

Telangana Heritage (Protection, Preservation, Conservation and Maintenance) Act, 2017

TELENGANA

India

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Act 22 of 2017

- Published on 24 May 2017
- Commenced on 24 May 2017
- [This is the version of this document from 24 May 2017.]
- [Note: The original publication document is not available and this content could not be verified.]

Telangana Heritage (Protection, Preservation, Conservation and Maintenance) Act, 2017(Act No. 22 of 2017)The following Act of the Telangana Legislature received the assent of the Governor on the 24th May, 2017 and the said assent is hereby first published on the 25th May, 2017 in the Telangana Gazette for general information.An Act to provide for the Conservation, Preservation, Restoration and Maintenance of Tangible and Intangible Heritage of Telangana and for matters connected therewith and Incidental theretoBe it enacted by the Legislature of the State of Telangana in the Sixty Eighth Year of the Republic of India as follows :

1. Short title, extent and commencement.

(1)This Act may be called the Telangana Heritage (Protection, Preservation, Conservation and Maintenance) Act, 2017.(2)It extends to the whole of the State of Telangana.(3)It shall come into force on such date as the State Government may, by notification in the Telangana Gazette, appoint.

2. Definitions.

- In this Act, unless the context otherwise requires,-(a)"Tangible Heritage" means as dealt with in Section 3;(b)"Intangible Heritage" means as dealt with in Section 3;(c)"Committee" means Telangana State Heritage Authority, GHMC/HMDA Committee and the District Level Committees constitute under Sections 6, 8 and 9 respectively;(d)"Protected area" means any heritage site and the remains declared as protected area by or under this Act;(e)"Protected Heritage" means, the tangible or intangible heritage declared to be a protected heritage by or under this Act;(f)"Conservation" means the process involved in the preservation of a Heritage structure building/site/precincts in order to retain its historical, architectural, environmental or cultural significance including the maintenance and according to necessity preservation, restoration or

reconstruction or a combination of more than one of the above;(g)"Preservation" means the maintenance necessary in order to maintain the Heritage structure building/site/precincts in its present state so as to prevent and retard any further deterioration from its present state;(h)"prescribed" means prescribed by rules made under this Act;(i)"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 demolition, removal, addition etc., as a result of the removal of accretions or reassembling the existing components or by the sensitive introduction of compatible materials;(j)"Maintenance" with its grammatical variations and cognate expressions, includes the fencing, covering in, repairing, restoring, (landscaping and housekeeping) and cleansing 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;(k)"Director" means the Director, Heritage Telangana and includes any officer authorised by the Government to perform the duties of the Director;(l)"Government" means the State Government of Telangana;(m)"Notification" means, the notification published in the Telangana Gazette and the word notified shall be construed accordingly;(n)"Owner" includes-(i)a joint owner invested with powers of management on behalf of himself and other joint owners and the successor-in-title of any such owner; and(ii)any manager or trustee exercising powers of management and the successor-in-office of any such manager or trustee;(o)"Heritage Officer" means an officer of the Department of Heritage of the Government not lower in rank than Assistant Director of the department;(p)"Competent Authority" means the Urban Development Authority/Urban Local Body/Rural Local Body/any other authority which has the power to sanction building permission under the existing laws as mentioned in Section 7(iii) and Director Archaeology as the case may be;(q)"Heritage Building" means and includes any building of one or more premises or any part thereof and/or structure and/or artifact which requires conservation and/or preservation for historical and/or architectural and/or artisanary and/or aesthetic and/or cultural and/or environmental and/or ecological purpose and includes such portion of land adjoining such building or part thereof as may be required for fencing or covering or in any manner preserving the historical and/or architectural and/or aesthetic and/or cultural value of such building including rock formations;(r)"Heritage Precincts" means and includes any space that requires conservation and/or preservation for historical and/or architectural and/or aesthetic and/or cultural and/or environmental and/or ecological purpose. Walls or other boundaries of a particular area or place or building or may enclose such space by an imaginary line drawn around it;

3. Heritage of Telangana.

- For the purposes of this Act, the Heritage of Telangana, shall be-(1)(a)The tangible Heritage consists which includes,-(i)Natural heritage which includes the features consisting of physical and geological formations or groups of such formations which are of outstanding universal value;(ii)Natural site/areas of outstanding universal value from the point of view of history, art, or natural beauty, precisely delineated from natural areas.(b)Built Heritage which includes,-(i)Monuments of architectural works, works with monumental sculpture, and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding value for the Heritage of Telangana from the point of view of history, art of science;(ii)Groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape of outstanding value for the Heritage

of Telangana;(iii)Vernacular heritage i.e. traditional, natural and historical way by which the communities or individuals shelter themselves over a period of time, in Telangana;(iv)Heritage sites i.e., the works of man or the combined works of nature and man and areas including archaeological sites which are of outstanding value for the Heritage of Telangana from the historical aesthetic, ethnological or anthropological point of view;(c)Movable Heritage Antiquities which includes,-(i)antiquities such as any coin, sculpture, manuscript, maps, epigraph or other work of art of craftsmanship, or any such object;(ii)any article, object or thing detached from a building, cave, murals, fossils, geological and geomorphic formations;(iii)any article, object or thing illustrative of science, art, crafts, 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.(2)Intangible cultural heritage which includes practices, representations, expressions, as well as the knowledge and skills (including instruments, objects, artifacts, cultural spaces etc.) that communities, groups and in some cases, individuals recognize as part of their cultural heritage which at times is known as living cultural heritage, and is manifested inter alia in the following domains:(i)Oral traditions and expressions, including language as a vehicle of the intangible cultural heritage;(ii)Performing arts;(iii)Social practices, rituals and festive events;(iv)Knowledge and practices concerning nature and the universe;(v)Traditional craftsmanship.

4. Deemed heritages of Telangana.

- All ancient, monuments and all archaeological sites and remains which have been declared by the "Ancient Monuments Preservation Act, 1904 (Central Act 7 of 1904)," or the `Hyderabad Ancient Monuments Preservation Act (Hyderabad Act VIII of 1337 E), or declared by the Telangana Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1960 (A.P. Act VII of 1960) to be protected monuments or as the case may be protected area but which have not been declared by or under law made by Parliament to be of national importance, shall be deemed to be tangible heritages of Telangana for the purposes of this Act in the State of Telangana, as included in Schedule I (Annexure 1) for purpose management under this Act.

5. Preparation of Inventory of heritages.

(1)The Government may, either suo motu or on the recommendation of the Director, for the purposes of identifying the tangible heritage of Telangana and for other specific purposes, constitute as many Expert Committees as possible consisting of such Members along with the criteria in the manner prescribed.(2)If in the opinion of the Government that any Tangible and Intangible Heritage which have not been included in Schedule-II, require protection under this Act or otherwise they may, on the recommendations of Telangana State Heritage Authority (TSHA) supplement, alter, modify the inventory and include or delete any entry from the Schedule-II from time to time:Provided that the objections and suggestions from the public be invited and duly considered before amending the Schedule-II.

6. Constitution of Telangana State Heritage Authority.

(1)As soon as may be, after the date of commencement of this Act, the Government may, by notification constitute a State Level Authority to be known as Telangana State Heritage Authority (TSHA). The Authority shall consist of the following members:-(i)Chief Secretary as Chairman;(ii)Secretaries of Tourism & Culture, MA&UD, Education and Finance as members and(iii)Director, Archaeology and Museums (hereafter Director, Heritage Telangana) as Member Convenor at the State Level;(iv)Further two experts from Archaeology, Heritage, History background will be co-opted(2)The members appointed under item (iv) of sub-section (1) shall hold office for a period of 3 years from the date on which their appointment is notified and shall be eligible of reappointment on such conditions as may be prescribed.

7. Powers and functions of the TSHA.

- Subject to provisions of this Act the functions of State Heritage and precincts Committee shall be(i)To finalize the list of heritage buildings and precincts to be notified as Heritage Buildings and Heritage Precincts under Schedule-II and recommend the same to the Government for notification;(ii)To recommend to the competent authority whether development permission should be granted to the Heritage Buildings;(iii)To recommend to the competent authority whether any development right certificate may be allowed to be consumed in a heritage precinct;(iv)To recommend to the competent authority to evaluate the cost of repairs to be given to the owners to bring the existing building to the original shape;(v)To approve special designs and guidelines for notified buildings and control of height and essential facade characteristics such as maintenance of special type of balconies and other heritage items of the buildings and suggest suitable designs and adopting new materials for replacements keeping the old form intact to the extent possible;(vi)To frame special rules for Heritage Buildings and Heritage Precincts and to advise the Government regarding the same;(vii)To advise the Government on any other issues as may be required from time to time during course of scrutiny and in overall interest of heritage conservation and preservation.(viii)To consider the amendments in Central law and regulations brought out by the Central Government from time to time and recommend for suitable adaption in the State of Telangana.(ix)To advise the Government regarding any other issues regarding Heritage management in Telangana.

8. Constitution of District Heritage Committee.

(1)As soon as may be, after the date of commencement of this Act, the Government may, by notification, constitute a District Level Committee to be known as "District Heritage and Precincts Committee" for each district (except GHMC area) which shall consist of the following members:-(i)District Collector as Chairperson;(ii)Superintendent of Police, Joint Collector, District Forest Officer, District Education Officer, Officer who is looking after Tourism and District Town and Country Planning Officer as members; and(iii)Assistant Director, Archaeology as Member Convenor at District Level;(iv)Further two experts from Archaeology, Heritage, History background will be co-opted.(2)The members appointed under item (iv) of sub-section (1) shall hold office for a period of 3 years from the date on which their appointment is notified and shall be eligible of

reappointment on such conditions as may be prescribed.

9. Constitution of Greater Hyderabad Heritage Committee.

(1)As soon as may be, after the date of commencement of this Act, the Government may constitute Greater Hyderabad Heritage and Precincts Committee (GHHC) for the GHMC/HMDA area and the Committee shall consist of the following members:(i)Commissioner GHMC/HMDA as Chairman and Co-Chairman;(ii)Commissioner of Police, Hyderabad/Cyberabad/Rachakonda;(iii)Metropolitan Commissioner, HMDA;(iv)Commissioner/Director Tourism or Head of the City Tourism Promotion Board as the case may be;(v)Collectors Hyderabad/Rangareddy/Medchal and any other District Collectors required;(vi)CCP GHMC and CCPO HMDA;(vii)Conservator of Forests, Hyderabad as members and;(viii)Deputy Director, Archaeology and Museums as Member Convenor;(ix)Further two experts from Archaeology, Heritage, History background will be co-opted.(2)The members appointed under item (ix) of sub-section (1) shall hold office for a period of 3 years from the date on which their appointment is notified and shall be eligible of reappointment on such conditions as may be prescribed.

10. Functions and Powers of District Heritage Committee and GHHC.

- (i) To identify the heritage buildings and precincts which need to be notified as Heritage Buildings and Heritage Precincts and recommend the same to the Telangana State Heritage Authority for inclusion in Schedule II;(ii)To recommend to the Telangana State Heritage Authority whether development permission should be granted to the Heritage Buildings;(iii)To recommend to the Telangana State Heritage Authority whether development right certificate may be allowed to be consumed in a heritage precinct;(iv)To evaluate the cost of repairs to be given to the owners to bring the existing building to the original shape;(v)To approve special designs and guidelines for notified buildings and control of height and essential facade characteristics such as maintenance of special type of balconies and other heritage items of the buildings and suggest suitable designs and adopting new materials for replacements keeping the old form intact to the extent possible;(vi)To frame special regulations for Heritage Buildings and Heritage Precincts and furnish the same to Telangana State Heritage Authority for approval;(vii)To advise the Telangana State Heritage Authority on any other issues as may be required from time to time during course of scrutiny and in overall interest of heritage conservation;(viii)To take appropriate action to protect Heritage Properties.

11. Policies and Guidelines.

(1)The Government shall formulate policies, issue guidelines regulations, prohibitory orders etc., as deemed fit from time to time for the identification, classification, promotion, conservation, maintenance etc., of the Heritage of Telangana.(2)The Government shall formulate policies, issue guidelines for the purpose of compensating and incentivizing individuals, institutions, local bodies for the preservation and promotion of Heritage of Telangana.(3)The policies formulated and the orders issued the above under sub-sections in connection with the protection, preservation,

conservation and maintenance of the heritage of Telangana shall be binding on all local bodies, municipalities, urban development authorities, and any other authorities including the individuals concerned.(4)The Director shall ensure that the above policies and guidelines are implemented by the concerned.

12. Maintenance of heritages.

(1)In respect of the properties included in Schedules, and belonging to the Government, they may, maintain : (a)either by themselves through the Director and its institutions; or (b)authorize the local bodies/municipalities/urban development authorities to ; (c)allow the private owners of the property concerned/Corporations/NGOs/trusts and other legal bodies, with their funds; in such manner as may be prescribed.(2)In respect of the properties included in Schedules, but not belonging to the Government, the Government may authorize the owners/private persons with their own funds by providing such incentives and concessions, as may be prescribed.(3)The maintenance of all the said properties shall be under the supervision of the Director.

13. Director, powers and functions.

(1)The Director, Heritage Telangana will be the sole custodian of heritage properties owned by the State and included in the schedules.(2)The Director, with the sanction of the Government shall, - (a)Identify a structure to conserve, restore, repair and maintain and inventories; (b)Implement the policies formulated by Telangana State Heritage Authority wherever directed; (c)Form committees to recommend panel of names to constitute Expert Committees for specific purposes; (d)Purchase, or take lease of or accept a gift or bequest of any of the cultural heritage structure as included in the Act; (e)Where there is no owner for a heritage structure the Director may by notification in the Telangana Gazette to assume the guardianship of the monument; (f)Propose to the owner to enter into agreement with the Government to classify the Tangible Heritage and Natural heritage as per its importance; (g)Develop the re-adoptive usage policy of a heritage structure.(3)Director may: (a)Conserve, restore, repair, maintain and inventorise heritage structure; (b)Issue directions for explorations, and surveys; (c)Formulate specific guidelines for monuments for the purpose of conservation; (d)Accept or voluntary contributions towards Heritage Telangana Heritage Fund for the conservation, restoration, repairs, maintains and other development activities of a heritage structure; (e)Enter into agreement with Universities, Trusts, Firms, Corporate and specified institutions for the purpose of capacity building, Conservation and Restoration; (f)May affiliate with Universities, Research/scientific Institutions or other reputed institutions for the purpose of research, publication etc. Museums

14. Establishment of Museums.

- The Government may take consistent efforts to disseminate information about museum materials by way of exhibitions, documentation and creating required public importance, by providing adequate access for visitors with special needs and may enable their inclusion in museum services.

15. Definitions.

- For the purposes of this Act, - (a) "Museum" means a non-profit making, permanent institution in the service of society and of its development, and open to the public, which acquires, conserves, valorizes researches, communicates and exhibits, for purposes of study, education and enjoyment, material evidence of people and their environment; (b) "Public Museum" is the one established and owned by the State; (c) "Private Museum" is one established and owned by individuals or legal persons; (d) "Museum Material" means all kinds of items which are collected, described and presented as a part of cultural and natural heritage; (e) "Museum items" means a heritage item which is expertly and scientifically treated, classified by museum categories and stored in a museum; (f) "Museum Collection" means a basic form of organization of museum items in a museum; (g) "Museum documentation" means a form of an expert and scientific description of a museum item, made for the purpose of its identification, origin determination, valorization and presentation; (h) "Information system" means the electronic processing of museum documentation into a database for internal as well as restricted public access; (i) "Revision" means an expert verification of existence, condition, protection degree and conditions of keeping of museum materials and museum documentation; (j) "Verification of origin" means determining historical and geological background of an item from its discovery or of date of creation.

16. Establishment of museums.

- The Government shall, - (i) from time to time formulate policies, issue guidelines, regulations, prohibitory orders etc., as deemed fit for the establishment, maintenance, conservation of museums and also for the exchange, loan, movement of museum material; (ii) formulate policies, issue guidelines for the purpose of compensating and incentivizing individuals, institutions, local bodies and other legal persons for establishment and maintenance of private museum which will have positive impact on the heritage of Telangana. (iii) verify regularly the functioning of all museums in Telangana; (iv) reserve the rights for termination of permission granted for a museum based on such verification; (v) insure museum collection based on the artistic, historical, antique, monetary values etc., in the manner prescribed; (vi) issue orders for the production of museum replica hold exclusive rights.

17. Powers and functions of the Director.

- The Director shall, - (i) depending upon the museum collection decide to establish a museum; (ii) to hold both permanent and occasional exhibitions nationally and internationally after following due procedures. Catalogues for all such exhibitions shall be published. (iii) take museum material out of the Country on temporary basis for conservation, restoration and exhibition; (iv) Avail/hire the services of Museums, research institutions, private collectors, experts in the field of museology, exhibits, museum conservation etc., in carrying out clauses (i) and (ii) mentioned; (v) make claim for the museum material that was illegally taken out in accordance with appropriate acts; (vi) may exchange museum material with other museums after due consultations with expert and assessing the artistic, historical, antique, monetary values etc., of such museum material which is proposed for exchange and proposed to be received in exchange; (vii) make replicas of museum items at a scale

different from that offer museum item for sale or other economic use;(viii)make documentation and periodic revision of museum collection and can avail the services of other museums and experts in this field;(ix)write off a destroyed museum item based on expert advice;(x)accept voluntary contributions towards establishment and maintenance of museums and publication of museum material;(xi)can enter into agreement with Universities, funds, trusts, firms, corporate and scientific institutions for the establishment, maintenance, research, curating and publishing museum material.

18. Excavations.

(1)Subject to the provisions of Section 24 of Ancient Monuments and Archaeological Sites and Remains Act, 1958 (Central Act 24 of 1958), the Director 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.(2)The excavation may be carried out by the Director, in the manner prescribed, through;(a)Officers of the Government, in Heritage Department;(b)through Universities, Research and other Institutions dealing with heritage.(3)All excavations undertaken in the State shall be under the overall supervision of the Director.(4)The Director would 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.

19. Telangana Heritage Fund.

- There shall be a general fund known as Telangana Heritage Fund to which shall be credited,-(a)contributions and donations from Corporation, or grants from other sources;(b)donations received from other sources.

20. Penalties.

(1)Any person who wilfully destroys, removes, alters, defaces or misuses any heritage property or does any act, or abets in the commission thereof, in contravention of any provision under this Act, or the rules or the regulations made thereunder, shall be punishable with imprisonment for a term which may extend to three years and also with fine which may extend to fifty thousand rupees and, in default, with further imprisonment for six months.(2)Any Court convicting any person under this section shall, by order, direct such person to restore the heritage property to its former shape and beauty at his cost, and any failure to comply with such order shall be deemed to be a continuing offence and such person shall be punishable with an additional fine of rupees two hundred and fifty for every day during which such contravention or failure continues after conviction from the date of such contravention.(3)Where an offence under this section has been committed by a company, the provisions of the Companies Act, 2013 shall apply to such company.

21. Power to remove difficulties.

- If any difficulty arises in giving effect to the provisions of this Act, the Government may, by notification, remove difficulties, by order, not inconsistent with the provisions of this Act, but which appear to them to be necessary or expedient to remove such difficulty.

22. Power to make rules.

(1)The State Government may, by notification, make rules for carrying out the purposes of this Act.(2)Every rule made under this Act shall, immediately after it is made, be laid before the Legislature of the State, if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions and if, before the expiration of the session in which it is so laid or the session immediately following the Legislature agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled as the case may be so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.