

Bill No. 70 of 2022

THE CONSERVATION AND MAINTENANCE OF ARCHAEOLOGICAL
AND NATURAL HERITAGE BILL, 2022

By

SHRI SHRIRANG APPA BARNE, M.P.

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BILL

*to provide for the constitution of a Board for the conservation of archaeological
and natural heritage and for matters connected therewith
or incidental thereto.*

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

1. (1) This Act may be called the Conservation and Maintenance of
Archaeological and Natural Heritage Act, 2022.

Short title,
extent and
commencement.

5 (2) It extends to the whole of India.

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

Definitions.

2. (1) In this Act, unless the context otherwise requires,—

(a) ‘Board’ means the Archaeological and Natural Heritage Conservation and Maintenance Board constituted under section 3;

(b) ‘Convention’ means the United Nations Educational, Scientific and Archaeological Organization Convention concerning the Protection of the World Archaeological and Natural Heritage held in Paris in 1972 and ratified by India in 1977;

(c) ‘archaeological heritage’ includes the following:—

(i) ‘ancient monument’ and ‘archaeological sites and remains’ defined in clauses (a) and (d), respectively, of section 2 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958;

(ii) monuments, that is to say, architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwelling and combinations of features, which are of outstanding universal value from the point of view of history, art or science;

(iii) groups of buildings, groups of separate or connected buildings which, because of their architecture, homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science;

(iv) sites, that is to say, works of man or the combined works of nature and man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view;

(d) “natural heritage” includes,—

(i) natural sites or precisely delineated natural areas which are of outstanding value from the point of view of science, conservation or natural beauty;

(ii) geological and physiographical formations and precisely delineated area which constitute the habitat of threatened species of animals and plants and are of outstanding value from the point of view of science or conservation;

(iii) natural features consisting of physical and biological formations or groups of such formations, which are of outstanding value from the aesthetic or scientific point of view; and

(e) “prescribed” means prescribed by rules made under this Act.

(2) The words and expressions used in this Act but not defined herein and defined in the Ancient Monuments and Archaeological Sites and Remains Act, 1958 or the Indian Penal Code, 1860 or the Code of Criminal Procedure, 1973 shall have the same meaning, respectively, assigned to them in those Acts.

Constitution of the Archaeological and Natural Heritage Conservation Board.

3. (1) **The Central Government shall, by notification in the Official Gazette, constitute a Board to be known as the Archaeological and Natural Heritage Conservation and Maintenance Board for carrying out the purposes of this Act.**

(2) **The Board shall consist of,**

(a) **a Chairperson to be appointed by the Central Government, from amongst the persons having such knowledge and experience, as may be prescribed;**

(b) the Members of the House of the People having archaeological heritage or natural heritage in their constituencies;

(c) five Members of the Council of States to be nominated by the Presiding Officer of the House; and

5 **(d) ten other members to be appointed by the Central Government from amongst the persons who have knowledge and experience in the field of archaeology, history, architecture, conservation, science and technology, environment science, town and country planning or public administration:**

10 **Provided that the Chairperson and the members of the Board shall be appointed in consultation with the Leaders of Opposition of both the Houses of Parliament.**

(3) The Chairperson and every member of the Board shall hold office for a period of five years from the date on which he enters upon his office.

15 **(4) The salary and allowances payable to, and the other terms and conditions of service of the Chairperson and the members of the Board shall be such as may be prescribed.**

20 (5) The terms and conditions of the office, including the method of filling casual vacancies in the Board, and the procedure for removal or disqualification of the Chairperson or a member of the Board, shall be such as the Central Government may, by notification in the Official Gazette, specify.

(6) The Board may, with the approval of the Central Government, make regulations for regulating its own procedure.

25 **(7) The Board shall have a Secretariat consisting of such number of officers and employees as may be prescribed.**

(8) The salary and allowances payable to, and the other terms and conditions of service of, the officers and employees of the secretariat shall be such as may be prescribed.

4. The Board shall—

30 (i) monitor the implementation of obligations under the Convention and issue such directions as it may consider necessary and expedient for the effective implementation of such obligations;

(ii) advise to the Central Government on identification, safe-keeping, conservation and preservation of Archaeological heritage and natural heritage;

35 (iii) issue such directions as it considers necessary to ensure safety, security, conservation and management of archaeological heritage and natural heritage;

(iv) cause or undertake an inquiry and initiate legal action in consultation with the Central Government, in case of offences relating to archaeological heritage and natural heritage sites;

40 (v) take such measures as it may consider necessary for implementation of the provisions of this Act; and

(vi) undertake such other functions as may be assigned to it by the Central Government for carrying out the purposes of this Act.

Functions of the Board.

Offences.	5. Whoever—	
	(i) damages or causes any damage to archaeological heritage or natural heritage site; or	
	(ii) indulges in any propaganda with the intention of causing any damage to as archaeological heritage or natural heritage site; or	5
	(iii) commits or omits to commit any act in relation to Archaeological heritage or natural heritage sites, which is an offence under any other law for the time being in force;	
	shall be guilty of committing an offence punishable under this Act.	
Punishment.	6. Any person who commits any offence under section 5 shall be punishable with rigorous imprisonment for a term which may extend to five years, or with fine, which may extend to one lakh rupees, or with both.	10
Proceedings after the expiry of the period of limitation.	7. Notwithstanding anything contained in any other law for the time being in force, proceedings of committing an offence under this Act may be instituted after the expiry of the period of limitation.	15
An offence under the Act to be a cognizable offence.	8. Notwithstanding anything contained in any other law for the time being in force, an offence punishable under this Act shall be a cognizable offence.	
Every person holding a civil post to assist the Board.	9. It shall be the duty of every person holding a civil post in connection with the affairs of the Union or a State to assist the Board in discharge of its functions.	
Act to have overriding effect.	10. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.	20
Provisions of the Act to be in addition to other laws.	11. The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.	
Annual report.	12. (1) The Board shall prepare an annual report, in such form and manner, as may be prescribed.	25
	(2) The Board shall submit the annual report to the Central Government in such manner as may be prescribed.	
	(3) The annual report shall be laid by the Central Government, as soon as may be after it is received, before each House of Parliament:	
	Provided that the Board may also submit interim report or reports to the Central Government, which shall cause the report to be laid, as soon as may be after it is received, before each House of Parliament.	30
Power to make rules.	13. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.	
	(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.	35
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STATEMENT OF OBJECTS AND REASONS

India has a rich stock of natural and Archaeological heritage. Our heritage provides clues to our past and how our society has evolved. It helps us examine our history and traditions and enables us develop and awareness about ourselves. It helps us understand and explain why we are the way we are. Heritage is a keystone of our culture that plays an important role in our society, business and world view. It informs influences and inspires public debate and policy both directly and indirectly. Maintaining and conserving our both natural and archaeological heritage provides a basis for local economic development and innovation in tourism, agriculture, entertainment, education and business generally.

The United Nations Educational, Scientific and Cultural Organization (UNESCO) in its 17th General Assembly meeting on 16th November, 1972 adopted a Convention relating to the conservation of World Archaeological and Natural Heritage. India has ratified this convention on 14th November, 1977. Hence, it is in our own interest to implement this convention and enact a law to give effect to the provisions of the Convention. For the conservation of Archaeological heritage, a suitable mechanism for vigilance and monitoring is needed. These purposes would be better served if a Board to be known as the Archaeological and Natural Heritage Conservation Board is set up to work as a watchdog agency for the conservation, upkeep and maintenance of the Archaeological heritage and natural heritage sites in the country.

The terms 'archaeological heritage' and 'natural heritage' have been given a very comprehensive meaning to include all Archaeological and natural heritage, provided for in the Convention and the terms also cover the ancient monuments and archaeological sites and remains defined in the Ancient Monuments and Archaeological Sites and Remains Act, 1958.

Our archaeological and natural heritage sites are vulnerable even now. We all know that people who visit such sites are not sensitive enough to try and keep such sites well maintained. It is a common practice to deface our monuments by inscribing names on them. There have also been other cases of vandalism against our archaeological and natural heritage sites. Keeping in view the increasing number of crimes against such sites, there is a need to provide for punitive action for such crimes.

The national and State level authorities only hold a limited number of heritage sites under their jurisdiction and conservation efforts. Lack of required manpower is a major hindrance to ensure the long-term survival of heritage sites which are under the jurisdiction of the national and State authorities. The private sector in India is involved only in the aesthetic maintenances of the heritage sites. Post-disaster management work of heritage sites is done in terms of general repairs and is usually for specific purposes. Importance should be given to pre-disaster management of the heritage sites.

Since India's stock of heritage sites is large, adequate and skilled manpower is lacking to address the conservation issues at hand. Efforts should be made to include the maximum number of heritage sites to the list of protected monuments in the country. For this purpose, identification of potential heritage sites needs to be undertaken. Since conserving the monuments requires paramount expertise, which can be developed through field experience, newer talent should be encouraged to be a part of the conservation projects.

Hence this Bill.

NEW DELHI;
January 17, 2022

SHRIRANG APPA BARNE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a Archaeological and Natural Heritage Conservation and Maintenance Board for the conservation of the archaeological sites in the country. It also provides for salaries and allowances of the officers and employees of the secretariat of the Board. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of rupees three hundred crore per annum.

A non-recurring expenditure of rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill empowers the Board to make regulations for regulating its own procedure. Clause 13 empowers the Central Government to make rules for carrying out the purposes of the Bill. The matters in respect of which rules and regulations may be made are matters of administrative detail and procedure and, as such, the delegation of legislative power is of a normal character.

LOK SABHA

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(Shri Shrirang Appa Barne, M.P.)