THEU.P.ANCIENTANDHISTORICALMONUMENTSAND ARCHAEOLOGICALSITESANDREMAINSPRESERVATION ACT,1956[1]

[U.P.ActNo.VIIof1957]

[PassedinHindibytheUttarPradeshLegislativeCouncilon August8,1956andbytheUttarPradeshLegislativeAssemblyon September4,1956.

ReceivedtheassentofthePresidentonJanuary12,1957, underArticle201oftheConstitutionofIndiaandwaspublishedinthe UttarPradesh*Gazette*Extraordinary,datedJanuary19,1957].

AN

ACT

toprovideforthepreservationandprotectionofancientand historicalmonumentsandarchaeologicalsitesandremainsinUttar Pradesh otherthanthosedeclaredbyParliamentbylaw tobeofnational importance.

WHEREASitisexpedienttoprovideforthepreservationand protectionofancientandhistoricalmonumentsandarchaeological sitesandremainsinU.P.otherthanthosedeclaredtobeofnational importance by the ancient and Historical Monuments and archaeologicalSitesandRemains(declarationofNationalImportance) Act,1951,andforcertainothermattersconnectedtherewith;

ItisherebyenactedintheseventhyearoftheRepublicofIndia asfollows:

Shorttitle extentand commencement

1.(1)ThisActmaybecalledtheU.P.Ancientandhistorical Monuments and Archaeological Sites and Remains Preservation Act, 1956.

(2)ItextendstothewholeofUttarPradesh.

(3)Itshallcomeintoforceatonce.

Definitions

2.InthisAct,unlessthereisanythingrepugnantinthe subjectorcontext,anyreferencetoancientorhistoricalmonumentor archaeological site or remains, shall mean ancient or historical monumentorarchaeologicalsiteorremainsotherthanthosedeclared bytheAncientandHistoricalMonumentsandArchaeologicalSites andRemains(DeclarationofNationalImportance)Act,1951,tobeof nationalimportance.

Re-enactment andapplication ofActVIIof 1904toancient andhistorical monumentand archaeological sitesand remains

3.TheprovisionsoftheancientMonumentsPreservationAct, 1904,assetoutinScheduleIwiththemodificationsmentionedin ScheduleII,areherebyre-enactedandshallapplyandbealways deemedtohaveappliedtoancientandhistoricalmonumentsand archaeologicalsitesandremainsinUttarPradesh.

Continuationof notifications andorders,etc. issuedunder ActVIIof1904

4.Anyactiontakenorpurportedtobetakenincludingany declaration,appointment,notification,order,instruction,direction, scheme, rule, regulation, form or certificate, made or issued or purportedtobemade or issuedunder theAncient Monuments PreservationAct,1904,shall,sofarasitisnotinconsistentwiththe provisionsofthesaidActasre-enactedandmodifiedbythisAct,

continueinforceandshallbedeemedtohavebeentaken,madeor issuedundertheprovisionssore-enacted,unlessanduntildirected otherwiseorsupersededbyanythingdoneoranyactiontakenunder theprovisionssore-enacted.

SCHEDULEI

(SeeSection3)

THEANCIENTMONUMENTSPRESERVATIONACT,1904

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[ActNo.VIIof1904]

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(18TH*March,*1904)

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(AsMODIFIEDUPTOTHE25THOCTOBER,1951)

AN

ACT

toprovideforthepreservationofAncientMonumentsandObjects ofArchaeological,HistoricalorArtisticInterest

WHEREASitisexpedienttoprovideforthepreservationofancient monuments,fortheexerciseofcontrolovertrafficinantiquitiesandover excavationincertainplaces,andfortheprotectionandacquisitionin certaincasesofancientmonumentsandofobjectsofarchaeological, historicalofartisticinterest;

Itisherebyenactedasfollows:

Shorttitle andextent **1.** (1) This Act may be called the Ancient Monuments PreservationAct,1904.

(2)ItextendstothewholeofIndia(exceptttheStatesofJammu andKashmir)

Definitions **2.**InthisAct,unlessthereisanythingrepugnantinthesubject orcontext,—

(1) "ancient monument" means any structure, erection or monumentsoranytumulusorplaceofinterment,oranycave,rock-sculpture,,inscriptionormonolith,whichisofhistorical,archaeological orartisticinterest,oranyremainsthereof,anincludes—

(a)thesiteofanancientmonument;

(b)suchportionoflandadjoiningthesiteofanancient monumentasmayberequiredforfencingorcoveringinor otherwisepreservingsuchmonument;and

(c)themeansofaccesstoandconvenientinspectionofan ancientmonument;

(2)"antiquities"includeanymovableobjectswhichtheCentral Government,byreasonoftheirhistoricalorarchaeologicalassociations maythinkitnecessarytoprotectagainstinjury,removalordispersion;

(3)"Commissioner"includesanyofficerauthorizedbytheCentral GovernmenttoperformthedutiesofaCommissionerunderthisAct;

(4)"maintain"and"maintenance"includethefencing,covering in,repairing,restoringandcleansingofaprotectedmonument,andthe doingofanyactwhichmaybenecessaryforthepurposeofmaintaining aprotectedmonumentorofsecuringconvenientaccessthereto;

(5)"land"includesarevenue-freeestate,arevenue-payingestate, andapermanenttransferabletenure,whethersuchanestateortenure besubjecttoincumbrancesornot;and

Schedule1[The Ancient Monuments Preservation Act, 1904]]

(c)therestrictionoftheowner'srighttodestroy,remove,alter ordefacethemonumentortobuildonornearthesiteofthe monument;

(d)thefacilitiesofaccesstobepermittedtothepublicorto anyportionofthepublicandtopersonsdeputedbytheowneror theCollectortoinspectormaintainthemonument;

(e)thenoticetobegiventotheCentralGovernmentincase thelandonwhichthemonumentissituatedisofferedforsaleby theowner,andtherighttobereservedtotheCentralGovernment topurchasesuchland,oranyspecifiedportionofsuchland,at itsmarket-value;

(f)thepaymentofanyexpensesincurredbytheowneror by theCentralGovernmentinconnectionwiththepreservationofthe monument;

(g)theproprietaryorotherrightswhicharetovestinhis Majestyinrespectofthemonumentwhenanyexpensesare incurredbytheCentralGovernmentinconnectionwithe preservationofthemonument;

(h)theappointmentofanauthoritytodecideanydisputearisingoutoftheagreement;and

(i) any matter connected with the preservation of the monumentwhichisapropersubjectofagreementbetweenthe ownerandtheCentralGovernment.

(3) * * * * *

(4)Thetermsofanagreementunderthissectionmaybe altered fromtimetotimewiththesanctionoftheCentralGovernmentandwith theconsentoftheowner.

(5)Withtheprevioussanctionoftheg Government,the Collectormayterminateanagreementunderthissectionongivingsix months'noticeinwritingtotheowner.

(6)Theownermayterminateanagreementunderthissectionon givingsixmonths'noticetotheCollector.

(7)Anagreementunderthissectionshallbebindingon any personclaimingtobeownerofthemonumenttowhichitrelates,through orunder&partybywhomoronwhosebehalftheagreementwas executed.

(8)AnyrightsacquiredbytheCentralGovernmentinrespectof expensesincurredinprotectingorpreservingamonumentshall

notbe affectedbytheterminationofanagreementunderthissection.

Owners under disabilityor notin possession

6.(1)Iftheownerisunable,byreasonofinfancyorother disability,toactforhimself,thepersonlegallycompetenttoactonhis behalfmayexercisethepowersconferreduponanownerbysection5.

(2)Inthecaseofvillage-property,theheadmanorothervillage officerexercisingpowersofmanagementoversuchpropertymayexercise thepowersconferreduponanownerbysection5.

ScheduleI[The Ancient Monuments Preservation Act, 1904]

Compulsory purchaseof ancient monument **10.** (1)IftheCentralGovernmentapprehendsthataprotected monumentisindangerofbeingdestroyed,injuredorallowedtofallinto decay,theCentralGovernmentmaydirecttheStateGovernmentto acquireitundertheprovisionsoftheLandAcquisitionAct,1894(Iof 1894),asifthepreservationofaprotectedmonumentwerea"public purpose"withinthemeaningofthatAct.

(2) Thepowersofcompulsory purchase conferredbysub-section(1)shallnotbeexercisedinthecaseof—

(a)anymonumentwhichoranypartofwhichisperiodically usedforreligiousobservances;or

(b)anymonumentwhichisthesubjectofasubsisting agreementexecutedundersection5.

(3)Inanycaseotherthanthecasesreferredtoinsub-section(2) thesaidpowersofcompulsorypurchaseshallnotbeexercisedunlessthe ownerorotherpersoncompetenttoenterintoanagreementunder section5hasfailed,withinsuchreasonableperiodastheCollectormay fixinthisbehalf,toenterintoanagreementproposedtohimunderthe saidsectionorhasterminatedorgivennoticeofhisintentionto terminatesuchanagreement.

Powerof Central government tocontrol mining,etc. nearancient monument **10-A.** (1)IftheCentralGovernmentisofopinionthatmining, quarrying,excavating,blastingandotheroperationsofalikenature should be retracted or regulated for the purpose of protecting or preservinganyancientmonument,theCentralGovernmentmay,by notificationintheofficial*Gazette*makerules—

(a) fixingtheboundariesoftheareatowhichtherulesareto apply;

(b) for bidding the carrying on of mining, quarrying, excavatingblastingoranyoperationofalikenatureexceptin accordancewiththerulesandwiththetermsofalicense;and

(c)prescribingtheauthoritybywhichandthetermson which,licensesmaybegrantedtocarryonanyofthesaid operations.

(2)Thepowertomakerulesgivenbythissectionissubjecttothe conditionoftherulesbeingmadeafterprevious publication.

(3)Arulemadeunderthissectionmayprovidethatanyperson committingabreachthereofshallbepunishablewithfinewhichmay extendtotwohundredrupees.

(4) Ifanyowneroroccupieroflandincludedinanotification under sub-section (1) proves to the satisfaction of the Central Governmentthathehassustainedlossbyreasonofsuchlandbeingso includedtheCentralGovernmentshallpaycompensationinrespectof suchloss.

Maintenance ofcertain protected monuments **11.**(1)TheCommissionershallmaintaineverymonumentin respect of which the Government has acquired any of the rights mentionedinsection4orwhichtheGovernmenthasacquiredunder section10.

(2) WhentheCommissionerhasacceptedtheguardianshipofa monumentundersection4,heshall,forthepurposeofmaintainingsuch monument,haveaccesstothemonumentatallreasonabletimes,by himselfandbyhisagent,subordinatesandworkmen,forthepurposeof inspectingthemonument,andforthepurposeofbringingsuchmaterials anddoingsuchactsashemayconsidernecessaryordesirableforthe maintenancethereof.

Powerto Central Government tocontrol trafficin antiquities

17.(1)IftheCentralGovernmentapprehendsthatantiquities are being sold or removed to the detriment of India or of any neighboringcountry,itmay,bynotificationintheofficialGazette, prohibitorrestrictthebringingortakingbyseaorbylandofany antiquitiesorclassofantiquitiesdescribedinthenotificationintoorout oftheterritoriestowhichthisActextendsoranyspecifiedpartofthe saidterritories.

(2)Anypersonwhobringsortakesorattemptstobringortake anysuchantiquitiesintooroutof(thesaidterritories)oranypartofthe saidterritoriesincontraventionofanotificationissuedundersub-section(1),shallbepunishablewithfinewhichmayextendtofive hundredrupees.

(3) Antiquitiesinrespectofwhichanoffencereferredtoin sub-section(2)hasbeencommittedshallbeliabletoconfiscation.

(4) AnofficerofCustoms,oranofficerofPoliceofagradenot lowerthanSub-Inspector,dulyempoweredbytheCentralGovernment inhisbehalf,maysearchanyvessel,cartorothermeansofconveyance, andmayopenanybaggageorpackageofgoods,ifhehasreasonto believethatgoodsinrespectofwhichanoffencehasbeencommitted undersub-section(2)arecontainedtherein.

(5)Apersonwhocomplainsthatthepowerofsearch,mentioned insub-section(4)hasseenvexatiouslyorimproperlyexercisedmay addresshiscomplainttotheCentralGovernmentandtheCentral governmentshallpasssuchorderandmayawardsuchcompensation, ifany,asappearstoittobejust.

Powerto Central Government tocontrol movingof sculptures, carvingsor likeobjects

18.(1)IftheCentralGovernmentconsidersthatanysculptures, carvings,images,bas-reliefs,inscriptionsorotherlikeobjectsoughtnot tobemovedfromtheplacewheretheyarewithoutthesanctionofthe CentralGovernment,theCentralGovernmentmay,bynotificationin theofficialGazette,directthatanysuchobjectsoranyclassofsuch objectsshallnotbemovedunlesswiththewrittenpermissionofthe collector.

(2) Apersonsapplyingforthepermissionmentionedinsub-section(1)shallspecifytheobjectorobjectswhichheproposestomove, andshallfurnish,inregardtosuchobjectorobjects,anyinformation whichtheCollectormayrequire.

(3) If theCollector refuses togrant such permission, the applicantmay appeal to the Commissioner,whose decision shall be final.

(4)Anypersonwhomovesanyobjectincontraventionofa notificationissuedundersub-section(1),shallbepunishablewithfine whichmayextendtofivehundredrupees.

(5)Iftheownerofanypropertyprovestothesatisfactionofthe CentralGovernmentthathehassufferedanylossordamagebyreason oftheinclusionofsuchpropertyinanotificationpublishedundersub-section(1),theCentralGovernmentshalleither—

(a)exemptsuchpropertyfromthesaidnotification;

(b)purchasesuchproperty,ifitbemovable,atitsmarket

value;or

(c)paycompensationforanylossordamagesustainedby theownerofsuchproperty,ifitbeimmovable.

(4)Suchrulesmayprovidethatanypersoncommitting a breachofanyruleorofanyconditionofalicenseshallbepunishable withfinewhichmayextendtofivethousandrupees,andmayfurther providethatwherethebreachhasbeenbytheagentorservantofa licenseethelicenseehimselfshallbepunishable.

Powerto acquirea protectedarea

20-C. IftheCentralGovernmentisofopinionthataprotected areacontainsanancientmonumentorantiquitiesofnationalinterest andvalue,itmaydirectthestateGovernmenttoacquiresucharea,or anyparthereof,andtheStateGovernmentmaythereuponacquire suchareaorpartundertheLandAcquisitionAct,1894(Iof1894)as forapublicpurpose.

Assessmentof market-value or compensation

21.(1)Themarket-valueofanypropertywhichGovernmentis empowered to purchase at such value under this act, or the compensationtobepaidbygovernmentinrespectofanything done underthisAct,shall,whereanydisputearisesinrespectofsuch market-valueorcompensation,beascertainedinthemannerprovided bytheLandAcquisitionAct,1894,sections3,8to34,45to47,51and 52,sofarastheycanbemadeapplicable:

Providedthatwhenmakinganinquiryunderthesaid Land AcquisitionAct,1894,theCollectorshallbeassistedbytwoassessors, oneofwhomshallbeacompetentpersonnominatedbythecollector, andoneapersonnominatedbytheowner,orincasetheownerfailsto nominateanassessorwithinsuchreasonabletimeasmaybefixedby theCollectorinthisbehalf,bytheCollector.

Jurisdiction.

22. Amagistrateofthethirdclassshallnothavejurisdictionto tryanypersonchargedwithanoffenceagainstthisAct.

Powertomake rules

23. (1)TheCentralGovernmentmaymakerulesforcarrying outanyofthepurposesofthisAct.

(2) Thepowertomakerulesgivenbythissectionissubjectto theconditionoftherulesbeingmadeafterpreviouspublication.

Protectionto publicservants actingunder

24. Nosuitforcompensationandnocriminalproceedingshall lieagainstanypublicservantinrespectofanyactdone,oringood

Act

faithintendedtobedone,intheexerciseofanypowerconferred by thisAct.