



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष १०, अंक ३१(११)]

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असाधारण क्रमांक ८९

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of Article 348 of the Maharashtra Ancient Monuments Archaeological Sites and Remains (Amendment) Bill, 2024 (L. A. Bill No. XXVIII of 2024), introduced in the Maharashtra Legislative Assembly on the 16th December 2024, is hereby published under the authority of the Governor.

By order and in the name of the
Governor of Maharashtra,

SATISH WAGHOLE,
Secretary (Legislation) to Government,
Law and Judiciary Department.

L. A. BILL No. XXVIII OF 2024.

A BILL

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

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

Mah.
XII of
1961.
Mah.
Ord. X
of 2024.

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, 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”),—

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;

(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

(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 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 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 ten thousand rupees but which may extend to one lakh rupees” shall be substituted.

3. In section 35 of the principal Act,—

Amendment of section 35 of Mah. XII of 1961.

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

(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;

(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;

(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.
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.

(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.