

As MODIFIED & EDOPTED FOR U.P. BY THE U.P. ANCIENT AND HISTORICAL MONUMENT AND  
ARCHAEOLOGICAL SITES AND REMAINS PRESERVATION ACT-1995  
(U.P. ACT NO. VII OF 1957)

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**उत्तर प्रदेश प्राचीन एवं ऐतिहासिक  
स्मारकों तथा पुरातत्वीय स्थानों और  
अवशेषों का परिरक्षण  
अधिनियम, 1956**

**(उ० प्र० अधिनियम सं० 7, सन् 1957)**

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

**(U.P. Act No. VII of 1957)**

THE U. P. ANCIENT AND HISTORICAL MONUMENTS AND  
ARCHAEOLOGICAL SITES AND REMAINS PRESERVATION  
ACT, 1956<sup>1</sup>

**[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 there with ;

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  
Act VII of 1904**

- 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 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.

1. For Statement of objects and reasons, see U.P. Gazette, Extraordinary, dated May 7, 1956

## उत्तर प्रदेश प्राचीन एवं ऐतिहासिक स्मारकों तथा पुरातत्वीय स्थानों और अवशेषों का परिरक्षण अधिनियम, 1956<sup>1</sup>

(उ० प्र० अधिनियम संख्या 7, 1957)

[उत्तर प्रदेश विधान परिषद दिनांक 8 अगस्त, 1956 ई० तथा उत्तर प्रदेश विधान सभा में दिनांक 4 सितम्बर, 1956 ई० की बैठक में स्वीकृत किया।]

भारत संविधान के अनुच्छेद 201 के अन्तर्गत राष्ट्रपति ने दिनांक 12 जनवरी, 1957 ई० को स्वीकृति प्रदान की तथा उत्तर प्रदेशीय सरकारी असाधारण गजट में दिनांक 19 जनवरी, 1957 ई० को प्रकाशित हुआ।]

उत्तर प्रदेश में, संसद् द्वारा विधितः राष्ट्रीय महत्व के घोषित प्राचीन एवं ऐतिहासिक स्मारकों तथा पुरातत्वीय स्थानों और अवशेषों से भिन्न ऐसे स्मारकों, स्थानों और अवशेषों के परिरक्षण तथा संरक्षण (preservation and protection) की व्यवस्था करने का

### अधिनियम

यह इष्टकर है कि उत्तर प्रदेश में, ऐंशेंट ऐंड हिस्टारिकल मानूमेन्ट्स ऐंड आक्योलाजिकल साइट्स ऐंड रिमेन्स (डिक्लेरेशन आफ दी नेशनल इम्पार्टेन्स) ऐक्ट, 1951 द्वारा राष्ट्रीय महत्व के घोषित प्राचीन एवं ऐतिहासिक, स्मारकों तथा पुरातत्वीय स्थानों और अवशेषों से भिन्न ऐसे स्मारकों स्थानों और अवशेषों के परिरक्षण तथा संरक्षण की तथा अन्य संबद्ध विषयों की व्यवस्था की जाय ;

भारतीय गणतन्त्र के सातवें वर्ष में निम्नलिखित अधिनियम बनाया जाता है :-

1-(1) यह अधिनियम उत्तर प्रदेश प्राचीन एवं ऐतिहासिक स्मारकों तथा पुरातत्वीय स्थानों और अवशेषों का परिरक्षण अधिनियम, 1956 कहलायेगा।

(2) इसका प्रसार समस्त उत्तर प्रदेश में होगा।

(3) यह तुरन्त प्रवृत्त होगा।

2-विषय या प्रसंग में कोई बात प्रतिकूल न होने पर इस अधिनियम में प्राचीन या ऐतिहासिक स्मारकों या पुरातत्वीय स्थानों या अवशेषों के किसी भी निर्देश (re-enacted) से तात्पर्य है ऐंशेंट ऐंड हिस्टारिकल मानूमेन्ट्स ऐंड आक्योलाजिकल साइट्स ऐंड रिमेन्स (डिक्लेरेशन आफ नेशनल इम्पार्टेन्स) ऐक्ट्स, 1951 द्वारा राष्ट्रीय महत्व के घोषित प्राचीन या ऐतिहासिक स्मारक या पुरातत्वीय स्थान या अवशेषों से भिन्न ऐसे स्मारक, स्थान या अवशेषों।

3-ऐंशेंट मानूमेन्ट्स प्रिजर्वेशन ऐक्ट, 1904 के उपबन्ध, जैसे कि वे अनुसूची 1 में उन परिष्कारों सहित निर्दिष्ट हैं जो अनुसूची 2 में उल्लिखित हैं, एतद्द्वारा पुनः (re-ancted) अधिनियमित किये जाते हैं और वे उत्तर प्रदेश के प्राचीन और ऐतिहासिक स्मारकों और पुरातत्वीय स्थानों और अवशेषों पर लागू हुए समझे जायेंगे।

4-ऐंशेंट मानूमेन्ट्स प्रिजर्वेशन ऐक्ट, 1904 के अधीन किया गया अथवा किया हुआ समझा गया कोई कार्य, जिसके अन्तर्गत की गयी या की हुई समझी गयी या जारी की गयी या जारी हुयी समझी गयी कोई घोषणा, नियुक्ति, विज्ञप्ति, आज्ञा, अनुदेश, आदेश, योजना, नियम, विनियम, आकार-पत्र या प्रमाण-पत्र जहां तक वह इस अधिनियम द्वारा पुनः अधिनियमित तथा परिष्कृत उक्त अधिनियम के उपबन्धों से असंगत न हो, प्रवृत्त बने रहेंगे और इस प्रकार पुनः अधिनियमित उपबन्धों के अधीन किये गये या प्रचारित किये गये समझे जायेंगे, जब तक कि अन्यथा आदेश न हों अथवा वे इस प्रकार पुनः अधिनियमित उपबन्धों के अधीन की गयी किसी बात अथवा किये गये किसी कार्य से अधिकांश न हों।

संक्षिप्त शीर्षनाम,  
प्रसार और  
प्रारम्भ

परिभाषाएं

प्राचीन एवं  
ऐतिहासिक  
स्मारकों तथा  
पुरातत्वीय स्थानों  
और अवशेषों के  
सम्बन्ध में ऐक्ट  
संख्या 7, 1904  
ई० का पुनः  
अधिनियमन और  
उसका लागू होना  
ऐक्ट 7, 1904 के  
अधीन जारी की  
गयी विज्ञप्तियों  
तथा आज्ञाओं  
आदि का बना  
रहना

1. उद्देश्य और कारणों के विवरण के लिये दिनांक 7 मई, 1956 ई० का सरकारी असाधारण गजट देखिये।

**अनुसूची-1**

**SCHEDULE I**

*(See Section 3)*

**THE ANCIENT MONUMENTS PRESERVATION ACT, 1904**

As MODIFIED & EDOPTED FOR U.P. BY THE U.P. ANCIENT AND HISTORICAL MONUMENT AND ARCHAEOLOGICAL SITES AND REMAINS PRESERVATION ACT-1995 (U.P. ACT NO. VII OF 1957)

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  
and extent**

**1.** (1) This Act may be called the Ancient Monuments Preservation Act, 1904.

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

**Definitions**

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

(1) “ancient monument” means any structure, erection or monuments 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 State 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 State 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 in cumbrances or not ; and

(6) “owner” includes a joint owner invested with powers of management on behalf of himself and other joint owners, and any manager or trustee exercising powers of management, Over an ancient monument, and the successor in title of any such owner and the successor in office of any such manager or trustee :

(7) State Government mean Govt of U.P.

Provided that nothing in this Act shall be deemed to extend the Powers which may lawfully be exercised by such manager or trustee.

**Protected monuments**

**3.** (1) The State Government may, by notification in the official Gazette, declare an ancient monument to be a protected monument within the meaning of this Act.

(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 objections to the issue of the notification received by the Central Government within one month from the date when it is so fixed up 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 section shall, unless and until it is withdrawn, be conclusive evidence of the fact that monument to which it relates is an ancient monument within the meaning of this Act.

**4.** (1) The Collector, with the sanction of the State Government, may purchase or take lease of any protected monument.

**Acquisition of rights in or guardianship of an ancient monument**

(2) The Collector, with the like sanction, may accept a gift or bequest of any protected monument.

(3) The owner of any protected monument may, by written instrument, constitute the Commissioner the guardian of the monument, and the Commissioner may, with sanction of the State Government, accept such guardianship.

(4) When the Commissioner 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 in and to the monument as if the Commissioner had not been constituted guardian thereof.

(5) When the Commissioner has accepted the guardianship of a monument under sub-section (3) the provisions of this Act relating to agreements executed under section (5) shall apply to the written instrument executed under the said sub-section.

(6) Where a protected monument is without an owner, the Commissioner may assume the guardianship of the monument.

**Preservation of ancient monument by agreement**

**5.**(1) The Collector may, with the previous sanction of the State Government, propose to the owner to enter into an agreement with the State Government for the preservation of any protected monument in his district.

(2) An agreement under this section may provide for the following matters, or for such of them as it may be found expedient to include in the agreement:

- (a) the maintenance of the monument ;
- (b) the custody of the monument, and the duties of any person who may be employed to watch it ;

Schedule 1 [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 State 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 State 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 State 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 expenses are incurred by the State 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 State Government.

(3) \* \* \* \* \*

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

(5) With the previous sanction of the State 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 State 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  
under  
disability or  
not in  
possession**

**6.** (1) If the owner 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 headman or other village officer 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 not being of the same religion as the persons on whose behalf he is acting to make or execute an agreement relating to a protected monument which or any part of which is periodically used for the religious worship or observances of that religion.

**7.** (1) If the Collector apprehends that the owner or occupier of a monument intends to destroy, remove, alter, deface, or imperil the monument or to build on or near the site thereof in contravention of the terms of an agreement for its preservation under section 5, the Collector may make an order prohibiting any such contravention of the agreement.

**Enforcement of agreement**

(2) If an owner or other person who is bound by an agreement for the preservation or maintenance of a monument under section 5 refuses to do any act which is in the opinion of the Collector necessary to such preservation or maintenance, or neglects to do any such act within such reasonable time as may be fixed by the Collector, the Collector may authorize any person to do any such act, and the expense of doing any such act or such or such portion of the expense as the owner may be liable to pay under the agreement may be recovered from the owner as if it were an arrear of land revenue.

(3) A person aggrieved by an order made under this section may appeal to the Commissioner, who may cancel or modify it and whose decision shall be final.

**8.** Every person who purchases, at a sale for arrears of land-revenue or any other public demand, or at a sale made under the Bengali Patni Taluks Regulation, 1819 (Ben. Reg. VIII of 1819) an estate or tenure in which is situated a monument 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 any title to a monument from, through or under an owner who executed any such instrument, shall be bound by such instrument.

**Purchasers at certain sales and persons claiming through owner bound by instrument executed by owner**

**9.** (1) If any owner or other person competent to enter into an agreement under section 5 for the preservation of a protected monument, refuses or fails to enter into such an agreement when proposed to him by the Collector, and if any endowment has been created for purpose of keeping such monument in repair, or for that purpose among others, the Collector may institute a suit in the Court of the District Judge, or, if the estimated cost of repairing the monument does not exceed one thousand rupees, may make an application to the District Judge for the proper application of such endowment or part thereof.

**Application of endowment for repair of an ancient monument**

(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 of any part thereof, and any such order may be executed as if it were the decree of a Civil Court.

**Compulsory purchase of ancient monument**

**10.** (1) If the State Government apprehends that a protected monument is in danger of being destroyed, injured or allowed to fall into decay, the State Government may acquire it under the provisions of the Land Acquisition Act, 1894 (I 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 State government to control mining, etc. near ancient monument**

**10-A.** (1) If the State Government is of opinion that mining, quarrying, excavating, blasting and other operations of a like nature should be retracted or regulated for the purpose of protecting or preserving any ancient monument, the State 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 terms 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 State 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 of certain protected monuments**

**11.** (1) The Commissioner shall maintain every monument in respect of which the Government has acquired any of the rights 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.

**12.** The Commissioner may receive voluntary contributions towards the cost of maintaining a protected monument and may give orders as to the management and application of any funds so received by him :

**Voluntary contributions**

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

**13.** (1) A place of worship or shrine maintained by the Government under this Act shall not be used for any purpose inconsistent with its character.

**Protection of place of worship from misuse, pollution or desecration**

(2) Where the Collector has, under section 4, purchased or taken a lease of any protected monument, or has accepted a gift or bequest, or the Commissioner has, under the same section, accepted the guardianship thereof, and such monument, or any part thereof, is periodically used for religious worship or observances by any community, the Collector shall make due provision for the protection of such monument, or such part thereof, from pollution or desecration—

(a) by prohibiting the entry therein, except in accordance with conditions prescribed with the concurrence of the persons in religious charge of the said monument or part thereof, of any person not entitled so to enter by the religious usages of the community by which the monument or part thereof is used, or

(b) by taking such other action as he may think necessary in this behalf.

**14.** With the sanction of the State Government, the Commissioner may—

**Relinquishment of Government rights in a monument**

(a) where rights have been acquired by the State Government in respect of any monument under this Act by virtue of any sale, lease, gift, or will, relinquish the rights so acquired to the person who would for the time being be the owner of the monument if such rights had not been acquired, or

(b) relinquish any guardianship of a monument which he has accepted under this Act.

**15.** (1) Subject to such rules as may after previous publication be made by the State Government, the public shall have a right of access to any monument maintained by the State Government under this Act.

**Right of access to certain protected monument**

(2) In making any rule under sub-section (1) the State Government may provide that a breach of it shall be punishable with fine which may extend to twenty rupees.

**16.** Any person other than the owner who destroys, removes, injures, alters, defaces or imperils a protected monument, and any owner who destroys, removes, injures, alters, defaces or imperils a monument maintained by the State Government under this Act or in respect of which an agreement has been executed under section 5, and any owner or occupier who contravenes an order made under section 7, sub-section (1), shall be punishable with fine which may extend to five thousand rupees, or with imprisonment which may extend to three months, or with both.

**Penalties**

**Power to  
Central  
Government  
to control  
traffic in  
antiquities**

**17.** Deleted under sec.3 of the U.P. Act No. 7<sup>th</sup> of 1957

**Power to  
Central  
Government  
to control  
moving of  
sculptures,  
carvings or  
like objects**

**18.** (1) If the State Government considers that any sculptures, carvings, images, bas-reliefs, inscriptions or other like objects ought not to be moved from the place where they are without the sanction of the State Government, the Central Government may, by notification in the official Gazette, direct that any such objects or any class of such objects shall not be moved unless with the written permission of the collector.

(2) A persons 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 State 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 State 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) pay compensation for any loss or damage sustained by the owner of such property, if it be immovable.

**19.** (1) If the State Government apprehends that any object mentioned in a notification issued under section 18, sub-section (1) is in danger of being destroyed, removed, injured or allowed to fall into decay, the State Government may pass orders for the compulsory purchase of such objects at its market value, and the Collector shall there upon give notice to the owner of the object to be purchased.

**Purchase of  
sculptures  
carvings or  
like objects by  
the  
Government**

(2) The power of compulsory purchase given by this section shall not extend to—

(a) any image or symbol actually used for the purpose of any religious observance ; or

(b) anything which the owner desires to retain on any reasonable ground personal to himself or to any of his ancestors or to any member of his family.

**20.** (1) If the State Government is of opinion that excavation for archaeological purposes in any area should be restricted and regulated in the interests of archaeological research the Central Government may, by notification in the official Gazette ; specifying the boundaries of the area, declare it to be a protected area.

**Power of State  
Government  
to notify areas  
as protected**

(2) From the date of such notification all antiquities buried in the protected area shall be the property of the Government and shall be deemed to be in the possession of the Government and shall remain the property and in the possession of the Government until ownership thereof is transferred ; but in all other respects the rights of any owner or occupier of land in such area shall not be affected.

**20-A.** (1) Any officer of the Archaeological Department or any person holding a license under section 20-B may, with the written permission of the Collector, enter upon and make excavations in any protected area.

**Power to enter upon and make excavation in protected area**

(2) Where, in the exercise of the power conferred by sub-section (1), the rights of any person are infringed by the occupation or disturbance of the surface of any land, the Central Government shall pay to that person compensation for the infringement.

**20-B.** (1) The State Government may make rules—

**Power of state Government to make rules regulating archaeological excavation in protected areas**

(a) prescribing the authorities by whom licenses to excavate for archaeological purposes in a protected area may be granted ;

(b) regulating the conditions on which such licenses may be granted, the form of such licenses, and the taking of security from licenses;

(c) prescribing the manner in which antiquities found by a licensee shall be divided between the Central Government and the licensee ; and

(d) generally to carry out the purposes of section 20.

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

(3) Such rules may be general for all protected areas for the time being, or may be special for any particular protected area or areas.

(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.

**Power to acquire a protected area**

**20-C.** If the State 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 market-value or compensation**

**21.** (1) The market-value of any property which Government is empowered to purchase at such value under this act, or the compensation to be paid by government 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 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

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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 a 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.

**Power to make rules**

**23.** (1) The State 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 public servants acting under Act**

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

**SCHEDULE II**

(See SECTION 3)

**MODIFICATIONS OF THE ANCIENT MONUMENTS PRESERVATION  
ACT, 1904**

In the Ancient Monuments Preservation Act, 1904—

(1) for sub-section (2) of section 1, the following shall be substituted:

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

“(2) for the words “Central Government” wherever they occur, the words “State Government” shall be substituted ;

(3) after clause (6) of section 2, the following shall be added as a new clause (7) :

“(7) State Government means the Government of Uttar Pradesh ”;

(4) In section 8, the words “or at a sale made under the Bangal Patni Talkus regulation, 1819” shall be deleted ;

(5) in sub-section (1) of section 10, the words “direct the State Government to” shall be deleted ;

(6) in sub-section (1) of section 10-A, between the words “may” and “by” the words “after consulting the Central Government,” shall be added ;

(7) Section 17 shall be deleted ; and

(8) in section 20-C, for the words “it may direct the State Government to acquire such area, or any part thereof, and the State Government may thereupon”, the words “the State Government may” shall be *substituted*.

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Schedule I [The Ancient Monuments Preservation Act, 1904]

अनुसूची-2

(धारा-3 देखिये)

ऐन्शेट मानूमेंट्स प्रिजटेशन ऐक्ट, 1904 में

(1) धारा 1 की उपधारा (2) के स्थान पर निम्नलिखित ऐंशेट मानूमेंट्स प्रिजटेशन ऐक्ट, 1904 में परिष्कार रख दिया जाय।

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

(2) शब्द ‘Central Government’ जहां कहीं भी वे आये हों के स्थान पर शब्द ‘State Government’ रख दिये जायें।

(3) धारा-2 के खण्ड (6) के पश्चात् नये खण्ड (7) के रूप में निम्नलिखित बढ़ा दिया जाय :-

“(7) State Government means the Government of Uttar Pradesh.”

(4) धारा 8 में शब्द “or at a sale made under the Bengal patni Taluks Regulation, 1819” निकाल दिये जाय।

(5) धारा 10 की उपधारा (1) में शब्द “Direct the State Government to” निकाल दिये जाये।

(6) धारा 10-ए की उपधारा (1) में शब्द “may” और शब्द “By” के बीच में शब्द “after consulting the Central Government” जोड़ दिये जायें।

(7) धारा 17 निकाल दी जाये तथा

(8) धारा 20-सी में शब्द “It may direct the State Government to acquire such area or any part thereof, and the State Government may thereup on” के स्थान पर शब्द “the State Government may” रख दिये जाये।

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Schedule I [The Ancient Monuments Preservation Act, 1904]

