

Bill No. 107 of 2017

**THE ANCIENT MONUMENTS AND ARCHAEOLOGICAL SITES AND
REMAINS (AMENDMENT) BILL, 2017**

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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 Sixty-eighth 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, 2017. Short title and commencement.

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

24 of 1958. **2.** In the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (hereinafter referred to as the principal Act), in section 2, after clause (j), the following clause shall be inserted, namely:— Amendment of section 2.

10 ‘(ja) “public works” means construction works related to infrastructure financed and carried out by any department or offices of the Central Government for public purposes which is necessary for the safety or security of the public at large and emergent necessity is based on specific instance of danger to the safety or security of the public at large and there is no reasonable possibility of any other viable alternative to such construction beyond the limits of the prohibited area;’.

Amendment of section 20A. **3.** In section 20A of the principal Act, after sub-section (4), the following sub-sections shall be inserted, namely:—

"(5) Nothing contained in sub-section (4) shall apply to the public works:

Provided that any question as to whether or not a construction works is public works, shall be referred to the Authority which shall on being satisfied make its recommendation, for the reasons to be recorded in writing, to the Central Government whose decision thereon shall be final: 5

Provided further that if the decision of the Central Government differs from the recommendation of the Authority, the Central Government shall record its reasons thereof. 10

(6) Any Department or office of the Central Government proposing to carry out any construction works, including reconstruction or repair or renovation, of any public works in the prohibited area, shall make an application to the competent authority for carrying out such construction works.

(7) Upon decision of the Central Government determining a construction works as public works in accordance with the provisions of sub-section (5), the competent authority shall convey the decision of the Central Government to the applicant within ten days of the receipt of such decision. 15

(8) The provisions of section 20C shall apply *mutatis mutandis* to the public works in a prohibited area." 20

Amendment of section 20D. **4.** In section 20D of the principal Act, in sub-section (8), for the words "Director General", the words "competent authority" shall be substituted.

Amendment of section 20-I. **5.** In section 20-I of the principal Act, after clause (e), the following clause shall be inserted, namely:—

"(ea) to consider the impact, including archaeological impact, visual impact and heritage impact assessment, of public works which may be proposed in the prohibited area and make recommendations to the Central Government in respect thereof: 25

Provided that no recommendation for any construction works shall be made unless the Authority is satisfied that there is no reasonable possibility of any other viable alternative for shifting such construction works beyond the limits of the prohibited area." 30

STATEMENT OF OBJECTS AND REASONS

The Ancient Monuments and Archaeological Sites and Remains Act, 1958 was enacted to provide for the preservation of ancient and historical monuments and archaeological sites and remains of national importance, for the regulation of archaeological excavations and for the protection of sculptures, carvings and other like objects.

2. The said Act was amended in 2010, which, *inter alia*, under section 20A allows the Central Government or the Director General to grant permission for such public works or projects essential to the public or other constructions which in its opinion, shall not have any substantial adverse impact on the preservation, safety, security of, or access to, the monument or its immediate surroundings, to be carried out in a prohibited area in respect of a protected area or protected monument. However, it prohibits carrying out any public work or project essential to the public or other constructions in any prohibited area.

3. The prohibition of new construction within prohibited area of a protected area or protected monument, is adversely affecting the various public works and developmental projects of the Central Government. In order to resolve the situation arising out of the prohibition on any construction under section 20A of the Act, a need has been felt to amend the Act to allow for construction works related to infrastructure financed and carried out by any Department or office of the Central Government for public purposes which is necessary for the safety or security of the public at large.

4. In view of the above, it is proposed to introduce a Bill, namely, the Ancient Monuments and Archaeological Sites and Remains (Amendment) Bill, 2017, *inter alia*, to—

(a) provide for a new definition of "public works" in section 2 of the Act; and

(b) amend section 20A of the Act so as to allow for construction of public works related to infrastructure financed and carried out by any Department or office of the Central Government for public purposes which is necessary for the safety or security of the public at large and there is no reasonable possibility of any other viable alternative to such construction beyond the limits of the prohibited area.

5. The Bill seeks to achieve the aforesaid objectives.

NEW DELHI;
The 16th June, 2017.

DR. MAHESH SHARMA

ANNEXURE

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

(24 OF 1958)

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GRANT OF PERMISSION BY COMPETENT AUTHORITY

Grant of
permission by
competent
authority
within
regulated
area.

20D. (1) * * * * *

(8) The Central Government, or the Director General, as the case may be, shall exhibit,
on their website, all the permissions granted or refused under this Act.

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further to amend the Ancient Monuments and Archaeological Sites
and Remains Act, 1958.

(Dr. Mahesh Sharma, Minister of State for Tourism and Culture)