

# Environmental and Social Due Diligence Report

---

Project Number: 47083-004  
January 2022

## INDIA: Accelerating Infrastructure Investment Facility in India – Tranche 3 Shamlaji Expressway Private Limited (Part 1 of 34)

Prepared by India Infrastructure Finance Company Limited for the India Infrastructure Finance Company Limited and the Asian Development Bank.

This environmental and social due diligence report is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature.

In preparing any country program or strategy, financing any project, or by making any designation of or reference to a particular territory or geographic area in this document, the Asian Development Bank does not intend to make any judgments as to the legal or other status of any territory or area.

## **Due Diligence Report on Environment and Social Safeguards**

**By**

**India Infrastructure Finance Company Limited (IIFCL)  
(A Govt. of India Enterprise)**

**Construction of Six laning of Shamlaji to Motachiloda from km. 401/200 to km.494/410 section of NH8 in the State of Gujarat (Length 93.210 Km) Under NHDP -V on Hybrid Annuity Model.**




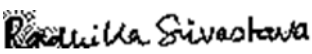



**Sub Project –Shamlaji Expressway Pvt. Ltd.**

**November 2021**

**SUB PROJECT: Six Laning of Shamalaji to Motachiloda from 401.200 to 494.410  
(Length 93.200 Km.) section of NH-8 in the State of Gujarat under NHDP phase -V  
(Package -VI) on the hybrid Annuity Mode**

**M/s Shamlaji Expressway Private Limited (SEPL)**

**Environment and Social Safeguards Due-Diligence Report  
(ESDDR)**

Prepared by	<p>Mr. Ashok Suyal Consultant-Social Safeguards</p> <p>Ms. Radhika Srivastava Manager –ESMU, IIFCL</p> <p>Dr. Ruchi Malik AGM(Environmental Specialist) ESMU ,IIFCL</p>	<p align="center"></p> <p align="center"></p> <p align="center"></p>
Reviewed by	Dr. S.S. Garg General Manager-IIFCL	<p align="center"></p>
Approved by	Mr. S. Siva Kumar Chief General Manager -IIFCL	<p align="center"></p>

## **CONTENTS**

<b>PROJECT BACKGROUND .....</b>	<b>8</b>
1. PURPOSE OF THE REPORT .....	9
2. SUB-PROJECT TITLE.....	9
3. SUB-PROJECT BACKGROUND .....	9
4. SUB-PROJECT LOCATION & DESCRIPTION .....	10
5. CONCESSIONAIRE.....	12
6. EPC CONTRACTORS.....	13
7. INDEPENDENT ENGINEER.....	13
8. IIFCL FUNDING.....	13
9. STATUS OF PROJECT IMPLEMENTATION .....	13
<b>DUE DILIGENCE ON ENVIRONMENTAL SAFEGUARDS .....</b>	<b>14</b>
10. ENVIRONMENT SAFEGUARDS COMPLIANCE REVIEW .....	15
11. APPLICABILITY OF ENVIRONMENTAL IMPACT ASSESSMENT NOTIFICATION	15
12. APPROACH TO THE ENVIRONMENT SAFEGUARDS DUE DILIGENCE REPORT:.	16
13. COMPLIANCE OF SEPL TO THE ESSF OF IIFCL: .....	17
14. POLICY, LEGAL AND REGULATORY REQUIREMENT: .....	17
15. PUBLIC CONSULTATION AND INFORMATION DISCLOSURE.....	22
16. ALTERNATIVE ANALYSIS .....	22
17. ENVIRONMENTAL IMPACT ASSESSMENT OF SUB-PROJECT.....	23
18. IMPLEMENTATION OF ENVIRONMENT MANAGEMENT PLAN.....	24
19. ENVIRONMENT AND SAFETY RELATED CLAUSES IN CONCESSION AGREEMENT .....	25
20. ENVIRONMENT AND SAFETY RELATED CLAUSES IN EPC CONTRACT .....	26
21. ENVIRONMENTAL QUALITY MONITORING.....	27
22. INSTITUTIONAL FRAMEWORK FOR EMP IMPLEMENTATION .....	27
23. HEALTH , SAFETY AND ENVIRONMENT (HSE) MANAGEMENT SYSTEM AT PROJECT SITE	28
24. GRIEVANCE REDRESSAL MECHANISM.....	29
25. ENVIRONMENTAL SENSITIVITY .....	29
26. PROJECT AGAINST THE PROHIBITED INVESTMENT ACTIVITIES LIST.....	30
27. CATEGORIZATION OF SUB-PROJECT .....	30
28. SITE VISIT OBSERVATIONS .....	30
29. DISCLOSURE .....	32
30. CONCLUSIONS AND RECOMMENDATIONS .....	32
<b>DUE DILIGENCE ON SOCIAL SAFEGUARDS .....</b>	<b>35</b>
31. PURPOSE OF THE SOCIAL SAFEGUARDS DUE DILIGENCE:.....	36

32.	OBJECTIVE OF SOCIAL SAFEGUARDS DUE DILIGENCE:.....	36
33.	APPROACH AND METHODOLOGY: .....	36
34.	PROJECT AGAINST THE PROHIBITED INVESTMENT ACTIVITIES LIST: .....	37
35.	SOCIAL IMPACT OF THE PROJECT:.....	37
35.1	Land Acquisition in the Project .....	37
35.2	Impact on Structure.....	37
35.3	Rehabilitation and Resettlement impact in the sub-project .....	37
35.4	Impact on Indigenous people.....	38
36.	GRIEVANCE REDRESSAL MECHANISM FOR THE SUB-PROJECT: .....	38
37.	EMPLOYMENT GENERATION:.....	38
38.	LABOUR LICENSE OBTAINED BY THE SUBPROJECT DEVELOPER:.....	38
39.	THE COMMUNITY ENGAGEMENT ACTIVITIES: .....	39
40.	SITE VISIT OBSERVATIONS: .....	39
41.	DISCLOSURE: .....	39
42.	CONCLUSION .....	40

**LIST OF FIGURES**

FIGURE 1A: PROJECT LOCATION ON MAP .....	11
FIGURE 1B: PROJECT ROAD CORRIDOR.....	11

**LIST OF TABLES**

TABLE 1: SALIENT FEATURES OF M/S SHAMLAJI EXPRESSWAY PVT. LTD. (SEPL) .....	11
TABLE 2: STATUS OF REGULATORY PERMITS/ CLEARANCES OBTAINED RELATED TO ENVIRONMENTAL SAFEGUARDS .....	17

**PHOTOPLATE****PHOTOPLATE I- SITE VISIT PHOTOGRAPHS**

**ANNEXURES**

<b>Annexure 1</b>	Rapid EIA study and EMP document for Shamlaji Expressway Pvt. Ltd.
<b>Annexure 2</b>	Statutory Approvals/ permissions obtained for SEPL sub-project
	<b>Sub-Annexure 2A-</b> Environment Clearance (including Package-VI related to project road section of NH-8)
	<b>Sub-Annexure 2B-</b> Forest Clearance
	<b>Sub-Annexure 2C-</b> Trees cutting permissions
	<b>Sub-Annexure 2D-</b> GPCB Consent to Establish Approval
	<b>Sub-Annexure 2E-</b> GPCB Consolidated Consent & Authorization /CTO
	<b>Sub-Annexure 2F-</b> Sample Copies of Borrow Area Permissions
	<b>Sub-Annexure 2G-</b> Environmental Clearance for Mining operations from Quarry
	<b>Sub-Annexure 2H-</b> Employee Compensation Insurance Policy
	<b>Sub-Annexure 2 I-</b> Village Panchayat Permissions for establishment of Base Camps in sub-project road stretch
	<b>Sub-Annexure 2 J-</b> Labour License related Documents
<b>Annexure 3</b>	EMP implementation compliance status
<b>Annexure 4</b>	Flyash usage record by EPC Contractor and site photographs for flyash utilization in road construction
<b>Annexure 5</b>	Six Monthly Environmental Compliance Report for EC Letter conditions (January 2021- June 2021)
<b>Annexure 6</b>	Concession Agreement Copy for M/s. SEPL (Vol.-I)
<b>Annexure 7</b>	EPC Contract Agreement Copy for M/s. CEL
<b>Annexure 8</b>	Environmental Quality Monitoring Report, March 2021
<b>Annexure 9</b>	Project Organogram for HSE Function and Safety Team details
<b>Annexure 10</b>	Traffic Management Plan of SEPL
<b>Annexure 11</b>	Project Safety Manual
<b>Annexure 12</b>	Site Photographs for Road Safety Management
<b>Annexure 13</b>	Site Photographs for Road & Traffic Safety Awareness Activities,2021

<b>Annexure 14</b>	Accident Incident Report (April 21 to July 2021)
<b>Annexure 15</b>	Tree Plantation Plan design drawing (showing Road Cross-section )
<b>Annexure 16</b>	Grievance Redressal Status (January 2020 to April 2021)
<b>Annexure 17</b>	NHAI SoP letter related to site descopeing

## **PROJECT BACKGROUND**

## **1. PURPOSE OF THE REPORT**

This Environmental and Social Due Diligence Report (ESDDR) has been carried out by India Infrastructure Finance Company Limited (IIFCL) in consultation with the Concessionaire, M/s Shamlaji Expressway Private Limited to assess the adequacy of the project with respect to applicable national, IIFCL's ESSF and ADB's safeguard compliance requirements. The report has been prepared as per the documents/information received from the Concessionaire.

## **2. SUB-PROJECT TITLE**

The sub-project includes -Six Laning from Km 401/200 to Km 494/410 section of NH 8 (Package VI) in the state of Gujarat (Length 93.210 Km) under NHDP -V on design, build, operate and transfer basis under Hybrid Annuity Model.

## **3. SUB-PROJECT BACKGROUND**

The National Highways Authority of India (NHAI) has been entrusted with the development, maintenance and management of national highways and for matter connected therewith as entrusted to it by the Government of India. Under National Highway Development Programme (NHDP), Phase-V, the Government has decided to convert some of the existing four lane highways into six lane highways. These projects are to be executed by private entrepreneurs as Design, Build, Finance and Operate (DBFO) projects. The proposed project (Package-6) starts from Rajasthan/Gujarat Border (Km 401.200 of NH 8/design chainage 447.385) and ends near Ahmedabad (Km 494.400 of NH-8/design chainage 540.595). The road passes through the Aravali, Sabarkantha, and Gandhinagar District of Gujarat. The existing road is part of NH-8.

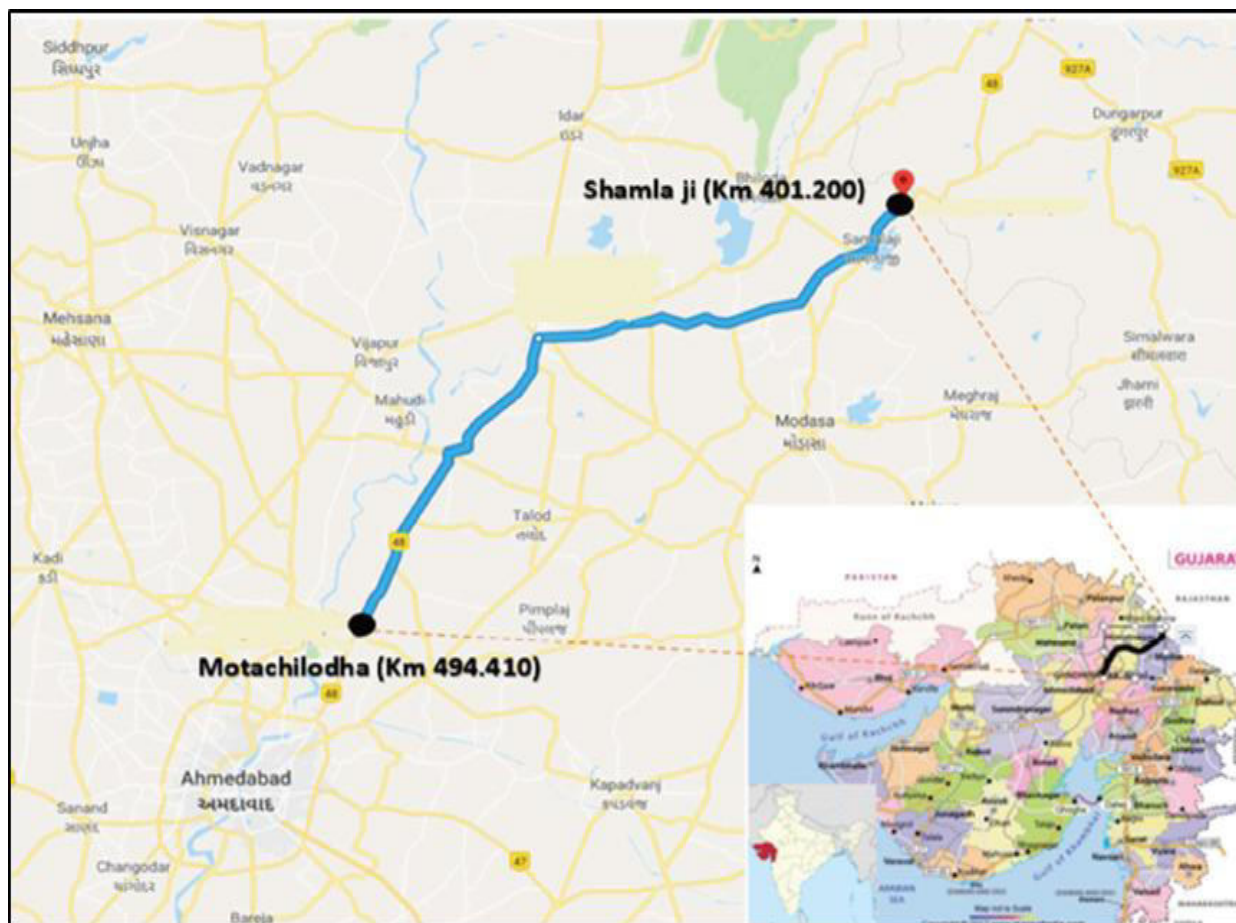
Chetak Enterprises Limited was awarded the Concession by NHAI under competitive bidding and has subsequently incorporated Shamlaji Expressway Private Limited to undertake the execution of the Project. Total cost estimated for the Project of INR 1,361.00 crore is being funded in the mix of Term Debt of INR 650.00 crore, equity of INR 166.60 crore (Debt : Equity ratio of ~80:20) and balance amount by way of NHAI grant of INR 544.40 crore.

SEPL had entered into a Concession Agreement (CA) with the Authority (NHAI) on 2<sup>nd</sup> May 2018 for construction, operation and maintenance of the Project. The CA sets out the scope, rights and obligations of all the parties, overall framework for the development, operation and maintenance of the Project. As per the Concession Agreement, NHAI will pay 40% of the inflation linked Bid Project Cost in five equal instalments linked to physical progress during the Construction Period. The remaining project cost shall be financed by the Concessionaire through a mix of debt and equity during Construction Period against which; the Concessionaire will receive 30 structured semi-annual annuities from the Authority (NHAI) during the

operation period. The Project shall be implemented under NHAI's hybrid annuity model – wherein 40% of bid project cost would be paid as construction grant during milestone achievements and remaining 60% would be paid out as semi-annual annuities over the operation period. (Information Source-PIM Document for the sub-project)

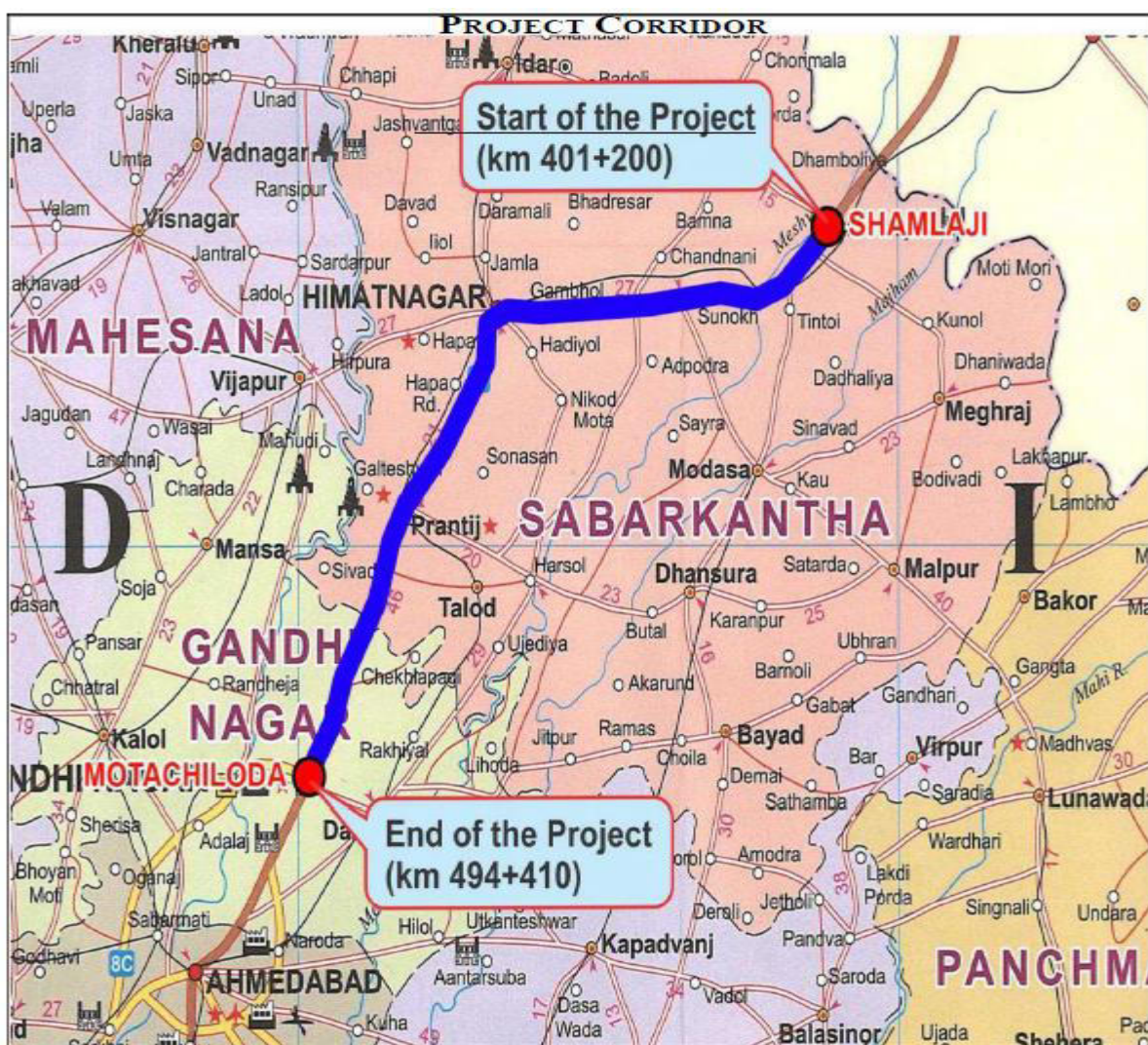
#### 4. SUB-PROJECT LOCATION & DESCRIPTION

Project highway is a part of NH-8 which comprises development of 6-laning of highway, starting from Rajasthan / Gujarat Border and ending at Motachilodha with approximate design length of 93.210 km. Project highway is a part of one of the busiest national highways network of the country which connects Delhi and Mumbai. The alignment of the project is shown on map in **Figure 1A & 1B** below.



**Figure 1A: Project Location on Map**

The widening of existing road section to six lanes will be concentric with 3 lanes of 3.5 m width and 1.5 m paved shoulder on each side and a median of 1.2 m width with 0.5 m wide edge strip on each side of the median. The Row availability in the project is 60 m ( Information Sourced from LIE report, Jan.,21).



**Figure 1B: Project Road Corridor**

The Salient features of the sub-project are given in **Table 1**.

**Table 1: Salient Features of M/s Shamlaji Expressway Pvt. Ltd. (SEPL)**

Particulars	Features
<b>Project Road</b>	6 laning of Shamlaji to Motachilodha section of NH-8 (Package-VI) from Km 401/200 to Km 494/410 in the state of Gujarat under NHDP-V on HAM Basis
<b>State</b>	Gujarat

Particulars	Features
<b>Concessioning Authority</b>	National Highways Authority of India (NHAI)
<b>Concessionaire</b>	M/s Shamlaji Expressway Pvt. Ltd. (SEPL)
<b>EPC Contractor</b>	Chetak Enterprises Limited
<b>Length</b>	93.210Km
<b>Toll Plaza</b>	2 Nos.
<b>Type of pavement</b>	Bituminous
<b>Minor Bridges</b>	35
<b>ROB</b>	03
<b>Flyovers</b>	18
<b>No. of Cattle Underpass</b>	2
<b>(LVUP)</b>	24
<b>(VUP)</b>	16
<b>Box/Slab Culverts</b>	44
<b>Pipe Culverts</b>	216
<b>Bus Bays / Bus Shelter/Stops</b>	38
<b>Truck lay byes</b>	11
<b>RCC Drain (Both Side)</b>	117.06Km
<b>Slip Roads/Service Roads</b>	33.69 km

Source: MPR July2021 (LIE)

## 5. CONCESSIONAIRE

NHAI has appointed M/s Shamlaji Expressway Private Limited (SEPL) as the concessionaire for this sub-project. SEPL is a Special Purpose Vehicle (SPV) company promoted by Chetak Enterprises Limited. M/s Shamlaji Expressway Private Limited (SEPL) is a 100% subsidiary of M/s Chetak Enterprises Limited, a

holding company of road assets of M/s Chetak Enterprises Limited .SEPL has entered into CA with NHAI on 2nd May 2018 for a concession period of 17 years from the Appointed Date including construction period of 730 days (2 Years Construction + 15 Years Operation).

## **6. EPC CONTRACTORS**

M/s Chetak Enterprises Limited is the EPC contractor and is responsible for the construction and commissioning of project road and related facilities as per the EPC contract with SEPL. EPC agreement has been signed between M/s Chetak Enterprises Limited and SEPL. The EPC contract has been executed on September 10, 2018 with Chetak Enterprises Limited (Promoter Company) on a lump sum price basis for `1,234.01 crore (Contract Price). N.G. Project Pvt Ltd. is the EPC sub-contractor.

## **7. INDEPENDENT ENGINEER**

The contract agreement between NHAI and M/s TPF Gentisa Eurostudios & Sterling Indotech Consultant Pvt Ltd has been signed to monitor the sub-project as Independent Engineer (IE).

## **8. IIFCL FUNDING**

The total project cost of this sub-project is Rs. 1361 Crore. The project is financed by IIFCL under Direct Finance Scheme. IIFCL has sanctioned an amount of ₹ 270 crore towards SEPL and IIFCL has disbursed Rs.156.63 crore (as on 30.08.2021)

## **9. STATUS OF PROJECT IMPLEMENTATION**

The sub-project is under construction and the Scheduled Commercial Operations Date (SCOD) which was earlier 01.01.2021 (based on 730 days from the appointed date of 02.01.2019) has been revised to 2<sup>nd</sup> December 2021 (as approved by NHAI). As per LIE report of July 2021, 60.80 % of physical progress has been achieved till July 2021 in SEPL sub-project. As per LIE, July 21, The concessionaire has again submitted to LIE their revised work programme considering completion of all the balance works by May 2022.

*Information Source: MPR July 2021 (LIE Report)*

## **Due Diligence on Environmental safeguards**

## **10. ENVIRONMENT SAFEGUARDS COMPLIANCE REVIEW**

The environmental due diligence (EDD) report focuses on the status and review of the applicable environmental regulatory requirements, compliance to the regulatory requirements, review of the environment related sub-project documents, implementation of the Environmental Management Plans (EMPs), institutional arrangements for implementation and monitoring of environmental mitigation measures, EMP planned for operation phase, environment, health & safety (EHS) related clauses in agreements, health and work safety measures, status of plantations, safety and emergency preparedness plan. The EDD also reviews the Grievance management system of the sub-project developer.

## **11. APPLICABILITY OF ENVIRONMENTAL IMPACT ASSESSMENT NOTIFICATION**

It is required that the project meets the applicable national guidelines / regulations relating to the environment, occupational health and safety and social issues. The project should have necessary clearances as well as permits and approvals for project implementation and suitable environmental management plans.

The sub- Project is upgradation of the existing 4-lane highway to 6-lane highway under Package-6 for the section of NH-8 which starts from Shamlaji at Rajasthan/Gujarat Border (Km 401.200 of NH-8 with design chainage 447.385) and ends at Motachilodha near Ahmedabad in Gujarat state (Km 494.400 of NH-8/design chainage 540.595) with total length of 93.210 Km. The project road passes through the Aravali, Sabarkantha, and Gandhinagar districts of Gujarat.

As per provisions of EIA Notification, 2006 issued by MoEF & CC, Govt. of India , it was required to take prior environmental clearance for National Highway expansion projects (greater than 30 Km length); before the August 2013 amendment in EIA Notification which was related to exemption of Environmental Clearance for Highway expansion projects upto 100 km length. Therefore, in March 2013, National Highway Authority of India got Environmental Clearance for this project from Ministry of Environment, Forests & CC, Govt. of India. The Environmental Clearance proposal involved rehabilitation & upgradation of existing carriageway of Kishangarh-Udaipur-Ahmedabad section of NH-79A, NH-79, NH-76 and NH-8 for km 0.830 on NH-79 at Kishangarh and ends near Ahmedabad Km 509.259 on NH-8 including Udaipur Bypass in the states of Rajasthan and Gujarat. The sub-project stretch is part of this proposal from Km 401.200 to Km 494.400 of NH-8 section (Package-VI) falling in Gujarat state.

Long back around year 2010-11, NHAI appointed M/s. Consulting Engineering Services (India) Pvt. Ltd., New Delhi to carry out Feasibility study for upgrading the existing 4-lane highway to 6-lane highway from Udaipur to Ahmedabad section under the above proposal and concession for this project was awarded to M/s. Chetak Enterprises Ltd. in May 2018. So in year 2018, Concessionaire appointed Audit Consultant M/s. In Situ Enviro Care for preparation of rapid EIA study of six laning of Shamlaji to Mota Chilodha section of NH-8 for the length of 93.210 km falling under this sub-project in Gujarat state.

Rapid Environmental Impact Assessment study report of Package-VI stretch for Shamlaji to Motachildha section is attached as **Annexure-1**.

## **12. APPROACH TO THE ENVIRONMENT SAFEGUARDS DUE DILIGENCE REPORT:**

The Environmental Due Diligence Report (EDDR) reviews the available documents and assesses the compliance of the sub-project with respect to environmental safeguards; regulatory clearances; environmental impacts and management measures; EMP implementation; Health, Safety and Environment (HSE) measures; and categorization of sub-project on the basis of above review.

The following documents were referred in order to prepare Environmental Safeguards Due-Diligence Report for Shamlaji Expressway Pvt Ltd (SEPL):

- Project Information Memorandum
- Concession Agreement
- EPC Contract Document
- Rapid EIA study report for Shamlaji to Motachilodha Section (Phase-VI)
- Environment Management Plan (EMP) document and EMP compliance status
- Project Statutory Approvals/Permits
- Compliance status of EC Letter conditions (January to June 2021)
- Lender's Independent Engineer (LIE) Report (January 2021 and July 2021)
- Site Photographs for Road & Traffic Safety Management and Traffic Safety awareness activities (February to March 2021)
- Concessionaire's Safety Manual
- Traffic Management Plan
- Grievance Redressal Mechanism & Records
- Brief Status of Corporate Social Responsibility (CSR) activities
- Environmental Quality Monitoring Report – March 2021
- Tree Plantation Design drawing and
- Accident Incident Report (April to July 2021)
- Organisation Chart-HSE Function and site safety team details
- Site Photographs for Fly ash usage in road construction

The environmental safeguard due-diligence study was carried out for the sub-project on the basis of understanding project scope based on information and documents provided by Concessionaire.

On review of the documents / information related to the sub-project, the impacts of the SEPL on local environment are envisaged, which are given in section 17 of the ESDDR. The sub-project is mitigating the environmental impacts at the site with various measures. The status of EMP implementation is given under Annexure-3 under section 18.

### 13. COMPLIANCE OF SEPL TO THE ESSF OF IIFCL:

The Environmental and Social Safeguard Framework (ESSF) provides the enabling mechanism to IIFCL to deliver its policy objectives and applies to projects funded by IIFCL throughout the project cycle. The ESSF defines procedures, roles, and responsibilities, at various project milestones for managing the adverse environmental impacts.

The environmental due diligence for SEPL has been done as per requirements of direct lending scheme. The environmental safeguard risks during construction phase have been assessed and risks during operational phase have been evaluated. SEPL is under construction and following the national regulations and guidelines. There does not seem to be any significant risk for either IIFCL or DFI involved with this sub-project.

The environmental safeguard due-diligence study has been carried out for the sub-project on the basis on information and documents provided by Concessionaire. It can be concluded that SEPL is compliant to the requirements of IIFCL's ESSF under direct lending scheme and has adequate management measures implementation on site.

### 14. POLICY, LEGAL AND REGULATORY REQUIREMENT:

It is required that the sub-project meets the requirements of appropriate Indian legislations by considering appropriate obligations and guidelines of Regulatory Authorities. The sub project should have necessary national and local environmental clearances as well as permits and approvals for project implementation and suitable environmental management plan should be applied. On this basis, SEPL is required to comply with the specific and general conditions of environmental clearance & applicable guidelines relating to the environmental protection, occupational health and safety in addition to complying with local pollution control board regulations. The statutory permits/clearances related to environmental aspects obtained/to be obtained from regulatory authorities as part of SEPL development were assessed and current status of availability of such permits/clearances are given in **Table 2** below and enclosed under **Annexure-2**:

**Table 2: Status of Regulatory Permits/ Clearances Obtained related to Environmental Safeguards**

S.No.	Permits/Clearances	Statutory Authority	Current Status
1.	Environmental Clearance	Ministry of Environment, Forests & Climate Change (MoEF&CC), New Delhi	NHAI received environmental clearance for Kishangarh-Udaipur-Ahmedabad section of NH-79A, NH-79, NH-76 and NH-8 in the states of Rajasthan and Gujarat which also included project stretch for SEPL sub-project(Package-VI) of 93.210 Km from Ministry of Environment , Forest & Climate Change (IA-III Division), Government of India as per letter no. F.No. 10-37/2011-1A-III,

S.No.	Permits/Clearances	Statutory Authority	Current Status
			<p>Dated 21<sup>st</sup> March, 2013 under the Provisions of the Environment Impact Assessment Notification, 2006 and amendments thereto under the Environment (Protection) Act, 1986. <b>(Sub-Annexure-2A)</b></p> <p>Environmental Clearance for SEPL road stretch got expired by 30/06/2020 for which MoEF&amp;CC accorded extension of validity of environmental Clearance vide letter no. F.No. 10-37/2011-1A-III, Dated 11th November, 2020 for further period of three years, i.e. upto 20/03/2023 under the EIA notification, 2006 as amended. EC validity extension letter is also enclosed under Sub-Annexure -2A.</p>
2.	Forest Clearance	MoEF&CC , New Delhi and State Forest Department	<p>Approval for diversion of 173.39 Ha of protected forest land (road side plantation) in Aravali district (54.22 Ha), Sabarkantha district (56.3 Ha) and Gandhinagar district (62.87 Ha) falling in sub-project stretch of NH-8 section in Gujarat state.</p> <p>Final approval of Central Govt. (MoEF &amp;CC) has been granted under section-2 of Forest (Conservation) Act, 1980 for diversion of 173.39 Ha protected forest land vide letter No. F. No. 8-105/2012-FC, dated 23<sup>rd</sup> July, 2015. (attached as <b>Sub-Annexure 2B</b>)</p> <p>Compensatory Afforestation is required to be taken up by the state forest department over degraded forestland, twice in extent of the area being diverted, at the cost of project authority. As per final approval letter related to forest clearance, funds have been already provided by user agency (NHAI) to state forest dept. As per compliance conditions, user agency shall take up strip plantation as per provisions of IRC-SP-21-2009 and as per guidelines on landscaping &amp; tree plantation on either side of the road.</p>

S.No.	Permits/Clearances	Statutory Authority	Current Status
3.	Wildlife Clearance	MoEF&CC, New Delhi	Not Applicable  The sub-project stretch area does not lie within any notified ecologically sensitive zones and does not pass through within 10 km radius of any protected area like National Park, Biosphere Reserve, Wildlife Sanctuary etc. The location of sub-project does not contravene any international biodiversity or ecosystem conservation conventions. Therefore, it does not require wildlife clearance or permission.
4.	Tree cutting permissions	The Deputy Conservator of Forest, Social Forestry Division, Sabarkantha (North), Himatnagar	NHAI (PIU-Ahmedabad) obtained tree cutting permission for NH-8 section under Package-VI from the office of deputy Conservator of forest, Social Forestry division, Sabarkantha (North), vide date 22/04/2019 (attached as <b>Sub-Annexure 2C</b> )
5.	Consent to Establish	Gujarat Pollution Control Board (GPCB), Gandhinagar office and Himmatnagar (Regional office), Sabarkantha, Gujarat State	Consent to Establish under section 25 of Water (Prevention & Control of Pollution) Act, 1974 and under section 21 of Air (Prevention & Control of Pollution) Act 1981 was obtained for establishment of Ready Mix Concrete (RMC Plant), Hot Mix Plant, WMM plant, Crusher plant at Five base camp locations (Gadhoda, Chandrala (Majra), Dhundar (Gamboi), Asal (Vandolia) and Padar (Poglu) Locations from Gujarat Pollution Control Board (Consent to Establish copies are attached as <b>Sub-Annexure 2D</b> ).
6.	Consolidated Consent to Operate & Authorization (CCA)	Gujarat Pollution Control Board (GPCB), Gandhinagar office and Himmatnagar (Regional office), Sabarkantha, Gujarat State	Consent to Operate in exercise of the power conferred under section 27 of Water Prevention & Control of pollution) Act, 1974, under section 21 of Air Prevention & Control of Pollution) Act 1981 and authorization under Rule 3(C) & 5 (5) of the Hazardous Waste (M & H) Rules 1989 & as Amended ; framed under the Environment (Protection) Act, 1986 has been taken by project team for all the five base camp locations (Gadhoda, Chandrala, Dhunder, Asal and Padar Locations) ( <b>Sub-Annexure 2E</b> ).

S.No.	Permits/Clearances	Statutory Authority	Current Status
7.	Borrow Area Permissions	Office of Geology and Mining Dept., Taluka - Himmatnagar Sabarkantha District, Gujarat	<p>For borrowing of ordinary earth to be used in road construction, the project developer has obtained permissions from the office of Geology and Mining Dept. under Gujarat Minor Mineral Concession Rules, 2017.</p> <p>The sample copies of these permissions are given under <b>Sub-Annexure -2F</b>.</p> <p>Apart from permissions taken from Dept. of Geology &amp; Mining, project developer has informed that borrow earth excavation was done at many locations identified by state water resources dept. under “<b>Sujalam Suflam Jal Abhiyan Scheme</b>” in Aravalli, Sabarkantha and Gandhinagar districts wherein for deepening of water tanks/ponds ;road developers are permitted to excavate ordinary earth upto allowed depth &amp; quantity for road construction purpose and soil excavation will also help in deepening &amp; conservation of identified water bodies.</p>
8.	Environmental Clearance for Operation of Quarry	State level Environment Impact Assessment Authority, Gujarat	SEPL has provided approval taken by Third Party Vendor who has taken environment clearance for the mining of basalt stone. The permission is attached as <b>Sub-Annexure -2G</b> .
9.	Employee Compensation Insurance Policy	Insurance provider company	SEPL has taken Employee insurance under the requirements of Employee Compensation Act,1923 & subsequent amendments and Fatal Accidents Act. ( <b>Sub-Annexure -2H</b> ).
10.	Permission for establishment of Base Camp	Village Panchayat office of Gadhoda, Chandrala, Dhundar (Gamboi), Asal (Vandolia) and Padar Villages, falling under Sabarkantha, Gandhinagar and Aravalli Districts	SEPL has taken permission from Village Panchayats of five villages for establishment of Base Camps for sub-project road construction, which is attached as <b>Sub-Annexure -2 I</b> .

S.No.	Permits/Clearances	Statutory Authority	Current Status
11.	License for possession of Explosive use for blasting purpose  And Blasting Permission by use of Explosives	Office of Chief Controller of Explosives Petroleum & Explosive Safety Organization (PESO), Ministry of Industry and Commerce, Government of India	Project developer has informed that no blasting work has been undertaken and construction material has been outsourced from third party vendors.
12	Permission for storage of petroleum	Office of Controller of Explosives, Petroleum & Explosive Safety Organization (PESO), Ministry of Industry and Commerce, Government of India	M/s. SEPL has informed that no petroleum storage has been done at campsites and no petrol pump has been established and petroleum requirement for construction machinery and vehicles has been met from public petrol pumps.
13	Labour License	Government of India , Office of the Licensing Officer, Assistant Labour Commissioner, Ahmedabad , Gujarat	In December 2018, M/s. SEPL took Labour License under the norms of Contract Labour (Regulation and Abolition) Act ,1970 and Contract Labour (R& A) Rules. The labour License could not be timely renewed due to covid pandemic related disruptions in systems, therefore, after passing of second wave of covid, M/s. SEPL has again applied for labour license through its EPC contractor (M/s. CEL) for project workmen under Contract Labour (Regulation and Abolition) Act ,1970 and Contract Labour (R& A) Rules. The copy of earlier labour license and current application of labour license and NHAI certificate of Principal employer are enclosed under <b>Sub Annexure-2 J</b> .
14	Water usage permission	State Ground Water Board (for Ground water usage) or state irrigation Dept. (for surface water usage)	Project developer has informed that no ground water has been utilized for road construction purpose and sub-project's water requirement has been met through water tankers procured from licensed third party vendors.

## **15. PUBLIC CONSULTATION AND INFORMATION DISCLOSURE**

Formal Public Hearings as part of Environment Clearance Process were conducted to disseminate the project information and to record the views/aspirations of the local people. As per the Terms of Reference of EIA study approved by MoEF & CC, the Public Hearings were conducted as per provisions of EIA Notification, 2006 and amendments thereof in all the affected districts. Advertisements for public hearings were published in a local daily and a national daily widely circulated in the region (one of which shall be in vernacular language) for all the districts of entire national highway.

As mentioned in EC letter, the proposal was examined by Expert Appraisal committee in its meeting held on 23<sup>rd</sup>-24<sup>th</sup> July, 2011 and finalized TOR including conduct of public hearing. For SEPL project stretch, public hearing was conducted on 23<sup>rd</sup> March, 2012 at Sabarkantha District and on 17<sup>th</sup> April, 2012 at Gandhinagar district in Gujarat state. At the time of public hearing, Aravalli district was part of Sabarkantha district and it was announced separate district on a later date in year 2013.

## **16. ALTERNATIVE ANALYSIS**

The analysis of alternatives is one of the most important exercises that needs to be carried out to find the least cost option with regards to socio-economic and environmental consequences to each alternative and the cost attributed to it. The present sub-project is rehabilitation and upgradation of existing 4 lane to 6-lane of National Highway 8 section. National Highway -8 is one of the busiest highway in India as it connects National capital Delhi with Financial capital of Mumbai and many sections of NH-8 are already developed as 6-lane. Delhi Mumbai Industrial corridor project lies on NH-8 which is the planned industrial development project of Govt. of India and its one of the world's largest infrastructure projects. NH-8, being important connectivity link between important economic development centres gets huge traffic volume on daily basis. The development of Delhi Mumbai industrial corridor is further going to increase the traffic in the region necessitating augmentation of capacity.

As per chapter 5 of rapid EIA report related to Alternative analysis, widening has been considered, retrofitting the six lane on existing 4-lane highway, without changing alignment. Analysis of alternatives has been studied on the view of "With project" and "Without Project" Scenario in terms of potential impacts. With the "Without Project" scenario, the capacity of the present highway is insufficient for handling increasing volume of traffic over time. It will impact on traffic movements resulting in lowered traffic speed and increase in accidents due to less traffic safety. Although in "without project scenario", there won't be any land acquisition, no forest land diversion and no cutting of trees but the population growth, increase in traffic volumes and the economic development along the corridor would continue to occur and will exacerbate the already critical situation. The existing unsafe conditions and the adverse environmental consequences, in terms of environmental quality along the highway, would further deteriorate in the absence of the proposed improvements. Therefore, the no-action

alternative is neither reasonable nor prudent, as it would amount to failure to initiate any further improvements and impede economic development.

The option of “With project” will improve the capacity of the highway for traffic movement in future and no congestion envisaged. Traffic safety will improve substantially due to widened road, median and proper design of intersections etc. Due to new design, drainage condition will improve along entire stretch. Improved facilities e.g., parking, service road etc. will be provided in all sections. Although there will be acquirement of forest and new land which may have some environmental impacts. But proposed highway widening will result in lower vehicle operating costs associated with smoother riding surfaces and shorter travel times. The “with project scenario”, has been assessed to be economically viable and will alleviate the existing bottlenecks. It would therefore, contribute to the development goals envisaged by the Government of India, and enhance the growth potential of the area.

## 17. ENVIRONMENTAL IMPACT ASSESSMENT OF SUB-PROJECT

EMP prepared as part of EIA report outlines the impacts of the sub-project. The main environmental impacts envisaged due to various activities at the sub-project are summarised in the paragraphs below:

**Impact on Land Environment:** The sub-project involves rehabilitation and widening from existing 4-lane to 6-lane of NH-8 section in the State of Gujarat. During construction phase, the topography at sub-project location will change due to excavation of borrow areas, cuts and fills for project road and construction of project related structures. The impacts are temporary and are manageable with mitigation measures which are given under EMP compliance status under Annexure-3.

**Impact on Water Resources:** The Sub Project road is not crossing any major river or water body. As informed by project developer, at design chainage of 524+639 location, the minor bridge is being constructed on irrigation canal, parallel to the existing bridge. Minor Impact on surface and ground water resources is envisaged during construction phase due to increased sedimentation load because of construction activities, waste water discharge from labour camps, fuel/oil spillage from construction vehicles etc. However, mitigation measures are taken up to ensure no diversion of waste and any other harmful material contamination in the water resources available in project area. During construction phase, soil laden run-off is also restricted from water bodies and waste management practices are followed for disposal of waste. EMP has been proposed to manage these impacts.

**Impact on Air Quality:** The operation of ready mix concrete plant, Crusher/HMP plant and vehicle movements during road construction shall involve generation of dust and release of other pollutants leading to the localised degradation of air quality. Quarterly environmental monitoring is being done and all parameters are within prescribed standards except particulate matter levels (PM<sub>10</sub>). As per rapid EIA report under chapter-3 of Baseline Analysis (prepared in year 2018), the baseline data for air environment for particulate matter (PM<sub>10</sub>) in the study area is given in the range of 134 µg/m<sup>3</sup> to 156.2 µg/m<sup>3</sup>; which is exceeding from the standard limit of 100

µg/m<sup>3</sup> (24 hrly basis) and higher baseline level of particulate matter has been attributed to road construction activities in nearby areas. The vehicles are being covered with proper tarpaulin while carrying construction materials. All the belt conveyors are covered with canopy, and sprinklers on the conveyor to avoid dust emission in the area. HMP machinery is equipped with dust collector/bag house filter for dust control during operation. For dust suppression at work sites, regular water sprinkling is being done. Mitigation measures are in place to manage these short-term impacts on air environment.

**Impact on Noise Environment:** Impact on noise environment is envisaged during both construction and operation phases. The baseline noise levels are below the prescribed limits. In construction phase, all DG Sets having acoustic attachments to control noise at source. Also, to avoid the disturbance, working hours and safety measures during execution near to habitation area has been taken. As informed by project developer, SEPL has proactive plant and machinery maintenance schedule to control noise and air pollution.

**Impact on Biological Environment:** No protected area like National Park or Wildlife Sanctuary is located within close proximity of the project road and there is no notified animal corridor/migration route presence in the project area. No Reserve Forest is located within the project road RoW corridor, only diversion of 173.39 Ha of protected forest land (road side plantation) is being carried out in sub-project stretch of NH-8 section in Gujarat state which is unavoidable for widening requirement of 4 lane to 6 lane. For diversion of forest land, forest clearance has been taken by NHAI from MoEF & CC and as part of compliance conditions of forest clearance approval, compensatory Afforestation is required to be taken up by the state forest department over degraded forestland, twice in extent of the area being diverted, at the cost of project authority. As per final approval letter related to forest clearance, funds have been already provided by user agency (NHAI) to state forest dept. As on date, tree cutting is under progress for which tree cutting permissions have been taken from social forestry dept. As per compliance conditions, user agency shall take up strip plantation as per provisions of IRC-SP-21-2009 and as per guidelines on landscaping & tree plantation on either side of the road. No significant impacts on fauna are anticipated at the sub-project stretch.

## 18. IMPLEMENTATION OF ENVIRONMENT MANAGEMENT PLAN

As part of rapid EIA report, detailed EMP has been prepared for development of sub-project road which is given under Annexure-1. The EMP prepared for the sub-project describes the proposed mitigation measures that would be adopted during pre-construction, construction and operation stages of the sub-project. As informed by project developer, EMP is being implemented during applicable activities at project site and communicated to SEPL corporate level as well as to statutory agencies on periodic basis. The status of EMP implementation during pre-construction/construction phase has been shared by sub-project developer, which is attached as **Annexure-3**.

M/s. SEPL has utilized Fly Ash material in road construction of package-VI for which road site photographs for flyash utilization and communication letter from Gandhinagar Thermal Power Station(GTPS) for lifting of flyash during the period of August 2021 has been shared which is attached as

**Annexure-4.** Flyash quantity of 14235.17 MT /per month has been lifted by M/s Chetak Enterprises Limited as per GTPS letter.

Project developer is regularly monitoring & reporting the compliance status to regulatory authorities w.r.t. conditions stipulated under different statutory approvals obtained for the sub-project road construction. The six-monthly environmental compliance report (attached as **Annexure-5**) for EC letter conditions for the period of January 2021 to June 2021 has been prepared by project developer; which is submitted to NHAI (Independent Engineer) for onward submission to MoEF & CC. Copy of EMP document, periodic environmental quality monitoring report and different consents taken from local pollution control board as taken by Concessionaire/EPC Contractor are also included under above-mentioned six monthly compliance reports.

## **19. ENVIRONMENT AND SAFETY RELATED CLAUSES IN CONCESSION AGREEMENT**

NHAI signed concession agreement during May 2018 with Shamlaji Expressway Pvt. Ltd. (SEPL), concessionaire for this project under Public Private Partnership in Highway Development. Under Article 4 of condition precedent required to be satisfied by the authority, the concessioning agency/ authority will procure for the concessionaire ,the right of way to the site, procure all applicable permits related to environmental protection, & conservation in respect of land forming part of the right of way under clause 10.3.1 and 10.3.2, and procure forest clearance for and in respect of land forming part of the right of way including approval of the General arrangement drawings. Under Clause 4.1.3., the conditions precedent of concessionaire are given which require the concessionaire to procure all the applicable permits specified in part-I of Schedule-E.

As per article 5 under obligations of Concessionaire in concession agreement, the concessionaire shall comply with all applicable laws and applicable permits (including renewals as required) in the performance of its obligations under this agreement as per clause 5.1.2. Under clause 5.1.3 , the Concessionaire shall discharge its obligations in accordance with Good Industry Practice at all times.. Clause 5.1.4 mentions that Concessionaire shall ensure and procure that its contractors comply with all applicable permits and applicable laws in the performance by them of any of the Concessionaire's obligations under this agreement. Article 17 is related to Operation and Maintenance Phase of Highway operation and details out O&M obligations of the Concessionaire. During operation phase, concessionaire by itself or through its O&M Contractor will comply with applicable laws and applicable permits, conform to specifications, standards and Good Industry Practices and comply with safety requirements in accordance with Article 18.

Safety requirements are given under Article 18 in which it is again specified that the Concessionaire shall comply with the provisions of this agreement, applicable laws and applicable permits and conform to good industry practices for securing the safety of the users. In particular, the Concessionaire shall develop, implement and administer a surveillance and safety programme for providing a safe environment on or about the project highway, and shall comply with the safety requirements set forth in Schedule-L. Compliance for obtaining applicable permits under applicable laws has also been specified in Schedule -E of Concession agreement. As

per the schedule- L of CA, safety requirements apply to all phases of construction, operation and maintenance with emphasis on identification of factors associated with accidents, consideration of the same, and implementation of appropriate remedial measures. The concessionaire shall abide with applicable laws and applicable permits, manual for safety in road design, issued by MORTH, relevant standards/guidelines of IRC relating to safety of road and associated facilities, in accordance with the provisions of CA and good industry practices relating to safety of users. NHAI shall appoint an experienced and qualified firm or organization as a safety consultant for the project for carrying out safety audit of the project highway in accordance with the safety requirements. The Safety Consultant shall employ a team comprising, without limitation, one road safety expert and one traffic planner to undertake safety audit of the Project Highway. Concession agreement (Vol-I covering the mentioned covenants) for this project is attached as **Annexure-6**.

## **20. ENVIRONMENT AND SAFETY RELATED CLAUSES IN EPC CONTRACT**

M/s. Shamlaji Expressway Pvt. Ltd. (SEPL), the concessionaire has awarded the EPC works for this project to M/s. Chetak Enterprises Limited (CEL) and contract agreement between both the parties was signed on 10<sup>th</sup> September, 2018. The EPC Contract for this project has been attached as **Annexure-7**.

As per EPC Contract, Under sub-section-4.2 related to general obligations under scope of work of EPC contractor, , it is mentioned that the EPC Contractor shall be responsible for all the clearances listed in Schedule- E of concession agreement and /or any other clearances, permits and permissions required as per applicable Laws and necessary for design and execution of works. Under Clause (A) of sub-section 4.2, it is mentioned that it shall execute the works using Good Industry practice and accepted professional standards, codes of practice and regulations which are consistent with the agreement. As per sub-clause (P) , EPC Contractor will be responsible for cutting of trees, uprooting & backfilling with required material, logging & stacking at forest yards and carry out compensatory afforestation as per provisions of concession agreement.

As per section 4, traffic Management and Diversion section, it is stated that The EPC Contractor shall be responsible from commencement date, for operation and maintenance of the existing road and the project highway including all traffic management, deployment of manpower according to technical requirements and performance standards and liabilities arising out of traffic management and maintenance of the project road including the existing road. As per sub-clause 4.3 related to safety and stability, the EPC Contractor shall take full responsibility for the adequacy, stability and safety of all project site operations and methods of construction, operation and maintenance of the existing road and the project highway.

Under sub-section 4.4 for Environmental measures, it is mentioned that EPC Contractor agrees to conduct his activities in such a manner so as to comply with the environmental management plan and assumes full responsibility for measures, which are required to ensure such compliance. As per sub-clause 4.9 related to sub-contracting, the EPC Contractor shall subcontract the work in accordance with concession agreement and shall be responsible for observance of all the sub-EPC contractors and provisions under sub-contracts. Sub-clause 4.19 is related to Safety Precautions, which states that within 15 days after the appointed date ,the EPC

Contractor shall provide to the Concessionaire's representative details of his safety plans and procedures for the works. The EPC Contractor shall also comply with all safety laws relevant to the provisions of the works. The EPC Contractor will also comply with all the obligations mentioned in the concession agreement during the implementation of project. Under sub-clause 4.20 related to protection of Environment, the EPC Contractor shall take all necessary and appropriate steps to protect the environment (both on and off project site) and to limit damage and nuisance to people and property resulting from pollution, noise and other results of his operations. During engagement of staff and labour under section 6, sub-section 6.1, the EPC Contractor shall be responsible for making all the arrangements for the payment, feeding, housing and transport of all personnel and labour. If the epc contractor defaults in his obligations for making any payments under the labour laws, the concessionaire may make the relevant payments. Under sub-clause 6.3, the EPC Contractor shall obtain all relevant labour registrations and comply with all labour laws applying to his employees and shall duly pay them and afford to them all their legal rights. The EPC Contractor will adhere to all the requirements mentioned of prevailing labour laws or any other rules and regulations, which may come into effect.

## **21. ENVIRONMENTAL QUALITY MONITORING**

Monitoring of environmental quality during construction and during operation reflects the success of implementation of the mitigation measures and it also provides a chance to review the suggested measure and improve upon the measures. The environmental monitoring is primarily the responsibility of the EPC contractor. EPC Contractor- Chetak Enterprises Limited (CEL) has outsourced the job of environmental monitoring to NABL certified Environmental Laboratory namely M/s. Environmental Pollution Analysis Lab based at Bhiwadi, Rajasthan. The Environmental Monitoring reports for project sites for the period of March 2021 are enclosed as **Annexure-8**. As informed by project developer, Frequency of ambient air quality, noise level monitoring, water quality & stack monitoring has been kept on quarterly basis. As per the report attached, the levels of environmental quality parameters except particulate matter levels (PM<sub>10</sub>) are within the permissible limits as per Indian standards, at plant locations.

## **22. INSTITUTIONAL FRAMEWORK FOR EMP IMPLEMENTATION**

The project institutional framework as given in the project EMP indicates that the overall implementation responsibility of the EMP lies with the Project Implementation Unit (PIU); Project Director at PIU is supported by the Environment Officer of NHAI. NHAI has appointed the safety consultant for carrying out safety audit of the project highway in accordance with the safety requirement and shall take all other actions necessary for securing compliance with safety requirements. During execution of works, the concessionaire & EPC contractors have taken reasonable steps to protect the environment on and off the site and avoid damage or nuisance to persons or to property of the public or other resulting from pollution, noise or other causes arising as a consequence of their method of operation. Environment & Safety Plans has also been prepared for this project which is implemented by concessionaire and EPC Contractor at project site. Chief Project Manager at Concessionaire company (SPV) reports the HSE implementation status on periodic basis to Team Leader of Independent Engineer appointed by NHAI. From the concessionaire end, the Chief Project Manager through his

Environmental Officer and package/section wise HSE Engineers of the contractor take care of the implementation of the Environment, Safety and labor related aspects. Chief Project manager of EPC Contractor is responsible for implementing the EMP during all phases of construction and ensures that all subcontractors are aware of and comply with the EMP. The monitoring of environmental aspects being implemented by the contractor is regularly monitored by Concessionaire's Environment cum Safety Expert who visits the site to monitor the compliance of EMP implementation. HSE Organogram and site safety team details of EPC Contractor are attached as **Annexure-9**.

### **23. HEALTH , SAFETY AND ENVIRONMENT (HSE) MANAGEMENT SYSTEM AT PROJECT SITE**

SEPL (Concessionaire-SPV) has developed its own Traffic Management Plan (attached as **Annexure-10** ) and Safety Manual (attached as **Annexure-11** ) and measures listed out under these documents are implemented during project road construction stage to manage traffic and safety practices implementation. The manual documents elaborate the organizational structure roles and responsibilities of safety staff; safety management at project sites, traffic safety and management practices; work place safety etc. SEPL follows the safety guidelines and conducts safety training programmes as defined in the procedures and records for the same are maintained at the sub-project site. First aid boxes and fire fighting systems are maintained at sub-project camp sites. M/s. SEPL has shared road safety management photographs which are attached as **Annexure-12**. As per LIE report(July 2021) , it is mentioned that The Contractor has provided sufficient road signs , temporary barriers, gunny bags filled with soil with reflective stickers etc. at the construction sites.

Project developer carries out road & traffic safety awareness activities for general public on regular basis for which photographs for safety awareness activities carried out during January-February 2021 have been shared which are attached as **Annexure-13**. Accident monitoring system is in place to assess the rate of accidents in project road section and to take the preventive measures. This monitoring is essential to judge the effectiveness of traffic safety measures implemented during construction. M/s. SEPL has developed reporting system which gives details of chainage wise accident location, nature of accident, severity of accident , no. of affected persons, emergency help provided for the accident victims. Accident summary data for the period of April to July 2021 has been attached as **Annexure-14**. The concessionaire has deployed the route patrolling vehicles with requisite crew for incident management as per concession agreement for maintenance of project highway during construction and ensuring the project highway is in trafficable & motorable condition.

M/s SEPL has informed that plantation will be started from December 2021 and at present, plants are being developed at hired nurseries. Median and Avenue tree plantation plan design drawing showing road cross-section has been attached as **Annexure-15**. M/s. SEPL/CEL has also taken precautions and safety measures as per COVID-19 Guidelines at road construction site and its premises.

## 24. GRIEVANCE REDRESSAL MECHANISM

SEPL has devised procedure for Grievance Redressal Mechanism (GRM) under the contractual provisions of concession agreement signed with NHAI. Further, the Project developer has confirmed that they are maintaining a register for recording of grievances. Record of any grievance or demand received from locals is maintained in grievance register at the site office. Details regarding grievances received during January 2020 to April 2021 period and redressal status has been shared which is attached under **Annexure- 16**.

As per Article 40 of Concession Agreement related to redressal of public grievances, under clause 40.1, it is mentioned that Concessionaire shall maintain a public relations office at site where it shall keep (‘the Complaint Register’) open to public access at all times for recording of complaints by any person (‘the Complainant’). Information relating to the availability of access to the complaint register shall be prominently displayed by the Concessionaire at each of the site so as to bring it to the attention of all users. Under clause 40.2, related to Redressal of Complaints, the Concessionaire shall inspect the complaint register every day and take prompt and reasonable action for redressal of each complaint and within seven days of close of each month, the Concessionaire shall send to the authority and to the Independent Engineer the true photocopy each of all the pages of the complaint register alongwith redressal details.

## 25. ENVIRONMENTAL SENSITIVITY

The environmental sensitivity of SEPL has been assessed by reviewing various documents, and telephonic discussion done with the project developer team.

The environmental sensitivity assessment is given below:

- The sub- project stretch is passing through plain terrain.
- The sub-project sites are not located within 10 km radius of any protected area like wildlife sanctuary / national park or in close proximity of any notified eco-sensitive zones.
- Only diversion of 173.39 Ha of protected forestland (roadside plantation) is involved which was unavoidable for widening requirement of 4 lane to 6 lane. Forest Clearance permissions have been taken from MoEF & CC, Govt. of India and tree cutting permissions have been taken from social forestry dept. For tree felling within RoW corridor.
- There are no archeological monuments and cultural or heritage sites falling within corridor of impact for this sub-project except one heritage temple identified by Archeological dept. which is located adjacent to service road at design Chainage of 473+787 to Ch 473+815 for 28 metres length as per the details given under July 2021 LIE report. As reported, the temple has not been shifted and service road in this section has been ended at the boundary of the temple and has been merged in the main carriageway. Due to road development & widening, the archeological temple is not getting affected and service road has been proposed to be discontinued at temple location.
- The sub-project has the necessary approvals and permits from regulatory authorities.

- The impacts of the sub-project are temporary in nature and are manageable with EMP implementation.
- Periodical environmental monitoring and environmental management during the project implementation is being carried out by the concessionaire and its EPC Contractor.
- Public consultations were conducted during the environmental studies to disseminate the project information and to record the views/aspirations of the local people along the sub-project stretch in Sabarkantha and Gandhinagar districts.

## **26. PROJECT AGAINST THE PROHIBITED INVESTMENT ACTIVITIES LIST**

The sub - project does not involve any prohibited activity as per the Prohibited Investment Activities List (PIAL) of ADB.

## **27. CATEGORIZATION OF SUB-PROJECT**

The sub-project can be classified as Category B based upon ADB's EA requirements as per their Safeguard Policy Statement (2009). This classification is based on the review of the available documents with respect to the environmental sensitivity due to project activities.

## **28. SITE VISIT OBSERVATIONS**

Sub-project site visit was undertaken by IIFCL's Environmental and Social Safeguard Specialists (team comprising of Dr. Ruchi Malik, Ms. Radhika Srivastava and Mr. Ashok Suyal-Social Safeguards consultant) during 9<sup>th</sup> -10<sup>th</sup> November ,2021). The site visit was undertaken to review the implementation of environmental and social safeguards practices at sub-project site. During the site visit, following staff were mainly consulted regarding environmental safeguards related measures implemented at the project site:

- 1) Mr. Sanjeev Bhatnagar , Project Incharge (SEPL)
- 2) Mr. Surya Prakash Sharma, Head-Procurement & Finance (M/s. CEL)
- 3) Mr. Ashok Anjana – Head-EPC contractor (M/s. CEL)
- 4) Mr. Bhupinder Singh Gaur –Sr. Manager Quality Control ((M/s. CEL)
- 5) Mr. Prem Prakash Prajapati-EHS Manager (M/s. CEL)
- 6) Mr. Vimal Pratap Singh-Head Quality (M/s. NGP Pvt. Ltd. –Sub-contractor)

During site visit , different aspects of environmental & social safeguards implementation were discussed along with health & safety practices adopted during project implementation and preparedness of the team to address emergency situation,if any. IIFCL team travelled throughout the project road stretch and camp sites of Gadhoda and Dhunder locations situated in Himmatnagar, Sabarkantha district of Gujarat. Various documents related to sub-project site health & safety management, details of Borrow area locations, tree

cutting details, plantation plan etc. were shown to IIFCL's safeguards team. Based on the discussions with above-mentioned officials, and visit of sub-project site, site observations are given below:

- The sub-project is under construction at present and it was observed that project developer has provided Proper traffic diversions and appropriate signages at the road stretch to prevent any disruption to the highway traffic;
- Good growth of median plantation was observed in the project stretch which is pre-existing from the times of 4-lane road and it is available in almost 65 km of road stretch as informed by project developer. Project team is going to maintain the existing median plantation in good growth and from March 2022, Avenue plantation work will also start.
- Project developer informed that Borrow area rehabilitation work has been taken up suitably as per the need of land owner whether the land belongs to Village Panchayat or individual farmer. After soil excavation, the borrow area land is levelled up for agriculture usage, or converted into pond for water storage or fishing as per the needs of land owner. IIFCL team visited Borrow area locations of Sarvana village wherein, it could be observed that uneven/barren land was utilized for soil excavation which was suitably levelled up for agriculture usage.
- During site visit, it could be observed that the project road stretch was devoid of any major trees plantation or forest area adjacent to road alignment and tree cutting process was over in the entire stretch.
- No major water bodies like river, perennial water stream or ponds etc. except minor irrigation canal at 1-2 locations could be seen falling in the road alignment
- Longitudinal drains were constructed along side the main carriageway and as informed by project developer, rain water harvesting structures will also be constructed in coming months as per guidelines on both sides of road alignment.
- Construction site workers and staff are being provided with the required safety gears to be worn during execution of work.
- Necessary barricading and Work safety signages have been provided throughout the project highway and also at Construction site offices.
- Fly ash utilization could be seen at Flyover construction sites.
- Solar light blinkers were installed in project road stretch and project developer informed that at around 32 locations, solar light blinkers have been given for traffic safety purpose.
- Near the habitation areas falling along the road alignment, good number of flyovers and underpasses were seen under construction in the road stretch.
- IIFCL team also visited the location of protected heritage temple falling at Design chainage of 473+787 to Ch 473+815 and it could be observed that the service road was getting merged with main carriage way before the start of Santhaleswar Mahadev, Mathasuliya temple boundary and ancient temple has not been impacted due to road construction work.
- The camp sites are provided with drinking water, canteen and sanitation facilities. Provision of Toilets facility and for wastewater management, septic tanks/soak pits have been provided at camp sites.

- Kitchen/mess is being run at the camp sites where food is prepared and served to all labour and staff. LPG is being used in the kitchen for cooking purpose.
- Project developer team informed that Labour accommodation camps are not provided at the camp sites as the labours have been hired from nearby villages throughout the road stretch. But for drivers and security guards, accommodation facilities/rest rooms have been provided at the camp sites.
- Fire-extinguishers were seen installed inside camp premises for dealing with fire emergency situation and first aid kits were available at camp sites.
- Water sprinkling was observed to be done in high dust generation areas near construction plant sites.
- At construction plant sites, it was observed that for dust control, conveyor belts in construction machinery were provided with canopy cover and Hot mix plant was equipped with dust collector unit.
- As informed by developer team , Emergency patrolling vehicles have been provided and tie up has been done with local hospital for emergency ambulance facility and certain staff have been deployed as emergency team including drivers and first-aiders.
- Project team informed that Regular Traffic awareness programs are being conducted along the highway for which records were also shared with IIFCL team.
- At Dhunder camp site, bituminous concrete debris recycling unit was installed along with Hot Mix Plant and project team informed that bituminous construction waste is mixed alongwith fresh bituminous concrete which is being utilized in construction of service roads in project stretch.
- On discussions with the site staff, it was observed that tool box talk, safety induction trainings are done for labour as well as staff.

The site visit photographs are given in **Photoplate-I**.

## **29. DISCLOSURE**

The final ESDDR after approval from the ADB will be uploaded for public disclosure on ADB and IIFCL's website.

## **30. CONCLUSIONS AND RECOMMENDATIONS**

Based on the review of the available information, site visit done for the sub-project site and interaction done with sub-project staff, it can be concluded that the concessionaire SEPL through its EPC contractor has undertaken adequate environmental safeguard measures and complying with the statutory requirements as per the national and state guidelines and regulations. SEPL is committed to protection of the environment while performing its activities. The 93.210 km road widening & rehabilitation project in the State of Gujarat is unlikely to pose any adverse environmental risks given the nature of the activities.

There are no legally protected areas, major cultural heritage sites and notified eco-sensitive zones located within close proximity to the sub-project. Moreover, the sub-project activities have reversible environmental impacts, which have been managed by suitable environmental management measures for which different documentary records have been shared by project developer.

Based upon the review of available documents, it is concluded that the concessionaire has undertaken adequate environmental safeguard measures. The conclusions for the sub-project are given below:

- The sub-project has been developed by NHAI as per its own mandate and not in anticipation to ADB involvement;
- The sub-project has necessary national and local level environmental clearances as well as statutory permits and approvals for project implementation as given under Annexure-2;
- The sub-project does not affect any notified eco-sensitive zones and also, the sub-project does not pass through within 10 km radius of any protected area like national park, biosphere reserve or wild life sanctuary area.
- No historical or archaeologically important monuments are affected due to this road project development;
- The sub-project scope of work involves rehabilitation & widening of existing 4-lane to 6-lane of National Highway- 8 section.
- The sub-project road widening involves diversion of 173.39 Ha of protected forest land (roadside plantation) for which Forest Clearance permissions have been taken from MoEF & CC, Govt. of India and tree cutting permissions have been taken from social forestry dept. For tree felling within RoW corridor.
- As per compliance conditions of statutory approvals obtained, user agency shall take up strip plantation as per provisions of IRC-SP-21-2009 and as per guidelines on landscaping & tree plantation on either side of the road.
- Concessionaire has confirmed that all statutory environmental clearances /approvals /consents are obtained prior to commencing with the works in those relevant road sections or with operation of those construction equipment; and are renewed subsequently as per the requirements
- Concessionaire has confirmed that continued compliance has been carried out by the facility owner and the civil works contractor with the terms and conditions stipulated for according statutory environmental clearances /approvals /consents;
- Institutional arrangement is also being done for regular environmental management and monitoring during the project implementation by the EPC Contractor;

- The concessionaire is maintaining safety at the site as per the road & traffic safety management plans developed for the project. The EMPs are undertaken to minimize any significant negative impact on environment.

Based on the due diligence findings, it can be deduced that the sub-project has no significant environmental safeguard issues and the sub project is meeting the compliance requirements of ADB's Safeguard Policy Statement (SPS), 2009. The sub-project, therefore, does not appear to involve any kind of reputational risk to ADB funding on environmental safeguards.

## **DUE DILIGENCE ON SOCIAL SAFEGUARDS**

### **31. PURPOSE OF THE SOCIAL SAFEGUARDS DUE DILIGENCE:**

The Social Safeguards Due Diligence Report (SSDDR) has been carried out by India Infrastructure Finance Company Limited (IIFCL) in consultation with the Concessionaire, Shamlaji Expressway Private Limited (SEPL) to assess the Social safeguards compliances of the project with the applicable National Policies. The report has been prepared as per the documents/information received from the concessionaire. In order to be eligible for funding under ADB line of credit, IIFCL has prepared the Social Safeguards Due Diligence Report (SSDDR) for the sub-project SEPL. Due to ongoing Covid-19 Pandemic situation and resulting restrictions, site visit couldn't be planned. Site visit will be taken up once the situation improves and conducive for the staff to travel.

### **32. OBJECTIVE OF SOCIAL SAFEGUARDS DUE DILIGENCE:**

Social Safeguards due diligence study is carried out to assess the social safeguards monitoring compliance status of the project with regards to applicable National policies/procedures as per the information received. The main objective of this Social Safeguard Due Diligence Report (SSDDR) is:

- To assess the likely social impacts and its minimization/mitigation measures adopted for the project with respect to land acquisition, compensation, Indigenous people affected, involuntary resettlement and common properties resources affected, if any, in terms of displacement, loss of incomes, and community links:
- To ascertain, in case of any adverse impact, if appropriate mitigation measures have been taken during the project planning, designing and frameworks established for carrying out safeguard measures during the construction stage to minimize and mitigate such adverse impacts, if any.

### **33. APPROACH AND METHODOLOGY:**

The Social safeguard due diligence study for Shamlaji Expressway Private Limited (SEPL) has been carried out after reviewing the documents made available by the subproject developer. On discussion with the project developer and review of various permits and approvals relating to the project to understand the salient features of the project and social concerns. The following documents/Reports/Licenses:

- Detailed Project Report
- Right of Way (RoW)
- Lender's Independent Engineer (LIE) Reports (July 2021)
- Workman Compensation insurance
- HSE Training Manual
- Grievance register

- Corporate Social Responsibility (CSR) Report
- Site Pictures and CSR Photos

### **34. PROJECT AGAINST THE PROHIBITED INVESTMENT ACTIVITIES LIST:**

The sub project does not involve any prohibited activity as per the Prohibited Investment Activities List (PIAL) of ADB.

### **35. SOCIAL IMPACT OF THE PROJECT:**

#### **35.1 Land Acquisition in the Project**

Land acquired for the project is done as per NH Act 1956. Total land required for the project is 568.60 Ha. Out of which 566.81 Ha. of land is in possession of the Authority which was handed over to the Concessionaire SEPL through the RoW Hand over letter. A small portion of 1.70 Ha has been de-scoped as per the Company's letter vide dated 09<sup>th</sup> July 2020. (**Annexure -17**)

Land acquired for the project is done as per NH Act 1956. Compensation is being paid as per The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (RFCTLARR Act 2013).

Land acquisition process was initiated prior to IIFCL's involvement and not in anticipation of ADB financing. Since the land acquisition was not in anticipation of ADB or IIFCL financing, ADB SPS on involuntary resettlement does not apply. Further, as confirmed by the project developer there is no rehabilitation and resettlement in the project.

#### **35.2 Impact on Structure**

The sub-project falls in Aravali, Sabarkantha & Gandhi Nagar District in the state of Gujarat. Most of the section of project road is passing through plain terrain. During the discussions it was informed by the developer that on the project alignment there exists one heritage temple under archaeological dept which cannot be shifted as per govt. rules. This temple is affecting 28 m length of the service road (LHS) on the project stretch. As of now work for main carriageway near this temple section has been already taken up. As per the latest updates from Company, Service Road in this section is to be ended at the boundary of the temple & to be merged in MCW at temple location. Main carriageway of the project highway is not affected due to this archaeological temple. Further, as confirmed by the project developer there is no physical or economical displacement of people

#### **35.3 Rehabilitation and Resettlement impact in the sub-project**

As confirmed by the project developer, there is no rehabilitation and resettlement impact in the

project.

### **35.4 Impact on Indigenous people**

As confirmed by the project developer, there are no indigenous people in the project area.

## **36. GRIEVANCE REDRESSAL MECHANISM FOR THE SUB-PROJECT:**

As confirmed by the project developer, that the project authority has formed their own institutional arrangements to deal with local complaints/grievances at project site to resolve issues/ concerns at project level. SEPL has informed that grievances, demands and complaints of the local people are handled by the site Liaison Team.

During the discussions it was informed, that Grievance Redressal Committee (GRC) has been constituted at the project site to ensure that the affected person's grievances, on both environmental and social concerns, are adequately addressed. As informed by the project developer that a grievance register is being maintained at site for taking up complaints/concerns, for which grievance redressal status has been shared which is enclosed as **Annexure-16**.

Redressal of Public Grievances will be done during operation phase as per Article 40 of the Concession Agreement. The Concessionaire must maintain complaint register at the toll plaza for recording public grievances.

## **37. EMPLOYMENT GENERATION:**

Approx. 87 no. of Local persons are engaged for skilled/Semi-Skilled & Non Skilled activities. During the discussions it was told that employment opportunities are being provided to the local people for various skilled, unskilled and semi-skilled activities like Site supervisors, Surveyors, Section-In-charge, Electrician, Security Guards , Housekeeping staff , Office Assistants, Driver, laboratory work, labours etc.

## **38. LABOUR LICENSE OBTAINED BY THE SUBPROJECT DEVELOPER:**

Project developer has confirmed that labour regulations of Govt. of India are being complied with as per norms. Earlier labour License was taken on the name of M/s. SEPL which was valid till December 2019. Further, Project developer has communicated that labour license related renewal could not be done due to systemic disruptions brought by covid situation in last two years. Therefore, after passing of second wave of covid-19 , project developer has applied for labour license again for which online application record on the name of M/s. CEL (Chetak Enterprises Ltd.) has been shared alongwith NHAI certificate as Principal Employer in FORM III (attached as **Sub-Annexure 2 J**). Renewal of labour license is awaited to receive.

The Labour license will be issued from the Licensing Officer and Regional Labour Commissioner, (Central), Ahmedabad, Gujarat, Govt. of India, Ministry of Labour & Employment.

The subproject developer has taken employee compensation insurance policy for the project SEPL, the detail of the insurance policy is attached as **Sub-Annexure -2H**.

### **39. THE COMMUNITY ENGAGEMENT ACTIVITIES:**

As information provided by the concessionaire, to reach the local people, SEPL has undertaken a few of community developments activities at construction stage of the project. The subproject developer as an extension to swachh bharat campaign has conducted cleanliness drives and various other awareness camps on COVID-19, maintain social distancing at site and various community areas, sanitization of lab/equipment/machineries at project and community development initiatives. The developer also informed that Covid vaccination has been undertaken for all the employees.

### **40. SITE VISIT OBSERVATIONS:**

The site visit was undertaken during 9<sup>th</sup> -10<sup>th</sup> November, 2021 by IIFCL Environmental and Social Safeguards Specialists team to review the social safeguards implementation in the project. During the site visit, project staff was consulted regarding social safeguards related measures implemented at the project site. During the site visit, it was observed that:

- Locals (via local contractors) are being engaged in the construction activities for skilled as well as unskilled activities.
- During pandemic developer has distributed masks, Sanitizer and food to locals and helped set up medical camps. Developer has also contributed towards construction of Oxygen plant near project site.
- Few inadvertent delays were attributed to Covid-19 & design changes in the project which took time to come through. Developer intends to complete the project before March 2022.
- As confirmed by developer the subproject does not have any indigenous people or communities in the project
- As discussed, and confirmed by the subproject developer, there is no physical or economical displacement of people.

### **41. DISCLOSURE:**

The final ESDDR after approval from the ADB will be uploaded for public disclosure in ADB and IIFCL's website.

## 42. CONCLUSION

Based upon the site observations, consultation with the staff and available documents, it seems that the concessionaire has undertaken adequate measures for the implementation of the project. The conclusions for the sub-project are given below:

- The sub-project has been prepared by NHAI under NHDP Phase V stage plans and as per its own funding requirement and not anticipation to IIFCL or ADB involvement.
- Land acquisition process by NHAI (CA) was initiated prior to IIFCL's involvement and not in anticipation of ADB financing.
- Since the land acquisition was not in anticipation of ADB or IIFCL financing, ADB SPS on involuntary resettlement does not apply.
- As confirmed by developer the subproject does not have any indigenous people or communities in the project
- As discussed, and confirmed by the subproject developer, there is no physical or economical displacement of people.
- There is no rehabilitation and resettlement in the project.
- Local labour is being engaged in the construction activities for skilled as well as unskilled activities.
- The Subproject SEPL does not involve any prohibited activity as per the Prohibited Investment Activities List (PIAL) of ADB.
- Sub project is improvement and widening of existing national highway hence considering the socio-economic requirements of the project area it can be noted that the project would improve the quality of life for the rural population in the project area.
- The project team is following Covid-19 measures at project and has come up with multiple interventions on social distancing, regular washing hands, wearing mask, sanitization of machineries and random on-site general health checkups for all the employees and workers at large. As confirmed by the project developer most of the employees and workers of SEPL are vaccinated.
- The Sub-project do not appear to involve any kind of reputational risk to IIFCL and the Asian Development Bank funding on social safeguards and is recommended for funding under the proposed project.

**Compliance to ADB Observations on Environment & Social Due Diligence Report (ESDDR) of  
Shamlaji Expressway Private Limited (SEPL)**

S.No.	ADB Comment	IIFCL response/clarifications
<b>Comments on Environment Safeguards</b>		
1.	a) sub-project complies with ADB's SPS 2009.	<u>Section 30 related to conclusions and recommendations</u> has been updated on page no. 34 under revised ESDDR; wherein it is included that "Based on environmental safeguards due-diligence findings, it can be deduced that the sub-project has no significant environmental safeguard issues and the sub project is meeting the compliance requirements of ADB's Safeguard Policy Statement (SPS), 2009".
2.	b) sub-project complies with the prevailing environmental regulations of GoI pertaining to the usage of borrow earth for the sub-project.	Project developer has confirmed that under Para- 6 related to General Conditions of EC letter , excavation and rehabilitation measures for Borrow sites are already included for which six monthly compliance status (already shared as Annexure-5) is submitted to Independent Engineer, NHAI by project team for onwards submission of compliance status to MoEF & CC. Environmental Clearance Letter obtained for proposed expressway is already submitted with ESDDR as Sub-Annexure 2A.
3.	c) works would be undertaken <b>only after</b> achieving compliance with labor regulations of GoI.	<p>Project developer has confirmed that labour regulations of Govt. of India are being complied with as per norms. Earlier labour License was taken on the name of M/s. SEPL which was valid till December 2019.</p> <p>Further, Project developer has communicated that labour license related renewal could not be done due to systemic disruptions brought by covid situation in last two years. Therefore, after passing of second wave of covid-19 , project developer has applied for labour license again for which online application record on the name of M/s. CEL (Chetak Enterprises Ltd.) is attached alongwith NHAI certificate as Principal Employer in FORM III. Renewal of labour license is awaited to receive.</p> <p>Copies of earlier labour License, NHAI certificate as principal employer and online application for labour license are attached as <b>Sub-Annexure 2 J</b>.</p>

**Compliance to ADB Observations on Environment & Social Due Diligence Report (ESDDR) of  
Shamlaji Expressway Private Limited (SEPL)**

4.	d) existing employee compensation insurance policy is applicable for the workers and laborers (unskilled, semi-skilled, and skilled) engaged by CEL.	Project developer has confirmed that existing employee compensation insurance policy is applicable for the workers and laborers (unskilled, semi-skilled, and skilled) engaged by CEL as well as its sub-contractors.
5.	e) works were not undertaken within the prohibited and regulated zones of the protected heritage temple. and	M/s. SEPL has confirmed that road construction works were not undertaken within the prohibited and regulated zones of the protected heritage temple.
6.	f) environmental management and monitoring plan developed for the sub-project is adequate and is being implemented properly by SEPL.	Project developer has confirmed regarding adequacy of environmental management and monitoring plan developed for the sub-project which is being implemented during all phases of project development.
<b>Additional Modifications in Updated ESDDR based upon observations and documents received during site visit :</b>		
<b>Modification Para no. &amp; Page no.</b>		<b>Details of Modifications</b>
<b>Environmental safeguards Due-Diligence Section</b>		
1.	Table 2 related to status of statutory permits , page no. 19, Environmental safeguards Due-Diligence section	Consolidated Consent & Authorisation permission status for all the <b>five</b> base camp locations have been updated by including Asal and Dhunder camp site locations also. Additional copies of Consent to operate are enclosed under Sub-Annexure-2E. Earlier CTO copies were attached only for three base camp locations.

**Compliance to ADB Observations on Environment & Social Due Diligence Report (ESDDR) of  
Shamlaji Expressway Private Limited (SEPL)**

2.	Table 2 related to status of statutory permits , page no. 21, Environmental safeguards Due-Diligence section	Details of Labour License status have been updated and documents related to same have been enclosed under Sub-Annexure-2J.
3.	Para 28 related to Site Visit Observations, Page no. 30-32, Environmental safeguards Due-Diligence section	Site visit observations have been incorporated alongwith site visit photographs as Photoplate-I.
<b>Social safeguards Due-Diligence Section</b>		
4.	Para 36 related to Grievance redressal Mechanism , Page no. 38, Social safeguards Due-Diligence section	Minor updation related to Grievance redressal status has been done. Grievance redressal status as Annexure-16 was already enclosed along with first version of ESDDR.
5.	Para 37 related to Employment Generation , Page no. 38, Social safeguards Due-Diligence section	Minor modification has been done in the para related to employment generation.
6.	Para 38 related to Labour License obtained for the project , Page no. 38, Social safeguards Due-Diligence section	Labour License related status has been updated.
7.	Para 40 related to Site Visit Observations , Page no. 39, Social safeguards Due-Diligence section	Site visit observations have been incorporated.

**Compliance to ADB Observations on Environment & Social Due Diligence Report (ESDDR) of  
Shamlaji Expressway Private Limited (SEPL)**

S.No.	ADB Comment	IIFCL response/clarifications
1.	<p>Please confirm the following based on IIFCL's own assessment (and not based on the confirmations provided by the Project Developer or the EPC contractor):</p> <p>(i) regulatory compliances (environmental and labor);</p>	<p>IIFCL has done its safeguards assessment based on the safeguards compliance documents/monitoring records received from project developer, LIE report findings and site visit observations and these details have also been shared with ADB.</p> <p>With reference to regulatory compliances status under environmental and labour laws, except expiry of labour license post December 2019 period, rest of the statutory permissions were found to be valid from the start of the construction period to till date.</p> <p>Regarding Labour laws related compliance, IIFCL team observed during site visit that SEPL through M/s Chetak Enterprises Limited ,i.e. EPC contractor and sub-contractor has implemented health,safety and labour laws related statutory provisions at construction site ,e.g. availability of site safety manual, Environmental Management Plan document covering worker's health &amp; safety aspects, site safety records for Health &amp; safety measures undertaken for site workers, non-employment of child labour ,insurance coverage for workers &amp; contractual workers, provisions of staff facilities at camp site like availability of drinking water/canteen/toilets/ restrooms, use of PPEs, covid protection measures for site workers etc.</p> <p>Therefore, except labour license renewal on timely basis, IIFCL team did not observe any major non-compliances related to Environmental &amp; labour laws. As project developer has already communicated that during covid period, labour license renewal could not happen due to systemic disruptions and at present , application for renewal( dated 18.11.2021) has already been submitted with labour dept. for which online application copy and NHAI undertaking letter (dated 27.10.2021) as Principal employer stating commitment for all the provisions under Contract Labour &amp; Abolition act at the SEPL project site has already been shared for which IIFCL team is following up with Project developer for sharing copy of valid labour license at the earliest.</p>
2.	<p>(ii) avoidance of works within the prohibited and regulated zones of the protected</p>	<p>The heritage temple (Santhaleswar Mahadev, Mathasuliya-<b>picture attached</b> ) located at design Chainage of 473+787 to Ch 473+815 in Sabarkantha district has been declared as <u>Protected Place</u> under Gujarat Ancient Monuments and Archaeological sites and Remains Act, 1965 (<b>State Act copy attached</b>). As per state act under section 17 (1), there is mention of <b>controlled area</b> for every <b>protected Monument</b> and as per section 17 (1) (a) , state government prohibits or restricts the construction ,erection or execution of building structures and other works above ground within the controlled area and the prior permission has to be taken from state government/competent authority for any kind of construction.</p>

**Compliance to ADB Observations on Environment & Social Due Diligence Report (ESDDR) of  
Shamlaji Expressway Private Limited (SEPL)**

	<p>heritage temple (please check consistency with information provided in section 25 bullet 4);</p>	<p>Although in the site picture, the temple location has been mentioned <b>as protected place but not protected Monument</b> and liability for punishment for 5000 Rs. or imprisonment of three months ,or both has been mentioned on installed board at temple premises ;in case of anyone is found to be destroying, defacing or impairing this place and no boundary zone for corridor of impact is mentioned. As per Gujarat Ancient Monuments and Archaeological sites and Remains Act, 1965, there is no mention of controlled area boundary for <b>protected Areas</b> (Chapter III related to protected areas, section 20 and section 21 (1) and construction activity is prohibited <b>within protected area</b> without the permission of state government. As per this understanding, The road alignment is not passing through protected place but its only adjacent to protected area boundary wall and 6-laning of road work has not encroached protected area. To minimise the impact, project developer has merged the service road in main carriageway before the start of temple boundary wall which was reported by LIE and IIFCL team also observed during site visit and site photographs have also been shared with ADB. Although as per the definition of “corridor of impact”; the main carriageway alignment will be considered falling within corridor of impact from the time of 4 laning itself and since the project is strengthening &amp; widening from 4 lane to 6 lane of National Highway project in public interest and 4 lane national highway was already built long back. Therefore, due to SEPL sub-project construction work , protected area of heritage temple has not been disturbed.</p> <p>Moreover, the applicable state act, does not define boundary for prohibited zone (100 metres in all directions beginning from the limit of protected site ) and regulated zone (200 metres in all directions beginning from the limit of prohibited area ) which is clearly mentioned under Central Act of Ancient Monuments and Archeological sites and Remains Act and Rules, 1959 and amendment and Validation Act,2010 (<b>copy attached</b>). The heritage temple falling along the road alignment is not centrally protected and not of national importance and covered under Gujarat state protected sites. As per applicable state act, under section 42 (1), it has been mentioned that nothing in this act shall apply to Ancient and historical monuments of archaeological sites or remains, declared by or under any law made by Parliament to be of national importance, or to any antiquities to which the Ancient Monuments and Archaeological sites and remains act, 1958, applies.</p> <p>At the time of land acquisition for 4-laning and 6-laning of NH-8 road alignment ,National Highway Authority of India must have already issued official gazette notification in public interest inviting comments for objection, if any under the guidelines of National Highway land acquisition Act. However, IIFCL has again enquired with M/s. SEPL to explore the possibility with NHAI regarding availability of any NOC for road construction in public interest adjacent to heritage temple boundary, which might have been taken from competent authority of state govt. from the time of 4 laning of NH-8 highway development.</p>
--	---	--

**Compliance to ADB Observations on Environment & Social Due Diligence Report (ESDDR) of  
Shamlaji Expressway Private Limited (SEPL)**

3.	(iii) coverage of insurance policies; and	SEPL employee compensation insurance policy covers workers & contractual workers of Contractors and sub-contractors, which is clearly mentioned on page no. 3 of policy document under policy conditions.
4.	(iv) adequacy and proper implementation of environmental management and monitoring plan for the sub-project.	Environmental Management and Monitoring Plan for SEPL sub-project was found to be adequate and implemented which is evident from the environmental management documents & monitoring records received from project developer and site visit observations shared under revised ESDDR submitted with ADB.

**Environmental & Social Safeguards Measures Observed during Site Visit**  
**Photo Plate - I : Site Visit Photographs**

	
Board placed at entrance of Gadghoda Camp Site	Safety poster outside conference hall inside camp site
	
Project HSE team room inside Gadghoda Camp facility	RO drinking water installation at camp site
	
Inside view of Staff Canteen wherein food is cooked using LPG gas cylinders	Outside view of Staff Canteen room at camp site
	
Fire Extinguishers were seen installed inside camp site premises	Water storage tank for camp site staff for Toilets use

Shamlaji Expressway Private Limited-National Highway (NH-8 section) Widening & Rehabilitation Project

	
Camp site accommodation facility for Drivers and security guards provided by M/s. CEL	Ready Mix Concrete plant installed by M/s. CEL
	
Acoustic Enclosure for Electrical Generator sets at camp site	Median Plantation in project road stretch
	
Longitudinal drain structure constructed along side main carriage way for storm water drainage management	Safety signage placed on Road construction site throughout the project stretch
	
Borrow area rehabilitation work done at Borrow area located at Village Sarvana	Solar light blinkers have been installed in project road stretch

# Shamlaji Expressway Private Limited-National Highway (NH-8 section) Widening & Rehabilitation Project

	
Flyash utilization seen in Flyover construction site	NHA Toll location for existing 4-lane highway at Design Chainage 460
<b>Ancient Temple photographs located at Design Chainage of 473+787 to Ch 473+815</b>	
	
Santhaleshwar Mahadev, Mathasuliya temple board stating that the temple is protected under Gujarat Ancient Monuments and Archeological Sites and Remains Act,1965 and Side view of Ancient Temple	
	
Ancient temple is located near the main carriageway	At Temple location, service road was seen merging with main carriageway
<b>Photographs of Sub-contractor's premises at Gadhoda Camp site</b>	
	
Safety Board installed at camp site near sub-contractor's office location	Main building of sub-contractor's office at camp site wherein good plantation was visible near building areas and around the boundary of camp

Shamlaji Expressway Private Limited-National Highway (NH-8 section) Widening & Rehabilitation Project

	site 
Canteen facility provided at sub-contractor's camp site	RO drinking water facility seen for camp staff
	
Canopy cover on conveyor belt and dust collector unit seen in Hot Mix Plant Machinery for dust control	Bitumen storage tanks at Gadhoda camp site and also showing SBS polymer modified bitumen plant machine on RHS
	
Labors wearing Safety gears seen at construction site of RE wall erection at Des. Ch. 496	Water sprinkling done at project camp site
<b>Camp site Photographs at Dhunder location</b>	
	
Camp site accommodation facility for Drivers and security guards at Dhunder (Gamboi ) location	Bituminous concrete debris recycling unit attached with HMP at Dhunder location wherein bituminous construction waste is recycled for making service roads in the SEPL project



THE GAZETTE OF INDIA  
*EXTRAORDINARY*  
**PART II-SECTION 3 – SUB-SECTION (ii)**  
**PUBLISHED BY AUTHORITY**

\*\*\*\*\*

NEW DELHI, THURSDAY, OCTOBER 15, 1959/ASVINA 23, 1881

\*\*\*\*\*

MINISTRY OF SCIENTIFIC RESEARCH AND CULTURAL AFFAIRS

NOTIFICATIONS  
NEW DELHI, THE 15<sup>TH</sup> OCTOBER, 1959

**S.O. 2306.-** In exercise of the powers conferred by section 38 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby makes the following rules, the same having been previously published in the Gazette of India, Part II-Section 3-Sub-Section (ii), dated the 8<sup>th</sup> August, 1959, as required by sub-section (1) of the said section.

ANCIENT MONUMENTS AND ARCHAEOLOGICAL  
SITES AND REMAINS RULES 1959

CHAPTER I  
PRELIMINARY

1. **Short title, date and commencement:** (1) These rules may be called the Ancient Monuments and Archaeological Sites and Remains Rules, 1959.
  - (2) They extend to the whole of India, but rules 24, 25, 27, 28, 29 and 30 shall not apply to the State of Jammu and Kashmir.
  - (3) They shall come into force on the 15<sup>th</sup> day of October, 1959.<sup>1</sup>
1. **Definitions.**—In these rules, unless the context otherwise requires.—
  - (a) **“construction”** means the construction of any structure and includes additions to or alterations of an existing building;
  - (b) **“copying”**, together with its grammatical variations and cognate expressions, means the preparation of copies by drawing or by photography or by mould or by squeezing and includes the preparation of a cinematographic film <sup>2</sup>[and video film] with the aid of a hand-camera which is capable of taking films of not more than eight millimeters and which does not require the use of a stand or involve any special previous arrangement;

---

<sup>1</sup> Vide S.O. 2307, dated 15.10.1959

<sup>2</sup> Vide GSR 90, dated 30.01.1991

- (c) **“filming”**, together with its grammatical variations and cognate expressions, means the preparation of a cinematographic film <sup>1</sup>[including video film] with the aid of a camera which is capable of taking films of more than eight millimeters and which requires the use of a stand or involves other special previous arrangements;
- (d) **“form”** means a form set out in the Third Schedule;
- (e) **“mining operation”** means any operation for the purpose of searching for or obtaining minerals and includes quarrying, excavating, blasting and any operation of a like nature;
- (f) **“prohibited area”** or **“regulated area”** means an area near or adjoining a protected monument which the Central Government has, by notification in the Official Gazette, declared to be a prohibited area, or, as the case may be, a regulated area, for purposes of mining operation or construction or both;
- (g) **“Schedule”** means a Schedule to these rules; and
- (h) **“section”** means a section of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958).

## CHAPTER II ACCESS TO PROTECTED MONUMENTS

3. **Monuments governed by agreement.**—(1) Access to protected monuments in respect of which an agreement has been entered into between the owner and the Central Government under section 6, or in respect of which an order has been made by that Government under section 9, shall be governed by the provisions of the agreement or, as the case may be, the order; and nothing in rules 4, 5, 6 or 7 shall be construed as affecting any such agreement or order.  
  
(2) A copy of the relevant provisions of every such agreement or order shall be exhibited in a conspicuous part of the monument concerned.
4. **Parts of monuments not open.**—The Director-General may, by order, direct that <sup>2</sup>[any protected monument or any specified part thereof] shall not be open, permanently or for a specified period, to any person other than an archaeological officer, his agents, subordinates and workmen and any other Government servant on duty at such part.
5. **Monuments when kept open.**—(1) The protected monument specified in the First Schedule shall remain open during the hours specified against them in that schedule; protected monuments which are not so specified and to which neither rule 3 nor rule 4 applied shall remain open from sunrise to sunset:

<sup>3</sup>[Provided that an archaeological officer, or any officer of the Archaeological Survey of India authorised by him in this behalf may, by notice to be exhibited in a conspicuous part of a protected monument, direct that a protected monument or part thereof shall.—

- (i) Be kept open beyond the said period; or

---

<sup>1</sup> Vide GSR 90, dated 30.01.1991

<sup>2</sup> Vide GSR 800 (E), dated 17.10.2000 with effect from 28.10.2000

<sup>3</sup> Vide S.O. 5002, dated 13.12.1969

- (ii) Be closed temporarily for such period as may be specified by the notice].

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

#### **6. Entrance fee.—**

<sup>1</sup>[No person above the age of fifteen years shall enter any protected monument or part thereof.—

(a) Specified as category A monuments in Part I of the Second Schedule,

<sup>2</sup>[except on payment as follows:

(i) Citizens of India – Rs. 10/- per head;

(ii) Others - <sup>3</sup>[[US \$ 5 or Indian Rs. 250/-]] per head.]

(b) Specified as category B monuments in Part II of the Second Schedule,

<sup>2</sup>[except on payment as follows;

(i) Citizens of India – Rs. 5/- per head;

(ii) Others - <sup>3</sup>[[US \$ 2 or Indian Rs. 100/-]] per head.]

<sup>4</sup>[\* \* \*]

<sup>5</sup>[Provided further that an archaeological officer, or any officer of the Archaeological Survey of India authorised by him in this behalf may exempt, members of delegations sponsored by the Central Government or a State Government, State Guest and persons accompanying such delegations or guest, from the payment of such fee.]

<sup>6</sup>[Provided also that the Director-General may, by order, direct that, on such occasions and for such periods as may be specified in the order, no fee shall be charged for entry into a protected monument or part thereof.]

**7. 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 Central Government.

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

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

<sup>1</sup> Vide GSR 688(E), dated 24.09.2001, w.e.f. 1.10.2001.

<sup>2</sup> Vide GSR 800(E), dated 17.10.2000, w.e.f. 28.10.2000.

<sup>3</sup> Vide GSR 688(E), dated 24.09.2001, w.e.f. 1.10.2001.

<sup>4</sup> Word "Provided that on every Friday, no such fee shall be charged". Omitted by GSR 848(E) dated 3.11.2000, w.e.f. 3.11.2000.

<sup>5</sup> Vide S.O. 3520, dated 20.11.1966.

<sup>6</sup> Vide S.O. 5002, dated 13.12.1969.

- (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) <sup>1</sup>[hawk or sell any goods or wares or canvas any custom for such goods or wares or display any advertisement in any form or show a visitor round or take his photograph for monetary consideration, except under the authority of, or under, and in accordance with the conditions of, a licence granted by an archaeological officer;]
- (e) beg for alms; or
- (f) violate any practice, usage or custom applicable to or observed in the monument; or
- (g) bring, for any purpose other than the maintenance of the monument,
  - (i) any animal, or
  - (ii) any vehicle except in areas reserved for the parking thereof.

**9. Penalty.—Whoever—**

- (i) unlawfully enters any protected monument or part thereof at a time when, under these rules, it is not to be kept open, or
- (ii) unlawfully enters any protected monument in respect of which an order has been made under rule 5, or
- (iii) contravenes of any of the provisions of rule 6 or rule 7 or rule 8,

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

### CHAPTER III CONSTRUCTION AND OTHER OPERATIONS IN PROTECTED AREAS

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

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

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

---

<sup>1</sup> Vide S.O. 935, dated 16.02.1971.

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

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

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

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

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

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

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

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

**16. Conditions of licence.**—Every licence shall be subject to the following conditions, namely:

- (a) the licence shall not be transferable;
- (b) the licensee shall give to the Director-General, the Collector and the owner of the land to be excavated at least fifteen days' notice in writing of the commencement of the excavation operations;
- (c) the licensee shall produce the licence before the District Magistrate or the District Superintendent of Police concerned or an archaeological officer, if so required;
- (d) the excavation operations shall be conducted under the supervision of the director named in the licence who shall be present at the excavation operations for at least three-fourths of the period of the operations;
- (e) the licensee shall not, without the permission of the Director-General, dismantle or disturb any structures found during the excavation operations and shall make adequate arrangements for the safety of such structures and of the excavated antiquities till they are taken charge of by the Director-General;
- (f) The licensee shall not subject any antiquities recovered during the excavation operations to any chemical or electrolytic process of cleaning without the written permission of the Director-General;

- (g) An archaeological officer or his representative may inspect the excavation operations or any antiquities recovered during the operations and make notes on or copy or film the excavated structures and antiquities;
- (h) The licensee shall not discontinue the excavation operations unless he has given at least fifteen days' notice in writing to the Director-General;
- (i) At the conclusion of the excavation operations, the licensee shall give notice in writing to the owner of the land specifying the nature of the antiquities, if any, recovered during the operations;
- (j) The licensee shall, within three months of the completion of the excavation operations, submit to the Director General a summary report of the results of the excavation, and where the operations are carried on for a period of more than three months such report shall be submitted every quarter, and it shall be open to the Director-General to publish the report in his reports or reviews; and
- (k) The licensee shall as soon as practicable submit a report in Form IV to the Central Government through the Director General on the antiquities recovered during the excavation operations.

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

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

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

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

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

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

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

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

**23. Penalty.—Whoever—**

- (i) unlawfully undertakes any excavation for archaeological purposes in any protected area, or
- (ii) contravenes any of the conditions of a licence,

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

**CHAPTER IV  
EXCAVATION IN UNPROTECTED AREAS**

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

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

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

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

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

**27. Form of report by an archaeological officer.**—Where, as a result of an excavation made by an archaeological officer in any area under section 21 or 22 any antiquities are

discovered, the archaeological officer shall, as soon as practicable, submit a report in Form V to the Central Government through the Director-General on the antiquities recovered during the excavation.

## **CHAPTER VI MOVING OF ANTIQUITIES FROM CERTAIN AREAS**

- 28. Application for moving antiquities.**—Every application for permission to move any antiquities or any class of antiquities in respect of which a notification has been issued under sub-section (1) of section 25 shall be made in Form-VI to the Director-General at least three months before the proposed date of the moving.
- 29. Grant of refusal of permission.**—On receipt of an application under rule 28, the Director-General may, after making such enquiry as he may deem necessary, grant permission for the moving of all or any of the antiquities or, for reasons to be recorded, refuse such permission.
- 30. Appeal.**—Any person aggrieved by an order of the Director General under rule 29 may prefer an appeal to the Central Government; and the decision of that Government on such appeal shall be final.

## **CHAPTER VII MINING OPERATION AND CONSTRUCTION NEAR PROTECTED MONUMENTS**

- 31. Notice of intention to declare a prohibited or regulated area.**—(1) Before declaring an area near or adjoining a protected monument to be a prohibited area or a regulated area for purposes of mining operation or construction or both, the Central Government shall, by notification in the Official Gazette, give one month's notice of its intention to do so; and a copy of such notification shall be affixed in a conspicuous place near the area.
- (2) Every such notification shall specify the limits of the area which is to be so declared and shall also call for objections, if any, from interested persons.
- 32. Declaration of prohibited or regulated area.**—After the expiry of one month from the date of the notification under rule 31 and after considering the objections, if any, received within the said period, the Central Government may declare, by notification in the Official Gazette, the area specified in the notification under rule 31, or any part of such area, to be a prohibited area, or, as the case maybe, a regulated area for purposes of mining operation or construction or both.
- 33. Effect of declaration of prohibited or regulated area.**—No person other than an archaeological officer shall undertake any mining operation or any construction—
- (a) in a prohibited area, or
  - (b) in a regulated area, except under and in accordance with the terms and conditions of a licence granted by the Director-General.
- 34. Application for licence.**—Every person intending to undertake any mining operation or any construction in a regulated area shall apply to the Director-General in Form VII at least three months before the date of commencement of such operation or construction.

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

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

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

**36. Cancellation of licence.**—The Director-General may, by order, cancel a licence granted under rule 35 if he is satisfied that any of its conditions has been violated:

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

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

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

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

**39. Penalty.** —Whoever—

- (i) unlawfully undertakes any mining operation or construction in a prohibited area or in a regulated area, or
- (ii) contravenes any of the conditions of a licence, or
- (iii) fails or refuses to comply with an order made under sub-rule (1) of rule 38,

shall be punishable with imprisonment, which may extend to three months or with fine which may extend to five thousand rupees or with both.

#### **CHAPTER VIII COPYING AND FILMING OF PROTECTED MONUMENTS**

**40. Permission required for copying certain monuments.**—The Director General may, by order, direct that no person other than an archaeological officer or an officer authorized by an archaeological officer in this behalf shall copy any specified monument or part thereof except

under and in accordance with the terms and conditions of a permission in writing by an archaeological officer.

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

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

- (a) bring into or use within the precincts of such monument a camera-stand, stool, chair, table, large drawing-board, easel or any such appliance, or
- (b) erect any scaffolding within such precincts, or
- (c) use within such precincts any artificial light other than a flash-light synchronised 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 a permission in writing granted by an archaeological officer.

**42. Licence required for filming.—**

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

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

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

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

**44. Grant or refusal of licence.—**(1) On receipt of an application under rule 43, the Director General may grant a licence <sup>3</sup>[on payment of a fee of Rs. 5,000 (rupees five thousand) in case of professionals and other agencies] or, if he is satisfied that the licence asked for should not be granted, may, for reasons to be recorded, refuse to grant a licence:

Provided that the Director General shall not grant any licence to film the interior of any protected monument, that is to say such part of any protected monument as is covered

---

<sup>1</sup> Renumbered by GSR 90, dated 30.01.1991.

<sup>2</sup> *Vide* GSR 90, dated 30.01.1991.

<sup>3</sup> *Vide* GSR 90, dated 30.01.1991.

by a roof of any description, except when the film is for the purpose of education or of publicising the monument.

- (2) Every licence granted under sub-rule (1) shall be in Form X and be subject to the following conditions, namely:-
- (a) the licence shall not be transferable and shall be valid for the period specified therein;
  - (b) nothing shall be done by the licensee or any member of his party which has, or may have, the effect of exposing any part of the monument or attached lawn or garden to the risk of damage;
  - (c) the filming operation shall be restricted to that part of the monument in respect of which the licence has been granted;
  - (d) no extraneous matter, such as water, oil, grease or the like, shall be applied on any part of the monument;
  - (e) the generating plant for electric power, wherever required, shall be placed away from the monument or the attached lawn or garden;
  - (f) the filming operation shall not obstruct or hamper the movement of persons who may lawfully be within the precincts of the monuments and
  - (g) any other condition which the Director-General may specify in the licence.

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

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

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

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

## **CHAPTER IX MISCELLANEOUS**

**49. Manner of preferring an appeal.**—

- (1) Every appeal to the Central Government under the Ancient Monuments and Archaeological Sites and Remains Act, 1958, or under these rules shall be in writing and shall be preferred within one month of the date of receipt of the order appealed against.
- (2) Every such appeal shall be accompanied by a copy of the order appealed against.

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

- (a) in the case of any order or notice of a general nature or affecting a class of persons, be published in the Official Gazette; and
- (b) in the case of any order or notice affecting a corporation or firm, be served in the manner provided for the service of summons in rule 2 of order 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—
  - (i) by delivering or tendering it to the person concerned, or
  - (ii) if it cannot be so delivered or tendered, by delivering or tendering it to any adult male member of the family of such person or by affixing a copy thereof on the outer door or some conspicuous part of the premises in which that person is known to have last resided or carried on business or personally worked for gain, or
  - (iii) by sending it by registered post, acknowledgement due.

# <sup>1</sup>[SCHEDULES

## Hours during which certain monuments or part thereof will remain open (vide rule 5)

Serial no.	State	District	Locality	Name of monument	Part of monumemnt which shall remain open during hours other than from sunrise to sunset	Hours of opening
1.	Andhra Pradesh	Hyderabad	Hyderabad City	Char Minar	(i) Second storey and upwards (ii) Remaining area	(i) From 9 AM to 5.30 PM or sunset whichever is earlier (ii) From sunrise to 10 PM
2.	Bihar	Patna	Kumrahar	Site of Mauryan Palace	Whole	From 9 AM to 5.30 PM or sunset whichever is earlier.
3.	Bihar	Patna	Nalanda (Bargaon)	All mounds, structures and buildings enclosed in the acquired area	Fenced area containing excavated remains.	From 9 AM to 5.30 PM or sunset whichever is earlier.
4.	Delhi	Delhi	Delhi Zail	Afsar Wala-ki-masjid	Garden	From Sunrise to 10 PM
5.	Delhi	Delhi	Delhi Zail	Gateways of Abadi Bagh Bu-Halima	Garden	From Sunrise to 10 PM
6.	Delhi	Delhi	Delhi Zail	Jantar Mantar	Whole	From Sunrise to 10 PM
7.	Delhi	Delhi	Delhi Zail	Kotla Firoz Shah	Garden	From Sunrise to 10 PM
8.	Delhi	Delhi	Delhi Zail	Tomb of Afsar Wala	Garden	From Sunrise to 10 PM
9.	Delhi	Delhi	Delhi Zail	Tomb of Khan Khanan	Garden	From Sunrise to 10 PM
10.	Delhi	Delhi	Mehrauli Zail	Group of buildings at Hauz Khas	Garden	From Sunrise to 10 PM
11.	Delhi	Delhi	Mehrauli Zail	Qutb archaeological area	Garden	From Sunrise to 10 PM
12.	Madras	South Arcot	Gingee	Fortress including monuments on Krishnagiri and Rajagiri hills	Whole	From 9 AM to 5.30 PM or sunset whichever is earlier.

<sup>1</sup> Vide S.O. 5002, dated 13.12.1969

13.	Maharashtra	Aurangabad	Ajanta	Ajanta Caves	Whole	From 9 AM to 5.30 PM or sunset whichever is earlier.
14.	Maharashtra	Aurangabad	Aurangabad	Tomb of Rabia Daurani (Bibi-ka-Maqbara)	Garden	From sunrise to 10 PM
15.	Maharashtra	Bombay (suburban)	Kanheri	Buddhist Caves	Whole	From 9 AM to 5.30 PM or sunset whichever is earlier.
16.	Maharashtra	Kolaba	Gharapuri	Elephanta Caves	Whole	From 9 AM to 5.30 PM or sunset whichever is earlier.
17.	Maharashtra	Poona	Karla	Cave Temples	Whole	From 9 AM to 5.30 PM or sunset whichever is earlier.
18.	Mysore	Bangalore	Bangalore	Tipu Sultan's Palace	Garden	From sunrise to 10 PM
19.	Mysore	Bijapur	Bijapur	Gol Gumbaz	Garden	From sunrise to 10 PM
20.	Mysore	Mandya	Seringapatnam	Daria Daulat Bagh	(i) Palace (ii) Garden	(i) From 9 AM to 5.30 PM or sunset whichever is earlier (ii) From sunrise to 10 PM
21.	Mysore	Mysore	Somanathpur	Kesava temple	Whole	From 9 AM to 5.30 PM or sunset whichever is earlier.
22.	Rajasthan	Ajmer	Ajmer	Marble pavilion and balustrade on the Anasagar Bund and the ruins of the marble Hamam behind the Anasagar Dam	Whole	From sunrise to 10 PM
23.	Uttar Pradesh	Agra	Agra	Taj Mahal	Whole	From sunrise to 10 PM. On full-moon days and four days preceding and following from sunrise to 12 PM (midnight)
24.	Uttar Pradesh	Lucknow	Lucknow	Residency buildings	(i) Model room (ii) Garden	(i) From 9 AM to 5.30 PM or sunset whichever is earlier (ii) From sunrise to 10 PM

**<sup>1</sup>SECOND SCHEDULE**  
(see rule 6)  
**Protected monuments or parts thereof entry into which can be had only on payment of fee**  
**Part – I**  
**Category ‘A’ Monuments**

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

<sup>1</sup> Vide GSR 306, dated 10.07.1996

					the two towers flanking the Masjid) and the Great Southern Entrance Gateway with the cloisters on its flanks, the old Mughal Acqueduct in the Taj with the Central Marble Tank, the well at the Taj Garden and the drinking fountain in the west enclosure wall of the Taj Garden.
14.	Uttar Pradesh	Agra	Fatehpur Sikri	Fatehpur Sikri group of monuments	The entire area bounded on the south by the compound wall to the south of Jodhabai Palace and further eastwards by the road leading to the southern entrance of Diwan-i-am quadrangle, on the east by the Diwan-i-am quadrangle; on the north by the walls enclosing the Diwan-i-Khas, Ankh Michauli Hospital, Zanana Garden and Birbal's daughter's palace and on the west by the wall enclosing the horse's stable

#### <sup>1</sup>SECOND SCHEDULE

Monuments or parts thereof entry into which can be had only on payment of fee (vide rule 6)

Serial no.	State	District	Locality	Name of monument	Part of monument for which payment of fee is required
1.	Andhra Pradesh	Chittor	Chandragiri	Raja and Rani Mahal	Whole
2.	Andhra Pradesh	Hyderabad	Golkonda	Golkonda Fort	Whole
3.	Assam	Sibsagar	Garhagaon	Ahom Raja's Palace	Whole
4.	Bihar	Nalanda	Nalanda (bargain)	All mounds, structures and buildings enclosed in the acquired area, Nalanda	Fenced area containing excavated remains.
5.	Bihar	Patna	Kumrahar	Site of Mauryan Palace	Whole
6.	Bihar	Rohtas	Sasaram	Shershah Suri Tomb	Whole
7.	Bihar	Vaishali	Chakramdas	Ancient ruins, Vaishali	The Stupa, Ashokan Pillar, mounds and excavated remains
8.	Gujarat	Ahmedabad	Lothal	Excavated remains at Lothal	Whole
9.	Gujarat	Mehsana	Modhera	Sun Temple	Sun temple, Sun tank, Kund and carved stones with images, temples and underground cell.

<sup>1</sup> Vide GSR 306, dated 10.07.1996

10.	Gujarat	Mehsana	Patan	Rani-ki-Vav	Whole
11.	Jammu & Kashmir	Udhampur	Kiramchi	Group of temples	Whole complex
12.	Jammu & Kashmir	Udhampur	Ramnagar	Ramnagar Palace	Palace attributed to Raja Suchet Singh.
13.	Karnakata	Bangalore	Bangalore	Tipu Sultan Palace	Whole
14.	Karnataka	Bijapur	Aihole	Durga Temple Complex	Whole
15.	Karnakaka	Bijapur	Badami	Jaina and Vishnu caves	Whole
16.	Karnakata	Bijapur	Bijapur	Gol Gumbaz	The Mausoleum and garden
17.	Karnataka	Bijapur	Bijapur	Ibrahim Rouza	Whole
18.	Karnakaka	Chitaldurg	Chitaldurg	Chitaldurg	Fortress and temples on the hill
19.	Karnataka	Mandya	Srirangapatna	Daria Daulat Bagh	Palace complex and garden
20.	Karnataka	Mysore	Somanathapura	Sri Kesava Temple	Whole
21.	Kerala	Kannur	Pallicherry	Bekal fort	Whole
22.	Maharashtra	Aurangabad	Aurangabad	Tomb of Rabia Daurani (Bibi-ki-Maqbara)	Tomb and the garden
23.	Maharashtra	Aurangabad	Daulatabad	Daulatabad Fort	Daulatabad Fort and monuments therein
24.	Maharashtra	Bombay suburban	Kanheri	Caves	Buddhist caves
25.	Maharashtra	Kolaba	Alibag	Hirakota Old Fort	Whole
26.	Maharashtra	Kolaba	Raigad	Raigad Fort	Whole
27.	Maharashtra	Nasik	Pathardi	Pandav Lena Caves	Whole
28.	Maharashtra	Pune	Junnar	Junnar Caves and inscriptions	Whole
29.	Maharashtra	Pune	Karla	Cave temples	Whole
30.	Maharashtra	Pune	Pune	Shaniwarwada	Old citadel known as Shaniwarwada
31.	Maharashtra	Sholapur	Sholapur	Old Fort	Whole
32.	Madhya Pradesh	Dhar	Mandu	Group of monuments	Royal enclosures (Jahaz Mahal, Hindola Mahal and other palatial remains)
33.	Madhya Pradesh	Gwalior	Gwalior	Gwalior Fort	Badal mahal, Mansingh's Palace, Sas bahu temples, Teli ka Mandir
34.	Madhya Pradesh	Nimar (East)	Burhanpur	Palace situated in the Fort (Shahi Quila)	Whole
35.	Madhya Pradesh	Raipur	Sirpur	Group of monuments (Laxman temple)	Whole
36.	National Capital Territory of Delhi	Delhi	Delhi Zail	Delhi Fort	Archaeological area

37.	National Capital Territory of Delhi	Delhi	Delhi Zail	Tomb of Safdarjung	Whole with all its enclosures, wall, gateway and gardens
38.	National Capital Territory of Delhi	Delhi	Purana Quila	Purana Quila	Gateways, bastions and gardens, Quila-i-Khaona Mosque and Sher Mandan (from outside).
39.	Orissa	Puri	Bhubaneswar	Raja Rani Temple	Whole
40.	Orissa	Puri	Jagmara	Udaygiri and Khandagiri	All ancient caves, structures and other monuments or remains situated on the Udaygiri and Khandagiri hills except the Temple of Parasnath on the top of the Khandagiri hill and also the temple in front of Harabhuji and the Trisula Caves.
41.	Rajasthan	Bharatpur	Deeg	Deeg Palace	Whole
42.	Rajasthan	Chittor	Chittorgarh	Fort	Victory tower and other buildings
43.	Rajasthan	Udaipur	Kumbhalgarh	Fort of Kumbhalgarh	Whole
44.	Tamil Nadu	Dindigul	Dindigul	Fort	Whole
45.	Tamil Nadu	Madras	Fort St. George	Fort St. George	Part of the Fort complex where objects are on display for public viewing.
46.	Tamil Nadu	Pudukkottai	Tirumayam	Fort	Whole
47.	Tamil Nadu	South Arcot	Gingee	Rajagiri Fort and Krishnagiri Fort	Whole (Annual festival is held every year during the month of May and fee will remain suspended for 10 days at Rajagiri Fort, Gingee)
48.	Tamil Nadu	Tiruchirapalli	Kodumabur	Muvarkoil	Surrounding sub-shrines, stone enclosures, and stone well on the north-east corner.
49.	Uttar Pradesh	Agra	Agra	Group of monuments at Ram Bagh	Whole
50.	Uttar Pradesh	Agra	Agra	Itimad-ud-daula's Tomb	Whole
51.	Uttar Pradesh	Agra	Sikandara	Akbar's Tomb	Whole
52.	Uttar Pradesh	Agra	Sikandara	Mariam's Tomb	Whole
53.	Uttar Pradesh	Bahraich	Sahet-Mahet	Monuments of Sravasti	Excavated remains at Sahet within the fenced area.
54.	Uttar Pradesh	Jhansi	Jhansi	Rani Jhansi Mahal	Whole
55.	Uttar Pradesh	Jaunpur	Jaunpur	Fort (old)	Whole
56.	Uttar Pradesh	Lucknow	Lucknow	Residency Buildings	Model Room and the garden
57.	Uttar Pradesh	Varanasi	Sarnath	Excavated remains at Sarnath	Whole
58.	West Bengal	Murshidabad	Hazarduari	Hazarduari Palace	Parts of the palace complex where objects are also on display

**Monuments or parts thereof entry into which can be had only on payment of fee<sup>1</sup> (vide rule 6)**

<b>Sl.</b>	<b>Name of the monument</b>	<b>Locality</b>	<b>State</b>
1	Rani Jhansi Fort	Jhansi	Uttar Pradesh
2	Jantar Mantar	Delhi	Delhi
3	Rahim-Khane-Khanan Tomb	Delhi	Delhi
4	Karanghar Palace	Sibsagar	Assam
5	Rang-dhar Pavilion	Sibsagar	Assam
6	Avantiswami Temple	Avantipura	Jammu & Kashmir
7	Rock cut caves	Masrur	Himachal Pradesh
8	Kangra Fort	Kangra	Himachal Pradesh
9	Cooch Behar Palace	Cooch Behar	West Bengal
10	Bishnupur Temples	Bishnupur	West Bengal
11	Rani Roopmati Pavilion	Mandu	Madhya Pradesh
12	Hoshang Shah's Tomb	Mandu	Madhya Pradesh
13	Hoshang Shah's Palace	Mandu	Madhya Pradesh
14	Brihadeswara temple	Gangaikonda Cholapuram	Tamilnadu
15	Temples and sculpture gallery	Lakkundi	Karnataka
16	Bellary Fort	Bellary	Karnataka
17	Nanjangud	Nanjangud	Karnataka
18	Bagh Caves	Bagh	Madhya Pradesh
19	Aurangabad Caves	Aurangabad	Maharashtra
20	Raigarh hill monuments	Colaba	Maharashtra
21	Cave temple and inscriptions	Bhaja	Maharashtra
22	Ratnagiri monuments	Ratnagiri	Orissa
23	Lalitgiri monuments	Lalitgiri	Orissa
24	Lower Fort and structures	Chandragiri	Andhra Pradesh
25	Upper Fort	Chandragiri	Andhra Pradesh
26	Ruined Buddhist stupa and other remains	Amravati	Andhra Pradesh
27	Four storeyed rock-cut Hindu temple	Undavalli	Andhra Pradesh
28	Thousand Pillared temple	Hanamkonda	Andhra Pradesh
29	Warrangal fort	Warrangal	Andhra Pradesh
30	<b>Buddhist monuments:</b>	Guntapalle	Andhra Pradesh
	1. Rock-cut temple		
	2. Large Monastery		
	3. Small Monastery		
	4. Brick Chaitya		
	5. Ruined Mandapa		
	6. Stone build stupa and large group of stupas		
31	Ashokan rock edict	Junagadh	Gujarat
32	Buddhistic Cave	Junagadh	Gujarat
33	Baba Pyare Khapra Kodia Caves	Junagadh	Gujarat

<sup>1</sup> Vide GSR 799 (E), dated 17.10.2000.

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

### THIRD SCHEDULE

#### FORM I

Application for permission for construction/mining  
Operation within a protected area.  
(See rule 10)

1. Name and address of applicant<sup>1</sup>
2. Name of the protected area within which construction/mining operation is proposed.

Locality	District	State
----------	----------	-------

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

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

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

4. Purpose of the proposed construction/mining operation.
5. Approximate duration and date of commencement of the proposed construction/mining operation.

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

**Station**

**Seal of the organization**

**Date**

**Signature of the applicant<sup>2</sup>**

---

<sup>1</sup> If the application is on behalf of an organisation, the name thereof should be given.

<sup>2</sup> If the application is on behalf of an organization, the signature should be that of the head of the department.

## FORM II

### Application For Licence To Excavate In A Protected Area (Vide rule 12)

1. Name and address of applicant<sup>1</sup>
2. Name of the site  
Locality                      District                      State
3. Extent of the proposed excavation (a plan of the site in triplicate showing in red outline the extent of the proposed excavation should be attached).
4. Approximate duration and date of commencement of the proposed excavation.
5. Approximate expenditure on the proposed excavation.
6. Name and status of the Director of the proposed excavation.
7. Details of photographic, surveying and other equipments available for the proposed excavation.

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

**Station**

**Seal of the institution**

**Date**

**Signature of the applicant<sup>2</sup>**

---

<sup>1</sup> If the application is on behalf of an institution, the name thereof should be given.

<sup>2</sup> If the application is on behalf of an institution, the signature should be that of the head of the institution, which term includes the Registrar of a University.

### FORM III

#### Licence for excavation in a protected area

(See rule 13)

Whereas \_\_\_\_\_ has applied for a licence for carrying out excavation operation in the protected area known as \_\_\_\_\_ at \_\_\_\_\_, District \_\_\_\_\_, State \_\_\_\_\_, and has undertaken to observe the provisions of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 and the rules made thereunder and has further deposited the sum of Rs. \_\_\_\_\_ (Rupees \_\_\_\_\_ only) as required by the rules, I, \_\_\_\_\_, Director General of Archaeology, do hereby grant this licence under sub-rule (1) of rule 13 of the said rules to the said \_\_\_\_\_ to carry out excavation operations in the area indicated in red outline on the plan attached hereto.

The licence is granted subject to the provisions of the said Act and rules and is further subject to the conditions that \_\_\_\_\_ of \_\_\_\_\_ shall be the director of the excavation.

The licence is not transferable. It shall be valid for \_\_\_\_\_ commencing with \_\_\_\_\_ day of \_\_\_\_\_ 2000.

**Station**

**Seal of the Department of  
Archaeology of the  
Government of India**

**Date**

**Signature of the  
Director General of Archaeology.**

**FORM IV**

**Report on antiquities in a protected area  
(See rule 16)**

Name of the site

Locality

District

State

Report for the period from \_\_\_\_\_ 20 to \_\_\_\_\_ 20

Sl. no.	Class of antiquities	Material	Number of antiquities <sup>1</sup>		Approximate age	Remarks
			Complete	Fragmentary		

**Station  
Date**

**Signature of the licensee**

---

<sup>1</sup> In the case of potsherds, the approximate number should be stated.

**FORM V**

**Report on antiquities by an archaeological officer  
(See rule 27)**

Name of the site

Locality

District

State

Report for the period from \_\_\_\_\_ 20 to \_\_\_\_\_ 20

Serial no.	Class of antiquities	Material	Number of antiquities <sup>1</sup>		Approximate age	Remarks
			Complete	Fragmentary		

**Station  
Date**

**Signature of the archaeological officer**

---

<sup>1</sup> In the case of potsherds, the approximate number should be stated.

**FORM VI**

**Application for the moving of antiquities  
(See rule 28)**

1. Name and address of applicant<sup>1</sup>
2. Name of the place from which antiquities are to be moved  
  
Locality                      District                      State
3. Description of antiquities proposed to be moved  
(Photographs showing details of the antiquities should be attached)
4. Approximate date of the moving
5. Purpose of moving
6. Whether the antiquities or any of them are objects of worship

I declare that the above information is correct

**Seal of the organization**

**Station**  
**Date**

**Signature of the applicant<sup>2</sup>**

---

<sup>1</sup> If the application is on behalf of an organization, the name thereof should be given.

<sup>2</sup> If the application is on behalf of an organization, the signature should be that of the head of that organization.

## FORM VII

### Application for licence for mining operation/construction within a regulated area (See rule 34)

1. Name and address of applicant<sup>1</sup>
2. Name of the monument near or adjoining which the regulated area is situated.  

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

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

In the case of construction, a site-plan in triplicate showing in red outline the location of the building in relation to the monument and the regulated area and the plan and elevation of the building should be attached; and the colour, external appearance and method of the screening of the building and the depth down to which the soil will be excavated for the appurtenances of the building should be specified.)
4. Purpose of the proposed mining operation/construction
5. Approximate duration and date of commencement of the proposed mining operation/construction

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

**Station**

**Seal of the organisation**

**Date**

**Signature of the applicant<sup>2</sup>**

---

<sup>1</sup> If the application is on behalf of an organization, the name thereof should be given.

<sup>2</sup> If the application is on behalf of an organization, the signature should be that of the head of that organization.

**Form VIII**

**Licence of mining operation / construction within a regulated area**  
(see rule 35)

Whereas ..... of ..... Has applied for a licence for in the regulated area near or adjoining ..... at ..... District ..... State ..... and has undertaken to observe the provisions of the Ancient Monuments and Archaeological Sites and Remains Act, 1958, and the rules thereunder, ..... I, ..... Director-General of Archaeology, do hereby grant this licence under sub-rule (1) of rule 35 of the said rules to the said ..... for ..... in the area indicated in red outline on the plan attached hereto.

The licence is granted subject to the provisions of the said Act and rules and is further subject to the following condition, namely:

The licence is not transferable. It shall be valid for commencing with ..... day ..... of 20 .....

**Station**

**Seal of the Department of  
Archaeology of the  
Government of India**

**Date**

**Signature of the  
Director General of Archaeology**

**Form IX**

**Application for licence of filming operation at a protected monument  
(See rule 43)**

1. Name and address of applicant<sup>1</sup>.
2. Name of the monument at which the proposed filming operation is to be carried out.

Locality	District	State
----------	----------	-------

3. Part of the monument proposed to be filmed.
4. Nature and purpose of the proposed filming operation and the context in which the monument is proposed to be filmed (relevant extract of the script should be attached in triplicate and details of the scenes to be filmed should be furnished in triplicate).
5. Number of persons in the cast.
6. Approximate duration and date of commencement of proposed filming operation.

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

**Station**

**Seal of the organisaion**

**Date**

**Signature of the applicant<sup>2</sup>**

---

<sup>1</sup> If the application is on behalf of an organisation, the name thereof should be given.

<sup>2</sup> If the application is on behalf of an organization, the signature should be that of the head of that organization.

**FORM X**

**Licence for filming operation at a protected monument  
(See rule 44)**

Whereas \_\_\_\_\_ of \_\_\_\_\_ has applied for a licence for filming operation at the protected monument known as \_\_\_\_\_ located at \_\_\_\_\_ District \_\_\_\_\_ State \_\_\_\_\_, and has undertaken to observe the provisions of the Ancient Monuments and Archaeological Sites and Remains Act, 1958, and the rules made thereunder, I, \_\_\_\_\_, Director-General of Archaeology, do hereby grant this licence under rule 44 of the said rules to the said \_\_\_\_\_ for the carrying out of filming operation, as per script and details of scenes attached hereto, in the following parts of the monuments, namely:-

The licence is granted subject to the provisions of the said Act and rules and is further subject to the following conditions, namely:--

The licence is not transferable. It shall be valid for \_\_\_\_\_ commencing with \_\_\_\_\_ day of \_\_\_\_\_ 2000.

**Seal of the Department  
of Archaeology of the  
Government of India  
Station  
Date**

**Signature of the  
Director General of Archaeology.**

# THE GAZETTE OF INDIA

**DEPARTMENT OF CULTURE  
(ARCHAEOLOGICAL SURVEY OF INDIA)  
NEW DELHI, THE 16<sup>TH</sup> JUNE 1992  
(ARCHAEOLOGY)**

**S.O.1764.**—Whereas by the notification of the Government of India in the Department of Culture, Archaeological Survey of India no. S.O. 1447 dated the 15<sup>th</sup> May 1991, published in the Gazette of India, part II, Section 3, sub-section (ii) dated the 25<sup>th</sup> May 1991, the Central Government gave one month's notice of its intention to declare areas upto 100 meters from the protected limits and further beyond it upto 200 meters near or adjoining protected monuments to be prohibited and regulated areas respectively for purposes of both mining operation and construction;

And whereas the said Gazette was made available to the public on the 5<sup>th</sup> June 1991:

And whereas objections to the making of such declaration received from the person interested in the said areas have been considered by the Central Government.

Now, therefore, in exercise of the powers conferred by rule 32 of the Ancient Monuments and Archaeological Sites and Remains Rules, 1959, the Central Government hereby declares the said areas to be prohibited and regulated areas. This shall be in addition to and not in any way prejudice to similar declarations already made in respect of monuments at Fatehpur Sikri; Mamallapuram; Golconda Fort, Hyderabad, Andhra Pradesh; Thousand Pillared Temple, Hanamkonda, district Warangal, Andhra Pradesh; Sher Shah's Tomb, Sasaram, Bihar; Rock Edict of Ashoka, Kopbal, district Raichur, Karnataka; Fort Wall, Bijapur, Karnataka; Gomateswara Statue at Sravanabelagola, district Hassan, Karnataka; Elephanata Caves, Gharapuri, district Kolaba, Maharashtra.

**[No. F. 8/2/90-M]  
M.C. JOSHI,  
Director General.**



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 13]

नई दिल्ली, मंगलवार, मार्च 30, 2010 / चैत्र 9, 1932

No. 13]

NEW DELHI, TUESDAY, MARCH 30, 2010 / CHAITRA 9, 1932

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW AND JUSTICE (Legislative Department)

*New Delhi, the 30th March, 2010/Chaitra 9, 1932 (Saka)*

The following Act of Parliament received the assent of the President on the 29th March, 2010, and is hereby published for general information:—

### THE ANCIENT MONUMENTS AND ARCHAEOLOGICAL SITES AND REMAINS (AMENDMENT AND VALIDATION) ACT, 2010

(No. 10 OF 2010)

[29th March, 2010.]

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

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

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

Short title and  
commencement.

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

24 of 1958.

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

Amendment of  
section 2.

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

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

(db) "competent authority" means an officer not below the rank of Director of archaeology or Commissioner of archaeology of the Central or State Government or equivalent rank, specified, by notification in the Official Gazette, as the competent authority by the Central Government to perform functions under this Act:

Provided that the Central Government may, by notification in the Official Gazette, specify different competent authorities for the purpose of sections 20C, 20D and 20E;

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

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

'(ha) "prohibited area" means any area specified or declared to be a prohibited area under section 20A;';

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

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

'(l) "regulated area" means any area specified or declared under section 20B;

'(m) "repair and renovation" means alterations to a pre-existing structure or building, but shall not include construction or re-construction;'

Insertion of  
new section  
4A.

Categorisation  
and  
classification  
in respect of  
ancient  
monuments or  
archaeological  
sites and  
remains  
declared as of  
national  
importance  
under sections  
3 and 4.

Insertion of  
new section  
20A.

Declaration of  
prohibited area  
and carrying  
out public work  
or other works  
in prohibited  
area.

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

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

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

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

#### "PROHIBITED AND REGULATED AREAS

20A. Every area, beginning at the limit of the protected area or the protected monument, as the case may be, and extending to a distance of one hundred metres in all directions shall be the prohibited area in respect of such protected area or protected monument:

Provided that the Central Government may, on the recommendation of the Authority, by notification in the Official Gazette, specify an area more than one hundred

metres to be the prohibited area having regard to the classification of any protected monument or protected area, as the case may be, under section 4A.

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

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

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

(b) such other work or project, in its opinion, shall not have any substantial adverse impact on the preservation, safety, security of, or, access to, the monument or its immediate surrounding,

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

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

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

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

Amendment of section 20A.

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

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

Insertion of new section 20B.

"20B. Every area, beginning at the limit of prohibited area in respect of every ancient monument and archaeological site and remains, declared as of national importance under sections 3 and 4 and extending to a distance of two hundred metres in all directions shall be the regulated area in respect of every ancient monument and archaeological site and remains:

Declaration of regulated area in respect of every protected monument.

Provided that the Central Government may, by notification in the Official Gazette, specify an area more than two hundred metres to be the regulated area having regard

to the classification of any protected monument or protected area, as the case may be, under section 4A:

Provided further that any area near any protected monument or its adjoining area declared, during the period beginning on or after the 16th day of June, 1992 but ending before the date on which the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Bill, 2010, receives the assent of the President, as a regulated area in respect of such protected monument, shall be deemed to be the regulated area declared in respect of that protected monument in accordance with the provisions of this Act and any permission or licence granted for construction in such regulated area shall, be deemed to have been validly granted in accordance with the provisions of this Act, as if this section had been in force at all material times.”.

7. After section 20B of the principal Act (as so inserted by section 6 of this Act) the following sections shall be inserted, namely:—

Insertion of new sections 20C, 20D, 20E, 20F, 20G, 20H, 20-I, 20J, 20K, 20L, 20M, 20N, 20-O, 20P and 20Q.

Application for repair or renovation in prohibited area, or construction or re-construction or repair or renovation in regulated area.

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

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

#### GRANT OF PERMISSION BY COMPETENT AUTHORITY

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

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

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

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

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

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

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

Insertion of new section 4A.

Category and class in respect of ancient monuments and archaeological sites and remains declared as national monuments under section 3 and

Insertion of new section 20A

Declaration of prohibited and out of area

Grant of permission by competent authority within regulated area.

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

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

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

2 of 1882.

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

Heritage bye-laws.

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

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

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

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

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

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

#### NATIONAL MONUMENTS AUTHORITY

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

Constitution of National Monuments Authority.

(2) The Authority shall consist of,—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Selection  
Committee  
for selection  
of members  
of Authority.

Salary,  
allowances and  
meetings of  
Authority.

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

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

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

Functions and powers of Authority.

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

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

(c) oversee the working of the competent authorities;

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

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

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

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

5 of 1908.

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

(b) requiring the discovery and production of documents;

(c) any other matter which may be prescribed.

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

Removal of Chairperson and members.

(a) has been adjudged an insolvent; or

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

(c) has become physically or mentally incapable of acting as Chairperson or member; or

(d) has acquired such financial or other interests as is likely to affect prejudicially his functions; or

(e) has so abused his position as to render his continuance in office prejudicial to the public interest.

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

20K. On ceasing to hold office, the Chairperson or whole-time member of the Authority, as the case may be, shall, subject to the provisions of this Act, be ineligible, for a period of five years from the date on which they cease to hold office, for further employment (including as consultant or expert or otherwise) in any institution, agency

Restriction on future employment by Chairperson and members.

or organisation of any nature mainly dealing with archaeology, country and town planning, architecture, heritage and conservation-architecture or whose matters had been before the Chairperson or such member.

Power of  
Central  
Government  
to issue  
directions to  
Authority.

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

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

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

Power of  
Central  
Government to  
issue directions  
to competent  
authority.

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

Power of  
Central  
Government  
to supersede  
Authority.

20N. (1) If, at any time the Central Government is of the opinion,—

(a) that, on account of circumstances beyond the control of the Authority, it is unable to discharge the functions or perform the duties imposed on it by or under the provisions of this Act; or

(b) that the Authority has persistently defaulted in complying with any direction given by the Central Government under this Act or in the discharge of the functions or performance of the duties imposed on it by or under the provisions of this Act and as a result of such default the financial position of the Authority or the administration of the Authority has suffered; or

(c) that circumstances exist which render it necessary in the public interest so to do,

the Central Government may, by notification in the Official Gazette, supersede the Authority for such period, not exceeding six months, as may be specified in the notification and appoint a person or persons as the President may direct to exercise powers and discharge functions under this Act:

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

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

(a) the Chairperson and all other whole-time members and part-time members shall, as from the date of supersession, vacate their offices as such;

(b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the Authority shall, until the Authority is reconstituted under sub-section (3), be exercised and discharged by the person or persons referred to in sub-section (1); and

(c) all properties owned or controlled by the Authority shall, until the Authority is reconstituted under sub-section (3), vest in the Central Government.

(3) On or before the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government shall reconstitute the Authority by a fresh appointment of its Chairperson and other whole-time members and part-time members and in such case any person who had vacated his office under

clause (a) of sub-section (2) shall not be deemed to be disqualified, subject to the provisions of sub-section (3) of section 20F for reappointment for the remaining period.

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

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

Bar of jurisdiction of civil court.

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

Annual report.

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

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

Power to call for information.

8. In section 30 of the principal Act,—

Amendment of section 30.

(a) in sub-section (1),—

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

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

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

9. After section 30 of the principal Act, the following sections shall be inserted, namely:—

Insertion of new sections 30A, 30B and 30C.

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

Punishment for construction, etc., in prohibited area.

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

Punishment for construction, etc., in regulated area.

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

Offences by officers of Government.

Insertion of new sections 35A and 35B.

Obligation to survey the protected prohibited area and regulated areas.

Identification of un-authorized constructions on or after 16th June, 1992.

Amendment of section 38.

Validation of action taken, etc., under notification No.S.O.1764, dated 16th June, 1992.

10. After section 35 of the principal Act, the following sections shall be inserted, namely:—

“35A. (1) The Director-General shall, within such time as may be specified by the Central Government, conduct a survey or cause survey to be conducted in respect of all prohibited areas and regulated areas for the purpose of detailed site plans.

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

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

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

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

“(ca) the categories of ancient monuments or archaeological sites and remains, declared as of national importance, under sub-section (1) of section 4A;

(cb) the manner of making application for grant of permission under sub-section (1) of section 20D;

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

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

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

(cf) salaries and allowances payable to, and the other terms and conditions of service of, the whole-time Chairperson and whole-time members, or fees or allowances payable to the part-time members, of the Authority under sub-section (1) of section 20H;

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

(ch) the form and manner in which the Authority and competent authority shall furnish information to the Central Government under section 20Q;”.

12. Notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority—

(a) any thing done or purported to be done or any action taken or purported to be taken by the Central Government, except as provided in the second proviso to sub-section (3) of section 20A, immediately before the commencement of this Act, in pursuance of the notification of the Government of India in the Department of Culture (Archaeological Survey of India) number S.O.1764, dated the 16th June, 1992 issued under rule 34 of the Ancient Monuments and Archaeological Sites and Remains Rules, 1959, shall be deemed to be and deemed to have always been done or taken validly and in accordance with law at all material times [except as provided in the second proviso to sub-section (3) of section 20A] and no action taken or thing done

24 of 1958. (including any order made, agreement entered into, or notification issued for constituting any Expert Advisory Committee) in connection with any permission granted or licence issued for any construction in a prohibited area or a regulated area in respect of a protected monument, shall be deemed to be invalid or ever to have become invalid except as provided in the second proviso to sub-section (3) of section 20A merely on the ground that the Ancient Monuments and Archaeological Sites and Remains Act, 1958 or the rules, orders or notifications issued thereunder did not contain any provision for constitution of an Expert Advisory Committee or Advisory Committee, as the case may be;

24 of 1958. (b) no suit, claim or other proceedings shall be instituted, maintained or continued in any court, tribunal or other authority for any permission or licence granted by the Central Government or the Director-General under the Ancient Monuments and Archaeological Sites and Remains Act, 1958 or any rule, order or notification made thereunder for carrying out any repair, renovation or construction work or for undertaking any public work or public project before the commencement of this Act;

24 of 1958. (c) no claim or challenge shall be made in or entertained by any court, tribunal or other authority solely on the ground that the Central Government or the Director-General did not take into consideration any of the provisions of the Ancient Monuments and Archaeological Sites and Remains Act, 1958, as amended by the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010, in granting any permission or licence for the purpose of carrying out any mining or repair, renovation or construction work in a prohibited area or a regulated area at any time between the 16th day of June, 1992 and the date of commencement of this Act.

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

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

V. K. BHASIN,  
Secy. to the Govt. of India.



The Gujarat Ancient Monuments and Archaeological Sites and Remains Act,  
1965

Act 25 of 1965

Keyword(s):

Ancient and Historical Monument, Antiquity, Archaeological Site and Remains, Land Acquisition Act, Maintain, Owner, Protected Area, Protected Monument

Amendment appended: 4 of 1978

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.



# The Gujarat Government Gazette EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. VI] MONDAY, NOVEMBER 29, 1965/AGRAHAYANA 8, 1887

Separate Paging is given to this part in order that it may be  
filed as a separate compilation

## PART IV

### Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature having been assented to by the President on the 21st November 1965 is hereby published for general information.

SUMANT M. VIDYARTHI,  
Secretary to the Government of Gujarat,  
Legal Department.

#### GUJARAT ACT NO. 25 OF 1965.

(First published, after having received the assent of the President in the "*Gujarat Government Gazette*" on the 29th November, 1965.)

**An Act to make better provision for the preservation of ancient and historical monuments and records and archaeological sites and remains (other than those declared to be of national importance) in the State of Gujarat and for matters connected with the purposes aforesaid.**

It is hereby enacted in the Sixteenth Year of the Republic of India as follows:—

#### CHAPTER I

##### PRELIMINARY

1. (1) This Act may be called the Gujarat Ancient Monuments and Archaeo-logical Sites and Remains Act, 1965.

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Short  
title,  
extent  
and co-  
mence-  
ment.

## Definitions.

## 2. In this Act, unless the context otherwise requires,—

(1) "ancient and historical monument" means any structure, erection or monument, or any tumulus or place of interment, or any cave, rock sculpture, inscription or monolith, which is of historical, archaeological or artistic interest and which has been in existence for not less than one hundred years, and includes—

(a) the remains of such monument,

(b) the site of such monument,

(c) such portion of land adjoining the site of such monument as may be required for fencing or covering in or otherwise preserving the monument, and

(d) the means of access to, and from, and convenient inspection of, such monument;

(2) "antiquity" includes—

(a) any coin, sculpture, manuscript, epigraph, or other work of art or craftsmanship,

(b) any article, object or thing detached from a building or cave,

(c) any article, object or thing illustrative of science, art, crafts, literature, religion, customs, morals or politics in by-gone ages,

(d) any article, object or thing of historical interest, and

(e) any article, object or thing which in the opinion of the State Government because of its historical or archaeological importance is fit to be preserved and is declared by the State Government, by notification in the *Official Gazette*, to be an antiquity for the purposes of this Act:

Provided that such antiquity has been in existence for not less than one hundred years.

(3) "Archaeological Officer" means such Officer as the State Government may appoint to be an Archaeological Officer for the purposes of this Act;

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

(a) such portion of land adjoining the area as may be required for fencing or covering in or otherwise preserving it, and

(b) the means of access to, and from, and convenient inspection of, the area;

(5) "Collector" includes any officer authorised by the State Government to perform all or any of the functions of a Collector by or under this Act;

(6) "Director" means the officer appointed for the time being by the State Government to be the Director of Archaeology and includes any officer authorised by the State Government to perform all or any of the functions of the Director by or under this Act;

(7) "Land Acquisition Act" means the Land Acquisition Act 1894 as in force in the State of Gujarat;

(8) "maintain", with its grammatical variations and cognate expressions, includes 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 of securing convenient access thereto and therefrom;

(9) "owner" includes —

(a) 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

(b) any manager or trustee exercising powers of management and the successor in office of any such manager or trustee;

(10) "prescribed" means prescribed by rules made under this Act;

(11) "protected area" means any archaeological site and remains which is declared to be a protected area by or under this Act;

(12) "protected monument" means an ancient and historical monument which is deemed or declared to be protected monument by or under this Act.

## CHAPTER II

### PROTECTED MONUMENTS

3. All ancient and historical monuments in the State of Gujarat, which before the commencement of this Act have been declared by or under the Saurashtra Ancient Monuments Preservation Act, 1956 to be protected monuments, and have not been declared by or under any law made by Parliament to be of national importance, shall be deemed to be protected monuments for the purposes of this Act.

Certain ancient and historical monuments deemed to be protected monuments.

Sau. III of 1956.

Power of State Government to declare ancient and historical monuments to be protected monuments.

4. (1) Where the State Government is of opinion that any ancient and historical monument not included in section 3 and not declared by or under any law made by Parliament to be of national importance, should be a protected monument, it may, by notification in the *Official Gazette*, give two months' notice of its intention to declare such monument to be a protected monument; and a copy of every such notification shall be affixed in a conspicuous place near the monument.

(2) If any person interested in any such monument has any objection to the monument being declared as a protected monument, he may, within two months of the publication of the notification under sub-section (1), submit his objection in writing, to the State Government.

(3) On the expiry of the said period of two months, the State Government may, after considering the objections, if any, received under sub-section (2), declare by notification in the *Official Gazette* the ancient and historical monument to be a protected monument.

(4) A notification published under sub-section (3) shall, unless and until it is withdrawn by the State Government, be conclusive evidence of the fact that the ancient and historical monument to which it relates is a protected monument for the purposes of this Act.

Acquisition of rights in a protected monument.

5. (1) The Collector 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 Collector may, by notification in the *Official Gazette*, assume the guardianship of the monument.

(3) The owner of any protected monument may, by written instrument, constitute the Collector the guardian of the monument, and the Collector may, with the sanction of the State Government, accept such guardianship.

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

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

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

Preservation of protected monument by agreement.

6. (1) The Collector may, with the previous sanction of the State Government, propose to the owner of a protected monument to enter into an agreement with the State Government, within a specified period, for the maintenance of the monument.

(2) Any agreement under this section may provide for all or any of the following matters, that is to say,—

- (a) the maintenance of the monument;
- (b) the custody of the monument, and the duties of any person who may be employed to watch it;
- (c) the restriction of the owner's right —
  - (i) to use the monument for any purpose,
  - (ii) to charge any fee for entry into, or inspection of, the monument,
  - (iii) to destroy, remove, alter or deface the monument, or
  - (iv) to build on or near the site of the monument;
- (d) the facilities of access to be permitted to the public, or any section thereof, or to persons deputed by the owner, the Director 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 payment of any expenses incurred by the owner or by the State Government in connection with the maintenance 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 of the monument;
- (h) the appointment of an authority to decide any dispute arising out of the agreement; and
- (i) any matter connected with the maintenance of the monument which is a proper subject of agreement between the owner and the State Government.

(3) 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 months' 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 of the monument during the five years immediately preceding the termination of the agreement or, if the agreement has been in force for a shorter period, during the period the agreement was in force.

(4) An agreement under this section shall be binding 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.

Owners under disability or not in possession.

7. (1) If the owner of a protected monument is unable, by reason of infancy or other disability, to act for himself, the person legally competent to act on his behalf may exercise the powers conferred upon an owner under section 6.

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

(3) Nothing in this section shall be deemed to empower any person, not being of the same religion as the person on whose behalf he is acting, to make or execute an agreement relating to a protected monument which, or any part of which, is periodically used for religious worship or observances of that religion.

Application of endowment to repair a protected monument.

8. (1) If any owner or other person competent to enter into an agreement under section 6 for the maintenance of a protected monument refuses or fails to enter into such an agreement, and if any endowment has been created for the purpose of keeping such monument in repair, or for that purpose among others, the 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 an application to the district judge, for the proper application of such endowment or part thereof.

(2) On the hearing of an application under sub-section (1), the district judge may summon and examine the owner and any person whose evidence appears to him necessary, and may pass an order for the proper application of the endowment or of any part thereof, and any such order may be executed as if it were a decree of a civil court.

Failure or refusal to enter into an agreement.

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

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

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

10. (1) If the Collector apprehends that the owner or occupier of a protected monument intends to destroy, remove, alter, deface, imperil or misuse the monument or to build on or near the site thereof in contravention of the terms of an agreement under section 6, the Collector may, after giving the owner or occupier an opportunity of making a representation in writing, make an order prohibiting any such contravention of the agreement: Power to make order prohibiting contravention of agreement under section 6.

Provided that no such opportunity may be given in any case where the Collector, for reasons to be recorded in writing, is satisfied that it is not expedient or practicable to do so.

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

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

(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.

12. Every person who purchases at a sale for arrears of land revenue or any other public demand, any land on which is situated a monument in respect of which any instrument has been executed by the owner for the time being under section 5 or section 6, and every person claiming any title to a monument from, through or under, an owner who executed any such instrument, shall be bound by such instrument. Purchase at certain sales and persons claiming through owner bound by instrument executed by owner.

13. If the State Government apprehends that a protected monument is in danger of being destroyed, injured, misused or allowed to fall into decay, it may acquire the protected monument under the provisions of the Land Acquisition Act, as if the maintenance of the protected monument were a public purpose within the meaning of that Act. Acquisition of protected monuments.

14. (1) The State Government shall maintain every monument which has been acquired under section 13, or in respect of which any of the rights mentioned in section 5 have been acquired. Maintenance of certain monuments.

(2) When the Collector has assumed the guardianship of a monument under section 5, he shall, for the purpose of maintaining such monument, have access to the monument at all reasonable times, by himself and by his agents, sub-

ordinates and workmen, for the purpose of inspecting the monument, and for the purpose of bringing such materials and doing such acts as he may consider necessary or desirable for the maintenance thereof.

Voluntary  
contributions.

15. The Director may receive voluntary contribution, 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.

Protection of  
place of wor-  
ship from  
misuse,  
pollution  
or desec-  
ration.

16. (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 13, or where the Collector has purchased, or taken a lease or accepted a gift or bequest, or assumed guardianship, of a protected monument under section 5, and such monument or any part thereof is used for religious worship or observances by any community, the Collector shall make due provision for the protection of such monument or part thereof, from pollution or desecration—

(a) by prohibiting the entry therein except in accordance with the conditions prescribed with the concurrence of the persons, if any, in charge of the said monument or part thereof, and connected with any religious practice or observances in relation thereto, of any person not entitled so to enter by the religious usages of the community by which the monument or part thereof is used, or

(b) by taking such other action as he may think necessary in this behalf.

Preserva-  
tion of  
amenities  
of protected  
monuments.

17. (1) If the State Government is of opinion that for the purpose of preserving the reasonable amenities of any protected monument, it is necessary so to do, the State Government may, subject to the provisions of this section, by notification in the *Official Gazette*, in respect of any area comprising or adjacent to the site of such monument specified in such notification (hereinafter referred to as "the controlled area")—

(a) prohibit or restrict the construction, erection or execution of building, 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 public convenience vesting in it, that is to say, a latrine, urinal, dustbin, rubbish dump and the like, located close to or in the vicinity of any protected monument;

(d) prohibit or restrict the felling of trees within the controlled area;

(e) otherwise restrict the user of land within the controlled area to such extent as is necessary for the purpose of preserving the reasonable amenities 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 at the headquarters of the taluka or mahal of the district 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 objection to the issuing of such a notification, to submit their objections in writing to the State Government or 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 on the expiration of the time allowed by sub-section (2) for the filing of objections, no objection has been made, the State Government shall proceed at once to issue the notification under sub-section (1). If any such objection has been made, the State Government may, after all the objections have been considered or heard, as the case may be, either—

(a) abandon the proposal to issue the notification under sub-section (1); or

(b) issue the notification under sub-section (1) with such modifications (if any) as it thinks fit.

(4) 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 such a notification was given under sub-section (2), and for the purpose of this provision a building, structure, or other work and any alteration or extension thereof shall be deemed to have been constructed, erected or executed before that date—

(a) if its construction, erection or execution was begun before that date, or

(b) if, and so far as, its construction, erection or execution was necessary for the purpose of performing a contract made before that date.

(6) Any person whose property is injuriously affected by the coming into force of a notification under sub-section (1) shall, subject to the provisions of section 27, be entitled to obtain compensation in respect thereof from the State Government.

Relinquish-  
ment of  
Government  
rights  
in a  
monument.

18. With the sanction of the State Government, the Collector may,—

(a) where rights have been acquired by the Collector in respect of any monument under this Act by virtue of any sale, lease, gift or bequest, relinquish by notification in the *Official Gazette*, the rights so acquired to the person who would for the time being be the owner of the monument, if such rights had not been acquired; or

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

Right of  
access to  
protec-  
ted monu-  
ments.

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

### CHAPTER III

#### PROTECTED AREAS

Power of  
State  
Government  
to decla-  
re archa-  
eologi-  
cal sites  
and re-  
mains to  
be protec-  
ted areas.

20. (1) Where the State Government is of opinion that any archaeological site and remains, not declared by or under any law made by Parliament to be of national importance, should be a protected area, it may by notification in the *Official Gazette*, give two months' notice of its intention to declare such archaeological site and remains to be a protected area, and a copy of every such notification shall be affixed in a conspicuous place near the site and remains.

(2) If any person interested in any such archaeological site and remains has any objection to the same being declared a protected area, he may within two months of the publication of the notification under sub-section (1) submit his objection in writing to the State Government.

(3) On the expiry of the said period of two months, the State Government may, after considering the objections, if any, received by it under sub-section (2), declare by notification in the *Official Gazette* the archaeological site and remains to be a protected area.

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

21. (1) No person, including the owner or occupier of a protected area, shall construct any building within the protected area, or carry on any mining, quarrying, excavating, blasting or any operation of a like nature, in such area, or utilise such area or any part thereof in any other manner, without the permission of the State Government :

Restrictions on enjoyment of property rights in protected areas.

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 more than thirty centimetres 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 provision 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.

22. If the State Government is of opinion that any protected area contains an ancient monument or interesting and valuable antiquities, it may acquire such area under the provisions of the Land Acquisition Act, as if the acquisition were for a public purpose within the meaning of that Act.

Power to acquire a protected area.

1 of 1894.

## CHAPTER IV

### PROTECTION OF ANTIQUITIES

23. (1) If the State Government considers it necessary in the public interest that any antiquities or class of 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 antiquity or any class of such antiquities shall not be moved except with the written permission of the Collector.

Power of State Government to control moving of antiquities.

(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.

24. (1) If the State Government apprehends that any antiquity mentioned in a notification issued under sub-section (1) of section 23 is in danger of being destroyed, removed, injured, misused or allowed to fall into decay, or is of opinion that by reason of its historical or archaeological importance, it is desirable to preserve such antiquity in a public place, the 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 purchased.

Purchase of antiquities by State Government.

(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.

(3) The power of compulsory purchase given by this section shall not extend to any image or symbol actually used for *bona fide* religious observances.

## CHAPTER V

### PRINCIPLES OF COMPENSATION

Compensation for loss or damage.

25. Any owner or occupier of land who has sustained any loss or damage or any diminution of profits from the land by reason of any entry on 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.

Assessment of market value or compensation.

26. (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 under this Act shall, where any dispute arises in respect of such market value or compensation, be ascertained in the manner provided in sections 3, 5, 8 to 34, 45 to 47, 51 and 52 of the Land Acquisition Act, so far as they can be made applicable :

I of 1894

Provided that, when making an enquiry under the said Land Acquisition Act, the Collector shall be assisted by two assessors, one of whom shall be a competent person nominated by the State Government and one 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 Land Acquisition Act, in determining the market value of any antiquity in respect of which an order for compulsory purchase is made under sub-section (1) of section 24 any increase in the value of the antiquity by reason of its being of historical or archaeological importance shall not be taken into consideration.

Special provision as to compensation under section 17.

27. (1) No person shall be entitled to compensation under sub-section (6) of section 17 unless within three months from the date on which the notification issued under sub-section (1) of that section comes into force, or within such further time as the State Government may in special circumstances allow, he makes a claim for the purpose in such manner as may be prescribed by the State Government.

(2) A person shall not be entitled to compensation by reason of the fact that any act or thing done or caused to be done by him has been rendered abortive by the notification referred to in sub-section (1) if, or so far as, the act or thing was done after the date on which the notification was issued, or by reason of the fact that the performance of any contract made by him after that date is prohibited on account of the notification.

(3) Where any provision of such notification was immediately before the notification came into force already in force by virtue of any other enactment no compensation shall be payable by reason of any property being injuriously affected by that provision if compensation therefor has been paid or could have been claimed, or was not payable, under the provision before its inclusion in the notification.

(4) Where any provision of such notification could, immediately before it came into force, have been validly included in a scheme, order, regulation or by-law by virtue of any other enactment, then—

(a) if no compensation would have been payable by reason of the inclusion of that provision in that scheme, order, regulation or by-law, no compensation shall be payable in respect of that provision of the notification; and

(b) if compensation would have been so payable, the compensation payable in respect of that provision of the notification shall not be greater than the compensation which would have been so payable.

(5) Any dispute as to the amount of the sum which is to be paid as compensation under sub-section (6) of section 17 shall be determined in accordance with the provisions of section 26.

## CHAPTER VI

### MISCELLANEOUS

28. (1) For the purpose of advising the State Government in the matter of the preservation and maintenance of protected monuments and protected areas, and such other matters incidental to the administration of this Act as may be referred to it by the State Government, the State Government may constitute a State Advisory Board under such name as it may specify.

(2) The constitution of the Advisory Board, the term of office of its members, and the procedure regarding its work, shall be such as may be prescribed.

(3) The members of the Board shall be entitled to payment of such travelling allowance, as may be prescribed.

29. The State Government may, by notification in the *Official Gazette*, direct, that any powers conferred on it by or under this Act shall, subject to such conditions as may be specified in the direction, be exercisable also by the Director or such other officer not below the rank of Collector, as may be specified in the direction.

30. Notwithstanding anything contained in this Act, the State Government may from time to time issue directions for the guidance of its officers in matters connected with the administration of this Act, and the officers shall comply with such directions.

## Penalties

## 31. (1) Whoever—

(i) destroys, removes, injures, alters, defaces, imperils or misuses a protected monument, or

(ii) being the owner or occupier of a protected monument, contravenes an order made under sub-section (1) of section 9 or under sub-section (1) of section 10, or

(iii) removes from a protected monument any sculpture, carving, image, bas-relief, inscription, or other like object, or

(iv) does any act in contravention of sub-section (1) of section 21,

shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to five thousand rupees, or with both.

(2) Any person who contravenes any of the provisions of a notification issued under sub-section (1) of section 17 shall, on conviction, be punished with fine which may extend to two thousand rupees, and if the contravention is continued after conviction, with a further fine which may extend to twenty five rupees for each day on which the contravention is so continued, and if such contravention is continued after the expiry of such period as the Court may determine, the State Government shall in addition 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 for making it in conformity with such provisions, and any expense incurred by the State Government shall be recoverable from the person convicted as an arrear of land revenue.

(3) Any person who moves any antiquity in contravention of a notification issued under sub-section (1) of section 23 shall, on conviction, be punished with fine which may extend to five thousand rupees; and the Court convicting a person of any such contravention may by order direct such person to restore the antiquity to the place from which it was moved.

Jurisdiction  
to try offences.

32. No court inferior to that of a magistrate of the first class shall try any offence under this Act.

Certain offences to be cognizable.

33. Notwithstanding anything contained in the Code of Criminal Procedure, <sup>v of 1898</sup> 1898, an offence under clause (i) or clause (iii) of sub-section (1) of section 31 <sup>1893</sup> shall be deemed to be a cognizable offence within the meaning of that Code.

v of  
1898.

34. Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for any magistrate of the first class specially empowered by the State Government in this behalf, and for any magistrate exercising the powers of a Presidency Magistrate to pass a sentence of fine exceeding two thousand rupees on any person convicted of an offence which under this Act is punishable with fine exceeding two thousand rupees.

Special provision regarding fine.

35. Any amount due to the State Government from any person under this Act may, on a certificate issued by the Director or an officer authorised by the State Government in this behalf, be recovered as an arrear of land revenue.

Recovery of amounts due to Government.

36. If the State Government is of opinion that any ancient and historical monument or archaeological site and remains declared to be a protected monument or protected area should cease to be such monument or area, it may, by notification in the *Official Gazette*, declare that the ancient and historical monument or archaeological site and remains has ceased to be a protected monument or a protected area, and thereupon such monument or area shall cease to be a protected monument or protected area for the purposes of this Act.

Monuments and sites which have ceased to be protected monuments and protected areas.

37. Any clerical mistake, patent error, or error arising from accidental slip or omission in the description of any ancient and historical monument or archaeological site and remains declared to be a protected monument or a protected area by or under this Act may, at any time, be corrected by the State Government by notification in the *Official Gazette*.

Power to correct mistakes, etc.

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

Protection of action taken under this Act.

39. (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.

Power to make rules.

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

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

(b) the right of access of the public to a protected monument and the fee, if any, to be charged therefor;

(c) the form in which applications for permission under section 21 or section 23 may be made and the particulars which they should contain;

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

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

(f) the constitution, the term of office of the members and the procedure of the State Advisory Board and the travelling allowance payable to its members;

(g) any other matter which is required or allowed by this Act to be prescribed.

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

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

(ii) in the case of a rule made with reference to clause (b) of sub-section (2), with fine which may extend to five hundred rupees.

(4) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made, and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following.

(5) Any rescission or modifications so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

**Application of certain other laws not barred.** 40. Save as expressly provided, the provisions of this Act shall be in addition to, and not in derogation of the provisions of the Ancient Monuments and Archaeological Sites and Remains Act, 1958, in so far as it relates to entry 40 in List III in the Seventh Schedule to the Constitution of India, or any other law relating to that entry for the time being in force. 24 of 1958.

**Repeal and saving.** 41. On the date of commencement of this Act, the following Acts shall be repealed, namely:—

(1) the Ancient Monuments Preservation Act, 1904, in its application to the State of Gujarat and in so far as it relates to entry 12 in List II and entry 40 in List III in the Seventh Schedule to the Constitution; and VII of 1904.

(2) the Saurashtra Ancient Monuments Preservation Act, 1956;

**Sau.  
III of  
1956.**

Provided that such repeal shall not affect,—

(a) the previous operation of any Act so repealed;

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any Act so repealed;

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any Act so repealed, or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed, as if this Act had not come into force:

Provided further that, subject to the preceding proviso and section 3, anything done or any action taken (including any appointment or delegation made, notification, declaration, direction or order issued, rule or form framed, sanction, permission or licence granted or agreement executed) under any Act so repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act, and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under this Act.

42. (1) Nothing in this Act shall apply to ancient and historical monuments, or archaeological sites or remains, declared by or under any law made by Parliament to be of national importance, or to any antiquities to which the Ancient Monuments and Archaeological Sites and Remains Act, 1958, applies.

Act not applicable to ancient monuments etc. of national importance.

(2) Where any ancient and historical monument or any archaeological site and remains which is a protected monument, or protected area, by or under the provisions of this Act is declared at any time by or under any law made by Parliament to be of national importance, the provisions of this Act shall cease to apply to such monument or area; and accordingly, it shall cease to be a protected monument or area for the purposes of this Act.



**The Gujarat Government Gazette**  
**EXTRAORDINARY**  
PUBLISHED BY AUTHORITY

Vol. XIX]

FRIDAY, JANUARY 27, 1978/MAGHA 7, 1899

Separate paging is given to this Part in order that it may  
be filed as a separate compilation.

**PART IV**

**Acts of the Gujarat Legislature and Ordinances promulgated and  
Regulations made by the Governor.**

The following Act of the Gujarat Legislature having been assented to by the Governor on the 19th January 1978 is hereby published for general information.

S. L. TALATI,  
Secretary to the Government of Gujarat,  
Legal Department.

**GUJARAT ACT NO. 4 OF 1978.**

(First published after having received the assent of the Governor in the "*Gujarat Government Gazette*" on the 27th January 1978).

An Act to amend the Gujarat Ancient Monuments and Archaeological Sites and Remains Act, 1965.

It is hereby enacted in the Twenty-eighth Year of the Republic of India as follows :—

1. This Act may be called the Gujarat Ancient Monuments and Archaeological Sites and Remains (Amendment) Act, 1977.

Insertion of  
new section  
16A in Guj.  
XXV of  
1965.

2. In the Gujarat Ancient Monuments and Archaeological Sites and Remains Act, 1965, after section 16, the following new section shall be inserted, namely:—

Guj.  
XXV  
of  
1965.

Power of  
State Govern-  
ment to trans-  
fer prote-  
cted monu-  
ments of  
local impor-  
tance to  
local autho-  
rities.

"16A. (1) If in respect of any protected monument of which the State Government is the sole owner, the State Government is of opinion that it is of local importance only and that the ownership thereof may be transferred, without detriment to public interest, to the local authority within whose territorial jurisdiction it is situated, the Government may, by an order publish in the *Official Gazette*, transfer the ownership of such monument to such local authority with the consent of that authority, subject to such terms and conditions as may be specified in such order.

(2) The local authority to which a protected monument is transferred under sub-section (1) shall maintain such monument.

(3) If the State Government is satisfied that a protected monument, the ownership of which is transferred to a local authority under sub-section (1), is not being properly maintained by the local authority or that the local authority has committed breach of any of the terms and conditions specified in the order made under sub-section (1) or that it is otherwise necessary to do so in public interest, it shall be lawful for the State Government to resume the ownership of such protected monument.

(4) Notwithstanding the transfer of ownership of any protected monument to a local authority, the State Government may, from time to time, issue such directions as it may think fit to such local authority in regard to the maintenance and preservation of such protected monument and the local authority shall comply with such directions.

(5) Nothing in this section shall apply to a protected monument of the description mentioned in section 16.

*Explanation.*—In this section, "local authority" means a municipal corporation, a municipality or a district panchayat constituted under any law for the time being in force."

## સાંથલેશ્વર મહાદેવ, મથાસુળિયા

### સોલંકીયુગનું નજરાણું

૧૨મી સદીના, પૂર્વાભિમુખ આ મંદિરનું અલંકરણ, સોલંકીયુગનું છે.

મંદિરના દીવાલો પરના ગોળલાઓમાં ઉત્તરે ચામુંદામાતા, પશ્ચિમે ભગવાન નાટશ અને દક્ષિણે અંધકાસુર વધના શિલ્પો છે. ગર્ભગૃહની દ્વારશાપ પર નવગ્રહનું અલંકરણ છે.

જે મંદિરમાં પ્રવેશક અને ગર્ભગૃહ હોય અને દ્વિઅંગી કહે છે.

## Santhaleshvar Mahadev, Mathasuliya

### A gem from the Solanki period

The ornamentation of this east-facing 12th century temple is typical of Solanki architecture.

The outer wall portrays the goddess Chamunda, Lord Natesha and the slaying of the demon Andhakasura in niches on the north, west and south respectively. The lintel over the sanctum entrance is engraved with representations of the nine planets.

A temple comprising two parts, sanctum and entrance porch, is classified as dviangli.



નાટશની પ્રતિમા  
Image of Natesha

### સંક્ષેપ

આમ આલણ પાસેના પાદલનો ગિરો છે, અને ગુફાત પ્રાચીન સ્તંભો અને પુરાતત્ત્વશાસ્ત્રના અગત્યના સ્થાનો છે. આ મંદિરનું નિર્માણ ૧૧૮૨માં, ગુફાત અધિનિયમ ૩, ૨૫) આ સ્થળને નુકસાન કરતા, કે અથવા અન્ય કોઈ ભાગને હાનિ પહોંચાડવાનો કોઈપણ પ્રયત્ન કરનારને ત્રણ મહિનાની કેદ અને અથવા તો બે સજાન પાત્ર છે.

### Protected Place

This place is an important part of our heritage and is protected under the Gujarat Ancient Monuments and Archaeological Sites and Remains Act, 1965 (Gujarat Act No. 23 of 1965). If you see anyone destroying, defacing, or impairing this place, or removing any part of it, or importing it in any manner, please stop them. Warn them that they are liable in punishment with a fine of up to Rs.5,000, or imprisonment up to three months, or both.