

# **The National Monuments Authority (Conditions of Service of Chairman and Members of the Authority and Conduct of Business) Rules, 2011**

UNION OF INDIA

India

## **The National Monuments Authority (Conditions of Service of Chairman and Members of the Authority and Conduct of Business) Rules, 2011**

### **Rule**

### **THE-NATIONAL-MONUMENTS-AUTHORITY-CONDITIONS-OF-SERVICE of 2011**

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The National Monuments Authority (Conditions of Service of Chairman and Members of the Authority and Conduct of Business) Rules, 2011 Published vide Notification New Delhi, the 23rd August, 2011 Ministry of Culture (Archaeological Survey of India) G.S.R. 635(E). - Whereas draft National Monuments Authority (Appointment, Functions and Conduct of Business) Rules, 2011 were published as required by clause (a) of sub-section (2) of Section 38 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958) vide number G.S.R 85(E) dated the 11th February, 2011 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of thirty days from the date on which the copies of the Gazette notification are made available to the public; And whereas, the said Gazette notification was made available to the public on 18th February, 2011; And whereas, the objections received before the date so specified have been duly considered and disposed by the Central Government; Now, therefore, in exercise of the powers conferred by clauses (ca), (cb), (cc), (cd), (ce), (cf), (cg) and (ch) of the section 38 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958) the Central Government hereby makes the following rules, namely:-

## **Chapter I**

### **Preliminary**

#### **1. Short title and commencement.**

(1) These rules may be called the National Monuments Authority (Conditions of Service of Chairman and Members of the Authority and Conduct of Business) Rules, 2011. (2) They shall come into force on their publication in the Official Gazette.

#### **2. Definitions.**

- In these rules, unless the context otherwise requires, -(a) "Act" means the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958); (b) "Authority" means the National Monuments Authority constituted under section 20F of the Act; (c) "Chairperson" means the Chairperson or the Authority, referred to in clause (a) of sub-section (2) of section 20F of the Act; (d) "whole-time member" means a whole-time member of the Authority, referred to in clause (b) of sub-section (2) of section 20F of the Act; (e) "part-time member" means a part-time member of the Authority, referred to in clause (b) of sub-section (2) of section 20F of the Act; (f) "large scale project" means an activity, which concerns construction or reconstruction estimated to cost not less than rupees twenty crores. (g) "local authority" means a municipal corporation, municipal committee, land development authorities constituted under the respective State Acts, or special area development authority, village panchayat, zila parishad, hill development council, cantonment board or such other bodies, vested with the powers to control and regulate constructions and developmental activities in their respective areas; (h) "Form" means a Form annexed to these rules; (i) "Schedule" means a Schedule appended to these rules; (j) words and expressions defined in the Act, but not defined in these rules shall have the respective meanings assigned to them in the Act.

## **Chapter II**

### **Salaries Allowances And Other Conditions of Service**

#### **3. Salaries, allowances and other conditions of service.**

- The salary and allowances payable to the whole-time Chairperson, whole-time members and part-time members shall as under- (a) the whole-time Chairperson shall be paid a fixed salary of rupees eighty thousand per month plus other allowances as are admissible to an officer of the rank of Secretary to the Government of India; (b) the whole-time member shall be paid salary in the Higher Administrative Grade in the scale of pay (Rs. 67000/- plus annual increment @3%-79000/-) plus such other allowances as are admissible to an officer of the rank of Additional Secretary to the Government of India; Provided that if a whole-time member at the time of appointment is drawing a scale higher than the Higher Administrative Grade, his pay shall be protected as per the existing rules of the Government of India; (c) the part-time member shall be paid a sitting allowance of rupees

three thousand for each day he attends the meeting of the Authority and shall be entitled to reimbursement of transportation charges at the rates as admissible to the whole-time member.

#### **4. Service conditions of whole-time Chairperson and members of the Authority.**

(1)The Chairperson may resign from his office in writing under his hand addressed to the Minister in charge of Culture but he shall continue to function as Chairperson until his resignation is accepted by the Minister.(2)A whole-time member or part-time member may resign from his office in writing under his hand addressed to the Chairperson, but he shall continue to function in the office as member until his resignation is accepted by the Chairperson.

#### **5. General power and responsibility of Chairperson, Members and Member Secretary.**

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

### **Chapter III**

## **Procedure And Form For Making Recommendations**

#### **6. Grading, Categorisation and classification of protected monuments or protected areas of national importance.**

(1)For the purposes of making recommendation to the Central Government under sub-section (1) of section 4A, the Authority shall obtain public opinion and invite suggestions or objections from the public, within a period of 30 days for categorisation, grading and classification of monuments and archaeological sites declared to be of national importance having regard to the outstanding universal value, the historical, archaeological and architectural value and such other relevant factors;(2)The Authority shall after taking into consideration the objections and suggestions regarding categorisation, grading and classification of monuments and archaeological sites referred

to in sub-rule (1), places such monuments and archaeological sites into the broad category of grading provided in the Schedule and shall accordingly make recommendations to the Central Government under sub-section (2) of Section 4A;(3)The Central Government shall on receipt of duly graded and classified lists of protected monuments and protected areas, notify it in the Official Gazette and also exhibit it on its Official web-site;(4)The Authority shall obtain public opinion and invite suggestions or objections from the public and hold consultations on each occasion when it proposes to extend the prohibited or regulated area beyond one hundred meters and two hundred meters respectively from a protected monument or protected area based on classification under section 4A, before sending its recommendations to the Central Government.

## **7. Procedure by the National Monuments Authority.**

- The Authority shall monitor the working of the competent authority, particularly relating to-(i)receipt of applications by the competent authority from any person, who desires to carry out any construction, re-construction or repair or renovation;(ii)periodicity of disposal of applications with appropriate recommendations;(iii)the Member Secretary of the Authority while examining the applications received from the competent authority shall obtain requisite details, such as site inspection notes, ground conditions, heritage bye-laws and specific comments about the visual impact on regulated or prohibited area of the protected monument or protected area;(iv)obtain reports and comments on impact of major public works or projects and other constructions envisaged by the Central Government and the State Government, local authorities, municipal bodies, etc., private bodies, affecting the regulated or prohibited area indicated in the bye-laws around the protected monuments or archaeological sites and give its recommendations;(v)The Authority, in exceptional cases where the competent authority is unable to prepare the heritage by-laws within the specified period of sixty days, may extend the period by another sixty days.

## **8. Agenda for the meeting of the Authority.**

(1)The Authority shall deliberate on the following agenda, namely -(i)examination and consideration of heritage bye-laws;(ii)examination and consideration of applications received for construction, re-construction, repairs and renovations from the competent authority;(iii)examination and consideration of major public projects, development projects and other projects related to public utility, etc.:(iv)examination of proposals regarding extending prohibited or regulated area, etc.:(v)examination of proposals regarding categorisation and classification of protected monuments and protected area and obtaining public opinion and invite objections through notification, etc.:(vi)the Member Secretary shall include in the agenda for the meeting, any case which, in his opinion is urgent, irrespective of any deficiency in regard to particulars or delay in its receipt.(2)The Authority shall evolve a system of listing the above subject matters received by it for consideration.

## **9. Recommendation by Authority.**

(1)The Member Secretary shall, within a period of forty-five days from the date of receipt of application from the competent authority, examine the application, taking note of the heritage

bye-laws and have it included in the meeting of the Authority;(2)The Authority shall examine the application after taking due note of the observations of the Member Secretary and make recommendations specifying conditions as it may deem fit to the competent authority;(3)The Member Secretary shall convey the recommendations of the Authority to the competent authority in Form;(4)If the Member-Secretary after examining the applications recommended by the competent authority is of the opinion that additional information is required for taking a decision by the Authority, the same shall be conveyed to the competent authority and requisite information shall be obtained within a period of twenty-one days.

## **Chapter IV**

### **Conduct of Business of the Authority**

#### **10. Meetings of the Authority.**

- The Authority shall conduct meetings depending upon the requirement to consider the cases placed before it and to make recommendations for grant of permission.

#### **11. Special Meetings.**

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

#### **12. Place of meetings and notice therefor.**

(1)The meetings of the Authority shall ordinarily be held in New Delhi or in exceptional cases at any other place as may be decided by the Chairperson;(2)The whole-time members and part-time members shall be given minimum two days notice in case of regular meetings and minimum one day notice in case of special meetings;(3)The notice along with agenda specifying the time, date and place of the meeting shall be issued under the signature of the Member-Secretary;(4)The Authority may invite competent authority to participate in exceptional cases, to obtain his considered views relating to major development projects or public works, provided the Member Secretary of the Authority has made a recommendation to this effect.

#### **13. Presiding at the meetings.**

- The meetings of the Authority shall be presided over by the Chairperson and in his or her absence, by such senior most whole-time member from amongst the members present in the meeting.

#### **14. Participation of representative of public projects.**

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

#### **15. Decision of the Authority.**

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

#### **16. Minutes of the meetings.**

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

### **Chapter V**

#### **17. Impact assessment of large scale development projects in regulated areas.**

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

#### **18. Approval of heritage bye-laws.**

(1)The Authority shall, on receipt of proposed heritage bye-laws from the competent authority, make necessary scrutiny thereof;(2)The Authority shall after the scrutiny and approval of the proposed heritage by-laws publish the same inviting objection or suggestion from the public;(3)The Authority may decide on the objection or suggestions so received in consultation with competent authority;(4)The Authority shall forward each approved heritage by-laws to the Central Government

and the Director-General, who shall within a period of thirty days host the Heritage bye-laws on their web-site and also make them available in their offices.

## Chapter VI

### Supporting Staff of the Authority

#### 19. Member Secretary.

- The Member Secretary shall be responsible for-(a)the day-to-day administration of the Authority;(b)drawing up work programmes with the approval of the Chairperson;(c)implementing the work programmes and the decisions taken by the Authority; and(d)matters concerning finance and accounts of the Authority.

### Schedule

[see rule 6]Broad category of monuments and archaeological sites declared as of national importance on the basis of historical, archaeological, artistic and architectural value and such other relevant factors, under section 3 and 4 of the Act.

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

Form[see rule 9(3)]Recommendation of the National Monument Authority for grant of permission for undertaking repairs / renovation in the prohibited area and construction/ reconstruction /repairs / renovation / mining / quarrying in the regulated area of an ancient monument/archaeological site/remains declared as of national importance under Ancient Monuments and Archaeological Sites and Remains Act, 1958.

**1. Name of the applicant:**

**2. Address of the applicant:**

**3. Name of the owner(s)**

(if the applicant is other than the owner)

**4. Address of the owner(s) :**

(a)Present address(b)Permanent address

**5. Whether the property is owned by Government/Public Sector Undertaking/Private Sector Undertaking/Firm**

**6. Name of the nearest monument or site :**

(a)Locality :(b)District :(c)State :

**7. Area under which the proposed construction /reconstruction/ repairs/ renovation is falling ..... Prohibited/ Regulated area**

**8. Nature of the work proposed :**

(repair/ renovation/ construction/ reconstruction)

**9. Category of monument or archaeological site/ remains :**

**10. Grading of the monument or archaeological site/ remains :**

**11. Classification of the monument or archaeological site/ remains :**

**12. Impact of proposed construction on the monument or archaeological site/ remains :**

**13. Recommendation/ approval/ disapproval of the Authority :**

Seal of the AuthorityPlace :Date :File No ...SignatureMember SecretaryNational Monument Authority