respect of which no order under rule 40 has been made.

(2) Nothing in sub-rule (1) shall be construed as authorizing any person other than an archaeological officer or an officer authorized by him in this behalf, while copying any such monument, to—

(a) bring into or use within the precincts of such monument a camera stand, stool, chair, table large drawing board, easel or any such appliance, or

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- (b) erect any scaffolding within such precincts, or
- (c) use within such precincts any artificial light other than a flash-light synchronized with the exposure of a camera, or
- (d) apply any extraneous matter, such as water, oil, grease or any molding material, on such monument or part thereof, or
- (e) prepare a direct tracing or mould or squeeze of such monument or part thereof, except under and in accordance with the terms under and conditions of a permission in writing granted by an archaeological officer.

**42. License required for filming.**—<sup>1</sup>[(1)] No person other than archaeological officer or an officer authorized by him in this behalf shall undertake any filming operation at a protected monument or part thereof except under and in accordance with the terms and conditions of license granted under rule 44.

<sup>2</sup>[(2)] Nothing in sub-rule (1) shall apply to any person undertaking video filming from exterior of a protected monument except those specified in the Second Schedule in respect of which video-filming shall be permitted on payment of rupees 25:

Provided it is for non-commercial purpose and does not involve any cast and use of a stand or in any way interfere with customary and religious practices and work of repairs.]

**43. Application for license.**—Every person intending to undertake any filming operation at a protected monument shall apply to the Director-General in Form IX at least three months before the proposed date of the commencement of such operation.

44. Grant or refusal of license.—(1) On receipt of an application under rule 43, the Director-General may grant a license<sup>2</sup> [on payment of a fee of Rs. 5,000 (rupees five thousand) in case of professional and other agencies] or, if he is satisfied that the license asked for should not be granted, may, for reasons to be recorded, refuse to grant a license:

Provided that the Director-General shall not grant any license to film the interior of any protected monument, that is to say such part of any protected monument as is covered by a roof of any description, except when the film is for the purpose of education or of publishing the monument.

(2) Every license granted under sub-rule (1) shall be in Form X and be subject to the following conditions, namely:—

- (a) the license shall not be transferable and shall be valid for the period specified therein;
- (b) nothing shall be done by the licensee or any member of his party which has, or may have, the effect of exposing any part of the monument or attached lawn or garden to the risk of damage;
- (c) the filming operation shall be restricted to that part of the monument in respect of which the license has been granted;
- (d) no extraneous matter, such as water, oil, grease or the like shall be applied on any part of the monument;
- (e) the generating plant for electric power, wherever required, shall be placed away from the monument or the attached lawn or garden;

<sup>1</sup> Rule 42 renumbered as sub-rule (1) thereof by G.S.R. 90, dated 30th January, 1991 (w.e.f. 1-3-1991).

<sup>2</sup> Ins, by G.S.R. 90, dated 30th January, 1991 (w.e.f. 1-3-1991).

- (f) the filming operation shall not obstruct or hamper the movement of persons who may lawfully be within the precincts of the monument; and
- (g) any other condition which the Director-General may specify in the license.

**Rule 50]**                    ***The Ancient Monuments and Archaeological Sites  
and Remains Rules, 1959***

**45. Cancellation of license.**—The Director-General, by order, may, after giving notice to the license, cancel a license granted under rule 44 if he is satisfied that any of its conditions has been violated.

**46. Appeal.**— Any person aggrieved by an order of the Director-General made under rule 44 or rule 45 may prefer an appeal to the Central Government; and the decision of that Government on such appeal shall be final.

**47. Certain rules not affected.**— Nothing in rule 41 and no provision of a permission granted under rule 40 or a licence granted under rule 44 shall affect the operation of rules 3, 4, 5, 6, 7, 8 and 9.

**48. Penalty.**—Whoever copies or films any protected monument or does any other act in contravention of any provision of this chapter or of any permission or license granted there under shall be punishable with fine which may extend to five hundred rupees.

**CHAPTER IX  
MISCELLANEOUS**

**49. Manner of preferring an appeal. (1)**Every appeal to the Central Government under the Ancient Monuments and Archaeological Sites and Remains Act, 1958, or under these rules shall be in writing and shall be preferred within one month of the date of receipt of the order appealed against.

(2) Every such appeal shall be accompanied by a copy of the order appealed against.

**50. Service of orders and notices.**—Every order or notice made or issued under the Ancient Monuments and Archaeological Sites and Remains Act, 1958, or these rules shall—

(a) in the case of any order or notice of a general nature or affecting a class of persons, be published in the Official Gazette; and

(b) in the case of any order or notice affecting a corporation or firm be served in the manner provided for the service of summons in rule 2 of Order IX or rule 3 of Order XX, as the case may be, in the First Schedule to the Code of Civil Procedure, 1908; and

(c) in the case of any order or notice affecting an individual person, be served on such person—

(i) by delivering or tendering it to the person concerned, or

(ii) if it cannot be so delivered or tendered, by delivering or tendering it to any adult male member of the family of such person or by affixing a copy thereof on the outer door or some conspicuous part of the premises in which that person is known to have last resided or carried on business or personally worked for gain, or

(iii) by sending it by registered post, acknowledgement due.



**SCHEDULES**

**<sup>1</sup>[FIRST SCHEDULE PEN**

**HOURS DURING WHICH CERTAIN MONUMENTS OR PART THEREOF WILL REMAIN Open**

(Vide rule 5)

Serial No.	State	District	Locality	Name of monument	Part of monument which shall remain open during hours other than from sunrise to sunset	Hours of opening
1	2	3	4	5	6	7
1. 2.	Andhra Pradesh	Hyderabad	Hyderabad City	Char Minar	(i) Second storey and upwards (ii) Remaining area	(i) From 9 a.m. to 5.30 p.m. or sunset whichever is earlier. (ii) From sunrise to 10 p.m.
Bihar	Patna	Kumrahar	Site of Mauryan Palace	Whole	From 9 a.m. to 5.30 p.m. or sunset whichever is earlier.	
3.	Bihar	Patna	Nalanda (Bargaon)	All mounds, structures and buildings enclosed in the acquired area	Fenced area containing excavated remains	From 9 a.m. to 5.30 p.m. or sunset whichever is earlier.
4.	Delhi	Delhi	Delhi Zail	Afsar Wala-ki-masjid	Garden	From sunrise to 10 p.m.
5.	Delhi	Delhi	Delhi Zail	Gateways of Abadi Bagh Bu-Halima	Garden	From sunrise to 10 p.m.
6.	Delhi	Delhi	Delhi Zail	Jantar Mantar	Whole	From sunrise to 10 p.m.
7.	Delhi	Delhi	Delhi Zail	Kotla Firoz Shah	Garden	From sunrise to 10 p.m.
8.	Delhi	Delhi	Delhi Zail	Tomb of Afsar Wala	Garden	From sunrise to 10 p.m.
9.	Delhi	Delhi	Delhi Zail	Tomb of Khan Khanan	Garden	From sunrise to 10 p.m.
10.	Delhi	Delhi	Mehrauli Zail	Group of buildings at Hau.z Khas	Garden	From sunrise to 10 p.m.

<sup>1</sup> Subs. by S.C. 5002, dated 13th December, 1969.

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1	2	3	4	5	6	7
11.	Delhi	Delhi	Mehrauli Zail	Qutb archaeological area	Garden	From sunrise to 10 p.m.
12.	Madras	South Arcot	Gingee	Fortress including monuments on Krishnagiri and Rajagiri_Hills.	Whole	From 9 a.m. to 5.30 p.m. or sunset whichever is earlier.
13.	Maharashtra	Aurangabad	Ajanta	Ajanta Caves	Whole	From 9 a.m. to 5.30 p.m. or sunset whichever is earlier.
14.	Maharashtra	Aurangabad	Aurangabad	Tomb of Rabia Daurani (Bibi-ka-Maqbara)	Garden	From sunrise to 10 p.m.
15.	Maharashtra	Bombay (Suburban)	Kanheri	Buddhist Caves	Whole	From 9 a.m. to 5.30 p.m. sunset whichever is earlier
16.	Maharashtra	Kolaba	Gharapuri	Elephanta Caves	Whole	From 9 a.m. to 5.30 p.m. or sunset whichever is earlier.
17.	Maharashtra	Poona	Karla	Cave Temples	Whole	From 9 a.m. to 5.30 p.m. or sunset whichever is earlier.
18.	Mysore	Bangalore	Bangalore	Tipu Sultan's Palace	Garden	From sunrise to 10 p.m.
19.	Mysore	Bijapur	Bijapur	Gol Gumbaz	Garden	From sunrise to 10 p.m.
20.	Mysore	Mandya	Seringapatnam	Dana Daulat Bagh	(i) Palace (ii) Garden	(i) From 9 a.m. to 5.30 p.m. or sunset whichever is earlier (ii) From sunrise to 10 p.m.
21.	My sore	My sore	Somanathpur	Kesava Temple	Whole	From 9 a.m. to 5.30 p.m. or sunset whichever is earlier.

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1	2	3	4	5	6	7
22.	Rajasthan	Ajmer	Ajmer	Marble pavilion and balustrade on the Ana agar Bund and the ruins of the marble Ham am behind the Ana agar Dam.	Whole	From sunrise to 10 p.m.
23.	Uttar Pradesh	Agra	Agra	Taj Mahal	Whole	<sup>1</sup> [From sunrise to sunset, except on full moon days and two days preceding and two days following, when it shall be open <i>from</i> sunrise to sunset and from 8.30 p.m. to 12.30 a.m. The monument shall remain closed on every Friday, except to those offering customary afternoon prayers in the mosque in the Taj Mahal Complex between 12.00 hours to 14.00 hours and an Archaeological Officer, his agents, subordinates, workmen or any other Government servant on duty.]
24.	Uttar Pradesh	Lucknow	Lucknow	Residency buildings.	(i) Model Room (ii) Garden	(i) From 9 a.m. to 5.30 p.m. or sunset, whichever is earlier. (ii) From sunrise to 10 p.m.]

<sup>1</sup> Subs. by G.S.R. 529(E), dated 10th July, 2008 (w.e.f. 167-2008).



<sup>1</sup>[SECOND SCHEDULE

**PROTECTED MONUMENTS OR PARTS THEREOF ENTRY INTO WHICH CAN BE HAD ONLY ON PAYMENT OF FEE**

(See rule 6)

sch. 2]

PART I

39.

**Category 'A' Monuments**

Serial No.	State	District	Locality	Name of monument	Part of monument for which payment of fee is required
1	2	3	4	5	6
1.	Karnataka	Bellary	Hampi Kamalapuram Krishnapuram Venkatapuram	Group of monuments	Ancient enclosures, Kamalapuram; Royal enclosures Kamalapuram Hazara Ram Temple, Kamalapuram Zanana enclosures, Kamalapuram Krishna Temple, Krishnapuram; Vithal Temple, Venkatapuram, Pattabhirama Temple, Kamalapuram Achutaraya Temple, Venkatapuram.
2.	Karnataka	Bijapur	Pattadakal	Group of temples	Whole, except Virupaksha Temple.
3.	Maharashtra	Aurangabad	Ajanta	Ajanta Caves	Whole
4.	Maharashtra	Aurangabad	Ellora	Ellora Caves	Group of caves
5.	Maharashtra	Bombay (Kolaba)	Gharapuri	Elephanta Caves	Cave nos. 1 to 5 and fenced area in front
6.	Madhya Pradesh	Chhattarpur	Khajuraho	Western group of temples	Whole, except Matangesvara temple
7.	Madhya Pradesh	Raisen	Sanchi	Buddhist Monuments	Whole
8.	National Capital Territory of Delhi	Delhi	Delhi Zail	Humayun's Tomb	Whole monument and gardens within the enclosure wall and gateway
9.	National Capital Territory of Delhi	Delhi	Mehrauli	Qutab, Archaeological area	Whole, except Qutab Minar from inside.
10.	Orissa	Puri	Konarak	Sun Temple	Ancient Monuments of the Black Pagoda and ruins of all ancient edifices, images, structures, basement, pillars, carvings, walls, gateways, etc., of the complex.

<sup>1</sup> Subs. by G.S.R. 306, dated 10th July, 1996.

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1	2	3	4	5	6
11.	Tamil Nadu	Chengai Anna	Mahabali-puram	Group of monuments at Mahabalipuram	Whole
12.	Uttar Pradesh	Agra	Agra	Agra Fort	Archaeological area
13.	Uttar Pradesh	Agra	Agra	Taj group of monuments	The Taj and its garden and grounds, including the Jawab on the east, the pavilions on east and west sides of the grounds as well as all the towers (except the two towers flanking the Masjid) and the Great Southern Entrance Gateway with the cloisters on its flanks, the old Mughal Acqueduct in the Taj with the Central Marble Tank, the well at the Taj Garden and the drinking fountain in the west enclosure wall of the Taj Garden.
14.	Uttar Pradesh	Agra	Fatehpur Sikri	Fatehpur Sikri group of monuments	The entire area bounded on the south by the compound wall to the south of Jodhabai Palace and further eastwards by the road leading to the southern entrance of Diwan-i-am quadrangle, on the east by the Diwan-i-am quadrangle; on the north by the walls enclosing the Diwan-i-Khas, Ankh Michauli Hospital, Zanana Garden and Birbal's daughter's palace and on the west by the wall enclosing the horse's stable.]

<sup>1</sup> [MONUMENTS OR PARTS THEREOF ENTRY INTO WHICH CAN BE HAD ONLY ON PAYMENT OF FEE  
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( vide rule 6)

Sch. 2]

Serial No.	State	District	Locality	Name of monument	Part of monument which payment of fee is requ
1	2	3	4	5	6
1.	Andhra Pradesh	Chittoor	Chandragiri	Raja and Rani Mahal	Whole
2.	Andhra Pradesh	Hyderabad	Golkonda	Golkonda Fort	Whole
3.	Assam	Sibsagar	Garhagaon	Ahom Raja's Palace	Whole
4.	Bihar	Nalanda	Nalanda (bargain)	All mounds, structures and buildings enclosed in the acquired area, Nalanda	Fenced area containing excavated remains.
5.	Bihar	Patna	Kumrahar	Site of Mauryan Palace	Whole
6.	Bihar	Rohtas	Sasaram	Shershah Sun Tomb	Whole
7.	Bihar	Vaishali	Chakramdas	Ancient ruins, Vaishali	The Stupa, Ashokan Pillar, mounds and excavat remains
8.	Gujarat	Ahmedabad	Lothal	Excavated remains at Lothal	Whole
9.	Gujarat	Mehsana -	Mocihera	Sun Temple	Sun temple, Sun tank, Kund and carved stones images, temples and underground cell.
10.	Gujarat –	Mehsana	Patan	Rani-ki-Vav	Whole
11.	Jammu & Kashmir	Udhampur	Kiramchi	Group of temples v	Whole complex
12.	Jammu & Kashmir	Udhampur	Ramnagar	Ramnagar Palace	Palace attributed to Raja Suchet Singh.
13.	Karnakata – Karnataka Kamakaka	Bangalore	Bangalore	Tipu Sultan Palace	Whole
14.		Bijapur	Aihole	Durga Temple Complex	Whole
15.		Bijapur	Badami	Jaina and Vishnu caves	Whole
16.	Karnakata	Bijapur	Bijapur	Gol Gumbaz	The Mausoleum and garden
17.	Karnataka	Bijapur	Bijapur	Ibrahim Rouza	Whole

<sup>1</sup> Subs. by G.S.R 306, dated 10th July, 1996.



1		3	4	5	6
18.	Karnakaka Karnataka Karnataka	Chitaldurg	Chitaldurg	Chitaldurg	Fortress and temples on the hill
19.	Karnataka Karnataka	Mandya	Srirangapatna	Dana Daulat Bagh	Palace complex and garden
20.		Mysore	Somanathapura	Sri Kesava Temple	Whole
21.		Kannur	Pallicherry	Bekal Fort	Whole
22.	Maharashtra	Aurangabad	Aurangabad	Tomb of Rabia Daurani (Bibi-ki-Maqbara)	Tomb and the garden
23. - 24.	Maharashtra Maharashtra	Aurangabad Bombay suburban	Daulatabad Kanheri	Daulatabad Fort Caves	Daulatabad Fort and monuments therein Buddhist caves
25.	Maharashtra	Kolaba	Alibag	Hirakota Old Fort	Whole
26.	Maharashtra	Kolaba	Raigad	Raigad Fort	Whole
27.	Maharashtra	Nasik	Pathardi	Pandav Lena Caves	Whole
28.	Maharashtra	Pune	Junnar	Junnar Caves and inscriptions	Whole
29.	Maharashtra	Pune	Karla	Cave temples	Whole
30.	Maharashtra	Pune	Pune	Shaniwarwada	Old citadel known as Shaniwarwada
31.	Maharashtra	Sholapur	Sholapur	Old Fort	Whole
32.	Madhya Pradesh	Dhar	Mandu	Group of monuments	Royal enclosures (Jahaz Mahal, Hindola Mahal and other palatial remains)
33.	Madhya Pradesh	Gwalior	Gwalior	Gwalior Fort	Badal mahal, Mansingh's Palace, Sas bahu temples, Teli ka Mandir
34.	Madhya Pradesh	Nimar (East)	Burhanpur	Palace situated in the Fort (Shahi Quila)	Whole
35.	Madhya Pradesh	Raipur	Sirpur	Group of monuments (Laxman temple)	Whole
36.	National Capital Territory of Delhi	Delhi	Delhi Zail	Delhi Fort	Archaeological area
37.	National Capital Territory of Delhi	Delhi	Delhi Zail	Tomb of Safdarjurig	Whole with all its enclosures, wall, gateway and gardens
38.	National Capital Territory of Delhi	Delhi	Purana Quila	Purana Quila	Gateways, bastions and gardens, Quila-i-Khaona Mosque and Sher Mandan (from outside).

1	2	3	4	5	6
39.	Orissa	Pun	Bhubaneswar	Raja Rani Temple	Whole
40.	Orissa —	Pun	Jagmara	Udaygiri and Khandagiri	All ancient caves, structures and other monuments or remains situated on the Udaygiri and Khandagiri hills except the Temple of Parasnath on the top of the Khandagiri hill and also the temple in front of Harabhuji and the Trisula Caves.
41.	Rajasthan -	Bharatpur	Deeg	Deeg Palace	Whole
42.	Rajasthan	Chittor	Chittorgarh	Fort	Victory tower and other buildings
43.	Rajasthan -	Udaipur	Kumbhalgii	Fort of Kumbhalgarh	Whole
44.	Tamil Nadu	Dindigul	DindiSul	Fort	Whole
45.	Tamil Nadu	Madras	Fort St. George	Fort St. George	Part of the Fort complex where objects are on display for public writing.
46.	<b>Tamil Nadu</b>	Pudukkottai	Tirumayam	Fort	Whole
47.	Tamil Nadu	South Arcot	Gingee	Rajagiri Fort and Krishnagiri Fort	Whole (Annual festival is held every year during the month of May and fee will remain suspended for 10 days at Rajagiri Fort, Gingee)
48.	Tamil Nadu	Tiruchirapalli	Kodumabur	Muvarkoil	Surrounding sub-shrines, stone enclosures, and stone well on the north-east corner.
49.	Uttar Pndesh	Agra	Agra	Group of monuments at Ram Bagh	Whole
50.	Uttar Pradesh	Agra	Agra	Itimad-ud-daula's Tomb	Whole
51.	Uttar Pradesh	Agra	Sikandara	Akbar's Tomb	Whole
52.	Uttar Pradesh	Agra	Sikandara	Mariam's Tomb	Whole
53.	Uttar Pradesh	Bahraich	Sahet-Mahet	Monuments of Sravasti	Excavated remains at Sahet within the fenced area
54.	Uttar Prdesh Uttar Pradesh	Jhansi Jaunpur	Jhansi Jaunpur	Rani Jhansi Mahal Fort (old)	Whole Whole
56.	Uttar Pradesh	Lucknow	Lucknow	Residency Buildings	Model Room and the garden
57.	Uttar Pradesh	Varanasi	Sarnath	Excavated remains at Samath	Whole
58.	West Bengal	Murshidabad	Hazarduari	Hazarduari Palace	Parts of the palace complex where objects are also on display.]

<sup>1</sup> [MONUMENTS OR PARTS THERE OF ENTRY INTO WHICH  
CAN BE HAD ONLY ON PAYMENT OF FEE  
( Vide rule 6 )

[Sch. 2

S. No.	Name of the monument	Locality	State
1.	Rani Jhansi Fort	Jhansi	Uttar Pradesh
2.	Jantar Mantar	Delhi	Delhi
3.	Rahim-Khane-Khanan Tomb	Delhi	Delhi
4.	Karanghar Palace	Sibsagar	Assam
5.	Rang-dhar Pavellion	Sibsagar	Assam
6.	Avantiswami Temple	Avantipura	Jammu & Kashmir
7.	Rock cut caves	Masrur	Himachal Pradesh
8.	Kangra Fort	Kangra	Himachal Pradesh
9.	Cooch Behar Palace	Cooch Behar	West Bengal
10.	Bishnupur Temples	Bishnupur	West Bengal
11.	Rani Roopmati Pavilion	Mandu	Madhya Pradesh
12.	Hoshang Shah's Tomb	Mandu	Madhya Pradesh
13.	Hoshang Shah's Palace	Mandu	Madhya Pradesh
14.	Brihadeshwara Temple	Gangaikonda Cholapuram	Tamilnadu
15.	Temples and sculpture gallery	Lakkundi	Karnataka
16.	Bellary Fort	Bellary	Karnataka
17.	Nanjangud Fort	Nanjangud	karnataka
18.	Bagh Caves	Bagh	Madhya Pradesh
19.	Aurangabad Caves	Aurangabad	Maharashtra
20.	Raigarh hill monuments	Colaba	Maharashtra
21.	Cave temple and inscriptions	Bhaja	Maharashtra
22.	Ratnagiri monuments	Ratnagiri	Orissa
23.	Lalitgiri monuments	Lalitgiri	Orissa
24.	Fort and structures Lower	Chandragiri	Andhra Pradesh
25.	Upper Fort	Chandragiri	Andhra Pradesh
26.	Ruined Buddhist stupa and other remains	Amravati	Andhra Pradesh
27.	Four-storeyed rock-cut Hindu temple	Undavalli	Andhra Pradesh
28.	Thousand Pillared temple	Hanamkonda	Andhra Pradesh
29.	Warrangal Fort	Warrangal	Andhra Pradesh
30.	Buddhist Monuments:—	Guntapalle	Andhra Pradesh

- (i) Rock-cut temple  
(ii) Large Monastery  
(iii) Small Monastery  
(iv) Brick Chaitya  
(v) Ruined Mandapa  
(vi) Stone build stupa and large group of stupas

<sup>1</sup> Ins. by G.S.R 799(E), dated 17th October, 2000



**Sch.2]***The Ancient Monuments and Archaeological Sites and Remains Rules, 1959*

31.	Ashokan rock edicts	Junagadh	Gujarat
32.	Buddhistic Cave	Junagadh	Gujarat
33.	Baba Pyare Khapra Kodia Caves	Junagadh	Gujarat
34.	Champaner monuments	Champaner	Gujarat
35.	Suraj Kund Monastery	Lakarpur	Haryana
36.	Shiekh Chili's Tomb	Thaneshwar	Haryana
37.	Group of four maidans	Charaideo	Assam
38.	Ahom Palace	Garhgaon	Assam
39.	Bishnudol	Jaisagar	Assam
40.	Devidol	Jaisagar	Assam
41.	Excavated Site	Vikramshila	Bihar
42.	Bekal fort	Bekal	Kerala
43.	Hill of Nagar (Agraharam junakonda with the ancient remains)	Pullareddigudem	Andhra Pradesh
44.	Rock-cut Jam temple	Sittannavassal	Tamilnadu
45.	Natural cavern with stone bed and Brahmi and old Tamil inscriptions called Eladipattam	Sittannavassal	Tamilnadu
46.	Leh Palace	Leh	Jammu & Kashmir
47.	Sultangarhi	Delhi	Delhi
48.	Tomb of Lord Cornwallis	Ghazipur	Uttar-Pradesh
49.	Observatory of Mansingh	Varanasi	Uttar Pradesh
50.	Fort of Kalinjar, together with the parapet walls, with the gateways and the monuments inside it, viz Sita Kunda, Sits Sez, Patalganga, Pandu Kund, Bhaironka-jhirka, Siddh-ki-gumpha, Bhagwan-Sez, Pani-ka-an-ian, Mrigthara, Kothtirth, Linga temple of Nilakanthal etc.	Kalinjar	Uttar Pradesh
51.	Mehtab Bagh on the river bank Taj facing	Agra	Uttar Pradesh
52.	Kotla Feroz Shah with remaining walls, bastions and gateways and gardens, the Old Mosque and well and other ruined buildings it contains	Delhi	Delhi
53.	Tughiaqabad Fort (Palace area) and Tomb of Tughlaq Ghiasudin	Delhi Delhi.]	

**The Ancient Monuments and Archaeological Sites [ Sch. 3 Form I  
and Remains Rules, 1959  
THIRD SCHEDULE  
FORM I**

**APPLICATION FOR PERMISSION FOR CONSTRUCTION/MINING  
OPERATION WITH A PROTECTED AREA**

(Vide rule 10)

1. Name and address of applicant (If the application is on behalf of an organization, the name thereof should be given)

2. Name of the protected area within which construction/mining operation is proposed—

Locality ..... District..... State  
.....

3. Nature and details of the proposed construction/mining operation in respect of which permission is sought.

(In the case of construction, a site-plan in triplicate showing in red outline the location of the building in relation to the protected area and the plan and elevation of the building should be attached; and the colour, external appearance and method of the screening of the building and the depth down to which the soil will be excavated for the appurtenances of the building should be specified.

In the case of mining operation, a site-plan in triplicate showing in red outline the extent of the operation in relation to the protected area should be attached, and details, regarding the depth down to which the operation is to be carried out, the mode of the operation, the method of the muffling of sound, the kind and charge of blasting material and the depth and number of blast-holes to be fired at a time should be specified.)

4. Purpose of the proposed construction/mining operation.

5. Approximate duration and date of commencement of the proposed construction! mining operation.

I declare that the above information is correct. I also undertake to observe the provisions of the Ancient Monuments and Archaeological Sites and Remains Act, 1958, and the rules made thereunder.

Seal of the organisation

Station .....

Date.....

Signature of the applicant  
(If the application is on  
behalf of an organisation,  
the  
signature should be  
that of the head of  
the organisation.)

**FORM II**

**APPLICATION FOR LICENCE TO EXCAVATE IN A PROTECTED AREA**

*(Vide rule 12)*

2. Name and address of applicant (If the application is on behalf of an institution, the name thereof should be given)

3. Name of site—

Locality.....District .....State

.....

3. Extent of the proposed excavation (a plan of the site in triplicate showing in red outline the extent of the proposed excavation should be attached).

4. Approximate duration and date of commencement of the proposed excavation.

5. Approximate expenditure on the proposed excavation.

6. Name and status of the Director of the proposed excavation.

7. Details of photographic, surveying and other equipments available for the proposed excavation.



Sch. 3 Form IV)

*The Ancient Monuments and Archaeological Sites and Remains Rules, 1959*

I declare that the above information is correct. I also undertake to observe the provisions of the Ancient Monuments and Archaeological Sites and Remains Act, 1958, and the rules made thereunder.

Seal of institution .....

Station Signature of the applicant Date.....

(If the application is on behalf of an institution, the signature should be that of the head of the institution, which term includes the Registrar of a University.)

**FORM III**  
**LICENCE FOR EXCAVATION IN A PROTECTED AREA**  
(Vide rule 13)

Whereas has applied for a license for carrying out excavation operation in the protected area known as at District . State and has undertaken to observe **the** provisions of the Ancient Monuments and Archaeological Sites and Remains Act, 1958, and the rules made thereunder and has further deposited the sum of Rs (Rupees only) as required by the rules, I . Director-General of Archaeology, do hereby grant this license under sub-rule (1) of rule 13 of the said rules to the said to carry out excavation operations in the area indicated in red outline on the plan attached hereto.

The license is granted subject to the provisions of the said Act and rules and is further subject to the conditions that of shall be the Director of the excavation.

The license is not transferable. It shall be valid for commencing with day of 19..... /20

Seal of the Department of Archaeology of the Government of India.

Station.....  
Date.....

Signature of the Director-  
General of Archaeology

**FORM IV**  
**REPORT ON ANTIQUITIES EXCAVATED IN A PROTECTED AREA**  
(Vide rule 16)

Name of site.....

Locality .....

District .....

State .....

Report for the period ..... 19..... /20..... to ..... 19..... /20.....

Serial No.	Class of antiquities	Material	Number of antiquities (in the case of pot- shreds, the approximate- mate number should be stated)	Approximate age	Remarks
			Complete Fragmentary		

Station.....

Date.....

Signature of the Licen

*The Ancient Monuments and Archaeological Sites  
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**FORM V**  
**REPORT ON EXCAVATED ANTIQUITIES BY AN**  
**ARCHAEOLOGICAL OFFICER**  
(Vide rule 27)

Name of site .....

Locality .....

District .....

State .....

Report for the period from .....19...../20.....to.....19...../20.....

Serial No.	Class of antiquities	Material		Number of antiquities (in the case of pot- shreds, the approxi- mate number should be stated )	Approximate age	Remarks		
		Complete	Fragmentary					

Station.....

Date.....

Signature of the Archaeological Officer

**FORM VI**  
**APPLICATION FOR THE MOVING OF**  
**ANTIQUITIES** (Vide rule 28)

1. Name and address of applicant (If the application is on behalf of an organisation, the name thereof should be given)

2. Name of the place from which antiquities are to be moved—

Locality District State

3. Description of antiquities proposed to be moved (Photographs showing details of the antiquities should be attached)

4. Approximate date of moving

5. Purpose of moving

6. Whether the antiquities or any of them are objects of worship.

I declare that the above information is correct.

Seal of the Organisation



Station.....

Date.....

Signature of applicant (if the application is on behalf of an Organisation, the signature should be that of the head of that Organisation).

Sch. 3 Form VIII

**The Ancient Monuments and Archaeological Sites and Remains Rules, 1959**

**FORM VII**

**APPLICATION FOR LICENCE FOR MINING OPERATION/CONSTRUCTION  
WITHIN A REGULATED AREA**

*(Vide rule 34)*

1. Name and address of applicant (If the application is on behalf of an organisation, the name thereof should be given)
2. Name of the monument near or adjoining which the regulated area is situated—

Locality.....District.....State.....

3. Nature and details of the proposed mining operation/construction in respect of Which permission is sought.

(In the case of mining operation, a site-plan in triplicate showing in red outline the extent of the operation in relation to the monument and the regulated area should be attached; and the details regarding the depth down to which the operation is to be carried out, the mode of the operation, the method of the muffling of sound, the kind and charge of blasting material and the depth and number of blast-holes to be fired at a time should be specified. In the case of construction, a site-plan in triplicate showing in red outline the location of the building in relation to the monument and the regulated area and the plan and elevation of the building should be attached; and the colour, external appearance and method of the screening of the building and depth down to which the soil will be excavated for the appurtenances of the building should be specified.)

4. Purpose of the proposed mining operation/construction.
5. Approximate duration and date of commencement of the proposed mining operation/construction.

I declare that the above information is correct. I also undertake to observe the provisions of the Ancient Monuments and Archaeological Sites and Remains Act, 1958, and the rules made thereunder.

Seal of organisation

Station .....

Date...

Signature of the applicant (If the application is on behalf of an organisation, the signature should be that of the head of that organisation)

**FORM VIII**  
**LICENCE OF MINING OPERATION/CONSTRUCTION WITHIN**  
**A REGULATED AREA**  
(Vide rule 35)

Whereas..... of .....has applied for a license for in the regulated area near or adjoining.....at.....District.....State....., andhas undertakentoobservethe provisions of the Ancient Monuments and Archaeological Sites and Remains Act, 1958, and the rules made thereunder, I ..... Director-General of Archaeology, do hereby grant this license under sub-rule (1) of rule 35 of the said rules to the said..... for.... in the area indicated in red outline on the plan attached hereto.

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

The license is nottransferable. Itshallbe valid forcommencingwith.....day of .....19...../20  
Seal of the Department of Archaeology of the Government of India.  
Station .....

Date.....

Signature of the Director-  
General of Archaeology.

**[Sch. 3 Form VIII  
FORM IX APPLICATION FOR LICENCE OF FILMING OPERATION AT  
A PROTECTED MONUMENT  
(Vide rule 43)**

1. Name and address of applicant. (If the application is on behalf of an organization, the name thereof should be given)

2. Name of the monument at which the proposed filming operation is to be carried out.

Locality District State

3. Part of the monument proposed to be filmed.

4. Nature and purpose of the proposed filming operation and the context in which the monument is proposed to be filmed (relevant extract of the script should be attached in triplicate and details of the scenes to be filmed should be furnished in triplicate).

5. Number of persons in the cast.

6. Approximate duration and date of commencement of proposed filming operation.

I declare that the above information is correct. I also undertake to observe the provisions of the Ancient Monument and Archaeological Sites and Remains Act, 1958, and the rules made there under.

Seal of the organization

Station.....

Date.

Signature of applicant (If the application is on behalf of an organization, the signature should be that of the head of the organization).

**FORM X  
LICENCE FOR FILMING OPERATION AT A PROTECTED MONUMENT  
(Vide rule 44)**

Whereas..... of..... has applied for a license for filming operation at the protected monument known as..... located at ..... District ..... State.....and has undertaken to observe the provisions of the Ancient Monuments and

Archaeological Sites and Remains Act, 1958, and the rules made there under, I .....Director-General of Archaeology, do hereby grant this license under rule 44 of the said..... rules of said for the carrying out of filming operation, as per script and details of scenes attached hereto, in the following parts of the monuments, namely:

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

The license is not transferable. It shall be valid for .....commencing with day of .....19 ...../20.....

Seal of the Department of Archaeology of the Government of India

Station.....

Date.....

Signature of Director-General of Archaeology



**Alphabetical List of Monuments - ASI Delhi Circle**

S. No	Name of Monuments / Sites	Location
1.	Bastion, where a wall of Jahan panah meets the wall of Rai Pithora fort.	Adchini
2.	Ramp and gateway of Rai Pithora's Fort	Adchini
3.	Marble Tomb reputed to be that of Newab BahadurJawid Khan	Aliganj
4.	Lal Bangla	Babarpur(Kaka Nagar)
5.	Khair-ul-Manzil	Babarpur Bazipur( Kakanagar)
6.	Kos Minar or Mughal Mile stone	Babarpur Bazipur( Kakanagar)
7.	The Moti Gate of Shershah, Delhi	Babarpur Bazipur( Kakanagar)
8.	Begampuri Masjid	Begampur
9.	Phool Chadar aqueduct near Najafgarh Jhil aqueduct	Chaukri Mubarakabad
10.	Lal Gumbad	Chirag Delhi
11.	Tomb of Bahlol Lodi	Chirag Delhi
12.	Ajmeri Gate	Bazar Ajmeri Gate
13.	Alipur Cemetery	Delhi-Alipur Camping group.
14.	Ashoka'a pillar	Ferozabad(Ferozshah Kila or Vikram Nagar Colony)
15.	Bara Khamba Cemetry	Imperial City
16.	Chauburji	Ridge near Hindura Hospital
17.	Eremo Cemenry	Kishanaganj Railway Stn.
18.	Delhi fort or Lal Qila, Naubat Khana, Diwan-i-am, Mumtaz Mahal' Rang Mahal, Baithak,Maseu Burj, diwan-i-Khas' Moti Masjid, sawan Bhadon ,Shah Burj, Hammam with all surrounding including the gardens, paths, terraces and	Red fort

	water courses.	
19.	Delhi Gate	Daryaganj
20.	Enclosure containing the grave of Lt. Edwards and others, murdered in 1857.	North Ridge near flag Staff tower, Civil Lines.
21.	Enclosure wall with Tomb of Najaf Khan	Safdarjang Fly over
22.	Flag Staff Tower	400 yards North of Cheuburji Mosque
23.	Jantar Mantar	Connaught place
24.	Kashmeri Gate and portion of the City Wall on either side of the Kashmeri Gate on the side and on the other upto and including the water Bastions at the Northern corner of the wall and also including the ditch outside the City wall where this is exposed.	Kashmeri Gate
25.	Kotla Ferozabad with the remaining walls, bastions and gateways and gardens, the old Mosque, and well and all other ruins buildings it contains.	Two furlangs east of jail and three furlangs due south of S.E. Corner of Shahjahanabad, Delhi.
26.	Lal Darwaza, the northern gate of the outer walls of the Delhi of Shershah.	Three furlang due south of Delhi Gate,
27.	Lothian Road Cemetery	Kashmeri Gate
28.	The Mosque	Qudsia Garden
29.	Mutiny telegraph Memorial	In front of Old Telegraph Building, Kashmeri Gate,
30.	Nicholson (Or Kashmeri Gate) Cemetery	Kashmeri Gate
31.	Nicholson statue and its platform and the surrounding gardens paths and enclosure wall.	Outside Kashmeri Gate
32.	Old Baoli immediately to the west of Hindu Rao's House.	On the ridge, Delhi
33.	The Old Entrance Gateway of the	Qudsia Delhi

	Garden.	
34.	The Pirghaib to the north and near Hindu Rao's House	On the ridge , Delhi
35.	Portion of City wall near which Brij Jahn Nicholson was mortally Wounded on 14th Sept. , 1857.	On the ridge , Delhi
36.	The Punjabi gate in the Roshanara bagh	Opposite Municipal Board school, Subji Mandi
37.	Purana Quila (Inderpat) or Delhi With all its walls Arcades, gateways and Bastions, gardens, the Mosque of SherShah (Kila Kohna Masjid). The Sher Mandala and entrances to Subteranean passages.	Two miles south of the Delhi Gate of Shahjahanabad, Delhi
38.	Rajpur (Mutiny cemetery)	Old Rajpur Cantonment, North Distt.
39.	The remaining gateways of the old Magazira with their adjoining buildings.	The post office , Delhi
40.	Sher shah's gate with the adjoining curon walls and Bastions and the remains of the double line of structure to its front	Opposite purana Qila immediately North-east of the Khairul Manazil Mosque
41.	Site of Siege battery Known as the Sammy House Battery bearing the following Inscriptions Battery , Sammy house, Major Remington Tank, RA Commanding armament 89 pounds. To command ground near Mori Bastion.	300 Yards East of mutiny memorial
42.	Site of siege Battery with inscription.	East of the Hospital in police Line
43.	Site of siege Battery with inscription.	Compound of Curzon House
44.	Site of siege Battery with inscription.	In the garden near south west entrance to Delhi Club Ground
45.	Sunehri Masjid near Delhi Fort	Delhi Fort



46.	Tomb of Capt. Mac. Barnatt & others who fall in an attack on Kishanganj.	Kishan Ganj
47.	Tomb of Ghiasuddin Khan,	Tughlaqabad
48.	Tomb of Roshanara & Baradari	Sabzi Mandi
49.	Tomb of Razia Begum in Mohalla Bulbuli Khana	Shahjahanabad
50.	Tomb of Safdarjang (Mirza Muqim Mansur Ali Khan) with all the enclosure walls, gateways, gardens and the mosque on the eastern side of the garden.	Lodhi Road, New Delhi
51.	Tripolia Gateways	Delhi-Karnal Road
52.	Uggar Sain's Baoli	Near Jantar Mantar
53.	Tomb of Darya Khan	Kidwai Nagar East
54.	Baoli at Ghiaspur	Nizammuddin
55.	Tomb of Mirza Muzaffer, Chota Batasha No. 153, Ghiaspur	Nizammuddin
56.	Tomb of Amir Khusro, Ghiaspur	Nizammuddin
57.	Tomb of Mirza Muzaffer, Bara Batasha No. 151 Ghiaspur	Nizammuddin
58.	Tomb of Nizamuddin Aulia, Ghiaspur No. 197	Nizammuddin
59.	Unknown tomb Ghiaspur 153,	Nizammuddin
60.	<p>i. The tomb of Ferozshah ii. Domed Building to the west of No.1 iii. Dalan between 1&amp;2 iv. Domed Building &amp; its court to the south of No. 3, v. Dalans and all ruined Buildings to the north of no. 1 and existing upto No.10 vi. Five Chhatris to the case of No. 1&amp; No.5 vii. Old Gate to the north of No.6 viii. Three Chhatris to the north-west of No.7</p> <p>ix. Ruined courtyard and its Dalans with the Domed building</p>	Hauz Khas

	to the north-west to the No.8  x. Old wall running east from No.4 xi. 2.23 Acres of land surrounding the above monuments and bounded on the North by house of Chhange and Mehra Chand sons of Hansram and house of Uderam, son of Kusha South Ghairmunkan Resta East By village site belonging to village community house of Nots Zadar sons of Jai Singh Chhamar and field Nos. 338 & 331 belonging to Naider and others West By field no. 185 belonging to Udaram, son of Kusal Jat and field No. 186 belonging to Jagins and Sajawal Rajput, No. 195 Ghairmunkin Johar, common of Jats and Musalmans and filed no. 196, Ghairmunkin Pall.	
61.	Bag-i-Alam Gumbad with a Mosque	Humayunpur
62.	Kali Gumti	Humayunpur (Hauz Khas)
63.	Tefewala Gumbad	Humayunpur Deer Park (Hauz Khas)
64.	Arab Sarai	Patti, Ghiapur in Hauz Inderpat
65.	The Gate way of Arab Sarai facing North towards Purana Qila	Near Arab Sarai Village
66.	The Gate way of Arab Sarai facing East towards the tomb of Humayun	Near Arab Sarai Village
67.	Remainig Gateways of Arab Sarai and of Abadi-Bagh-Buhalima	Near Arab Sarai Village
68.	Lakhar wal Gumbad (Tomb)	Inderpat Estate (Sunder Nursery), Near Delhi Public School, Mathura Road, Nizamuddin

69.	Sunderwala Burj	Inderpat Estate (Sunder Nursery)
70.	Sunderwala Mahal	Inderpat Estate (Sunder Nursery)
71.	Bijay Mandal, neighbouring domes, buildings and dalan to north of Begumpur	In village Kalusarai (Sarvapriya Vihar)
72.	Old Lodi Bridge with approaches	Near tomb of Sikander Lodi, Khairpur
73.	Mosque with the dalans and courtyard and the Bara Gumbaj (the domed entrance to the mosque)	Khairpur
74.	The tomb of Mohammed Shah known as Mubarak Khan- Ka-Gumbaz	Khairpur
75.	Tomb of Sikander Lodi with its enclosure wall and bastions, gates & compound	Khairpur
76.	Unknown tomb with blue tiles decoration known as Shisha Gumbad	Khairpur
77.	Bandi or Poti ka Gumbad III-280	Kharehra village between Hauz Khas and Qutab road
78.	Biran-Ka-Gumbad-282	Kharehra village between Hauz Khas and Qutab road
79.	Biwi or Dadi-ka-Gumbad-281	Kharehra village between Hauz Khas and Qutab road
80.	Chor Minar No. 289 Vol III	Kharehra (Hauz Khas Enclave)
81.	Choti Gunti	Kharehra village Green Park
82.	Idgah of Kharehra No. 287, Vol III	Kharehra village Hauz Khas Enclave
83.	Nili Mosque	Kharehra village Hauz Khas Enclave
84.	Sakri Gumti-284	Kharehra village Green Park



85.	Khirkee Masjid	Village Khirkee
86.	Satpula-III –216	Village Khirkee
87.	Tomb of Usuf-Quttal	At Khirkee in field no.81 min, Property of Shamlat deh.
88.	Jahaz Mahal	Mehrauli
89.	Shamsid Tallab together with platform entrance gates.	Mehrauli
90.	Moti Masjid	Mehrauli
91.	Old Palace of Bahadur Shah II alias Lal Mahal in Mehrauli	Mehrauli
92.	Bara Khamba-285	Kherera village tombs between Hauz Khas, Qutab raod
93.	The Qutab Archaeological area as now fenced in, including the Mosque, Iron Pillar, Minar of Qutab-din, unfinished Minar, all colonnads, screen arches, tomb of Altmash, college, buildings of Aluddin, Tomb of Imam Zamin and all carved stoens in the above area with gardens, paths and water channels, and all gateways including the Alai-Darwaza , also all graves in the above area	Mehrauli
94.	Tomb of Adam Khan (Rest House)	Mehrauli
95.	Tomb and Mosque of Maulana Jamali Kamali	Mehrauli
96.	Wall mosque	Mehrauli
97.	Walls of Lal Kot and Rai Pithora's fort from Sohan Gate to Adam Khan's tomb including the ditch where there is an outer wall	Mehrauli Kh. No. 1783, 1765, 1766, 1767, 1770, 1772, 1773, 1798 & 1764
98.	Walls of Lal Kot and Rai Pithora's fort at the point where they meet together	Near Jamali Kamali's Mosque Mehrauli Kh. No. 1754, Loddho Sarai Kh.No. 86,87
99.	Wall of Rai Pithora's fort including gateways and bastions	Mehrauli

100.	Gates and walls of Mubarakpur, Kotla in village Mubarakpur	village Mubarakpur, Kotla
101.	Moti-ki-Masjid	Behind south extensioin Part II.
102.	Inchla Wali Gunti	village Mubarakpur, Kotla
103.	Kala Gumbad	village Mubarakpur, Kotla
104.	Tombs of Bade-Khan, and Mubarakpur Kotla, Kotla	village Mubarakpur, Kotla
105.	Tombs of Chote Khan, Mubarakpur	Kotla
106.	Tomb of Mubarik in Mubarakpur, Kotla	village Mubarakpur, Kotla
107.	Mosque attached to Mubarak shah Tomb	village Mubarakpur, Kotla
108.	Tomb of Bhura Khan	village Mubarakpur, Kotla
109.	Tin Burji Walla Gumbad	Mohammed pur village II, 304
110.	Unnamed tomb	Mohammed pur village , 305
111.	Baoli	Munirka II. 318.
112.	Munda Gumbad	Munrika 302.
113.	Unnamed Mosque	Munirka 314.
114.	Unnamed Tomb	Munirka 313.
115.	Unnamed Tomb	Munirka 315.
116.	Unnamed Tomb	Munirka 316.
117.	Unnamed Tomb	Munirka 317.
118.	i. Unnamed Mosque ii. Unnamed Tomb	Munirka 321& Munirka 322
119.	Wajir pur- ki-Gumbad	Munirka 312.
120.	The Afsah-walla-ki-Masjid situated outside the west gate of Humayun's tomb with its dalans and paved court bounded on the east by Humayun's tomb on the west by Abadi Arab Sarai on the north by road and Khasra No. 252 and on the south by Abadi Arab Sarai	Nizammudin
121.	Bara Khamba outside north	Nizammudin

	entrance to shrine	
122.	Bara Pulah bridge near Nizammudin	South of Nizammudin
123.	Chausath Khamba and tomb of Mirza Nizammudin Aziz-ka-Kokaltash	Nizammudin
124.	Grave of Jahanara Begum	Nizammudin
125.	Grave of Mohammed Shah	Nizammudin
126.	Grave of Mirza Jahangir	Nizammudin
127.	Humayun's tomb, its platforms, garden, enclosure walls and gateways Khasra No. 258 bounded on the east by Khasra No.180&181&244 of Miri Singh and on west by Kh. No. 268&253 on the north by Khasra No. 266, on the south by Kh No. 245 of Miri Singh & Kh. No. 248 & 249 of Sayyed Mohummad	Nizammudin
128.	Nila Gumbad outside the south corner of the enclosure of Humayun's tomb (Kh. No. 243) bounded on the east by Kh. No. 182, on the west by Humayun's tomb, on the north by Kh. No. 181 & on the south by Kh. No. 244 of Miri Singh	Nizammudin
129.	Nili Chhatri or Subz Burz .	Nizammudin East
130.	Tomb of Afsar-wala immediately near to the south of Afsar-wala-ki-Masjid	Nizammudin
131.	Tomb of Atgah Khan	Nizammudin
132.	The tomb of Isa Khan with its surrounding enclosure walls and turrest garden gateways and mosque (Kh. No. 281 ) bounded on the east by Arab Sarai Kh. No.236 on the west by Kh. No. 283 graveyard of Piare Lal and	Nizammudin



	K.No. 283 of Bddon on the north by Kh. No. 236 of Pandit Brij Vallabh and on the south by Arab Sarai Kh. No. 238.	
133.	Tomb of Khan-i-Khana	Nizammudin
134.	Tomb with three domes near Rly.Station	Nizammudin
135.	Sikargah Kushak-II -327	Old Kushak Village
136.	Gateways of Badli-Ki-Sarai	Village Pipalthala
137.	Tomb of Sheikh Kaburuddin also known as Rakabwala Gumbad in field no.84 min. situated at sarai Shah 31 property of Thoks Shahpur and Adhehini	Malviyanagar
138.	Ruined line of walls, bastions & gateways of siri Kh. No. 88, 265 &447 at village Shahpur Jat	Shahpur Jat
139.	Internal buildings of Siri Mehammadi wali-Kh. No. 14 Shahpur Jat Bul-Bul-Ki-Kh. No. 256 Shahpur Jat Makhdum ki Kh. No. 255 Shahpur Jat Baradari Shahpur Jat Motiyan wala dome Shahpur Jat Thana wala Shahpur Jat	Shahpur Jat
140.	Nai-ka-kot.	Tughlaqabad. Kotla
141.	Tomb of Ghiyasuddin Tughlaqabad. walls and bastions, gates and cause way including the tomb of Dad Khan	Tughlaqabad.
142.	Tomb of Mohammed Tughlaqabadshah	Badarpur Zail
143.	Walls of old city of Tughlaqabad.	Badarpur Zail
144.	Walls, gateways bastions and internal buildings of both inner and outer citadels of Tughlaqabad fort	Tughlaqabad.

145.	Walls, gate and bastions of Adilabad (Mohammadbad) and causeway leading there to from Tughlaqabad.	Tughlaqabad.
146.	The Tomb	Wazirabad
147.	The mosque	Wazirabad
148.	Neighbouring Bridge	Wazirabad
149.	Mound known as Jaga Bai comprise in part of surve plot no. 167	Jamia nagar
150.	Ashoka rock Edict	East of Kailash colony
151.	Mandi Mosque	Ladho Sarai
152.	Rajon-ki-Bain with Mosque and Chhatri	Ladho Sarai
153.	Badun Gate	Ladho Sarai
154.	Gateway of Lal kot	Ladho Sarai
155.	Gateway of Rai Pithoria's fort	Ladho Sarai
156.	Walls of Rai Pithora's fort and Jahan Panah at the point where they meet together	Hauz Rani abd Lado Sarai
157.	Tomb of Sultan Ghari	Nalikpur Kohi
158.	Baoli known as diving wall locally known as (Candak-ki-baoli)	Mehrauli
159.	Enlosure containing the tomb of Shah Alam Bahadur Shah, Shah Alam to and Akbar Shah II	Mehrauli
160.	Houz Shamsi with central red stone pavilion situated at Mehrauli in field No. 157-81, 1586-97, 1614 &1624	Mehrauli
161.	Iron Pillar Hindu	Mehrauli
162.	Anceint Mosque	Palam
163.	Sheesh Mahal	Shalimar Garden Village Hyderpur
164.	Ashokan Pillar	On the Ridge between Hindu Rao Hospital
165.	Sarai Shahji	Malaviya Nagar

166.	Azim Khan Tomb	Lado Sarai
167.	Mazar of Sheikh Muhammad Ibrahim Zauq	ChindBagh, Kadam Sherif, Paharganj, Delhi
168.	Fortification Wall Asad Burj, Water gate, Delhi Gate, Lahori Gate, Jahangiri Gate, Chhattra Bazar, Baoli	Red Fort, Delhi
169.	Fortification walls, Gates, Bastions and Ancient Buildings of Salimgarh Fort	Bela Road
170.	Portion of the City Wall of Shahajanabad	Ansari Road
171.	Sat Narain Bhawan	Delhi Sadhora Khurd, Dina Nath Marg, Roshanara Road, New Delhi.
172.	Balban Khan's Tomb & Jamli Kamali	Lado Sarai, Mehrauli, Delhi
173.	Unknown Tomb in the vicinity of Jawahar Lal Nehru Stadium	Pragati Vihar, New Delhi
174.	Mazar of Mirza Ghalib	Nizammudin



## DEPARTMENT OF LAW, JUSTICE AND LEGISLATIVE AFFAIRS

## NOTIFICATION

Delhi, the 7<sup>th</sup> September, 2005

No.F.14(33)/LA-2004/273.-The following Act of legislative Assembly of the National Capital Territory of Delhi received the assent of the President of India on the 11<sup>th</sup> August, 2005 and is hereby published for general information :-

THE DELHI ANCIENT AND HISTORICAL MONUMENTS AND ARCHAEOLOGICAL SITES  
AND REMAINS ACT, 2004  
(Delhi Act 9 of 2005)

(As passed by the Legislative Assembly of the National Capital Territory of Delhi on the 16<sup>th</sup>  
December, 2004.)

An Act to provide for the preservation of Ancient and Historical Monuments and Archaeological Sites and Remains other than those declared to be of national importance and for the regulation of excavation of archaeological sites other than those declared to be of national importance in the National Capital Territory of Delhi.

Be it enacted by the Legislative Assembly of the National Capital Territory of Delhi in the Fifty-fifth Year of the Republic of India as follows:-

CHAPTER-1  
PRELIMINARY

Short title, extent and commencement.	1.	(1)	This Act may be called the Delhi Ancient and Historical Monuments and Archaeological Sites and Remains Act, 2004.
		(2)	It extends to the whole of the National Capital Territory of Delhi.
		(3)	It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.
Definitions.	2.	(a)	In this Act, unless the context otherwise requires - “ancient monument” means any structure, erection or monument, or any tumulus or place of interment, or any cave, rock-sculpture, inscription or monolith, which is of historical, archaeological or artistic interest and which has been in existence for not less than one hundred years, and includes - (i) the remains of an ancient monument; (ii) the site of an ancient monument; (iii) such portion of land adjoining the site of an ancient monument as may be required for fencing or covering in or otherwise preserving such ancient monument; and (iv) the means of access to, and convenient inspection of, an ancient monument;
		(b)	“archaeological site and remains” means any area which contains or is reasonably believed to contain ruins or relics of historical or archaeological importance which have been in existence for not less than one hundred years and includes - (i) such portion of land adjoining the area as may be required for fencing or covering in or otherwise preserving it; and (ii) the means of access to, and convenient inspection of, the area;
		(c)	“Director” means the Director of Archaeology of the Government of National Capital Territory of Delhi and includes any other officer authorized by the Government to exercise the powers and to perform all or any of the functions of the Director prescribed by or under this Act;
		(d)	“Government” means the Lieutenant Governor of the National Capital Territory of Delhi appointed by the President under article 239 and designated as such under article 239AA of the Constitution;

- (e) “local authority” means the Municipal Corporation of Delhi, the New Delhi Municipal Council, the Delhi Cantonment Board and the Delhi Development Authority and includes a Gaon Panchayat established under section 151 of the Delhi Land Reforms Act, 1954 (Delhi Act 8 of 1954);
- (f) “maintain” with its grammatical variations and cognate expressions, includes 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 maintaining a protected monument or of securing convenient access thereto;
- (g) “non-living” used in relation to a monument or site means a monument or site which is not being used for any religious or social ceremony, rite, worship or prayer at the time of its declaration as a protected monument or site;
- (h) “owner” includes -
  - (i) a joint owner vested with powers of management on behalf of himself and other joint owners and the successors in-title of any such owner; and
  - (ii) a manager or trustee, not being the owner, who has been entrusted with the custody and management of a monument or site and the successor-in-office of any such manager or trustee;
- (i) “prescribed” means prescribed by the rules made under this Act;
- (j) “protected area” means any archaeological site and remains which is declared to be a protected area under this Act;
- (k) “protected monument” means a monument which is declared to be a protected monument under this Act;
- (l) “unauthorized occupation” means the occupation by any person of the monument or archaeological site and remains without authority for such occupation, and includes the continuance in occupation by any person of the monument or archaeological site and remains after the authority under which he was allowed to occupy the premises has expired or has been terminated for any reason whatsoever.

Application of the Act. 3.

Nothing in this Act shall apply to protected areas and protected monuments as defined in clauses (i) and (j) respectively of section 2 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (Central Act 24 of 1958).

#### CHAPTER-II PROTECTED MONUMENTS

Power of Government to declare monument to be protected monument and archaeological site and remains to be protected area.

- 4. (1) Where the Government is of the opinion that it is necessary to protect against destruction, injury, alteration, mutilation, defacement, removal, dispersion or falling into decay and for preservation any -
  - (a) monument;
  - (b) archaeological site and remains;

It may, by notification in the official Gazette, give two months’ notice of its intention to declare such monument to be a protected monument or such archaeological site and remains to be a protected area, as the case may be, and a copy of every such notification shall be affixed in a conspicuous place on or near the monument or site and remains, as the case may be.
- (2) Any person interested in any such monument or archaeological site and remains may, within two months after the issue of the notification under sub-section(1), object to the declaration of the monument to be a protected monument or the archaeological site and remains to be a protected area, as the case may be.
- (3) On the expiry of the said period of two months, the Government

may, after considering the objections, if any, received by it, declare by notification in the official Gazette, the monument to be a protected monument or the archaeological site and remains to be a protected area, as the case may be.

- (4) A notification published under this section shall, unless and until withdrawn, be conclusive evidence of the fact that the monument or the archaeological site and remains to which it relates, is a protected monument or a protected area, as the case may be.
5. (1) The Director may, with the prior approval of the Government, purchase, or take a lease of or accept a gift or bequeath of, any protected monument.
- (2) Where a protected monument is without an owner, the Director may, by issuing a notification in the official Gazette assume the guardianship of the monument.
- (3) The owner of any protected monument, by a written instrument, constitute the Director to guardian of the monument, and the Director may, with the approval of the Government accept such guardianship.
- (4) When the Director has accepted the guardianship of a protected monument under sub-section (3), the owner shall, except as expressly provided in this Act, have the same estate right, title and interest in and to the monument as if the Director had not been constituted a guardian thereof.
- (5) When the Director has accepted the guardianship of a protected monument under sub-section (3), the provisions of this Act relating to agreements entered into under section 6 shall apply to the written agreement referred to in the said sub-section.
- (6) Nothing in this section shall affect the use of any protected monument for customary religious observances in case the monument is under religious use.
- Maintenance of protected monument by agreement.
6. (1) The Director may, with the approval of the Government, propose to the owner of a protected monument to enter into an agreement with the Government within a specified period for the maintenance of the monument.
- (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 right -
- (i) to use the monument for any purpose;
- (ii) to charge any fee for entry into, or inspection of the monument;
- (iii) to destroy, damage, remove, alter or deface the monument; or
- (iv) to build on or near the site of the monument within a radius upto fifty metres;
- (d) the facilities of access to be permitted to the public or any section thereof and to the Director and to the person deputed by the owner or the Director to inspect or maintain the monument;
- (e) the notice to be given to the Government in case the land on which the monument is located or any adjoining land is offered for sale by the owner, and the right to be reserved to the Government, to purchase such land, at its market value;
- (f) the payment of any expenses incurred by the owner or by the Government in connection with the maintenance of the monument;
- (g) the proprietary or other rights which are to vest in the Government in respect of the monument when any expenses are incurred by the



- Government in connection with the maintenance of the monument;  
the appointment of any authority to decide any dispute arising out of the agreement; and
- (h) any matter related to the maintenance of the monument which is a proper subject of agreement between the owner and the Government.
- (i) The terms of agreement under this section may be altered, if necessary, with the approval of the Government and with the consent, in writing, of the owner provided that it serves the purpose of preserving the monument better.
- (3) The Government or the owner may, at any time after the expiration of ten 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 Government the expenses, if any incurred by it on its maintenance.
- (4) The agreement under this section shall be binding on any person claiming to be owner of the monument to which it relates, from through or under a party by whom or on whose behalf the agreement was executed.
- (5) If the owner of a protected monument 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 6.
- (6) In the case of protected monument which is a village property, the Panchayat for the village where such property vests in the Panchayat or where such property does not vest in a Panchayat, any village officer exercising powers of management over such property may exercise the powers conferred upon an owner by section 6.
- (7) 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 living, that it is to say a functional protected monument which or any part of which is regularly used every year for religious worship or observances of that religion at the time of its protection.
- (8) If any owner or other person, competent to enter into an agreement under section 6 for the maintenance of a protected monument, refuses, or fails to enter into such an agreement when proposed to him by the Director, and if any endowment has been created for the purpose of keeping such monument in good repair or for that purpose among others, the Government may institute a suit in the court of the District Judge, Delhi, or if the estimated cost of repairing the monument does not exceed twenty thousand rupees, may make an application to the District Judge, Delhi for the proper application of such endowment or part thereof.
- (9) On the hearing of an application made under sub-section (1), the District Judge, Delhi may summon and examine the owner and any person whose evidence appears to him to be necessary, and may pass an order for the proper application of the endowment or any part thereof, and any such order shall be executed as if it were a decree of a civil court.
- (10) If any owner or other person competent to enter into an agreement under section 6 for the maintenance of a protected monument refuses or fails to enter into such an agreement, the Government may make an order providing for all or any of the matters specified in sub-section (2) of section 6, and such order shall be binding on the owner

When owners are under disability or when it is a village property.

Application for endowment to repair a protected monument.

Failure or refusal to enter into agreement.

- or such other person and on every person claiming title to the monument from, through or under, the owner or such other person.
- (2) Where an order made under sub-section (1) provides that the monument shall be maintained by the owner or other person competent to enter into an agreement, all reasonable expenses for the maintenance of the monument shall be payable by the Government.
- (3) No order under sub-section (1) shall be made unless owner or other person has been given an opportunity of making a representation, in writing, against the proposed order.
10. (1) If the Director apprehends that the owner or the occupier of a protected monument intends to destroy, remove, alter, mutilate, deface, imperil or misuse the monument or to build on or near the site thereof in contravention of the terms of an agreement under section 6, the Director may, after giving the owner or the occupier an opportunity of making a representation against the proposed action in writing, make an order prohibiting any such contravention of the agreement:
- Provided that no such opportunity may be given in a case where the Director, for reasons to be recorded in writing, 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 Government within such time and in such manner as may be prescribed in this behalf and the decision of the Government in this regard shall be final.
11. (1) If an owner or other person who is bound by an agreement for the maintenance of a monument under section 6 refuses or fails, within such reasonable time as the Director may decide, to do any act which in the opinion of the Director may authorize any person to do any such act, and the owner or other person shall be liable to pay the expenses as the owner or the other person 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 under sub-section (1), it shall be referred to the Government whose decision shall be final.
12. 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 an instrument has been executed by the owner for the time being under section 5 or section 6, and every person claiming any right, title or interest to or in a monument from, through or under an owner who executed any such instrument, shall be bound by such instrument.
13. If the Government apprehends that a protected monument is in danger of being destroyed, injured, misused, or allowed to fall into decay, it may acquire the protected monument under the provision of the Land Acquisition Act, 1894 (1 of 1894), as if the maintenance of protected monument were a public purpose within the meaning of that Act.
14. (1) The Government shall maintain every monument which has been acquired under section 13 or in respect of which any of the rights mentioned in section 5 have been acquired.
- (2) When the Director has accepted the guardianship of a protected monument, under section 5, he shall, for the purpose of maintaining such monument have access to the monument at all reasonable times, by himself and by his agents, subordinates and workmen, for

- the purpose of inspecting the monument, and for the purpose of bringing such material and doing such acts as he may consider necessary or desirable for the maintenance thereof.
- Voluntary contributions. 15. The Director may receive voluntary contributions towards the cost of maintaining a protected monument and may give such general or special orders or directions as he considers necessary for the management and applications of the contributions 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 without the consent, in writing, of the donor.
- Protection of places of worship from misuse, pollution or desecration. 16. (1) A protected monument maintained by the Government under this Act which is a place of worship under active religious use, shall not be used for any purpose inconsistent with its character.
- (2) Where the Government has acquired a protected monument under section 13, or has purchased, or taken a lease or accepted a gift or bequest or assumed guardianship of, a protected monument under section 5, and such monument or any part thereof is actually used every year for religious worship or observances by any community, the Director shall make due provision for the protection of such monument, or 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 charge of the said monument or part thereof, and connected with any religious practice or observances in relation thereto, of any person not entitled to enter by religious usages of the community by which the monument or part thereof is used, or
- (b) by taking such other action as he may think necessary in this behalf.
- Prohibited area and regulated area. 17. An area up to fifty meters from the protected limits of monument shall be declared as prohibited area for any construction and mining activities near or adjoining protected monuments and further beyond it up to one hundred meters as regulated area in which construction and mining activities can be undertaken only after getting permission of the Government and further subject to any rules made under this Act.
- Preservation amenities of protected monuments. 18. (1) If the Government is of opinion that for the purpose of preserving the reasonable amenities of any protected monument, it is necessary so to do, the Government may, subject to the provisions of this section, by notification in the official Gazette, in respect of any area comprising or adjacent to the site of such monument, specified in such notification (hereinafter referred to as "the controlled area") -
- (a) prohibit or restrict the construction, erection or execution of building, structure and other work within the controlled area, or the alteration or extension of any such building, structure, or work in such manner as to materially affect their external appearance;
- (b) prescribe the position, height, site, materials, colour and screening and otherwise regulate the external appearance of buildings, structures and other work within the controlled area;
- (c) require any local authority -
- (i) to construct any approach road to any protected monument; or
- (ii) to demolish any public convenience vesting in it, that is to say, a latrine, urinal, dustbin, rubbish dump and the like, located close to or in the vicinity of any protected monument;
- (d) otherwise restrict the use of the land within the controlled area;
- (e) otherwise restrict the use of the land within the controlled area to such extent as is necessary for the purpose of preserving the



- reasonable amenities of the protected monument; and
- (f) provide for such matters as appear to the Government to be incidental to or consequential on the foregoing provisions of this section, or to be necessary for giving effect to those provisions.
- (2) Not less than forty five days before issuing a notification under sub-section (1), the Government shall cause to be published in the official Gazette, in the controlled area, and in the village and at the headquarters of the Tehsil in which the controlled area is situated, a notification to the effect that those who wish to make any objection to the issue of such a notification under sub-section (1), may submit their objections in writing to the Government or appear before any officer duly authorized in that behalf, to hear objections on behalf of the Government, within one month of the publication of the notification in the official Gazette or within fifteen days from the date of the publication of the notification in the controlled area, whichever period expires later.
- (3) If on the expiration of the time-limits allowed by sub-section (2) for the filing of objections, no objection has been made, the Government shall proceed at once to issue the notification under sub-section (1) but if any objection has been made, the Government may, after such objection has been considered or heard, as the case may be, either-
- (a) abandon the proposal to issue the notification under sub-section (1); or
- (b) issue the notification under sub-section (1) with such modification, if any, as it thinks fit.
- (4) The decision of the Government on the question of issuing the notification under sub-section (1) shall be final and conclusive.
- (5) Nothing contained in any notification under sub-section (1) shall affect any building, structure or other work or any alteration or extension thereof, if it was constructed, erected or executed before the date when notice of intention to issue such a notification was given under sub-section (2), and for the purpose of this provision, a building, structure, or other work and any alteration or extension thereof shall be deemed to have been constructed, erected or executed before that date -
- (a) if its construction, erection or execution was begun before that date; or
- (b) if, and so far as, its construction, erection, or execution was necessary for the purpose of performing a contract made before that date.
- (6) Any person whose property is injuriously affected by the coming into force of a notification under sub-section (1) shall, subject to the provisions of section 31, be entitled to obtain compensation in respect thereof from the Government.
19. Power to prevent destruction of monument. Notwithstanding anything contained in this Act, where the Director is of the opinion that a particular monument which has not been declared a protected monument under this Act is being destroyed either deliberately or otherwise and the same needs to be preserved in the public interest, he shall take such steps as may be necessary to prevent destruction of the monument.
20. Issue of notice to show cause for an order of eviction. (1) If the Government is of the opinion that any persons are in unauthorized occupation of any monument whose ownership rests with the Government and that they should be evicted, the Director shall issue in the manner hereinafter provided a notice in writing calling upon all persons concerned to show cause why an order of eviction should not be made.

- (2) The notice shall-
- (a) specify the grounds on which the order of eviction is proposed to be made; and
- (b) require all persons concerned, that is to say, all persons who are, or may be, in occupation of, or claim any interest in, the monument -
- (i) to show cause, if any, against the proposed order on or before such date as is specified in the notice, being a date not earlier than seven days from the date of issue thereof; and
- (ii) to appear before the Director on the date specified in the notice along with the evidence which they intend to produce in support of the cause shown, and also personal hearing, if such hearing is desired.
- (3) The Director shall cause the notice to be served by having it affixed on the outer or some other conspicuous part of the monument and in such other manner as may be prescribed where upon the notice shall be deemed to have been duly given to all persons concerned.
- (4) Where the Director knows or has reason to believe that any persons are in occupation of the monument, then, without prejudice to the provisions of sub-section (3), he shall cause a copy of the notice to be served on every such person by registered post or by delivering or tendering it to that person or in such other manner as may be prescribed.
- Eviction of unauthorized occupants. 21. (1) If, after considering the cause, if any, shown by any person in pursuance of a notice under section 20 and any evidence produced by him in support of the same and after a personal hearing, if any, given under clause (b) of sub-section (2) of section 20, the Director is satisfied that the monuments are in unauthorized occupation, the Director may make an order of eviction, for reasons to be recorded therein, directing that the monuments shall be vacated on such date as may be specified in the order, by all persons who may be in occupation thereof, and cause a copy of the order to be affixed on the outer door or some other conspicuous part of the monuments.
- (2) If any person refuses or fails to comply with the order of eviction on or before the date specified in the said order or within fifteen days of the date of its publication under sub-section (1), whichever is later, the Director or any other officer duly authorized by him in this behalf may after the date as specified or after the expiry of the period aforesaid, whichever is later, evict that person from, and take possession of, the monument according to such procedure as may be prescribed and may, for that purpose, use such force as may be necessary.
- Relinquishment of Government's rights in a monument. 22. (1) Where rights have been acquired by the Government in respect of any monument in the official gazette under this Act by virtue of any sale, lease, gift or will, the Government may by notification, relinquish rights so acquired, to the person who would, for the time being be the owner of the monument, as if such rights had not been acquired.
- (2) The Director may, with the prior sanction of the Government relinquish the guardianship of a monument which he has assumed under this Act.
- Rights of access to a protected monument. 23. Subject to any rules made under this Act, the public shall have a right of access to any protected monument or part thereof.

CHAPTER-III  
PROTECTED AREAS

- Restrictions on enjoyment of property rights in protected areas.
3. (1) No person including the owner or occupier of a protected area shall construct any building within the protected area or carry on any mining, quarrying, excavating, blasting or any operation of a like nature in such area, or utilize such area or any part thereof in any other manner without the permission of the Government:
- Provided that nothing in this sub-section shall be deemed to prohibit the use of any such area or part thereof for purpose of cultivation if such cultivation does not involve the digging of not more than one foot of soil from the surface.
- The Government may, by order, direct that any building constructed by any person within a protected area in contravention of the provisions of sub-section (1) shall be removed within a specified period and, if the person refuses or fails to comply with the order, the Director may cause the building to be removed and the person shall be liable to pay the cost of removal.
4. If the Government is of opinion that any protected area contains an antiquarian remains, monument or site which is of historical or archaeological value, it may acquire such area under the provisions of the Land Acquisition Act, 1894 (1 of 1894), as if the acquisition were for a public purpose within the meaning of that Act.
- Power to acquire a protected area.

CHAPTER-IV  
ARCHAEOLOGICAL EXCAVATIONS

- Excavations in protected areas.
26. Subject to the provisions of section 24 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Director or an officer authorized by him in this behalf or any person holding a licence granted in this behalf (hereinafter referred to as "the licensee") may, after giving notice, in writing to the Deputy Commissioner of the area concerned and the owner enter upon and make excavations in any protected area.
- Excavations in an area other than a protected area.
27. (1) Subject to the provisions of section 24 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), where the Director has reasons to believe that any area, not being a protected area, contains ruins or relics so historical or archaeological importance, he or an officer authorized by him in this behalf may, after giving notice in writing to the Deputy Commissioner of the area concerned and the owner enter upon and make excavations in this area.
- (2) At the conclusion of the excavation operations, the Director or an officer authorized by him shall give in writing to the owner of the land from where such antiquities have been discovered as to the nature and number of such antiquities.
- Compulsory acquisition of antiquities etc. discovered during excavation operations and casual digging.
28. (1) The antiquity or any other archaeological material discovered at a site, whether located in a protected area or not, will be acquired by the Government.
- (2) Where, as a result of any chance discovery or as a result of any unauthorized digging in any area, any antiquities or remains are discovered, the Director, shall as soon as practicable, examine such antiquities and submit a report to the Government in such manner and containing such particulars as may be prescribed.
- (3) Until an order for the compulsory purchase of any such antiquities is made under sub-section (4), the Director shall keep them in such safe custody as he may deem fit after proper documentation.



- (4) On receipt of a report under sub-section (2), the Government may make an order for the compulsory purchase of any such antiquities.
- (5) When an order for the compulsory purchase of any antiquity or art object is made under sub-section (4), the ownership of such antiquity or art object shall vest in the Government with effect from the date of the order.

#### CHAPTER-V

#### PRINCIPLES OF COMPENSATION

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| <p>Compensation for loss or damage.</p>                       | 29. |     | <p>Any owner or occupier of land who has sustained any loss or damage or any diminution of profits from the land by reason or any entry on, or excavation in, such land or the exercise of any other power conferred by or under this Act shall be paid compensation by the Government for such loss, damage or diminution of profits.</p>  |
| <p>Assessment of market value or compensation.</p>            | 30. |     | <p>The market value of any property which the Government is empowered to purchase at such value under this Act or the compensation to be paid by the Government in respect of anything done under this Act, shall, where any dispute arise in respect of such market value or compensation, be ascertained in the manner provided for in section 3,5,8 to 34, 45 to 47, 51 to 52 of the Land Acquisition Act, 1894 (1 of 1894), so far as they can be made applicable;</p> <p>Provided that when making an inquiry under the said Land Acquisition Act, the Deputy Commissioner of the area concerned shall be assisted by two assessors, one of whom shall be person nominated by the Government and the other, a person nominated by the owner or the occupier, or, in case the owner or the occupier fails to nominate an assessor within such time as may be fixed by the Deputy Commissioner of the area concerned in this behalf.</p> |
| <p>Special provision as to compensation under section 18.</p> | 31. | (1) | <p>No person shall be entitled to compensation in respect of any order issued sub-section (1) of section 18 unless, within three months from the date on which such notification comes into force, or within such further time as the Government may in special circumstances allow, he makes a claim in the prescribed manner.</p>   |
|   |     | (2) | <p>A person shall not be entitled to compensation by reason of the fact that any act or thing done or caused to be done by him has been rendered abortive by such notification if, or so far as, the act or thing was done after the date on which the notification was issued, or by reason of the fact that the performance of any contract made by him after that date is prohibited as a result of the notification.</p>  |
|   |     | (3) | <p>Where any provision of such notification was, immediately before the notification came into force, already in force by virtue of any other Act, no compensation shall be payable by reason of any property being injuriously affected by that provision of the notification if compensation has been paid or could have been claimed, or was not payable, by reason of that property having been injuriously affected by the provision already in force.</p>   |
|   |     | (4) | <p>Where any provision of such notification could, immediately before it came into force have been validly included in a scheme, order, regulation or bye-law, by virtue of any other Act -</p>   |
|   |     | (a) | <p>if no compensation would have been payable by reason of the inclusion of that provision in that scheme, order, regulation or bye-law, no compensation shall be payable in respect of that notification; and</p>  |
|   |     | (b) | <p>if compensation would have been so payable, the compensation payable in respect of that provision of the notification shall not be greater than the compensation which would have been so payable.</p>   |

- (5) The amount of the sum which is to be paid as compensation in respect of such a notification, in case of any dispute, shall be determined in accordance with the provisions of section 31.

CHAPTER-VI  
MISCELLANEOUS

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| Delhi<br>Archaeological<br>Council. | 32.    | (1) There shall be constituted an Advisory Council for ancient and historical monuments and archaeological sites and remains of State importance to be called in Delhi Archaeological Advisory Council (hereinafter referred to as the Advisory Council) for the purpose of advising the Government on matters of policy relating to the field of archaeology in the National Capital Territory of Delhi.<br><br>(2) The Advisory Council shall be constituted by the Government and shall consist of a Chairman who will be Minister of Education, Government of National Capital Territory of Delhi and Director of the Department of Archaeology of the Government of National Capital Territory of Delhi will be Member Secretary and 16 members to be nominated by the Government for a period of two years and further subject to any rules made under this Act.   |
| Delegation<br>power.                | of 33. | The Government may, by notification in the official gazette, direct that any powers conferred on it by or under this Act shall, subject to such conditions as may be specified in the direction, be also exercisable by such officer or authority subordinate to the Government as may be specified in the direction.  |
| Penalties.                          | 34.    | (1) Whoever -<br>(i) destroys, removes, injures, alters, adds, deface, imperils or misuse a protected monument, or site and remains; or<br>(ii) being the owner, or the occupier of a protected monument, contravenes an order made under sub-section (1) of section 9 or under sub-section (1) of section 10; or<br>(iii) removes from a protected monument, any sculpture, carving, image, bas-relief, inscription, pillar, brackets, stones, artifacts or other like material or objects; or<br>(iv) does any act in contravention of sub-section (1) of section 24; shall be punishable with imprisonment which may extend to two years or with fine which may extend to fifty thousand rupees, or with both.<br><br>(2) Any person who contravenes any of the provisions of a notification issued under sub-section (1) of section 18 shall be punishable with fine which may extend to fifty thousand rupees, and if the contravention is continued after conviction, with a further fine which may extend to two hundred and fifty rupees for each day of continued contravention, any if such contravention is continued after the expiry of such period as the Court may determine, the Government shall, in addition, have power to do all such acts as its opinion are necessary for removing so much of the building, structure or work as is not in conformity with such provisions, and any expense incurred by the Government shall be recoverable from the person convicted, as an arrear of land revenue. |
| Compounding<br>of<br>offences.      | 35.    | (1) The Director or any person authorized by him by general or special orders in this behalf, may either before or after institution of the proceedings compound any offences made punishable under this Act for such amount as the Government may by notification in the official Gazette, specify in this behalf.<br><br>(2) Where an offence has been compounded under sub-section (1), the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of such offence.  |

<p>Jurisdiction to try offences. 36.</p> <p>Certain offences to be cognizable. 37.</p> <p>Special provision regarding fine. 38.</p> <p>Recovery of amount due to Government. 39.</p> <p>Power to declare protected monument, and protected area to be no longer such monument or area. 40.</p> <p>Power to correct mistakes, etc. 41.</p> <p>Protection of action taken under Act. 42.</p> <p>Power to make rules. 43. (1)</p>	<p>No Court inferior to that of a Metropolitan Magistrate shall try any offence punishable under this Act.</p> <p>Notwithstanding anything contained in section 29 of the Code of Criminal Procedure, 1973 (II of 1974), any offence under clause (i) or clause (iii) of sub-section (1) of section 34, shall be deemed to be a cognizable offence within the meaning of that Code.</p> <p>Notwithstanding anything contained in section 31 of the Code of Criminal Procedure, 1973 (II of 1974), it shall be lawful for any Metropolitan Magistrate to pass a sentence of fine exceeding two thousand rupees on any person convicted of an offence, which under this Act is punishable with fine exceeding two thousand rupees.</p> <p>Any amount due to the Government from any person under this Act may, on a certificate issued by the Director, be recovered in the same manner as an arrear of land revenue.</p> <p>If the Government is of the opinion it is no longer necessary to protect any protected monument or protected area, it may, by notification in the official Gazette make a declaration to that effect and thereupon such monument or area shall cease to be a protected monument or protected area, as the case may be.</p> <p>Any clerical or typographical mistake, patent error or error arising from an accidental slip or omission in the description of any monument or archaeological site and remains declared to be protected monuments or protected areas, as the case may be, under this Act may, at any time, be corrected by the Director by notification in the official gazette.</p> <p>No suit for compensation and criminal proceeding shall lie against any public servant for any action which is in good faith done or intended to be done in good faith under this Act.</p> <p>The Government may, by notification in the official gazette and subject to the condition of previous publication, make rules for carrying out the purposes of this Act.</p> <p>(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely -</p> <p>(a) the prohibition or regulation by licensing or otherwise of mining, quarrying, excavating, digging, blasting or any operation of a like nature which, in the opinion of the Government, has jeopardized or is likely to jeopardize the safety of the monument, or the area, as the case may be, near a protected monument or area or the construction of buildings on land adjoining such monument or area and the removal or unauthorized occupation, or construction activity;</p> <p>(b) the right of access of the public to a protected monument and fee, if any, to be charged therefore;</p> <p>(c) the form and contents of the report of the Director under sub-section (2) of section 28;</p> <p>(d) the form in which applications for permission under section 24 may be made and the particulars which they should contain;</p> <p>(e) the manner in which a claim shall be made under this Act and the time within which it may be preferred;</p> <p>(f) the form and manner of preferring an appeal under this Act and the time within which it may be preferred;</p> <p>(g) the manner of service of any order or notice under this Act;</p> <p>(h) the manner in which excavations and other like operations for archaeological purposes may be carried on;</p>
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- (i) the form of any notice required or authorized to be given under section 20 of this Act and the manner in which it may be served;
- (j) the procedure to be followed in taking possession of a monument, under sub-section (2) of section 21 of this Act.
- (k) the term of the office, traveling and other allowances payable to the member of the Advisory Council; and
- (l) any other matter which is or may be prescribed.
- (3) Any rule made under this section may provide that breach thereof shall be punishable -
  - (i) in the case of a rule made with reference to clause (a) of sub-section (2), with imprisonment which may extend to three months, or with fine which may extend to twenty thousand rupees, or with both;
  - (ii) in the case of a rule made with reference to clause (b) of sub-section (2), with fine which may extend to five thousand rupees.

(4) Every rule made under this Act shall be laid, as soon as may be after it is made, before the House of the Legislative Assembly of the National Capital Territory of Delhi, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the sessions immediately following the session or the successive sessions aforesaid, the House agrees in making any modification in the rule, or the House agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Repeal. 44.

The Ancient Monuments Preservation Act, 1904 (VII of 1904), in its application to the National Capital Territory of Delhi shall cease to have effect in relation to ancient and historical monuments, archaeological sites and remains and all other matters pertaining thereto, to which this Act applies, except in respect of things done or omitted to be done before the commencement of this Act.

Power to remove difficulties. 45.

If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order not inconsistent with the provisions of the Act, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.

V. K. BANSAL  
Jt. Secretary

**List of Heritage Buildings under the jurisdiction / maintenance of CPWD**

**New Delhi**

1. Rashtrapati Bhawan
2. Parliament House
3. Building within the President Estate
4. North & South Block
5. Hyderabad House & Complex
6. Gandhi Smriti Sadan
7. Teen Murti House
8. Indira Gandhi Memorial
9. Vice President's House
10. Jaipur House
11. Bikaner House
12. Faridkot House
13. Darbhanga House
14. Naval Officer Mess (Kota House)
15. Jaisalmer House
16. Patiala House
17. Bahagal Pur House

**NCT of Delhi**

18. Session House at North End Road
19. Press Building & DC Officer at 5 Sham Nath Marg
20. Delhi Vidhan Sabha

## INTACH Charter

Introduction

Part 1: Principles

Part 2: Guidelines

Part 3: Management and Education

Part 4: Professionalism

Annexure 1

### Introduction

#### **CHARTER FOR THE CONSERVATION OF UNPROTECTED ARCHITECTURAL HERITAGE AND SITES IN INDIA**

**Drawing** upon the experience of the Indian National Trust for Art and Cultural Heritage (INTACH) in conserving the unprotected architectural heritage and sites of India within an institutional framework for two decades;

**Respecting** the invaluable contributions of the Archaeological Survey of India (ASI) and State Departments of Archaeology (SDA) in preserving the finest monuments of India;

**Valuing** ASI's pioneering role in promoting scientific methods of practice and establishing highest standards of professionalism in preserving monuments;

**Acknowledging** the importance and relevance of principles enunciated in the various international Charters adopted by UNESCO, ICOMOS, *et al*;

**Conscious**, however, that a majority of architectural heritage properties and sites in India still remains unidentified, unclassified, and unprotected, thereby subject to attrition on account of neglect, vandalism and insensitive development;

**Recognising** the unique resource of the 'living' heritage of Master Builders / *Sthapatis* / *Sompuras* / *Raj Mistris* who continue to build and care for buildings following traditions of their ancestors;

**Recognising**, too, the concept of *jeernodharanam*, the symbiotic relationship binding the tangible and intangible architectural heritage of India as one of the traditional philosophies underpinning conservation practice;

**Noting** the growing role of a trained cadre of conservation architects in India who are re-defining the meaning and boundaries of contemporary conservation practices;

**Convinced** that it is necessary to value and conserve the unprotected architectural heritage and sites in India by formulating appropriate guidelines sympathetic to the contexts in which they are found;



We, members of INTACH, gathered here in New Delhi on the 4th day of November 2004, adopt the following **Charter for Conservation of Unprotected Architectural Heritage and Sites in India**.

### **Part 1: PRINCIPLES**

ARTICLE 1: Why Conserve? | ARTICLE 2: What to Conserve? | ARTICLE 3: Conservation Ethics

#### **ARTICLE 1: Why Conserve?**

1.1 The majority of India's architectural heritage and sites are unprotected. They constitute a unique civilization legacy, as valuable as the monuments legally protected by ASI/ SDA and other governmental and non-governmental agencies. This legacy is being steadily eroded as a result of insensitive modernization and urbanization, and the fact that it does not command the same respect as legally protected monuments. Many unprotected heritage sites are still in use, and the manner in which they continue to be kept in use represents the 'living' heritage of India. This heritage is manifest in both tangible and intangible forms (Article 2.2), and in its diversity defines the composite culture of the country. Beyond its role as a historic document, this unprotected heritage embodies values of enduring relevance to contemporary Indian society, thus making it worthy of conservation.

1.2 This 'living' heritage is not legally protected. The buildings and sites, which constitute it, are subject to demolition or unsympathetic interventions. The knowledge of traditional building skills with which it is associated is also in danger of being lost in the absence of patronage and official recognition. Conserving the 'living' heritage, therefore, offers the potential to conserve both traditional buildings and traditional ways of building.

1.3 Conserving the unprotected architectural heritage and sites ensures the survival of the country's sense of place and its very character in a globalising environment. It offers the opportunity not only to conserve the past, but also to define the future. It provides alternate avenues for employment and a parallel market for local building materials and technologies, which needs to be taken into account when resources for development are severely constrained.

1.4 This 'living' heritage also has symbiotic relationships with the natural environments within which it originally evolved. Understanding this interdependent ecological network and conserving it can make a significant contribution to improving the quality of the environment.

#### **ARTICLE 2: What to Conserve?**

2.1 The objective of conservation is to maintain the significance of the architectural heritage or site. Significance is constituted in both the tangible and intangible forms. The process of Listing (Article 5) must determine the characteristics of significance and prioritise them.

2.2 The tangible heritage includes historic buildings of all periods, their setting in the historic

precincts of cities and their relationship to the natural environment. It also includes culturally significant modern buildings and towns. The intangible heritage includes the extant culture of traditional building skills and knowledge, rites and rituals, social life and lifestyles of the inhabitants, which together with the tangible heritage constitutes the 'living' heritage. Both tangible and intangible heritage, and especially the link between them, should be conserved.

2.3 Conservation of architectural heritage and sites must retain meaning for the society in which it exists. This meaning may change over time, but taking it into consideration ensures that conservation will, at all times, have a contemporary logic underpinning its practice. This necessitates viewing conservation as a multi-disciplinary activity.

2.4 Where the evidence of the tangible or intangible architectural heritage exists in fragments, it is necessary to conserve it, even in part, as representative of a historic past. Such conservation must ideally be undertaken *in-situ*, but if this is not possible, then it should be relocated to a place where it would be safe for continued contemplation.

2.5 Conservation in India is heir not only to Western conservation theories and principles introduced through colonialism and, later, by the adoption of guidelines formulated by UNESCO, ICOMOS and international funding agencies, but also to pre-existing, indigenous knowledge systems and skills of building. These indigenous practices vary regionally and cannot be considered as a single system operating all over India. This necessitates viewing conservation practices as a multi-cultural activity.

2.6 While the Western ideology of conservation advocates minimal intervention, India's indigenous traditions idealise the opposite. Western ideology underpins official and legal conservation practice in India and is appropriate for conserving protected monuments. However, conserving unprotected architectural heritage offers the opportunity to use indigenous practices. This does not imply a hierarchy of either practice or site, but provides a rationale for encouraging indigenous practices and thus keeping them alive. Before undertaking conservation, therefore, it is necessary to identify where one system should be applied and where the other. For this purpose, it is necessary at the outset to make a comprehensive inventory (see Article 5) of extant heritage, both tangible and intangible, and separate it into two categories:

A.i Buildings and sites protected by ASI, SDA and other government or non-government agencies. Only the official and legal instruments of conservation and internationally accepted principles should be adopted here;

A.ii Other listed buildings and sites which, though not protected by ASI, SDA and other government or non-government agencies, possessing heritage value or significance equivalent to that of protected monuments. Here too, the official and legal instruments should be adopted for their conservation;

B. The remaining listed buildings and sites both modern and historic, including those produced within the last hundred years. Here, the conservation strategy may adopt either the official and legal instruments of conservation or those rooted in indigenous building traditions. Hybrid strategies, inventively combining indigenous and official practices, can also be employed to conserve this heritage category. The decision to adopt indigenous practices should be based on the availability of skilled and knowledgeable *raj mistris*. In all cases a rationale for the decision taken to adopt one or another system of conservation must be recorded.

2.7 The overarching objective for undertaking conservation of unprotected architectural heritage and sites is to establish the efficacy of conservation as a development goal. What to conserve will, therefore, be determined by those strategies of conservation, which accommodate the imperatives of development and the welfare of the community while seeking economically to achieve maximum protection of the significant values of the architectural heritage and site.

### **ARTICLE 3: Conservation Ethics**

#### **3.1 Authenticity**

3.1.1 The traditional knowledge systems and the cultural landscape in which it exists, particularly if these are 'living', should define the authenticity of the heritage value to be conserved. In the absence of such contexts, the official and legal guidelines, particularly as defined by the "Nara Document on Authenticity, 1994", should determine the nature of the authenticity of the architectural heritage and site.

3.1.2 Traditional knowledge systems and cultural landscapes vary from one regional/cultural context to another or within the same region/culture. Thus, the values of 'living' architectural heritage can differ from one context to another, reflecting the cultural diversity of the country. In each case, however, conservation should faithfully reflect the significant values, which define the heritage.

#### **3.2 Conjecture**

3.2.1 Local master builders build, rebuild, restore, renew and make additions/alterations to historic buildings in response to contemporary exigencies or evolving local needs of the community; they must be encouraged to follow their traditions even when there is no available evidence in the form of documentation, oral histories or physical remains of previous structures. Appropriate craftspeople for undertaking such works should be identified as described in Article 5.1.4.

3.2.2 An exact replacement, restoration or rebuilding must be valued when it ensures continuity of traditional building practices.

3.2.3 Conjectural restoration or rebuilding must nevertheless respect the overall spatial and volumetric composition of historic settings. The parameters of the historical setting should be



defined through comprehensive urban design studies. These parameters should also guide new urban development in the vicinity of heritage buildings and sites.

3.2.4 The ASI / SDA rule prohibiting development within a 100-metre radius of a protected building restricts the practice of restoration or rebuilding of sites, conjectural or otherwise, and thereby may result in harming the welfare of society. This rule should not be applied to conserve unprotected architectural heritages and sites.

### **3.3 Integrity**

3.3.1 The integrity of the heritage is to be defined and interpreted not only in terms of the physical fabric of the building, but also with respect to the collective knowledge systems and cultural landscape it represents. This knowledge system, where it exists, must mediate the process of conservation/ restoration/ rebuilding of the unprotected architectural heritage in order to reinforce an appreciation of the cultural landscape. This dynamic concept understands the integrity of the individual building as one which evolves in response to contemporary needs of local society.

3.3.2 The concept of an evolving integrity accepts the introduction of new architectonic elements, materials and technologies when local traditions are insufficient or unavailable. The introduction of new elements may reflect contemporary aesthetic ideals as modern additions to old buildings.

### **3.4 Patina**

3.4.1 The patination of historic fabric due to age or natural decay should not compel the preservation of a ruin as it exists, frozen in time and space. In conformity with local aesthetic traditions, and for the well being of the heritage building or site, renewal, restoration, repair or rebuilding is acceptable. Patina may, where necessary, be considered as a sacrificial layer.

### **3.5 Rights of the indigenous community**

3.5.1 Each community has its own distinctive culture constituted by its traditions, beliefs, rituals and practices - all intrinsic to defining the significance of the unprotected architectural heritage and site. The conservation strategy must respect the fact that local cultures are not static and, therefore, encourage active community involvement in the process of decision-making. This will ensure that the symbiotic relation between the indigenous community and its own heritage is strengthened through conservation.

### **3.6 Respect for the contributions of all periods**

3.6.1 The contributions of earlier periods which produced the historic fabric and consequent interventions, including contemporary interventions, based on either traditional systems of building knowledge or modern practices, must be respected as constituting the integrity of the heritage sought to be conserved. The objective of conserving the unprotected architectural

heritage and site is not so much to reveal the authentic quality of the past or preserve its original integrity, but rather to mediate its evolving cultural significance to achieve beneficial results.

3.6.2 The holistic coherence of the heritage in terms of its urban design, architectural composition and the meaning it holds for the local community should determine any intervention in the process of conservation.

### **3.7 Inseparable bond with setting**

3.7.1 An unprotected heritage building or site is inseparable from its physical and cultural context, and belongs to the local society as long as its members continue to value and nurture it. The conservation process must be sensitive to this relationship, and reinforce it.

3.7.2 If the unprotected heritage does not possess any bond with contemporary society, then its relevance for conservation may be questioned and modern re-development may be considered an option to meet the welfare needs of society. This decision must invariably be taken in consultation with INTACH's Advisory Committees as described in Article 7.2.5.

### **3.8 Minimal intervention**

3.8.1 Conservation may include additions and alterations of the physical fabric, in part or whole, in order to reinstate the meaning and coherence of the unprotected architectural heritage and site. In the first instance, however, conservation should attempt minimal intervention.

3.8.2 However, substantial additions and alterations may be acceptable provided the significance of the heritage is retained or enhanced.

### **3.9 Minimal loss of fabric**

3.9.1 The nature and degree of intervention for repairing, restoring, rebuilding, reuse or introducing new use, should be determined on the basis of the intervention's contribution to the continuity of cultural practices, including traditional building skills and knowledge, and the extent to which the changes envisaged meet the needs of the community.

### **3.10 Reversibility**

3.10.1 The principle of reversibility of interventions needs not dictate conservation strategy. In order to use the unprotected heritage for the socio-economic regeneration of the local communities, the historic building and site can be suitably adapted and modified for an appropriate reuse. For this it is only essential that the process of intervention contributes to conserving the traditional context as far as possible in the modified form. This decision must invariably be taken in consultation with INTACH's Advisory Committees as described in Article 7.2.5.

### **3.11 Legibility**

3.11.1 The legibility of any intervention must be viewed in its own context. If traditional craftspeople are employed then it must be accepted that their pride derives from the fact that the

new work is in complete harmony with the old and is not distinguishable from it. Thus, historic ways of building must be valued more than the imperative to put a contemporary stamp on any intervention in a historic building.

3.11.2 Where modern material or technology is used, it could be used to replicate the old or be distinguished from it, depending on the artistic intent governing the strategy of conservation.

### **3.12 Demolish/ Rebuild**

3.12.1 The concept of *jeernodharanam*, or regeneration of what decays, must guide the nature of conservation. This belief is fundamental to conserving traditional ways of building and maintaining the continuity of local knowledge systems.

3.12.2 If, however, local conditions are such that all strategies to conserve the unprotected architectural heritage and site are found to be inadequate, then the option of replacing it should be examined. This process is also rooted in tradition because it recognises 'cyclical' perceptions of time, whereby buildings live, die and are rebuilt. This option must be discussed, debated and decided in consultation with all concerned stakeholders, including INTACH's Advisory Committee as described in Article 7.2.5.

3.12.3 Where the existence of a cultural resource is under severe threat by natural calamities or man-made hazards, the building may be dismantled and reassembled at another appropriate site after undertaking thorough documentation of its extant condition.

3.12.4 If a historic structure has outlived its significance and its meanings to local people are lost, it may be preserved as a ruin or, if circumstances do not permit that, left undisturbed to meet its natural end.

3.12.5 If removal in whole or part from the original site or context is the only means of ensuring the security and preservation of a building, then a comprehensive documentation of all valuable and significant components of the cultural resource must be undertaken before it is dismantled.

### **3.13 Relationship between the conservation architect and the community**

3.13.1 In dealing with the conservation of unprotected architectural heritage and sites, it may become necessary to temper the role of the conservation architect as an expert professional by taking into account the desires and aspirations of the local community and the traditional practices of *raj mistris*. This does not assume, *a priori*, that the interests of conservation architects and those of the community and traditional master builders are incompatible, but rather that there must be room in the process of conservation for dialogue and negotiated decision making.

In order to achieve a more satisfying result for the community it may be necessary to override the professional imperative to adhere to the principles governing the conservation of legally protected monuments. This is acceptable when dealing with unprotected architectural heritage



and sites provided, as stated in Article 2.7, that conservation strategies seek economically to achieve maximum protection of the significant values of the architectural heritage and site.

## **Part 2: GUIDELINES**

ARTICLE 4: Conservation Objectives | ARTICLE 5: Listing | ARTICLE 6: Guidelines for Conservation

### **ARTICLE 4: Conservation Objectives**

#### **4.1 Retain visual identity**

4.1.1 In a globalising world, where visual spaces are rapidly becoming homogenised, it is necessary to retain the specific visual identity of a place created by the presence of unprotected architectural heritage and sites. Yet, this image should not be preserved in the manner of legally protected monuments, but must accommodate the imperatives of change in making the heritage relevant in contemporary society. The objective must be to integrate unprotected heritage and sites into daily social life by balancing their needs so that neither overshadows the other.

4.1.2 The visual cacophony created by advertisement boards, signage, hanging electric cables, air conditioning units, dish antennas, etc. must be carefully controlled to enhance the visual character of the architectural heritage and site. Additions of street furniture, pavement material, lighting, signage, etc. can add to the experience and appreciation of the heritage.

4.1.3 In this respect the objectives of conservation can mediate even new buildings or neighbourhoods by requiring them to make reference to the old by employing elements, methods and devices characterising the architectural heritage of the area so that the new is linked with the old.

#### **4.2 Adaptive re-use**

4.2.1 The re-use of historic buildings and neighbourhoods is economically sensible. It is an effective strategy to conserve architectural heritage, particularly by using traditional craftspeople in the process. Such re-use distinguishes between preservation as an ideal on the one hand and, on the other, the goal to prolong the useful life of architectural heritage by retaining as much (and not necessarily, all) of the surviving evidence as a vestigial presence.

4.2.2 Priority must be accorded to retaining the continuity of original functions. Any new use must be introduced only after studying its effect on the local context, and must conform to the carrying capacity and vulnerability of the architectural heritage.

4.2.3 All changes to the original fabric should be preceded and followed by comprehensive documentation. Additions and alterations must respect the coherence of the whole, and must, to the extent possible, engage traditional materials, skills and knowledge in the process.

4.2.4 When it becomes necessary to modernise and comprehensively alter the original internal functional characteristics of the building or site, its external image must be retained.

4.2.5 At the outset, the local community must be made aware of the changes envisaged and explained the benefits to be derived.

### **4.3 Restoration/ Replication/ Rebuilding**

4.3.1 Restoration is an appropriate conservation strategy to reinstate the integrity or complete the fractured 'whole' of the architectural heritage/ site. It must aim to convey the meaning of the heritage in the most effective manner. It may include reassembling of displaced and dismembered components of the structure and conjectural building or replacement of missing or severely deteriorated parts of the fabric. Invariably, restoration work must be preceded and followed by comprehensive documentation in order to base interventions on informed understanding of the resource and its context, and in conformity with contemporary practices of local craftspeople.

4.3.2 In consonance with traditional ideals, replication can be accepted as an appropriate strategy not only to conserve unprotected historic buildings, but especially if such replication encourages historic ways of building.

4.3.3 At the urban level, the objective of rebuilding historic structures should be to enhance the visual and experiential quality of the built environment, thereby providing a local distinctiveness to contest the homogenising influence of globalisation.

4.3.4 In addition, reconstruction/ rebuilding can provide the impetus to develop a parallel market for local buildings materials and new opportunities for the use of alternative systems of building.

4.3.5 Reconstruction based on minimal physical evidence is appropriate where it is supported by the knowledge of local craftspeople, including folklore, beliefs, myths and legends, rituals, customs, oral traditions, etc. The objective of this practice must be to interpret the original meanings of the resource in the contemporary context and reinforce its bond with society.

### **4.4 Employment generation**

4.4.1 Conservation strategy must focus on the potential for employing local *raj mistris*, labour and materials because this will prolong the economic viability of traditional ways of building. In conditions of resource scarcity, the use of architectural heritage can provide an alternate and more economic strategy to meet contemporary needs as well.

### **4.5 Local material and traditional technology**

4.5.1 The use of local materials and traditional technologies must invariably be preferred. Their choice must be based on the availability of traditional knowledge systems. Modern substitutes should be considered only after their use is proven efficient and judicious, and must not compromise the integrity and continuity of local building traditions.

4.5.2 It is necessary to recognise that the use of certain traditional building materials may be inadvisable on account of the damage this can cause to the natural ecological systems. Thus the

use of shell lime in coastal areas and wood generally may need to be judicially substituted with alternate materials.

#### **4.6 Integrated conservation**

4.6.1 Conservation of architectural heritage and sites must be integrated with the social and economic aspirations of society. Conservation-oriented development must be the preferred strategy for social and economic progress. This necessitates the formation of multi-disciplinary teams to undertake integrated conservation projects. Since social aspirations are diverse and often at odds with each other, the conservation team must include social workers to facilitate dialogue and decision-making.

#### **4.7 Sustainability**

3.1 4.7.1 The objective of conservation should be to sustain the building and/or the traditional skill and knowledge system of building. In this context, continuity must be seen as evolving over time. The test of its validity must be the positive contribution it makes to the quality of life of the local community.

### **ARTICLE 5: Listing**

#### **5.1 Introduction**

5.1.1 Through the ASI, the Central Government protects monuments more than 100 years old declared to be of national importance. Monuments of importance to States are protected by the respective SDAs. However, the existing legislation covers only about 5,000 monuments at the national level and approximately 3,500 at the state level. Considering India's vast cultural heritage, these numbers are inadequate and their focus monument-centric.

5.1.2 INTACH has undertaken an inventory of built heritage in India which includes notable buildings aged 50 years or more which are deemed to be of architectural, historical, archaeological or aesthetic importance.

5.1.3 This inventory will become INTACH's National Register of Historic Properties. It attempts to create a systematic, accessible and retrievable inventory of the built heritage of this country. It will serve as resource material for developing heritage conservation policies and regulations. In due course, this database should be made more comprehensive and the information compiled should be available online. It should also be made compatible with similar registers of other countries to facilitate international research.

5.1.4 A similar Register of Craftspeople associated with the architectural heritage must be undertaken by specialist cultural organizations (Article 8.6.3). It is important to reiterate that both buildings being listed and associated activities that keep these building in use constitute the 'living' heritage. The Register of Craftspeople is, therefore, essential to viewing the architectural heritage in a holistic manner.



## **5.2 Inventory of properties / buildings**

5.2.1 Since a large part of India's cultural heritage has so far remained undocumented, preparing an inventory of heritage buildings worthy of preservation is the most important task with which to begin the process of conservation.

5.2.2 The primary aim of listing is to document the fast disappearing built heritage and then present it to scholars and the general public in a user-friendly format, which aids conservation by generating public awareness. Once a property/ building is included in such a list, it becomes justifiable to undertake necessary conservation activities by formulating special regulations for its conservation or according it due protection under Town Planning Acts. Ideally, the footprints of all listed buildings should be included in the Master Plan documents of cities.

5.2.3 Buildings protected by the ASI and SDA should also be included in the list prepared by INTACH.

## **5.3 Selection criteria**

5.3.1 Although interrelated, the following three key attributes will determine whether a property is worthy of listing:

- i. Historic significance
- ii. Historic integrity
- iii. Historic context

One or more of these attributes need to be present in a building to make it worthy of listing.

## **5.4 Historic significance**

5.4.1 Historic significance refers to the importance of a property to the history, architecture, archaeology, engineering or culture of a community, region or nation. In selecting a building, particular attention should be paid to the following:

- i. Association with events, activities or patterns.
- ii. Association with important persons, including ordinary people who have made significant contribution to India's living heritage.
- iii. Distinctive physical characteristics of design, construction or form, representing the work of a master craftsman.
- iv. Potential to yield important information, such as socio-economic history. Railway stations, town halls, clubs, markets, water works etc. are examples of such sites
- v. Technological innovation represented. For example: dams, bridges, etc.
- vi. Town planning features such as squares, streets, avenues, etc. For example: Rajpath in New Delhi.

## **5.5 Historic integrity**

5.5.1 Historic integrity refers to the property's historic identity, evidenced by the survival of

physical characteristics and significant elements that existed during the property's historic period. The "original" identity includes changes and additions over historic time.

5.5.2 Historic integrity enables a property to illustrate significant aspects of its past. Not only must a property resemble its historic appearance, but it must also retain original materials, design features and aspects of construction dating from the period when it attained significance.

5.5.3 Historic integrity also relates to intangible values such as the building or site's cultural associations and traditions.

## **5.6 Historic context**

5.6.1 Historic context refers to information about historic trends and properties grouped by an important theme in the history of a community, region or nation during a particular period of time.

5.6.2 Knowledge of historic context enables the public to understand a historic property as a product of its time.

## **5.7 Precincts or properties with multiple owners**

5.7.1 A historic building complex may comprise of numerous ancillary structures besides the main structure. Each structure of the complex must be documented on individual proformas. For example, Jahangir Mahal, Diwan-i-Aam, Diwan-i-Khas and Moti Masjid all form part of the Agra Fort complex but are also individual buildings in their own right and, as such, must be documented individually.

## **5.8 Methodology**

5.8.1 The determination of significance is the key component of methodology. All conservation decisions follow from the level of significance that is assigned to a building or site.

5.8.2 Listing work is comprised of two phases:

- i. Background research
- ii. Field work

## **5.9 Background research**

5.9.1 Before commencing actual fieldwork, the lister should gather basic information from various sources including gazetteers, travel books and other specialised books containing information about the architecture and history of the area to be listed and documented. This work could be done in university libraries, the ASI, the National Museum, the Central Secretariat, the respective State Secretariats, Institutes of Advanced Studies and Schools of Planning and Architecture. In a given area, local experts and university scholars are resource persons who could also provide required guidance and help.

5.9.2 Background research helps to ensure that no important structure or representative style of building is left out of the list. It enables the identification of historic areas, historic development

of the area, significant events in the area and important persons associated with the area. In some well-documented areas, distinctive physical characteristics of design, construction or form of building resource can also be identified.

### **5.10 Field work**

5.10.1 First and foremost it is necessary to carry out a field survey to identify the buildings and the areas to be listed. Following this, a detailed physical inspection of the property and dialogues with appropriate local people such as the owners of the property, area residents, local *panchayats*, etc. need to be undertaken. By physically inspecting the property the lister can gather information regarding the physical fabric of the building, such as physical characteristics, period of construction, etc. that need to be cross-checked with the literature survey. By conducting a dialogue with area residents, the lister can determine the changes to the property over time, ownership details, historic function and activities, association with events and persons and the role of the property in local, regional or national history.

5.10.2 When gathering information, the lister must be mindful of proforma requirements (Article 5.12). The proforma is, first of all, a record of the property at the time of listing and consists of current name; historic or other name(s), location, approach and accessibility, current ownership, historic usage, and present use.

5.10.3 Claims of historic significance and integrity should be supported with descriptions of special features, state of preservation, relevant dates, etc.

### **5.11 Mapping of vernacular architecture and historic settlements**

5.11.1 The major shortcoming of the current list of legally protected architectural heritage is that it does not recognise vernacular architecture and historic settlements as categories of heritage worthy of being conserved. The listing of unprotected architectural heritage and sites must, therefore, include this category. An example of such an inclusive document is INTACH's "Listing of Built Heritage of Delhi" published in 1999.

5.11.2 Sacred sites must be dealt with due sensitivity and knowledge of the local social and cultural imperatives governing their sanctity. Listing must record such characteristics associated with these sites.

### **5.12 Detailed format for all the structures**

5.12.1 Information for each building or site should be recorded as per INTACH's standard format as described below.

5.12.2 Each proforma must contain information about listers and reviewers. Listing must be carried out by or under the supervision of experienced conservation architects.

5.12.3 At least one photograph of the property/ building should be recorded for identification purposes. All significant elements of the property also need to be photographed. All photographs



should be properly catalogued.

5.12.4 A conceptual plan (if available, a measured drawing) should be given for each building/ area listed.

5.12.5 Any additional information related to or affecting the built heritage of the city/town/region documented and its conservation should be included as appendices, for example: laws and regulations on planning and conservation, etc.

5.12.6 A glossary should be provided explaining the technical and the special words used must be provided. For example: "Imambara - a shrine/ religious structure of Shia Muslims".

5.12.7 A bibliography of all books, publications, articles and unpublished work must be provided. The uniform format should be followed throughout.

### **5.13 Grading**

5.13.1 The primary objective of listing is to record extant architectural heritage and sites. But the outcome of this process should invariably be to grade the listed heritage into a hierarchical series. This process must be undertaken in a rigorous and transparent manner by a multi-disciplinary team of experts whose recommendations should be available for public scrutiny. The importance of this process cannot be underestimated because its results determine subsequent conservation decisions. Such hierarchical categorisation facilitates the prioritisation of decisions relating to the future of architectural heritage and sites.

5.13.2 This Charter recommends that buildings and sites be classified as Grade I\*, I, II and III in descending order of importance.

5.13.3 Buildings and sites classified as Grade I\*, I and II should be conserved in accordance with the provisions of official and legal manuals of practice (for example, ASI's Works Manual). Some Grade II buildings, however, and all other listed buildings and sites, i.e. Grade III, may be conserved in accordance with principles enunciated in this Charter (Article 2.6). The decision to apply the principles enunciated in this Charter to Grade II buildings must invariably be based on the concurrence of the Advisory Committees of INTACH (Article 7.2.5).

5.13.4 The process of listing should be constantly upgraded and the list updated in keeping with the availability of fresh information, financial and material resources, advances in technology and developments in the understanding of architectural heritage and its constituents.

## **ARTICLE 6: Guidelines for Conservation**

### **6.1 Guidelines for Conservation**

6.1.1 For the present, the latest edition of INTACH's "Guidelines for Conservation" should be followed, unless otherwise indicated by the imperatives of this Charter. These Guidelines should be updated by conservation architects periodically. It may also be necessary to bring out regionspecific

guidelines so that conservation practices can be sensitive to regional material and cultural attributes.

## **6.2 Heritage zone**

6.2.1 Conservation of architectural heritage sites can be undertaken in terms of the Heritage Zone concept propagated by INTACH. In general, Heritage Zones are sensitive development areas, which are a part of larger urban agglomeration possessing significant evidence of heritage. The Heritage Zone concept requires that the conservation of unprotected architectural heritage and sites must be sensitively planned, but also aligned with the imperatives of routine development process.

6.2.2 Urban conservation plans must be incorporated into the statutory Master Plan of cities. This necessitates undertaking a process of dialogue and negotiation with government town planning departments as part of the conservation strategy. Regulations to control or mediate development within the Heritage Zone, including new construction, demolition or modification to existing buildings around historic structures or within historic precincts can be formulated and incorporated within the “Special Area” provision of the respective Town Planning Acts of different States.

## **6.3 Role of conservation architects**

6.3.1 The role of the conservation architect is to provide expert advice for conserving the architectural heritage and site. Conservation, however, is a multi-disciplinary activity and conservation architects must work closely with professionals of other disciplines in order to address its diverse objectives. Depending on circumstances, the conservation architect may either lead the project team or simply participate as a team member with specific expertise. In any event, the role of conservation architects must be clearly defined, either by conservation architects themselves or by the initiator of the project.

6.3.2 Conservation architects also have an important advocacy role to play in promoting the conservation of unprotected architectural heritage and sites. They need to catalyse awareness both among administrators and beneficiaries to achieve the objectives of conservation enunciated in this Charter.

## **Part 3: MANAGEMENT AND EDUCATION**

ARTICLE 7: Management | ARTICLE 8: Education and Public Awareness

### **ARTICLE 7: Management**

#### **7.1 Role of local communities**

7.1.1 Local communities or individuals must be entrusted with responsibilities to conserve their own heritage. Where outside expertise is necessary, local stakeholders must be made active participants at all stages of the conservation process. All decisions regarding the conservation

and management of heritage must be taken in consultation with local communities in consonance with the 73rd and 74th Amendments to the Constitution of India.

## **7.2 Role of INTACH**

7.2.1 The role of INTACH is to institutionalise the conservation of the unprotected architectural heritage all over India. It should accomplish this objective by establishing Local Chapters.

7.2.2 INTACH's local Chapters should promote the culture of conservation (Article 8), and make an inventory of architectural heritage (Article 5). They should develop ways and means to conserve local architectural heritage in consultation with INTACH's Regional and Central offices.

7.2.3 Each Local Chapter should compile an annual "State of the Architectural Heritage Report" for its area and submit annual and quinquennial plans for conservation works to be undertaken in its locality.

7.2.4 INTACH's Regional and Central offices should compile this data to produce an annual national "State of the Architectural Heritage Report" which should highlight heritage in danger and formulate conservation strategies for its protection.

7.2.5 To further facilitate its goal of protecting architectural heritage, INTACH should establish inter-disciplinary Advisory Committees at the regional and national level. These Committees should act as clearing-houses for awarding grading for listed buildings and sites, conservation plans, assessment reports, scientific studies, funding proposals, legal and administrative measures for conserving the unprotected architectural heritage.

7.2.6 INTACH should facilitate and coordinate its activities with the Government and other interest groups, local, national and international, which are concerned with the conservation of architectural heritage.

7.2.7 INTACH should establish appropriate benchmarks for professional fees for conservation work and promote adherence to this scale in all conservation projects (see Article 9.1.8).

7.2.8 INTACH should review this Charter and if necessary, make amendments to it every five years.

## **7.3 Fiscal measures**

7.3.1 Innovative financial schemes must be offered to individuals or communities in order to encourage their involvement and interest in the preservation of their own heritage. INTACH's Advisory Committee should engage in dialogue with the Government to initiate the formulation of appropriate fiscal policies to promote conservation.

7.3.2 INTACH should lobby for the provision for a 'Heritage Fund' to be included in the annual or quinquennial budgetary allocations of Central and State governments. It should endeavour to ensure that local governing bodies have access to these funds through transparent mechanisms.



7.3.3 The policy of the 'adoption' of historic buildings/areas by competent and concerned community groups, trusts or private entrepreneurs of repute, that in no way harms the interests or well-being of the heritage or the society in which it exists, must be encouraged.

7.3.4 The owners or caretakers of listed heritage should be offered incentives by way of favourable tax rebates, grants, loans, transfer of development rights and so forth, in order to encourage and foster their interest in the conservation of their cultural property.

7.3.5 Public authorities, private companies, governmental bodies and non-governmental organisations should be encouraged to offer adequate financial assistance to traditional craftspeople and agencies involved in craft promotion and trade.

#### **7.4 Tourism**

7.4.1 The strong affinity between tourism and heritage should be leveraged to promote the conservation of unprotected architectural heritage and sites.

7.4.2 The potentials of domestic tourism, particularly pilgrimage tourism, need to be developed.

7.4.3 At the same time, however, there must be adequate safeguards to mitigate problems created by aggressive tourism promotion in areas where traditional communities are associated with unprotected architectural heritage and sites.

#### **7.5 Punitive measures**

7.5.1 Punitive measures as defined in the existing legislative framework concerning heritage protection; town planning acts and building byelaws must be extended to cover all listed buildings. In principle, permission must be sought for any intervention in listed buildings or precincts. Where the opportunity exists, a new set of regulations to deal specifically with unprotected heritage should be drafted.

7.5.2 Administrative or criminal prosecution must be considered in cases of deliberate damage to listed architectural heritage.

### **ARTICLE 8: Education and Public Awareness**

#### **8.1 Public responsibilities**

8.1.1 The responsibility for care and maintenance of heritage must be entrusted to the local community, for the protection and conservation of any cultural resource is ensured only if it enjoys the love and respect of the local people.

8.1.2 In conformity with the intent of the Constitution of India, conservation of heritage must be the duty of every Indian citizen, and all administrative, legislative and financial assistance must be provided in this regard at all levels.

#### **8.2 Public awareness**

8.2.1 It is essential to create public interest, awareness and concern regarding the significance of cultural heritage, its protection, conservation and enhancement for the benefit of both present and

future generations. This public education can be achieved by utilising communication and promotion techniques: thematic publications, print and electronic media, cultural programmes, educational fairs, heritage site visits and excursions, exhibitions, workshops, lectures, seminars and so on.

8.2.2 Regional, national or international historically significant days, festivals and similar occasions could provide opportunities for community celebrations sensitively designed to draw public attention. Such events can be organised in or around historic structures/areas thereby reinforcing the role of heritage in the well-being of society.

8.2.3 Heritage walks can be used as an effective tool to involve local people in the informed appreciation and protection of their historic surroundings and cultural context. Such small-scale activities could precipitate a chain reaction of localised conservation projects involving community participation and contribution. These collective efforts need to be publicised so that they can serve as models to be adopted and adapted by other communities. Cultural walks linking various historic nodes must also be tailored to promote tourism, thereby creating economic benefits for the local community.

8.2.4 The legislation and regulations laid down in the administrative system, building by-laws, town planning acts and other measures relevant to the protection and conservation of architectural heritage must be made accessible to the public through user-friendly manuals and publications.

8.2.5 Governments at all levels and their associates authorities should support and facilitate nongovernment organisations, registered charitable trusts, heritage cooperatives and private initiatives to organise awareness programmes highlighting various aspects of heritage conservation, consequently informing local people of the means to deal with the challenges involved therein.

### **8.3. Education in primary and secondary schools**

8.3.1 Respect and affection for heritage - both natural and cultural - and concern for its protection and conservation should be inculcated in school children, and this must form a crucial aspect of education. Children must be encouraged to experience historic environs by engaging them in outdoor play activities, cultural events, picnics and extra-curricular subjects involving drawing or painting of cultural sites.

8.3.2 School teachers should be given specialised training in order to make them aware of the issues involved in the appreciation and preservation of heritage.

8.3.3 Education curricula should include subjects on India's natural, cultural, and living heritage that highlight the multifaceted relationship between cultural resources and society, reinforcing

their inseparable bond.

#### **8.4 Undergraduate education**

8.4.1 The institutes, colleges and universities for the education of architects, engineers, archaeologists, planners, administrative service officers, management professionals, material chemists and other professions relevant to heritage conservation and management should encourage inter-disciplinary interaction on shared issues and common concerns and inculcate a holistic understanding of heritage with reference to social, cultural and economic aspects of the society.

8.4.2 The education of conservation professionals must include short training periods when students work with master craftspeople in their own learning environment or at building/conservation sites. This would provide an opportunity for students to acquire practical experience in the application of skills and use of materials, thus strengthening their theoretical training.

8.4.3 In order to respond sensitively and constructively to India's special conservation challenges, conservation professionals must be trained to appreciate and integrate both traditional and modern principles in their work.

#### **8.5 Post-graduate education**

8.5.1 In addition to history and theory of conservation, which will principally include the Western perspective, and a thorough understanding of UNESCO, ICOMOS and other recognised international conventions, recommendations, Charters and guidelines, the specialized education and training of conservation professionals must build upon traditional indigenous principles and practices of building and conservation. Professional must be trained to adopt a flexible stance most relevant to the specificity of their own context - which will frequently require using indigenous principles and practices - rather than adhere blindly to the conservation ideology advocated by UNESCO/ ICOMOS and other international aid giving agencies. Working with an inter-disciplinary team of professionals should be encouraged as an effective conservation and management mechanism.

8.5.2 It must be stressed that conservation architects acquire hands-on experience and practical understanding of indigenous materials and technologies through training or working with local master craftspeople. This will facilitate a healthy and sustained relationship amongst teachers, students and craftspeople, which can be mutually beneficial for future collaborative work on conservation projects, training workshops, awareness programmes and so forth.

#### **8.6 Education and training of craftspeople**

8.6.1 The ideal way to preserve a craft is to practice it. In order to ensure the continuity of craft traditions, it is essential that systematic education and training environments be provided and



supported at all levels by the Government, non-governmental organisations and private entrepreneurs. In addition to individual initiatives of modest scale within limited resources, NGOs can support small to medium-sized schools, and Central and State governments can operate fully equipped training centres that specialise in traditional building and conservation crafts.

8.6.2 Building Centres set up by HUDCO (Housing and Urban Development Corporation of the Government of India) are important initiatives that can be leveraged to promote traditional conservation practices. These Centres train and upgrade the skills of various trades of builders, with a focus on the use of appropriate materials and technologies. Conservation architects should associate themselves with these Centres in order to systemise the dissemination of traditional building principles and practices.

8.6.3 A comprehensive list of specialised crafts and craftspeople must be prepared that can serve as a resource base for owners, care-takers or managers of heritage properties, as also for professionals involved in the conservation and management of historic buildings/areas.

8.6.4 The monologue aspect of the modern 'teaching' system should be abandoned and a dialogue of mutual 'learning' must be adopted as a training principle, where both the instructor and the crafts person benefit from each other by exchanging ideas, ideologies and experiences. Training programmes must aim toward the sustainability of indigenous building system, and skills that are rooted in traditional knowledge bases and local cultures.

8.6.5 The education of crafts people seeking advanced skills or specialisation must reconcile the crucial aspects of both traditional texts and techniques and modern theories and technologies, consequently bridging the gap between indigenous and Western (glossed as 'universal') principles and practices of conservation.

#### **Part 4: PROFESSIONALISM**

##### **ARTICLE 9: Code of Professional Commitment and Practice**

###### **9.1 Conservation professionals shall:**

9.1.1 Ensure that their professional activities do not conflict with their general responsibility to contribute positively to the quality of the environment and welfare of society.

9.1.2 Apply their knowledge and skills towards the creative, responsible and economical development of the nation and its heritage.

9.1.3 Provide professional services of a high standard, to the best of their ability.

9.1.4 Maintain a high standard of integrity.

9.1.5 Conduct themselves in a manner which is not derogatory to their professional character, nor likely to lessen the confidence of the public in the profession, nor likely to bring conservation professionals into disrepute.

- 9.1.6 Promote the profession of conservation, standards of conservation education, research, training and practice.
- 9.1.7 Act with fairness and impartiality when administering a conservation contract.
- 9.1.8 Observe and uphold INTACH's conditions of engagement and scale of charges, which will be prepared in due course, in consultation with conservation professionals.
- 9.1.9 If in private practice, inform their client of the conditions of engagement and scale of consultancy fee, and agree that these conditions be the basis of their appointment.
- 9.1.10 Not sub-commission to other professional(s) the work for which they have been commissioned, without prior agreement of their client.
- 9.1.11 Not give or take discounts, commissions, gifts or other inducements for obtaining work.
- 9.1.12 Compete fairly with other professional colleagues.
- 9.1.13 Not supplant or attempt to supplant another conservation professional.
- 9.1.14 Not prepare project reports in competition with other professionals for a client without payment or for a reduced fee (except in a competition conducted in accordance with the competition guidelines approved by INTACH).
- 9.1.15 Not attempt to obtain, offer to undertake or accept a commission for which they know another professional has been selected or employed until they have evidence that the selection, employment or agreement has been terminated, and the client has given the previous professional written notice to that effect.
- 9.1.16 Allow the client to consult as many professional as desired/ required provided that each professional so consulted is adequately compensated and that the project is in the preliminary stages.
- 9.1.17 Comply with guidelines for project competitions and inform INTACH of their appointment as assessor for a competition.
- 9.1.18 Not have or take as partner in their firm any person who is disqualified.
- 9.1.19 Provide their employees with a suitable working environment, compensate them fairly and facilitate their professional development.
- 9.1.20 Recognise and respect the professional contributions of their employees.
- 9.1.21 Provide their associates with a suitable working environment, compensate them fairly and facilitate their professional development.
- 9.1.22 Recognise and respect the professional contributions of their associates.
- 9.1.23 Recognise and respect the professional contributions of all consultants.
- 9.1.24 Enter into agreements with consultants defining the scope of their work, responsibilities, functions, fees and mode of payment.
- 9.1.25 Not advertise their professional services nor allow their name to be included in

advertisements or be used for publicity purposes except under the following circumstances:

i. Notice of change of address may be published on three occasions and correspondents may be informed by post.

ii. Professionals may exhibit their name outside their office and on a conservation site, either under implementation or completed, for which they are or were consultant, provided that the lettering does not exceed 10 cm. in height and this in agreement with the client.

iii. Advertisements including the name and address of professionals may be published in connection with calling of tenders, staff requirements and similar matters.

iv. Professionals may allow their name to be associated with illustrations and/or descriptions of their work in the press or public media, provided that they neither give nor accept any compensation for such appearances.

v. Professionals may allow their name to appear in advertisements inserted in the press by suppliers or manufacturers of materials used in a project they have undertaken, provided that their name is included in an unostentatious manner and they neither give nor accept any compensation for its use.

vi. Professionals may allow their name to appear in publications prepared by clients for the purpose of advertising or promoting projects for which they have been commissioned.

vii. Professionals may produce or publish brochures, and pamphlets describing their experience and capabilities, for distribution to those potential clients whom they can identify by name and position.

viii. Professionals may allow their name to appear in the classified columns of trade/ professional directories and/ or the telephone directory.

9.1.26 When working in other countries, comply with the codes of conduct applicable there.

**9.2** If a conservation professional practices as a partner in a partnership firm or is in charge and responsible to a company registered under the Companies Act 1956 for the conduct of business of such company, he/she shall ensure that such partnership firm or company, as the case may be, complies with the provisions of Article 9.1.

**9.3** Violation of any of the provisions of Article 9.1 shall constitute professional misconduct

## **THE NARA DOCUMENT ON AUTHENTICITY**

### **Preamble**

1. **We, the experts assembled in Nara (Japan)**, wish to acknowledge the generous spirit and intellectual courage of the Japanese authorities in providing a timely forum in which we could challenge conventional thinking in the conservation field, and debate ways and means of broadening our horizons to bring greater respect for cultural and heritage diversity to conservation practice.



2. We also wish to acknowledge the value of the framework for discussion provided by the World Heritage Committee's desire to apply the test of authenticity in ways which accord full respect to the social and cultural values of all societies, in examining the outstanding universal value of cultural properties proposed for the World Heritage List.

3. The Nara Document on Authenticity is conceived in the spirit of the Charter of Venice, 1964, and builds on it and extends it in response to the expanding scope of cultural heritage concerns and interests in our contemporary world.

4. In a world that is increasingly subject to the forces of globalization and homogenization, and in a world in which the search for cultural identity is sometimes pursued through aggressive nationalism and the suppression of the cultures of minorities, the essential contribution made by the consideration of authenticity in conservation practice is to clarify and illuminate the collective memory of humanity.

### **Cultural Diversity and Heritage Diversity**

5. The diversity of cultures and heritage in our world is an irreplaceable source of spiritual and intellectual richness for all humankind. The protection and enhancement of cultural and heritage diversity in our world should be actively promoted as an essential aspect of human development.

6. Cultural heritage diversity exists in time and space, and demands respect for other cultures and all aspects of their belief systems. In cases where cultural values appear to be in conflict, respect for cultural diversity demands acknowledgment of the legitimacy of the cultural values of all parties.

7. All cultures and societies are rooted in the particular forms and means of tangible and intangible expression which constitute their heritage, and these should be respected.

8. It is important to underline a fundamental principle of UNESCO, to the effect that the cultural heritage of each is the cultural heritage of all. Responsibility for cultural heritage and the management of it belongs, in the first place, to the cultural community that has generated it, and subsequently to that which cares for it. However, in addition to these responsibilities, adherence to the international charters and conventions developed for conservation of cultural heritage also obliges consideration of the principles and responsibilities flowing from them. Balancing their own requirements with those of other cultural communities is, for each community, highly desirable, provided achieving this balance does not undermine their fundamental cultural values.

### **Values and authenticity**

9. Conservation of cultural heritage in all its forms and historical periods is rooted in the values attributed to the heritage. Our ability to understand these values depends, in part, on the degree to which information sources about these values may be understood as credible or truthful.

Knowledge and understanding of these sources of information, in relation to original and

subsequent characteristics of the cultural heritage, and their meaning, is a requisite basis for assessing all aspects of authenticity.

10. Authenticity, considered in this way and affirmed in the Charter of Venice, appears as the essential qualifying factor concerning values. The understanding of authenticity plays a fundamental role in all scientific studies of the cultural heritage, in conservation and restoration planning, as well as within the inscription procedures used for the World Heritage Convention and other cultural heritage inventories.

11. All judgements about values attributed to cultural properties as well as the credibility of related information sources may differ from culture to culture, and even within the same culture. It is thus not possible to base judgements of values and authenticity within fixed criteria. On the contrary, the respect due to all cultures requires that heritage properties must be considered and judged within the cultural contexts to which they belong.

12. Therefore, it is of the highest importance and urgency that, within each culture, recognition be accorded to the specific nature of its heritage values and the credibility and truthfulness of related information sources.

13. Depending on the nature of the cultural heritage, its cultural context, and its evolution through time, authenticity judgements may be linked to the worth of a great variety of sources of information. Aspects of the sources may include form and design, materials and substance, use and function, traditions and techniques, location and setting, and spirit and feeling, and other internal and external factors. The use of these sources permits elaboration of the specific artistic, historic, social, and scientific dimensions of the cultural heritage being examined.

## **Appendix**

### **1**

Suggestions for follow-up (proposed by H. Stovel)

1. Respect for cultural and heritage diversity requires conscious efforts to avoid imposing mechanistic formulae or standardized procedures in attempting to define or determine authenticity of particular monuments and sites.
2. Efforts to determine authenticity in a manner respectful of cultures and heritage diversity requires approaches which encourage cultures to develop analytical processes and tools specific to their nature and needs. Such approaches may have several aspects in common:
  - efforts to ensure assessment of authenticity involve multidisciplinary collaboration and the appropriate utilisation of all available expertise and knowledge;
  - efforts to ensure attributed values are truly representative of a culture and the diversity of its interests, in particular monuments and sites;
  - efforts to document clearly the particular nature of authenticity for monuments and sites

as a practical guide to future treatment and monitoring;

- efforts to update authenticity assessments in light of changing values and circumstances.

3. Particularly important are efforts to ensure that attributed values are respected, and that their determination included efforts to build, ad far as possible, a multidisciplinary and community consensus concerning these values.

4. Approaches should also build on and facilitate international co-operation among all those with an interest in conservation of cultural heritage, in order to improve global respect and understanding for the diverse expressions and values of each culture.

5. Continuation and extension of this dialogue to the various regions and cultures of the world is a prerequisite to increasing the practical value of consideration of authenticity in the conservation of the common heritage of humankind.

6. Increasing awareness within the public of this fundamental dimension of heritage is an absolute necessity in order to arrive at concrete measures for safeguarding the vestiges of the past. This means developing greater understanding of the values represented by the cultural properties themselves, as well as respecting the role such monuments and sites play in contemporary society.

## **Appendix II**

### **Definitions**

**Conservation:** all efforts designed to understand cultural heritage, know its history and meaning, ensure its material safeguard and, as required, its presentation, restoration and enhancement.

(Cultural heritage is understood to include monuments, groups of buildings and sites of cultural value as defined in article one of the World Heritage Convention).

**Information sources:** all material, written, oral and figurative sources which make it possible to know the nature, specifications, meaning and history of the cultural heritage.

*The Nara Document on Authenticity was drafted by the 45 participants at the Nara Conference on Authenticity in Relation to the World Heritage Convention, held at Nara, Japan, from 1-6 November 1994, at the invitation of the Agency for Cultural Affairs (Government of Japan) and the Nara Prefecture. The Agency organized the Nara Conference in cooperation with UNESCO, ICCROM and ICOMOS.*

*This final version of the Nara Document has been edited by the general rapporteurs of the Nara Conference, Mr. Raymond Lemaire and Mr. Herb Stovel.*



**Extracts taken from Section 11 of DUAC Act, 1973**

11. (1) It shall be the general duty of the Commission to advise the Central Government in the matter of preserving, developing and maintaining the aesthetic quality of urban and environmental design within Delhi and to provide advice and guidance to any local body in respect of any project of building operations or engineering operations or any development proposal which effects or is likely to affect the skyline or the aesthetic quality of surroundings or any public amenity provided therein.

(2) Subject to -the provisions of sub-section (1), it shall be the duty of the Commission to scrutinize, approve, reject or modify proposals in respect of the following matters, namely :-

(a) development of district centers, sub district civic centres, community centers, areas earmarked for Government, administrative buildings and for residential complexes, public building/complexes on more than 2 hectares in area, or taller than 26 mts. in height, or having plot area more than 1000 sqm abutting 24 mt. or more wide road ;

(b) re-development of the area within the jurisdiction of New Delhi Municipal Committee including Connaught Place Complex and its environs, Central Vista, the entire bungalow area of Lutyen's New Delhi, historic areas of the City including Shahjahanabad, Civil Lines, Mehrauli and such other areas as the Central Government may, by notification in the Official Gazette, specify ;

(c) architectural expressions and visual appearance of new buildings in the centers, areas, parks and gardens specified in clauses (a) and (b) including selections of models or statues and fountains therein;

(d) re-development of areas in the vicinity of Jama Masjid, Red Fort, Qutab, Humayun's Tomb, Old Fort, Tuglakabad and of such other places of historical importance, as the Central Government may, by notification in the Official Gazette, specify;

(e) conservation, preservation and beautification of monumental buildings, heritage public parks and public gardens including location or installation of statues or fountains therein;