

Bill No. 123 of 2021THE ANCIENT MONUMENTS AND ARCHAEOLOGICAL SITES
AND REMAINS (AMENDMENT) BILL, 2021

By

SHRI NIHAL CHAND, M.P.

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BILL

*further to amend the Ancient Monuments and Archaeological
Sites and Remains Act, 1958.*BE it enacted by Parliament in the Seventy-second year of the Republic of India
as follows:—1. (1) This Act may be called the Ancient Monuments and Archaeological Sites
and Remains (Amendment) Act, 2021.Short title and
extent.5 (2) It shall come into force on such date as the Central Government may, by
notification in the Official Gazette, appoint.24 of 1958. 2. In section 20-1 of the Ancient Monuments and Archaeological Sites and
Remains Act, 1958, in sub-section (1), after clause (a), the following clause shall be
inserted, namely:—Amendment of
section 20-1.10 “(aa) issue a show cause notice, in such manner as may be prescribed, to any
person or institution having unauthorized encroachment within one hundred metre of

protected monuments and protected areas declared as of national importance under sections 3 and 4 and seek reasonable explanation within fifteen days of the date of issue of show cause notice from such person or institution:

Provided that if the person or institution to whom show cause notice has been served fails to file reasonable explanation within the said period of fifteen days, the action to remove the encroachment shall be initiated by the Authority under intimation to the Central Government;” 5

STATEMENT OF OBJECTS AND REASONS

The Ancient Monuments and Archaeological Sites and Remains Act, 1958 (No. 24 of 1958) came into force on 28 August, 1958 in order to provide better and effective protection of the archaeological asset of the country. The Act provides for protection of ancient and historical monuments and archaeological sites and remains of the national importance, for regulation of archaeological excavations and preservation of sculptures, carvings and other similar assets.

Despite having the effective laws in the country, the incidents of theft, smuggling, illegal transfer, unauthorized or illegal encroachment and defacing and damaging of archaeological assets by the public in some way or the other speak of unfortunate and alarming situation. Over the years, twenty-four protected monuments of the country have disappeared due to urban development and unauthorized or illegal encroachment. At present also, large-scale construction work is still under way in the restricted periphery of the protected monuments, as a result of which condition of these monuments is deteriorating.

India has a pristine history and it is famous in the world for its versatile culture, archaeological assets and ancient monuments. Archaeological asset is a better option to know and understand the history of any country and it also increases its importance from the tourism perspective. The moral responsibility to keep these assets safe and secure not only lies with the Government, but also with the citizens and institutions of the country. Preservation of the existing archaeological assets, ancient monuments and archaeological sites and remains in the country is possible only by way of protecting them from unauthorized or illegal encroachments.

The Bill, therefore, seeks to amend the Ancient Monuments and Archaeological Sites and Remains Act, 1958 with a view to empower the National Monuments Authority to issue show cause notice to any person or institution having unauthorized encroachment within one hundred metre of protected monuments and protected areas and removal of such encroachment upon failure to provide reasonable explanation thereto within a specified period.

The Bill seeks to achieve the above objectives.

NEW DELHI;

NIHAL CHAND

January 15, 2021.

ANNEXURE

[EXTRACT FROM THE ANCIENT MONUMENTS AND ARCHAEOLOGICAL SITES AND
REMAINS ACT, 1958]

(24 of 1958)

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Functions and
powers of
Authority.

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

- (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 (10 of 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 (10 of 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 (5 of 1908) while trying a suit in respect of the following matters, namely:—

- (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.

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Sites and Remains Act, 1958.

(Shri Nihal Chand, M.P.)