

Periodic Reporting Exercise on the Application of the World Heritage Convention
Section II: State of conservation of specific World Heritage properties

II.1 Introduction

a	<i>Country (and State Party if different)</i>	<p>State Party : Archaeological Survey of India</p> <p>Country : India</p>		001
b	<i>Name of World Heritage property</i>	Buddhist Monuments at Sanchi		002
c	<p><i>In order to locate the property precisely, please attach a topographic map showing scale, orientation, projection, datum, site name, date and graticule. The map should be an original print and not be trimmed. The site boundaries should be shown on the map. In addition they can be submitted in a detailed description, indicating topographic and other legally defined national, regional, or international boundaries followed by the site boundaries:</i></p> <p><i>Geographical co-ordinates of the property</i></p>	<p>The Buddhist monuments at Sanchi located on a hill with the plateau having a height of 510m above MSL is having a protected area of 47.449 hectares and an annexe area of 6.029 hectares. The Figure No.1 shows general area around Sanchi. The Figure No.2 shows the topography of Sanchi and the access to it The figure No.3 shows protected, prohibited and regulated areas of Sanchi. Plates showing aerial view of Sanchi, general view from north and from different directions of Stupa No.1, Sanchi are enclosed.</p> <p>Centre point (Stupa No.1) : Lat: 23°28'41" Long: 77°24'26"</p> <p>North-west corner: Lat: 23°28'56" Long. 77°44'14"</p> <p>South-east corner: Lat: 23°28'35" Long.: 77°44'32"</p>	<p>Fig. No.1</p> <p>Fig. No.2</p> <p>Fig. No.3</p> <p>Plate Nos. 1 - 5</p>	003

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d	<i>Give the date of inscription on the World Heritage List and subsequent extension (if applicable)</i>	15.12.1989 (Site number C-524)		004
e	<i>Organisation(s) or entity(ies) responsible for the preparation of the report</i>	<p>Organisation : Bhopal Circle of Archaeological Survey of India</p> <p>Person Responsible : S.B.Ota, Superintending Archaeologist</p> <p>M.S.Chauhan, Dy. Superintending Archaeologist</p> <p>M. Joseph, Asstt.Archaeologist,</p> <p>Address : Bhopal Circle, G.T.B.Complex, T.T.Nagar,</p> <p>City and post code : Bhopal – 463 002, Madhya Pradesh</p> <p>Telephone : 0091 755 2558250, 2558270</p> <p>Fax : 0091 755 2558250</p> <p>E-Mail : asibpl@rediffmail.com</p>		005
f	<i>Date of preparation of the report :</i>	16-12-2002		006
g	<i>Signature on behalf of the State Party</i>	<p>Sign.:</p> <p>Name : Kasturi Gupta Menon</p> <p>Designation : Director General,</p>		007

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	Archaeological Survey of India		
	Date :		

II.2 Statement of significance

<p><i>At the time of inscribing a property on the World Heritage List, the World Heritage Committee indicates its outstanding universal value(s), or World Heritage value(s). by deciding on the criteria for which the property deserved to be included on the World Heritage List . Circle the criteria retained for the inscription:</i></p> <p>Cultural criteria: i-ii-iii-iv-v-vi</p> <p>Natural criteria: i-ii-iii-iv</p>	<p align="center">(i) - (ii) - (iii) - (iv) - v - (vi)</p>		008
<p><i>Were new criteria added by re-nominating and/or extending the property after the original inscription ?</i> YES/NO</p>	<p>No</p>		009
<p><i>If YES, please explain:</i></p>	<p>Not Applicable.</p>		010
<p><i>Please quote observations concerning the property made by the Advisory Body (ies) during the evaluation of</i></p>	<p>ICOMOS recommended that the hill of Sanchi be included on the World Heritage list on the basis of criteria I, II, III, IV and VI.</p>		011

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<p><i>the nomination:</i></p>	<p>Criterion I:The Perfection of its proportions and the richness of the sculptured decorative work on its four gateways make Stupa No.1 an incomparable artistic achievement. The group of Buddhist monuments at Sanchi- stupa, temples and monasteries – is unique in India because of its age and quality.</p> <p>Criterion II: From the time that the oldest preserved monument on the site was erected, i.e. Asoka's column with its projecting capital of lions inspired by Achaemenid art, Sanchi's role as intermediary for the spread of cultures and their peripheral arts throughout the Maurya empire, and later in India of the Sunga, Satavahana, Kushan and Gupta Dynasties, was confirmed.</p> <p>Criterion III: Having remained a principal centre of Buddhism in medieval India following the spread of Hinduism, Sanchi bears unique witness as a major Buddhist sanctuary to the period from the 3rd century B.C. to the 1st century A.D.</p> <p>Criterion IV: The stupas at Sanchi, in particular Stupa 1 and Stupa 3, represent the most accomplished form of this type</p>		
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		<p>of monument. The hemispherical, egg-shaped dome (anda), topped with a cubical relic chamber (harmika), is built on a circular terrace (medhi); it has one or two ambulatories for the faithful to use (pradakshina patha). Representing a transposition from wood structures to stone, the railings (vedika) and the gateways (torana) also bear witness to the continued use of the primitive forms of megalithic tumuli covered with an outer layer and surrounded by a palisade.</p> <p>Criterion VI: Sanchi is the oldest extant Buddhist sanctuary. Although Buddha never visited the site during any of his former lives nor during his earthly existence, the religious nature of this shrine is obvious. The chamber of relics of Stupa 3 contained the remains of Shariputra, a disciple of Shakymuni who died six months before his master; he is especially venerated by the occupants of the "small vehicle" or Hinayana.</p>		
	<p><i>Quote the decisions and observations/ recommendations, if appropriate, made by the World Heritage Committee at the time of inscription and extension (if applicable):</i></p>	<p>During nomination the decision of the World Heritage Committee, the committee made no statement. However, in June 2001 the World Heritage committee Technical Evaluation required the following data:</p> <ol style="list-style-type: none"> 1. Area of site in hectares 2. Geographic co-ordinates to the 		012

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		nearest second. 3. A topographic Map at a scale of 1:5000.		
	<i>Identify the actions taken as follow-up to these observations and / or decisions:</i>	As desired by World Heritage Committee Technical Evaluation the data required is been sent alongwith detailed topographic map is being sent in C.D.ROM.	Map No.2	013
	<i>Please propose a statement of significance by providing a description of the World Heritage value(s) for which the property was inscribed on the World Heritage List. This description should reflect the criterion (criteria) on the basis of which the Committee inscribed the property on the World Heritage list and it should also details what the property represents, what makes it outstanding, what the specific values are that distinguish the property as well as what its relationship with its setting is, etc</i>	The Sanchi hill stands as the earliest Buddhist site, not visited by Buddha, wherein Asoka laid the foundation of monumental art in 3 rd Century B.C. as a Buddhist enclave, which thrived successfully upto C 1200 AD and has the credit of sending the earliest preachers to Shri Lanka. The exquisite graphic account of Jatakas, Buddhas life and historic events is of unique charm and significance also as a milestone of development and integration of indigenious and extraneous influences frozen in art.		014
	<i>For the extension of a property of the inclusion of additional criteria a re-submission of the property may be considered. This might be regarded as necessary in order to recognize cultural values of a natural World Heritage property, or vice-versa, become desirable following the substantive revision of</i>	Yes.		015

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	<p><i>the criteria by the World Heritage Committee or due to better identification or knowledge of specific outstanding universal values of the property. Should a re-nomination of the property be considered?</i></p> <p align="right">YES/NO</p>			
	<p><i>If YES, please explain</i></p>	<p>Besides Sanchi, establishment of other Buddhist centres followed shortly afterwards, within a radius of 15km. These are Satdhara, Sonari, Murelkhurd and Andher, all perched on hills like Sanchi. In its heydays they were linked with one or more sites by the high masted flags over the Stupas, serving as a beacon to the pilgrims and monks alike. The landscape archaeology throws light on the symbolic relationship of these sites in the field of art, architecture and religion. Thus the four sites are paramount to the integrated understanding of the process which led to the uniqueness of Sanchi and has to be brought into the ambit by extension of property.</p>	<p>Fig. No.4 Plate Nos. 6-10</p>	<p>016</p>
	<p><i>Are the borders of the World Heritage property and its buffer zone (still) adequate to ensure the protection and conservation of the property's World Heritage values:</i></p> <p align="right">YES/NO</p>	<p>No</p>		<p>017</p>
	<p><i>If NO, please explain why not, and indicate what changes should be made to the boundaries of the</i></p>	<p>The villages namely Sanchi, Manchi, Kanakheda and Nagori have inhabited the buffer zone. Although, the Bhopal Circle has proposed to acquire some of the land</p>		<p>018</p>

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	<i>property and /or its buffer zone (please indicate these changes also on a map to be attached to this report) :</i>	in the buffer area but it is not possible to ensure the pristine ambience of this zone as a whole		
	<i>Is the State Party actively considering a revision of the property boundaries or the buffer zone ?</i> YES/NO	Yes		019
	<i>If YES, indicate what is being done to that end:</i>	YES, the Archaeological Survey of India has a proposal to acquire more land to maintain its buffer zone.		020

II.2 Statement of authenticity/ integrity

	<i>Have the World Heritage values identified above been maintained since the property's inscription ?</i> YES/NO	Yes		021
	<i>If NO, please describe the changes and name the causes:</i>	Not applicable		022
	<i>What was the evaluation of the authenticity/ integrity of the property at the time of inscription ? (Please quote from the ICOMOS/ IUCN evaluation):</i>	After evaluating the property the ICOMOS recommended the whole hill for World Heritage list on the basis of criteria I,II, III, IV and VI as follows: Criteria I : The perfection of its proportion and the richness of the sculptured decorative work on its four gateways make Stupa-1 an incomparable artistic achievement. The		023

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		<p>group of Buddhist monuments at Sanchi stupas, temples and monasteries are unique in India because of its age and quality.</p> <p>Criteria II :</p> <p>From the time that the oldest preserved monument on the site was erected, i.e. Asoka's column with its projecting capital of lions inspired by Achaemanid art, Sanchi's role as intermediary for the spread of cultures and their peripheral arts through the Maurya empire, and later in India of the Sunga, Satvahana, Kushana and Gupta dynasty was confirmed .</p> <p>Criteria III :</p> <p>Having remained a principal center of Buddhism in medieval India following the spread of Hinduism, Sanchi bears unique witness as a major Buddhist sanctuary to the period from the 3rd century B.C. to the 1st century A.D.</p> <p>Criteria IV :</p> <p>The stupas at Sanchi , in particular Stupa 1 and 3 , represent the most accomplished form of this type of monument. The hemispherical, egg-shaped dome (anda), topped with a cubical relic chamber (harmika), is built on a circular terrace (medhi); it has one or two ambulatories for the faithful to use (pradakshina patha). Representing a transposition from wood structures to stone, the railings (vedika) and the gateways (torana) also bear witness to the continued use of the primitive forms of megalithic tumuli covered with an outer layer and surrounded by a palisade.</p>	
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		<p>Criteria VI :</p> <p>Sanchi is the oldest extant Buddhist sanctuary. Although Buddha never visited the site during any of his former lives nor during his earthly existence, the religious nature of this shrine is obvious. The chamber of relics of Stupa 3 contained the remains of Shariputra, a disciple of Shakyamuni who died six months before his mother; he is especially venerated by the occupants of the "small vehicle" or Hinayana.</p>		
	<p><i>Have there been changes in the authenticity/ integrity since inscription? - YES/NO</i></p>	Yes		024
	<p><i>If YES, please describe the changes to the authenticity/ integrity and name the main causes?</i></p>	<p>After extensive excavation carried out inside the property many structures and remains have been exposed, which has positively increased its authenticity/ integrity. The figure enclosed shows the different areas of excavation undertaken between 1993-2000. The plates show a cluster of votive stupas exposed during the excavations.</p>	<p>Fig. No.5</p> <p>Plate Nos. 11-12</p>	025
	<p><i>Are there (further) changes foreseeable to the authenticity/ integrity of the property in the near future? YES/NO</i></p>	Yes		026

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	<i>If YES, please explain and indicate how these changes might affect the World Heritage values of the property :</i>	There is a possibility of more structures and remains inside the property, which can enhance both the cultural and historical values.	027

II.4 Management

	<i>How could the arrangements for the protection and the management of the property best be defined (more than one indication possible) ?</i>	<p>The protection and management of property have been assured legally.</p> <p>Legal (✓) : In addition to the Ancient Monuments and Archaeological Sites and Remains Act, 1958; the Ancient Monuments and Archaeological Sites and Remains Rules, 1959; the Govt. of India, Gazette Notification No.1764, Dt.6/6/1992 was issued to look after the prohibited and regulated areas.</p> <p>Contractual () : Not applicable.</p> <p>Traditional () : Not applicable</p>	028
	<i>Please describe and assess the implementation and effectiveness of these arrangements for the preservation of the values described under item II.2 at</i>	At the national level, the Archaeological Survey of India takes over all responsibility to look after the property under its well defined limits. In case of law enforcement, removal of encroachment the help of State Authorities namely District Collector and	029

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	<i>the national, provincial and/or municipal level :</i>	Superintendent of Police is sought and generally received. Municipal corporations in general cooperate in maintaining the rules regarding prohibited/regulated area.		
	<i>In general terms, can this legislative, contractual and/or traditional protection be considered sufficient ? YES/NO</i>	No		030
	<i>Please explain:</i>	The legislation empowering the Archaeological Survey of India provide the rule wherein protected, prohibited and regulated area is defined but the law enforcing agencies are the District Collector and Superintendent of Police both of whom may not see the encroachment and illegal constructions as a major problem of law and order.		031
	<i>Provide a list and summaries of laws and regulations concerning cultural and natural properties and management (including extracts of relevant articles from the Constitution, Criminal Law, Law/Regulations on Land-use, Environment Law and Forestry Law, amongst others). Please also attach any documentation available concerning these points:</i>	<p>The relevant provision from the constitution, list of laws is as follows:</p> <p>1. RELEVANT ARTICLES FROM THE CONSTITUTION OF INDIA</p> <p>Article 48A : The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country.</p> <p>Article 49 : It shall be the obligation of the State to protect every monument or place or object of artistic or historic interest, declared by or under law made by Parliament to be of national importance from spoliation, disfigurement, destruction, removal, disposal or export, as the case may be.</p>		032

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		<p>Fundamental Duties :</p> <p>As per the Article 51A it shall be the duty of every citizen of India :</p> <ul style="list-style-type: none">(a) to abide by the Constitution and respect its ideal and institutions, the National Flag and the National Anthem;(b) to cherish and follow the noble ideals which inspired our national struggle for freedom;(c) to uphold and protect the sovereignty, unity and integrity of India;(d) to defend the country and render national service when called upon to do so;(e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious; linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;(f) to value and preserve the rich heritage of our composite culture;(g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;(h) to develop the scientific temper, humanism and the spirit of inquiry and reform;(i) to safeguard public property and to abjure violence;(j) to strive towards excellence in all spheres of individual and collective activity, so that the nation constantly	
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		<p>rises to higher level of endeavour and achievement.</p> <p>2. ARCHAEOLOGICAL ACTS AND RULES</p> <p>i. Ancient Monuments and Archaeological Remains and Sites Act 1958.</p> <p>ii. Ancient Monuments and Archaeological Remains and Sites Rules 1959.</p> <p>iii. Indian Treasure Trove Act 1878</p> <p>iv. The Antiquities and Art Treasure Act 1972</p> <p>v. The Madhya Pradesh Ancient Monuments and Archaeological Site and Remains Act 1964</p> <p>4. RELEVANT SECTIONS FROM CRIMINAL PROCEDURE CODE, 1973.</p> <p>Section 105 D : Identifying unlawfully acquired property – The Court shall, under sub-section(1) or on receipt of a letter of request under sub-section (3) of section 105C, direct any police officer not below the rank of Sub-Inspector of Police to take all steps necessary for tracing and identifying such property.</p> <p>The steps referred to in sub-section (1) may include any inquiry, investigation or survey in respect of any person, place, property, assets, documents books of account in any bank or public financial institutions or any other relevant matters.</p> <p>Any inquiry, investigation or survey referred to in sub-section (2) shall be carried out by an officer mentioned in sub-section (1) in accordance with such directions issued by the said Court in this behalf.</p>		
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		<p>Section 133 : Conditional order for removal of nuisance – (1) Whenever a District Magistrate or a Sub-Divisional Magistrate or any other Executive Magistrate specially empowered in this behalf by the State Government, on receiving the report of a police officer or other information and on taking such evidence (if any) as he thinks fit, considers–</p> <p>That any unlawful obstruction or nuisance should be removed from any public place or from any way, river or channel, which is or may be lawfully used by the public.</p> <p align="center">5. PROVISIONS OF STATE ACT AFFECTING PROPERTY</p> <p align="center">DEVELOPMENT PLAN PERTAINING TO SANCHI</p> <p>Plan has been prepared by Directorate Town and Country Planning, Madhya Pradesh, Bhopal under head:</p> <p>'Sanchi Vikas Yojana 2011', under the provisions of 'Madhya Pradesh Nagar Tatha Gram Nivesh Adhinyam 1973' (M.P. State Act No. 23 of 1973) Section 64 sub section (1),(2) and (3),</p> <p>Notification No. F-3-96-99-32 Bhopal dated 11/7/2000 A draft development plan was prepared and published by the Madhya Pradesh State Government on 1/11/1999, under Section 68 alongwith Section 18 (1) of the said Act, which has been approved under Section 19 of the same Act. Accordingly Sanchi Development</p>		
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		<p>Plan came into existence on 21/7/2000.</p> <p>The present Development Plan has been approved on July 11, 2000, taking into consideration the proposed development of the area upto year 2011.</p> <p>The main objective to bring out Sanchi Development Plan 2011, is integrated development of tourism, natural environment as well as preservation of the Buddhist Stupas and other Monuments witnessing glory of more than 1200 years.</p>		
	<p><i>Describe the administrative and management arrangements that are in place for the property concerned, making special mention of the institutions and organisations that have management authority over the property as well as of the arrangements that are in place for the coordination of their actions:</i></p> <p>Regional Level</p> <p>Local Level</p>	<p>Over all Administration and management authority:- Archaeological Survey of India</p> <p>Headed by : Superintending Archaeologist</p> <p>Assisted by : Dy. Suptdg. Archaeologist Dy. Suptdg. Arch. Engineer Asstt. Suptdg. Archaeologist Asstt. Suptdg. Arch. Engineer Security Officer Asstt. Archaeologist and other technical and ministerial staff.</p> <p>Headed by : Senior Conservation Asstt.</p> <p>Assisted by: Foreman</p>		033

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	District authority	<p align="center">Caretaker Monument Attendants</p> <p>Headed by : District Collector</p> <p>Assisted by: Addl. Distt. Collector Sub-Divisional Officer Tehsildar Naib Tehsildar Revenue Inspector Patwari</p>		
	<i>Please indicate under which level of authority the property is managed</i>	<p>The property is managed by a three tiered establishment, as follows :</p> <p>Local : Property managed by the Foreman.</p> <p>Regional: Superintending Archaeologist</p> <p>National : Director General, Archaeological Survey of India.</p>		034
	<i>Please provide the full name, address and phone/fax/e-mail of the entity(ies) directly responsible for the management (conservation, preservation, visitor management) of the property:</i>	<p>Local: Sunit Verma, Foreman, Archaeological Survey of India, Sub-Circle Sanchi, Distt. Raisen (M.P.); # 91-07482- 266728</p> <p>Regional: S.B.Ota, Superintending Archaeologist, Archaeological Survey of India, Bhopal Circle, G.T.B. Complex, T.T. Nagar, Bhopal (M.P.) - 462003; # 0091-755-2558270, Fax : 0091-755-2558250 E-Mail : asi@rediff.com</p>		035

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		<p>National: Mrs.Kasturi Gupta Menon, Director General, Archaeological Survey of India, Janpath, New Delhi – 110001, # 0091-11-23013574, Fax: 0091-11-23019487, E-mail: asi@del3.vsnl.net.in</p>		
	<p><i>Is it necessary to revise the administrative and management arrangements for the property ?</i> YES/NO</p>	No		036
	<p><i>If YES, explain why this is the case :</i></p>	Not applicable		037
	<p><i>Is there a management plan for the property?</i> YES/NO</p>	No		038
	<p><i>If YES, please summarise, indicating if the plan is being implemented and since when :</i></p>	The plan is in preliminary data collection stage prior to preparation		039
	<p><i>Please report on legal and administrative actions that are foreseen for the future, to preserve the values described under item II.2 (e.g. passing of legislation, adjusting administrative and management arrangements, implementing or</i></p>	<p>a: A coordination committee under the chairmanship of District Collector has been constituted for the better up keep of the World Heritage property.</p> <p>B: Sanchi Development plan has been framed by the town and country planning, Govt. of Madhya Pradesh in July 2000.</p>	Ann ex-I	040

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	<i>drawing up of a (new) management plan, etc.):</i>			
	<p><i>Please provide detailed information, particularly in cases where changes have occurred since the inscription of the property, on the following matters</i></p> <ul style="list-style-type: none"> <u>Conservation</u> <i>Make reference to all major interventions at the property and describe its present state of conservation:</i> 	<p>1: No changes involving the authenticity of material, style, workmanship of the monuments have occurred since the inscription of the property.</p> <p>2: The major conservation work carried out by the circle from 1989 to 2001-02 year wise is enclosed. Subsequent to excavations and exposition of ancient structures in the area SE of Stupa No.1, it was conserved by using mud mortar. The monolithic pillar lying by the side of Temple No.18, was placed back according to the architecture of the temple.</p>	<p>Ann ex-II</p> <p>Plate Nos. 13-14</p> <p>Plate Nos. 15-16</p>	<p>041</p>
	<ul style="list-style-type: none"> <u>Ownership</u> <i>Make reference to all major changes in ownership of the property and describe the present state of ownership:</i> 	<p>No changes</p>		<p>042</p>
	<p><i>Please, give a detailed description of the staffing of the site:</i></p>	<p><u>1: Regional level:</u></p> <ul style="list-style-type: none"> • Superintending Archaeologist • Deputy Superintending Archaeologist • Dy. Suptdg. Archaeological Engineer • Asstt. Suptdg. Archaeologist • Asstt. Suptdg. Archaeological Engineer • Sr. Conservation Assistant (Headquarter) <p><u>2. Local level</u></p> <ul style="list-style-type: none"> • Senior Conservation Assistant (1) • Foreman (1) • Mason (1) 		<p>043</p>

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		<ul style="list-style-type: none"> • Watch and Ward Staff (15) • Private Security Guard (22) • Police security (7) 		
	<p><i>Is the staffing level sufficient for adequate management of the property?</i></p> <p align="right">YES/NO</p>	No		044
	<p><i>If NO, what should be done to improve the situation</i></p>	Additional watch and ward staff and security guards have been required . The necessary equipments, viz. mobile wireless, metal detectors could be provided to the security guards.		045
	<p><i>Does the staff need additional training?</i></p> <p align="right">YES/NO</p>	Yes		046
	<p><i>If YES, what are the training needs for your staff ?</i></p>	<p>Training needed are:</p> <ol style="list-style-type: none"> 1. Conservation and management policy and practices. 2. Geophysical radar training for documenting underground structures. 3. Training in techniques and procedures in security of the property 		047
	<p><i>Describe the funding and financial situation of the property, indication sources, level and regularity of financing:</i></p>	The Archaeological Survey of India itself provide the fund for the conservation and management of the property , under the provision of ‘Annual Repair’ and ‘Special Repair’. Besides this, additional fund is also provided as and when required.		048

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	<p><i>Is the available funding sufficient for adequate management of the property?</i></p> <p align="right">YES/NO</p>	Yes, the funding for preservation of the site is sufficient.		049
	<p><i>If NOT, describe the financial resources that would be required for the management of the property:</i></p>	Not applicable		050
	<p><i>Indicate International Assistance from which the property has benefited:</i></p> <p>World Heritage Fund</p>	No Assistance.		051
	<p>UNESCO International Campaign</p>	For the development of Sanchi, Satdhara monuments a grant has been received in US\$ 298000/- during 1996-98.		052
	<p>National and / or regional projects of UNDP , the World Bank or other agencies:</p>	No Assistance		053
	<p>Bilateral co-operation</p>	No Assistance		054
	<p>Other assistance</p>	No Assistance		055
	<p><i>Describe the IT (computer) equipment of the site and/or management office and assess its effectiveness:</i></p>	<p>At site : Nil</p> <p>At Management office: 8 Nos. (Regional office)</p>		056

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	<p><i>Are you using (multiple indications are possible):</i></p> <p>PC ()</p> <p>Apple()</p> <p>Mainframe ()</p>	<p>I T (Computer) equipment at the site</p> <p>PC (x)</p> <p>Apple(x)</p> <p>Mainframe (x)</p>		057
	<p><i>Please, give the number of available computers :</i></p>	<p>8 nos.; All have been placed in the regional office</p>		058
	<p><i>Does an operational access to the Internet exist?</i></p> <p>YES/NO</p>	<p>Yes</p>		059
	<p><i>Is e-mail used for daily correspondence?</i></p> <p>-</p> <p>YES/NO</p>	<p>No</p>		060
	<p><i>Is there a Geographical Information System (GIS) for the site?</i></p> <p>YES/NO</p>	<p>No</p>		061
	<p><i>If YES, what software do you have and how is the GIS used?</i></p>	<p>Not applicable</p>		062
	<p><i>List scientific studies and research programmes that have been conducted concerning the site:</i></p>	<p>Excavation has been carried out in from 1993 to 2000 in the core area, which yielded votive stupas, monasteries, residential structures, apsidal temples,</p>		063

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		coins and iron implements.		
	<i>Describe financial and human resource inputs for the research programmes and or facilities:</i>	The financial allotments for research programme was borne by the Archaeological Survey of India itself. The year wise detail is enclosed. There is lack of commensurate human resource and facilities.	Ann ex-III	064
	<i>Describe how the information/ results are disseminated?</i>	The information/result is published in the Indian Archaeology- A Review , and other print and electronic media.		065
	<i>Are there any visitor statistics for the site ? - YES/NO</i>	Yes		066
	<i>If YES, please summarise the statistics and attach to this report</i>	The statistics show a general increase of visitors over the years. Visitor statistics is enclosed.	Ann ex-IV	067
	<i>What visitor facilities do you have at the property?</i>	Cultural notice board, direction board and signages, drinking water, site museum publication sale counter, Wheel chair, Protection notice board, and sitting chairs for visitors. The enclosed plates show signages and publication sale counter, respectively.	Plate Nos. 17-18	068
	<i>What visitor facilities are you in need of?</i>	1. Cafeteria and Souvenir shop 2. Parking place for vehicle. 3. Conference cum auditorium 4. Extension of museum 5. Guest house 6. Documentation Center		069

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		7. Interpretation Center		
	<i>Is a public use plan (tourism/visitor management plan) in existence for the property?</i> YES/NO	No		070
	<i>If YES, please summaries, if NO explain if one is needed</i>	Presently the average tourist inflow is below the optimum possible at the site therefore no management is required on this line in the foreseeable future. However, to prevent the tourist from treading on the inscriptions, sacred emblem a white border has been made around them. The effort has proved to be beneficial.	Plate No. 19	071
	<i>Indicate how the property's World Heritage values are communicated to residents visitors and the public (please attach examples of leaflets, videos, posters etc. and print-outs and/or the address of a web-page)</i>	World Heritage values has been communicated through the cultural awareness programme celebrated on several occasion in a year. Which includes photo exhibition, debate and speech competition, essay and drawing competition among school children. Besides this, the National Service Scheme students are involved in preservation of monuments. Further to increase the awareness of the people regarding not only of monument but also of the history of conservation, the house of John Marshal, who undertook conservation here around 1912, is being acquired. It would be used in dissemination of information.	Plate No. 20 Plate No. 21	072
	<i>Are there educational programmes concerning the property aimed at schools</i> YES/NO	Yes		073

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	<i>If yes, please describe</i>	The school and college students and teachers are invited to participate in the cultural awareness programme. The lectures are delivered by the expert on the occasion and students are taught about the history and cultural value of the property.	074
	<i>What role does World Heritage inscription play for the site concerning the visitor number the research programmes and / or the awareness building activities?</i>	<ol style="list-style-type: none"> 1. Tourist frequency has increased. 2. The development activities has increased around and nearby the property. 3. More research work has been done on the property. 4. More attention towards development of the site and its surroundings has been given by the State Authority. 5. The awareness about the cultural heritage has increased among the masses. 	075

II.5 Factors affecting the property

	<i>Please comment on the degree to which the property is threatened by particular problems and risks, such as development pressure, environmental pressure, natural disasters and preparedness, visitor/tourism pressure, number of inhabitants. Also mention all other issues that</i>	<ol style="list-style-type: none"> a. Development pressure : There are villages located in the Buffer zone. These settlement has been living here since several generations but some new house have also come up which spoil the visual settings of the property. b. Natural Disaster : No c. Visitor pressure : No 	076
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<i>you see as problematic:</i>	d. Number of inhabitants: The numbers of inhabitants has also increased in the village and some new residential construction has been done in the buffer zone. Plate showing new structures that have come up recently outside the wall demarcating the protected area, is enclosed	Plate No. 22	
<i>Is there an emergency plan and / or risk preparedness plan for the property in existence?</i> YES/NO	No		077
<i>If YES, please summarise the plan and provide a copy</i>	Not applicable		078
<i>If NO, describe what is being done and by whom to counteract the dangers that threaten or may threaten the property</i>	Presently, spoiling of the ancient ambience due to the possibility of encroachments and new constructions is a cause for concern. To Prevent this problems a proposals to acquire the land in the buffer area is underway. Some amount of weathering generally noticed in sand stones could also cause imperceptible damage over the years.		079
<i>Indicate areas where improvement would be desirable and/or towards which the State Party is working :</i>	The department is working on the following lines:- a. Removing the unauthorised construction so as to improve the ambience of the settings in the buffer zone. b. Reviving of old pathway for visitor's movement. c. Reviving of old drainage.	Plate No. 23	080

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		d. Providing interpretation centre. e. Improving security system and signages.		
	<i>Give an indication if the impact of the factors affecting the property is increasing or decreasing:</i>	Decreasing		081
	<i>What actions have been effectively taken, or are planned for the future, to address the factors affecting the property?</i>	a. A co-ordination committee has been formed wherein the heads of District departments which are concerned with development and management in and around the property has been involved. b. The general movement of the local residents has been stopped and whole core zone is protected with fencing. c. Further illegal construction taking place in the buffer zone has been stopped.		082

II.6. Monitoring

	<i>If applicable, give details (e.g. dates, results, indicators chosen) of any previous periodic or reactive monitoring exercises of the property:</i>	The site incharge as well as the regional level officers periodically monitor the property.		083

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	<p><i>Is there a formal monitoring system established for the site?</i> YES/NO</p>	<p>Yes</p>		<p>084</p>
	<p><i>If YES, please give details of its organisation:</i></p>	<p>The site incharge and circle officers regularly and periodically monitor the property respectively and an inspection note covering measures to be taken up in respect of conservation, watch and ward and managements aspects is furnished for implementation.</p>		<p>085</p>
	<p><i>If not already in place, is the establishment of a formal monitoring system planned?</i> YES/NO</p>	<p>No</p>		<p>086</p>
	<p><i>If YES, please outline the functioning of that system, taking into consideration the key indicators you will be asked to define below (see 089/090):</i></p>	<p>Not applicable</p>		<p>087</p>
	<p><i>Are there any indicators established for monitoring the state of conservation of the property ?</i></p>	<p>No</p>		<p>088</p>
	<p><i>If YES, please provide up-to-date information with respect to each of the key indicators established and /</i></p>	<p>Not applicable</p>		<p>089</p>

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	<p><i>or used. Care should be taken to ensure that this information is as accurate and reliable as possible, for example by carrying out observations in the same way, using similar equipment and methods at the same time of the year and day. Name and describe the key indicators for measuring the state of conservation of this property</i></p>			
	<p><i>If NO indicators have been identified and /or used so far, please define key indicators for future use in monitoring</i></p>	<p>For noticing the widening of bedding planes and cleavages besides weathering away of grains of the sand stone, yearly microscopic examinations are to be taken up</p>		090
	<p><i>Indicate which partners, if any, are involved or will be involved in the regular monitoring exercise:</i></p>	<p>Archaeological Survey of India itself can and does monitor the property as required by the guidelines</p>		091
	<p><i>Identify the administrative provisions for organizing the regular monitoring of the property</i></p>	<p>At the administrative level the field staff and regional officers monitor the property regularly and periodically, respectively.</p>		092
	<p><i>Describe what improvement the State Party foresees or would consider desirable in improving the monitoring system</i></p>	<p>Presently the monitoring is done at large area levels, which should be changed to smaller area levels and where required microscopic investigations should also be done.</p>		093
	<p><i>In specific cases, the World Heritage Committee and/ or its Bureau may have</i></p>	<p>No recommendation has been made by the World heritage Committee on the state of conservation of the property.</p>		094

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<p><i>already examined the state of conservation of the property and made recommendations to the State Party, either at the time of inscription or afterwards. In such cases the State Party is requested to report on the actions that have been taken in response to the observations or decisions made by the Bureau or Committee. Give details, if applicable:</i></p>			
<p><i>Please summarise the main conclusions regarding the state of the World Heritage values of the property (see items II.2 and II.3 above)</i></p>	<p>The World Heritage property remains unchanged since it came in the World Heritage list. In fact due to the exposition of previously unknown votive stupas apsidal temples, and residential structures, the archaeological value of the site has increased. Beside this, the other four sites namely Satdhara, Sunari, Andher and Murelkhurd has been identified for the extension of the World Heritage site because of their cultural correspondence and architectural integrity.</p>		095
<p><i>Please summarise the main conclusions regarding the management and factors affecting the property (see items II.4 and II.5 above):</i></p>	<p>Although the comprehensive management plan is still under consideration, the existing management practices is being strictly followed for better maintenance and upkeep of the property.</p>		096
<p><i>Give an overview proposed future action/ actions:</i></p>	<p>a. Re-erecting of south gate pillar which presently lies in the museum. b. Restoring of temple No. 45</p>	<p>Plate No. 23</p>	097

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		<ul style="list-style-type: none"> c. Reviving of old pathway d. Reviving of old drainage e. Providing of interpretation centre. f. Carrying out excavation in the core area. g. Providing signages. h. Providing security equipments and system i. Acquiring more land for maintaining buffer zone. 		
	<i>Name the agency responsible for implementation of these actions (if different from 005):</i>	a. Archaeological Survey of India		098
	<i>Give a timeframe for the implementation of the actions described above:</i>	Five years (April 03 to 08)		099
	<i>Indicate for which of the planned activities International Assistance from the World Heritage Fund may be needed (if any):</i>	<ul style="list-style-type: none"> a. Training of specialized staff at all levels in the field of protection, conservation, presentation and rehabilitation. b. The contribution in costs of training, provision of specialized staff, provision for exploration and excavation, equipments and other materials related to training courses. c. Technical co-operation in exploration, excavation and conservation. 		100
	<i>Are there any contacts with management units of other properties within or outside your country? -</i> <p align="right">YES/NO</p>	Yes		101
	<i>If YES, please explain</i>	There are contacts with the management units of the other World Heritage Management sites being part of		102

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		Archaeological Survey of India.		
	<i>Please indicate which experience made during the periodic reporting exercise and/or during the on-going conservation/protection efforts of the property could be shared with other States Parties dealing with similar problems or issues:</i>	The experience during periodic reporting exercise, the site manager could understand the different problems of conservation and management of the different World heritage properties. Some valuable suggestions given by the officials of UNESCO and ICOMOS have been taken into consideration for further implementations		103
	<i>Provide the name(s) and address(es) of organization(s) who could be contacted for this purpose:</i>	There are many circles of Archaeological Survey of India which can be contacted any time for this purpose.		104
	<i>Was sufficient and adequate information made available to the responsible authorities and individuals during the preparation phase of the periodic reporting exercise (information given, meetings etc.)</i>	Yes		105
	<i>Was the questionnaire clear and did it help to comply with the reporting requirements of the State Party?</i>	Yes		106
	<i>What are the perceived benefits and lessons learnt of the exercise?</i>	Such sort of exercise may be organised periodically so as to enable the site manager in understanding and analyzing the site problems in conservation,		107

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		monitoring and management of different World Heritage properties.		
	<i>Please describe the expected outcome of the Periodic Reporting exercise and the desired follow-up by the World Heritage Committee:</i>	All the relevant data of each property on its cultural significance , authenticity, monitoring, conservation and management would be available in concise manner.		108

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II.9 Documentation attached

The State Party is invited to supply the materials listed below. Please check those items that were attached:

1. Maps and plans

Figure No.01: Topography Map around Sanchi Stupa

Figure No.02: Topography of Sanchi Hill

Figure No.03: Sanchi Monuments: Protected, Prohibited & Regulated area

Figure No.04: Buddhist sites around Sanchi

Figure No.05: Excavations on Sanchi Hill 1993-2000ent Mounds

2. Photo (list of Plates)

Plate No.01: General Aerial view of Sanchi and its surrounding

Plate No.02: Aerial View of Stupa No.1

Plate No.03: General view of Sanchi from north

Plate No.04: Western Gateway of Stupa No.1

Plate No.05: Stupa No.1 and surround general state of conservation

Plate No.06: General view of Stupa No.1 of Satdhara (Distt. Raisen)

Plate No.07: Buddhist Stupa at Sonari (Distt. Raisen)

Plate No.08: Buddhist Stupa at Murelkhurd (Distt. Raisen)

Plate No.09: Monastery at Murelkhurd (Distt. Raisen)

Plate No.10: Buddhist Stupa at Andher (Distt. Raisen)

Plate No.11: Exposition of votive stupas at Sanchi

Plate No.12: The cluster of votive stupas exposed in excavations at Sanchi in 1995-96

Plate No.13: Residential structure exposed during excavation

Plate No.14: The above structures conserved by applying mud mortar as binding material

Plate No.15: Monolithic pillar of Apsidal Temple No.18lying by the side of the Shrine

Plate No.16: The monolithic pillar has been re-erected

Plate No.17: World Heritage Signages

Plate No.18: Publication sale counter at Sanchi

Plate No.19: Showing protection of inscriptions

Plate No.20: Cultural awareness programme being conducted at Sanchi

Plate No.21: House of John Marshall

Plate No.22: Illegal constructions in buffer zone

Plate No.23: Old pathway to be revived as per ancient usage

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ANNEXURE- I (A)

THE INDIAN TREASURE - TROVE ACT, 1878

ARRANGEMENT OF SECTIONS

PREAMBLE

SECTIONS

PRELIMINARY

1. Short title
Extent
2. (Repealed)
3. Interpretation clause
"Treasure"
"Collector"
"Owner"

PROCEDURE ON FINDING TREASURE

4. Notice by finder of treasure
5. Notification requiring claimants to appear
6. Forfeiture of right on failure to appear
7. Matters to be enquired into and determined by the Collector
8. Time to be allowed for suit by person claiming the treasure.
9. When treasure may be declared ownerless.
Appeal against such declaration
10. Proceedings subsequent to declaration
11. When no other person claims as owner of place
treasure to be given to finder
12. When only one such person claims and his claim is not disputed,
treasure to be divided, and shares to be delivered to parties
13. In such of dispute as to ownership of place, proceedings to be stayed.
14. Settlement of such dispute.
15. And division thereupon
16. Power to acquire the treasure on behalf of Government
17. Decision of Collector, final, and no suit
to lie against him for the acts done bonafide.
18. Collector to exercise powers of Civil Court.

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19. Power to make rules.

PENALTIES

20. Penalty on finder failing to give notice, etc.
21. Penalty on owner abetting offence under Section 20.
Schedule - (Repealed)

THE INDIAN TREASURE - TROVE ACT, 1878

Act No.6 of 1878'

An Act to amend the law relating to Treasure-trove (13th February, 1878)

Preamble

Whereas it is expedient to amend the law relating to treasure-trove, It is hereby enacted as follows :

PRELIMINARY

1. **Short title**
This Act may be called the Indian Treasure-trove Act' 1878.

Extent

It extends to the whole of India except² (the territories which, immediately before the 1st November 1956, were comprised in Part B-States)

*** *** *** ***

2. **Repeal of enactments Rep**, by the Repealing and Amending Act, 1891 (12 of 1891), S.2 and Sch.1

3. **Interpretation - Clause** In this act -

"treasure" means anything of any value hidden in the soil, or in anything affixed thereto :

Collector

"Collector" means (1) any Revenue Officer in independent charge of a district, and (2) any officer appointed by the State Government to perform the functions of a Collector under this Act.

Owner

When any person is entitled, under any reservation in an instrument of transfer of any land or thing affixed thereto, to treasure in such land or thing, he shall, for the purpose of this Act, be deemed to be the owner of such land or thing.

PROCEDURE ON FINDING TREASURE

4. **Notice by finder of treasure**

Whenever any treasure exceeding in amount or value ten rupees is found, the finder shall as soon as practicable, give to the Collector notice in writing -

- (a) of the nature and amount or approximate value of such treasure;

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- (b) of such the place in which it was found;
 - (c) of the date of the finding;
-

1. This act has been declared to be in force in-Sonthal Parganas by the Sonthal Parganas settlement Regulation (Reg.3 of 1872), S.3;
Khondmals District by the Khondmals Laws Regulation, 1936 (Reg.4 of 1936) s.3 and Sch. and Angul District by the Angul Laws Regulation, 1936 (Reg.5 of 1936), s.3 and Sch.
It has also been declared, by notification under s.3(a) of the Scheduled Districts Act, 1874 (14 of 1874), to be in force in the Scheduled Districts of Hazaribagh, Lohardaga and Pargana Dhalbhum and the Kolhan in the District of Singhbhum – see Gazette of India, 1881, Pt. I, p.594 (The District of Lohardaga included at that time the present District of Palamau, which was separated in 1894, Lohardaga is now called the Ranchi District; see Calcutta Gazette, 1899, Pt. I,p.44) Amended in-Bihar by Bihar Act 22 of 1947
Madras, by Madras Act 36 of 1949
2. Subs by the Adaption of Laws (No.2) Order, 1950, for "Part B States"
3. The words "And it shall come into force at once". Rep. By Act 10 of 1914, s.3 and Sch.II

and either deposit the treasure in the nearest Government treasury, or give the Collector such security as the Collector thinks fit, to produce the treasure at such time and place as he may from time to time require.

5. Notification requiring claimants to appear

On receiving a notice under section 4, the Collector shall, after making such enquiry (if any) as he thinks fit, take the following steps (namely) :-

- (a) he shall publish a notification in such manner as the Provincial Government¹ from time to time prescribes in this behalf, to the effect that, on a certain date (mentioning it) certain treasure (mentioning its nature, amount and approximate value) was found in a certain place (mentioning it) and requiring all persons claiming the treasure, or any part thereof, to appear personally or by agent before the Collector on a day and at a place therein mentioned such day not being earlier than four months, or later, than six months, after the date of the publication of such notification;
- (b) When the place in which the treasure appears to the Collector to have been found was at the date of the finding in the possession some person other than the finder, the Collector shall also serve on such person a special notice in writing to the same effect.

6. Forfeiture of right on failure to appear

Any person having any right to such treasure or any part thereof, as owner of the place in which it was found or otherwise, and not appearing as required by the notification issued under section 5, shall forfeit such right.

7. Matters to be required into and determined by the Collector

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On the day notified under section 5, the Collector shall cause the treasure to be produced before him and shall enquire as to and determine :

- (a) the person by whom, the place in which, and the circumstances under which, such treasure was found, and
- (b) as far as is possible, the person by whom, and the circumstances under which, such treasure was hidden.

8. Time to be allowed for suit by person clearing of treasure

If, upon an enquiry made under section 7, the Collector sees reason to believe that the treasure was hidden within one hundred years before the date of the finding, by a person appearing as required by the said notification and claiming such treasure or by some other person under whom such person claims the Collector shall make an order adjourning the hearing of the case for such period as he deems sufficient, to allow of a suit being instituted in the Civil Court by the claimant to establish his right.

9. When treasure to be declared ownerless

If upon such enquiry the Collector sees no reason to believe that the treasure was so hidden, or

if, where a period is fixed under section 8, no suit is instituted as aforesaid within such period to the knowledge of the Collector; or

if such suit is instituted within such period and the plaintiff's claim is finally rejected;

The Collector may declare the treasure to be ownerless;

Appeal against such declaration

Any person aggrieved by a declaration made under this section may appeal against the same within two months from the date thereof to the Chief Controlling Revenue authority¹

Subject to such appeal, every such declaration shall be final and conclusive.

10. Proceedings subsequent to declaration

When a declaration has been made in respect of any treasure under section 9, such treasure shall, in accordance with the provisions hereinafter contained either be delivered to finder thereof, or be divided between him and the owner of the place in which it has been found in manner hereinafter provided.

11. When no other person claims owner of place treasure to be given to finder

When declaration has been made in respect of any treasure as aforesaid, and no person other than the finder of such

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treasure has appeared as required by the notification published under section 5 and claimed a share of the treasure as owner of the place in which it has been found, the Collector shall deliver such treasure to the finder thereof.

1. These words were substituted for the words "Local Government" by the Government of India (Adaption of Indian Laws) Order, 1937.

12. When only one such person claims and his claim is not disputed, treasure to be divided

When a declaration has been made as aforesaid in respect, of any treasure, and duly one person other than the finder of such treasure has so appeared and claimed, and the claim of such person is not disputed by the finder, the Collector shall proceed to divide the treasure between the finder and the person so claiming according to the following rule (namely):

If the finder and the person so claiming have not entered into any agreement then in forces as to the disposal of the treasure, three fourths of the treasure shall be allotted to such finder and the residue to such person. If such finder and such person have entered into any such agreement, the treasure shall be disposed of in accordance therewith.

Provided that the Collector may in any case, if he thinks fit, instead of dividing any treasure as directed by the section –

- (a) allot to either party the whole or more than his share of such treasure, on such party paying to the Collector for the other party such sum of money as the Collector may fix as the equivalent of the share of such other party, or of the excess so allotted, as the case may be; or
- (b) sell such treasure or any portion thereof by public auction and divide the sales proceeds between the parties according to the rule herein before prescribed.

Provided that also, that when the Collector has by his declaration under section 9 rejected any claim made or under this Act, by any person other than the said finder or person claiming as owner of the place in which the treasure was found, such division shall not be made until after the expiration of two months without an appeal having been presented under section 9 be the person whose claim has been so rejected, or when an appeal has been so presented, after such appeal has been dismissed.

and shares to be delivered to parties

When the Collector has made a division under this section, he shall deliver to the parties the portion of such treasure, or the money in lieu thereof, to which they are respectively entitled under such division.

13. In case of dispute as to ownership of place, proceedings to be stayed

When a declaration has been made as aforesaid in respect of any treasure, and two or more persons have appeared as aforesaid and each of them claimed as owner of the place where such treasure was found,

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or the right of any person who has so appeared and claimed is disputed retain such treasure and shall make an order staying his proceedings with a view to the matter being enquired into and determined by a Civil Court.

14. Settlement of such dispute

Any person who has so appeared and claimed any, within one month from the date of such order, institute a suit in the Civil Court to obtain decree declaring his right, and in every such suit the finder of the treasure and all persons in disputing such claim before the Collector shall be made defendants.

15. and division thereupon

If any such suit is instituted and plaintiff's claim is finally established therein, the Collector shall, subject to the provisions of section 12, divide the treasure between him and the finder.

If no such suit is instituted as aforesaid, or if the claims of the plaintiff's in all such suits are finally rejected, the Collector shall deliver the treasure to the finder.

16. Power to acquire the treasure on behalf of Government

The Collector may, at any time after making a declaration under section 9, and before delivering or dividing the treasure as herein before provided, declare by writing under his hand his intention to acquire on behalf of the Government the treasure, or any specified portion thereof, by payment to the persons entitled thereto of a sum equal to the value of the materials of such treasure or portion, together with one-fifth of such value, and may place such sum in deposit in his treasury to the credit of such persons, and thereupon such treasure or portion shall be deemed to be the property of Government, and the money so deposited shall be dealt with, as far as may be, as if it were such treasure or portion.

17. Decision of Collector final and no suit to lie against him for acts done bonafide.

No decision passed or act done by the Collector under this Act shall be called in question by any Civil Court, and no suit or other proceedings shall lie against him for anything done in good faith in exercise of the powers hereby conferred.

1. For definition of Chief Controlling Revenue authority see the General Clause Act 1897 (10 of 1897), s.3(10).

18. Collector to exercise powers of Civil Court

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A Collector making any enquiry under this Act may exercise any power conferred by the Code of Civil Procedure¹ on a Civil Court for the trial of suits 14 of 1882.

19. Power to make rules

The Provincial Government² may, from time to time, make rules consistent with this Act, to regulate proceedings hereunder.

Such rules shall, on being published in the Official Gazette³, have the force of law.

PENALTIES

20. Penalty on finder failing to give notice etc.

If the finder of any treasure fails to give the notice, or does not either make the deposit or give the security, required by section 4, or alters or attempts to alter such treasure so as to conceal its identity, the share of such treasure, or the money in lieu thereof to which he would otherwise be entitled, shall vest in Her Majesty.

And he shall, on conviction before a Magistrate, be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

21. Penalty on owner abetting offence under section 20

If the owner of the place in which any treasure is found abets, within the meaning of the Indian Penal Code, any offence under section 20, the share of such treasure, or the money in lieu thereof to which he would otherwise be entitled shall vest in, Government, 45 of 1810.

and he shall, on conviction before a Magistrate, be punished with imprisonment, which may extend to six months or with fine, or with both.

SCHEDULE – Rep. By the Repealing and Amending Act, 1891 (12 of 1891), S.2 and Sch.1.

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1. See now the code of Civil Procedure, 1905 (5 of 1908)
 2. These words were substituted for the words, "Local Government" by the Government of India (Adaption of Indian Laws) Order, 1937.
 3. These words were substituted for the words "Local Gazette" *I bid*.

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The Gazette of India

Extraordinary

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Ministry of Law

(Legislative department)

New Delhi, the 29th August, 1958, Bhadra 7, 1880 (Saka)

The following Act of parliament received the assent of the President on the 28th August, 1958, and is hereby published for general information :-

THE ANCIENT MONUMENTS AND ARCHAEOLOGICAL SITES AND REMAINS ACT, 1958

No.24 of 1958

(28th August, 1958)

An Act to provide for the preservation of ancient and historical monuments and archaeological sites and remains of national importance, for the regulation of archaeological excavations and for the protection of sculptures, carvings and other like objects. Be it enacted by Parliament in the Ninth Year of the Republic of India as follows :-

PRELIMINARY

1. Short title, extent and commencement

- (1) This Act may be called the ancient Monuments and archaeological Sites and Remains Act, 1958
- (2) It extends to the whole of India, but sections 22, 24, 25 and 26 shall not apply to the State of Jammu and Kashmir.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.

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In this Act, unless the context otherwise requires, -

- (a) "Ancient monument" means any structure, erection or monument, or any tumulus or place of interment, or any cave, rock-sculpture, inscription or monolith, which is of historical archaeological or artistic interest and which has been in existence for not less than one hundred years, and includes-
 - (i) the remains of an ancient monument,
 - (ii) the site of an ancient monument,
 - (iii) 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
 - (iv) the means of access to, and convenient inspection of, an ancient monument,
- (b) "antiquity" includes-
 - (i) any coin, sculpture, manuscript, epigraph, or other work of art or craftsmanship.
 - (ii) any article, object or thing detached from a building or cave.
 - (iii) Any article, object or thing illustrative of science, art, crafts, literature, religion, customs, morals or politics in bygone ages.
 - (iv) Any article, object or thing of historical interest, and
 - (v) Any article, object or thing declared by the Central Government, by notification in the Official Gazette, to be an antiquity for the purposes of this Act,
- (c) "archaeological Officer" means an officer of the Department of Archaeology of the Government of India not lower in rank than Assistant Superintendent of Archaeology.
- (d) "archaeological site and remains" Means any area which contains or is reasonably believed to contain ruins or relics of historical or archaeological importance which have been in existence for not less than one hundred years, and includes –
 - (i) such portion of land adjoining the area as may be required for fencing or covering in or otherwise preserving it, and
 - (ii) the means of access to, and convenient inspection of, the area;
- (e) "Director-General" Means the Director General of Archaeology, and includes any officer authorized by the Central Government to perform the duties of the Director General;
- (f) "Maintain", with its grammatical variations and cognate expressions, includes 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 preserving a protected monument or of securing convenient access thereto;
- (g) "owner" includes-

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- (i) a joint owner invested with powers of management on behalf of himself and other joint owners and the successor-in-title of any such owner, and
- (ii) any manager or trustee exercising powers of management and the successor-in-office of any such manager or trustee;
- (h) "Prescribed" means prescribed by rules made under this Act;
- (i) "Protected area" means any archaeological site and remains which is declared to be of national importance by or under this Act;
- (j) "protected monument" means an ancient monument which is declared to be of national importance by or under this Act.

**ANCIENT MONUMENTS AND ARCHAEOLOGICAL SITES AND
REMAINS OF NATIONAL IMPORTANCE**

3. Certain ancient monuments, etc. deemed to be of national importance.

All ancient and historical monuments and all archaeological sites and remains which have been declared by the Ancient and Historical Monuments and archaeological Sites and Remains (Declaration of National Importance) Act, 1951, or by section 126 of the States Reorganisation Act 1956, (71 of 1951 37 of 1956) to be of national importance shall be deemed to be ancient and historical monuments or archaeological sites and remains declared to be of national importance for the purposes of this Act.

4. Power of Central Government to declare ancient monuments, etc. to be of national importance.

- (1) Where the Central Government is of opinion that any ancient monument or archaeological site and remains not included in section 3 is of national importance, it may, by notification in the Official Gazette, give two months notice of its intention to declare such ancient monument or archaeological site and remains to be of national importance; and a copy of every such notification shall be affixed in a conspicuous place near the monument or site and remains, as the case may be.
- (2) Any person interested in any such ancient monument or archaeological site and remains may, within two months after the issue of the notification, object to the declaration of the monument, or the archaeological site and remains, to be of national importance.
- (3) On the expiry of the said period of two months, the Central Government may, after considering the objections, if any, received by it, declare by notification in the Official Gazette, the ancient monument or the archaeological site and remains as the case may be to be of national importance.

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- (4) A notification published under sub-section (3) shall, unless and until it is withdrawn, be conclusive evidence of the fact that the ancient monument or the archaeological site and remains to which it relates of national importance for the purposes of this act.

PROTECTED MONUMENTS

5. Acquisition of rights in a protected monument

- (1) The Director General, may with the sanction of the Central Government, purchase, or take a lease of, or accept a gift or bequest, of any protected monument.
- (2) Where a protected monument is without an owner, the Director General may, by notification in the official Gazette assume the guardianship of the monument.
- (3) The owner of any protected monument may, by written instrument, constitute the Director General the guardian of the monument and the Director General may, with the sanction of the Central Government, accept such guardianship.
- (4) When the Director General has accepted the guardianship of a monument under sub-section (3), the provisions of this Act relating to agreements executed under section 6 shall apply to the written instrument executed under the said sub-section.
- (5) When the Director General has accepted the guardianship of a monument under sub-section (3), the provisions of this Act relating to agreements executed under section 6 shall apply to the written instrument executed under the said sub-section.
- (6) No thing in this section shall affect the use of any protected monument for customary religious observances.

6. Preservation of protected monument by agreement.

- (1) The Collector, when so directed by the Central Government shall propose to the owner of a protected monument to enter into an agreement with the Central Government within a specified period for the maintenance of the monument.
- (2) An agreement under this section may provide for all or any of the following matters, namely :-
- (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;
- (c) The restriction of the owner's right -
- (i) to use the monument for any purpose,
 - (ii) to charge any fee for entry into, or inspection of, the monument,
 - (iii) to destroy, remove, alter or deface the monument, or
 - (iv) to building on or near the site of the monument;

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- (d) the facilities of access to be permitted to the public or any section thereof or to archaeological officers or to persons deputed by the owner or any archaeological officer or the Collector to inspect or maintain the monument;
 - (e) the notice to be given to the Central Government in case the land on which the monument is situated or any adjoining land is offered for sale by the owner, and the right to be reserved to the Central 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 Central Government in connection with the maintenance of the monument;
 - (g) The proprietary or other rights which are to vest in the Central Government in respect of the monument when any expenses are incurred by the Central Government in connection with the maintenance 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 maintenance of the monument which is a proper subject of agreement between the owner and the Central Government.
- (3) The Central Government or the owner may, at any time after the expiration of three years from the date of execution of an agreement under this section, terminate it on giving six months notice in writing to the other party:

Provided that where the agreement is terminated by the owner, he shall pay to the Central Government the expenses, if any, incurred by it on the maintenance of the monument during the five years immediately preceding the termination of the agreement or, if the agreement has been in force for a shorter period, during the period the agreement was in force.

- (4) An agreement under this section shall be binding on any person claiming to be the owner of the monument to which it relates, from through or under a party by whom or on whose behalf the agreement was executed.

7. Owners under disability or not in possession.

- (1) If the owner of a protected monument 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 6.
- (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 6.

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- (3) Nothing in this section shall be deemed to empower any person being of the same religion as the person 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.

8. Application of endowment to repair a protected monument.

- (1) If any owner or other person competent to enter into an agreement under section 6 for the maintenance of a protected monument refuses or fails to enter into such an agreement, and if any endowment has been created for the purpose of keeping such monument in repair or for that purpose among others, the Central Government 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.
- (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 may such order may be executed as if it were a decree of a civil court.

9. Failure or refusal to enter into an agreement

- (1) If any owner or other person competent to enter into an agreement under section 6 for the maintenance of a protected monument refuses or fails to enter into such an agreement, the Central Government may make an order providing for all or any of the matters specified in sub-section (2) of section 6 and such order shall be binding on the owner or such other person and on every person claiming title to the monument from, through or under, the owner or such other person.
- (2) Where an order made under sub-section (1) provides that the monument shall be maintained by the owner or other person competent to enter into an agreement, all reasonable expenses for the maintenance of the monument shall be payable by the Central Government.
- (3) No order under sub-section (1) shall be made unless the owner or other person has been given an opportunity of making a representation in writing against the proposed order.

10. Power to make order prohibiting contravention of agreement under section 6.

- (1) If the Director General apprehends that the owner or occupier of a protected monument intends to destroy, remove, alter, deface, imperil or misuse the monument or to build on or near the site thereof in contravention of the terms of an agreement under section 6, the

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Director General may, after giving the owner or occupier an opportunity of making a representation in writing, make an order prohibiting any such contravention of the agreement:

Provided that no such opportunity may be given in any case where the Director General, for reasons to be recorder, is satisfied that if it is not expedient or practicable to do so.

- (2) Any person aggrieved by an order under this section may appeal to the Central Government within such time and in such manner as may be prescribed and the decision of the Central Government shall be final.

11. Enforcement of agreements

- (1) If an owner or other person who is bound by an agreement for the maintenance of a monument under section 6 refuses or fails within such reasonable time as the Director General may fix, to do any act which in the opinion of the Director General is necessary for the maintenance of the monument, the Director General may authorize any person to do any such act, and the owner or other person shall be liable to pay the expenses of doing any such act or such portion of the expenses as the owner may be liable to pay under the agreement.
- (2) If any dispute arises regarding the amount of expenses payable by the owner or other person under sub-section (1), it shall be referred to the Central Government whose decision shall be final.

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

Every person who purchases, at a sale for arrears of land revenue or any other public demand, any land on which is situated a monument in respect of which any instrument has been executed by the owner for the time being under section 5 or section 6, and every person claiming any title to a monument from, through or under, an owner who executed any such instrument, shall be found by such instrument.

13. Acquisition of protected monument.

If the Central Government apprehends that a protected monument is in danger of being destroyed, injured, misused, or allowed to fall into decay, it may acquire the protected monument under the provisions of the Land Acquisition Act, 1894 (1 of 1894), as if the maintenance of the protected monument were a public purpose within the meaning of that Act.

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14. Maintenance of certain protected monuments

- (1) The Central Government shall maintain every monument which has been acquired under section 13 or in respect of which any of the rights mentioned in section 5 have been acquired.
- (2) When the Director General has assumed the guardianship of a monument under section 5, he shall, for the purpose of maintaining such monument, have access to the monument at all reasonable times, by himself and by his agents, 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.

15. Voluntary contributions

The Director General 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 :

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

16. Protection of place of worship from misuse, pollution or desecration.

- (1) A protected monument maintained by the Central Government under this Act which is a place of worship or shrine shall not be used for any purpose inconsistent with its character.
- (2) Where the Central Government has acquired a protected monument under section 13, or where the Director General has purchased, or taken a lease or accepted a gift or bequest or assumed guardianship of, a protected monument under section 5, and such monument or any part thereof, is used for religious worship or observances by any community, the Collector shall make due provision for the protection of such monument or part thereof, from pollution or desecration -
 - (a) by prohibiting the entry therein, except in accordance with the conditions prescribed with the concurrence of the persons, if any, in religious charge of the said monument or part thereof, of any person not as to entitled so 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.

17. Relinquishment of Government rights in a monument

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With the sanction of the Central Government, the Director General may –

- (a) where rights have been acquired by the Director General in respect of any monument under this Act by virtue of
any sale, lease, gift or will, relinquish, by notification in the Official Gazette, 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 assumed under this Act.

18. Right of access to protected monuments.

Subject to any rules made under this Act, the public shall have a right of access to any protected monument.

PROTECTED AREAS

19. Restriction on enjoyment of property rights in protected areas.

- (1) No person, including the owner or occupier of a protected area, shall construct any building within the protected area or carry on any mining, quarrying, excavating, blasting or any operation of a like nature in such area, or utilize such area or any part thereof in any other manner without the permission of the Central Government :

Provided that nothing in this sub-section shall be deemed to prohibit the use of any such area or part thereof for purposes of cultivation if such cultivation does not involve the digging of not more than one foot of soil from the surface.

- (2) The Central Government may, by order, direct that any building constructed by any person within a protected area in contravention of the provisions of sub-section (1) shall be removed within a specified period and, if the person refuses or fails to comply with the order, the Collector may cause the building to be removed and the person shall be liable to pay the cost of such removal.

20. Power to acquire a protected area.

If the Central Government is of opinion that any protected area contains an ancient monument or antiquities of national interest and value, it may acquire such area under the provisions of the Land Acquisition Act, 1894, (1 of 1894) as if the acquisition were for a public purpose within the meaning of that Act.

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ARCHAEOLOGICAL EXCAVATIONS

21. Excavations in protected areas.

An archaeological officer or an officer authorized by him in this behalf or any person holding a licence granted in this behalf under this Act (hereinafter referred to as the licensee) may, after giving notice in writing to the Collector and the owner, enter upon and make excavations in any protected area.

22. Excavations in areas other than protected areas.

Where an archaeological officer has reason to believe that any area not being a protected area contains ruins or relics of historical or archaeological importance, he or an officer authorized by him in this behalf may, after giving notice in writing to the Collector and the owner, enter upon and make excavations in the area.

23. Compulsory purchase of antiquities etc. discovered during excavation operations.

- (1) Where, as a result of any excavations made in any area under section 21 or section 22, any antiquities are discovered, the archaeological officer or the licensee, as the case may be, shall -
 - (a) as soon as practicable, examine such antiquities and submit a report to the Central Government in such manner and containing such particulars as may be prescribed :
 - (b) at the conclusion of the excavation operations, give notice in writing to the owner of the land from which such antiquities have been discovered, of the nature of such antiquities.
- (2) Until an order for the compulsory purchase of any such antiquities is made under sub-section (3), the archaeological officer or the licensee, as the case may be, shall keep them in such safe custody as he may deem fit.
- (3) On receipt of a report under sub section (1), the Central Government may take an order for the compulsory purchase of any such antiquities at their market value.
- (4) When an order for the compulsory purchase of any antiquities is made under sub-section (3), such antiquities shall vest in the Central Government with effect from the date of the order.

24. Excavations etc. for archaeological purposes.

No State Government shall undertake or authorize any person to undertake any excavation or other like operation for archaeological purposes in any area which is not a protected area except with the previous approval of the Central Government and in accordance with such rules or directions, if any, as the Central Govt. may make or give in this behalf.

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PROTECTION OF ANTIQUITIES

25. Power of Central Government to control moving of antiquities

- (1) If the Central Government considers that any antiquities or class of antiquities ought not to be moved from the place where they are without the sanction of the Central Government, the Central Government may, by notification in the Official Gazette, direct that any such antiquities or any class of such antiquities shall not be moved except with the written permission of the Director General.
- (2) Every application for permission under sub-section (1) shall be in such form and contain such particulars as may be prescribed.
- (3) Any person aggrieved by an order refusing permission may appeal to the Central Government whose decision shall be final.

26. Purchase of antiquities by Central Government.

- (1) If the Central Government apprehends that any antiquity mentioned in a notification issued under sub-section (1) of section 25 is in danger of being destroyed, removed, injured, misused or allowed to fall into decay or is of opinion that, by reason of its historical or archaeological importance, it is desirable to preserve such antiquity in a public place, the Central Government may make an order for the compulsory purchase of such antiquity at its market value and the Collector shall thereupon give notice to the owner of the antiquity to be purchased.
- (2) Where a notice of compulsory purchase is issued under sub-section (1) in respect of any antiquity, such antiquity shall vest in the Central Government with effect from the date of the notice.
- (3) The power of compulsory purchase given by this section shall not extend to any image or symbol actually used for bonafide religious observances.

PRINCIPLES OF COMPENSATION

27. Compensation for loss or damage

Any owner or occupier of land who has sustained any loss or damage or any diminution of profits from the land by reason of any entry on, or excavations in, such land or the exercise of any other power conferred by this Act shall be paid compensation by the Central Government for such loss, damage or diminution of profits.

28. Assessment of market value of compensation.

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- (1) The market value of any property which the Central Government is empowered to purchase at such value under this Act, or the compensation to be paid by the Central 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 in section 3,5,8 to 34, 45 to 47, 51 and 52 of the Land Acquisition Act, 1894 (1 of 1894) so far as they can be made applicable :

Provided that, when making an enquiry under this said Land Acquisition Act, the Collector shall be assisted by two assessors, one of whom shall be a competent person nominated by the Central Government 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.

(2) Notwithstanding anything contained in sub-section (1) or in the Land Acquisition Act, 1894 (1 of 1894), in determining the market value of any antiquity in respect of which an order for compulsory purchase is made under sub-section (3) of section 23 or under sub-section (1) of section 26, any increase in the value of the antiquity by reason of its being of historical or archaeological importance shall not be taken into consideration.

MISCELLANEOUS

29. Delegation of powers

The Central Government may, by notification in the Official Gazette, direct that any powers conferred on it by or under this Act shall, subject to such conditions as may be specified in the direction, be exercisable also by :-

- (a) Such officer or authority subordinate to the Central Government, or
 - (b) such State Government or such officer or authority subordinate to the State Government,
- as may be specified in the direction.

30. (1) Whoever –

- (i) destroys, removes, injures, alters, defaces imperils or misuses a protected monument or
- (ii) being the owner or occupier of a protected monument, contravenes an order made under sub-section (1) of section 9 or under sub-section (1) of section 10, or
- (iii) removes from a protected monument any sculpture, carving, image, bas-relief, inscription, or other like object, or
- (iv) does any act in contravention of sub-section (1) of section 19.

shall be punishable with imprisonment which may extend to three months, or with fine which may extend to five thousand rupees, or with both.

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- (2) Any person who moves any antiquity in contravention of a notification issued under sub-section (1) of section 25 shall be punishable with fine which may extend to five thousand rupees; and the court convicting a person of any such contravention may by order direct such person to restore the antiquity to the place from which it was moved.

31. Jurisdiction to try offences.

No court inferior to that of a presidency magistrate or a magistrate of the first class shall try any offence under this Act.

32. Certain offences to be cognizable

Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (5 of 1898), an offence under clause (i) or clause (iii) of sub-section (1) of section 30, shall be deemed to be a cognizable offence within the meaning of that Code.

33. Special provision regarding fine.

Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for any magistrate of the first class specially empowered by the State Government in this behalf and for any presidency magistrate to pass a sentence of fine exceeding two thousand rupees on any person convicted of an offence which under this Act is punishable with fine exceeding two thousand rupees.

34. Recovery of amounts due to the Government.

Any amount due to the Government from any person under this Act may, on a certificate issued by the Director General or an archaeological officer authorized by him in this behalf be recovered in the same manner as an arrear of land revenue.

35. Ancient monuments, etc., which have ceased to be of national importance.

If the Central Government is of opinion that any ancient and historical monument or archaeological site and remains declared to be of national importance by or under this Act has ceased to be of national importance, it may, by notification in the Official Gazette, declare that the ancient and historical monument or archaeological site and remains as the case may be, has ceased to be of national importance for the purposes of this Act.

36. Power to correct mistakes etc.

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Any clerical mistake, patent error or error arising from accidental slip or omission in the description of any ancient monument or archaeological site and remains declared to be of national importance by or under this Act may, at any time, be corrected by the Central Government by notification in the Official Gazette.

37. Protection of action taken under the Act.

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.

38. Power to make rules.

- (1) The Central Government may, by notification in the Official Gazette and subject to the condition of previous publication, make rules for carrying out the purposes of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters namely -
 - (a) the prohibition or regulation by licensing or otherwise of mining, quarrying, excavating, blasting or any operation of a like nature near a protected monument or the construction of buildings on land adjoining such monument and the removal or unauthorized buildings ;
 - (b) the grant of licences and permissions to make excavations for archaeological purposes in protected areas the authorities by whom, and the restrictions and conditions subject to which, such licences may be granted, the taking of securities from licences and the fees that may be charged for such licences ;
 - (c) the right of access of the public to a protected monument and the fee, if any, to be charged therefore;
 - (d) the form and contents of the report of an archaeological officer or a licensee under clause (a) of sub-section (1) of section 23.
 - (e) the form and manner of preferring appeals under this Act and the time within which they may be preferred;
 - (g) the manner of service of any order or notice under this Act;
 - (h) the manner in which excavations and other like operations for archaeological purposes may be carried on;
 - (i) any other matter which is to be or may be prescribed

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- (3) Any rule made under this section may provide that a breach thereof shall be punishable,-
- (i) in the case of a rule made with reference to clause(a) of sub-section (2), with imprisonment which may extend to three months, or with fine which may extend to five thousand rupees, or with both;
 - (ii) in the case of a rule made with reference to clause (b) of sub-section (2), with fine which may extend to five thousand rupees;
 - (iii) in the case of a rule made with reference to clause (c) of sub-section (2), with fine which may extend to five hundred rupees.
- (4) All rules made under this section shall be laid for not less than thirty days before each house of Parliament as soon as possible after they are made, and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following.

39. Repeals and Saving.

- (1) The Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Act, 1951 (71 of 1951) and section 126 of the States Reorganisation Act, 1956 (37 of 1956), are hereby repealed.
- (2) The Ancient Monuments Preservation Act, 1904, (7 of 1904) shall cease to have effect in relation to ancient and historical monuments and archaeological sites and remains declared by or under this Act to be of national importance, except as respects things done or omitted to be done before the commencement of this Act.

G.R. Rajagopaul,
Secy. to the Government of India

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ANNEXURE-I(A)

THE ANTIQUITIES AND ART TREASURES ACT, 1972

Arrangement of Sections

SECTIONS

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3. Regulation of export trade in antiquities and art treasures.
4. Application of Act, 52 of 1962
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6. Appointment of licensing officers.
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THE ANTIQUITIES AND ART TREASURES ACT, 1972

(ACT NO.52 OF 1972)

(As modified upto April 1, 1975)

(9th September, 1972)

An Act to regulate the export trade in antiquities and art treasures, to provide for the prevention of smuggling of, and fraudulent dealings in, antiquities, to provide for the compulsory acquisition of antiquities and art treasures for preservation in public places and to provide for certain other matters connected therewith or incidental or ancillary thereto.

Be it enacted by Parliament in the Twenty-third Year of the Republic of India as follows :-

1. Short title, extent and commencement.

(1) This Act may be called the Antiquities and Art Treasures Act, 1972

(2) It extends to the whole of India

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act and for different States and any reference in any such provision to the commencement of this Act shall be constructed as a reference to the coming into force of that provision.

2. Definitions.

(1) In this Act, unless the context otherwise requires.-

(a) "antiquity" includes -

(I) (i) any coin, sculpture, painting, epigraph or other work of art of craftsmanship;

(ii) any article, object or thing detached from a building or cave;

(iii) any article, object or thing illustrative of science, art, crafts, literature, religion, customs, morals or politics in bygone ages;

(iv) any article, object or thing of historical interest;

(v) any article, object or thing declared by the Central Government, by notification in the Official Gazette, to be an antiquity for the purposes of this Act.

(II) any manuscript, record or other document which is of scientific, historical, literary or aesthetic value and which has been in existence for not less than seventy-five years.

(b) "art treasure" means any human work of art, not being an antiquity, declared by the Central Government by notification in the Official Gazette, to be an art treasure for the purposes of this Act having regard to its artistic or aesthetic value :

Provided that no declaration under this clause shall be made in respect of any such work of art so long as the author thereof is alive;

(c) "export" means taking out of India to a place outside India;

(d) "licensing officer" means an officer appointed as such under section 6;

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- (e) "registering officer" means an officer appointed as such under section 15;
- (f) "prescribed" means prescribed by rules made under this Act
- (2) Any reference in this Act to any law which is not in force in any area shall, in relation to that area be construed as a reference to the corresponding law, if any, in force in that area.

3. Regulation of export trade in antiquities and art treasures.

- (1) On and from the commencement of this Act, it shall not be lawful for any person, other than the Central Government or any authority or agency authorized by the Central Government in this behalf, to export any antiquity or art treasure.
- (2) Whenever the Central Government or any authority or agency referred to in sub-section (1) intends to export, any antiquity or art treasure such export shall be made only under and in accordance with the terms and conditions of a permit issued for the purpose by such authority as may be prescribed.

4. Application

The Customs Act, 1962 (Act 52 of 1962), shall have effect in relation to all antiquities and art treasures, the export of which by any person (other than the Central Government or any authority or agency authorized by the Central Government) is prohibited under section 3 save in so far as that Act is inconsistent with the provisions of this Act and except that (notwithstanding anything contained in section 125 of that Act) any confiscation authorized under that Act shall be made unless the Central Government on an application made to it in this behalf, otherwise directs.

5. On and from the expiry of a period of two months of the commencement of this Act, no person shall, himself or by any other person on his behalf, carry on the business of selling or offering to sell any antiquity except under and in accordance with the terms and conditions of a licence granted under section 8.

Explanation – In this section and in sections 7, 8, 12, 13, 14, 17 and 18 "antiquity" does not include ancient and historical records other than those declared by or under law made by Parliament to be of national importance.

6. Appointment of licensing officers -

The Central government may, by notified order –

- (a) appoint such persons, being gazetted officers of Government, as it thinks fit, to be licensing officers for the purposes of this Act;
- (b) define the limit of the area within which a licensing officer shall exercise the powers conferred on licensing officers by or under this Act.

7. Application for licence -

- (1) Any person desiring to carry on, himself or by any other person on his behalf, the business of selling or offering to sell antiquities may make an application for the grant of a licence to the licensing officer having jurisdiction.
- (2) Every application under sub-section (1) shall be made in such form and shall contain such particulars as may be prescribed.

8. Grant of licence

- (1) On receipt of an application for the grant of a licence under section 7, the licensing officer may, after holding such inquiry as he deems fit, grant a licence to the applicant having regard to the following factors, namely :-
 - (a) the experience of the applicant with respect to trade in antiquities
 - (b) the village, town or city where the applicant intends to carry on business;
 - (c) the number of persons already engaged in the business of selling, or offering for sale of, antiquities in the said village, town or city; and
 - (d) such other factors as may be prescribed ;

Provided that no licence shall be granted to the applicant if he is convicted of an offence punishable under the Antiquities (Export Control) Act, 1947 (31 of 1947) unless a period of ten years has elapsed since the date of the conviction.

- (2) Every licence granted under this section shall be on payment of such fees as may be prescribed.

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(3) Every licence granted under this section shall be for such period, subject to such conditions and in such form and shall contain such particulars, as may be prescribed.

(4) No application for the grant of a licence made under section 7 shall be rejected unless the applicant has been given a reasonable opportunity of being heard in the matter.

9. Renewal of licence -

(1) A licence granted under section 8 may, on an application made by the licensee, be renewed by the licensing officer for such period and on payment of such fees as may be prescribed.

(2) No application made under this section shall be rejected unless the applicant has been given a reasonable opportunity of being heard in the matter.

10. Maintenance of records, photographs and registers by licensees -

(1) Every holder of a licence granted under section 8 or renewed under section 9 shall maintain such record, photographs and registers, in such manner and containing such particulars, as may be prescribed.

(2) Every record, photograph and register maintained under sub-section (1) shall, at all reasonable times, be open to inspection by the licensing officer or by any other gazetted officer of Government authorized in writing by the licensing officer in this behalf.

11. Revocation, suspension and amendment of licences.-

(1) If the licensing is satisfied either on a reference made to him in this behalf or otherwise that -

(a) a licence granted under section 8 has been obtained by misrepresentation of an essential fact, or

(b) the holder of a licence has, without reasonable cause, failed to comply with the conditions subject to which the licence has been granted or has contravened any of the provisions of this Act or the rules made thereunder,

then, without prejudice to any other penalty to which the holder of the licence may be liable under this Act, the licensing officer may after giving the holder of the licence an opportunity of showing cause, revoke or suspend the licence.

(2) Subject to any rules that may be made in this behalf, the licensing officer may also vary or amend a licence granted under section 8.

12. Persons whose licences have been revoked may sell antiquities to other licensees -

Notwithstanding anything contained in section 5, any person whose licence has been revoked under section 11 may, after making a declaration before the licensing officer, within such period, in such form and in such manner, as may be prescribed, of all the antiquities in his ownership, control or possession immediately before such revocation, sell such antiquities to any other person holding a valid licence under this Act:

Provided that no such antiquity shall be sold after the expiry of a period of six months from the date of revocation of the licence.

13. Power to Central Government to carry on the business of selling antiquities to the exclusion of others.-

(1) If the Central Government is of opinion that with a view to conserving antiquities or in the public interest it is necessary or expedient so to do, it may, by notification in the Official Gazette, declare that with effect on and from such date as may be specified in the notification, the Central Government or any authority or agency authorized by the Central Government in this behalf shall alone be entitled to carry on the business of selling or offering for sale of antiquities.

(2) On the issue of a notification under sub-section (1),-

(a) it shall not be lawful for any person, authority or agency, other than the Central Government or any authority or agency authorized by the Central Government, to carry on the business of selling or offering for sale any antiquity on and from the date specified therein;

(b) the provisions of this Act, in so far as they relate to the licensing of persons carrying on the business of selling or offering for sale of antiquities shall cease to have effect except as respects things done or omitted to be done before such cesser of operation and section 6 of the General Clauses Act, 1897 (10 of 1897) shall apply upon such cesser of operation as if those provisions had been repealed by a Central Act :

Provided that every licence granted under section 8 and in force on the date aforesaid shall, notwithstanding that the period specified therein has not expired, cease to be in force.

(3) Every person whose licence has ceased to be in force under the provision to clause (b) of sub-section (2) shall, within such period, in such form and in such manner as may be prescribed, make a declaration before the licensing officer of all the antiquities in his ownership, control or possession immediately before the date specified in the notification issued under sub-section (1).

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14. Registration of antiquities.

(1) The Central Government may, from time to time, by notification in the Official Gazette, specify those antiquities which shall be registered under this Act.

(2) In specifying the antiquities under sub-section (1), the Central Government shall have regard to the following factors, namely :-

- (i) the necessity for conserving the objects of art;
- (ii) the need to preserve such objects with India for the better appreciation of the cultural heritage of India;
- (iii) such other factors as will, or are likely to, contribute to the safeguarding of the cultural heritage of India.

(3) Every person who owns, controls or is in possession of any antiquity specified in the notification issued under sub-section (1) shall register such antiquity before the registering officer-

- (a) in the case of a person who owns, controls or possesses such antiquity on the date of issue of such notification, within three months of such date; and
- (b) in the case of any other person, within fifteen days of the date on which he comes into ownership, control or possession of such antiquity.

and obtain a certificate in token of such registration.

15. Appointment of registering officers.-

The Central Government may, by notified order,-

- (a) appoint such persons, as it thinks fit, to be registering officers for the purposes of this Act; and
- (b) define the limits of the area within which a registering officer shall exercise the powers conferred on registering officers by or under this Act.

16. Application for registration and grant of certificate of registration -

(1) Every person required to register any antiquity before the registering officer under section 14 shall make an application to the registering officer for the grant of a certificate of registration.

- (2) Every application under sub-section (1) shall be accompanied by such photographs of the antiquity which is to be registered and by such number of copies, not exceeding six, as may be prescribed and shall be made in such form and shall contain such particulars as may be prescribed.
- (3) On receipt of an application under sub-section (1), the registering officer may, after holding such inquiry as he deems fit, grant a certificate of registration containing such particulars as may be prescribed.
- (4) No application made under this section shall be rejected unless the applicant has been given a reasonable opportunity of being heard in the matter.

17. Transfer of ownership etc., of antiquities to be intimated to the registering officer.

Whenever any person transfers the ownership, control or possession of any antiquity specified in any notification issued under sub-section (1) of section 14 such person shall intimate, within such period and in such form as may be prescribed, the fact of such transfer to the registering officer.

18. Provisions of sections 14, 16 and 17 not to apply in certain cases -

Nothing in section 14 or section 16 or section 17 shall apply to any antiquity kept -

- (i) in a museum; or
- (ii) in an office; or
- (iii) in an archive; or
- (iv) in an education or cultural institution,

owned, controlled or managed by the Government.

19. Power of Central Government to compulsorily acquire antiquities and art treasures.-

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(1) If the Central Government is of opinion that it is desirable to preserve any antiquity or art treasure in a public place, that Government may make an order for the compulsory acquisition of such antiquity or art treasure.

(2) On the making of an order under sub-section (1) the Collector of the district in which such antiquity or art treasure is kept shall give notice to the owner thereof intimating him of the decision of the Central Government to acquire the same and it shall be lawful for the Collector to take possession of such antiquity or art treasure, for which purpose the Collector may use such force as may be necessary.

(3) Where the owner of any antiquity or art treasure the possession of which has been taken over by the Collector under sub-section (2) objects to the taking over of such possession, he may, within a period of thirty days from the date on which such possession was taken over, make a representation to the Central Government putting forth his objections:

Provided that the Central Government may entertain the representation after the expiry of the said period of thirty days, if it is satisfied that the owner of such antiquity or art treasure was prevented by sufficient cause from making the representation in time.

(4) On receipt of any representation under sub-section (3), the Central Government, after making such inquiry as it deems fit and after giving to the object or an opportunity of being heard in the matter, shall, within a period of ninety days from the date of receipt of the representation, either rescind or confirm the order made by it under sub-section (1).

(5) Where any order made by the Central Government under sub-section (1) is rescinded under sub-section (4) the antiquity or art treasure shall be returned to the owner thereof without delay and at the expense of the Central government.

(6) Where the order made by the Central Government under sub-section (1) is confirmed under sub-section (4) the antiquity or art treasure shall vest in the Central Government with effect from the date on which the possession thereof has been taken over by the Collector under sub-section (2).

(7) The power of compulsory acquisition conferred by this section shall not extend to any object, being an antiquity or art treasure, used for bonafide religious observances.

Explanation – In this section, "public place" means any place which is open to the use of the public, whether on payment of fees or not, or whether it is actually used by the public or not.

20. Payment compensation for antiquities and art treasures compulsorily acquired under section 19.

(1) Where any antiquity or art treasure is compulsorily acquired under section 19, there shall be paid compensation, the amount of which shall be determined in the manner and in accordance with the principles hereinafter set out, that is to say:-

- (a) where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement;
- (b) where no such agreement can be reached, the Central Government shall appoint as arbitrator a person who is, or has been, or is qualified for appointment as, a Judge of a High Court;
- (c) the Central Government may, in any particular case, nominate a person having expert knowledge as to the nature of the antiquity or art treasure compulsorily acquired to assist the arbitrator and where such nomination is made, the person to be compensated may also nominate an assessor for the same purpose;
- (d) at the commencement of the proceedings before the arbitrator, the Central Government and the person to be compensated shall state what, in their respective opinion, is a fair amount of compensation;
- (e) the arbitrator shall, after hearing the dispute, make an award determining the amount of compensation which appears to him to be just and specifying the person or persons to whom such compensation shall be paid and in making the award he shall have regard to the circumstances of each case and the provisions of sub-section (2);
- (f) where there is any dispute as to the person or persons who are entitled to the compensation, the arbitrator shall decide such dispute and if the arbitrator finds that more persons than one are entitled to compensation, he shall apportion the amount thereof amongst such persons;
- (g) nothing in the Arbitration Act, 1940 (10 of 1940) shall apply to arbitration under this section.

(2) While determining the compensation under sub-section (1), the arbitrator shall have regard to the following factors, namely:-

- (i) the date or the period to which the antiquity or art treasure belongs;
- (ii) the artistic, aesthetic, historical, architectural, archaeological or anthropological importance of the antiquity or art treasure;

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- (iii) the rarity of the antiquity or art treasure;
- (iv) such other matters as are relevant to the dispute.

(3) The arbitrator appointed under sub-section (1), while holding arbitration proceedings under this section, shall have all the powers of a Civil Court, while trying a suit, under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters, namely :-

- (a) Summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) reception of evidence on affidavits;
- (d) requisitioning any public record from any court or office;
- (e) issuing commissions for the examination of witnesses.

21. Appeals against decisions of licensing officers and registering officers.

(1) Any person aggrieved by a decision of a licensing officer under section 8 or section 9 or section 11 or by a decision of a registering officer under section 16 may, within thirty days from the date on which the decision is communicated to him, prefer an appeal to such authority as may be prescribed :

Provided that the appellate authority may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the appellate authority shall, after giving the appellant an opportunity of being heard, pass such orders as it deems fit.

22. Appeals against awards of arbitrators.-

Any person aggrieved by an award of the arbitrator made under section 20 may, within thirty days from the date on which the award is communicated to him, prefer an appeal to the High Court within whose jurisdiction he resides :

Provided that the High Court may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by a sufficient cause from filing the appeal in time.

23. Powers of entry, search, seizure, etc.

(1) Any person, being an officer of Government, authorized in this behalf by the Central Government, may, with a view to securing compliance with the provisions of this Act or to satisfying himself that the provisions of this Act have been complied with-

- (i) enter and search any place;
- (ii) seize any antiquity or art treasure in respect of which he suspects that any provision of this Act has been, is being, or is about to be, contravened and thereafter take all measures necessary for securing the production of the antiquity or art treasure so seized in a court and for its safe custody, pending such production.

(2) The provisions of sections 102 and 103 of the Code of Criminal Procedure, 1898 (5 of 1898) relating to search and seizure shall, so far as may be, apply to searches and seizures under this section.

24. Power to determine whether or not an article, etc. is antiquity or art treasure.

If any question arises whether any article, object or thing or manuscript, record or other document is or is not an antiquity or is or is not art treasure for the purposes of this Act, it shall be referred to the Director General, Archaeological Survey of India, or to an officer not below the rank of a Director in the Archaeological Survey of India authorized by the Director General, Archaeological Survey of India and the decision of the Director General, Archaeological Survey of India or such officer, as the case may be, on such question shall be final.

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25. Penalty.

(1) If any person, himself or by any other person on his behalf, exports or attempts to export any antiquity or art treasure in contravention of section 3, he shall, without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Customs Act, 1962 (52 of 1962) as applied by section 4, be punishable with imprisonment for a term which shall not be less than six months but which may extend to three years and with fine.

(2) If any person contravenes the provisions of section 5 or section 12 or sub-section (2) or sub-section (3) of section 13 or section 14 or section 17, he shall be punishable with imprisonment for a term which may extend to six months or with fine or with both and the antiquity in respect of which the offence has been committed shall be liable to confiscation.

(3) If any person prevents any licensing officer from inspecting any record, photograph or register maintained under section 10 or prevents any officer authorized by the Central Government under sub-section (1) of section 23 from entering into or searching any place under that sub-section, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

26. Cognizance of offences.

(1) No prosecution for an offence under sub-section (1) of section 25 shall be instituted except by or with the sanction of such officer of Government as may be prescribed in this behalf.

(2) No court shall take cognizance of an offence punishable under sub-section (2) or sub-section (3) of section 25 except upon complaint in writing made by an officer generally or specially authorized in this behalf by the Central Government.

(3) No court inferior to that of a Presidency Magistrate or a Magistrate of the First Class shall try any offence punishable under this Act.

27. Magistrate's power to impose enhanced penalties

Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898 (5 of 1898), it shall be lawful for any Presidency Magistrate or any Magistrate of the First Class to pass any sentence under this Act in excess of his power under section 32 of the said Code.

28. Offences by companies.

(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of or was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment under this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.- For the purpose of this section,-

(a) "Company" means any body corporate and includes a firm or other association of individuals; and

(b) "director" in relation to a firm, means a partner in the firm.

29. Protection of action taken in good faith.

No suit, prosecution or other legal proceeding shall lie against the Government or any officer of the Government for anything which is in good faith done or is intended to be done under this Act.

30. Application of other laws not barred.

The provisions of this Act shall be in addition to, and not in derogation of, the provisions of the Ancient Monuments Preservation Act, 1904 (7 of 1904), or the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), or any other law for the time being in force.

31. Power to make rules.

(1) The Central Government may, by notification in the Official Gazette, make rules for the purpose of giving effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for -

(a) the authority for issue of permit under sub-section (2) of section 3.

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- (b) the form in which an application for the grant of a licence may be made under sub-section (1) of section 7 and the particulars which such application shall contain;
- (c) the factors to which regard may be had while granting a licence under sub-section (1) of section 8;
- (d) the fees on payment of which, the period for which, the conditions subject to which and the form in which a licence may be granted under sub-section (1) of section 8 and the particulars which such licence shall contain;
- (e) the fees on payment of which and the period for which a licence may be renewed under sub-section (1) of section 9;
- (f) the records, photographs and registers which are to be maintained under section 10 and the manner in which such records, photographs and registers shall be maintained and the particulars which such records, photographs and registers shall contain;
- (g) the nature of the photographs of the antiquity and the number of copies thereof which shall accompany an application for the grant of a certificate of registration to be made under sub-section (1) of section 16 and the form in which such application may be made and the particulars which such application shall contain;
- (h) the particulars which a certificate of registration granted under sub-section (3) of section 16 shall contain;
- (i) the authority to which an appeal may be preferred under sub-section (1) of section 21; and
- (j) any other matter which has to be or may be prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

32. Repeal.

(1) The Antiquities (Export Control) Act, 1947 (3 of 1947) is hereby repealed.

(2) For the removal of doubts it is hereby declared that every licence issued under section 3 of the Act repealed under sub-section (1) and in force at the commencement of this Act shall, notwithstanding that the period specified therein has not expired, cease to be in force.

33. Amendment of Act 24 of 1958.

In the Ancient Monuments and Archaeological Sites and Remains Act, 1958,-

- (i) In section 1, for sub-section (2), the following sub-section shall be substituted, namely:-

"(2) It extends to the whole of India."

- (ii) after section 2, the following section shall be inserted, namely:-

Construction of references to any law not in force in the State of Jammu and Kashmir.

"2A. Any reference in this Act to any law which is not in force in the State of Jammu and Kashmir shall, in relation to that State, be constructed as a reference to the corresponding law, if any, in force in that State."

- (iii) in section 23,-

- (a) in sub-section (2) and (4), for the words "compulsory purchase", the words "compulsory acquisition" shall be substituted;

- (b) in sub-section (3), for the words "compulsory purchase of any such antiquities at their market value", the words "compulsory acquisition of any such antiquities" shall be substituted;

- (iv) in section 26,-

- (a) in sub-section (1) for the words "compulsory purchase of such antiquity at its market value", the words "compulsory acquisition of such antiquity" and for the words "to be purchased", the words "to be acquired" shall be substituted;

- (b) in sub-sections (2) and (3), for the words "compulsory purchase", the words "compulsory acquisition" shall be substituted;

- (v) in section 28, for sub-section (2), the following sub-section shall be substituted, namely:-

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"(2) For every antiquity in respect of which an order for compulsory acquisition has been made under sub-section (3) of section 23 or under sub-section (1) of section 26, there shall be paid compensation and the provisions of sections 20 and 22 of the Antiquities and Art Treasures Act, 1972 shall, so far as may be, apply in relation to the determination and payment of such compensation as they apply in relation to the determination and payment of compensation for any antiquity or art treasure compulsorily acquired under section 19 of that Act."

CONSTITUTION OF INDIA

48A. *The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country.*

(Inserted by the Constitution (42nd Amendment) Act, 1976)

Protection of environment. Read with Arts 51A(g), 14 and 21, the Supreme Court has drawn the following conclusions :

(a) It is a constitutional duty not only of the State but also of every citizen to protect and improve the environment and natural resources of the country.

49. **It shall be the obligation of the State to protect every monument or place or object of artistic or historic interest, declared by or under law made by Parliament to be of national importance from spoliation, disfigurement, destruction, removal, disposal or export, as the case may be.**

FUNDAMENTAL DUTIES

51A. It shall be the duty of every citizen of India –

- (a) to abide by the Constitution and respect its ideal and institutions, the National Flag and the National Anthem;
- (b) to cherish and follow the noble ideals which inspired our national struggle for freedom;
- (c) to uphold and protect the sovereignty, unity and integrity of India;
- (d) to defend the country and render national service when called upon to do so;
- (e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious; linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;
- (f) to value and preserve the rich heritage of our composite culture;
- (g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;

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- (h) to develop the scientific temper, humanism and the spirit of inquiry and reform;
- (i) to safeguard public property and to abjure violence;
- (j) to strive towards excellence in all spheres of individual and collective activity, so that the nation constantly rises to higher levels of endeavour and achievement.

CRIMINAL PROCEDURE CODE, 1973 (Section 105 D)

Identifying unlawfully acquired property – The Court shall, under sub-section (1) or on receipt of a letter of request under sub-section (3) of section 105C, direct any police officer not below the rank of Sub-Inspector of Police to take all steps necessary for tracing and identifying such property.

(2) The steps referred to in sub-section (1) may include any inquiry, investigation or survey in respect of any person, place, property, assets, documents books of account in any bank or public financial institutions or any other relevant matters.

(3) Any inquiry, investigation or survey referred to in sub-section (2) shall be carried out by an officer mentioned in sub-section (1) in accordance with such directions issued by the said Court in this behalf.

CRIMINAL PROCEDURE CODE , 1973 (Section 133)

Conditional order for removal of nuisance – (1) Whenever a District Magistrate or a Sub-Divisional Magistrate or any other Executive Magistrate specially empowered in this behalf by the State Government, on receiving the report of a police officer or other information and on taking such evidence (if any) as he thinks fit, considers –

(a) that any unlawful obstruction or nuisance should be removed from any public place or from any way, river or channel which is or may be lawfully used by the public; or

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ANNEXURE-I(B)

SANCHI DEVELOPMENT PLAN

Upto 2011

"SUMMARY"

BY

**TOWN & COUNTRY PLANNING,
GOVT. OF MADHYA PRADESH**

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Chapter V(1) Planning ProposalsThe Archaeological stress zones While all attempts should be made to ensure proper and appropriate amenities and facilities for the tourist on the hill top but still it should not be allowed to be created as tourist hub. The proposal for the landscaping of the hill top has been formulated so as not to determine the importance of the archaeological monuments situated there but rather elaborate extenuate and amplify the sobriety, serenity and controlled compassion of these sensitive, tough and yet so delicate monument. The development of this region is to be taken by Archaeological Survey of India or as per their consent.

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The civic core or the "Mahindra Place" which caters to the civic amenities and this has the public and semi-public areas as well as the commercial and recreational areas as the dominating criteria.

Page No.45 Department of Culture, Government of India (Archaeological Survey of India) vide gazette No.S.O.1447 as contained in Government of India Gazette of 16/6/92 notified that land near and adjoining the protected limits of the World Heritage monuments Sanchi Stupa upto a periphery of 100m as "Protected Area" and further beyond this limit upto 200m as "Regulated Area" both for mining operation and constructions. **Page No.46** Some special and specific areas such as the hillock on which the stupa is situated and area near to it if allotted for development then it would be necessary for the competent authority to do so in consultation with the Archaeological Survey of India at Bhopal. **Page No.58** The construction in any type of structure will be prohibited within the radius of 30 meters from the centre point of the junction of the roads Bhopal, Vidisha and Sanchi Railway station to stupa. Page No.62

Sanchi stupa is a protected monument under Archaeological Survey of India. The permission of any kind of development within protected monument/ premises can be done as per the consent of Archaeological Survey of India or this department like this the development of surrounding areas near the protected monuments can be done as per the content of Archaeological Survey of India. **Page No.79** In order to ensure the economical and healthy tourist activities of Sanchi in accordance with the preservation of cultural heritage, it is quite essential to apply following points for enforcement of Development Plan. 1. Preservation of natural environment and appropriate landscape. 2.

Preservation of cultural heritage. The prescribed use in the plan is proposed as under Environmental management and conservation programme. Town infrastructure and service related programmes. **Page No.80** Future development and environment conservation near the monument of Archaeological importance will be strictly in accordance with the relevant rule. **INDICATIVE BIBLIOGRAPHY** BURGESS J. (1902), 'THE GREAT STUPA AT SANCHI-KANAKHEDA,' JOURNAL OF THE ROYAL ASIATIC SOCIETY OF GREAT BRITAIN AND IRELAND (PP.29-45) CUNNINGHAM ALEXANDER, (1854): THE BHILSA TOPES, LONDON COWELL E.B. (1895-1907), THE JATAKA, 6 VOLS. CAMBRIDGE DAHIMA M. - PURATAN NO.12, BHOPAL 1990. HAMID MOHAMMAD, 1936-37 (1940), 'EXCAVATION OF MAURYA MONASTERY AT SANCHI, BHOPAL STATE', ANNUAL BIBLIOGRAPHY OF INDIAN ARCHAEOLOGY FOR THE YEAR 1937, XII (LEYDEN, 1939), PP. 25-28; 'EXCAVATIONS AT SANCHI', ANNUAL REPORT OF THE ARCHAEOLOGICAL SURVEY OF INDIA, PP.84-87 KERN H. (1896), MANUAL OF INDIAN BUDDHISM, STRASSBURG KRISHNAMURTTI K. - MATERIAL CULTURAL OF SANCHI, AGAM KALA

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ANNEXURE-II

MAJOR CONSERVATION WORKS OF
BUDDHIST MONUMENTS AT SANCHI

Buddhist Site, Sanchi, Distt. Raisen :-

Dismantling and restoration of the damaged portion of structure No.43 on the south, in plumb and alignment has been completed. Stone masonry pump house has been constructed near ancient well and diesel motor pump has been fixed temporarily for pumping of water from ancient well up to tank No.2 (near stupa No.2). The base of ancient tank No.2 has been packed with stone soling and laid with lean cement concrete. Laying of layer of stone pitching over base concrete has been completed. Filled excavated trenches have been reopened and conservation of exposed votiva stupas and monastery No.51 is in progress. Amount of drilling of two tube wells and laying of pipe line has been deposited with Public Health Engg. Department, Raisen and Repairs to old damaged G.I. barbed wire fencing on angle iron posts around the hill has been completed to check the stray animals and trespassing. Replacement of G.I. barbed wire fencing on angle iron posts with stone masonry dwarf wall mounted with M.S. grill from entrance to Public Health Engineering Department water tank to check the trespassing is in progress.

In continuation of last year's work (1996-97) the base of ancient tank No.2 has been packed with stone soling and laid with cement concrete. Laying of a layer of stone pitching over the base concrete has also been completed. Laying of layer of ferro cement concrete has also been completed. Reconstruction of original stone steps are taken up and is in progress. Amount of drilling of two tube wells and laying of pipe line has been deposited with Public Health Engg. Department, Raisen and they have drilled two tube wells in Archaeological Colony at Sanchi and laying of pipe line from colony to stupa is in progress. Replacement of G.I. barbed wire fencing on angle iron posts with stone masonry dwarf wall mounted with m.s. grill from entrance to Public Health Engineering Department water tank to check the trespassing is in progress. Excavation of pits and plantation of plants around the Sanchi to bring back the greenery is also in progress. The remaining works of the revival of Tank No.1 and watertightening of walls of ancient remains are also in progress.

Compound Walls, Sanchi Distt. Raisen :-

In continuation of last year's work (1997-98) replacement of barbed with fencing by providing C.R. stone masonry and dwarf wall mounted with M.S. Grill is in progress.

Group of Monuments, Sanchi Distt. Raisen :-

Watertightening of terracing of structure No.44 and boundary bulged and out of plumb structure of apsidal temple is in progress.

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Buddhist Stupas at Sanchi, Distt. Raisen :-

- (i) Restoration & water tightening work of top courses of the upper boundary wall with ancient stones in lime Surkhi and mortar has been completed.
- (ii) Providing approach path with stone slab bedded with cement concrete leading to the office has been completed.
- (iii) Filling up of excavated trench with sediments, minor repairs and filling up of the cavities in Stupa No.1 has been completed.
- (iv) Construction of boundary wall in C.R. Stone masonry in cement mortar on the base of cement concrete mounted with M.S. Grill over the boundary wall to avoid the encroachment and entry of animal and unsocial elements is in progress.

Buddhist Stupas at Sanchi, Distt. Raisen :-

Water tightening work of the compound wall in C.R. Stone masonry in lime concrete, Surkhi and sand and construction of compound wall in C.R. Stone masonry in lime mortar and mounted painted M.S. Grill has been done.

Addition and alteration in Musum Building at Sanchi, Distt. Raisen :-

Providing centring shuttering work is in progress for laying of R.C.C. slab has been done.

Dismantalling the broken stone slab and resetting the new stone slab path over the base of cement concrete has been done.

Tube well boring in the museum compound wall has been started laying of G.I. pipe line to garden area for developing environment has also been done.

Wooden shutters to additional gallery have been provided, aluminum ventilators with exhaust fans has also been done.

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ANNEXURE-III

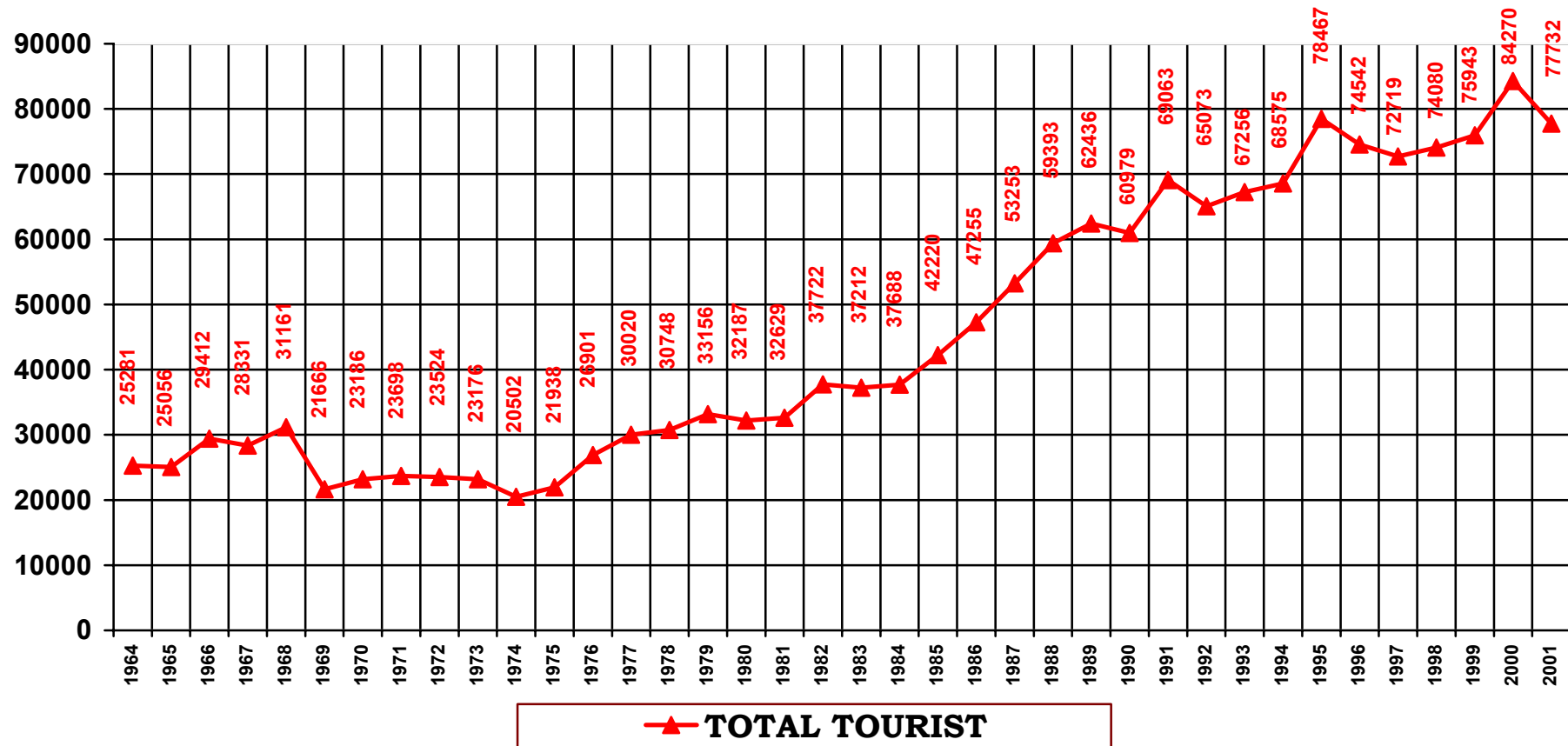
**EXPENDITURE STATEMENT OF EXCAVATION WORK AT
SANCHI, DISTT. RAISEN**

YEAR	PLAN	NON-PLAN	TOTAL (in Rs.)
1993-94	38807.00	24978.00	63785.00
1994-95	92274.00	30454.00	122728.00
1995-96	9636.00	23430.00	33066.00
1996-97	77824.00	8771.00	86595.00
1997-98	75000.00	25000.00	100000.00
1998-99	45544.00	0.00	45544.00
1999-2K	161899.00	2000.00	163899.00
2000-01	345899.00	17672.00	363571.00
2001-02	0.00	0.00	0.00
TOTAL	846883.00	132305.00	979188.00

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ANNEXURE-IV

**TOURIST INFLOW PATTERN
MONUMENTS AT SANCHI
YEAR 1964 -2001**



SOURCE : ARCHAEOLOGICAL SURVEY OF INDIA

BASED ON ENTRY TICKETS
(INDIVIDUAL ABOVE 15 YEARS)

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