



**The Tripura Ancient Monuments and Archaeological Sites and Remains Act,
1997**

Act 2 of 1997

Keyword(s):

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Tripura Act No. 2 of 1997

*THE TRIPURA ANCIENT
MONUMENTS AND
ARCHAEOLOGICAL
SITES AND REMAINS
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**THE TRIPURA ANCIENT MONUMENTS AND
ARCHAEOLOGICAL SITES AND REMAINS ACT, 1997**

**An
Act**

for the preservation of ancient and historical monuments and archaeological sites and remains, for the excavation of archaeological sites and for the protection of antiquities in Tripura other than those declared by or under law made by the Parliament to be of national importance.

Be it enacted by the Legislative Assembly of Tripura in the forty seventh year of the Republic of India as follows :—

**CHAPTER I
Preliminary**

- Short title, extent & commencement**
1. (1) This Act may be called the Tripura Ancient Monuments and Archaeological Sites and Remains Act, 1997.
- (2) It extends to the whole of Tripura.
- (3) It shall come into force on such date as the State Govt. may, by notification in the Official Gazette, appoint.
- Definitions.**
2. In this Act, unless the context otherwise requires.
- (a) '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 and which has been in existence for not less than seventy five years, and includes...
- (i) the remains of an ancient monument.
- (ii) the site of an ancient monument.
- (iii) such portion of land adjoining the site of an ancient or otherwise preserving such monument, and

- (iv) the means of access to, and convenient inspection of, an ancient monument.

- (b) 'Archaeological site and remain' means any area which contains or is reasonably believed to contain ruins or relics of historical or archaeological importance which have been in existence for not less than seventy five years and includes ...
 - (i) such portion of land adjoining the area as may be required for fencing or covering in or otherwise preserving it, and
 - (ii) the means of access to, and convenient inspection of, the area,

- (c) 'Antiquity' includes
 - (i) any coin, sculpture, manuscript, epigraph, or other work of art of craftsmanship.
 - (ii) any article, object or thing illustrative of science, art, literature, religion, customs, morals or politics in bygone ages.
 - (iii) any article, object or thing of historical interest, and
 - (iv) any article, object or thing declared by the State Govt., by notification in the Official Gazette, to be an antiquity for the purposes of this Act, which has been in existence for not less than seventy five years.

- (d) 'Collector' means the Collector of a District.

- (e) 'Construction' means the construction of any structure and includes addition to or alternations of an existing building.

- (f) 'Land' includes a revenue-free estate and a permanent transferable tenure whether such an estate-tenure be subject to incumbrances or not.

- (g) 'Maintain' with its Grammatical variations and cognate expressions include the fencing, covering in, repairing,

restoring, and cleaning of a protected monument, and the doing of any act which may be necessary for the purpose of preserving a protected monument or of securing convenient access thereto.

- (h) 'Owner' includes
- (i) a joint owner invested with powers of management on behalf of himself and other joint-owners and the successor-in-title of any such owner, and
- (ii) any management or trustee exercising powers of management and the successor-in-office of any such management or trustee.
- (i) 'Prescribed' means prescribed by rules made under this Act.
- (j) 'Protected monument' means an ancient monument, archaeological sites or remain which may be declared to be of historical importance by or under this Act.
- (k) 'Prohibited area' means an area near or adjoining a protected monument which the State Government has, by notification in the official gazette, declared to be a prohibited area by or under this Act.
- (l) 'Protected area' means any archaeological site and remains which is declared to be of historical or archaeological importance by or under this Act.
- (m) 'State Archaeological Officer' means an Officer of the Department of Education of the Government of Tripura and includes any officer associated with works related to Archaeological Unit and Govt. Museum as may be authorised by the State Government to perform the duties of the State Archaeological officer.

CHAPTER II
Protected Monument

3. (1) The State Government may, by notification in the Official Gazette, declare an ancient monument or archaeological site or remains to be a protected monument for historical importance within the meaning of this Act.

**Declaration
of protected
monument,**

(2) A copy of every notification published under sub-section (1) shall be fixed up in a conspicuous place on or near the monument together with an intimation that any objection to the issue of the notification received by the State Government within one month from the date when it is so fixed will be taken into consideration.

(3) On the expiry of the said period of one month, the State Government, after considering the objections, if any, shall confirm or withdraw the notification.

(4) A notification published under this Act shall, unless and until it is withdrawn, be conclusive evidence of the fact that the monument to which it is related is an ancient monument within the meaning of this Act.

4. (1) The State Archaeological Officer, with the sanction of the State Government, may purchase, or take a lease of, or accept a gift or bequest of any protected monument or archaeological site and remains.

**Acquisition
of right or
guardianship
over protected
monument.**

(2) When a protected monument or archaeological site and remains is without an owner, the State Archaeological Officer may, by notification in the official Gazette, assume the guardianship of the monument or archaeological site and remains.

(3) The owner of any protected monument or archaeological site and remains may, by written instrument, constitute the State Archaeological Officer the guardian of the monument or archaeological site and remains, and the State Archaeological Officer may, with the sanction of the State Government, accept such guardianship.

(4) When the State Archaeological Officer has accepted the guardianship of a monument under sub-section (3) the owner shall, except as expressly provided in this Act, have the same estate, right, title

and interest to and in the monument or archaeological site and remains as if the State Archaeological Officer had not been constituted guardian thereof.

(5) When the State Archaeological Officer has accepted the guardianship of a monument site and remains under sub-section (3), the provisions of this Act relating to agreements executed under Section 5 shall apply to the instrument executed under the said sub-section.

**Agreement for
preservation
of ancient
monument**

5. (1) The Collector, when so directed by the State Govt., shall propose to the owner of a protected monument or archaeological site and remains to enter into an agreement with the State Government, within a specified period for the maintenance of the monument or archaeological site and remains in his district

(2) An agreement under this Section may, provide for all or any of the following matters namely :

- (a) the maintenance of the monument or archaeological site and remains ;
- (b) the custody of the monument or archaeological site and remains and the duties of any person who may be employed to watch it ;
- (c) the restriction of the owner's rights—
 - (i) to use monument for any purpose,
 - (ii) to charge any fee for entry into, or inspection of the monument or archaeological site and remains,
 - (iii) to destroy, remove, alter or deface the monument or archaeological site remains,
 - (iv) to build on or near the site of the monument or archaeological site and remains,
- (d) the facilities of access to be permitted to the public or any section thereof or to the State Archaeological

Officer or to persons deputed by the owner or the State Archaeological Officer or the Collector to inspect or maintain the monument or archaeological site and remains ;

- (e) the notice to be given to the State Government in case the land on which the monument or archaeological site and remains is situated or any adjoining land is offered for sale by the owner and the right to be reserved to the State Government to purchase such land, or any specified portion of such land ;
- (f) the payment of any expenses incurred by the owner or by the State Government in connection with the maintenance of the monument or archaeological site and remains ;
- (g) the proprietary or other rights which are to vest in the State Government in respect of the monument or archaeological site and remains when any expenses are incurred by the State Government in connection with the maintenance of the monument or archaeological site and remains ;
- (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 or archaeological site and remains which is a proper subject of agreement between the owner and the State Government.

(3) The State Government or the owner may at any time after the expiration of three years from the date of execution of an agreement under this Section terminate it on giving six month's notice in writing to the other party.

Provided that where the agreement is terminated by the owner, he shall pay to the State Government the expenses, if any, incurred by it on the maintenance of the monument or archaeological site and remains, during the five years 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) Any agreement under this Section shall be binding on any person claiming to be the owner of the monument or archaeological site and remains, to which it relates, from, through or under a party by whom or on whose behalf the agreement was executed.

Legally competent person to act on behalf of person under disability.

6. (1) If the owner of a protected monument or archaeological site and remains is unable, by reason of infancy or other disability, to act for himself, the person legally competent to act on his behalf may exercise the powers conferred upon an owner by Section 5.

(2) In the case of village property, the head man or other village officers exercising powers of management over such property may exercise the powers conferred upon an owner by Section 5.

(3) Nothing in the Section shall be deemed to empower any person not being of the same religion as the person on whose behalf he is acting to make or execute an agreement relating to a protected monument or archaeological site and remains which or any part of which is periodically used for religious worship or observations of that religion.

Suit for proper application of the maintenance of monument.

7. (1) If any owner or other person competent to enter into an agreement under Section 5 for the maintenance of a protected monument or archaeological site and remains, refuses or fails to enter such an agreement, and if any endowment has been created for the purpose of keeping such monument or archaeological site and remains in repair the State Govt. may institute a suit in the court of the District Judge for the proper application of such endowment or part thereof.

(2) On the hearing of an application under sub-section (1), the District Judge may summon and examine the owner and any person whose evidence appears to him necessary and may pass an order for the proper application of the endowment or any part thereof, and any such order may be executed as if it were a decree of the civil court.

Failure to enter into agreement.

8. (1) If any owner or other person competent to enter into an agreement under Section 5 for the maintenance of a protected monument or archaeological site and remains refuses or fails to enter into such an agreement, the State Government may make an order providing for all or any of the matters specified in sub-section (2) of Section (5) and such order shall be binding on the owner or such other person and on every person claiming title to the monument or archaeological site and remains from, through or under, the owner or such other person.

(2) Where an order made under sub-section (1) provides that the monument or archaeological site and remains shall be maintained by the owner or other person competent to enter into agreement, all reasonable expenses for the maintenance of the monument or archaeological site and remains shall be payable by the State Government.

(3) No order under sub-section (1) shall be made unless the owner or other person has been given an opportunity of making a representation in writing against the proposed order.

9. (1) If the State Archaeological Officer apprehends that the owner or occupier of a protected monument or archaeological site and remains intends to destroy, remove, alter, deface, imperil or use the monument or archaeological site and remains or to build on or near the site thereof in contravention of the terms of an agreement under Section 5, the State Archaeological Officer may, after giving the owner or occupier an opportunity of making a representation in writing, make an order prohibiting any such contravention of the agreement. **Power to prohibit contravention of agreement.**

Provided that no such opportunity may be given in case where the State Archaeological officer, for reasons to be recorded, is satisfied that it is not expedient or practicable to do so.

(2) Any person aggrieved by an order under this Section may appeal to the State Government within such time and in such manner as may be prescribed and the decision of the State Govt. shall be final.

10. (1) If any owner or other person who is bound by an agreement for the maintenance of a monument or archaeological site and remains under Section 5, refuses or fails within such reasonable time as the State Archaeological Officer may fix, to do any act which in the opinion of the State Archaeological Officer is necessary for the maintenance of the monument or archaeological site and remains, the State Archaeological Officer may authorise any person to do any such act, and the owner or other person shall be liable to pay the expenses of doing any such act or such portion of the expenses as the owner may be liable to pay under the agreement. **Enforcement of agreement,**

(2) If any dispute arises regarding the amount of expenses payable by the owner or other person under sub-section (1) it shall be referred to the State Government whose decision shall be final.

11. Every person who purchases at a sale, for arrears of land revenue or any other public demand, any land on which is situated a monument or archaeological site and remains in respect of which any instrument has been executed by the owner for the time being under Section 4 or Section 5 and every person claiming title to a monument or archaeological site and remains from, through or under an owner who executed such an instrument shall be bound by such an instrument.

Persons claiming under owner to be bound by agreement.

12. If the State Government apprehends that a protected monument or archaeological site and remains in a danger of being destroyed, injured, misused, or allowed to fall into decay, it may acquire the protected monument or archaeological site and remains under the provisions of the Land Acquisition Act, 1894 (Act 1 of 1894) as the maintenance of the protected monument or archaeological site and remains were a public purpose within the meaning of that Act.

Acquisition of protected monument.

13. (1) The State Government shall maintain every monument or archaeological site and remains which has been acquired under Section 12 or in respect of which any of the rights mentioned in Section 4 have been acquired.

Maintenance of protected monument.

(2) When the State Archaeological Officer has assumed the guardianship of a monument or archaeological site and remains under Section 4, he shall, for the purpose of maintaining such monument or archaeological site and remains have access to the monument or archaeological site and remains at all reasonable times, by himself and by his agents, subordinates and workmen, for the purpose of inspecting the monument, or archaeological site and remains and for the purpose of bringing such materials and doing such acts as he may consider necessary or desirable for the maintenance thereof.

CHAPTER III

Voluntary Contributions

14. The State Archaeological Officer may receive voluntary contributions towards the cost of maintaining a protected monument or archaeological site and remains and may give orders as to the management and application of any funds so received by him.

Voluntary contribution for maintenance of protected monument.

Provided that no contribution received under this Section shall be applied to any purpose other than the purpose for which it was contributed.

Protection of place of worship from pollution, misuse, desecration etc.

15. (1) A protected monument or archaeological site and remains maintained by the State Government which is a place of worship or shrine shall not be used for any purpose inconsistent with its character.

(2) Where the State Government has acquired a protected monument or archaeological site and remains under Section 12 or where the State Archaeological Officer has purchased or taken a lease of protected monument or archaeological site and remains under section 5, and such monument or archaeological site and remains, or any part thereof is used for religious worship or observances by any community, the Collector shall make due provision for the protection of such monument or archaeological site and remains or part thereof from pollution or desecration—

- (i) by prohibiting entry therein, except, in accordance with the conditions prescribed with the concurrence of persons if any, in religious charge of the said monument, or archaeological site and remains, or part thereof, of any person not entitled to enter by the religious usages of the community by which the monument or archaeological site and remains or part thereof is used ; or
- (ii) by taking such other action as he may think necessary in this behalf.

Relinquishment of rights.

16. With the sanction of the State Government the State Archaeological Officer may :

- (a) where rights have been acquired by the State Government in respect of any monument or archaeological site and remains under this Act by virtue of any sale, lease, gift or will, relinquish by notification, in the Official Gazette, the rights so acquired to the person who would for the time being be the owner of the monument or archaeological site and remains if such rights had not been acquired ; or
- (b) relinquish any guardianship of a monument or archaeological site and remains which he has assumed under this Act.

17. Subject to the rules made under this Act, the public shall have right of access to any protected monument or archaeological site and remains. **Right of access to protected monument.**

18. An owner or occupier of land who has sustained any loss or damage by reason of an entry on such land or the exercise of any other power conferred by this Act, shall be paid compensation by the State Government for such loss or damage. **Principles of compensation.**

19. The market value of any property which the State Government is empowered to purchase at such value under this Act, or the compensation to be paid by the State Govt. in respect of anything done under this Act, shall, where any dispute arises in respect of such market value or compensation, be ascertained in the manner provided in the Land Acquisition Act, 1894 (Act 1 of 1894) so far as the provision thereof can be made applicable. **Assessment of market value for compensation.**

Provided that when making an enquiry under the Land Acquisition Act, the Collector shall be assisted by two assessors, one of whom shall be a competent person nominated by the owner, or in case the owner fails to nominate any assessor within such reasonable time as may be fixed by the Collector in this behalf, by the Collector.

CHAPTER IV Archaeological Excavations.

20. The State Archaeological Officer or an officer authorised by him in this behalf under this Act may, after giving notice in writing to the Collector and owner, enter upon and make excavations in any protected area. **Excavation in protected areas.**

21. Where the State Archaeological Officer has reason to believe that any area, not being a protected area, contains remains or ruins or relics of historical or archaeological importance, he or an officer authorised by him in this behalf may, after giving notice in writing of the Collector and the owner,, enter upon and make excavation in the area. **Excavation in other areas.**

22. (1) Where, as a result of any excavation made in any area under Section 20 or Section 21, any antiquities are discovered, the State Archaeological officer shall— **Compulsory purchase of antiquities.**

- (i) as soon as practicable, examine such antiquities and submit a report to the State Government in such manner and containing such particulars as may be prescribed ; and

(ii) at the conclusion of the excavation operations, give notice in writing to the owner of land from which such antiquities have been discovered, of the nature of such antiquities.

(2) Until an order for the compulsory purchase of any such antiquities is made under sub-section (3), the State Archaeological Officer shall keep them in such safe custody as he may deem fit.

(3) On receipt of a report under sub-section (1), the State Government may make an order for the compulsory purchase of any such antiquities at their market value.

(4) When an order for the compulsory purchase of any antiquities is made under sub-section (3), such antiquities shall vest in the State Government with effect from the date of order.

Approval for excavation. 23. No State Archaeological Officer shall undertake or authorise any person to undertake any excavation or other like operation for archaeological purposes in any area, which is not a protected area except with the previous approval of the Central Government and the State Government and in accordance with such rules or directions, if any, as the Central Government and the State Government may make or give in this behalf.

CHAPTER V

Protection of Antiquities

Power to control movement of antiquities. 24. (1) If the State Government considers that any antiquities or class of antiquities ought not to be moved from the place where they are without the sanction of the State Government, it may, by notification in the Official Gazette, direct that any such antiquity or any class of such antiquities shall not be moved except with the written permission of the State Archaeological Officer.

(2) Every application for permission under sub-section (1) shall be in such form and contain such particulars as may be prescribed.

(3) Any person aggrieved by an order refusing permission may appeal to the State Government whose decision shall be final.

25. (1) If the State Government apprehends that any antiquity mentioned in a notification issued under sub-section (1) or Section 24 is in danger of being destroyed, removed, injured, misused or allowed to fall into decay or is of opinion that by reason of its historical or archaeological importance, it is desirable to preserve such antiquity in a public place, the State Government may make an order for the compulsory purchase of such antiquity at its market value to be determined in the manner prescribed and the Collector shall thereupon give notice to the owner of the antiquity to be purchased.

Purchase of antiquities by State Govt.

(2) Where a notice of compulsory purchase is issued under sub-section (1) in respect of any antiquity, such antiquity shall vest in the State Government with effect from the date of the notice.

(3) The power of compulsory purchase given by this Section shall not extend to any image or symbol actually used for bonafide religious observances.

CHAPTER VI Miscellaneous

26. Whoever—

Penalties.

- (i) destroys, removes, injures, alters, defaces, imperils or misuses a protected monument ; or
- (ii) being the owner or occupier of a protected monument, contravenes an order made under sub-section (1) of Section 8 or under sub-section (1) of Section 9, shall be punishable with imprisonment, which may extend to three months, or with fine which may extend to five thousand rupees, or with both.

27. No court inferior to that of a Judicial Magistrate of the First Class shall try any offence under this Act.

Jurisdiction of courts to try offences.

28. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Act No. 2 of 1974) an offence under clause (1) of Section 26 shall be a cognizable offence within the meaning of that Code.

Offences to be cognizable.

29. If the State Government is of opinion that protected monument has ceased to be of historical importance, it may by notification in the Official Gazette, declare that the protected monument has ceased to be of historical importance for the purpose of this Act.

Offences to be cognizable.

Power to correct mistakes. 30. Any clerical mistake, patent error arising from accidental slip or omission in the description of any ancient monument or archaeological site and remains declared to be a protected monument or archaeological site and remains by or under this Act may, at any time, be corrected by the State Government by notification in the Official Gazette.

Protection of action done in good faith. 31. No suit for compensation and no criminal proceeding shall lie against any public servant in respect of any act done in good faith or intended to be done in the exercise of any power conferred by this Act.

Power to make rules. 32. (1) The State Government may, by notification in the Official Gazette and subject to the provision of previous publication make rules for carrying out the purposes of this Act.

(2) All rules made under this Section shall be laid for not less than fourteen days before the Tripura Legislative Assembly as soon as possible after they are made, and shall be subject to such modifications as the Legislative Assembly may make during the session in which they are so laid or the sessions immediately following.

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