



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 13] नई दिल्ली, मंगलवार, मार्च 30, 2010 / चैत्र 9, 1932
No. 13] NEW DELHI, TUESDAY, MARCH 30, 2010 / CHAITRA 9, 1932

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 30th March, 2010/Chaitra 9, 1932 (Saka)

The following Act of Parliament received the assent of the President on the 29th March, 2010, and is hereby published for general information:—

THE ANCIENT MONUMENTS AND ARCHAEOLOGICAL SITES AND REMAINS (AMENDMENT AND VALIDATION) ACT, 2010

(No. 10 OF 2010)

[29th March, 2010.]

An Act further to amend the Ancient Monuments and Archaeological Sites and Remains Act, 1958 and to make provision for validation of certain actions taken by the Central Government under the said Act.

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010.

Short title and
commencement.

(2) Save as otherwise provided, it shall be deemed to have come into force (except sections 3, 5, 7 and 8 to 11) on the 23rd day of January, 2010.

24 of 1958.

2. On and from the 16th day of June, 1992, in the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (hereinafter referred to as the principal Act), in section 2,—

Amendment of
section 2.

(i) after clause (d), the following clauses shall be inserted and shall be deemed to have been inserted, namely:—

“(da) “Authority” means the National Monuments Authority constituted under section 20F;

(db) "competent authority" means an officer not below the rank of Director of archaeology or Commissioner of archaeology of the Central or State Government or equivalent rank, specified, by notification in the Official Gazette, as the competent authority by the Central Government to perform functions under this Act:

Provided that the Central Government may, by notification in the Official Gazette, specify different competent authorities for the purpose of sections 20C, 20D and 20E;

(dc) "construction" means any erection of a structure or a building, including any addition or extension thereto either vertically or horizontally, but does not include any re-construction, repair and renovation of an existing structure or building, or, construction, maintenance and cleansing of drains and drainage works and of public latrines, urinals and similar conveniences, or, the construction and maintenance of works meant for providing supply of water for public, or, the construction or maintenance, extension, management for supply and distribution of electricity to the public or provision for similar facilities for public;

(ii) after clause (h), the following clause shall be inserted and shall be deemed to have been inserted, namely:—

'(ha) "prohibited area" means any area specified or declared to be a prohibited area under section 20A;';

(iii) after clause (j), the following clauses shall be inserted and shall be deemed to have been inserted, namely:—

'(k) "re-construction" means any erection of a structure or building to its pre-existing structure, having the same horizontal and vertical limits;

(l) "regulated area" means any area specified or declared under section 20B;

(m) "repair and renovation" means alterations to a pre-existing structure or building, but shall not include construction or re-construction;'

Insertion of
new section
4A.

Categorisation
and
classification
in respect of
ancient
monuments or
archaeological
sites and
remains
declared as of
national
importance
under sections
3 and 4.

Insertion of
new section
20A.

Declaration of
prohibited area
and carrying
out public work
or other works
in prohibited
area.

3. After section 4 of the principal Act, the following section shall be inserted, namely:—

"4A. (1) The Central Government shall, on the recommendation of the Authority, prescribe categories in respect of ancient monuments or archaeological sites and remains declared as of national importance under sections 3 and 4, and while prescribing such categories it shall have regard to the historical, archaeological and architectural value and such other factors as may be relevant for the purpose of such categorisation.

(2) The Central Government shall, on the recommendation of the Authority, classify all the ancient monuments or archaeological sites and remains declared as of national importance under sections 3 and 4, in accordance with the categories prescribed under sub-section (1) and thereafter make the same available to the public and exhibit the same on its website and also in such other manner as it may deem fit."

4. On and from the 16th day of June, 1992, after section 20 of the principal Act, the following section shall be inserted and shall be deemed to have been inserted, namely:—

"PROHIBITED AND REGULATED AREAS

20A. Every area, beginning at the limit of the protected area or the protected monument, as the case may be, and extending to a distance of one hundred metres in all directions shall be the prohibited area in respect of such protected area or protected monument:

Provided that the Central Government may, on the recommendation of the Authority, by notification in the Official Gazette, specify an area more than one hundred

metres to be the prohibited area having regard to the classification of any protected monument or protected area, as the case may be, under section 4A.

(2) Save as otherwise provided in section 20C, no person, other than an archaeological officer, shall carry out any construction in any prohibited area.

(3) In a case where the Central Government or the Director-General, as the case may be, is satisfied that—

(a) it is necessary or expedient for carrying out such public work or any project essential to the public; or

(b) such other work or project, in its opinion, shall not have any substantial adverse impact on the preservation, safety, security of, or, access to, the monument or its immediate surrounding,

it or he may, notwithstanding anything contained in sub-section (2), in exceptional cases and having regard to the public interest, by order and for reasons to be recorded in writing, permit, such public work or project essential to the public or other constructions, to be carried out in a prohibited area:

Provided that any area near any protected monument or its adjoining area declared, during the period beginning on or after the 16th day of June, 1992 but ending before the date on which the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Bill, 2010, receives the assent of the President, as a prohibited area in respect of such protected monument, shall be deemed to be the prohibited area declared in respect of that protected monument in accordance with the provisions of this Act and any permission or licence granted by the Central Government or the Director-General, as the case may be, for the construction within the prohibited area on the basis of the recommendation of the Expert Advisory Committee, shall be deemed to have been validly granted in accordance with the provisions of this Act, as if this section had been in force at all material times:

Provided further that nothing contained in the first proviso shall apply to any permission granted, subsequent to the completion of construction or re-construction of any building or structure in any prohibited area in pursuance of the notification of the Government of India in the Department of Culture (Archaeological Survey of India) number S.O. 1764, dated the 16th June, 1992 issued under rule 34 of the Ancient Monuments and Archaeological Sites and Remains Rules, 1959, or, without having obtained the recommendations of the Committee constituted in pursuance of the order of the Government of India number 24/22/2006-M, dated the 20th July, 2006 (subsequently referred to as the Expert Advisory Committee in orders dated the 27th August, 2008 and the 5th May, 2009)."

5. In section 20A of the principal Act (as so inserted by section 4 of this Act), after sub-section (3), the following sub-section shall be inserted, namely:—

Amendment of section 20A.

"(4) No permission, referred to in sub-section (3), including carrying out any public work or project essential to the public or other constructions, shall be granted in any prohibited area on and after the date on which the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Bill, 2010 receives the assent of the President."

6. On and from the 16th day of June, 1992, after section 20A of the principal Act, the following section shall be inserted and shall be deemed to have been inserted, namely:—

Insertion of new section 20B.

"20B. Every area, beginning at the limit of prohibited area in respect of every ancient monument and archaeological site and remains, declared as of national importance under sections 3 and 4 and extending to a distance of two hundred metres in all directions shall be the regulated area in respect of every ancient monument and archaeological site and remains:

Declaration of regulated area in respect of every protected monument.

Provided that the Central Government may, by notification in the Official Gazette, specify an area more than two hundred metres to be the regulated area having regard

to the classification of any protected monument or protected area, as the case may be, under section 4A:

Provided further that any area near any protected monument or its adjoining area declared, during the period beginning on or after the 16th day of June, 1992 but ending before the date on which the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Bill, 2010, receives the assent of the President, as a regulated area in respect of such protected monument, shall be deemed to be the regulated area declared in respect of that protected monument in accordance with the provisions of this Act and any permission or licence granted for construction in such regulated area shall, be deemed to have been validly granted in accordance with the provisions of this Act, as if this section had been in force at all material times.”.

7. After section 20B of the principal Act (as so inserted by section 6 of this Act) the following sections shall be inserted, namely:—

Insertion of new sections 20C, 20D, 20E, 20F, 20G, 20H, 20-I, 20J, 20K, 20L, 20M, 20N, 20-O, 20P and 20Q.

Application for repair or renovation in prohibited area, or construction or re-construction or repair or renovation in regulated area.

‘20C. (1) Any person, who owns any building or structure, which existed in a prohibited area before the 16th day of June, 1992, or, which had been subsequently constructed with the approval of the Director-General and desires to carry out any repair or renovation of such building or structure, may make an application to the competent authority for carrying out such repair or renovation, as the case may be.

(2) Any person, who owns or possesses any building or structure or land in any regulated area, and desires to carry out any construction or re-construction or repair or renovation of such building or structure on such land, as the case may be, may make an application to the competent authority for carrying out construction or re-construction or repair or renovation, as the case may be.

GRANT OF PERMISSION BY COMPETENT AUTHORITY

20D. (1) Every application for grant of permission under section 20C of this Act shall be made to the competent authority in such manner as may be prescribed.

(2) The competent authority shall, within fifteen days of the receipt of the application, forward the same to the Authority to consider and intimate impact of such construction (including the impact of large-scale development project, public project and project essential to the public) having regard to the heritage bye-laws relating to the concerned protected monument or protected area, as the case may be:

Provided that the Central Government may prescribe the category of applications in respect of which the permission may be granted under this sub-section and the application which shall be referred to the Authority for its recommendations.

(3) The Authority shall, within two months from the date of receipt of application under sub-section (2), intimate to the competent authority impact of such construction (including the impact of large-scale development project, public project and project essential to the public).

(4) The competent authority shall, within one month of the receipt of intimation from the Authority under sub-section (3), either grant permission or refuse the same as so recommended by the Authority.

(5) The recommendations of the Authority shall be final.

(6) In case the competent authority refuses to grant permission under this section, it shall, by order in writing, after giving an opportunity to the concerned person, intimate such refusal within three months from the date of receipt of the application to the applicant, the Central Government and the Authority.

Insertion of new section 4A.

Category and class in respect of ancient monuments and archaeological sites and remains declared as national monuments under section 3 and

Insertion of new section 20A

Declaration of prohibited area and

(7) If the competent authority, after grant of the permission under sub-section (4) and during the carrying out of the repair or renovation work or re-construction of building or construction referred to in that sub-section, is of the opinion (on the basis of material in his possession or otherwise) that such repair or renovation work or re-construction of building or construction is likely to have an adverse impact on the preservation, safety, security or access to the monument considerably, it may refer the same to the Authority for its recommendations and if so recommended, withdraw the permission granted under sub-section (4) if so required:

Provided that the competent authority may, in exceptional cases, with the approval of the Authority grant permission to the applicant referred to in sub-section (2) of section 20C until the heritage bye-laws have been prepared under sub-section (1) of section 20E and published under sub-section (7) of that section.

(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.

2 of 1882.

20E. (1) The competent authority, in consultation with Indian National Trust for Arts and Cultural Heritage, being a trust registered under the Indian Trusts Act, 1882, or such other expert heritage bodies as may be notified by the Central Government, shall prepare heritage bye-laws in respect of each protected monument and protected area.

Heritage bye-laws.

(2) The heritage bye-laws referred to in sub-section (1) shall, in addition to such matters as may be prescribed, include matters relating to heritage controls such as elevations, facades, drainage systems, roads and service infrastructure (including electric poles, water and sewer pipelines).

(3) The Central Government shall, by rules, specify the manner of preparation of detailed site plans in respect of each protected area or protected monument or prohibited area or regulated area, the time within which such heritage bye-laws shall be prepared and particulars to be included in each such heritage bye-laws.

(4) The competent authority for the purpose of preparation of detailed site plans and heritage bye-laws may appoint such number of experts or consultants as it may deem fit.

(5) A copy of each of the heritage bye-laws prepared under sub-section (1) shall be forwarded to the Authority for its approval.

(6) A copy of the heritage bye-laws as approved by the Authority under sub-section (5) shall be laid before each House of Parliament.

(7) Each heritage bye-laws shall, be made available by the competent authority to the public, by exhibiting the same on its website and also in such other manner as it may deem fit, immediately after laying the same before each House of Parliament.

NATIONAL MONUMENTS AUTHORITY

20F. (1) The Central Government shall, by notification in the Official Gazette, constitute an Authority to be called as the National Monuments Authority.

Constitution of National Monuments Authority.

(2) The Authority shall consist of,—

(a) a Chairperson, on whole-time basis, to be appointed by the President, having proven experience and expertise in the fields of archaeology, country and town planning, architecture, heritage, conservation-architecture or law;

(b) such number of members not exceeding five whole-time members and five part-time members to be appointed, on the recommendation of the Selection Committee referred to in section 20G, by the Central Government, having proven experience and expertise in the fields of archaeology, country and town planning, architecture, heritage, conservation-architecture or law;

(c) the Director-General as member, *ex officio*.

(3) The tenure of the whole-time Chairperson or every whole-time member and every part-time member, of the Authority shall be three years from the date on which he assumes office as such and shall not be eligible for re-appointment:

Provided that, save as otherwise provided in clause (c) of sub-section (2), any person who has held any post in the Archaeological Survey of India or in the Ministry of Culture of the Government of India or a State Government or has not been found fit to be considered for being appointed to any such post shall, not be eligible to be appointed as the Chairperson or a member of the Authority:

Provided further that any person, who had either been granted a permission or licence or refused any such permission or refused grant of a licence or any person or any of his relative having any interest in a prohibited area or a regulated area shall not be eligible to be appointed as a Chairperson or member.

Explanation.—For the purposes of this section, “relative” means—

- (i) spouse of the Chairperson or member of the Authority;
- (ii) brother or sister of the Chairperson or member of the Authority;
- (iii) brother or sister of the spouse of the Chairperson or member of the Authority;
- (iv) brother or sister of either of the parents of the Chairperson or member of the Authority;
- (v) any lineal ascendant or descendant of the Chairperson or member of the Authority;
- (vi) any lineal ascendant or descendant of the spouse of the Chairperson or member of the Authority;
- (vii) spouse of the person referred to in clauses (ii) to (vi);

(4) An officer, not below the rank of Joint Secretary to the Government of India, shall be the Member Secretary of the Authority.

(5) The Central Government shall provide such number of officers and other employees as may be necessary for discharge of functions by the Authority under this Act.

20G. (1) Every whole-time member and every part-time member of the Authority shall be selected by a Selection Committee consisting of the following persons, namely:—

- (a) Cabinet Secretary — Chairperson, *ex officio*;
- (b) Secretary in the Ministry of Culture — member, *ex officio*;
- (c) Secretary in the Ministry of Urban development — member, *ex officio*;
- (d) three experts, having proven experience and expertise in the fields of archaeology, architecture, heritage or conservation-architecture to be nominated by the Central Government.

(2) The Selection Committee referred to in sub-section (1) shall regulate its own procedure for the purposes of selecting whole-time members and part-time members of the Authority.

20H. (1) The salaries and allowances payable to the whole-time Chairperson and whole-time members, and the other terms and conditions of their service or fees or allowances payable to the part-time members, of the Authority shall be such as may be prescribed:

Provided that neither the salary and allowances nor the other terms and conditions of service of the whole-time Chairperson and whole-time members shall be varied to their disadvantage after their appointment.

Selection
Committee
for selection
of members
of Authority.

Salary,
allowances and
meetings of
Authority.

(2) The Authority shall regulate its own procedure for the purposes of holding its meetings (including quorum of such meetings) and granting permissions under this Act.

(3) All the decisions of the Authority shall be published in such manner as it may decide and also on its own website and on the website of the Central Government.

20-I. (1) The Authority shall exercise or discharge the following powers or functions, namely:—

Functions and powers of Authority.

(a) make recommendations to the Central Government for grading and classifying protected monuments and protected areas declared as of national importance under sections 3 and 4, before the commencement of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010;

(b) make recommendations to the Central Government for grading and classifying protected monuments and protected areas which may be declared after the commencement of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010, as of national importance under section 4;

(c) oversee the working of the competent authorities;

(d) to suggest measures for implementation of the provisions of this Act;

(e) to consider the impact of large-scale developmental projects, including public projects and projects essential to the public which may be proposed in the regulated areas and make recommendations in respect thereof to the competent authority;

(f) to make recommendations to the competent authority for grant of permission.

(2) The Authority shall, for the purpose of discharging functions under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 while trying a suit in respect of the following matters, namely:—

5 of 1908.

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents;

(c) any other matter which may be prescribed.

20J. (1) Notwithstanding anything contained in sub-section (3) of section 20F, the President in the case of the Chairperson and the Central Government in the case of whole-time member and part-time member may, by order, remove from office, the Chairperson or any such member of the Authority, if he —

Removal of Chairperson and members.

(a) has been adjudged an insolvent; or

(b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

(c) has become physically or mentally incapable of acting as Chairperson or member; or

(d) has acquired such financial or other interests as is likely to affect prejudicially his functions; or

(e) has so abused his position as to render his continuance in office prejudicial to the public interest.

(2) The Chairperson or any member of the Authority shall not be removed under clauses (d) and (e) of sub-section (1) unless he has been given a reasonable opportunity of being heard in the matter.

20K. On ceasing to hold office, the Chairperson or whole-time member of the Authority, as the case may be, shall, subject to the provisions of this Act, be ineligible, for a period of five years from the date on which they cease to hold office, for further employment (including as consultant or expert or otherwise) in any institution, agency

Restriction on future employment by Chairperson and members.

or organisation of any nature mainly dealing with archaeology, country and town planning, architecture, heritage and conservation-architecture or whose matters had been before the Chairperson or such member.

Power of
Central
Government
to issue
directions to
Authority.

20L. (1) Without prejudice to the foregoing provisions of this Act, the Authority shall, in exercise of its powers or the discharge of its functions under this Act, be bound by such directions on question of policy, other than those relating to technical and administrative matters, as the Central Government may give in writing to it from time to time:

Provided that the Authority shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Central Government, whether a question is one of policy or not, shall be final.

Power of
Central
Government to
issue directions
to competent
authority.

20M. Without prejudice to the foregoing provisions of this Act, the competent authority shall, in exercise of its powers or the discharge of its functions under this Act, be bound by such directions, as the Central Government may give in writing to it from time to time.

Power of
Central
Government
to supersede
Authority.

20N. (1) If, at any time the Central Government is of the opinion,—

(a) that, on account of circumstances beyond the control of the Authority, it is unable to discharge the functions or perform the duties imposed on it by or under the provisions of this Act; or

(b) that the Authority has persistently defaulted in complying with any direction given by the Central Government under this Act or in the discharge of the functions or performance of the duties imposed on it by or under the provisions of this Act and as a result of such default the financial position of the Authority or the administration of the Authority has suffered; or

(c) that circumstances exist which render it necessary in the public interest so to do,

the Central Government may, by notification in the Official Gazette, supersede the Authority for such period, not exceeding six months, as may be specified in the notification and appoint a person or persons as the President may direct to exercise powers and discharge functions under this Act:

Provided that before issuing any such notification, the Central Government shall give a reasonable opportunity to the Authority to make representations against the proposed supersession and shall consider the representations, if any, of the Authority.

(2) Upon the publication of a notification under sub-section (1) superseding the Authority,—

(a) the Chairperson and all other whole-time members and part-time members shall, as from the date of supersession, vacate their offices as such;

(b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the Authority shall, until the Authority is reconstituted under sub-section (3), be exercised and discharged by the person or persons referred to in sub-section (1); and

(c) all properties owned or controlled by the Authority shall, until the Authority is reconstituted under sub-section (3), vest in the Central Government.

(3) On or before the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government shall reconstitute the Authority by a fresh appointment of its Chairperson and other whole-time members and part-time members and in such case any person who had vacated his office under

clause (a) of sub-section (2) shall not be deemed to be disqualified, subject to the provisions of sub-section (3) of section 20F for reappointment for the remaining period.

(4) The Central Government shall cause a copy of the notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before each House of Parliament at the earliest.

20-O. No civil court shall have jurisdiction in respect of any matter which the Authority is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

Bar of jurisdiction of civil court.

20P. (1) The Authority shall prepare once in every year, in such form and at such time as may be prescribed by the Central Government, an annual report giving full description of all the activities of the Authority for the previous year.

Annual report.

(2) A copy of the report received under sub-section (1) shall be laid, as soon as may be after it is received, before each House of Parliament.

20Q. Where the Central Government considers it expedient so to do, it may, by order in writing call upon the Authority or the competent authority, as the case may be, to furnish in writing such information, in such form and manner as may be prescribed, relating to its affairs as the Central Government may require."

Power to call for information.

8. In section 30 of the principal Act,—

Amendment of section 30.

(a) in sub-section (1),—

(i) for the words "imprisonment which may extend to three months", the words "imprisonment which may extend to two years" shall be substituted;

(ii) for the words "fine which may extend to five thousand rupees", the words "fine which may extend to one lakh rupees" shall be substituted;

(b) in sub-section (2), for the words "fine which may extend to five thousand rupees", the words "imprisonment which may extend to two years or with fine which may extend to one lakh rupees or with both" shall be substituted.

9. After section 30 of the principal Act, the following sections shall be inserted, namely:—

Insertion of new sections 30A, 30B and 30C.

"30A. Whoever raises, on and after the date on which the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Bill, 2010, receives the assent of the President, any construction in the prohibited area, shall be punishable with imprisonment not exceeding two years or with fine which may extend to one lakh rupees or with both.

Punishment for construction, etc., in prohibited area.

30B. Whoever raises, on and after the date on which the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Bill, 2010, receives the assent of the President, any construction in the regulated area without the previous permission of the competent authority or in contravention of the permission granted by the competent authority, shall be punishable with imprisonment not exceeding two years or with fine which may extend to one lakh rupees or with both.

Punishment for construction, etc., in regulated area.

30C. If any officer of the Central Government enters into or acquiesces in any agreement to do, abstains from doing, permits, conceals or connives at any act or thing whereby any construction or re-construction takes place in a prohibited area or regulated area, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both."

Offences by officers of Government.

Insertion of new sections 35A and 35B.

Obligation to survey the protected prohibited area and regulated areas.

Identification of un-authorised constructions on or after 16th June, 1992.

Amendment of section 38.

Validation of action taken, etc., under notification No.S.O.1764, dated 16th June, 1992.

10. After section 35 of the principal Act, the following sections shall be inserted, namely:—

“35A. (1) The Director-General shall, within such time as may be specified by the Central Government, conduct a survey or cause survey to be conducted in respect of all prohibited areas and regulated areas for the purpose of detailed site plans.

(2) A report in respect of such survey referred to in sub-section (1) shall be forwarded to the Central Government and to the Authority.

35B. (1) The Director-General shall, within such time as may be specified by the Central Government, identify or cause to be identified, all constructions (of whatever nature) made on and after the 16th day of June, 1992 in all prohibited areas and regulated areas and, thereafter, submit from time to time a report in respect thereof to the Central Government.

(2) The Director-General shall, for the purposes of sub section (1), have the power to call for information from the local bodies and other authorities.”

11. In section 38 of the principal Act, in sub-section (2), after clause (c), the following clauses shall be inserted, namely:—

“(ca) the categories of ancient monuments or archaeological sites and remains, declared as of national importance, under sub-section (1) of section 4A;

(cb) the manner of making application for grant of permission under sub-section (1) of section 20D;

(cc) the category of applications in respect of which the permission may be granted and applications which shall be referred to the Authority for its recommendation, under sub-section (2) of section 20D;

(cd) the other matters including heritage controls such as elevations, facades, drainage systems, roads and service infrastructure (including electric poles, water and sewer pipelines) under sub-section (2) of section 20E;

(ce) the manner of preparation of detailed site plans in respect of each prohibited area and regulated area and the time within which such heritage bye-laws shall be prepared and particulars to be included in each such heritage bye-laws under sub-section (3) of section 20E;

(cf) salaries and allowances payable to, and the other terms and conditions of service of, the whole-time Chairperson and whole-time members, or fees or allowances payable to the part-time members, of the Authority under sub-section (1) of section 20H;

(cg) the form in which and time at which the Authority shall prepare an annual report giving full description of its activities for the previous year under section 20P;

(ch) the form and manner in which the Authority and competent authority shall furnish information to the Central Government under section 20Q;”.

12. Notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority—

(a) any thing done or purported to be done or any action taken or purported to be taken by the Central Government, except as provided in the second proviso to sub-section (3) of section 20A, immediately before the commencement of this Act, in pursuance of the notification of the Government of India in the Department of Culture (Archaeological Survey of India) number S.O.1764, dated the 16th June, 1992 issued under rule 34 of the Ancient Monuments and Archaeological Sites and Remains Rules, 1959, shall be deemed to be and deemed to have always been done or taken validly and in accordance with law at all material times [except as provided in the second proviso to sub-section (3) of section 20A] and no action taken or thing done

24 of 1958. (including any order made, agreement entered into, or notification issued for constituting any Expert Advisory Committee) in connection with any permission granted or licence issued for any construction in a prohibited area or a regulated area in respect of a protected monument, shall be deemed to be invalid or ever to have become invalid except as provided in the second proviso to sub-section (3) of section 20A merely on the ground that the Ancient Monuments and Archaeological Sites and Remains Act, 1958 or the rules, orders or notifications issued thereunder did not contain any provision for constitution of an Expert Advisory Committee or Advisory Committee, as the case may be;

24 of 1958. (b) no suit, claim or other proceedings shall be instituted, maintained or continued in any court, tribunal or other authority for any permission or licence granted by the Central Government or the Director-General under the Ancient Monuments and Archaeological Sites and Remains Act, 1958 or any rule, order or notification made thereunder for carrying out any repair, renovation or construction work or for undertaking any public work or public project before the commencement of this Act;

24 of 1958. (c) no claim or challenge shall be made in or entertained by any court, tribunal or other authority solely on the ground that the Central Government or the Director-General did not take into consideration any of the provisions of the Ancient Monuments and Archaeological Sites and Remains Act, 1958, as amended by the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010, in granting any permission or licence for the purpose of carrying out any mining or repair, renovation or construction work in a prohibited area or a regulated area at any time between the 16th day of June, 1992 and the date of commencement of this Act.

Ord. 1 of 2010. 13. (1) The Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Ordinance, 2010 is hereby repealed.

Repeal and savings.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act.

V. K. BHASIN,
Secy. to the Govt. of India.

[लोक सभा द्वारा 15 मार्च, 2010 को पारित रूप में]

2010 का विधेयक संख्यांक 26-सी

[दि एन्तिक्वेंट मोनुमेन्ट्स एंड आर्केजोलॉजिकल साइट्स एंड रिमेन्स (अमेंडमेंट एंड वैलिडेशन) बिल, 2010 का हिंदी अनुवाद]

प्राचीन संस्मारक तथा पुरातत्वीय स्थल और अवशेष (संशोधन और विधिमान्यकरण) विधेयक, 2010

प्राचीन संस्मारक तथा पुरातत्वीय स्थल और अवशेष अधिनियम, 1958
का और संशोधन करने तथा उक्त अधिनियम के अधीन
केंद्रीय सरकार द्वारा की गई कतिपय कार्यवाइयों के
विधिमान्यकरण का उपबंध
करने के लिए
विधेयक

भारत गणराज्य के इकसठवें वर्ष में संसद् द्वारा निम्नलिखित रूप में यह अधिनियमित
है :-

1. (1) इस अधिनियम का संक्षिप्त नाम प्राचीन संस्मारक तथा पुरातत्वीय स्थल और
अवशेष (संशोधन और विधिमान्यकरण) अधिनियम, 2010 है ।
- 5 (2) यथा अन्यथा उपबंधित के सिवाय, यह (धारा 3, धारा 5, धारा 7 और धारा 8 से
धारा 11 के सिवाय) 23 जनवरी, 2010 को प्रवृत्त हुआ समझा जाएगा ।
- 1958 का 24 2. प्राचीन संस्मारक तथा पुरातत्वीय स्थल और अवशेष अधिनियम, 1958 (जिसे इसमें
इसके पश्चात् मूल अधिनियम कहा गया है) की धारा 2 में, 16 जून, 1992 से ही,—

संक्षिप्त नाम और
प्रारंभ ।

धारा 2 का
संशोधन ।

- 10 (i) खंड (घ) के पश्चात्, निम्नलिखित खंड अंतःस्थापित किए जाएंगे और
अंतःस्थापित किए गए समझे जाएंगे, अर्थात् :-

“(घक) “प्राधिकरण” से धारा 20च के अधीन गठित राष्ट्रीय संस्मारक
प्राधिकरण अभिप्रेत है ;

(घख) “सक्षम प्राधिकारी” से केंद्रीय सरकार या राज्य सरकार के पुरातत्व

निदेशक या पुरातत्व आयुक्त की पंक्ति से अनिम्न या समतुल्य पंक्ति का ऐसा अधिकारी अभिप्रेत है, जो इस अधिनियम के अधीन कृत्यों का पालन करने के लिए केंद्रीय सरकार द्वारा, राजपत्र में अधिसूचना द्वारा, सक्षम प्राधिकारी के रूप में विनिर्दिष्ट किया जाए :

परंतु केंद्रीय सरकार, राजपत्र में अधिसूचना द्वारा, धारा 20ग, धारा 20घ और धारा 20ङ के प्रयोजनों के लिए भिन्न-भिन्न सक्षम प्राधिकारियों को विनिर्दिष्ट कर सकेगी ;

(घग) “निर्माण” से किसी संरचना या भवन का कोई परिनिर्माण अभिप्रेत है, जिसके अंतर्गत उसमें उर्ध्वाकार या क्षैतिजीय कोई परिवर्धन या विस्तारण भी है, किन्तु किसी विद्यमान संरचना, या, भवन का कोई पुनर्निर्माण, मरम्मत और नवीकरण या नालियों और जल-निकास संकर्मों तथा सार्वजनिक शौचालयों, मूत्रालयों और इसी प्रकार की सुविधाओं का निर्माण, अनुक्षण और सफाई, या, जनता के लिए जल के प्रदाय का उपबंध करने के लिए आशयित संकर्मों का निर्माण और अनुक्षण, या, जनता के लिए विद्युत के प्रदाय और वितरण के लिए निर्माण या अनुक्षण, विस्तारण, प्रबंध या जनता के लिए इसी प्रकार की सुविधाओं के लिए उपबंध इसके अंतर्गत नहीं हैं ;;

(ii) खंड (ज) के पश्चात्, निम्नलिखित खंड अंतःस्थापित किया जाएगा और अंतःस्थापित किया गया समझा जाएगा, अर्थात् :-

‘(जक) “प्रतिषिद्ध क्षेत्र” से ऐसा कोई क्षेत्र अभिप्रेत है, जो धारा 20क के अधीन प्रतिषिद्ध क्षेत्र के रूप में विनिर्दिष्ट या घोषित किया गया है ;’;

(iii) खंड (ज) के पश्चात्, निम्नलिखित खंड अंतःस्थापित किए जाएंगे और अंतःस्थापित किए गए समझे जाएंगे, अर्थात् :-

‘(ट) “पुनर्निर्माण” से किसी संरचना या भवन का उसकी पूर्व विद्यमान संरचना में ऐसा कोई परिनिर्माण अभिप्रेत है, जिसकी समान क्षैतिजीय और उर्ध्वाकार सीमाएं हैं ;

(ठ) “विनियमित क्षेत्र” से धारा 20ख के अधीन विनिर्दिष्ट या घोषित किया गया कोई क्षेत्र अभिप्रेत है ;

(ड) “मरम्मत और नवीकरण” से किसी पूर्व विद्यमान संरचना या भवन के परिवर्तन अभिप्रेत हैं, किन्तु निर्माण या पुनर्निर्माण इसके अंतर्गत नहीं होंगे ;’।

नई धारा 4क का अंतःस्थापन ।

3. मूल अधिनियम की धारा 4 के पश्चात्, निम्नलिखित धारा अंतःस्थापित की जाएगी, अर्थात् :-

धारा 3 और धारा 4 के अधीन राष्ट्रीय महत्व के रूप में घोषित प्राचीन संस्मारकों या पुरातत्वीय स्थलों तथा अवशेषों की बाबत प्रवर्गीकरण और वर्गीकरण ।

“4क. (1) केन्द्रीय सरकार प्राधिकरण की सिफारिश पर, धारा 3 और धारा 4 के अधीन राष्ट्रीय महत्व के रूप में घोषित प्राचीन संस्मारकों या पुरातत्वीय स्थलों तथा अवशेषों की बाबत प्रवर्ग विहित करेगी और ऐसे प्रवर्गों को विहित करते समय वह ऐतिहासिक, पुरातत्वीय और स्थापत्यकला के महत्व और ऐसी अन्य बातों को ध्यान में रखेगी, जो ऐसे प्रवर्गीकरण के प्रयोजन के लिए सुसंगत हों ।

(2) केंद्रीय सरकार, प्राधिकरण की सिफारिश पर, धारा 3 और धारा 4 के अधीन राष्ट्रीय महत्व के रूप में घोषित सभी प्राचीन संस्मारकों या पुरातत्वीय स्थलों तथा अवशेषों को उपधारा (1) के अधीन विहित प्रवर्गों के अनुसार वर्गीकृत करेगी और तत्पश्चात्, उन्हें जनता के लिए उपलब्ध कराएगी तथा उन्हें अपनी वेबसाइट पर और ऐसी अन्य रीति में

भी, जो वह ठीक समझे, प्रदर्शित करेगी।”।

4. 16 जून, 1992 से ही, मूल अधिनियम की धारा 20 के पश्चात्, निम्नलिखित धारा अंतःस्थापित की जाएगी और अंतःस्थापित की गई समझी जाएगी, अर्थात् :-

नई धारा 20क का अंतःस्थापन।

“प्रतिषिद्ध और विनियमित क्षेत्र

5

20क. (1) यथास्थिति, संरक्षित क्षेत्र या संरक्षित संस्मारक की सीमा से आरंभ होने वाला और सभी दिशाओं में सौ मीटर की दूरी तक विस्तारित होने वाला प्रत्येक क्षेत्र, उस संरक्षित क्षेत्र या संरक्षित संस्मारक की बाबत प्रतिषिद्ध क्षेत्र होगा :

प्रतिषिद्ध क्षेत्र की घोषणा और प्रतिषिद्ध क्षेत्र में सार्वजनिक कार्य या अन्य कार्य किया जाना।

10

परंतु केंद्रीय सरकार, प्राधिकरण की सिफारिश पर, राजपत्र में अधिसूचना द्वारा, एक सौ मीटर से अधिक के क्षेत्र को, धारा 4क के अधीन, यथास्थिति, किसी संरक्षित संस्मारक या संरक्षित क्षेत्र के वर्गीकरण को ध्यान में रखते हुए, प्रतिषिद्ध क्षेत्र के रूप में विनिर्दिष्ट कर सकेगी।

(2) धारा 20ग में यथा अन्यथा उपबंधित के सिवाय, किसी पुरातत्व अधिकारी से भिन्न कोई व्यक्ति, किसी प्रतिषिद्ध क्षेत्र में कोई निर्माण नहीं करेगा।

15

(3) ऐसे मामले में, जहां, यथास्थिति, केंद्रीय सरकार या महानिदेशक का यह समाधान हो जाता है कि,—

(क) ऐसे सार्वजनिक कार्य अथवा जनता के लिए अनिवार्य किसी परियोजना को किए जाने के लिए यह आवश्यक या समीचीन है ; या

20

(ख) ऐसे अन्य कार्य या परियोजना का, उसकी राय में, संस्मारक या उसके अत्यधिक आस-पास के क्षेत्र के परिरक्षण, सुस्था, संस्था या उस तक पहुंच पर कोई साखान् प्रतिकूल प्रभाव नहीं पड़ेगा,

तो वह, उपधारा (2) में किसी बात के होते हुए भी, आपवादिक मामलों में और सार्वजनिक हित को ध्यान में रखते हुए, आदेश द्वारा और लेखबद्ध किए जाने वाले कारणों से, प्रतिषिद्ध क्षेत्र में ऐसे सार्वजनिक कार्य या जनता के लिए अनिवार्य परियोजना या अन्य निर्माणों को किए जाने की अनुमति दे सकेगी/दे सकेगा :

25

परंतु किसी संरक्षित संस्मारक के निकटवर्ती किसी क्षेत्र या उससे लगे हुए ऐसे क्षेत्र को, जिसे 16 जून, 1992 को या उसके पश्चात् आरंभ होने वाली, किंतु उस तारीख से, जिसको प्राचीन संस्मारक तथा पुरातत्वीय स्थल और अवशेष (संशोधन और विधिमान्यकरण) विधेयक, 2010 को राष्ट्रपति की अनुमति प्राप्त होती है, पूर्व समाप्त होने वाली अवधि के दौरान ऐसे संरक्षित संस्मारक के संबंध में प्रतिषिद्ध क्षेत्र के रूप में घोषित

30

किया गया है, इस अधिनियम के उपबंधों के अनुसार उस संरक्षित संस्मारक की बाबत घोषित किया गया प्रतिषिद्ध क्षेत्र समझा जाएगा और, यथास्थिति, केंद्रीय सरकार या महानिदेशक द्वारा विशेषज्ञ सलाहकार समिति की सिफारिश के आधार पर प्रतिषिद्ध क्षेत्र के भीतर निर्माण के लिए दी गई कोई अनुमति या अनुज्ञप्ति इस अधिनियम के उपबंधों के अनुसार इस प्रकार विधिमान्य रूप से दी गई समझी जाएगी, मानो यह धारा सभी

35 तात्त्विक समयों पर प्रवृत्त थी :

परंतु यह और कि पहले परंतुक में अंतर्विष्ट कोई बात प्राचीन संस्मारक तथा पुरातत्वीय स्थल और अवशेष नियम, 1959 के नियम 34 के अधीन जारी की गई भारत सरकार के संस्कृति विभाग (भारतीय पुरातत्व सर्वेक्षण) की अधिसूचना सं० का०आ० 1764, तारीख 16 जून, 1992 के अनुसरण में किसी प्रतिषिद्ध क्षेत्र में किसी भवन या 40 संरचना के निर्माण या पुनर्निर्माण के पूरा होने के पश्चात् या भारत सरकार के आदेश सं० 24/22/2006-एम, तारीख 20 जुलाई, 2006 के अनुसरण में गठित समिति की (जिसे

बाद में तारीख 27 अगस्त, 2008 और 5 मई, 2009 के आदेशों में विशेषज्ञ सलाहकार समिति कहा गया है) सिफारिशें प्राप्त किए बिना दी गई किसी अनुमति को लागू नहीं होगी।”।

धारा 20क का संशोधन।

5. मूल अधिनियम की धारा 20क (इस अधिनियम की धारा 4 द्वारा इस प्रकार अंतःस्थापित किए गए अनुसार) की उपधारा (3) के पश्चात्, निम्नलिखित उपधारा अंतःस्थापित की जाएगी, अर्थात् :-

“(4) किसी प्रतिषिद्ध क्षेत्र में किसी सार्वजनिक कार्य या जनता के लिए अनिवार्य परियोजना या अन्य निर्माण करने सहित उपधारा (3) में निर्दिष्ट कोई अनुमति, उस तारीख को या उसके पश्चात्, जिसको प्राचीन संस्मारक तथा पुरातत्वीय स्थल और अवशेष (संशोधन और विधिमन्यकरण) विधेयक, 2010 को राष्ट्रपति की अनुमति प्राप्त होती है, नहीं दी जाएगी।”।

नई धारा 20ख का अंतःस्थापन।

6. 16 जून, 1992 से ही, मूल अधिनियम की धारा 20क के पश्चात्, निम्नलिखित धारा अंतःस्थापित की जाएगी और अंतःस्थापित की गई समझी जाएगी, अर्थात् :-

प्रत्येक संरक्षित संस्मारक के संबंध में विनियमित क्षेत्र की घोषणा

“20ख. धारा 3 और धारा 4 के अधीन राष्ट्रीय महत्व के रूप में घोषित प्रत्येक प्राचीन संस्मारक तथा पुरातत्वीय स्थल और अवशेष के संबंध में प्रतिषिद्ध क्षेत्र की सीमा पर आरंभ होने वाले और सभी दिशाओं में दो सौ मीटर की दूरी तक विस्तारित होने वाला प्रत्येक क्षेत्र, ऐसे प्रत्येक प्राचीन संस्मारक तथा पुरातत्वीय स्थल और अवशेष की बाबत विनियमित क्षेत्र होगा :

परंतु केंद्रीय सरकार, राजपत्र में अधिसूचना द्वारा, दो सौ मीटर से अधिक के किसी क्षेत्र को, धारा 4क के अधीन, यथास्थिति, किसी संरक्षित संस्मारक या संरक्षित क्षेत्र के वर्गीकरण को ध्यान में रखते हुए, विनियमित क्षेत्र के रूप में विनिर्दिष्ट कर सकेगी :

परंतु यह और कि किसी संरक्षित संस्मारक के निकटवर्ती किसी क्षेत्र या उससे लगे हुए ऐसे क्षेत्र को, जिसे 16 जून, 1992 को या उसके पश्चात् आरंभ होने वाली, किंतु उस तारीख से, जिसको प्राचीन संस्मारक तथा पुरातत्वीय स्थल और अवशेष (संशोधन और विधिमन्यकरण) विधेयक, 2010 को राष्ट्रपति की अनुमति प्राप्त होती है, पूर्व समाप्त होने वाली अवधि के दौरान, ऐसे संरक्षित संस्मारक के संबंध में, विनियमित क्षेत्र के रूप में घोषित किया गया है, इस अधिनियम के उपबंधों के अनुसार उस संरक्षित संस्मारक की बाबत घोषित किया गया विनियमित क्षेत्र समझा जाएगा और ऐसे विनियमित क्षेत्र में निर्माण के लिए दी गई कोई अनुमति या अनुज्ञप्ति, इस अधिनियम के उपबंधों के अनुसार इस प्रकार विधिमन्य रूप से दी गई समझी जाएगी, मानो यह धारा सभी तात्त्विक समयों पर प्रवृत्त थी।”।

नई धारा 20ग,
धारा 20घ, धारा
20ङ, धारा 20च,
धारा 20छ, धारा
20ज, धारा 20झ,
धारा 20ञ, धारा
20ट, धारा 20ठ,
धारा 20ड, धारा
20ढ, धारा 20ण,
धारा 20त और
धारा 20थ का
अंतःस्थापन।

7. मूल अधिनियम की धारा 20ख (इस अधिनियम की धारा 6 द्वारा इस प्रकार अंतःस्थापित किए गए अनुसार) के पश्चात्, निम्नलिखित धाराएं अंतःस्थापित की जाएंगी, अर्थात् :-

35

40

5 '20ग. (1) ऐसा कोई व्यक्ति, जो ऐसे किसी भवन या संरचना का स्वामी है, जो 16 जून, 1992 से पूर्व किसी प्रतिषिद्ध क्षेत्र में विद्यमान थी या जिसका निर्माण बाद में महानिदेशक के अनुमोदन से किया गया था और वह ऐसे भवन या संरचना की कोई मरम्मत या उसका नवीकरण करने की वांछ करता है, यथास्थिति, ऐसी मरम्मत या नवीकरण करने के लिए सक्षम प्राधिकारी को आवेदन कर सकेगा।

10 (2) ऐसा कोई व्यक्ति, जो किसी विनियमित क्षेत्र में किसी भवन या संरचना या भूमि का स्वामी है या कब्जा रखता है और वह ऐसी भूमि पर ऐसे भवन या संरचना का कोई निर्माण या पुनर्निर्माण या उसकी मरम्मत या नवीकरण करने की वांछ करता है, यथास्थिति, निर्माण या पुनर्निर्माण करने के लिए सक्षम प्राधिकारी को आवेदन कर सकेगा।

सक्षम प्राधिकारी द्वारा अनुमति प्रदान करना

20घ. (1) इस अधिनियम की धारा 20ग के अधीन अनुमति प्रदान करने के लिए प्रत्येक आवेदन सक्षम प्राधिकारी को ऐसी रीति में किया जाएगा, जो विहित की जाए।

15 (2) सक्षम प्राधिकारी, आवेदन की प्राप्ति के पन्द्रह दिन के भीतर, यथास्थिति, संबंधित संरक्षित संस्मारक या संरक्षित क्षेत्र से संबंधित विरासत संबंधी उपविधियों को ध्यान में रखते हुए, ऐसे निर्माण के प्रभाव पर (जिसके अंतर्गत बड़े पैमाने पर विकास परियोजना, लोक परियोजना और जनता के लिए अनिवार्य परियोजना का प्रभाव भी है) विचार करने और उसको सूचना देने के लिए उसे प्राधिकरण को अग्रेषित करेगा :

20 परंतु केंद्रीय सरकार, ऐसे आवेदनों का, जिनकी बाबत इस उपधारा के अधीन अनुमति दी जा सकेगी और ऐसे आवेदन का, जिसे प्राधिकरण को उसकी सिफारिशों के लिए निर्दिष्ट किया जाएगा, प्रवर्ग विहित कर सकेगी।

25 (3) प्राधिकरण, उपधारा (2) के अधीन आवेदन की प्राप्ति की तारीख से दो मास के भीतर ऐसे निर्माण के प्रभाव के बारे में, (जिसके अंतर्गत बड़े पैमाने पर विकास परियोजना, लोक परियोजना और जनता के लिए अनिवार्य परियोजना का प्रभाव भी है) सक्षम प्राधिकारी को सूचित करेगा।

(4) सक्षम प्राधिकारी, उपधारा (3) के अधीन प्राधिकरण से सूचना की प्राप्ति के एक मास के भीतर प्राधिकरण द्वारा सिफारिश किए गए अनुसार या तो अनुमति प्रदान करेगा या उसे नामंजूर करेगा।

(5) प्राधिकरण की सिफारिशें अंतिम होंगी।

30 (6) इस धारा के अधीन सक्षम प्राधिकारी द्वारा अनुमति प्रदान करने से इंकार किए जाने की दशा में, वह संबंधित व्यक्ति को, अवसर प्रदान करने के पश्चात् आवेदन की प्राप्ति की तारीख से तीन मास के भीतर लिखित आदेश द्वारा, आवेदक, केंद्रीय सरकार और प्राधिकरण को ऐसे इंकार किए जाने की सूचना देगा।

35 (7) यदि सक्षम प्राधिकारी की, उपधारा (4) के अधीन अनुज्ञप्ति प्रदान करने के पश्चात् और उस उपधारा में निर्दिष्ट मरम्मत या नवीकरण कार्य या भवन का पुनर्निर्माण या निर्माण किए जाने के दौरान (उसके कब्जे में की सामग्री के आधार पर या अन्यथा) यह शय है कि ऐसी मरम्मत या नवीकरण कार्य या भवन के पुनर्निर्माण या निर्माण का संस्मारक के परिरक्षण, सुरक्षा, संरक्षा या उस तक पहुंच पर अत्यधिक प्रतिकूल प्रभाव पड़ने की संभावना है तो वह उसे प्राधिकरण को उसकी सिफारिशों के लिए निर्दिष्ट कर सकेगा और यदि इस प्रकार सिफारिश की जाती हो तो, यदि अपेक्षित हो, उपधारा (4) के अधीन दी गई अनुमति को वापस ले सकेगा :

40

प्रतिषिद्ध क्षेत्र में
मरम्मत या
नवीकरण अथवा
विनियमित क्षेत्र में
निर्माण या
पुनर्निर्माण अथवा
मरम्मत या
नवीकरण के लिए
आवेदन।

विनियमित क्षेत्र के
भीतर सक्षम
प्राधिकारी द्वारा
अनुमति प्रदान
करना।

परंतु सक्षम प्राधिकारी, आपवादिक मामलों में, धारा 20ड की उपधारा (1) के अधीन, विरासत संबंधी उक्त विधियां तैयार किए जाने और उस धारा की उपधारा (7) के अधीन उन्हें प्रकाशित किए जाने तक, धारा 20ग की उपधारा (2) में निर्दिष्ट आवेदक को प्राधिकरण के अनुमोदन से अनुमति प्रदान कर सकेगा।

(8) यथास्थिति, केंद्रीय सरकार या महानिदेशक, इस अधिनियम के अधीन दी गई 5 या नामजूर की गई सभी अनुमतियों को अपनी वेबसाइट पर प्रदर्शित करेगा।

विरासत संबंधी
उपविधियां।

20ड. (1) सक्षम प्राधिकारी, भारतीय राष्ट्रीय कला और सांस्कृतिक विरासत न्यास के, जो भारतीय न्यास अधिनियम, 1882 के अधीन रजिस्ट्रीकृत न्यास है या ऐसे अन्य विशेषज्ञ विरासत न्यासों से, जो केंद्रीय सरकार द्वारा अधिसूचित किए जाएं, परामर्श करके, प्रत्येक संरक्षित संस्मारक और संरक्षित क्षेत्र की बाबत विरासत संबंधी उपविधियां 10 तैयार करेगा।

(2) उपधारा (1) में निर्दिष्ट विरासत संबंधी उपविधियों में, ऐसे विषयों के अतिरिक्त, जो विहित किए जाएं, उत्पादनों, पुराभागों, निकास प्रणालियों, सड़कों और सेवा अवसंरचना (जिसके अंतर्गत बिजली के खंभे, जल और सीवर पाइपलाइनें भी हैं) जैसे विरासत संबंधी नियंत्रणों से संबंधित विषय भी सम्मिलित होंगे। 15

(3) केंद्रीय सरकार, नियमों द्वारा, प्रत्येक संरक्षित क्षेत्र या संरक्षित संस्मारक या प्रतिषिद्ध क्षेत्र या विनियमित क्षेत्र के संबंध में विस्तृत स्थल योजनाएं तैयार करने की रीति, वह समय, जिसके भीतर ऐसी विरासत संबंधी उपविधियां तैयार की जाएंगी और प्रत्येक ऐसी विरासत संबंधी उपविधि में सम्मिलित की जाने वाली विशिष्टियों को विनिर्दिष्ट करेगी। 20

(4) सक्षम प्राधिकारी, विस्तृत स्थल योजनाएं और विरासत संबंधी उपविधियां तैयार करने के प्रयोजन के लिए उतने विशेषज्ञों या परामर्शियों को नियुक्त कर सकेगा, जितने वह ठीक समझे।

(5) उपधारा (1) के अधीन तैयार की गई प्रत्येक विरासत संबंधी उपविधि की एक प्रति प्राधिकरण को उसके अनुमोदन के लिए भेजी जाएगी। 25

(6) उपधारा (5) के अधीन प्राधिकरण द्वारा यथा अनुमोदित विरासत संबंधी उपविधियों की एक प्रति संसद के प्रत्येक सदन के समक्ष रखी जाएगी।

(7) प्रत्येक विरासत संबंधी उपविधि को, संसद के प्रत्येक सदन के समक्ष उसे रखे जाने के ठीक पश्चात्, सक्षम प्राधिकारी द्वारा अपनी वेबसाइट पर प्रदर्शित करके और ऐसी अन्य रीति में भी, जो वह ठीक समझे, जनता के लिए उपलब्ध कराया जाएगा। 30

राष्ट्रीय संस्मारक प्राधिकरण

राष्ट्रीय संस्मारक
प्राधिकरण का
गठन।

20च. (1) केंद्रीय सरकार, राजपत्र में अधिसूचना द्वारा, राष्ट्रीय संस्मारक प्राधिकरण नामक एक प्राधिकरण का गठन करेगी।

(2) प्राधिकरण निम्नलिखित से मिलकर बनेगा,—

(क) राष्ट्रपति द्वारा नियुक्त किए जाने वाला, पूर्णकालिक आधार पर, एक अध्यक्ष, जिसके पास पुरातत्व विज्ञान, ग्राम और शहर योजना, वास्तुकला, विरासत और संरक्षण-वास्तुकला या विधि के क्षेत्रों में सिद्ध अनुभव और विशेषज्ञता हो; 35

(ख) केंद्रीय सरकार द्वारा धारा 20छ में निर्दिष्ट चयन समिति की सिफारिश पर नियुक्त किए जाने वाले पांच से अनधिक ऐसे पूर्णकालिक सदस्य और पांच अंशकालिक सदस्य, जिनके पास पुरातत्व विज्ञान, ग्राम और शहर योजना, वास्तुकला, विरासत और संरक्षण-वास्तुकला या विधि के क्षेत्रों में सिद्ध अनुभव और 40