

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)

उत्तर प्रदेश प्राचीन एवं ऐतिहासिक स्मारकों तथा पुरातत्वीय स्थानों और अवशेषों का परिरक्षण अधिनियम, 1956¹

(उ० प्र० अधिनियम संख्या 7, 1957)

[उत्तर प्रदेश विधान परिषद ने 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 बिधित: 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, ऐशेंट ऐंड हिस्टारिकल मानुमेन्ट्स ऐंड आक्योलाजिकल साइट्स ऐंड रिमेन्स (डिक्लेरेशन आफ नेशनल इम्पोर्टन्स) 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 ;

अतएवं 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।

संक्षिप्त शीर्षनाम,
प्रसार और प्रारम्भ

(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 ऐशेंट ऐंड हिस्टारिकल मानुमेन्ट्स ऐंड आक्योलाजिकल साइट्स ऐंड रिमेन्स (डिक्लेरेशन आफ नेशनल इम्पोर्टन्स) ऐक्ट्स, 1951 द्वारा राष्ट्रीय महत्व के घोषित प्राचीन या ऐतिहासिक स्मारक या पुरातत्वीय स्थान या अवशेषों से भिन्न ऐसे स्मारक, स्थान या अवशेष।

परिभाषाएं

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

प्राचीन एवं
ऐतिहासिक स्मारकों
तथा पुरातत्वीय
स्थानों और अवशेषों
के सम्बन्ध में ऐक्ट
संख्या 7, 1904 ई०
का पुनः अधिनियमन
और उसका लागू
होना

4—ऐशेंट मानुमेन्ट्स 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 अधिकांत न हों।

ऐक्ट 7, 1904 के
अधीन जारी की
गयी विज्ञप्तियों
तथा आज्ञाओं आदि
का बना रहना

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

(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 :

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

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

**Protected
monuments**

(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 Central 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 Central 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 Central 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 3 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.

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

**Preservation of
ancient
monument by
agreement**

(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 ;

(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) 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 & 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.

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 Central Government, the Commissioner may—

Relinquishment of Government rights in a monument

(a) where rights have been acquired by the Central 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 Central Government, the public shall have a right of access to any monument maintained by the Central Government under this Act.

Right of access to certain protected monument

(2) In making any rule under sub-section (1) the Central 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 Central 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

19. (1) If the Central 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 Central 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 Central 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 Central 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 Central Government may make rules—

Power of Central 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.

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*.