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**LEGISLATIVE (I) DEPARTMENT
NOTIFICATION
Jaipur, July 13, 1961.**

No. F.4(36)LJ/A/57 – The following Act of the Rajasthan State Legislature received the assent of the President on the 22nd day of June, 1961, and is published for general information :-

**THE RAJASTHAN MONUMENTS, ARCHAEOLOGICAL SITES AND
ANTIQUITIES (ACT, 1961)**

(Act No. 19 of 1961)

(Received the assent of the President on the 22nd day of June, 1961)

An

Act

to provide for the preservation, protection, upkeep, maintenance, acquisition and regulation of, and control over, ancient and historical monuments, archaeological sites and antiquities in the State of Rajasthan.

Be it enacted by the Rajasthan State Legislature in the Twelfth Year of the Republic of India as follows :-

CHAPTER I

Preliminary

1. Short title, extent and commencement.-

- (1) This Act may be called the Rajasthan Monuments, Archaeological Sites and Antiquities Act, 1961.
- (2) It extends to the whole of the State of Rajasthan.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions-In this Act, unless the subject or context otherwise requires,-

- (i) "ancient or historical monument" means any archaeological building, structure, erection or monument or any tumulus, tomb or place of interment or any cave, rock-sculpture, rock-painting or sculpture of or on stone, metal, terracotta or other immovable object or any inscription or monolith, which is of historical, archaeological or artistic importance, interest or value, and includes –
- (a) any remains thereof,
 - (b) the site thereof,
 - (c) the portion of land adjoining such site which may be necessary or required for the preservation, protection, upkeep and maintenance of the same, and
 - (d) the means of access thereto and of convenient inspection and repairs thereof;
- but does not include an ancient monument as defined in the Central Act, to which the provisions of that Act apply for the time being;
- (ii) "antiquity" means –
- (a) any coin, sculpture, epigraph, manuscript, record, document, picture, painting, printed matter or other work of art or craftsmanship,
 - (b) any article, object or thing of historical, archaeological or artistic importance, interest or value, detached from a protected monument or collected from or discovered in a protected area;
 - (c) any article, object or thing illustrative of science, art, crafts, literature, religion, customs, morals or politics in bygone ages, and
 - (d) any other article, object or thing of historical, archaeological or artistic importance, interest or value,
- and includes any article, object or thing which the State Government may, by notification in the Official Gazette, declare, by reason of its historical or archaeological association, to be an antiquity for the purposes of this Act but does not include an antiquity as defined in the Central Act, to which the provisions of that Act apply for the time being;
- (iii) "archaeological officer" means an officer, of the Department of Archaeology of the State Government not below such rank as the State Government may from time to time prescribe;
- (iv) "archaeological site" means any mound indicating ancient habitation or any area which contains or is reasonably believed to contain ruins or relics of historical or archaeological importance, interest or value and includes –
- (a) any remains thereof,
 - (b) the site thereof,
 - (c) the portion of land adjoining such site which may be necessary or required for the preservation, protection, upkeep and maintenance thereof, and

- (d) the means of access thereto and of convenient inspection, repairs and excavation thereof,
but does not include an archaeological site and remains as defined in the Central Act, to which the provisions of that Act apply for the time being;
- (v) "Central Act" means the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (Central Act 24 of 1958) as amended from time to time ;
- (vi) "Director" means the Director of Archaeology and Museums of the State and includes any officer appointed by the State Government to perform the duties of the Director under this Act ;
- (vii) "maintain", with its grammatical variations and cognate expressions, includes the fencing, covering in, repairing, restoring and cleaning of an ancient or historical monument, an archaeological site or an antiquity or the doing of any act which may be necessary for the preservation, protection, upkeep or regulation of such monument, site or antiquity, or for securing convenient access thereto;
- (viii) "owner" used with reference to an ancient or historical monument, archaeological site or antiquity includes –
- (a) a joint owner invested with powers of management of or over such monument, site or antiquity on behalf of himself and other joint owners and the successor-in-title of any such owner, and
 - (b) any manager or trustee exercising powers of such management and the successor-in-office of any such manager or trustee;
- (ix) "Prescribed" means prescribed by rules made under this Act;
- (x) "Protected" when used with reference to an ancient or historical monument or an archaeological site, means such monument or site which may be declared by the State Government under section 3 to be a protected monument or a protected area; and
- (xi) "Protected antiquity" means an antiquity declared by the State Government under section 3 to be a protected antiquity and includes any article, object or thing referred to in sub-clause (b) of clause (ii).

3. Power to declare monuments etc. to be protected -

- (1) The State Government may declare for the purposes of this Act –
- (i) any ancient or historical monument to be a protected monument, or
 - (ii) any archaeological site to be a protected area, or
 - (iii) any antiquity to be a protected antiquity.
- (2) Before making any such declaration as is referred to in sub-section (1), the State Government shall, by notification in the Official Gazette give two month,s notice of its intention to do so and a copy of such notification along with a statement of the reasons for which such declaration is proposed to be made, shall be affixed in a conspicuous

place at or near the ancient or historical monument or the archaeological site which is proposed to be declared as protected or on or near the place where or in which such monument or the antiquity proposed to be declared as protected is for the time being.

- (3) Any person interested in any such monument, archaeological site or antiquity may, within two months after the publication of such notification in the Official Gazette, object to the proposed declaration.
- (4) On the expiration of the said period of two months the State Government may, after considering the objections, if any, received by it, declare by notification in the Official Gazette -
 - (i) an ancient or historical monument to be a protected monument, or
 - (ii) an archaeological site to be a protected area, or
 - (iii) an antiquity to be a protected antiquity.
- (4A*) Notwithstanding anything contained in Sub-Sections (2) and (3), where the State Government is satisfied with respect to any monument, archaeological site or antiquity, that there is immediate danger of its removal or destruction, it may instead of proceeding under the said sub-sections, by Notification in the official Gazette and for reasons of its satisfaction to be recorded in such notification, forth with make a declaration under clauses (i), (ii) or (iii), as the case may be, of sub-section (4) in respect of any such monument, archaeological site or antiquity :

Provided that any person interested in any such monument, archaeological site or antiquity may within two months after the publication of such notification object to the declaration so made and the State Government after giving to such person an opportunity of being heard, may by order in writing dismiss the objection or withdraw the notification."; and (ii) in sub-section (5), after the expression "under sub-section (4)", the expression "or under sub-section (4A)" shall be inserted.

4. Repeal and savings –

- (1) The Rajasthan Monuments, Archaeological Sites and Antiquities (Amendment) Ordinance, 1975 (Rajasthan Ordinance No. 29 of 1975) is hereby repealed.
- (2) Notwithstanding such repeal, anything done or action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

* Inserted by Law Department Notification No. F.2(48)Vidhi/75 dated 24 January, 1976. (Published in Exo. Gazette dt. 24.1.1976.

* This Act may be called the Rajasthan Monuments, Archaeological Sites and Antiquities (Amendment) Act, 1976.

5. A notification published under sub-section (4) shall, unless and until it is withdrawn, be conclusive evidence of the fact that the ancient or historical monument, archaeological site or antiquity to which it relates is a protected monument, a protected area or a protected antiquity for the purposes of this Act.

CHAPTER II

Protected Monuments.

4. Acquisition of rights in or guardianship of a protected monument-
 - (1) The director may, with the sanction of the State 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 may, by notification in the Official Gazette, assume the guardianship of such monument.
 - (3) The owner of any protected monument may, by written instrument, constitute the Director to be the guardian of such monument and the Director may, with the sanction of the State Government, accept such guardianship.
 - (4) When the Director has accepted the guardianship of a protected monument under sub-section (3), :-
 - (a) The owner shall, except as expressly provided in this Act, have the same estate, right, title and interest in or to the monument as if the Director had not been constituted a guardian thereof; and
 - (b) the provisions of this Act relating to agreements executed under section 5, shall apply to the written instrument executed under the said sub-section.
 - (5) Nothing in this section shall affect the use of any protected monument for customary religious observances.
5. Preservation of protected monument by agreement –
 - (1) The Collector, when so directed by the State Government, shall propose to the owner of a protected monument to enter into an agreement with the State Government within a specified period for the maintenance and upkeep of the monument.
 - (2) An agreement under this section may provide for all or any of the following matters, namely :-
 - (a) the maintenance and upkeep 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, or
 - (ii) to charge any fee for entry into, or inspection of, the monument, or

- (iii) to destroy, injure, mutilate, deface, alter, repair, remove or disperse the monument or to allow it to fall into decay, 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 State Government in case the land on which the monument is situated or any adjoining land is offered for sale by the owner, and the right to be reserved to the State Government to purchase such land, or any specified portion of such land, at its market value;
 - (f) the payments of any expenses incurred by the owner or by the State Government in connection with the maintenance and upkeep of the monument;
 - (g) the proprietary or other rights which are to vest in the State Government in respect of the monument when any expenses are incurred by the State Government in connection with the maintenance and upkeep 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 and upkeep of the monument which is a proper subject of agreement between the owner and the State Government.
3. The terms of an agreement under this section may be altered from time to time by the State Government with the consent of the owner.
 4. The State Government or the owner may, at any time after the expiration of three years from the date of execution of an agreement under this section, terminate it on giving six month's notice in writing to the other party:

Provided that, where the agreement is terminated by the owner he shall pay to the State Government the expenses, if any, incurred by it on the maintenance and upkeep 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.

5. An agreement under this section shall be binding on 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.
6. Owners under disability-

- (1) In case of the owner of a protected monument being unable, by reason of infancy or other disability, to act for himself, the person legally competent to act on his behalf, and, in case of village property, the lambardar or other village-officer exercising powers of management of or over such property, may exercise the powers conferred upon an owner by section 5.
 - (2) 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.
7. Failure or refusal to enter into agreement-
 - (1) If any owner or other person competent to enter into an agreement under section 5 for the maintenance and upkeep of a protected monument refuses or fails to enter into such an agreement, the State Government may make an order providing for all or any of the matters specified in sub-section (2) of section 5.
 - (2) 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 and being heard against the proposed order.
 - (3) Every order made under sub-section (1) 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.
 - (4) When an order made 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 and upkeep of the monument shall be payable by the State Government.
8. Application of endowment to repair protected monument-
 - (1) If any owner or other person competent to enter into an agreement under section 5 for the maintenance and upkeep of a protected monument refuses or fails to enter into such an agreement, and if any endowment has been created for the purpose of keeping such monument in repair or for that purpose among others, the State Government may institute a suit in the court of the district judge, or, if the estimated cost of repairing the monument does not exceed one thousand rupees, may make 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. Enforcement of agreements-

- (1) If an owner or other person who is bound by an agreement for the maintenance and upkeep of a protected monument under section 5 refuses or fails, within such reasonable time as the Director may fix, to do any act which in the opinion of the Director is necessary for the maintenance and upkeep of the monument, the Director may authorise 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 State Government whose decision shall be final.

10. Power to make order prohibiting contravention of agreement-

- (1) If the Director apprehends to the owner or occupier of a protected monument intends to destroy, injure, mutilate, deface, alter, disperse, remove, imperil or misuse the monument or to allow it to fall into decay or to build on or near the site thereof in contravention of the terms of agreement under section 5, he may, after giving such 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, for reasons to be recorded, is satisfied that it is not expedient practicable to do so.

- (2) Any person aggrieved by an order made under sub-section (1) any appeal to the State Government within such time and in such manner as may be prescribed and the decision of the State Government shall be final.

11. Purchasers and persons claiming through owner bound instrument- Every person who purchases any land on which is situated a protected monument in respect of which any instrument has been executed by the owner for the time being under section 4 or section 5, and every person claiming any 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.

12. Acquisition of protected monument –

- (1) If the State Government apprehends that a protected monument is in danger of being destroyed, injured, mutilated, defaced, altered, dispersed, removed, misused or allowed to fall into decay, the State Government may acquire it under and in accordance with the provisions of the Rajasthan Land Acquisition Act, 1953 (Rajasthan Act 24 of 1953) as if the

preservation, maintenance and upkeep of the monument were a public purpose within the meaning of that Act.

- (2) No protected monument shall be acquired under sub-section –
- (a) If such monument or any part of it is periodically used for religious observances, or
 - (b) If such monument is the subject of a subsisting agreement executed under section 4 or section 5, and
 - (c) unless the owner or other person competent to enter into an agreement under section 5 has failed to enter into an agreement proposed to him by the Collector under sub-section (1) of section 5 within the period specified in such proposal, or
 - (d) unless such owner or other person has terminated or given notice of his intention to terminate an agreement made under section 5.
13. Maintenance of certain protected monuments –

- (1) The State Government shall maintain every monument which has been acquired under section 12 or in respect of which any of the rights mentioned in section 14 have been acquired.
- (2) When the Director has assumed or accepted the guardianship of a protected monument under section 4, he shall, for the purpose of the maintenance and upkeep of 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 and repairing the monument and for the purpose of bringing such materials and doing such acts as he may consider necessary or desirable for the maintenance and upkeep thereof.

"13A. Power to enter into agreement for the maintenance of certain monument.- (1) The State Government may, for the purposes of maintenance of a monument falling under section 13, enter into an agreement with any person, firm or trust on such terms and conditions, not inconsistent with the provisions of this Act, as may be specified in the agreement.

- (2) Notwithstanding anything contained in section 20A, the person, firm or trust referred to in sub-section (1) shall be entitled to collect and retain the whole or such portion of the fee leviable under section 20A and for such period, as may be agreed upon between the State Government and such person, firm or trust, having regard to the expenditure involved in the maintenance of the monument and collection of fee, interest on the capital invested, reasonable return on the investment and the volume of visitors".

14. Voluntary contributions –

The Director may receive voluntary contributions towards the cost 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.

15. Protection of place of worship from misuse, pollution or desecration –
- (1) A protected monument maintained by the State Government under this Act which is a place of worship or shrine shall not be used for any purpose inconsistent with its character.
 - (2) Where the State Government has acquired a protected monument under section 12, or where the Director has purchased, or taken a lease, or accepted a gift or bequest or assumed or accepted guardianship of, a protected monument under section 4, 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, of
 - (b) by taking such other action as he may think necessary in this behalf.
16. Relinquishment of rights in a protected monument- With the sanction of the State Government, the Director may :-
- (a) Where rights have been acquired 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 as if such rights had not been acquired; or
 - (b) relinquish any guardianship of a monument which he has accepted or assumed under this Act.
17. Penalties –
- (1) Whoever –
 - (i) destroys, injures, mutilates, defaces, alters, removes, disperses, misuses, imperils or allows to fall into decay a protected monument, or
 - (ii) removes from a protected monument any sculpture, carving image, bas-relief, inscription or other like object,shall be punishable with imprisonment for a term which may extend to six months with fine which may extend to five thousand rupees or with both.
 - (2) Whoever –

- (i) being the owner or occupier of protected monument, contravenes an order made under section 7 or section 10, or
- (ii) contravenes any other provision of this chapter for which contravention no punishment is provided for elsewhere therein, shall be punishable with the like punishment.

18. Power to control mining etc. near protected monuments –

- (1) If the State Government is of opinion that mining, quarrying, excavating, blasting and other operations of a like nature should be restricted or regulated monument, the State Government may, by notification in the Official Gazette, make rules –
 - (a) fixing the boundaries of the area to which the rules are to apply,
 - (b) forbidding the carrying on of mining, quarrying, excavating, blasting or other operation of a like nature except in accordance with such rules and otherwise than under and in accordance with terms of a license, and
 - (c) prescribing the authority by which, and the terms on which licenses may be granted to carry on any of the said operations.
- (2) A rule made under this section may provide that any person committing a breach thereof shall be punishable with fine which may extend to two hundred rupees.

19. Preservation of amenities of or to protected monuments –

- (1) If the State Government is of opinion that for the purpose of preserving amenities to or of any protected monument it is necessary so to do, the State Government may, by notification in the Official Gazette, in respect of any area comprising or adjacent to the site of such monument and specified in such notification (hereinafter referred to as the controlled area).
 - (a) prohibit or restrict the construction, erection or execution of buildings, structures and other works above ground within the controlled area, or the alteration or extension of any such buildings, structures or works in such manner as materially to affect their external appearance ;
 - (b) prescribe the position, height, size, design, materials, colour and screening, and otherwise regulate the external appearance, of buildings, structures and other works above ground within the controlled area ;
 - (c) require any local authority –
 - (i) to construct any approach road to any protected monument, or
 - (ii) to demolish any place of public convenience vesting in it, that is to say a latrine, urinal, dustbin and the like, located close to in the vicinity of any protected monument ;
 - (d) prohibits or restrict the falling of trees with in the controlled area;
 - (e) otherwise restrict the user of land within the controlled area to such extent as may appear to the State Government to be expedient for the purpose of preserving the amenities to or of the protected monument;

- (f) provide for such matters as appear to the State 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 State Government shall cause to be published in the Official Gazette, in the controlled area and in the village and as the headquarters of the tehsil in which the controlled area is situated a notification stating that it proposes to issue a notification in terms of sub-section (1), together with a notice requiring all persons affected by such notification, who wish to make any objections to the issuing of such a notification, to submit their objections in writing to the State Government or to appear before any officer duly authorised in that behalf to hear objections on behalf of the State 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, before the expiration of the time allowed by sub-section (2) for the filling of objections, no objections has been made, the State Government shall proceed at one to issue the notification under sub-section (1) If any such objection has been made, the State Government, after all the objections have been considered or heard, as the case may be, may either –
- (a) abandon the proposal to issue the notification (1), or
- (b) issue the notification under sub-section (1) with such modification as it thinks fit.
- (4) In considering the objections, the decision of the State 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 above ground or any alteration or extension thereof, if it was constructed, erected or executed before the date when notice of intention to issue 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, effected 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) If any person contravenes any of the provisions of a notification issued under sub-section (1), he shall, on conviction, be punished with fine not exceeding one hundred rupees for every day on which the contravention occurs or continues.
- (7) If, after any person has been convicted under sub-section (6) by reason of the fact that any building, structure or other work is not in conformity with

the provisions of the notification issued under sub-section (1), the contravention continues after the expiration of such period as the court before whom he was convicted may determine, the State Government shall have power to do all such acts as in its opinion are necessary for removing so much of the building, structure or work as is not in conformity with the provisions of the notification aforesaid for making it conform with the provisions of the notification and any recoverable as an arrear of land revenue from the person convicted.

20. Right of access to protected monuments –

- (1) Subject to any rules made under this Act, the public shall have a right of access to every protected monument.
- (2) In making any rule under sub-section (1) the State Government may provide that a breach of it shall be punishable with fine which may extend to one hundred rupees.

"20A. Power to entrance fee.- (1) The State Government may, by notification in the Official Gazette, levy entrance fee in respect of such protected monuments, and at such rates not exceeding two thousand five hundred rupees per head, as may be specified in such notification :-

Provided that if the State Government is of the opinion that it is expedient in the public interest so to do, it may by like notification, exempt, wholly or partly, any class of persons from the payment of entrance fee.

(2) Such entrance fee when so levied shall be collected in accordance with the rules made under this Act".

CHAPTER III

Protected Areas

21. Acquisition of a protected area –

If the State Government is of opinion that any protected area contains an ancient or historical monument or antiquities of historical, archaeological or artistic importance, interest or value, it may acquire such area under and in accordance with the provisions of the Rajasthan Land Acquisition Act, 1953 (Rajasthan Act 24 of 1953) as if the acquisition thereof were for a public purpose within the meaning of that Act.

22. Restrictions on 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 like nature in such area, or utilise such area or any part thereof in any other manner without the permission of the State 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 state 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.

23. Excavations for archaeological or historical purposes –

- (1) An archaeological officer or an officer authorised by him in this behalf or any person holding a license granted in this behalf in the prescribed manner 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.
- (2) 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 authorised 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.

24. Restrictions on excavations –

- (1) Notwithstanding anything contained in section 23, no excavation or other like operation for archaeological or historical purposes shall be undertaken or authorised to be undertaken in any area except with the previous approval of the Central Government and in accordance with such rules and directions, if any, as the Central Government may make or give in this behalf.
- (2) Where, in the exercise of the power conferred by section 22, the rights of any person are infringed by the occupation or disturbance of the surface of any land, the State Government shall pay to that person compensation for such infringement.

25. Disposal of Antiquities etc. discovered during excavations –

- (1) Where, as a result of any excavations made in any area under section 23, 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 State Government in such manner and containing such particulars as may be prescribed, and

- (b) at the conclusion of the excavation operations, give notice in writing to the owner of the land, from which such antiquities have been discovered, of the nature of such antiquities.
 - (2) All such antiquities shall be deemed to be protected antiquities and, until orders of the State Government as to the disposal or compulsory purchase thereof are received, the archaeological officer of 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 State Government may make an order for the compulsory purchase of any such antiquities at their market value.
 - (4) When an order for the compulsory purchase of any antiquities is made under sub-section (3), such antiquities shall vest in the State Government with effect from the date of the order.
26. Contraventions of chapter – Whoever does any act in contravention of the provisions of this chapter, for which contravention no punishment is provided for elsewhere therein, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five thousand rupees or with both.
27. Regulation of excavations in protected areas –
- (1) The State Government may make rules –
 - (a) prescribing the authorities by whom licenses to excavate for archaeological and historical purpose in a protected area may be granted ;
 - (b) regulating the conditions on which such licenses may be granted the form of such licenses and the taking of security from licensees;
 - (c) prescribing the manner in which antiquities found by a licensee shall be disposed of; and
 - (d) generally to carry out the purposes of this chapter.
 - (2) Such rules may be general for all protected areas for the time being or may be special for any particular protected area or areas and may provide that any person committing a breach of any rule or of any condition of a license shall be punishable with fine which may extend to five thousand rupees, and may further provide that, where the breach has been by the agent or servant of a licensee, the licensee himself shall be punishable.

CHAPTER IV

Protected Antiquities

28. Power of Government to control movement of protected antiquities –
- (1) If the State Government considers that any protected antiquities or class of protected antiquities ought not to be moved from the place where they are without the sanction of the State Government, the State Government may, by notification in the Official Gazette, direct that any such protected antiquity or any class of such protected antiquities shall not be moved except with the written permission of the Director.
 - (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 State Government whose decision shall be final.
 - (4) Any person who moves any protected antiquity in contravention of a notification issued under sub-section (1) shall be punishable with fine which may extend to five hundred rupees.
 - (5) If the owner of any property proves, to the satisfaction of the State Government, that he has suffered any loss or damage by reason of the inclusion of such property in a notification issued under sub-section (1), the State Government may –
 - (a) exempt such property from the said notification, or
 - (b) purchase such property at its market value, or
 - (c) pay compensation for any loss or damage sustained by the owner of such property.
29. Purchase of protected antiquities by Government –
- (1) If the State Government apprehends that any antiquity mentioned in a notification issued under sub-section (1) of section 28 is in danger of being destroyed, injured, mutilated, defaced, altered, removed, dispersed, misused or allowed to fall into decay or is of opinion that by reason of its historical or archaeological or artistic importance it is desirable to preserve such antiquity in a public place, the State Government may make an order for the compulsory purchase of such antiquity at its market value and the Collector shall thereupon give notice to the owner of the antiquity to be purchase.

Provided that the power of purchase given by this sub-section shall not extend to any image or symbol actually used for bonafide religious observations.

- (2) Where a notice of compulsory purchase is issued under sub-section (1) in respect of any antiquity such antiquity shall vest in the State Government with effect from the date of the notice.

CHAPTER-V

Miscellaneous

30. Constitution of an Advisory Board –

- (1) For the purpose of advising the State Government in the matter of the preservation, maintenance, upkeep, protection, acquisition, regulation and control of ancient or historical monuments, archaeological sites and antiquities in the State, the State Government may constitute an Advisory Board under the name of the Rajasthan Board for ancient Monuments, Archaeological Sites and Antiquities.
- (2) The constitution of the Advisory Board and the procedure regarding its work shall be such as may be prescribed.

31. Compensation for loss or damage – Any other 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 State Government for such loss, damage or diminution of profits.

32. Assessment of market value or compensation –

- (1) The market value of any property which the State Government is empowered to purchase at such value under this Act or the compensation to be paid by the State Government in respect of anything done or any property acquired under this Act shall, where any dispute arises in respect of such market value or compensation, be ascertained in the manner provided in the provisions of the Rajasthan Land Acquisition Act, 1953 (Rajasthan Act 24 of 1953) in so far as those provisions can be made applicable :

Provided that, when making an inquiry under that Act, the Collector shall be assisted by two assessors, one of whom shall be a competent person nominated by the State Government and the other a person nominated by the owner, or, in case the owner fails to nominate an assessor within such reasonable time as may be fixed by the Collector in this behalf, by the Collector.

- (2) Notwithstanding anything contained in sub-section (1) or in the Rajasthan Land Acquisition Act, 1953 (Rajasthan Act 24 of 1953), in determining the market value of any antiquity in respect of which an order for compulsory purchase is made under sub-section (3) of section 25 or under sub-section (1) of section 29, any increase in the value of the antiquity by

reason of its being of historical, archaeological or artistic importance, interest or value shall not be taken into consideration.

33. Delegation of powers – The State Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act may be exercised subject to such conditions, if any, as may be specified in such notification, by the Director or by any other officer not below the rank of a Collector as may be specified in the notification.
34. Jurisdiction of Courts – No court inferior to that of a Magistrate of the first class shall try any offence under this Act.
35. Special procedural provisions –
Notwithstanding any thing contained in the Code of Criminal Procedure, 1898 (Central Act 5 of 1898) –
 - (a) an offence under sub-section (1) of section 17 shall be deemed to be a cognizable offence within the meaning of that code and
 - (b) it shall be lawful for any Magistrate of the first class specially empowered by the State Government in this behalf 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.
36. Recovery of amount due to Government – Any amount due to the State Government from any person under this Act may, on a certificate issued by the Director or an archaeological officer authorised by him in this behalf, be recovered in the same manner as an arrear of land revenue.
37. Protection of action taken under the Act – No suit for compensation and no criminal proceeding shall lie against the State Government or any public servant in respect of any act done or intended to be done in good faith in the exercise of any power conferred by this Act.
38. Power to make rules –
 - (1) The State 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.
 - (2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all matters which, under any provision of this Act, may be or are required to be prescribed or provided for by rules.
 - (3) Any rule made under this section may provide that a breach thereof shall be punishable with fine, which may extend to five thousand rupees.
 - (4) All rules made under this section shall be laid before the House of the State Legislature as soon as possible after they are made and shall be subject to such modifications as that House may make during the session in which they are so laid or the session immediately following.
39. Repeal and savings –
The Ancient Monuments Preservation Act, 1904 of the Central Legislature as adapted to the pre-reorganisation State of Rajasthan or as extending to the Abu and Ajmer areas and other corresponding laws of any State Legislature for the

time being in force in any part of the State shall cease to have effect upon the coming into force of this Act, except as respects things done omitted to be done before the commencement of this Act.

D.C. SHARMA
Secretary to the Government

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Rajasthan Gazette**

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EDUCATION DEPARTMENT
NOTIFICATION

Jaipur, December 31, 1968

G. S. R. 3. – In exercise of the powers conferred by section 38 of the Rajasthan Monuments, Archaeological Sites and Antiquities Act, 1961 (Rajasthan Act 19 of 1961) and the supersession of the Notification of even number dated 28th September, 1966, published in the Rajpatra, Part 4 (c), dated 28th September, 1966, the State Government hereby makes the following Rules (the same having been previously published in the Rajasthan Rajpatra, Part-II(B), dated the 28th January, 1965), namely :-

THE RAJASTHAN MONUMENTS ARCHAEOLOGICAL SITES
AND ANTIQUITIES RULES, 1968

CHAPTER I
Preliminary

1. Short title and extent :-
 - (1) These rules may be called the Rajasthan Monuments, Archaeological Sites and Antiquities Rules 1968.
 - (2) They shall extend to the whole of the State of Rajasthan.
2. Definition – In these rules, unless the context otherwise requires-
 - (a) 'construction' means that construction of any structure and includes additions or alternations in an existing building;
 - (b) 'copying' means the preparation of copies by drawing or by photography or by mould or by squeeing and includes the preparation of a cinematography 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 arrangements;
 - (c) 'document' means any record on stone, lead or copper plate etc. which is a work of art or craftsmanship and is of historical value;
 - (d) 'filming' means the preparation of a cinematographic 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;
 - (e) 'form' means a form set out in Schedule III;
 - (f) 'manuscript' means any hand-writing, in a book form or on a paper or leaf, which is a work of art or historical value;
 - (g) 'mining operation' means any operation for the purpose of searching for or obtaining of any mineral;
 - (h) 'record' means engraved letters on stone, lead, terracotta or copper plate etc.;
 - (i) 'section' means a section of the Rajasthan Monuments, Archaeological Sites and Antiquities Act, 1961;
 - (j) 'schedule' means a schedule to these rules; and
 - (k) words and expressions not defined but used in these rules shall have the meanings respectively assigned to them under the Rajasthan Monuments, Archaeological Sites and Antiquities Act, 1961.

CHAPTER II

Access to protected monuments.

3. Monuments governed by agreements etc. -
 - (1) Access to protected monuments, in respect of which an agreement has been entered into between the owner and the State Government under section 5, or in respect of which a suit has been instituted in the Court of the District Judge under section 8, shall

be governed by the provisions of the agreement or, as the case may be, the suit, and nothing in rules 4,5,6 or 7 shall be construed as affecting any such agreement or suit.

- (2) A copy of the relevant provisions of every such agreement or suit shall be exhibited in a conspicuous part of the monument.
4. Parts of monuments not open. – The Director may by order direct that any specified part of a protected monument shall not be opened permanently or for a specified period, to any person other than an Archaeological Officer, his agents, subordinates and workmen and any other Government servants on duty at such part.
 5. Monuments when kept open –
 - (1) The protected monument specified in Schedule I shall remain open during the hours specified against them in that schedule. Protected monuments which are not specified and to which neither rule 3 nor rule 4 applies shall remain open from sun-rise to sun-set, provided that an archaeological officer may by notice to be exhibited in a conspicuous part of the monument direct that a protected monument or a part thereof shall be closed temporarily for such period as may be specified in the notice.
 - (2) Nothing in this rule or in rule 4 shall apply to an archaeological officer his agents, subordinates and workmen or to any other Government servant on duty at a protected monument.
 6. Entrance fee –
 - (1) Every visitor shall required to pay the fee as mentioned in Part I of Schedule II for admission into Amber Palace, Nahargarh Fort, Jaipur and Mardana Palaces, Udaipur. The fee shall be payable in cash at the gate of entry into the Palaces and Fort. No fee shall be chargeable from children up to the age of 7. Parties of students coming under the guidance of their teachers shall have entrance into the palaces and fort on payment of a fee of ten Paisa only, provided that the Director may, by order, direct that on such occasions and for such period as may be specified in the order, no fee shall be charged for entry into the palaces and fort or part thereof.
 - (2) The fee shall be recovered from each visitor by a representative of the Directorate of Archaeology and Museums, Rajasthan, Jaipur who shall issue a ticket in the form specified in part II of the

Schedule II, to each visitor authorizing entry into Amber Palace, Nahargarh Fort and Mardana Palaces, Udaipur.

- (3) Any visitor going up to the Jaleb Chowk of Amber Palace and Nahargarh otherwise than on foot, shall pay the fee as in Part II of Schedule II for animals and conveyance. No conveyance other than specified in this part of Schedule II shall be plied on the route to Jaleb Chowk of Amber Palace and Nahargarh fort.
- (4) The following persons shall not be charged admission and conveyance fees for entry into the palaces on production of a permit granted by the Director in the form specified in Part IV of Schedule II, namely :-
 - (i) The Governor of Rajasthan, members of his family and Raj Bhawan guests.
 - (ii) Rulers of Covenanting States of Rajasthan and the members of their families;
 - (iii) Union Ministers and State Ministers including Deputy Ministers;
 - (iv) Ambassadors;
 - (v) Speakers and Dy. Speakers of Parliament and State Assemblies;
 - (vi) State Guests;
 - (vii) Officials holding permanent passes from the Director for performance of their normal duties; and
 - (viii) Stall holders and shopkeepers who have been licensed by the Director to run their shops inside Jaleb Chowk of Amber Palace and Nahargarh Fort.

7. Holding of meetings etc. in monuments _

(1) No protected monument shall be used for the purpose of holding any meeting, reception party, conferences or entertainment except under and in accordance with a permission in writing granted by the Government of Rajasthan.

(2) Nothing in sub rule (I) 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 protected monument – 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
- (d) hawk or sell any goods or wares or canvass any cystinger for such goods or wares or display any advertisement in any form show a visitor round for monetary consideration, except under the authority of or under and in accordance with the conditions of a licence granted by the Director or the Superintendent of Archaeology, Government of Rajasthan; or
- (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 the areas reserved for the parking thereof.

9. Licence required for copying certain monuments –

The Director may, by order, direct that no person other than an archaeological officer or an officer authorised by him in this behalf shall copy any specified protected monument or any class of protected monuments or any part thereof except under and in accordance with the terms and conditions of a licence granted by an Archeological Officer.

10. Conditions for copying other monuments –

- (1) Any person may copy a protected monument other than such monuments in respect of which an order has been made under rule 9.
- (2) Nothing in sub-rule (1) shall be construed as authorizing any person other than an Archeological Officer or an officer authorised by him in this behalf, while copying any such monuments, to –
 - (a) bring into or use, within the precincts of such monuments, a camera-stand, stool, chair, table, large drawing desk board, or any such appliance, or
 - (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 moulding 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 and conditions of licence in writing granted by an archaeological officer.

11. Licence required for filming – No person shall undertake any filming operation at a protected monument or a part thereof except under and in accordance with the terms and conditions of a licence granted under rule 13.
12. Application for licence – An application for licence under rules 9,10 and 11 shall be accompanied by the licence fee specified in Schedule IV and shall be made to the Director in Form I at least one month before the proposed date of the commencement of any such operation.
13. Grant or refusal of licence – On receipt of an application under rule, the Director may grant a licence in Form II or, if he is satisfied that the licence asked for should not be granted, he may after recording the reasons therefore refuse to grant a licence.
14. Terms and conditions for the grant of a licence –
 - (1) Nothing shall be done by the licence which has or may have the effect of exposing any part of the protected monument and the lawns and gardens attached thereto, to the risk of any damage.
 - (2) No extraneous matter such as water, oil etc. shall be applied on any part of the monument.
 - (3) The generating plate for electric power, wherever required, shall be placed away from the monument and the attached lawns and gardens.
 - (4) There shall be no noise or unseeing behavior on the part of the performers.
 - (5) There shall be no request for closing down the monument or any part thereof to the public even for a short period either to facilitate the operation or for opening the monument beyond the normal hours.
 - (6) Nothing shall be done, which may hamper the free movement of the visitors to the monument.
 - (7) Each number of the party shall be allowed free entrance and conveyance at monument, where no such fees are charged from visitors.
 - (8) No employee of the Department of Archaeology shall be expected to render any assistance beyond the normal attention paid by such employees to the visitors.
 - (9) The licence shall observe the provisions of rules 3 to 8.

- (10) Nothing shall be done to violate the customary rules prevailing at the monument or to use it for any purpose that may be inconsistent with his character.
- (11) Nothing which is likely to offer public sentiment shall be done.
- (12) All the provisions of the Rajasthan Monuments, Sites and Antiquities Act 1961 shall be observed.
- (13) In the event of the licence having been cancelled under these rules, no claim for the refund of the fee or any part thereof shall be entertained.
- (14) If however, under any circumstances the party fails to undertake the operation at the monument on the date specified in the application submitted earlier for the grant of licence or if it does not wish to keep the monument engaged for the period for which fee stands already deposited (after having once begun the shooting operation at the monument), no fee or part thereof shall be refunded in either case.
- (15) The above rules shall not apply to bonafide visitors in possession of 8 mm. Cine-camera, not requiring the use of stands, who want to film a monument for the simple purpose of taking record films and with no intention of utilizing the monument as a part of any scene, provided that the prohibition contained in rule 3 above are observed and the use of artificial light including flash-light synchronizers shall not be allowed in the interior of a monument.

15. Cancellation of licence – The Director may, by order and, after giving notice to the licensee, cancel any licence granted under rule 13, if he is satisfied that any of the terms and conditions of the licence has been contravened.

16. Appeal – Any person aggrieved by an order of the Director under rule 13 or rule 15 may prefer on appeal to the State Government and the decision of that Government on such appeal shall be final.

17. Penalties – 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 such monument in respect of which an order has been made under rule 4 or rule 5; or
- (iii) contravenes any of the provisions of rules 6,7 and 8; or

- (iv) copies or films of any protected monument or does any act in contravention of the provisions of rules 9,10 and 11 or the terms or conditions of any licence granted under rule 13;

Shall be punishable with fine which may extend to one hundred rupees.

18. Particulars of buildings, structures and other works controlled under section 19 – Within the controlled area of a protected monument, the position, height, size, design, material, colour and screening etc. of the building, structures and other works above the ground shall be regulated by the following conditions :-

- (a) the new construction or structure shall not be in such a place and of such a height as might obstruct the external view of the protected monument;
- (b) the size of the new building or structure or works shall not be greater than that of the monument;
- (c) the design of the new construction or structure or works shall not allow any incongruities so as to be a patch work in the vicinity, when compared with the style used in the monument;
- (d) the materials used in the new construction shall not be different in quality from those used in the old building, structure or work;
- (e) the colour of the new construction, structure or works shall be in conformity with the one used in the monument;
- (f) the style of screens used, if any, in the new construction or structure or works would conform to the type used in the monument; and
- (g) the internal appearance of the building, structures and other works above ground within the controlled area of the monument shall fall in line with the external appearance of the protected monument, in the regulated area of which the alteration or extension of any buildings or structures or works take place.

CHAPTER III

Constructions and other operations in protected area etc.

19. Application for permission for construction or excavation etc. in protected areas – Every application for permission for –

- (i) Construction of any building;
- (ii) Carrying out any mining, quarrying, blasting; or
- (iii) excavating for archaeological or historical purposes; or

- (iv) undertaking any other operation of the like nature, under section 22, in any protected area, shall be made in Form II atleast three months before the date of commencement of the proposed construction, operation excavation, etc. as aforesaid.

20. Grant or refusal of licence –

- (1) On receipt of an application under rule 19 :-

- (i) If such an application is for excavations for archaeological or historical purposes in any protected area, the Director shall obtain the previous approval of the Central Government with regard to the proposed excavation and may thereafter grant a licence in Form IV for such purposes, subject to such rules and directions of the Central Government, if any, as the Central Government may make or give in this behalf in each case or generally, if the Director is satisfied that the applicant is competent by training and experience, to undertake the excavation and has adequate means, equipment and staff for the purpose;

- (ii) If such and application is for excavation for purposes other than archaeological or historical purposes, or for construction of any building or for carrying or any mining, quarrying, blasting or any operation of a like nature, the Director may grant, a licence in Form V, if he is satisfied that the construction of any building or carrying on any such operation is not likely to damage any protected monument or affect that value thereof, and the applicant has adequate training and means for the purpose for which he has applied.

- (2) Notwithstanding anything contained in sub-rule (I) and subject to the provision of rule 23, no licence shall be granted under this rule unless the applicant has paid the licence fee specified in Schedule IV and furnished security of such amount not exceeding one thousand rupees as the applicant has adequate training and means for the purpose for which, he has applied.

- (3) The Director may for reasons to be recorded in writing refused to grant a licence in any particular case.

21. Conditions for licence – Subject to such rules or directions, if any, as the Central Government may make or give in this behalf, as provided under section 24, every licence granted under rule 20 shall be subject to the following conditions –

- (i) it shall be non-transferable;
- (ii) it shall be in force for such period not exceeding two months as maybe specified in the licence:

Provided that the Director may, on application made to him at least on month before the expiry of the licence, extend the period of such licence by such time as he considers proper, subject to the condition that the total period including the period originally, fixed and the period so extended six months;

- (iii) the licence shall give to the Director, the Collector of the district and the owner of the land to be excavated or in respect of which any operation as stated in rule 19 is to be carried on at least fifteen days notice in writing for the excavation or such operations;
- (iv) the licensee shall have to be present at site for at least 3/4th period of the aforesaid operation, unless the Director by order exempts him from such presence;
- (v) the licensee shall not, without the permission of the Director, dismantle or disturb any structures or antiquities found during his operation under the licence and shall make adequate arrangements for the safety of structure or antiquities till they are taken charge of by the Director. The licensee shall inform the Director or the owner of the land of the discovery of any such structure or antiquities. He shall also inform the Director or the owner of the land of the discovery of any such structure or antiquities. He shall also inform the Director of the discovery of any antiquity in Form VI.
- (vi) the licensee shall not subject to any antiquities discovered during his operations under the licence, to any chemical or electrical appliances of mining, without the permission of the Director;
- (vii) the licensee shall not impose any restriction on the inspection by any Archaeological Officer of his operations under the licence or the structures or antiquities discovered during such operation. The licensee shall not also object to the taking of notes on or the filming of, the structures or antiquities so discovered, by an Archaeological Officer;
- (viii) the licensee shall give at least 15 days notice in writing to the Director before he discontinues his operations under the licence unless the discontinuance of such operation is caused by causes beyond the control of the licensee or on account of the expiration of the period of licence;

- (ix) the licensee shall within three months of the completion of his operation under the licence, submit to the Director a summary of the result of the operations carried on by him and where the operations continue for more than three months, such report shall be submitted every quarter and it shall be open to the Director to publish the contents of the report in his reports or reviews.

22. Disposal of antiquities –

- (1) Where, as a result of any excavation or operation carried on in any protected area, any antiquity is discovered, the Archaeological Officer or the Licensee, as the case may be, shall submit a report of such discovery to the State Government through the Director, personally or by post in Form VII.
- (2) Unless the State Government make an order under sub-section (3) of section 25 of the Act, such antiquities shall be disposed in the following manner :-
 - (i) antiquities other than rare antiquities shall be divided into two parts, one share shall go to the licensee and the other to the State Archaeological Department.
 - (ii) rare antiquities shall be preserved in the Museum of the area or locality;
 - (iii) all human relics of historical importance or antiquities, which are of National importance, shall be transferred to the Central Archaeological Survey.

23. Exemption from security and other cognate matters –

- (1) The Director may by order exempt a person or institution engaged in excavating or mining, blasting or quarrying operation, if such a person or institution is an expert in this line and is recognized by the Central Archaeological Survey as competent to carry on the work.
- (2) On the expiry of the excavations or operations under the licence granted under rule 20 or the cancellation of such licence under these rules, the security deposited by the licensee or the balance thereof in cases where some deduction or recovery has been made under these rules, shall be returned to him.
- (3) The Director may by order direct the deductions or recovery from the security amount furnished by the licensee under these rules.
 - (i) of the value of any antiquities recovered as a result of an excavation or operation carried on by a licensee under his licence, if such antiquity is lost or destroyed while in the custody of the licensee;

- (ii) of any compensation payable to the owner or occupier of the land in which the licensee has carried on any excavation or operation under his licence.
 - (4) When during the currency of a licence, any amount has been deducted or recovered under this rule, the Director may require the licensee, within such time as he may specify; to deposit a further sum as equivalent to the amount deducted or recovered.
24. Control of mining etc. to protect or preserve protected monument –
- (1) The Director may by order fix the boundaries of the area in or near which any protected monuments stand, for the purpose of regulating or restricting mining, quarrying, excavating, blasting and other operations of like nature, in order to protect or preserve any protected monument.
 - (2) No person shall carry on any mining, quarrying, excavating, blasting or any other operation of like nature in the area fixed under sub rule (1), except in accordance with the terms and conditions of a licence granted under sub-rule(3).
 - (3) An application for the grant of licence required under sub-rule (2) shall be made to the Director, in Form VIII at least three months before the proposed date of commencement of any such operation.
 - (4) On receipt of the application and the fees prescribed in Schedule IV, the Director may grant the licence in Form IX containing the terms subject to which any such operation, as aforesaid, may be carried on in any such area fixed under sub-rule(1). The provision of sub-rule (2) of rule 20 and of rules 21 and 23 shall apply, as far as may be, to the grant of licence under this sub-rule.
 - (5) The Director may, if he is satisfied that the carrying on of any such operation is dangerous to any protected monument, he may, after recording the grounds of his opinion, refuse to grant the licence applied for or he may cancel the same, if granted.
25. Cancellation of a licence –The Director may by order cancel of licence granted under rule 20 or rule 24, if he is satisfied that the conduct of any construction or as the case may be, of any operation has not been satisfactory or in accordance with the terms and conditions of such licence or is dangerous to any protected monument:

Provided that no licence shall be cancelled, unless the licensee has been given an opportunity of being heard.

26. Appeal – Any person aggrieved by an order of the Director, under rule 20 or 24 or rule 25 may, prefer an appeal to the State Government, the decision of the State Government on such appeal shall be final.

27. Penalties –

- (1) Whoever undertaken any construction, mining quarrying, blasting or any operation of a like nature or any excavation, in any protected area otherwise then under a licence granted under rule 20 or contravenes any of the terms and conditions of such licence, shall be punishable with a fine which may extend to five thousand rupees.
- (2) Where the breach of any rule or condition of a licence has been committed by the agent or servant of a licensee, the licensee himself shall be punishable as if he has himself committed such breach.
- (3) Whoever commits any breach of sub-rule (2) of rule 24 or of any terms and conditions of the licence granted under sub-rule (4) thereof shall be punishable with fine which may extend to two hundred rupees.

CHAPTER IV

Protected Antiquities

28. Declaration antiquites – Every owner of a coin; sculpture; epigraph, illustrated manuscript, picture, painting or any other work of art or craftsmanship, which is an antiquity, shall make a declaration to the effect that he or she has with him or her any one or more of the above types of antiquities such a declration would contain all relevant particulars pertaining to the size, material, title and chronology of the object. A photograh of each of these objects shall have to be kept by every owner together with a register of all such objects, in which all particulars relating there to would be maintained. The declaration of his assess of the type mentioned by the owner would not mean that these would be confiscated or acquired compulsorily but that these would be placed within the knowledge of scholars and art critics, if they desire to do so. This would done in order to see the art and archaeological material of Rajasthan interpreted properly. Copies of photographs may be supplied by owners to scholars against cash payment but one set of such photographs may be supplied free of charge to the Director, for his record in such cases where it is not possible for the party to supply such

photographs, the owner would send information to the Director that he has no objections if his objects are photographed by the department of Archaeology and Museums, the department shall arrange to have the objects photographed for reference. Purposes after a list of such antiquities is received and photographic record of the objects are available, the State Government may declare them as "Protected" under the Act, after issuing a notification in the official gazette in Form X and a copy of it would be sent to the respective owners.

29. Application for moving antiquities – Every application for permission to move any antiquity or any class of such antiquities in respect of which a notification has been issued under sub-section (1) of section 28 shall be made in Form XI to the Director at least three months before the proposed date of the moving of such antiquity.
30. Grant or refusal of permission – On receipt of an application under rule 20, the Director may after making such enquiries 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.
31. Penalty – Any person –
 - (i) who fails to declare any antiquity under his ownership as required by rule; or
 - (ii) who moves any protected antiquity except with the written permission of the Director as required by sub-section (i) of section 28.

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

CHAPTER V

32. Composition -

- (1) The Board shall consist of the following member -
 - (i) The Minister of Education;
 - (ii) The Deputy Minister of Education;
 - (iii) Director General of Archaeology in India or his nominee;
 - (iv) Secretary to the Government, Education Department or his nominee;
 - (v) Chief Engineer Public Works Department, Rajasthan
 - (vi) Not more than two persons possessing special knowledge of archaeology or keenly interested in the preservation of the cultural heritage, to be completed by the Board, as members; and
 - (vii) The Director of Archaeology & Museums.
- (2) The Minister of Education, Rajasthan shall be ex-office Chairman of the Board and when he is absent or for any other reason he is unable to act, the Dy. Minister of Education, Rajasthan, shall act as Chairman. The Director shall be the member Secretary of the Board.
- (3) The Vice-Chairman of the Board shall be elected by the Board and carry out the functions of the Chairman when the Chairman is absent or for any reason he is unable to act.

33. Terms of office -

- (1) the terms of office of the members of the Board shall be three years.
- (2) Only the co-opted members shall be eligible for re-appointments by co-option.

34. Meeting -

- (1) The Board shall meet as and when considered necessary by the Chairman :

Provided that there shall be at least one meeting in a year.

- (2) Special meetings may be called by Secretary on requisition by at least one third members of the Board, if such requisition is addressed to the Secretary and is accompanied by a clear statement of the business to be transacted thereat, the Secretary shall, upon receipt of the requisition, call the special meeting as soon as may be practicable.

35. Notice of meeting -

The Secretary shall send the notice of meeting, together with the agenda, to the members at least 15 days before the date of the meeting, except in the case of a special meeting wherefore such short

notice, as may be practicable under the circumstances of the case, may be given.

36. Quorum -

(1) At least one half of the members shall be present to constitute quorum at any meetings.

37. Procedure of business at a meeting -

(1) All questions shall be decided by a majority of votes of the members including Chairman or the Vice-Chairman, as the case may be, present and voting.

(2) In all cases of equality of votes, the Presiding authority shall have a record vote.

(3) Votes shall be taken by a show of hands.

38. Standing and ad-hoc committees. -

(1) The Board shall be at liberty to form standing or ad-hoc committees and shall have power to appoint on an ad-hoc committee persons who are not members of the Board but who possess special knowledge and experience of the problems which the committees is required to examine.

(2) Each standing or ad-hoc committee shall consist of three to six members who shall be appointed by the Board.

(3) The quorum at any meeting of such committee shall be two third at the total number of its members, present thereat. If such a quorum is not present at any meeting, it shall be adjourned on any convenient date and no quorum shall be necessary at the adjourned meeting.

(4) The members shall elect amongst themselves a person as the President of their Committee at a meeting specially convened for the purpose.

(5) The term of office of the members of such Committee shall be co-extensive with the term of office of the Advisory Board.

(6) The procedure of business at a meeting of the Board as stated in rules 34 shall apply 'Mutatis mutandis' to a meeting of such committee.

39. Power of the State Government to dissolve and reconstitute the Advisory Board -

(1) If, at any time, the State Government is satisfied that the Advisory Board is not competent to perform its duties or has abused its powers or its continuance is not likely to serve any purpose, it may by order published in the official gazette and dissolve the Board.

- Provided that no action shall be taken under this sub-section unless the Board has been afforded a reasonable opportunity submitting explanation and of being heard, if the Board so desires.
- (2) The Board dissolved under sub-section (1) may be reconstituted by the State Government by order published in the official gazette.
 - (3) The consequences of the dissolution of the Board under sub-section (1) shall be as if the term of the Board has expired under these rules.

CHAPTER VI Miscellaneous

40. Manner of preferring an appeal -

- (1) Every appeal to the State Government under the Rajasthan Monuments, Archaeological Sites and Antiquities Act, 61 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.

41. Service or orders and notices - Every order or notice made or issued under 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 corporation or firm, be served in the manner provided for the service of summons in rule 2 of order XXIX or rule 3 of order XXX, 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 -

by delivering or tendering it to the person concerned, or

- (i) 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
- (ii) by sending it by registered post, acknowledgement due.

(No. F. 6(39)Edu./B/56-C.IV)

**By Order,
t- flag esgrk]**

Secretary to Government

SCHEDULE I
See Rule 5.

Hours during which certain monuments of part three will remain open.

S.No.	State	District	Locality	Name of Monument	Part of monument which shall remain open during hours noted against	Hours of opening
1	Rajasthan	Jaipur	Amber	Palaces as whole	Ist Apl. to 31st August 7.00 A.M. to 12.00 P.M. 3.00 P.M. to 6.00 P.M. Ist Sept. to 31st March, 8.00 A.M. to 6.00 P.M.	
2	Rajasthan	Jaipur	Jaipur	Nahargadh Fort	Whole except a room in charge of H.H. Jaipur 9.00 A.M. to 5.00 P.M.	
3	Rajasthan	Udaipur	Udaipur	Palaces	Part Know as Mardana Palaces only 9.00 A.M. to 5.00 P.M.	

SCHEDULE II

See Rule 6.

- (1) For student under the guidance of teachers and representing any educational institutions and on production of Identity cards -10 P.
(2) Others-15 P.

PART II (FORM FOR TICKET).

10/15 Paise.

The bearer is authorised to enter Amber Palace/Nahargadh Fort/ Maradana Palaces. The admission fee of 10/15 Paise has been recovered in cash.

Director
Archaeology & Museums,
Rajasthan, Jaipur.

PART III

Fee for horse	1/- (in case of Amber Palaces)
Fee for Elephant	2/- (Amber Palace only)
Fee for Jeep	5/- (in case of Amber Palaces only)

PART IV

No.

Dated the

Admit Shri(Address)
 into
 Amber Palaces/Nahargadh Fort/Mardana Palaces without payment of
 admission and conveyance fee.

**Director
 Archaeology & Museums,
 Rajasthan, Jaipur.**

**FORM II
 (See Rule 13)**

License for copying or filming operation at protected monument.

M/s is hereby allowed to undertake
 the copying operation or filming operation of his/their film entitled
as per script and details of scenes attached
hereto in andaround
DistrictState Rajasthan for a period ofdays
 commencing with thedays of

The license is granted subject to the provision of the rules and is
 further subject to the following conditions, namely :-

The requisite fee of Rs. has been charged from
 his/them. The license is not transferable. It shall be valid for the period, it
 has been issued.

***Seal and signature of the
 Director, Archaeology, Raj. Jaipur.***

**FORM III
 (See Rule 19)**

Application for permission for construction, quarrying, blasting and mining operation within a protected area

1. Name and address of applicant.
2. Name of the protected area within which construction/mining/Excavating/quarrying/blasting operation is proposedlocality.
3. Nature and details of the proposed construction, quarrying, blasting and excavating and operation in respect of which permission is sought.
(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 suffling 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/ blasting/quarrying/ excavating or mining operation
5. Approximate duration and date of commencement of the proposed construction/blasting/quarrying/excavating/mining operation
6. Approximate expenditure on the proposed operation etc.

I declare that the above information is correct. I also undertake to observed the provisions of the Rajasthan Monuments, Archaeological Sites and Antiquities Act, 1961 and the rules made thereunder.

Seal of the Organisation

State

Signature of the Applicant.

Note- 1. If the application is on behalf of an organization, the name of thereof should be given.

If the application is on behalf of an organization, the signature should be that of the head of that organization.

FORM IV
(See rule 20)

Form for license of excavations for Archaeological or historical purposes in protected area.

Whereas -- -- -- -- -- has applied for a license for carrying out excavations for archaeological or historical purposes in the protected area known as at District.

- including the period originally fixed and the period so extended does not exceed six months;
- (iii) The license shall give to the Director, The collector of the District and the owner of the land to be excavated or in respect of which any operation as stated in rule 19 is to be carried on, at least fifteen days, notice in writing of the excavation of such operation;
 - (iii) The license shall have to be present at site for at least 3/4th period of the aforesaid operation, unless the Director by order exempts him for such presence;
 - (iv) the license shall not, without the permission of the Director dismantle or disturb any structures or antiquities found during his operations under the license and shall make adequate arrangements for the safety of structures or antiquities till they are taken charge of by the Director. The license shall inform the Director of the owner of the land of the discovery of any such structure or antiquities. He shall also inform the Director of the discovery of any antiquity in Form VI.
 - (v) The license shall not subject any antiquities discovered during his operations under the license, to any chemical or electrical appliances of mining, without the permission of the Director;
 - (vi) the license shall not impose any restrictions on the inspection by any Archaeological Officer of his operations under the license or the structures or antiquities discovered during such operation. The license shall not also object to the taking of notes on or the filming of the structures or antiquities so discovered, by an Archaeological Officer.
 - (vii) the license shall give at least 15 days notice in writing to the Director before he discontinues his operations under the license, unless the discontinuance of such operation is caused by causes beyond the control of the license or on account of the expiration of the period of license;
 - (viii) the license shall, within three months of the completion of his operation under the license submit to the Director a summary of the result of the operations carried on by him and where the operations continue for more than three months, such reports shall be submitted every quarter and it shall be open to the Director to publish the contents of the report in his reports or reviews.

PART 'B'

Rules and directions of the Central Government be observed by the license;

- 1.
- 2.

- 3.
- 4.
- 5.
- 6.

FORM V.
(See rule 20)

License for construction/ quarrying/excavating/ blasting/mining/ operation in a protected area.

Whereas he applied for a license for carrying out construction/quarrying/blasting/excavation/mining operations in protected area known as at District.

And whereas the said Shri has undertaken to observe the provisions of the Rajasthan Monuments, Archaeological Sites and Antiquities Act, 1961 and the rules made thereunder and has further deposited the sum of Rs. (Rupees only) as required by the rules.

I, Director of Archaeology and Museums do hereby grant this license under sub-rule (ii) of rule 20 of the said rules to the said to carry out operations in the area indicated in red outlines on the plan attached hereto.

The license is granted subject to the provisions of the said Act and rules and more particularly to the following conditions, namely :-

PART 'A'
Conditions of the License

- (i) This license shall not be transferable;
- (ii) It shall be in force for such period not exceeding two months as maybe specified in the license :

Provided that the Director may, on applications made to him at least one month before the expiry of the license, extend the period of such license by such time as he considers proper, subject to the condition that the total period including the period originally fixed and the period so extended does not exceed six months;

- (iii) The license shall give to the Director, the collector of the District and the owner of the land to be excavated or in respect of which any operation as stated in rule 19 is to be carried on, at least fifteen days, notice in writing of the excavation of such operation;
- (iv) The license shall have to be present at site for at least 3/4th period of the aforesaid operation, unless the Director by order exempts him for such presence;

- (v) The license shall not, without the permission of the Director dismantle or disturb any structures or antiquities found during his operations under the license and shall make adequate arrangements for the safety of structures or antiquities till they are taken charge of by the Director. The license shall inform the Director or the owner of the land of the discovery of any such structure or antiquities. He shall also inform the Director of the discovery of any antiquity in Form VI.
- (vi) The license shall not subject any antiquities discovered during his operations under the license, to any chemical or electrical appliances of mining, without the permission of the Director;
- (vii) The license shall not impose any restrictions on the inspection by any Archaeological Officer of his operations under the license or the structures or antiquities discovered during such operation. The license shall not also object to the taking of notes on or the filming of the structures or antiquities so discovered, by an Archaeological Officer.
- (viii) The license shall give at least 15 days notice in writing to the Director before he discontinues his operations under the license, unless the discontinuance of such operation is caused by causes beyond the control of the license or on account of the expiration of the period of license;
- (ix) The license shall, within three months of the completion of his operation under the license submit to the Director a summary of the result of the operations carried on by him and where the operations continue for more than three months, such reports shall be submitted every quarter and it shall be open to the Director to publish the contents of the report in his reports or reviews.

.....*Day of.....20.....*

.....*Station.*

.....*Dated*

*Signature of the Director
Archaeological, Rajasthan,
Jaipur*

*Seal of the Deptt.
of Archaeology & Museums
Rajasthan.*

FORM VI.
(See Rule 21(v))

Form of the information to be submitted by the license regarding discovery of antiquities.

To,

The Director,
Archaeology & Museums,
Rajasthan, Jaipur.

Dear Sir,

During the operations carried on under the License No. dated granted by you, the following antiquities, particularized below have been discovered. Adequate arrangements have been made for their safe custody :-

Particulars of antiquities discovered: -

1. Class & antiquities.
2. Material.
3. No. of antiquities.
 - (a) Complete .
 - (b) Fragments.
4. Conditions at the time of discovery.
5. Nature of arrangements made for their safe custody, including name of the person in whose custody and the place where antiquities discovered are placed.
6. Remarks.

Dated
Station

Signature of the licensee.

FORM VII
(See rule 22)

Form of the report on the antiquities discovered as a result of excavation in a protected area.

Name of site

Locality

District

State

Report for the period

From

To

S.No.	Class of antiquities Material	No. of antiquities/ Complete fragmentary.	Approximate age	Remarks
-------	----------------------------------	---	--------------------	---------

Station
.....

Signature of the licensee Dated
or Excavator.

Note :- in the case of pottery the approximate number is to be stated.

FORM VIII
(See rule 24)

Application for license for mining, quarrying, excavating, blasting etc. within
a regulated area.

2. Name and address of the applicant.
3. Name of the monument near or adjoining which the regulated area is situated.
Locality _____ District _____
4. Nature and details of the proposed mining operation/construction in respect of which permission is sought. (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.)
5. Purpose of the proposed mining operation/construction.
6. 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 Rajasthan Monuments, Archaeological sites and antiquities Act, 1961 and the rules made thereunder.

Seal of the Station
organization

Signature of the applicant.

Date

FORM IX
(See rule 24)

License for mining/quarrying/excavating/blasting operations etc. within a regulated area.

Whereas of has applied for a license for regulated area near adjoining.....at.....District and has undertaken to observe the provisions of the Rajasthan Monuments, Archaeological Sites and Antiquities Act, 1961 and the rules made thereunder.

I, Director of Archaeology, do hereby grant this license under sub-rule(4) of rule (24) 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 :-

PART 'A'
Conditions of the License

- (i) The licence shall not be transferable;
- (ii) It shall be in force for such period not exceeding two months as maybe specified in the licence : Provided that the Director may, on application made to him at least one month before the expiry of the licence, extend the period of such licence by such time as he considers proper, subject to the condition that the total period including the period originally fixed and the period so extended does not exceed six months;
- (iii) The licence shall give to the Director, the collector of the District and the owner of the land to be excavated or in respect of which any operation as stated in rule 19 is to be carried on, at least fifteen days, notice in writing of the excavation of such operation;
- (iv) The licence shall have to be present at site for at least 3/4th period of the aforesaid operation, unless the Director by order exempts him for such presence;
- (v) The licence shall not, without the permission of the Director dismantle or disturb any structures or antiquities found during his operations under the licence and shall make adequate arrangements for the safety of structures or antiquities till they are taken charge of by the Director. The licence shall inform the Director of the owner of the land of the discovery of any such structure of the

owner of the land of the discovery of any such structure or antiquities. He shall also inform the Director of the discovery of any antiquity in Form VI.

- (vi) The licence shall not subject any antiquities discovered during his operations under the licence, to any chemical or electrical appliances of mining, without the permission of the Director;
- (vii) The licence shall not impose any restrictions on the inspection by any Archaeological Officer of his operations under the licence or the structures or antiquities discovered during such operation. The licence shall not also object to the taking of notes on or the filming of the structures or antiquities so discovered, by an Archaeological Officer.
- (viii) The licence shall give at least 15 days notice in writing to the Director before he discontinues his operations under the licence, unless the discontinuance of such operation is caused by causes beyond the control of the licence or on account of the expiration of the period of licence;
- (ix) The licence shall, within three months of the completion of his operation under the licence submit to the Director a summary of the result of the operations carried on by him and where the operations continue for more than three months, such reports shall be submitted every quarter and it shall be open to the Director to publish the contents of the report in his reports or reviews.

The licence shall be valid forcommencing withday of

***Date
Station***

Seal of the Director

***Signature of the Director
of Archaeology &
Museums, Rajasthan***

FORM X
(Gazette notification for declaring antiquities as protected).

Whereas the Government of Rajasthan is of the opinion that paintings/sculptures, coins, ancient manuscripts (illustrated)/chart objects specified in the schedule before is of State importance. Now, therefore, in exercise of the powers conferred by sub-section (i) of section 3 of the Rajasthan Monuments, the Government of Rajasthan hereby gives notice of its intention to declare the antiquities specified in the schedule below to be of State importance. Any objection made within two months after the issue of this notification by any person interested in the same antiquity or antiquities will be considered by the Government.

SCHEDULE

S.No.	Name and Description of the monument/Antiquity	Locality	District	Importance
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*Signature and Seal of the Director,
Archaeology & Museums, Rajasthan, Jaipur*

FORM XI

Application for moving of antiquities.

1. Name and address of the applicant.
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. Reasons for their removal.
5. Approximate date of moving.
6. Their present market value or recorded value.

I declare that the above information is correct.

Date

Station

Signature of the applicant.

SCHEDULE IV (See rule 12,20 and 24)

Part A Fees payable under rule 12

S.No.	Name of the monument	Amount of fee	Remarks
1	2	3	4
1	Amber Palace, Jaipur		
2	Nahargarh Fort, Jaipur		
3	Mardana Palace, Udaipur		

PART- B

PART- C

FORM OF FIRST NOTIFICATION
(Under section 3 of the Act)

Whereas the Monument/Sites/Antiquity named below is proposed to be declared as protected, the Government of Rajasthan in exercise of the powers conferred by sub-section(I) of section 3 of the Rajasthan Monuments Archaeological Sites and Antiquities Act, 1961 (Act No. 19 of 1961), hereby give notice of its intention to do so.

Any objection made by any interested person within two months from the date of affixing this notification shall be considered by the Govt.

Secretary,
Education Department

राजस्थान राज-पत्र विशेषांक	RAJASTHAN GAZETTE <i>Extraordinary</i>
साधिकार प्रकाशित	<i>Published by Authority</i>
चैत्र 20, सोमवार, शक 1928-अप्रैल 10, 2006 <i>Chaitra 20, Monday, Saka 1928-April 10, 2006</i>	

भाग 4 (क)
राजस्थान विधान मंडल के अधिनियम।
LAW (LEGISLATIVE DRAFTING) DEPARTMENT
(Group-II)

NOTIFICATION

Jaipur, April 8, 2006

No. F.2 (16) Vidhi/2/2006.- The following Act of the Rajasthan State Legislature received the assent of the Governor on the 7th day of April, 2006 and is hereby published for general information :-

THE RAJASTHAN MONUMENTS, ARCHAEOLOGICAL
SITES AND ANTIQUITIES (AMENDMENT) ACT, 2006
(Act No. 6 of 2006)

(Received the assent of the Governor on the 7th day of April, 2006)

An

Act

further to amend the Rajasthan Monuments, Archaeological Sites and Antiquities Act, 1961.

Be it enacted by the Rajasthan State Legislature in the Fifty-seventh Year of the Republic of India, as follows :-

1. Short title and commencement :- (1) This Act may be called the Rajasthan Monuments, Archaeological Sites and Antiquities (Amendment) Act, 2006.

(2) It shall come into force at once.

5(2) राजस्थान राज-पत्र, 10 अप्रैल, 2006 भाग 4 (क)

2. Amendment of section 13, Rajasthan Act No. 19 of 1961 :- In sub-section (1) of section 13 of the Rajasthan Monuments, Archaeological Sites and Antiquities Act, 1961 (Act No. 19 of 1961), hereinafter referred to as the principal Act, for the existing expression "in section 14", the expression "in section 4" shall be substituted.

3. Insertion of section 13A, Rajasthan Act No. 19 of 1961 :- After the existing section 13, and before the existing section 14, of the principal Act, the following new section shall be inserted, namely :-

"13A. Power to enter into agreement for the maintenance of certain monument.- (1) The State Government may, for the purposes of maintenance of a monument falling under section 13, enter into an agreement with any person, firm or trust on such terms and conditions, not inconsistent with the provisions of this Act, as may be specified in the agreement.

(2) Notwithstanding anything contained in section 20A, the person, firm or trust referred to in sub-section (1) shall be entitled to collect and retain the whole or such portion of the fee leviable under section 20A and for such period, as may be agreed upon between the State Government and such person, firm or trust, having regard to the expenditure involved in the maintenance of the monument and collection of fee, interest on the capital invested, reasonable return on the investment and the volume of visitors".

4. Insertion of section 20A, Rajasthan Act No. 19 of 1961 :- After the existing section 20, and before the existing section 21, of the principal Act, the following new section shall be inserted, namely :-

"20A. Power to entrance fee.- (1) The State Government may, by notification in the Official Gazette, levy entrance fee in respect of such protected monuments, and at such rates not exceeding two thousand five hundred rupees per head, as may be specified in such notification :-

Provided that if the State Government is of the opinion that it is expedient in the public interest so to do, it may by like notification, exempt, wholly or partly, any class of persons from the payment of entrance fee.

(2) Such entrance fee when so levied shall be collected in accordance with the rules made under this Act".

गुमान सिंह,
Secretary to the Government.

विधि (विद्यार्थी प्रारूपण) विभाग
(ग्रुप-2)

अधिसूचना

जयपुर, अप्रैल 8, 2006

संख्या प2 (16)विधि/2/2006 :- राजस्थान राजभाषा अधिनियम, 1956 (1956 का अधिनियम सं. 47) की धारा 4 के परन्तुक के अनुसरण में "दो राजस्थान मोन्यूमेंट्स, आर्कैलोजिकल साइट्स एण्ड एण्टीक्यूटीज (अमेण्डमेंट) एक्ट, 2006 (एक्ट नं. 6 ऑफ 2006)" का हिन्दी अनुवाद सर्वसाधारण की सूचनार्थ एतद्वारा प्रकाशित किया जाता है:-
(प्राधिकृत हिन्दी अनुवाद)

राजस्थान संस्मारक, पुरातत्वीय स्थल तथा पुरावशेष (संशोधन)
अधिनियम, 2006

(2006 का अधिनियम सं. 6)

[राज्यपाल महोदया की अनुमति दिनांक 7 अप्रैल, 2006 को प्राप्त हुई]

राजस्थान संस्मारक, पुरातत्वीय स्थल तथा पुरावशेष अधिनियम, 1961 को और संशोधित करने के लिए अधिनियम।

भारत गणराज्य के सत्तानवें वर्ष में राजस्थान राज्य विधान-मण्डल निम्नलिखित अधिनियम बनाता है :-

1. संक्षिप्त नाम और प्रारम्भ :- (1) इस अधिनियम का नाम राजस्थान संस्मारक, पुरातत्वीय स्थल तथा पुरावशेष (संशोधन) अधिनियम, 2006 है।

(2) यह तुरंत प्रवृत्त होगा।

2. 1961 के राजस्थान अधिनियम सं. 19 की धारा 13 का संशोधन :- राजस्थान स्मारक, पुरातत्वीय स्थल तथा पुरावशेष अधिनियम, 1961 (1961 का अधिनियम सं. 19), जिसे इसमें इसके आगे मूल अधिनियम कहा गया है, की धारा 13 की उप-धारा (1) में विद्यमान अभिव्यक्ति "धारा 14 में" के स्थान पर अभिव्यक्ति "धारा 4 में" प्रतिस्थापित की जायेगी।

3. 1961 के राजस्थान अधिनियम सं. 19 की धारा 13 क का अन्तःस्थापन :- मूल अधिनियम की विद्यमान धारा 13 के पश्चात् और विद्यमान धारा 14 के पूर्व निम्नलिखित नयी धारा अन्तःस्थापित की जायेगी, अर्थात् :-

"13 क कतिपय स्मारकों को बनाये रखने के लिए करार की शक्ति :- (1) राज्य सरकार, धारा 13 के अधीन आने वाले स्मारकों को बनाये रखने के प्रयोजनों के लिए किसी भी व्यक्ति, फर्म या न्यास से ऐसे निबंधनों और शर्तों पर करार कर सकेगी जो इस अधिनियम के उपबंधों से असंगत न हों और जो करार में विनिर्दिष्ट की जायें।

(2) धारा 20क में अन्तर्विष्ट किसी बात के होने पर भी, उप-धारा (1) में निर्दिष्ट व्यक्ति, फर्म या न्यास, स्मारकों को बनाये रखने और फीस के संग्रहण में अन्तर्वलित व्यय, विनिहित पूँजी पर ब्याज, विनिधान पर युक्तियुक्त प्रत्यागम और दर्शकों के परिमाण को ध्यान में रखते हुए, धारा 20क के अधीन उद्ग्रहणीय संपूर्ण फीस या उसके ऐसे भाग को और ऐसी कालावधि के लिए, जो राज्य सरकार और ऐसे व्यक्ति, फर्म या न्यास के बीच करार पायी जाये, संगृहीत और प्रतिधारित करने का हकदार होगा।

भाग (क)

राजस्थान राज-पत्र, 10 अप्रैल, 2006

5 (5)

4. 1961 के राजस्थान अधिनियम सं. 19 में धारा 20क का अन्तःस्थापन :- मूल अधिनियम की विद्यमान धारा 20 के पश्चात् और विद्यमान धारा 21 के पूर्व निम्नलिखित नयी धारा अन्तःस्थापित की जायेगी, अर्थात् :-

"20क. प्रवेश फीस का उद्ग्रहण करने की शक्ति :- (1) राज्य सरकार राज-पत्र में अधिसूचना द्वारा, ऐसी संरक्षित स्मारकों के संबंध में और ऐसी दरों से, जो प्रति व्यक्ति दो हजार पांच सौ रुपये से अधिक न हों और जो अधिसूचना में विनिर्दिष्ट की जायें, प्रवेश फीस का उद्ग्रहण कर सकेगी :

परन्तु यदि राज्य सरकार की यह राय हो कि लोकहित में ऐसा किया जाना समीचीन है तो वह, व्यक्तियों के किसी भी वर्ग को, वैसी ही अधिसूचना द्वारा प्रवेश फीस सके संदाय से पूर्णतः या भागतः छूट दे सकेगी।

(2) ऐसी प्रवेश फीस, जब इस प्रकार उद्ग्रहीत की जाये, इस अधिनियम के अधीन बनाये गये नियमों के अनुसार संग्रहीत की जायेगी।"

**गुमान सिंह,
शासन सचिव।**

डबलपमेन्ट फण्ड फॉर एडोप्ट ए मोन्यूमेन्ट के अन्तर्गत वित्तीय वर्ष 2006-07 में स्वीकृत राशि रुपये 200,00 लाख में से राशि रुपये 180,00 लाख रुपये राजस्थान राज्य संग्रहालय एवं स्मारक प्रबन्धन संस्था को दिये गये थे एवं वर्ष 2007-08 में राशि रुपये 43.00 लाख रुपये राजस्थान राज्य संग्रहालय एवं स्मारक प्रबन्धन संस्था को डबलपमेन्ट फण्ड फॉर एडोप्ट ए मोन्यूमेन्ट हेतु बजट मद आयोजना में रखा गया था जो कि वित्तीय वर्ष 2007-08 में नवीन मद के अन्तर्गत स्वीकृत है।

विभाग में वर्तमान में 225 संरक्षित स्मारक घोषित है। एडोप्ट ए मोन्यूमेन्ट योजना के तहत 60 स्मारकों का चयन किया गया है।

**THE RAJASTHAN MONUMENTS, ARCHAEOLOGICAL SITES AND ANTIQUITIES (AMENDMENT) ACT 2007
(Passed by Rajasthan Legislative Assembly on 20.9.2007)**

An Act

Further to amend the Rajasthan Monuments, Archaeological Sites and Antiquities Act, 1961.

Be it enacted by the Rajasthan State Legislature in the Fifty Eighth Year of the Republic of India, as follows:-

1. Short title and commencement-(1) This Act may be called the Rajasthan Monuments Archaeological Sites and Antiquities (Amendment) Act, 2007.

It shall be deemed to have come into force on and from 25 may 2007.

2. Amendment of section 2, Rajasthan Act No. 19 - In section 2 of the Rajasthan Monuments, Archaeological sites and Antiquities Act, 1961 (Act No. 19 of 1961) herein after referred to as principal Act,

(i) in clause (i) for the existing expression "to which the provision of that act apply for the time being ", the expression "which has been declared protected under that Act and stands so declared" shall substituted;

(ii) In clause (ii) for the existing expression "to which the provision of that Act apply for the time being ", the expression "which has been declared protected under that Act and stands so declared" shall be substituted;

(iii) In clause (iv) for the exiting expression" to which the provisions of that .Act apply for the time being", the expression

"which has been declared protected under that Act and stands so declared" shall be substituted.

- 3. Amendment of section 3, Rajasthan Act No. 19:-** In subsection (4A) of section 3 of the principal Act, the existing expression "And for reasons of its satisfaction to be recorded in such notification" appeared after the existing expression "official Gazette" and before the existing expression "forthwith " shall be deleted.
- 4. Amendment of section 12, Rajasthan Act No. 19:-** In subsection (1) of section 12 of the principal Act, after the existing expression. "Rajasthan land Acquisition Act, 1953 (Rajasthan Act No. 24 of 1953)", the expression " Land Acquisition Act, 1894 (Central Act No.1 of 1894)" shall be substituted.
- 5. Amendment of section 17, Rajasthan Act No. 19.-** in subsection (1) of section 17 of the principal Act for the existing expression "six month or with fine which may extend to five thousand", the expression "three years or with fine which may extend to one lac" shall be substituted .
- 6. Amendment of section 18, Rajasthan Act no. 19-** In subsection (2) of section 18 of the principal Act for the existing expression "two hundred", the expression "Five thousand" shall be substituted.
- 7. Amendment of section 19, Rajasthan Act No.19-** In subsection (6) of section 19 of the principal Act, for the existing expression "one hundred", the expression "three thousand" shall be substituted.
- 8. Amendment of section 20, Rajasthan Act No.19-** in subsection (2) of section 20 of the principal Act, for the existing expression "one hundred", the expression "three thousand" shall be substituted.
- 9. Amendment of section 21, Rajasthan Act No.19-** In section 21 of the principal Act, for the existing expression "Rajasthan

land Acquisition Act, 1953 (Rajasthan Act No.24 of 1953)", the expression "Land Acquisition Act 1894(Central Act no 1 of 1894)" shall be substituted.

10. Amendment of section 26, Rajasthan Act No.19- In section 26 of the principal Act, for the existing expression "six months or with fine which may extend to five thousand", the expression "three years or with fine which may extend to one lac" shall be substituted.

11. Amendment of section 28, Rajasthan Act No.19- In sub section (4) of section 28 of the principal Act, for the existing expression "five hundred", the expression "fifteen thousand" shall be substituted.

12. Amendment of section 32, Rajasthan Act No. 19. - In section 32 of the principal Act, for the exiting expression "Rajasthan land Acquisition Act, 1953 (Rajasthan Act No. 24 of 1953)" wherever occurring, the expression "Land Acquisition Act, 1894(Central Act No. 1 of 1984)" shall be substituted.

13 Insertion of new section 37-A, Rajasthan Act No. 19 After the existing section 37 and before the existing section 38 of the principal Act the following new section shall be inserted, namely:-

"37-A. Rectification of error.- Any clerical mistake, patent error or error arising from accidental slip or omission in the site or antiquity declared protected under this Act may, at any time, be corrected by the state Government by notification in the official Gazette."

14. Amendment of section 38, Rajasthan Act No.19.- In sub-section (3) of section 38 the principal Act, for the existing expression "five thousand", the expression "one lac" shall be substituted.

15. Repeal and saving,- The Rajasthan Monuments, Archaeological Sites and Antiquities Ordinance,2007 (ordinance No. 4 of 2007) is hereby repealed.

(2) Notwithstanding such repeal, all action taken or orders made under the principal Act as amended by the said Ordinance shall be deemed to have been taken or made under the principal Act as amended by this Act.