

# Bill Summary

## The Ancient Monuments and Archaeological Sites and Remains (Amendment) Bill, 2017

- The Ancient Monuments and Archaeological Sites and Remains (Amendment) Bill, 2017 was introduced in Lok Sabha on July 18, 2017 by the Minister of Tourism and Culture, Dr. Mahesh Sharma. The Bill amends the Ancient Monuments and Archaeological Sites and Remains Act, 1958.
- **Construction in ‘prohibited areas’:** The Act defines a ‘prohibited area’ as an area of 100 meters around a protected monument or area. The central government can extend the prohibited area beyond 100 meters. The Act does not permit construction in such prohibited areas, except under certain conditions. The Act also prohibits construction in ‘prohibited areas’ even if it is for public purposes.
- The Bill amends this provision to permit construction of public works in ‘prohibited areas’ for public purposes.
- **Definition of ‘public works’:** The Bill introduces a definition for ‘public works’, which includes the construction of any infrastructure that is financed and carried out by the central government for public purposes. This infrastructure must be necessary for public safety and security and must be based on a specific instance of danger to public safety. Also, there should be no reasonable alternative to carrying out construction in the prohibited area.
- **Procedure for seeking permission for public works:** As per the Bill, the relevant central government department, that seeks to carry out construction for public purposes in a prohibited area, should make an application to the competent authority.
  - If there is any question related to whether a construction project qualifies as ‘public works’, it will be referred to the National Monuments Authority. This Authority, will make its recommendations, with written reasons, to the central government. The decision of the central government will be final.
  - If the decision of the central government differs from that of the Authority, it should record its reasons in writing.
  - This decision should be communicated by the competent authority, to the applicant, within 10 days of receiving it.
  - **Impact assessment of proposed public works:** The Bill empowers the National Monuments Authority to consider an impact assessment of the proposed public works in a prohibited area, including its (i) archaeological impact; (ii) visual impact; and (iii) heritage impact.
  - The Authority will make a recommendation, for construction of public works to the central government, only if it is satisfied that there is no reasonable possibility of moving the construction outside the prohibited area.

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