



**Legislative Assembly of the State of Goa**

**The Goa Ancient Monuments and  
Archaeological Sites and Remains  
(Amendment) Bill, 2010**

(Bill No. 8 of 2010)

~~(To be~~ introduced in the Legislative Assembly of the State of Goa)

**GOA LEGISLATURE SECRETARIAT  
ASSEMBLY COMPLEX, PORVORIM  
MARCH, 2010**

**THE GOA ANCIENT MONUMENTS AND  
ARCHAEOLOGICAL SITES AND REMAINS  
(AMENDMENT) BILL, 2010**

(Bill No. 8 of 2010)

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Bill

*to amend the Goa, Daman and Diu Ancient Monuments  
and Archaeological Sites and Remains Act, 1978  
(Act No. 1 of 1979).*

10 Be it enacted by the Legislative Assembly of Goa in  
the Sixty-first Year of the Republic of India, as follows:—

**1. Short title and commencement.**— (1) This Act  
may be called the Goa Ancient Monuments and Archaeo-  
logical Sites and Remains (Amendment) Act, 2010.

15 (2) It shall be deemed to have come into force on 1<sup>st</sup>  
day of March, 2007.

**2. Amendment of section 2.**— In section 2 of the  
Goa, Daman and Diu Ancient Monuments and Archaeo-  
logical Sites and Remains Act, 1978 (Act No. 1 of 1979)  
20 (hereinafter referred to as the “principal Act”), for clause  
(7), the following clause shall be substituted, namely:—

“ (7) “maintain” with its grammatical variations and  
cognate expressions includes, the renovation, re-erection,  
re-construction, fencing, covering in, repairing, conserva-  
25 tion, preservation, restoration and cleaning of a protected  
monument/ancient monument and the doing of any act  
which may be necessary for the purpose of preserving a

protected monument/ancient monument or for securing convenient access thereto and/or for its adaptive re-use, without affecting its basic character, archaeological, historical and heritage value;”.

**3. Insertion of new sections 17A and 17B.**— After section 17 of the principal Act, the following sections shall be inserted, namely:—

**“17 A. Restoration of ancient monument.**— Notwithstanding anything contained in this Act, the Government may, after being satisfied that any ancient monument needs restoration, authorize and/or permit to carry out such works as it deems fit for restoration of such ancient monument.

**“17 B. Use of ancient monument.**— The Government may authorize or permit adaptive re-use of ancient monument to the extent that its basic character, archaeological, historical and heritage value is not affected, so as to enable it or any other agency appointed by it, to defray maintenance cost of such monument through revenue earned from such use.”

**4. Amendment of section 30.**— In section 30 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

**“(3) Nothing contained in sub-sections (1) and (2) shall apply to any restoration work undertaken in accordance with the provisions of section 17 A of this Act in respect of ancient monument”.**

**5. Insertion of new section 32A.**— After section 32 of the principal Act, the following section shall be inserted namely:— 32A. Cognizance and trial of 30

offence.— (1) No prosecution for an offence punishable under this Act shall be instituted except by or with the previous sanction of the Government.

**“(2) No Court shall take cognizance of an offence punishable under this Act, except upon a complaint in writing made by an officer generally or specially authorized in this behalf by the Government”.**

### Statement of Objects and Reasons

The Goa Daman and Diu Ancient Monuments and Archaeological Sites and Remains Act, 1978 (Act No. 1 of 1979) (hereinafter referred to as the "said Act") in its present form, hinders and prevents the Government from carrying out restoration, renovation, re-erection and re-construction of ancient monuments and thereby numerous such ancient monuments and sites have fallen in ruins.

It is proposed to amend the said Act so as to facilitate the Government to undertake restoration, renovation, re-erection and reconstruction of ancient monuments and to put them to adaptive re-use without affecting their basic character, archaeological, historical and heritage value.

The Bill therefore seeks to amend section 2 of the said Act, so as to re-define the term "maintain" in the said Act. The Bill further seeks to insert a new section 17A in the said Act so as to empower the Government to authorize and/or permit necessary works in respect of ancient monument for its restoration. The Bill also seeks to insert a new section 17B in the said Act so as to empower the Government to authorize or permit adaptive re-use of an ancient monument for defraying its maintenance cost. Government servants, professional and benefactors are required to be protected from such legal proceedings. The Bill further seeks to insert section 32A.

The Bill also seeks to insert a new sub-section (3) in section 30 of the said Act so as to provide that provisions of sub-section (1) and (2) shall not apply to restoration work undertaken in accordance with the provisions of said section 17A.

This Bill seeks to achieve the above objects.

### Financial Memorandum

No financial implications are involved in this Bill.

### Memorandum Regarding Delegated Legislation

No delegated legislation is involved in this Bill.

Porvorim, Goa  
23<sup>rd</sup> March, 2010.

(ATANASIO MONSERRATE)  
Minister for  
Archives and Archaeology

Assembly Hall,  
Porvorim, Goa.  
23<sup>rd</sup> March, 2010

(J. N. BRAGANZA)  
Secretary to the Legislative  
Assembly of Goa.