

PUNJAB ANCIENT AND HISTORICAL MONUMENTS AND ARCHAEOLOGICAL SITES AND REMAINS ACT, 1964

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15. IGa 17.AEOLOGICAL. SITES Certain ancient and i'istcrical monuments etc. deemed to be monuments or area*- Pawe:• Government to declare ancient MQNIJMEFTS Acquisil.ion of rights it', a InotLLlmen:-. Pre«rvatiun of monument by agru•nzant. Pc•raons tn eyereLge powevs owner unaer ect10Q ü in cegpac.ü of a p.rvteetell is uhder dis-9Ei]Jty or when if. is R FL pm pesty_ of endoweaeent lo repair a pmtectea menu. rnent- Taillite nr ;-efl13a] to enter an mgreement. Power or s ment ender noclian Fan foreemcnL of ageccmenta at rcrtiaia and p-TR(tm elaiming through nwner by hy Acquisilinn of ps•etæted P.TajntorlAncc of certain protected monu-r-eh±s. contri bu Liong- Ft»fertJen n C ptaee nr vzoh:hip mi potlutjor. or descrcsiicn. lteEnqui3hr11@11 of rights in n monurner-t. Righla aees* of monumente. PROTECTFID an erl}uyrncmc of property Fight.' in ed areas. ANCIENt 111STÜRL1_.'iil [GG4 Act ze 20. 21. 22 24. 28 2.7 - 20 31. 34. 35. 36

39. MESTS kHC*jLR0IDGICAL SITES REMAINS lu acquire areas.EXCAVATIONS Exeav.:dions areas. Excavations jn caller than eamF111sory nf ie.e, dium-rverad excawatinn noecal F.xcavaic,n, etc., ior acvhaer.lngicai purpcsr*- PROTECTION OF ANTIQC•ITE.S T'nwer OE to control rr.øvjang antdquiti". *ntigulics by PRINCE-ILES OF Campetl"ltiot- 1115.8 nr dsrna.gc. n? mgrket er cornrommtion. Delegations. Penallies. la 'ltencE•m Certain to be eegnimb]é Pr.e. dae to the Ancient monu.menls. e4c. longer reqldrill< protection. Foner mista-kæ, ctl-•. Protection of ul'l..ion lake]' Act Pnv•ev to make Repeal. "64 : 2b. Act *ft] .hNC.1FNT MVNO- 365 ME.NTS AND PUNJAB ANCIENT HISTORICAL Si'ÜI?S AND REMAINS ACT. 1964. Ac•r 20 (IF IgG4. '.hE the f';-e..Ridp.n: hit!rl the {Rar.p.i for ficnc?'ft l.grh MO", .1.Rö4 .fir.% inlormatio•n thu Garptte (EattrumiiR0]T"). c_ f tire 1st June. 1964.1. VN.L z..hur! lil]:•] llrm:hl.~; alid SiLGf and A ACT • •c Nhtrwi•e Act Lhe p..nju•• kermg.zr.i- 11 Oreer. lo prot.'ide the and hi510rir-•al •momnmgnr.g and archaeo!ogicul find. remains Than uf na.lic.nt.l•: _f&T tha •regulation. of and _f0T the o: and n!.her übie.c.f:t- BE it enacted by Lhe Legislatu of the S:ate of Puojab in Ehe Fifteenth of She rf India as fallows . 1. (I) Act may called l.he Punjab Ancient and Hjf.10rical arid ArchapnTcgi_cnl Sites and and Remains Act, 154. eer Gnveramene 312. 'FOE' Ne•Gnr13. QSS - -a 7. üeEt.irms. 370 MONL-- [1964 ; Pb. Act 20 XENI•S â tqn It extends to lhe of the "[Union Tgrri• l..ory Chandigarh I (3) It shall \$orce on Guch date the Ste!e Governnnt. tnny by notification appoitll. 2, In th is the enntext otherwise re- quires,— {a} taneient and historical monumenil means any structure, erection or roonurnent, or any tin-null-as or place intermont, or eny cave, rock-sculpture, ine.livtion or monoliEb, which is nf histor•jeal, archaeological or artistic interest and which has been in existence for not lass than one hundred yeer* and includes— (i) the remains of an ancient gnd historical monument, (E) the site of an and historical monu- ment, such port.jr,n [aed adjoining lhe site of an ancient and historical manuraent may equlred tor or covermg in or otherwise preserving such monu- menti and (it') the means of accexs lo, and convcmient an ancient and historical monument hill. (Toes not include any aneiaeñt 01' historic•el monument dQQTared by ar under law made by Parliamen± to bc oi national importante (b) 'antiqlilir.,v' includes— (i} any e.tlin. manuscript, epigraph, or of art eraÉtgznanship, •subs-tLiQt±d • '*ate O} Punj*W' by lhe PQh]ah ot Law.•s on Stete amd Cem- current Order. 196.4 : Pb. Act 20.1 AND MONI-JT 371. MENTS RND srns mm any artich.~, ob.iel.~t or thing detached from a building ot cave, (iii) any article, object tbing illustrative science. art crafts. c.mst.orns.. morals or poli in by gone ages, . nr thinth of his:..ä0T'iL'dl any areit.:lv, any artic 'e: or thin.:ll by the nnl.ith•aF.ion. 1.0 be an antiquity far thc: this Act, has born in exigl.ence not less one hundred ye•ar.i . (c) 'archeoloniea]. officer* means an olfrc•r oi appointed tbQ of exeeeing thc: powers confen•cd on, and be rrrrrring the Eunt:iiar.g assigned an under this Acl., and in, archaeoleical clodeg any nt.hl.'l' offer by the Government to exercise a r-cl peyful'l-a any af such and functions; (d) 'archaeotogical site and remains' meang any area which contain* OT ve.e.sonably• to conlain of historical irnpnri anc:e which have been in existence for not less than ane hundred (i) such vortinn of land adjoining the arca as may required ror

MEN'S share of land, or any specified portion of such land, at its market value (j) The payment of any expenses incurred by the owner or by Government in connection with the maintenance of the monument the proprietary or rights which are vested in the Government in respect of the monument when any expenses are incurred by the Government in connection with the monument; (h) the appointment of an authority to settle 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 Government. Government may, at any time after the expiration of three years from the date of execution of any agreement under this section, terminate it by giving six months' notice in writing to the other party. Provided that where the agreement is for the payment to the Government of the expenses, if any, incurred by it on the maintenance of the monument during the five 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 made under this section shall be binding on a person claiming to be the owner of the monument to which it relates through a party by whom or on whose behalf the agreement was executed, and the person so claiming, if he is the owner of protected monument by reason of minority or other disability, of age for himself, the person legally competent to act on his behalf may exercise powers upon the monument owner by section 5. (2) In the case of a protected monument which is private property, the Panchayat [or the village where such property vests in the Panchayat, where such property does not vest in a Panchayat, any authority exercising powers of management over such property may exercise the powers conferred upon an owner by section 5. (3) Nothing in this section shall be deemed to empower any person doing the same as the person on whose behalf he is acting to make or execute an agreement relating to a protected monument which is wholly or partly used for the religious worship or observances of any religion. 8. (1) The owner or other person competent to enter into an agreement under section 6 for the maintenance of a protected monument may, if he is a Hindu, enter into an agreement with any person for the purpose of repairing such monument for the benefit of the public, and the Government may make an application to the District Judge for the purpose of the proper application of the endowment or any part thereof, and any order made by the District Judge may be executed as if it were a decree of a civil court. 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 to enter into such an agreement, the Government may make an order providing for all or any of the matters specified in sub-section (2) of section 6, and the order shall be binding on the owner or such person and on every person claiming title to the monument from, through, or under the owner or such other person. (2) Where an order is made under sub-section (2) of section 6, the monument shall be maintained by the owner or other person competent to enter into an agreement, and all reasonable expenses for the maintenance of the monument shall be payable by the Government. (3) No order under sub-section (2) shall be made unless the owner or other person has been given opportunity of making a representation in writing against the proposed order. 10. If the Director apprehends that the owner or occupier of a protected monument intends to destroy, remove, alter, deface, imperil, or misuse the monument or to build or erect or near the site thereof in contravention of the terms of an agreement made under section 6, the Director may, after giving the owner or occupier an opportunity of making a representation in writing, make an order prohibiting any such act or thing as is prohibited by the agreement. Provided that no such order shall be made in any case where the Director, for reasons to be recorded, is satisfied that it is not expedient or practicable to do so. (2) Any person aggrieved by an order made under this section may appeal to the Government within such time and in such manner as may be prescribed and the decision of the Government shall be final. 11. If an owner or other person who is to maintain a monument by an agreement executed under section 6 refuses or fails, within such reasonable time as the Director may fix, to do any act which in the opinion of the Director is necessary for the maintenance of the monument, the Director may authorise any person to do any such act, and the owner or other person shall be liable to pay the expenses incurred in doing any such act or such portion of the expenses as the Government may be able to pay under the agreement. If any dispute arises regarding the amount of

expetl.sp.g payable by the or other per.»n under sub-seetitm it khan be referred tn the Government wh06e on .such 932] I bc: 12. Every who purchases, at. ftv srrears of land revenue or public dernalld. umm- any land on wl-n4:h situated a monum?nt respa:l. ing hq=en.d ur which any instrument has been exeeuLFd by the ovrnet' for the time being under section 5 or section end claiming any title to a monument from. through, or under. ",-hn gueh instromcnt *ball hr.' hound such •13. the Government appr:c:hQ0Llg l.h•al. a protect, I.Y in danger of being destroyed. injured, rnisused or allowed to Fall into it acquire the prnteeld monument under the provisions of Land Acquisition Act, 1894 (Central Act of a; if the of the protected manqrn%lit were a public purpose wjthitl rneaang of that Act- M. (i) The shall maintain rnonu.ffLent which. has been acquiTL3d under section jn respect of which any the rights mentioned in section 5 hatl..•c been acquired. When the he.' assumed l.he goardjan- ship of a monument uncle-IJ' .motinn_ hc shgll far the purpose of maintaining such monument have to the mnnument. at all reasonable times, hv himse)f and by his agent, subordinates end 'l'.•tll'knwn. for the ot inspecting the and for the of bringing 81 lth material* and doing gt;ch aets as be 380 ANCIENT AND rn.S'tOHicâL MONU- ML'NTS ATiCIIAF01..OGrCâL AM RENI-AINS may cnnsider necessary or deshable for tenance thereof. Ehe main

15. The Direclo:.• may rc•eeivr: voluntary contri- maintaining a ptotec'led billions monument and ma•.. givr such genera]. ot special diree• tions he necessary the mana«emsnt and application ot' the contributions EO him : Provided that nn contributor received under Ehis secl.ion purpns eOth'" than purpose which it was eonâri*buted. 16. (1) A protected rmonumnt maintained by •the Protection ot Of Government under this Act. which plat:c worship KOrn m il.:œ, or ghr•inp shalE not he for any purpose inconsistent or v.rith its character. the Government has acquired a protec- {C.d moniamc.nl. ut)dc:•• I.HQ has purchased or a lease or accepted a gift or bequest rn• at a oroLecled monum ment under section 5. and üll.munu:nt. anv part thoronr ig for religions 'Nf.lßhip or observances by any community, the Diraelor shall due peavision firr the protection or 'Lith monumtnL nar•l thereof from or desecration— (a} hy prohibiLIng the entiY therein except in accordancp v.' jih the conditions prescribed with tha fht2 persons. if any, jn charge of the or part thereof. anv oerson not entitled sa to enter bv tho of the munit.v by which the or part l.hereaf is or bv such action as he may t.hjnk nece.:arv in t.hjfi behalf. 19G4 Ph. Aet 20.1 HISTORICAL A-ND SITES With the sanction of the Government, Director may— (c) where rights have acquired by 381 the the Director in respect of any rmonumént Undet (his AetL by virtue any sale. lease. gift or will. relinquish by ootiEc:ation the rights so acquired to the person kVhu would for the time being be: the owner Of the monument if such rights bad nol been acquiced or (b) tellnguâstl any guæ•dianshlp Vf a ni*tument which he has assumed under this Act

13. Subject to anv rules made.I-nder this Act, the proteeed publle shall have. a right of aecss to any protecbéd monument- 19- t 1) No person. including the owner occupier _ of a protected area. shall QQT1\l.yuct en.v bußding M,-ithu in the protected arca or carry on any mining, quarry- in ing, blasting, or any operation of a like nature it' •sneh area ar utillse such area or any part thet?Df in any other manner without the. permission of the Government : Provided thot nothing in this *lib-section shall be deemed to prohibit)it lre use any such area or part thereof Tnr purposes of cultivation if such cultivation does involve the digging QE not rfiOre than one foot ot soil itom the surface. (2) The Government, may by order direct that any building constructed by any within a protected area in contraventinn of the provisions of sub-section shall be within specitiQd period and, if the person refuses or fHil's to comply wi{h the order. Lhe Director mav caugc the building to be removed and the person 5haIE be liable to pay the cost. SLICH removal. 28- Ef the Clavernment is nainion thal anv pro- to tected area contains anv ancient and monu- roent or antiquity of any intresf and value, other than 382 4'Nb MOHIJ• r 1964 : Pb. 20 ABD SINS national interst and vahae, il may acquire such area under the provisions of the Land Requisition Act, 1894 (Central Act of 13941 if the acquisition were for a publiir purpose within the meaning ot that Act. ,QGIC.AL IGXCAVATIONS 21 _ Sub,ieet to the plm•igions of 24 or the nras Ancient Arohâ+nlñæice] Sites and rnajns Act. 19.58 (Central Act 24 of '958), an gical an ofreer authorised by hjrn in this be- half or anv holding a granted in this behalf under this Act (hereinafter reCen-od ax lhe jican-see) mgy. after giving ntlLice in .varjting tn the Dirac:tor nod the noon make Zions in any protected area. in 2. Subject to the provisions Y.•ction 24 nf the at-he.' thar Aociec-rt. MonumenEs and ArehaeoIDRical ,SiLL..l' -and Re- Compulsory etc.. di:- e.nvered mains Act, 1958 (Central Aet 24 195fl), whurg an archaeologicaï omccr hax reason to that An r arca oat being protected area ruing relics n? historical or archeologiQRl importatee he or an authorlsed by him in thi* behalf may. after notice in to the Director and owner. upon

an make c.gc.ava*ions in éhe area. 23. (I) Where, as resuEt exeavation.s made any area snction 21 or E.ction 22, any antiquities are discovered the arehaecÆogital officer nr the litense:c:, thr case may bc, shill.-•. as soon as exami ne such and submit a reuori lo the in such manner end containing sneh parl.i-eulars m.yv ba prescribed • at tho conclusion ot the Li.xcävation npera- f..ions. give notice in writing to [he owner Qi the which such have discovecpd. as tn the of antinuilies. an fnr the compulsorv any *uch antiquities is made under sub-section the •-194 : Pb. Act 29] AND EUSFORICKL MONU- 383 MEN*IS AND *RCH..AEOLCJGrCA1.. REM,iVNS archaeological officer or the lieenxce, as the ease may shall keep them in such safe as he may deem flt. {3} Or receipt of a report under sub,section IL the Government may make an order for thc compulsory purchase o! any anticiütias at their market value, {4} When order far the canpulsory purchase of any aatlquüies is made undec sab-scelio.n such antiquities shall vest in the Government with pffet from the date of the order

24. Subject to the prm.äsions of section and save Ext •a •vuLitln. tD_r provided in sec±ions 22 and 23, na of-heel' or other authority shall undr.rtäke, authorisa any person to undertake, any excavaünn other like operation foc archaeological Flarpnses in eny are* whic:b is not a protected area except. 'vit.h the pra-Vjou.s appro'.@l OF the Ggvgrument. and in accordance with such rules OT if any, the Government mav in chis behalf. PROTECTION OF 25. (r) the considers that any antiquiti3s olaæg of antiquitn*s OLtghL to rnovcd from tho place whi.•rz they are without its mnction, LEte '11 an lküitlz Governmen: may by nat.ffcuation djTact lhat any such *Otiqail.y or any class xnoh antiquities ghall not be I moveL* with the written papmission of the m•ector. Every application ror c:ænnæssion undev sub- shall be in saeh foreri and contain such rmay be prescribed, {3} Any person aggrieved hy an order refusing parmission may- til t.hc• Gtmernmont. whose decision shall final. ANCIENT AND HISTORICAL MONI* 1.1964 Pb. Act årCH.â.EOLJNiCA1* SLIES (l) It the Government apprehends that any quittee by antiqui[v enanted ili a nblidication igsucd under sub- section nf section in danger Ok being destroyed, removed, injured, misused or allowed to fall into decay or is ot opinion I..het, hy of its histnrical ar acctlQQiogiek importancq is desiraEte preserve such aniiquity in a public peace. the Government may make an order for the compulsory purchase of such antiquity at ite market value and tho Director Shahl thereupon give titti0@ to the ownm• of the antiquity to be purchased. Where a notice of compulsory purchase is issued under sub-section (1) in respect. of any antiquity, antiquity shall vest in the Gaværnmene with effete fram the date of Bha notice. (3) The power of compulsory purchase given by this scolion Shakl nol extend to any irnggc or symbol actually used for bona fide religious compenqgtiEL d a n.1Ää•Q- PRINCIPLES OF COMPENSATION 27. Any owner or occupior or land who has sus- tained any loss demago nr any diminution ot' profits from the •and by -raagon af any entry on, or exeat•ations in land or the exerts-AL' 01.: any other power eon- by .Äei. shall be paid by the Governtnenl for 511Ch loss, damage or diminution of profil..s. ct . 2R_ The value any property which tho Government empowered to punhase at SIIC.h value under this Act. or compensatinn to be paid bv tho Government in respect of anything done under t.fis Act, whm•o any dispute Rt'iseg in "t:spcet such market value or compensation. be ascertained in lhe manner provided seelions 5, g to 45 47, 51 and 52 of the Land Acquisition Act., 1894 (Central Act r ot 18941 so far as they can be made applicabla : Prv,vfde I..hat making d n enquiry under the said Lanrl Acquisition Act, t.be Collr:etm• shell ed by two assessors, one of whom shall ba competent 1964 Pb. Aci A.Ncrmn Easromcu. 3AS MLNTS AND ertms REL.mms person •nominated by the Gevernnent and one person nominated by the owner, or, in case the owner fails to nominate an assessor within such time as may be fixed by the Collector in this behalf, by the Collector. (2) Notvæithstanding anything in sub-section (1) or in the Land Aequisitton Act, 1894 (Centrel Act I Of 18M), in deterrrdning the market. value Of any antiquity in respect of which an order Eor »mpulstry purchase is made under sub-section secåon 23 tr under sub-section (1) of section any increase in the vältle of the antiquity by reason nf its being of historical or acctæo]ogieal impar:ancc.' shatt not be taken Into con- sideration- MISCELLANEOUS 29. The Gover nmenl. may bv notihcation direct that any pawers eonferre.•d on it or under this Act sh:all, subject to such conditions may be specified in the dieectian: be exercjeable also by such omcer or authority subordinate thr.• Government as may be spec.ified in the dicæction. 39. (l) h*Vhaever— destroys, removeg, injures, alters. d * taces, imperils ar misuses a prolected monument, being the owner or Df a protected monum ent, contravenes an order made under nf section 9 DC under *lab-section ot' seet.jcn M], or (iii) removes from. a protected monument any sculpture. r-•arying, image, bas•reiet, Inscrip- tion or other Aike objects: or {it.) dons any ar.L in contravention of sub-section nf sper.inn 19. shall bc punishable

with imprisonment which may extend to three months, or with fine which may extend to five thousand rupees, with both. [Punishment for contravention of order made under sub-section (1) of section 25 shall be with fine which may extend to five thousand rupees, and the court convicting any such person may by order, direct such person to restore place from which it was moved. 310 Court inferior to that of a District Magistrate of the first class shall try any offence under this Act. 32. Notwithstanding anything in the Code of Criminal Procedure, 1398 (Central Act V of 1898), an offence under clause (1) of sub-section (1) of section 32 shall be deemed to be cognizable offence within the meaning of that Code]

33. Notwithstanding anything in section 32 of the Code of Criminal Procedure, 1898 (Central Act V of 1898), it shall be lawful for any Magistrate of the first class specially empowered by the Government in this behalf, to pass a sentence of fine exceeding two thousand rupees on any person convicted of an offence which under this Act is punishable with exceeding two thousand rupees. 34. Any amount due to the Government from any person under this Act may be recovered as an arrear of public revenue.

35. If the Government is of opinion that it is not necessary to protect any ancient and historical monument of archaeological site and remains under the provisions of this Act, it may by notification declare that the ancient and historical monument or archaeological site and remains, as it may be, has ceased to be a protected monument or a protected area for the purposes of this Act; [Section 387 AN ACT OF 1964]

36. Any clerical mistake, patent error or omission arising from accidental slip or omission in the description of any ancient and historical monument or archaeological site and remains declared to be a monument or a protected area, by or under this Act, may at any time, be corrected by the Government by notification. 37. No suit or criminal prosecution shall lie against any person in respect of any act done or in faith intended to be done in the exercise of any power conferred by this Act. The Government may, by notification and rules, subject to the condition of previous sanction, make to carry out the provisions of this Act, (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for or any of the following matters, namely:— (a) the prohibition or regulation by the Government or otherwise of mining, quarrying, excavating, or any operation of like nature near a protected monument or the construction of buildings on land adjoining such monument and the removal of buildings; (b) the grant of licences or permissions to make excavations for archaeological purposes in protected areas, the authorities by whom, and the restrictions and conditions subject to which, such licences may be granted, the taking of fees from licensees and the fees that may be charged for such licences; the right of access of the public to a protected monument and the fee, if any, to be charged therefor (d) the form and contents of the report of an archaeological or a licensee under clause (a) of sub-section of section 23; 38. [Section 388 AN ACT OF 1964] (e) the form and contents of the report of an archaeological or a licensee under clause (a) of sub-section of section 23; 38. [Section 388 AN ACT OF 1964] (f) the form and manner of preferring appeals under this Act, the fees to be paid therefor and the time within which they may be preferred. (g) the manner of service of any order or notice under this Act - (h) the manner in which excavations and other like operations for archaeological purpose may be carried out (i) any other matter which is or may be prescribed. (3) Any rule made under this section may provide that any breach thereof shall be punishable:— In the case of a rule made with reference to clause (a) of sub-section with imprisonment which may extend to three months, or with fine which may extend to five thousand rupees, with both; (ii) in the case of a rule made with reference to clause (b) of sub-section with fine which may extend to five thousand rupees, (iii) in the case of a rule made with reference to clause of sub-section with fine which may extend five hundred rupees

39. The Ancient Monuments Act, 1904 (Central Act V of 1904): shall cease to have effect in relation to ancient and historical monuments and archaeological sites and remains declared or deemed to be declared by or under this Act to be protected monuments or protected areas, except as respects things done or omitted to be done before the commencement of this Act. [Section 39 AN ACT OF 1964]