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NOTIFICATION

No. H. 12018/97/05 - LJD/9, the 22nd November, 2005. The Mizoram Ancient Monuments and Archaeological Sites and Remains Rules 2003 is hereby published for general information.

Sd/-

CHAWNGTINTHANGA

Deputy Secretary to the Govt. of Mizoram

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THE MIZORAM ANCIENT MONUMENTS AND ARCHAEOLOGICAL SITES AND REMAINS RULES 2003

In exercise of the powers under section - 31 of the Mizoram ancient Monuments and Archaeological sites and remains Act., 2001, the Governor of Mizoram is pleased to make the following rules.

CHAPTER - I

PRELIMINARY

1. Short title, extent and commencement.

- 1) These Rules may be called "The Mizoram Ancient Monuments and Archaeological Sites and Remains Rules, 2003".
- 2) They shall extend to the whole of the State of Mizoram.
- 3) They shall come into force with effect from the date of publication in the Mizoram Gazette.

2. Definitions.

In these Rules, unless the context otherwise requires -

- (a) "Act" means the "Mizoram Ancient Monuments and Archaeological Sites and Remains Act, 2001" (Mizoram ActNo.2 of 2001)
- (b) "ancient monument" means any structure, erection or monument, or any tumulus or place of interment, or any cave, rock, sculpture, inscription or monolith, which is of historical, archaeological or artistic interest and which has been in existence for not less than seventy five years, and includes:-
 - i) the remains of an ancient Monument;
 - ii) the site of an ancient monument;
 - iii) such portion of land adjoining the site of an ancient monument as may require for fencing or covering in or otherwise preserving such monument; and
 - iv) the means of access to and convenient inspection of an ancient monument;
- (c) "**antiquity**" includes -
 - (i) any coin, sculpture, manuscript, epigraph, or other works of art or craftsmanship;
 - (ii) any article, object or thing illustrative of science art crafts, literature, religion, customs, morals or politics in by-gone ages;
 - (iii) any article, object or thing detached from a building or cave;

- (iv) any article, object or thing of historical interest, and
- (v) any article, object or thing declared by the State Government, by notification in the official gazette to be an antiquity for the purposes of this Act, which has been in existence for not less than seventy five years;
- (d) "Archaeological Officer" means an officer of the Department of Art & Culture of the Government of Mizoram, not lower in rank than an Assistant Director;
- (e) "Archaeological Site and Remains" means any area which contains or is reasonably believed to contain ruins or relics of historical or archaeological importance which have been in existence for not less than seventy five years, and includes :-
 - (i) such portion of land adjoining the area as may be required for fencing or covering in or otherwise preserving it, and
 - (ii) the means of access to, and convenient inspection of, the area;
- (f) "construction" means the construction of any structure; including addition to or alterations of an existing building;
- (g) "copying" means the preparation of copies by drawing or by photography or mould or by squeezing including the preparation of a cinematographic film with the aid of hand camera which is capable of taking not more than eight millimeters and which does not require the use of a stand or involve any special previous arrangement.
- (h) "Deputy Commissioner" means Deputy Commissioner in all Districts within Mizoram:
- (i) Director" means the Director of Art & Culture Department of the Government of Mizoram;
- (j) "maintain" with its grammatical variations and cognate expressions, including the fencing, covering in, repairing, restoring and cleansing of a protected monument, and the doing of any act which may be necessary for the purpose of preserving a protected monument or securing convenient access there to ;
- (k) "owner" includes-
 - i) a joint owner invested with powers of management on behalf of himself and other joint owners and the successor-in title of any such owner;and
 - ii) any manager or trustee exercising powers of management and the successor-in -office of any such manager of trustee ;
- (l) "prescribed" means prescribed by rules made under this Act;
- (m) "protected area" means any Archaeological Site and Remains which is declared to be of national importance by or under the Act;

- (n) “protected monument” means any ancient monument which is declared to be of natural importance by or under the Act;
- (o) “section” means a section of the Act;
- (p) “State Government” means the State Government of Mizoram.

CHAPTER - II

DECLARATION OF PROTECTED MONUMENTS

3. Manner of enquiry' before an Ancient Monument may be declared to be protected

- 1) The Director shall, before a notification under section 3 issue, cause a thorough enquiry as to the antiquity of the monument to be protected, and shall determine as accurately as possible the age of the monument on such evidences as may be available to him.
- 2) On obtaining evidences which the Director considers sufficient for protection of a monument, he shall submit necessary proposals to the State Government for protection of the same under intimation to the Deputy Commissioner concerned.
- 3) In submitting a proposal to the State Government, the Director shall specify the exact area of the land that is required for the purpose of preserving the monument in proper manner with facilities for approach road, erection of any structures and for laying out of gardens.

4. Recommendation of the Deputy Commissioner :The Deputy Commissioner shall within one month from the date of the receipt of the report from the Director, submit to the State Government his objection if any against the proposal of the Director together with alternative suggestion. The State Government may issue a notification under section 3. notwithstanding the fact that no report has been received from the Deputy Commissioner in this behalf.

5. Demarcation of Site. As soon as a notification has been confirmed under sub-section (3) of section 3, the Director shall cause necessary pillars and fencing to be fixed demarcating the area appearing in the notification and required for preservation of the protected monument.

6. Restriction of Public entry into a monument under repair.

- 1) The Director may by an order to be fixed up in a conspicuous place near the monument, prevent entry into the site of the protected monument of any person not specifically authorized by him to do so, during such period of time when the monument is under repair or when an excavation is carried on in the site or when entry of un-authorized persons is deemed by the Director to be detrimental in the interest of work of preservation.
- 2) In the case of a protected monument which or part of which is used for religious worship of observances by any community, the person or persons whose entry to the monument is required for the purpose of religious observances, shall be deemed to be persons authorized by the Director for such entry under sub-rule (1).

CHAPTER - III

GUARDIANSHIP OVER MONUMENTS. AND THEIR MAINTENANCE

7. Determination of the Owner.

- 1) As soon as the antiquity of the monument has been established by the Director, he shall report the matter to the Deputy Commissioner for determining the ownership of the monument.
- 2) The Deputy Commissioner, immediately on receipt of the report from the Director shall cause an enquiry regarding the ownership of the monument; and failing to ascertain any owner readily, he shall notify the matter in such manner as may be deemed fit calling for petitions regarding ownership of the monument to be filed within a period of one month.
- 3) On receipt of the petitions, as under sub-rule (2), the Deputy Commissioner shall fix the ownership of the monument and report the name of the owner to the Director and to the State Government with intimation to the owner so fixed.
- 4) In the event of there being no claim regarding ownership of the monuments within the specified time, the monument shall be deemed to have no owner; and the Director shall assume the guardianship of the monument under sub-section(2) of section 4.

8. Appeal.

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

9. Terms of Agreement.

- (1) As soon as it is proposed that a monument is to be protected under agreement with the owner, the Director shall draw up a list of items in respect of which the agreement has to be executed in the interest of the proper maintenance of the monument.
- (2) The Director shall draw up a draft agreement on the basis of the items of agreement, and shall work out the financial estimates involved on both the parties on maintenance of the monument. The draft agreement and the financial estimates so worked out shall be forwarded by him to the State Government.
- (3) The State Government shall after such modification of the terms of agreement as may be found necessary, forward the approved agreement to the Deputy Commissioner with necessary intimation to the Director.
- (4) The Deputy Commissioner shall not direct any owner to enter into an agreement with the State Government unless the agreement is approved by the State Government.

10. Appeal.

- (1) Any person aggrieved by an order of the Director made under section 9, may prefer an appeal to the State Government within a period of thirty days from the date of receipt of the order of the Director.
- (2) An appeal made under sub-rule (1) shall be submitted through the Deputy Commissioner of the district in which the protected monument is situated.
- (3) The State Government shall, before giving decision, take into consideration all aspects of the matter and the recommendation made by the Deputy Commissioner.

- (4) Notwithstanding an appeal made by an owner under sub-rule (1) an order of the Director passed under section 9, shall be valid and effective during the time from the date on which the order passed till the date on which it is revoked *tor* modified by the State Government on consideration of the appeal.

CHAPTER - IV

ACCESS TO, AND CONSTRUCTION AND OTHER OPERATION, ON THE SITE OF THE MONUMENT

11. Rights of public access to monument.

- 1) Access to protected monument in respect of which an agreement has been entered into between the owner and the State Government under section 5, shall be governed by the terms of the agreement.
- 3) Right of public access to monuments other than those mentioned in sub-rule(1), shall be as laid down by an order of the Director from time to time.
- 3) Four copies of the relevant provisions of the agreement or a copy of the order of the Director shall be exhibited in a conspicuous part of the monument.

12. Monument when kept open.

- 1) The Director, by order may direct, subject to the provisions of section 16, that any specified part of a protected monument shall not be opened, permanently or for any specified period to any person other than an Archaeological Officer, his agents, subordinates and workman and any other Government servant on duty at such part.
- 2) The Director may, by order, specify the hours during which a protected monument shall remain open to public and a copy of such order shall be exhibited in a conspicuous place of the monument.

13. Entrance Fee- Public entry into a monument shall ordinarily be free.

14. Holding of meetings, etc. in monuments.

- 1) No protected monument shall be used for the purpose of holding any meeting, reception party, conference or entertainment except under and in accordance with a permission in writing granted by the State

Government or any authority empowered by it.

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

15. Provision of Certain Acts within Monuments.

No person shall within a protected monument -

- a) do any act which causes or is likely to cause any damage or injury to any part of the monument, or
- b) discharge any fire arms ; or
- c) cook or consume food except in areas, if any permitted to be used for that purpose, or
- d) hawk or sell any goods or wares or canvass any custom for such goods of wares or display any advertisement in any form or show a visitor round for monetary consideration, except under the authority of the Director or his agent, or
- e) beg for alms ; or
- f) violate any practice, usage or custom applicable to be observed in the monument; or
- g) bring, for any purpose other than the maintenance of the monument;
 - (i) any animal, or
 - (ii) any vehicle except in areas reserved for the parking there of.

16. Excavation.

- 1) Subject to the provisions of the Ancient Monuments and Archaeological Sites and remains Act, 1958 (24 of 1958) and the rules made there under the Director may, with the previous approval of the State Government, undertake excavations for maintenance purposes in the site of an Ancient Monument.
- 2) No person other than the Director or any agent authorized by him, and the workmen appointed or employed by him shall undertake any such excavation in the sites of an ancient monument.

17. Result of Excavation.

Where a result of such excavation made by the Director in any site of a monument, any antiquities are discovered, the Director shall as soon as practicable, submit a report to the State Government on the antiquities recovered during the excavation.

18. Removal of antiquities.

If the State Government considered that any sculptures, carving, images, inscriptions or other like objects ought not be removed from the place where they are, it may, by notification, direct that any such class of objects shall not be removed without written permission of the Director.

19. Removal of antiquities by the Director.

- 1) The State Government may, by an order direct that the Director may remove any of the objects mentioned in rule 18, if in the opinion of the State Government such removal of the object has become necessary for the purpose of better maintenance of the objects.
- 2) Whenever such direction issued by State Government for removal of an object of antiquity, it shall specify the place where such antiquities are to be preserved.

20. Duties of the owner of antiquities.

As soon as the Director is authorized by the State Government under orders, to remove any object of antiquity under rule 19, it shall be the duty of the owner if any, of the objects to hand over the objects to the Director when approached for the purpose.

21. Permission for removal.

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

22. Appeal.

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

23. Compensation.

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

CHAPTER - IV

MISCELLANEOUS

24. Copying of certain Monuments.

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

25. Condition of Copying.

Nothing in rule 24, shall be construed as authorizing any person other than an Archaeological Officer while copying any such monuments to bring into use such materials or equipment or artificial light except flash lights for exposure of a camera, or to erect such a scaffolding or to apply any such extraneous matter on the monuments, as in the opinion of the Director or any Archaeological Officer granting the permission, are detrimental to the archaeological interests.