

L. A. BILL No. XXVIII OF 2024.

A BILL

*to amend the Maharashtra Ancient
Monuments and Archaeological Sites and Remains Act, 1960.*

5 WHEREAS both Houses of the State Legislature were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that
circumstances existed which rendered it necessary for him to take immediate
action to amend the Maharashtra Ancient Monuments and Archaeological Sites
and Remains Act, 1960, for the purposes hereinafter appearing ; and, therefore,
Mah. XII of 1961. Mah. 10 Ord. X of 2024. promulgated the Maharashtra Ancient Monuments and Archaeological Sites
and Remains (Amendment) Ordinance, 2024 on the 14th October 2024 ;

AND WHEREAS it is expedient to replace the said Ordinance by an Act
of the State Legislature ; it is hereby enacted in the Seventy-fifth Year of the
Republic of India as follows :—

Short title and commencement.

1. (1) This Act may be called the Maharashtra Ancient Monuments and Archaeological Sites and Remains (Amendment) Act, 2024.

(2) It shall be deemed to have come into force on the 14th October 2024.

Amendment of section 33 of Mah. XII of 1961.

2. In section 33 of the Maharashtra Ancient Monuments and Archaeological Sites and Remains Act, 1960 (hereinafter referred to as “the principal Act”),— 5

Mah. XII of 1961.

(1) in sub-section (1), for the words “with imprisonment for a term which may extend to three months, or with fine which may extend to five thousand rupees” the words “ with imprisonment for a term which may extend to two years, or with fine which shall not be less than ten thousand rupees but which may extend to one lakh rupees” shall be substituted; 10

(2) after sub-section (1), the following sub-section shall be inserted, namely :—

“(1A) Whoever,—

(i) consumes or possesses liquor or any intoxicating substance in the premises of the protected monuments, or 15

(ii) does any obscene act in the premises of the protected monuments, or

(iii) does an act of gambling in the premises of the protected monuments,

shall, on conviction, be punished with imprisonment for a term 20 which may extend to six months, or with fine which may extend to one lakh rupees, or with both.”;

(3) in sub-section (2),—

(a) for the words “with fine which may extend to two thousand rupees,” the words “with fine which shall not be less than ten thousand 25 rupees but which may extend to one lakh rupees,” shall be substituted;

(b) for the words “twenty-five rupees” the words “five hundred rupees” shall be substituted;

(4) in sub-section (3), for the words “with fine which may extend to five thousand rupees” the words “with fine which shall not be less than 30 ten thousand rupees but which may extend to one lakh rupees” shall be substituted.

Amendment of section 35 of Mah. XII of 1961.

3. In section 35 of the principal Act,—

(1) for the words and figures “Code of Criminal Procedure, 1898” the words and figures “Bharatiya Nagarik Suraksha Sanhita, 2023” shall be 35 substituted;

V of 1898. 46 of 2023.

(2) for the word “Code” the word “Sanhita” shall be substituted.

4. In section 36 of the principal Act,—

Amendment
of section 36
of Mah. XII of
1961.

V of
1898.
46 of
2023.

(1) for the words and figures “section 32 of the Code of Criminal Procedure, 1898” the words and figures “section 23 of the Bhartiya Nagarik Suraksha Sanhita, 2023” shall be substituted ;

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(2) for the words “ two thousand rupees ” at both the places where they occurs, the words “fifty thousand rupees” shall be substituted.

5. In section 41 of the principal Act, in sub-section (3),—

Amendment
of section 41
of Mah. XII of
1961.

(1) in clause (i), for the words “with fine which may extend to five thousand rupees,” the words “with fine which shall not be less than ten thousand rupees, but which may extend to one lakh rupees,” shall be substituted;

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(2) in clause (ii), for the words “with fine which may extend to five thousand rupees” the words “with fine which shall not be less than ten thousand rupees, but which may extend to one lakh rupees,” shall be substituted;

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(3) in clause (iii), for the words “with fine which may extend to five hundred rupees” the words “with fine which shall not be less than ten thousand rupees, but which may extend to one lakh rupees” shall be substituted.

Mah. 20
Ord. X
of 2024.

6. (1) The Maharashtra Ancient Monuments and Archaeological Sites and Remains (Amendment) Ordinance, 2024, is hereby repealed.

Repeal of
Mah. Ord. X
of 2024 and
saving.

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

STATEMENT OF OBJECTS AND REASONS

The Maharashtra Ancient Monuments and Archaeological Sites and Remains Act, 1960 (Mah. XII of 1961) provides for better provisions for the preservation of ancient and historical monuments and records and archaeological sites and remains (other than those declared to be of national importance) in the State of Maharashtra and for matters connected therewith.

The founder of the Maratha Empire Chhatrapati Shivaji Maharaj had constructed various forts. These forts have witnessed the golden history of the Maharashtra. The Government of Maharashtra had declared various historical forts as the protected monuments under the said Act. Recently, the Government of India has submitted proposal to the United Nations Educational, Scientific and Cultural Organization (UNESCO) to nominate "Maratha Military Landscape" as the World Heritage, including four forts, which has declared as protected monuments under the said Act.

2. Section 33 of the said Act provided for the penalties for contravention of the provisions of the Act, with imprisonment for a term which may extend to three months, or with fine which may extend to five thousand rupees, or with both. Section 41 of the said Act provided for the penalties for contravention of the provisions of the rules. These penalties were not increased since the year 1960. The Government of India has enhanced the punishment of similar offences under the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), in the year 2010. To make stringent punishments for violations of the provision of the said Act it was proposed to enhance the punishment for imprisonment upto two years or fine upto one lakh rupees. It was also proposed to enhance the penalties for violation of the provisions of the Rules.

3. To maintain the sanctity of the forts and ancient monuments, it was also proposed to make penal provision for doing any obscene activity or gambling, or consuming or possessing liquor or other intoxicant substance, within the premises of the forts or ancient monuments. It was, therefore, proposed to make amendments in sections 33 and 41 of the said Act, suitably.

4. As both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to amend the Maharashtra Ancient Monuments and Archaeological Sites and Remains Act, 1960, for the purposes aforesaid, the Maharashtra Ancient Monuments and Archaeological Sites and Remains (Amendment) Ordinance, 2024 (Mah. Ord. X of 2024) was promulgated by the Governor of Maharashtra on the 14th October 2024.

5. The Bill is intended to replace the said Ordinance by an Act of the State Legislature.

Nagpur,
Dated the 15th December 2024.

DEVENDRA FADNAVIS,
Chief Minister.

*ANNEXURE TO THE L.A. BILL NO. XXVIII OF 2024-THE
MAHARASHTRA ANCIENT MONUMENTS AND
ARCHAEOLOGICAL SITES AND REMAINS (AMENDMENT)
BILL, 2024.*

**(Extracts from the Maharashtra Ancient Monuments and
Archaeological Sites and Remains Act, 1960)**

(Mah. XII of 1961)

1. to 32. ** ** ** **

33. (1) Whoever- Penalties

(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, baserelief, inscription, or other like object, or

(iv) does any act in contravention of sub-section (1) of section 21, shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to five thousand rupees, or with both.

(2) Any person who contravenes any of the provisions of a notification issued under sub-section (1) of section 17 shall, on conviction, be punished with fine which may extend to two thousand rupees, and if the contravention is continued after conviction, with a further fine which may extend to twenty- five rupees for each day on which the contravention is so continued, and if such contravention is continued after the expiry of such period as the Court may determine, the State Government shall in addition have power to do all such acts as in its opinion are necessary for removing so much of the building, structure or work as is not in conformity with the provisions of the notification for making it in conformity with such provisions, and any expense incurred by the State Government shall be recoverable from the person convicted as an arrear of land revenue.

(3) Any person who moves any antiquity in contravention of a notification issued under sub- section (1) of section 25 shall, on conviction, be punished 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.

34. ** ** ** **

35. Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (V of 1898), an offence under clause (i) or clause (iii) of sub-section (1) of section 33 shall be deemed to be a cognizable offence within the meaning of that Code. Certain offences to be cognizable

36. Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898 (V of 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. Special provision regarding fine

37. to 40. ** ** ** **

Power to
make rules

41. (1) and (2) ** ** ** **

(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 for a term 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 hundred 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) ** ** ** **

42. to 44. ** ** ** **

**MAHARASHTRA LEGISLATURE
SECRETARIAT**

(L. A. BILL no. XXVIII OF 2024.)

**[A BILL to amend the Maharashtra Ancient
Monuments and Archaeological Sites and
Remains Act, 1960.]**

**[SHRI. DEVENDRA FADNAVIS,
Chief Minister.]**

JITENDRA BHOLE,
Secretary (1) (I/C),
Maharashtra Legislative Assembly