



মহামেব জয়ন্তে

অসম চৰকাৰ

THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

নং ৪৩৮ দিশপুৰ, সোমবাৰ, ১৯ অক্টোবৰ, ২০২০, ২৭ আহিন, ১৯৪২ (শক)
No. 438 Dispur, Monday, 19th October, 2020, 27th Asvina, 1942 (S.E)

GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
LEGISLATIVE DEPARTMENT ::: LEGISLATIVE BRANCH

NOTIFICATION

The 19th October, 2020

No. LGL. 59/2020/10 - The following Act of the Assam Legislative Assembly which received the assent of the Government on 12th October, 2020 is hereby published for general information.

ASSAM ACT. NO. XIX OF 2020

(Received the assent of the Governor on 12th October, 2020)

**THE ASSAM HERITAGE (TANGIBLE) PROTECTION,
PRESERVATION, CONSERVATION AND MAINTENANCE ACT, 2020**

পঞ্জীভুক্ত নম্বৰ - ৭৬৮ /৯৭

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THE ASSAM HERITAGE (TANGIBLE) PROTECTION,
PRESERVATION, CONSERVATION AND MAINTENANCE ACT, 2020

AN ACT

to provide for the protection, preservation, conservation, maintenance and restoration of tangible heritage of the State of Assam other than those declared by or under the law made by Parliament to be of national importance or those covered under the Assam Ancient Monument's and Records Act, 1959, and to develop and promote these heritages and matters connected therewith and incidental thereto.

Assam Act
No. XXV of 1959

Preamble

Whereas it is expedient to provide for protection, preservation, conservation, maintenance and restoration of tangible heritage including sattras, monasteries, stupas, namghars, mosques, dargah, church etc., social and cultural institutions and habitation structures having traditional architecture, etc., heritage sites, heritage building structures, monuments, precincts areas/sites, artifacts, sculptures, paintings, handicrafts, manuscripts etc architectural significance of which have been in existence for not less than 75 years as on the date of coming in to force of this Act other than those declared by or under the law made by parliament to be of national importance or those covered under the Assam Ancient Monument's and Records Act, 1959 and to develop, restore and promote these heritages to safeguard them from encroachments and damages in alignment with the objective contained in Clause 6 of Assam Accord 1985 to ensure legislative and administrative safeguards of the heritages in the state of Assam/ and the matters connected therewith or incidental thereto;

Assam Act No.
XV of 1959

It is hereby enacted in the Seventy-first Year of the Republic of India as follows:-

Short title, extent and commencement

- I. (1) This Act may be called the Assam Heritage (Tangible) Protection, Preservation, Conservation and Maintenance Act, 2020.
- (2) It extends to the whole of Assam.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of the Act and any reference in any such provision to the commencement of these Act shall be construed as a reference to the coming into force of that provision.

Definitions

2. In this Act, unless the context otherwise requires,-

- (a) "Advisory Committee" means the Assam Heritage (Tangible) Protection, Preservation, Conservation and Maintenance Advisory Committee constituted under section 5 of this Act;
- (b) "conservation" means protection, preservation and restoration of heritage sites, heritage areas, heritage buildings, heritage precincts, artifacts, handicrafts, paintings, fabrics etc. and shall include only such developmental activity that will enhance the heritage significance of the heritage within the framework of this Act;
- (c) "Director" means the Director notified under section 8 to perform the duties of the Director under this Act;
- (d) "documentation" means formal recording of characteristics or features or details of any tangible items of heritage value after conducting survey and research of the same;
- (e) "Government" means the Government of Assam ;
- (f) "grading" means classification of tangible heritage according to its heritage significance and the same shall determine in the case of tangible heritage, levels of intervention permissible in conserving, preserving, maintaining and upgrading the heritage including sites, buildings, artifacts, structures, precincts etc. of historic or architectural significance and the level or nature of preservation or patronage, or promotion required ;
- (g) "heritage" means tangible heritage as dealt with in section 3 ;
- (h) "heritage areas" means those areas of archeological or historical or architectural or esthetic significance which are included in a list(s) published by a notification in the Official Gazette, by the Government, from time to time ;
- (i) "heritage buildings" means (including artifacts) like sattras, monasteries stupas, namghars, mosques, dargah, church, social and cultural institutions, habitations, structures having vernacular architecture, etc. structures of historical or esthetic

- or architectural significance which are included in a list(s) published by notification in the Official Gazette by the Government, from time to time ;
- (j) "heritage precincts" means spaces including those around a heritage building or a group of such buildings of which they are part and parcel which are included in a list(s) published by notification in the Official Gazette, by the Government, from time to time ;
- (k) "heritage sites" means the works of man including buildings, artifacts, structures, streets, areas, precincts of historic or aesthetic or architecture etc. of the State of Assam ;
- (l) "tangible heritage" means any material or physical heritage like buildings, structures, artifacts, sculptures, handloom and handicrafts, fabrics, paintings, traditional musical instruments etc. as dealt with in section 3 ;
- (m) "land" means any area of land mass including water bodies ;
- (n) "listing" means inclusion of any tangible heritage in a list to be maintained by the Government from time to time, after the particular heritage has been declared as a heritage to be conserved or preserved through a notification in the Official Gazette by the Government from time to time ;
- (o) "maintenance" with its grammatical variation and cognate expression, includes the fencing, covering in, repairing, restoring, (landscaping and housekeeping) and clearing of a protected heritage, and the doing of any act which may be necessary for the purpose of preserving a protected heritage or for securing convenient access thereto;
- (p) "monument " means any ancient monument and sites which is not declared as such by the State Government by notification in the Official Gazette, to be a protected monument under the Assam Ancient Monuments and Records Act, 1959 and by the Central Government under the Ancient Monuments and Archeological Sites and Remains Act, 1958;

- (q) "object" means any material or physical entity ;
- (r) "owner" includes , -
 - (i) "joint owner invested with power of management on his own behalf and other joint owner and successors in title of any such owner ; and
 - (ii) any manager or trustee exercising powers and management and successor in office of any such manager or trustee;
- (s) "place" means any geographical area or space ;
- (t) "prescribed" means prescribed by rules made under this Act ;
- (u) "preservation" means redeeming or saving any tangible heritage from encroachment, decay and fading away to protect and patronize it ;
- (v) "restoration" includes the means necessary to return the heritage structure/ building/ site/ precinct / to its earlier state as might have existed prior to change occurred by way of reconstructing the same by using the originally used raw materials ;
- (w) "rules" means rules made under section 30 of the Act;
- (x) "survey" means preliminary investigation of any tangible heritage items, or object of apparent heritage value with a view to undertake research and documentation of the same and its conservation, protection or preservation.

Heritage of Assam 3.

For the purposes of this Act, the tangible heritage of Assam shall be, -

- (a) Built heritage which includes,-
 - (i) Monuments, architectural works, works with monumental sculpture, and painting, elements or structure of an archaeological nature, inscription, cave dwellings, combinations of features, which are of outstanding value for the heritage of Assam from the point of view of history, art or science ;
 - (ii) tanks, ramparts, buildings, precincts, sites, areas, cultural and religious institutions of people of Assam like Sattras, Monasteries, Stupas, Namghars, Mosques, Dargah, Church and religious institutions of different ethnic groups having historical legacy, social institutions etc. ;

- (iii) groups of separate or connected buildings which because of their architecture, their homogeneity or their place in the landscape are of outstanding value for the heritage of Assam ;
 - (iv) vernacular heritage i.e. traditional and historical way by which the communities or individuals shelter themselves over a period of time in the state of Assam ;
- (b) Movable Heritage which includes,-
- (i) antiquities such as any coin, sculpture, manuscript, maps, epigraphs, other works of art or craftsmanship or any such object ;
 - (ii) any article, object or thing detached from building, cane, on walls, fossils, geological, and geomorphic formations ;
 - (iii) any article, object or thing illustrative of science, art, crafts, handlooms, handicrafts, fabrics, film, photography, documents, literature, religion, customs etc.,
 - (iv) any article, object or machinery, equipment, recordings, or things that having heritage value as may be notified by the Government to be an antiquity for the purposes of this Act ;

Deemed tangible heritages of Assam

4. All ancient monuments and all archaeological sites and remains which have not been declared by or under law made by Parliament to be of national importance and which have not been declared by the State Government by notification in the Official Gazette as ancient Monuments to be protected under the Assam Ancient Monuments and Records Act, 1959, shall be deemed to be tangible heritages of Assam for the purposes of this Act.

Assam Act
No. XXV
of 1959

Constitution of Assam State Heritage Conservation and Preservation Advisory Committee

5. (1) As soon as may be, after the date of commencement of this Act, Government may, by notification in the Official Gazette, constitute a State Level Advisory Committee to be known as Assam State Heritage Conservation and Preservation Advisory Committee for deliberating on making assessment, monitor and advice regarding the duties and functions assigned to it under this Act .
- (2) The State Level Advisory Committee shall consist of the following members :-

- | | | |
|-------|--|-------------------|
| (i) | The Hon'ble Minister of Cultural Affairs Department (Archaeology). | Chairman; |
| (ii) | Chief Secretary to the Government of Assam. | Vice Chairman; |
| (iii) | Senior-most Secretary of Cultural Affairs Department. | Member Secretary; |
| (iv) | Senior most Secretaries of Education Department, Revenue Department, Environment and Forest Department, Urban Development Department, Guwahati Development Department, Finance Department, Panchayat and Rural Development Department, Tourism Department, of the Government of Assam, Principal Secretary (BTAD), Principal Secretary (KAADC), Principal Secretary (NCHADC), Government of Assam. | Members; |
| (v) | Director of Archaeology, Director of Museum, Director of Historical and Antiquarian Studies, Government of Assam. | Members; |
| (vi) | Two expert members from the areas of specialization, namely, History, Archaeology or Anthropology to be nominated by the Government. | Members; |
| (vii) | The Deputy Commissioners of the concerned district where the heritage proposed to be protected under this Act is situated will be a special invitee as an when required. | |

Powers and functions of the Advisory Committee

6. (1) Notwithstanding anything contained in any other law for the time being in force, the concerned Deputy Commissioners of the District or the local Authorities, as the case may be, shall refer anything related to identification, restoration, preservation, conservation and maintenance of any heritage or any other development or any engineering operation, within their respective jurisdiction, which is likely to affect preservation of any heritage, for advice of the Advisory Committee.

(2) Subject to the provisions of sub-section (1), the functions of the Advisory Committee shall be,-

- (i) to finalize the list of tangible heritage to be notified as heritage of Assam and to recommend the same to the Government;
- (ii) to recommend to the State Government and the local authorities on the framing of special provision for restoration of heritage ;
- (iii) to advise the State Government and the local authorities for documentation of records of heritage ;
- (iv) to advise the Government on the steps to invite public opinion in mobilization of efforts for creating awareness, or maintaining heritage, and the consciousness of its visible architectural and natural evidences, so as to foster the creation of a popular mandate for heritage preservation ;
- (v) to advise the Government on any other issues as may be required from time to time during the course of scrutiny and in the overall interest of protection, preservation, conservation, maintenance and restoration of heritage ;
- (vi) to form expert committees for specific purposes;

Duties and responsibilities of Member Secretary

7. (1) All orders and decisions and other instruments of the Advisory Committee shall be authenticated under the signature of the Member Secretary ;
- (2) The Member Secretary shall be responsible for writing the minutes of a meeting of the Advisory Committee and keep other records relating to any meeting of the Advisory Committee ;
- (3) The Member Secretary shall communicate the decisions of the Advisory Committee with the Government or any other person or Authority, as the case may be.

Director Heritage to be notified

8. The Government may, by notification in the Official Gazette, designate Director Archaeology or Director Museums or Director of Historical and Antiquarian Studies to exercise the powers and discharge the functions conferred on the Director, as the case may be, under this Act.

Powers and
Functions of Director
Archaeology or
Director Museums or
Director of Historical
and Antiquarian
Studies

9. (1) The Director, Archaeology or Director, Museums or Director of Historical and Antiquarian Studies shall be the sole custodian of the heritages of the State of Assam, as the case may be, declared protected under section 13 of this Act;

(2) The Director, with the sanction of the Government shall,-

(a) identify heritages to conserve, restore, repair, maintain and inventorize them;

(b) conserve, repair, restore and maintain the heritages protected under this Act ;

(c) purchase or take lease of or accept a gift or bequest of any heritage as defined under this Act;

(d) where there is no owner for a heritage, assume the guardianship of the heritage by notification in the Official Gazette ;

(e) propose to the owner to enter into agreement with the Government under section 15 of the Act and classify the heritage for proper maintenance of the heritage, protected under this Act ;

(f) develop the re-adoptive usage policy of a heritage.

Constitution of
District Heritage
Committee and Sub-
Divisional Heritage
Committee

10. (1) As soon as may be after the date of commencement of this Act, the Government may, by notification, in the Official Gazette constitute a district level committee to be known as District Heritage Committee for each district, save and except the Sixth Schedule areas in the State of Assam, which shall consists of the following members :-

(i) Deputy Commissioner - Chairman ;

(ii) Concerned Officer of the Zonal Office Members; of the Directorate of Archaeology, Director Museums, Director of Historical and Antiquarian Studies

(iii) Superintendent of Police - Member;

(iv) District Forest Officer - Member ;

(v) Inspector of Schools of the District - Member ;

(vi) District Tourism Officer - Member;

- (vii) District Officer in the charge of Town and Country Planning. Member;
- (viii) an Officer not below the rank of Assistant Commissioner to be nominated by the Deputy Commissioner of the District who shall be designated by the State Government by notification, as Heritage Magistrate for the purposes of this Act - Secretary;
- (ix) all the Circle Officers of the Revenue Circles within the District- Members;
- (x) two local experts of the District with the educational background of History or Archaeology or Anthropology to be nominated by the Deputy Commissioner in consultation with the Directorate of Archaeology. Members;
- (2) Similarly a Committee in the Sub-Divisional Level to be known as Sub-Divisional Heritage Committee shall be constituted by the Government by notification in the official Gazette with the concerned Sub-Divisional Officer as the Chairman and such other members having the qualification as may be prescribed.
- (3) The Sub-Divisional Heritage Committee shall exercise such power and perform such duties may be prescribed.
- (4) The member nominated under clause (x) of subsection (1) shall be nominated for a period of three years from the date of such nomination.
- (5) In case of Sixth Schedule areas, the District Heritage Committee shall be constituted with the Principal Secretaries of the respective District Councils as the Chairperson of the District Heritage Committee with the other members remaining the same :

Provided that the Heritage Magistrate who shall be the Member Secretary of the Committee, shall be nominated by the Principal Secretaries of the District Council concerned for their respective District Heritage Committee.

- (6) The District Heritage Committee shall meet once in every three months or such other earlier times as the situation may demand.
- Functions of the Heritage Magistrate
11. (1) The Heritage Magistrate designated under section 10(1)(viii), shall be responsible for dealing with the preservation of the heritages, settlement of land, physical possession, encroachment, land disputes, compensation and revenue matters related to the heritages in the respective District and for implementation and carrying out the decision of the District Heritage Committee.
- (2) The Heritage Magistrate shall be responsible to convene all meetings of the District Heritage Committee in consultation with the Members Secretary and issue notices of meetings to all the member well ahead of time.
- (3) The Heritage Magistrate shall be responsible for writing minutes of the meetings of the committee and keep all records of the District Heritage Committee.
- (4) Heritage Magistrate shall place before the meetings of the committee any report or record relating to preservation of heritage, settlement of land, physical possession, encroachment, land disputes, compensation, and other revenue matters involving any heritage, heritage site, heritage building within the jurisdiction of the district.
- Powers Duties and responsibilities the District Heritage Committee
12. The District Heritage Committee shall exercise the powers and perform the duties and responsibilities as follows, namely :-
- (i) to identify and make provisional survey of the heritages situated within the district which need to be notified as heritage of Assam before listing and provisional registration to be done by the Director of Archaeology;
- (ii) to recommend to the Director, Archaeology or Director, Museums or Director of Historical and Antiquarian Studies, as the case may be, the identified and surveyed list of heritages for final listing and registration ;
- (iii) to recommend to the Director Archaeology or Director Museums or Director of Historical and Antiquarian Studies as the case may be, whether development permission should be granted to the heritage ;

- (iv) to recommend to the Director, Archaeology or Director, Museums or Director of Historical and Antiquarian Studies, as the case may be, whether Development Right Certificate may be allowed to be consumed in a heritage;
 - (v) to take appropriate action for land allotment, handing over or taking over possession of land relating to heritage after approval from the government on the recommendation of the Advisory Committee under this Act ;
 - (vi) to take appropriate action to protect heritage buildings, heritage precincts, heritage sites and other heritage properties;
 - (vii) to advise the Advisory Committee on any other issues as may be required from time to time during the course of scrutiny and in the overall interest of the heritage conservation.
13. **Declaration of tangible heritage**
- The Government may, on the recommendation of the Advisory Committee, from time to time, by notification in the Official Gazette, declare the tangible heritage as defined in this Act, to be protected:
- Provided that such declaration is made by the Government after being satisfied that the recommendation given by the Advisory Committee is supported by sufficient documentary proof regarding completion of survey, research, documentation and grading etc. of the concerned Heritage under the respective provisions of this Act.
14. **Acquisition of Heritage site**
- The Government may, by notification in the Official Gazette, from time to time, acquire or take possession of any heritage or heritage site for protection, preservation, conservation, maintenance and restoration.
15. (1) **Agreement with owners**
- As soon as it is proposed that a heritage is to be protected under an agreement with the owner, the Director shall draw up a list of items in respect of which the agreement has to be executed in the interest of the proper maintenance and draw up a draft agreement on the basis of the items of the agreement and shall work out the financial estimates involved on both the parties on maintenance of the heritage.

- (2) The draft agreement and the financial estimate so worked out shall be forwarded by the Director, Archaeology or Director, Museums or Director of Historical and Antiquarian Studies, as the case may be, to the Government.
 - (3) The Government shall after such modification of the agreement as may be found necessary, approve the draft agreement.
 - (4) The Director shall enter into the agreement as approved by the State Government with the owner for proper maintenance of the heritage as per agreed terms and conditions of the agreement.
- (1) For the purpose of section 15, as soon as it is proposed to protect a heritage under an agreement with the owner, the Director, Archaeology or Director, Museums or Director of Historical and Antiquarian Studies, as the case may be, shall report the matter to the concerned Deputy Commissioner for determining the ownership of the heritage.
 - (2) The Deputy Commissioner, immediately on receipt of the report from the Director, shall cause an inquiry regarding the ownership of the heritage; and failing to ascertain any owner readily, he shall notify the matter in such manner as may deem fit calling for petitions regarding ownership of the heritage to be filed within a period of one month.
 - (3) After complying the provision of sub-section (2), the Deputy Commissioner shall ascertain the ownership of the heritage and report the name of the owner to the Director, Archaeology or Director, Museums or Director of Historical and Antiquarian Studies, as the case may be, and to the State Government with intimation to the owner so ascertained.
 - (4) In the event of there being no claim regarding ownership of the heritage within the specified time, the heritage shall be deemed to have no owner; and the Director shall assume the guardianship of the heritage by notification in the Official Gazette.
- Final listing and registration of the heritage
17. (1) The Director, Archaeology or Director, Museums or Director of Historical and Antiquarian Studies, as the case may be, shall make final listing, final registration of the heritage after the provisional survey, provisional listing and provisional registration have been completed as per provisions

of the Act and forward the same to the Government to publish the list by notification in the Official Gazette.

- (2) The Government shall published the list received from the Director for time to time, by notification in the Official Gazette.

Physical possession
of the heritage

18. (1) After the final listing and registration is done and published in the Official Gazette under section 17, the Director shall approach the Government in the Revenue and Disaster Management Department for allotment of land, wherever necessary, followed by immediate handing over of possession by the concerned Revenue Authority of the District, in case the site is a Government land. In case of private land the Director shall follow the provision of sections 15 and 16 of this Act.

- (2) For the purpose of obtaining possession by the Director and for delivery of possession by the concerned Deputy Commissioner, the relevant provision of law applicable in this respect for the time being in force shall be strictly followed :

Provided that in case of Sixth Schedule areas Deputy Commissioner of the districts as mentioned in this section shall be construed to mean the Principal Secretary of the concerned District Council for the purposes of sections 15 and 16.

Certain actions
prohibited

19. (1) No person or owner shall obstruct or in any way interfere with the process of identification, survey, provisional registration, final registration, provisional listing, final listing and taking over physical possession of a heritage, under various provisions of this Act.
- (2) No person or owner shall carry out any kind of work or any other activities on any tangible heritage which has been identified or surveyed or provisionally registered or listed or in respect of which the final list has been published by the Government under this Act, for the purpose of declaration as a protected heritage, so as to deface, demolish, distort, temper, alter, damage or materially change the heritage value or significance of the building, precinct, object or site etc. or take away or remove any object, artifact or property therefrom.

- (3) No person or owner shall displace, remove, deface, distort, temper, damage or convert for his own use, or any way effect the existence of a movable heritage as defined under section 3, which are identified or surveyed or provisionally registered or listed or in respect of which final list has been published by the Government under this Act.
- (4) Whoever contravenes any of the provisions of subsections (1), (2) and (3) shall be liable to be prosecuted and punished under section 26 of this Act.

Protected area 20. In case of a protected heritage, 50 meter radius distance from the heritage declared protected under this Act shall be the core area/ protected area and permission for any type of construction shall be strictly prohibited inside the said area. Within a distance of 50 (fifty) meter radius upto 100 (one hundred) meters radius limited construction can be done for the purpose of services beneficial to the interest of the protected heritage, with the approval of the Government.

Maintenance of heritage 21. (1) In respect of the heritages protected under this Act, and belonging to the Government, the Government may maintain the heritages,-

(a) either by itself through the Director and its institutions ; or

(b) authorise the local bodies/ municipalities/ urban development authorities/ or such other authorities as may be determined by the Government ;

- (2) In respect of the properties not belonging to the Government, the Government may allow the private owners of the property concerned/ corporation/NGOs/Trustees /or other legal bodies or authorities to maintain the heritage with their own funds in such manner as may be prescribed:

Provided that Government may allow the owners/private persons/ to maintain the heritage with their own funds, by providing such incentives and concessions as may be prescribed for particular period with specific terms and conditions and benefit of sponsorship as may be determined.

- (3) The maintenance of all the said properties/heritages shall be under the supervision of the Director.
- Maintenance by community involvement**
22. (1) In case of heritage protected under this Act which are associated with local traditions and frequently used by the local people such type of heritages shall be maintained and taken care of involving the local people having community interest, for protection, preservation, conservation, restoration and maintenance etc.
- (2) For the purpose of sub-section (1), a local committee shall be formed by the concerned Deputy Commissioner or the SDO (Civil) or Principal Secretary concerned in case of Sixth Schedule areas, as the case may be, who shall take action regarding any measures taken in respect of such heritages, in consultation with the Director as and when required.
- Maintenance of heritages in the Sixth Schedule Area**
23. The heritages located in Sixth Schedule areas shall be looked after by the concerned District Council for its protection, preservation, conservation, restoration and maintenance etc. under the supervision of the Director, Archaeology or Director, Museums or Director of Historical and Antiquarian Studies, as the case may be. Technical guidance shall be provided by the concerned Directorate. No developmental activities within a radius of 100 (one hundred) meters of the heritage shall be carried out by any person or Authority without obtaining approval from the Government, through the District Council concerned.
- Preparation, approval and sanction of heritage Conservation and Preservation Plans**
24. (1) The Advisory Committee shall within such time as may be prescribed have the Heritage Conservation/Preservation Plans in respect of tangible heritage prepared by the Director of Archaeology.
- (2) Such Plans may propose or provide for all or any of the following matters, namely :-
- (a) regulations for preservation, conservation and administration of heritage (objects, buildings, sites etc);
- (b) listing and grading of heritage;
- (c) prescription for development control for conservation of heritage;

- (d) specific urban/rural design proposals in the case of heritage sites in order to preserve and protect the character of the area;
- (e) proposals for incentives such as tax exemption, transfer of development rights or acquisition of property, if found necessary for the protection of heritage or heritage sites;
- (f) proposals on a case to case basis, for any relaxation to development control regulations necessary for the protection and enhancement of the heritage value of the heritage/sites :

Provided that all such provisions of the Heritage Conservation Plans shall as far as possible, be in conformity with the existing laws on the relevant subject/building by-laws applicable to local bodies and Master Plan for the respective localities:

- (3) The Heritage Conservation Plans by the Government shall be published by the Government by notification in the Official Gazette and leading newspapers published in the State for inviting suggestions or objections from the public. If objections and suggestions are received from the public within the stipulated period, the Government shall consider the same and after getting opinion of the Advisory Committee, modify the Heritage Conservation Plan accordingly, if necessary and grant sanction to the same :

Provided that once the said plans are prepared by the Directorate of Archaeology, all permissions for development that might affect the heritage/heritage sites shall be in conformity with the said plans.

Excavations

25. (1) Subject to the provisions of section 24 of Ancient Monuments and Archaeological Sites and Remains Act, 1958, the Director of Archaeology may, after examination of the historic and scientific and archaeological evidences as may be prescribed identify or cause to identify the sites in the State other than the ones protected by the Central Government, for undertaking the excavation operations.

Central
Act 24 of
1958

- (2) The excavation may be carried out by the Director, in the manner prescribed, through,
 - (a) officers of the Directorate of Archaeology;
 - (b) through Universities, Research and other Institutions dealing with heritage, with prior approval of the Archaeological Survey of India.
- (3) All excavations undertaken in the State shall be under the overall supervision of the Director of Archaeology.
- (4) The Director of Archaeology shall be the custodian of all the antiquities found out of such excavation, including the place of its storage and exhibition.
- (5) In case of any excavation undertaken in a private land the land may be acquired in the manner prescribed.
- (6) Even excavation finding shall be recorded and published in the manner prescribed.

Penalties

26. (1) Whoever contravenes any provisions of this Act or the rules made there under or fails to comply with any direction or order lawfully given to him or any requisition lawfully made upon him shall on conviction, be punished with imprisonment for a term which may extend to three years and with fine which may extend to ten thousand rupees, or with both and for any subsequent offence, with fine which may extend to five thousand rupees for every day of continuance of offence thereafter.
- (2) In case of willful damage, neglect, demolition or major change to the whole or portion of a heritage/heritage site, the offender shall forfeit his right to construct any further structure on the site or to carry out any further development on the heritage and the undoing of the development/removal of the structure already constructed in contravention of the provisions of this Act or the rules or orders made or issued there under, shall be at the cost of the owner, lessee or power of attorney holder, as the case may be, or even the agent/builder making the construction/development.

Composition of offences

27. (1) The Advisory Committee by general or special order in this behalf, may in special circumstances and for reasons to be recorded in writing, either before or after the institution of the proceedings, compound any offence made punishable by or under this Act :

Provided that no offence shall be compoundable which is committed by failure to comply with a notice, order or requisition issued by or on behalf of the Advisory Committee unless and until the same has been complied with so far as the compliance is possible.

- (2) Where an offence has been compounded, the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence so compounded.

Court competent to try offences under this Act

28. No Court inferior to that of a Sessions Court shall try any offence punishable under this Act.

Protection of action taken in good faith

29. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or of any rules made there under.

Power to make rules

30. The Government may, by notification in the Government Gazette, make rules to carry out all or any of the purposes of this Act.

Powers to remove difficulties

31. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, do anything which appears to it to be necessary for the purpose of removing the difficulty :

Provided that no such order shall be made after the expiry of two years from the date of commencement of this Act.

S. M. BUZAR BARUAH,

Commissioner & Secretary to the Government of Assam,
Legislative Department, Dispur, Guwahati-6.