

ACT No. XVIII OF 1932.

[AS PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 30th
September, 1932.)

An Act to amend the Ancient Monuments Preservation Act, 1904, for certain purposes.

VII of 1904.

WHEREAS it is expedient to amend the Ancient Monuments Preservation Act, 1904, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Ancient Monuments Preservation (Amendment) Act, 1932. Short title.

VII of 1904.

2. After section 10 of the Ancient Monuments Preservation Act, 1904 (hereinafter referred to as the said Act), the following section shall be inserted, namely:—

“ 10A. (1) If the Local Government is of opinion that mining, quarrying, excavating, blasting and other operations of a like nature should be restricted or regulated for the purpose of protecting or preserving any ancient monument, the Local Government may, by notification in the local official Gazette, make rules—

- (a) fixing the boundaries of the area to which the rules are to apply,
- (b) forbidding 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 licence, and
- (c) prescribing the authority by which, and the terms on which, licences 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

1

Price 1 anna or 1½d.]

Ancient Monuments Preservation (Amendment). [ACT XVIII

(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 Local Government that he has sustained loss by reason of such land being so included, the Local Government shall pay compensation in respect of such loss."

Substitution of new sections for section 20, Act VII of 1904.

3. For section 20 of the said Act and its heading "*Excavation*", the following sections and heading shall be substituted, namely:—

Archæological Excavation.

Power of Governor General in Council to notify areas as protected.

20. (1) If the Governor General in Council, after consulting the Local Government, is of opinion that excavation for archæological purposes in any area should be restricted and regulated in the interests of archæological research, the Governor General in Council may, by notification in the Gazette of India specifying the boundaries of the area, declare it to be a protected area.

(2) From the date of such notification all antiquities buried in the protected area shall be the property of Government and shall be deemed to be in the possession of Government; and shall remain the property and in the possession of 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.

Power to enter upon and make excavations in a protected area.

20A. (1) Any officer of the Archæological Department or any person holding a licence under section 20B may, with the written permission of the Collector, enter upon and make excavations in any 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 Government shall pay to that person compensation for the infringement.

Power of Governor General in Council to make rules regulating archæological excavation in protected areas.

20B. (1) The Governor General in Council may make rules—

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

(b) regulating

of 1932.] *Ancient Monuments Preservation (Amendment).*

- (b) regulating the conditions on which such licences may be granted, the form of such licences, and the taking of security from licensees;
- (c) prescribing the manner in which antiquities found by a licensee shall be divided between 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 licence 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.

20C. If the Governor General in Council is of opinion that a protected area contains an ancient monument or antiquities of national interest and value, he may direct the Local Government to acquire such area, or any part thereof, and the Local Government may thereupon acquire such area or part under the Land Acquisition Act, 1894, as for a public purpose.”

Power to acquire a protected area.

4. In section 21 of the said Act,—

- (a) the words “ amount of ”, where they first occur, shall be omitted, and
- (b) for the words “ touching the amount ” the words “ in respect ” shall be substituted.

Amendment of section 21, Act VII of 1904.