

Manipur Act No. 15 of 77

THE
MANIPUR ANCIENT AND HISTORICAL MONUMENTS AND
ARCHAEOLOGICAL SITES AND REMAINS BILL, 1976.

BILL NO. 32 OF 1976

(As passed by the Legislative Assembly, Manipur on 6-12-76)

A
BILL

to provide for the preservation of ancient and historical monuments and archaeological sites and remains other than those of national importance, for the regulation of archaeological excavations and for the protection of sculptures, carvings and other like objects.

BE it enacted by the Legislature of Manipur in the Twenty-seventh Year of the Republic of India as follows :—

PRELIMINARY

1. Short title, extent and commencement —

(1) This Act may be called THE MANIPUR ANCIENT AND HISTORICAL MONUMENTS AND ARCHAEOLOGICAL SITES AND REMAINS ACT, 1976.

(2) It extends to the whole of the State of Manipur.

(3) It shall come into force on such date as the Government may, by notification in the official Gazette appoint.

2. Definitions —

In this Act, unless the context otherwise requires—

(a) "ancient monuments" means any structure, erection or monuments or any tumulus or place of interment, or any cave, rock-sculpture, inscription or monolith, which is of historical, archaeological or artistic interest 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,
- (iv) the gardens, if any, appurtenant to an ancient monument, and
- (v) the means of access to, and convenient inspection of, an ancient monument,

but does not include any ancient or historical monument declared by or under law made by Parliament to be of national importance :

(b) "antiquity" includes —

- (i) Any coin, sculpture, manuscript, epigraph, or other work of art or crafts-manship,
- (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 Government, by notification, to be an antiquity for the purposes of this Act, which has been in existence for not less than one hundred years :

(c) "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 :

but does not include any archaeological site or remains declared by or under law made by Parliament to be of national importance :

(d) "Government" means the State Government of Manipur :

(e) "Governor" means the "Governor of Manipur" :

(f) "Deputy Commissioner" means the Deputy Commissioner of a district and includes any officer authorised by the Government to perform all or any of the functions of a Deputy Commissioner by or under this Act :

(g) "land" includes a revenue free estate, a revenue paying estate and a permanent transferrable tenure, whether such an estate or tenure be subject to encumbrances or not :

(h) "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 :

(i) "owner" includes

(i) a joint owner invested with the power 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 of office of any such manager or trustee :

- (j) "prescribed" means prescribed by rules made under this Act :
- (k) "protected" when used with reference to an ancient or historical monument or site which may be declared by the Government under section 4 to be a "protected monument" or a "protected area" :
- (l) "protected antiquity" means an antiquity declared by the Government under section 4 to be a protected antiquity and includes any article, object or thing referred to in Sub-clause (v) of Sub-section (b) of Section (2).
- (m) "superintendent" means the superintendent of archaeology, and includes any officer authorised by the State Government to perform the duties of the Superintendent.

CHAPTER II

PROTECTED MONUMENTS

3. Certain ancient and historical monuments deemed to be protected monuments—

All ancient and historical monuments and all archaeological sites and remains which have been declared by the Ancient Monuments Preservation Act, 1904 (Central Act VII of 1904), to be "protected monuments" or "protected areas" respectively, but which have not been declared by or under the law made by Parliament to be of national importance, shall be deemed to be ancient and historical monuments or archaeological sites and remains to be protected monuments or areas for the purposes of this Act.

PROTECTION OF ANCIENT MONUMENTS AND ARCHAEOLOGICAL SITES AND REMAINS

4. Power of Government to declare ancient monuments, etc., to be protected monuments and areas—

(1) Where the Government are of opinion that any ancient monument or archaeological site and remains requires protection under this Act, they may, by notification, give two month's notice of their intention to declare such ancient monument or archaeological site and remains to be a protected monument or a protected area, as the case may be, and a copy of every such notification shall be affixed in a conspicuous place near the monument or the 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, as the case may be, to be a protected monument or a protected area.

(3) On the expiry of the said period of two months, the Government may, after considering the objections, if any, received by them, declare by notification, the ancient monument or the archaeological site and remains, as the case may be, to be a "protected monument" or a "protected area".

(4) A notification issued 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, is a "protected monument" or a "protected area" for the purposes of this Act.

5. Acquisition of rights in a protected monument—

(1) The Superintendent may, with the sanction of the 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 Superintendent may, by notification, assume the guardianship of the monument.

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

(4) When the Superintendent has accepted the guardianship of a monument under Sub-section (3), the owner shall, except as expressly provided in this Act, have the same estate, right, title and interest in and to the monument, as if the Superintendent had not been constituted a guardian thereof; and the provisions of this Act relating to agreements executed under Section 6 shall apply to the written instrument executed under Sub-section (3).

(5) Nothing in this section shall affect the use of any "protected monument" for "customary religious observances".

6. Preservation of protected monument by agreement—

(1) The Superintendent, when so directed by the Government, shall propose to the owner of a protected monument to enter into an agreement with the 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 build on or near the site of the monument.

(d) the facilities of access to be permitted to the public or any section or any archaeological officers or to persons deputed by the owner or any archaeological officers or other officer or authority authorised by the Government to inspect or maintain the monument ;

(e) the notice to be given to the 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 Govt. to purchase such land or any specified portion of such land, at its market value ;

fails to enter into such an agreement, the 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 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 against the proposed order.

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

(1) If the Superintendent apprehends that the owner or occupier of a protected monument intends to destroy, remove, injure, alter, deface, imperil or misuse the monument or to build on or near the site thereof in contravention of the terms of an agreement executed under Section 6 the Superintendent may, after giving the owner or occupier an opportunity of making representation, make an order prohibiting any such contravention of the agreement :

Provided that no such opportunity need be given in any case where the Superintendent, for reasons to be recorded, is satisfied that it is not expedient or practicable to do so.

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

11. Enforcement of agreement—

(1) If an owner or other person who is bound to maintain a monument by an agreement executed under Section 6 refuses or fails within such reasonable time as the Superintendent may fix, to do any act which in the opinion of the Superintendent is necessary for the maintenance of the monument, the Superintendent may authorise 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 Government whose decision shall be final.

12. Purchase 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 bound by such instrument.

fails to enter into such an agreement, the 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 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 against the proposed order.

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

(1) If the Superintendent apprehends that the owner or occupier of a protected monument intends to destroy, remove, injure, alter, deface, imperil or misuse the monument or to build on or near the site thereof in contravention of the terms of an agreement executed under Section 6 the Superintendent may, after giving the owner or occupier an opportunity of making representation, make an order prohibiting any such contravention of the agreement :

Provided that no such opportunity need be given in any case where the Superintendent, for reasons to be recorded, is satisfied that it is not expedient or practicable to do so.

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

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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 bound by such instrument.

(ii) is one rupee or more but is less than two rupees.
seventy per centum of such payment.

(iii) is two rupees or more
one hundred per centum of such payment :

Provided that if the total tax is not a multiple of five paise, it shall be rounded off to the next higher multiple of five paise.”.

5. In the Manipur (Sales of Motor Spirit and Lubricants) Taxation Act, 1962 (55 of 1962) :—

for the existing sub-section (1) of section 3, the following shall be substituted, namely :—

“3. Levy of tax—(1) There shall be levied and collected from every dealer a tax on all sales effected by him of the following goods at such rates as may be fixed by the Government, from time to time, by notification in the Official Gazette, not exceeding the rates specified below :— Amendment
of section 3.

- (i) motor spirit (except diesel oil and internal combustion oils other than petrol) — 15 paise per litre.
- (ii) lubricants — 10 paise per litre.
- (iii) diesel oil and internal combustion oil other than petrol— 10 paise per litre.
- (iv) crude oil — 1 paisa per litre.”.

6. The Manipur Taxation Laws (Amendment) Ordinance, 1972 (No. 1 of 1972) is hereby repealed. Repeal.