

THE U.P. ANCIENT AND HISTORICAL MONUMENTS AND
ARCHAEOLOGICAL SITES AND REMAINS PRESERVATION
ACT, 1956

[U.P. Act No. VII of 1957]

[Passed in Hindi by the Uttar Pradesh Legislative Council on
August 8, 1956 and by the Uttar Pradesh Legislative Assembly on
September 4, 1956.]

Received the assent of the President on January 12, 1957,
under Article 201 of the Constitution of India and was published in the
Uttar Pradesh Gazette Extraordinary, dated January 19, 1957].

AN

ACT

*to provide for the preservation and protection of ancient and
historical monuments and archaeological sites and remains in Uttar
Pradesh other than those declared by Parliament by law to be of national
importance.*

WHEREAS it is expedient to provide for the preservation and
protection of ancient and historical monuments and archaeological
sites and remains in U.P. other than those declared to be of national
importance by the Ancient and Historical Monuments
and
archaeological Sites and Remains (Declaration of National Importance)
Act, 1951, and for certain other matters connected therewith;

It is hereby enacted in the seventh year of the Republic of India
as follows:

**Short title
extent and
commencement**

1. (1) This Act may be called the U.P. Ancient and historical

Monuments and Archaeological Sites and Remains Preservation Act, 1956.

(2) It extends to the whole of Uttar Pradesh.

(3) It shall come into force at once.

Definitions

2. In this Act, unless there is anything repugnant in the
subject or context, any reference to ancient or historical monument or

archaeological site or remains, shall mean ancient or
historical

monument or archaeological site or remains other than those declared
by the Ancient and Historical Monuments and Archaeological Sites
and Remains (Declaration of National Importance) Act, 1951, to be of

national importance.

**Re-enactment
and application
of Act VII of
1904 to ancient
and historical
monument and
archaeological
sites and
remains**

3. The provisions of the ancient Monuments Preservation Act,
1904, as set out in Schedule I with the modifications mentioned in

Schedule II, are hereby re-enacted and shall apply and be always
deemed to have applied to ancient and historical monuments and
archaeological sites and remains in Uttar Pradesh.

**Continuation of
notifications
and orders, etc.
issued under**

4. Any action taken or purported to be taken including any
declaration, appointment, notification, order, instruction, direction,

scheme, rule, regulation, form or certificate, made or
issued or

Act VII of 1904

purported to be made or issued under the Ancient
Monuments

Preservation Act, 1904, shall, so far as it is not inconsistent with the
provisions of the said Act as re-enacted and modified by this Act,

continue in force and shall be deemed to have been taken, made or
issued under the provisions so re-enacted, unless and until directed
otherwise or superseded by anything done or any action taken under
the provisions so re-enacted.



Schedule1[The Ancient Monuments Preservation Act, 1904]



SCHEDULE I

(See Section 3)

THE ANCIENT MONUMENTS PRESERVATION ACT, 1904

[Act No. VII of 1904]

(18TH March, 1904)

(As MODIFIED UP TO THE 25TH OCTOBER, 1951)

AN

ACT

*to provide for the preservation of Ancient Monuments and Objects
of Archaeological, Historical or Artistic Interest*

WHEREAS it is expedient to provide for the preservation of ancient
monuments, for the exercise of control over traffic in antiquities and over
excavation in certain places, and for the protection and acquisition in
certain cases of ancient monuments and of objects of archaeological,
historical or artistic interest;

It is hereby enacted as follows:

Short title 1. (1) This Act may be called the Ancient
Monuments
and Ancient Preservation Act, 1904.

(2) It extends to the whole of India (except the States of Jammu
and Kashmir)

Definitions 2. In this Act, unless there is anything repugnant in the subject
or context,—

(1) “ancient 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, or any remains thereof, and includes—

(a) the site of an ancient monument;
(b) such portion of land adjoining the site of an ancient
monument as may be required for fencing or covering in or
otherwise preserving such monument; and
(c) the means of access to and convenient inspection of an
ancient monument;

(2) “antiquities” include any movable objects which the Central
Government, by reason of their historical or archaeological associations
may think it necessary to protect against injury, removal or dispersion;

(3) “Commissioner” includes any officer authorized by the Central
Government to perform the duties of a Commissioner under this Act;

(4) “maintain” and “maintenance” include the 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 maintaining
a protected monument or of securing convenient access thereto;

(5) “land” includes a revenue-free estate, a revenue-paying estate,
and a permanent transferable tenure, whether such an estate or tenure
be subject to incumbrances or not; and

Schedule I [The Ancient Monuments Preservation Act, 1904]]

(c) the restriction of the owner's right to destroy, remove, alter or deface the monument or to build on or near the site of the monument;

(d) the facilities of access to be permitted to the public or to any portion of the public and to persons deputed by the owner or the Collector to inspect or maintain the monument;

(e) the notice to be given to the Central Government in case the land on which the monument is situated is offered for sale by the owner, and the right to be reserved to the Central 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 Central Government in connection with the preservation of the monument;

(g) the proprietary or other rights which are to vest in His Majesty in respect of the monument when any expense is incurred by the Central Government in connection with the preservation 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 preservation of the monument which is a proper subject of agreement between the owner and the Central Government.

(3) * * * *

(4) The terms of an agreement under this section may be altered from time to time with the sanction of the Central Government and with the consent of the owner.

(5) With the previous sanction of the Central Government, the Collector may terminate an agreement under this section on giving six months' notice in writing to the owner.

(6) The owner may terminate an agreement under this section on giving six months' notice to the Collector.

(7) An agreement under this section shall be binding on any person claiming to be owner of the monument to which it relates, through or under & party by whom or on whose behalf the agreement was executed.

(8) Any rights acquired by the Central Government in respect of expenses incurred in protecting or preserving a monument shall

not be
affected by the termination of an agreement under this section.

Owners **6.(1)** If the owner is unable, by reason of infancy or other **under disability or** disability, to act for himself, the person legally competent to act on his **not in** behalf may exercise the powers conferred upon an owner by section 5.
possession

(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 by section 5.



Schedule I [The Ancient Monuments Preservation Act, 1904]

Compulsory 10. (1) If the Central Government apprehends that a protected purchase of ancient monument is in danger of being destroyed, injured or allowed to fall into monument decay, the Central Government may direct the State Government to acquire it under the provisions of the Land Acquisition Act, 1894 (of 1894), as if the preservation of a protected monument were a "public purpose" within the meaning of that Act.

(2) The powers of compulsory purchase conferred by sub-section (1) shall not be exercised in the case of—

(a) any monument which or any part of which is periodically used for religious observances; or

(b) any monument which is the subject of a subsisting agreement executed under section 5.

(3) In any case other than the cases referred to in sub-section (2) the said powers of compulsory purchase shall not be exercised unless the owner or other person competent to enter into an agreement under section 5 has failed, within such reasonable period as the Collector may fix in this behalf, to enter into an agreement proposed to him under the said section or has terminated or given notice of his intention to terminate such an agreement.

Power of 10-A. Central government (1) If the Central Government is of opinion that mining, quarrying, excavating, blasting and other operations of a like nature to control should be retracted or regulated for the purpose of protecting or mining, etc. preserving any ancient monument, the Central Government may, by notification in the official *Gazette* make rules—

(a) fixing the boundaries of the area to which the rules are to apply;

(b) for bidding the carrying on of mining, quarrying, excavating, blasting or any operation of a like nature except in accordance with the rules and with the terms of a license; and

(c) prescribing the authority by which and the term on which, licenses may be granted to carry on any of the said operations.

(2) The power to make rules given by this section is subject to the condition of the rules being made after previous publication.

(3) A rule made under this section may provide that any person committing a breach thereof shall be punishable with fine which may extend to two hundred rupees.

(4) If any owner or occupier of land included in a notification under sub-section (1) proves to the satisfaction of the Central Government that he has sustained loss by reason of such land being so included the Central Government shall pay compensation in respect of such loss.

Maintenance 11. (1) The Commissioner shall maintain every monument in of certain protected respect of which the Government has acquired any of the rights monuments mentioned in section 4 or which the Government has acquired under section 10.

(2) When the Commissioner has accepted the guardianship of a monument under section 4, he shall, for the purpose of maintaining such monument, have access to the monument at all reasonable times, by himself and by his agent, subordinates 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.



Schedule I [The Ancient Monuments Preservation Act, 1904]

Power to 17. (1) If the Central Government apprehends that antiquities

Central

Government are being sold or removed to the detriment of India or of any
to control neighboring country, it may, by notification in the official Gazette,
traffic in prohibit or restrict the bringing or taking by sea or by land of any
antiquities

antiquities or class of antiquities described in the notification into or out
of the territories to which this Act extends or any specified part of the

said territories.

(2) Any person who brings or takes or attempts to bring or take
any such antiquities into or out of (the said territories) or any part of the
said territories in contravention of a notification issued under sub-
section (1), shall be punishable with fine which may extend to five

hundred rupees.

(3) Antiquities in respect of which an offence referred to in
sub-section (2) has been committed shall be liable to confiscation.

(4) An officer of Customs, or an officer of Police of a grade not
lower than Sub-Inspector, duly empowered by the Central Government
in his behalf, may search any vessel, cart or other means of conveyance,
and may open any baggage or package of goods, if he has reason to
believe that goods in respect of which an offence has been committed
under sub-section (2) are contained therein.

(5) A person who complains that the power of search, mentioned
in sub-section (4) has been vexatiously or improperly exercised may
address his complaint to the Central Government and the Central
government shall pass such order and may award such compensation,
if any, as appears to it to be just.

Power to 18. (1) If the Central Government considers that any sculptures,

Central

Government carvings, images, bas-reliefs, inscriptions or other like objects sought not
to control to be moved from the place where they are without the sanction of the
moving of
sculptures, Central Government, the Central Government may, by notification in
carvings or the official Gazette, direct that any such objects or any class of such
like objects

objects shall not be moved unless with the written permission of the

collector.

(2) A person applying for the permission mentioned in sub-
section (1) shall specify the object or objects which he proposes to move,
and shall furnish, in regard to such object or objects, any information
which the Collector may require.

(3) If the Collector refuses to grant such
permission, the
applicant may appeal to the Commissioner, whose decision shall be final.

(4) Any person who moves any object in contravention of a
notification issued under sub-section (1), shall be punishable with fine
which may extend to five hundred rupees.

(5) If the owner of any property proves to the satisfaction of the
Central Government that he has suffered any loss or damage by reason
of the inclusion of such property in a notification published under sub-
section (1), the Central Government shall either—

(a) exempt such property from the said notification;

(b) purchase such property, if it be movable, at its market

value;or

(c)paycompensationforanylossordamagesustainedby
theownerofsuchproperty,ifitbeimmovable.



Schedule I [The Ancient Monuments Preservation Act, 1904]

(4) Such rules may provide that any person committing a

breach of any rule or of any condition of a license shall be punishable

with fine which may extend to five thousand rupees, and may further

provide that where the breach has been by the agent or servant of a licensee the licensee himself shall be punishable.

Powers to

20-C.

If the Central Government is of opinion that a protected area

contains an ancient monument or antiquities of national interest

and value, it may direct the State Government to acquire such area, or

any part thereof, and the State Government may thereupon acquire

such area or part under the Land Acquisition Act, 1894 (I of 1894) as

for a public purpose.

Assessment of

21.(1) The market-

value of any property which Government is empowered to purchase at such value

or

under this act, or the compensation

done

compensation to be paid by Government in respect of anything under this Act, shall, where any dispute arises in respect of such market-

value or compensation, be ascertained in the manner provided

by the Land Acquisition Act, 1894, sections 3, 8 to 34, 45 to 47, 51 and 52, so far as they can be made applicable:

Provided that when making an inquiry under the said

Land

Acquisition Act, 1894, the Collector shall be assisted by two assessors,

one of whom shall be a competent person nominated by the collector, and one 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.

Jurisdiction.

22. A Magistrate of the third class shall not have jurisdiction to try any person charged with an offence against this Act.

Powers to make

23.

(1) The Central Government may make rules for carrying out any of the purposes of this Act.

(2)

The power to make rules given by this section is subject to the condition of the rules being made after previous publication.

Protection to

24. No suit for compensation and no criminal proceedings shall

public servants acting under

lie against any public servant in respect of any act done, or in good

d

Act

faithintendedtobedone,intheexerciseofanypowerconferred

by

thisAct.

