



सत्यमेव जयते

ACTS UNDER ASI

Cultural renaissance of early nineteenth century witnessed enactment of the first ever antiquarian legislation in India known as Bengal Regulation XIX of 1810. This was soon followed by another legislation called as Madras Regulation VII of 1817. Both these regulations vested the Government with a power to intervene whenever the public buildings were under threat of misuse. However, both the Acts were silent on the buildings under the private ownership. The Act XX of 1863, was therefore enacted to empower the Government to prevent injury to and preserve buildings remarkable for their antiquity or for their historical or architectural value.

The Indian Treasure Trove Act, 1878 (Act No. VI of 1878) was promulgated to protect and preserve treasure found accidentally but had the archaeological and historical value. This Act was enacted to protect and preserve such treasures and their lawful disposal. In a landmark development in 1886, James Burgess, the then Director General succeeded in prevailing upon the Government for issuing directions: forbidding any person or agency to undertake excavation without prior consent of the Archaeological Survey and debarring officers from disposing of antiquities found or acquired without the permission of the Government.

The Cultural heritage ushered in a new era when The Ancient Monuments Preservation Act, 1904 (Act No. VII of 1904) was promulgated. This Act provided effective preservation and authority over the monument particularly those, which were under the custody of individual or private ownership. As this Act has not been repealed, it is deemed to be in force. Next Act was The Antiquities Export Control Act, 1947 (Act No. XXXI of 1947) and Rules thereto which provided a regulation over the export of antiquities under a licence issued by the Director General and empowering him to decide whether any article, object or thing is or is not an antiquity for the purpose of the act and his decision was final.\cf1\fo

In 1951, The Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Act, 1951 (No LXXI of 1951) was enacted. Consequently, all the ancient and historical monuments and archaeological sites and remains protected earlier under "The Ancient Monuments Preservation Act, 1904" (Act No. VII of 1904) were re-declared as monuments and archaeological sites of national importance under this Act. Another four hundred and fifty monuments and sites of Part "B" States were also added. Some more monuments and archaeological sites were also declared as of national importance under Section 126 of the States Reorganization Act, 1956.

In order to bring the Act on par with constitutional provisions and providing better and effective preservation to the archaeological wealth of the country, The Ancient Monuments and Archaeological Sites and Remains Act 1958 (No 24 of 1958) was enacted on 28th August 1958. This Act provides 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. Subsequently, The Ancient Monuments and Archaeological Sites and Remains Rules 1959 were framed. The Act along with Rules came into force with effect from 15 October 1959. This Act repealed The Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Act, 1951.

The Antiquities and Art Treasures Act 1972 (No. 52 of 1972) is the latest Act enacted on 9th September 1972 for effective control over the moveable cultural property consisting of antiquities and art treasures. The Act is 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. This Act was also supplemented with The Antiquities and Art Treasure Rules 1973. The Act and Rules have been in force with effect from 5th April 1976. This legislation repealed The Antiquities Export Control Act, 1947 (Act No. XXXI of 1947).