

MR. DEPUTY CHAIRMAN: Now, we shall take up the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Bill, 2010.

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

THE MINISTER OF LAW AND JUSTICE (SHRI M. VEERAPPA MOILY): Mr. Deputy Chairman, Sir, with your permission, I beg to move:

"That the Bill further to amend the Ancient Monuments and Archaeological Sites and Remains Act, 1958, and to make provision for validation of certain actions taken by the Central Government under the said Act, as passed by Lok Sabha, be taken into consideration."

Sir, it is well accepted that the identity and the soul of a nation is expressed in its culture and heritage. It is also well accepted that the society has a collective responsibility to safeguard its cultural heritage. I may just quote our first Prime Minister, Pandit Jawaharlal Nehru, what he has depicted, reflected in his letter to his daughter, Indiraji. I quote: " The past brings us many gifts: indeed, all that we have today is culture, civilization, science or knowledge of some aspects of the truth. It is a gift of the distant or recent past to us. It is right that we acknowledge our obligation to the past." So, the Ordinance was brought about. I will explain the compelling reasons for promulgation of the Ordinance at the end of the debate. I commend this Bill for the consideration of this House.

*The question was proposed.*

SHRI M. RAMA JOIS (Karnataka): Sir, I rise to support the Bill moved by hon. Minister, Shri M. Veerappa Moily, with great pleasure but with a heavy heart. This is the fifth in the series. There can be no two opinions that ancient monuments which are innumerable in our country constitute our richest heritage. Even during the British Government, as early as in 1904, the Ancient Monuments Protection Act was passed and that continued till 1958. In the meanwhile, the Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Act, 1951 was passed. Thereafter, the previous laws were continued by virtue of section 126 of the States Reorganisation Act. Then, after the States Reorganisation, the Ancient Monuments and Archaeological Sites Act, 1958 was passed. Now more than 50 years are over. It is never too late to mend. It is a very famous statement. Similarly, it is never too late to amend also. But, unfortunately, just as Rip Van Winkle slept for 20 years, it is after two-and-a-half Rip Van Winkle's turns of sleep that this Bill has come up. As far as this present Bill is concerned, they want to categorise these historical monuments and sites into two categories - prohibited and regulated.

The ancient and historical monuments constitute our richest heritage. Probably, their value is more than that of the entire Budget allocation made by the Minister of Finance. Their protection is of

utmost importance. As the hon. Minister said, it is not only the duty of the State but also of the people. But, unfortunately, vandalism is going on in almost all historical sites. As a result, in many places, these historical monuments are being exploited just for the sake of making money.

Now, just before going into that, I shall refer to the number of historical monuments in our country that have been mentioned in the Department-related Parliamentary Standing Committee Report on the National Commission of Heritage Bill, it has been stated in the Report that there are as many as 3675 monuments and sites under the purview of the Act and protection. However, these numbers constitute a very small fraction of the total number of ancient and heritage monuments in the country. State Governments have also got identical legislations and all the State Governments put together are not protecting more than 4000 monuments. So, both the Central and State Governments put together are only protecting about 8000 monuments and sites whereas the number of unprotected monuments and sites may be much more, about two lakhs. This is what is stated. This shows how inefficient we are as far as protection of our monuments is concerned.

Coming to the Capital, Delhi is stated to be having the highest number of historical and archaeological monuments. The National Capital's glorious past is being slowly destroyed but no one seems to notice. The last 20 years have been the worst for Delhi's heritage. About 276 monuments of historical importance have vanished from the city's landscape in this period. The Capital has a total of 1256 – I do not know if this figure pertains to the period after the destruction of these 276 monuments or earlier – monuments. Experts believe that things have come to such a pass because there is lack of sensitivity among the people in the Government. Elaborating this, they said, "in the past eight years, about 12 heritage structures have been demolished in the city. It is a constant fight between conservationists and Government. We want these monuments to be declared protected sites but the Government is not responding". This is written in an article that was published.

Now, coming to the historical and archaeological places and monuments, as I said, there are thousands and lakhs of monuments, but I shall refer to only very, very important of them. The first one among that is, of course, a very important one but that is unfortunately, not in India now, that is, the Harappa and Mohenjo Daro. The Harappa and Mohenjo Daro excavations have shown how town planning had developed centuries ago and how systematically towns were constructed. All that evidence is available, but, unfortunately, the God-made country has been divided into two by human beings; it is now in Pakistan. Now, I shall refer to some of the archaeological sites. I was fortunate to have been the Governor of Bihar; even otherwise, I know some places very well. At the Nalanda University, there were 10,000 inmates, teachers and students in those premises. Even now probably

such a big university is not there. It was existent in Nalanda. And Patliputra was regarded one of the best organized cities in those times. I have got with me a report of Megasthenes as far as Patliputra is concerned. Megasthenes described the city of Palibotra, that is Patliputra and its administration. He says, "Six committees of five members each looked after the affairs of the city and were respectively in-charge of industries, entertainment and care of foreigners, enquiries about births and deaths, trade and commerce, weights and measures, manufactured article, collection of one-tenth price of articles sold as tax. It is in the shape of a parallelogram; it was 80 stadia in length, 15 in width; it was surrounded by a wooden wall with holes for discharging arrows and a ditch in front. In Fahiyān's time, the royal palace and harems in the midst of the city built of stone, still existed and they were so grand they were then believed to have been the work of spirits, and not human beings. That was the belief of the people as far as Patliputra was concerned.

And then, we come to Vijayanagar in Karnataka; it is now called Hampi. In the advanced history it is described that the city of Vijaynagar was encompassed by massive fortification and was of enormous size. The circumference of the city is sixty miles; its walls are carried up to the mountains and enclose the valleys at their foot, so that its extent is thereby increased. In this city, there are estimated to be ninety thousand men fit to bear arms. The King is more powerful than all the other Kings of India. This is the best provided city in the world. In Advance History, it has been recorded. Unfortunately, in that place, vandalism is going on, though it has been declared as a World Heritage City. As it was going on, on 22.07.2009, I had made a Special Mention before this august House, "Hampi in Karnataka State was the capital of Vijayanagar empire, which flourished for a little more than two centuries during 1336 A.D. to 1565 A.D. It is recorded in Advance History of India at pages 366-367 that Hampi was the best and the largest city recorded in history. Notwithstanding the ending of the Vijayanagar empire, Hampi continues to be a place of great historical and archaeological treasure. It has been recognised as World heritage site by the UNESCO. It is one of the most important tourist centres in Karnataka State. At the same time, it has also become a place for exploitation by miscreants who indulge in unauthorisedly excavating this archaeological site for committing theft of articles embedded in the earth. Despite warnings issued by the UNESCO against vandalising this place, it is going on unabated according to a report published in English daily, *Deccan Herald*, from Bangalore in its issue dated 10th July, 2009. This Special Mention is being made with the object of inviting the attention of the Central Government to the happenings going on at Hampi in order to activate it to take steps for protecting and preserving the most important archaeological wealth of the Nation."

Now, in Bihar itself, probably, Bihar has got most important and valuable archaeological sites. Bodh Gaya is there. Then, there is Sitamarhi. Probably, nobody has heard about it. I had also not heard about it. Once, a Judge from Africa came to Bangalore and we invited him for tea in the High Court when I was a Judge. We asked him as to what made him visit India. He said, "About 200 years ago, our ancestors migrated to South Africa, but now, I came to India to see a sacred place." When we asked about that sacred place, he said that it was Sitamarhi. We asked, "What did you do there?". He had brought a loaf of mud from Sitamarhi for preserving and taking it to his country. Then, I came to know about Sitamarhi. Therefore, I also went and visited Sitamarhi, but, unfortunately, nobody knows it. It is such an important historical site, having reference to Sita, but nobody knows it.

About Kautilya, as far as Arthshastra is concerned, it is regarded as the fateful representation of *rajdharm*a or the constitutional history of ancient India. Till one hundred years back, nobody knew what had happened to Kautilya. People knew that there was Kautilya's *Arthshastra*, but nobody knew as to where it was and what it was. But, the credit goes to Dr. Sham Shastri, who was the curator of Mysore Oriental Research Library. He somehow got a copy of it, translated it into English and once he did it, now it is re-published in almost all Universities, and it has become a subject of study. And, last month, there has been centenary celebration of Kautilya's *Arthshastra* publication and in Osmania University, I was invited to deliver a key note address and I had gone there. But, nobody knows it, as far as its importance is concerned that where was Kautilya's *Arthshastra* written, the importance of Pataliputra. Megasthenes listed Pataliputra. If you go to Patna, there is one locality called Pataliputra, and nothing has been done to exhibit what was the speciality of Pataliputra.

There is a wooden palace near Travancore. It is a wonderful monument that is there and I have seen it. When we come to Delhi, there is Jantar Mantar. About 20-25 years back, I never knew what Jantar Mantar was. When I came and saw Jantar Mantar, some foreigner coming from Japan or some other country, asked what the time was. Then, the person, who was in charge of Jantar Mantar, put some stick and said that this was the time in your country.

The Jantar Mantar was constructed as a great important astronomical observatory. It is in Delhi; it is in Jaipur; and it is in Ujjain. Ujjain was regarded as a great centre as far as astronomy was concerned.

You see the architecture at Belur, Halebid, and Pattadakal in Karnataka. The Belur Temple is considered as the architectural wonder. Even today it attracts thousands of people. There is the Konark Sun Temple in Orissa.

If you come to historical regions, it is Haldighati near Udaipur. It is a place where Pratap-Chetak memorial was built. There is a book on Maharana Pratap by an English author called E.F.

Turnbull. He says in the entire world history, he can't get another patriot who fought for his country continuously for 32 years when he was in exile. Great compliments have been given by an English author to Maharana Pratap.

In Ajmer, we have got Prithviraj Chauhan's Memorial. I went there. No literature is published on him. I asked for some literature on the memorial, but I was told that they had not printed it.

Then, there is the Taj Mahal. It is one of the Seven Wonders of the world. There is the Fatehpur Sikri, Agra, and the Red Fort at Delhi. Then there is the Ashok Stambh. People say that it is stainless steel. How did they manufacture this steel pillar centuries ago?

Then come to Ayodhya. I am not referring to Ram Janmabhoomi temple dispute. Even today there are 5,000 temples at Ayodhya. Mahatma Gandhi talked about '*Ram Rajya*,' But if you go to Mahatma Gandhi's Samadhi, 'Hey Ram' is written there. Why do we call "*Ram Rajya*?" Why was it regarded so? You may have listened to the Ramayana thousands of times, even then when you read it, you will find it afresh. The Ramayana and The Mahabharata are the richest epics of our country. In fact, once I had suggested that Ayodhya must be declared as a cultural capital or a union territory specially built just for showing the world that there was such an ideal kingdom under Shri Rama.

There are other historical places at Pune. One is the Agakhan Palace. Another is a jail where Mahatma Gandhi was imprisoned. Porbandar is the birthplace of Mahatma Gandhi. I have been to Porbandar. About ten years ago, Kiran Bedi, who was a police officer, after visiting Porbandar, filed a Public Interest Litigation. She said, 'Porbandar is the birthplace of our father of the nation, but fish is being dried around that building, and people cannot enter it.' She asked: 'Should we not declare it as a national monument?' I remember, J.S.Verma, the then Chief Justice of India, on the last day of his retirement, issued notices to both the Gujarat Government and the Central Government saying why it should not be declared as a national monument. I don't know what happened subsequently. But Kiran Bedi had written a letter and that was treated as a Public Interest Litigation. In Karnataka, you have got the stone fort at Chitradurga.

And then Andaman and Nicobar Islands have one very important historical site. More than 400 patriots were jailed here. It is called Kari-neeru in Kannada which means black water. I have seen that. Savarkar was kept there for eleven years in one room, it is called Cellular Jail, because each one is made up of individual cells. A portion of the Cellular Jail was demolished and a hospital was constructed. There was a furore over it. At that time Morarji Desai became Prime Minister and he declared it as a national monument. And, subsequently, further demolition of the Cellular Jail was stopped. Now it is being preserved as a national monument. Then, about Attara Kacheri. Mr. Deputy

Chairman is aware about it. There is a building Attara Kacheri, that is, 18 departments. Earlier, it used to house old Mysore Legislature, old Mysore Executive and the High Court. All the three functioned from that building. Subsequently, with the reorganisation of States, Attara Kacheri building was completely given to the Karnataka High Court. What happened was that something came to the head of the then Chief Justice and the then Chief Minister - I don't want to name them - and they decided to demolish Attara Kacheri. You must be aware that the Urban Art Commission had opposed that. In spite of that, a decision was taken to demolish that building. Public interest litigation was filed by several people saying that under the Ancient Monuments Act, if it is more than 100-year old and has got historical importance, it cannot be demolished. Sir, Attara Kacheri was more than 100-year old. Then, top ranking citizens of Bangalore presented a writ petition before the Karnataka High Court. Unfortunately, the High Court did not interfere saying that it was an administrative decision. Then, the matter came up to the Supreme Court and the Supreme Court directed that this matter should be considered by the Full Bench. And, ultimately, the Attara Kacheri building...

MR. DEPUTY CHAIRMAN: How much time would you take?

SHRI M. RAMA JOIS: Sir, Ram Niwas Mirdha took up that issue. I had met him. He became the Chairman of INTACH, Indian National Trust for Art and Cultural Heritage. That was inspired by Charles Wallace who had left a will with huge amount for protection of architectural buildings in India. When Smt. Indira Gandhi had gone to England, The Queen pointed out that there was a will of Charles Wallace. Thereafter, that amount was received by INTACH. Then, Shri Rajiv Gandhi became its Chairman. Subsequently, Shri Ram Niwas Mirdha became its Chairman. And they intervened in the High Court and sought protection of that building. That is how, this Attara Kacheri had been protected. ...*(Interruptions)*...

Sir, now, I come to Vigneshwara. The hon. Minister knows that. Sir, when I was writing the legal and constitutional history in 1970, I came to know that there is an inscription of 12th century in a village called Maratur near Gulbarga where it is recorded that the 6th century emperor Chalukya came and touched the feet of Vigneshwara. Sir, Vigneshwara is the author of Mitakshara which is the Hindu

law for the whole country from Kanyakumari to Kashmir. But, unfortunately, that inscribed stone was lying in a temple and nobody took care of it; neither the

**6.00 P.M.**

Archaeological Department nor anybody else protected it. Then, ultimately, a society was formed. A building has been constructed with public contribution called Vigneshwara Bhavan. It was inaugurated by Justice Lahoti, when he was the Chief Justice of India, on 31st December 2004 and today, there is a postgraduate course in Bharatiya Nyay Darshan and Raja Dharma. Because of the intervention of the society, that stone, which was lying in the temple has now been shifted and fixed in a wall in the Vigneshwara Bhavan. Such important materials have not been taken into account. Sir, these monuments inspire about the unity of our country. Every monument has got it. Though they are inanimate, yet, they give lot of inspiration. But, what has happened is, we have forgotten everything. In 1942, Mahatma Gandhi started the Quit India Movement. Now, the people, without realising this, have started split India movement. All these monuments inspire us that we are one country. Therefore, we have to give much more importance. At this stage, I remember one thing. Normally, I don't go to cinema halls for watching movies. But, I remember Jagriti movie and its song "आओ बच्चों तुम्हें दिखाएं झांकी हिन्दुस्तान की, इस मिट्टी से तिलक करो, यह धरती है बलिदान कि", Whenever you hear that song, it gives so much inspiration.

Therefore, my submission is that all these historical monuments and sites must be fully protected because they constitute the very source of inspiration. As I said earlier, they constitute the richest and more valuable treasure than even the total amount of the Budget presented by our Finance Minister. Ultimately, I conclude my speech with a famous slogan in Hindi.

॥ तेरा वैभव अमर रहे, हम दिन चार रहे न रहे ॥

**सुश्री सुशीला तिरिया** (उड़ीसा) : डिप्टी चेयरमैन सर, मैं आपको धन्यवाद देना चाहूंगी और साथ ही साथ Ancient Monuments and Archaeological Sites and Remains (Amendment & Validation Bill), 2010 का समर्थन करना चाहूंगी। सर, इस बिल का समर्थन करते हुए मैं एक चीज़ कहना चाहूंगी, जैसा कि मेरे पूर्ववक्ता भी कह रहे थे, यदि हम देखें तो वास्तव में Old is Gold. पुरानी चीजों को संभाल कर रखने की समझ बहुत पहले से ही हममें होनी चाहिए थी, लेकिन आज इस बिल में संशोधन ला कर मंत्री जी ने बहुत उचित समय पर बहुत उचित निर्णय लिया है, जनरल बजट पास होने के तुरन्त बाद इसे लाया गया है। इस बिल के सैक्शन III और सैक्शन IV में जो कुछ भी मॉडिफिकेशन्स हैं, मैं उनका भी समर्थन करती हूँ।

सर, मैं यह कहना चाहती हूँ कि भारत वर्ष में इतने मॉन्यूमेंट्स हैं, यदि हम उनका संरक्षण करते तो आज उनकी स्थिति दूसरी होती। उड़ीसा राज्य एक गरीब राज्य कहलाता है, लेकिन उड़ीसा में इन मॉन्यूमेंट्स के संरक्षण के माध्यम से टूरिज्म के क्षेत्र में संभावनाओं को बहुत अधिक बढ़ाया जा सकता है। जब जम्मू-कश्मीर में टूरिज्म एक इंडस्ट्री बन सकता है, तो क्यों नहीं उड़ीसा में भी टूरिज्म को एक इंडस्ट्री बनाया जा सकता? अगर हम उड़ीसा में मॉन्यूमेंट्स का संरक्षण करते, तो मेरे हिसाब से सबसे ज्यादा टूरिस्ट्स उड़ीसा में पहुंच सकते थे। आज भी वहां पर टूरिस्ट्स बहुत बड़ी संख्या में आते हैं। जितने मॉन्यूमेंट्स उड़ीसा में हैं, उतने कहीं नहीं हैं।

मेरे पूर्ववक्ता ने जैसा कहा, उड़ीसा में जो कोणार्क मन्दिर है, उस कोणार्क मन्दिर को बने 2000 से भी अधिक वर्ष हो चुके हैं, लेकिन आज कोणार्क मन्दिर को बिल्कुल भी संरक्षण प्राप्त नहीं है। आज कोणार्क मन्दिर में भगवान सूर्य नारायण पूजा नहीं पाते हैं, लेकिन मुझे दुःख के साथ यह कहना पड़ता है कि पुराने जमाने में 1200 कारीगरों के माध्यम से बनाए गए उस मन्दिर को संरक्षण देने के लिए न तो उड़ीसा की सरकार और न ही केन्द्र सरकार की तरफ से कोई अनुदान दिया जा रहा है। सात आश्चर्यों में से एक आश्चर्य हमारा यह कोणार्क मन्दिर भी है।

सर, मैं जगन्नाथ जी के मन्दिर का भी उल्लेख करना चाहूंगी। चार धामों में से एक जगन्नाथ जी का मन्दिर भी है। जगन्नाथ जी के मन्दिर में आज कुछ पत्थर ऊपर से नीचे गिरते जा रहे हैं और उस मन्दिर को भी संरक्षण की बहुत सख्त जरूरत है। इसके साथ ही साथ मेरे क्षेत्र में एक खिचिंग मन्दिर है, जो 500 साल पुराना है। उड़ीसा में एक देबकुंड भी है, जहां पर एक छोटा सा झरना है, उसके बाद नदी है और उसके बाद एक मन्दिर बनाया गया है, जिसे 1905 में आम जनता के लिए खोला गया था। सैंकड़ों वर्ष पहले वहां के महाराजा ने वह मन्दिर बनवाया था। उसकी गहराई आज तक कोई नाप नहीं पाया है। इतनी गहराई में वह मन्दिर कैसे बना, यह बहुत बड़ा अचम्भा है, लेकिन आहिस्ता-आहिस्ता वह मन्दिर भी खत्म होता जा रहा है। वहां पर भगवान गौरी-शंकर जी के शयन-कक्ष का एक मन्दिर है। पूरे विश्व में उस तरह का कोई मन्दिर नहीं है, जिस प्रकार का शयन-कक्ष मन्दिर देबकुंड में है। हर साल कुछ दर्शक एवं उस क्षेत्र के स्थानीय लोग उस देबकुंड में दर्शन करने के लिए जाते हैं। कई बार उस मन्दिर के कुंड में बच्चे गिर भी जाते हैं और जिनको तैरना नहीं आता, वे मर जाते हैं। पांच-सात दिन के बाद उनकी डेड-बॉडी को उसमें से निकालना संभव हो पाता है। सर, मैं यह कहना चाहूंगी कि हम इस तरह से भविष्य में monuments को preserve कर सकते हैं। हम एक अनुष्ठान के नाम पर और tourism को develop करने के नाम पर भी उसको develop कर सकते हैं। मैं यह समझती हूँ कि उड़ीसा जैसे राज्य आज tourism की लाइन में preservation के नाम पर पिछड़े हुए हैं।

सर, मैं एक और निवेदन यह करना चाहूंगी कि यह एक बहुत अच्छा बिल है, लेकिन महिला बिल में जैसी इच्छा शक्ति थी, वैसी इच्छा शक्ति इस बिल के अन्दर कितनी है, यह जानना बहुत जरूरी है। इसके तहत आप एक



डायरेक्टर या अथॉरिटी जो रखने जा रहे हैं, वह डायरेक्टर या अथॉरिटी, चाहे वह temporary हो या permanent वह उसमें chairman हो या president, अगर वह physically और mentally ठीक नहीं है, तो उसको आप remove करेंगे। Selection Committee Central Government के under रहेगी, लेकिन उसमें मेरे हिसाब से जो Authority corrupt है, उसके physically और mentally ठीक होने के बावजूद आप उसे remove करेंगे। वह physically और mentally ठीक हो, लेकिन अगर वह corrupt हो तब भी यदि वह रहेगा तो preservation के नाम पर इस बिल में एक संशय रहेगा, यह suggesstion भी मैं आपको देना चाहूंगी।

दूसरा, आजकल पूरे इंडिया में लोगों ने रेलवे की बहुत सारी जमीन पर कब्जा किया हुआ है, वहां eviction हो नहीं रहा है। पूरे भारत में जो monuments की जगह हैं, archive की जो जगह हैं, उनका अच्छी तरह से सर्वे होना चाहिए। यह देखा जाना चाहिए कि इनकी कितनी प्रतिशत जमीन पर लोगों ने कब्जा किया हुआ है। इसे वापिस अपने कब्जे में करने के लिए, जल्द-से-जल्द eviction कराने के लिए कानून लाने की भी जरूरत है या आपका जो 1989 या 1908 का एक्ट है, क्या आप उसी के तहत उसको evict कराके उनका संरक्षण करेंगे? ...**(समय की घंटी)**...

सर, यह मेरी अंतिम बात है, मैं ज्यादा समय नहीं लूंगी। मैं यह कहना चाहूंगी कि आप toilet आदि जैसी पब्लिक सुविधाओं के लिए Archive के इलाके में जाना नहीं चाहेंगे और monument के इलाके में वह सब नहीं करना चाहेंगे, लेकिन सर्वे रिपोर्ट के अनुसार ताजमहल जैसे क्षेत्र को हर साल और हमेशा संरक्षण की सख्त जरूरत है। अभी पिछली बार जब हम वहां गये थे तो हमने खुद अपनी आंखों से देखा, हम surveyor नहीं हैं, लेकिन जो हमें नजर आया उससे यह महसूस हुआ कि construction, development and renovation के नाम पर उसका damage हो रहा है। उसके लिए आपने जो punishment का प्रावधान किया है, वह पिछले 3 महीने था और अब उसको 2 साल कर दिया गया है। इसी प्रकार, जुमाने की राशि पहले 5 हजार रुपए थी, जिसे अब 1 लाख रुपए कर दिया गया है। मैं केवल यह कहना चाहूंगी कि जो encroacher है या जिसने परमिशन लेकर भी उसे due time में नहीं किया है या वहां कोई ऐसा construction हुआ है, जो Archeological Survey के हिसाब से किसी monument को damage कर रहा है, इनके लिए तो punishment है, लेकिन जो चुपचाप बैठ कर देखते हुए permission देते हैं, जो authority है, उनके ऊपर किसी तरह की कार्रवाई का कोई प्रावधान नहीं है। मान लीजिए directly, indirectly या silently वे उनको परमिशन देते हैं, indirect permission देकर चुपचाप रहते हैं, तो उस तरह के ऑफिसर पर कोई कार्रवाई होने का इसमें प्रावधान नहीं है। इसलिए मैं यह निवेदन करना चाहूंगी कि यदि हम लोगों की इसके preservation के लिए इच्छाशक्ति है, उसमें tourism को develop करना है तो ऑफिसर को भी, जो उसकी authority है, जो indirect या silent permission देते हैं, उनको भी punishment देने का प्रावधान होना चाहिए। धन्यवाद।

SHRI MOINUL HASSAN (West Bengal): Thank you, Sir. I rise to support this Bill. Actually, the

Ordinance was promulgated when the Rajya Sabha and the Lok Sabha were not in session. Hence it is constitutionally binding to pass the Bill. I support this Bill.

Sir, everybody knows that culture is the identity of a nation. It is a land of temples, mosques, gurdwaras, churches, etc. Some of them are century old. In every corner of this country there are monuments which are signs of our civilization and society.

Sir, before I go into the details of the Bill, within a short time, I would just mention a few things. According to the statement of the Minister, the Archaeological Survey of India (ASI) is protecting 3,675 monuments and the States are protecting around 4,000 monuments, and altogether they come to 8,000. But, as I have already mentioned, in every corner of our country there is a sign of a monument like tomb, mosque, temple, etc., which is a testimony of the civilization of India. They are more than two lakhs in number. So, the monuments which are protected by the Archaeological Survey of India come to only 2-3 per cent. What about the rest? My question to the Minister and the Government – the Minister is present here – is this: Who would protect these signs of our civilization, these monuments of our country? We are very much proud of them. We should protect the monuments of our past.

Sir, last year, if I remember it correctly, it appeared in different national newspapers and it was acknowledged by the Ministry of Culture that 34 or 35 special and very important monuments, including tombs, had disappeared. It points to the security of the monuments. Who would provide security and who would protect the national heritages? So, my suggestion to the Government is that we must do something comprehensively to protect our national heritages.

Sir, in 1972, there was meeting organised by the UNESCO, which is called "the UNESCO Convention". We were a part of that Convention, in 1977, we had accepted it. It is related to the maintenance of national monuments. I am not quoting anybody. But one of the Directors of the ASI has admitted that most of the monuments which are under the ASI and many other monuments in the country are now unprotected. So, my request is that please protect the monuments which are signs of our civilization. What we have seen at different monuments which are protected by the ASI is this. There are two things which have already been mentioned by the previous speakers. One is no security and the other is encroachment. How do we remove these encroachments and provide place for the common visitors and the tourists? Nobody knows. We should do something to make our national monuments, which are our national pride, encroachment-free.

Sir, in this Bill there is a punitive measure. It should be made more stringent. What is the measure? There is a fine of Rs.1 lakh or two-years jail term or both. I find that it is not adequate. It should be made more stringent. Sir, there are two portions of a monument. One is a prohibited area and the other is regulated area. The prohibited area is within 100 metres and the regulated area is beyond 200 metres.

Now, why has this Ordinance come? It is a fact that it is not only in Delhi but also throughout the country there are development works, construction of metro stations, construction of infrastructure for Commonwealth Games, etc. We are facing problems. How can we protect our monuments and side-by-side continue our development works. There should be some symmetry. There should be a synchronized approach; it is one of my opinions. But what will be our attitude towards this monument which is our national pride? ...*(Time Bell rings)*... Sir, I would just conclude my speech; I am not going into the details as I have already told you. One of the great sociologists has said – I quote with your kind permission, Sir:

"It is, again, no question of expediency or feeling whether we shall preserve the buildings of past time or not. We have no right whatever to touch them. They are not ours. They belong partly to those who built them and partly to all the generation of mankind who follow us."

It is no less important, what the great sociologist is asking. I would like, before concluding my speech, to say that this should be the attitude for maintaining, protecting and providing security to our national pride as far as these monuments are concerned.

With these words, I conclude my speech, Sir.

MR. DEPUTY CHAIRMAN : Thank you, Mr. Hassan. Now Shri Brij Bhushan Tiwari.

**श्री बृजभूषण तिवारी** (उत्तर प्रदेश) : उपसभापति महोदय, यह जो विधेयक पेश हुआ है, मैं उसका समर्थन करने के लिए खड़ा हुआ हूँ। यह सही है, जो कहावत है - देर आयद दुरुस्त आयद, क्योंकि अगर इसमें मुकद् मेबाजी नहीं होती और जिस तरीके से इन्क्रोवमेंट हो रहा था, तो शायद इस बिल की जरूरत ही नहीं महसूस की जा रही थी। इसमें कहीं दो रायें नहीं हैं कि हमारे जो पुरातत्व विभाग के प्राचीन स्मारक हैं या पुरातत्वीय स्थल हैं, वे बहुत ही महत्व के हैं, क्योंकि कोई भी समाज या कोई भी देश तभी बनता है जब उसमें अपने इतिहास की समझ होती है, उसी समझ के हिसाब से उसकी दृष्टि भी बनती है। हमारे देश का यह दुर्भाग्य था कि हमारे देश में जितने भी हमलावर आए, वे अपने साथ इतिहासकार भी लेकर आए और उन्होंने अपने राजाओं का गुणगान किया, हमारी रूबियों को नजरअंदाज किया और हमारे समाज की बुराइयों को ज्यादा उजागर किया। इसलिए, हमारे

हिसाब से जो स्वतंत्र इतिहास लिखा जाना चाहिए था, वह नहीं लिखा गया। ह्वेनसांग से लेकर अलबेरुनी और इब्नबतूता और अंग्रेजी काल में विंस्टन स्मिथ से लेकर यदुनाथ सरकार तक यह सिलसिला चला। अब आप देखिए कि अंग्रेज में एक कनिंघम, यह कोई बड़ा भारी इतिहासकार या पुरातत्वज्ञाता नहीं था, एक अधिकारी थी, मगर कनिंघम ने सबसे ज्यादा हमारे यहां खुदाई की और काफी ऐसे स्थलों को उसने चिन्हित किया और इस सिलसिले में काफी बड़ी उसने किताब लिखी। हमारे यहां दुर्भाग्य यह है कि जितने भी अधिकारी हैं या जो भी हमारी सरकारें रही हैं, उन्होंने इसमें किसी प्रकार की कोई दिलचस्पी नहीं दिखाई, क्योंकि वे तो चमकीली दुनिया में मगन रहें और हर चीज को बिगाड़कर देखने की उन्होंने कोशिश की। हमारी महिला वक्ता ने अभी ठीक ही कहा कि सरकार के सामने अगर इच्छाशक्ति नहीं होगी और ये जो अधिकारी हैं, चाहे आप उनको निदेशक बना दीजिए या कोई आप कमीटी बनाएं, अगर इनमें कुछ भी राष्ट्र प्रेम, राष्ट्र भाव या जिसको आप स्वाभिमान कहते हैं, वह स्वाभिमान अगर नहीं है, खोदने की कोशिश नहीं करेंगे तो कोई मामला नहीं होगा। सरकार भी जो इसमें मदद देती है, पैसा देती है, वह बहुत ही कम है, उससे कुछ काम हो नहीं सकता। अभी बताया गया कि हमारे देश में एक नहीं असंख्य ऐसे स्थल हैं, जहां अगर हम खुदाई करें, वहां के स्थानों की जांच-पड़ताल करें तो बहुत ही दुर्लभ चीजें निकल सकती हैं और आप जानते हैं कि हमारा देश 5000 वर्ष पुराना है। अगर प्रागैतिहासिक काल को भी ले लीजिए, तो हमारा देश बहुत पुराना है। भगवान राम की कहानियां, भगवान कृष्ण की कहानियां यहां कही जाती हैं और वे कहानियां ऐसी हैं कि वे जगहों को जोड़कर जाती हैं। अभी आप देखिए कि आपने सीतामढ़ी की चर्चा की। अयोध्या से लेकर सीतामढ़ी तक एक सड़क गई है, उसको हम लोग राम-जानकी मार्ग कहते हैं। उसके बाद में यह मशहूर है कि भगवान राम की बारात उसी सड़क से गई थी और वे सीताजी को वहीं से ब्याहकर लाए थे। अब आप उस सड़क की स्थिति देख लीजिए कि बड़ी दयनीय स्थिति है। उसी प्रकार से बौद्ध स्थान हैं। मैं सिद्धार्थनगर से आता हूँ और हमारे यहां कपिलवस्तु है। पहले लुम्बिनी था, लेकिन वह नेपाल की सीमा के अंदर चला गया, तो नेपाल की सरकार ने उसका विकास किया और बहुत अच्छा विकास किया, लेकिन जो गौतम बुद्ध की राजधानी थी, जहां उनका महल था, वह स्थान कपिलवस्तु है और वह भारत में है। हमारे यहां एक प्रो. श्रीवास्तव थे, वे रिटायर हो गए, शायद उनकी मृत्यु भी हो गई है, चूंकि वे इस जिले से संबंधित थे, इसलिए उन्होंने अपने प्रयास से, इसमें दिलचस्पी लेकर वहां पर खुदाई करवाई और खुदाई करने के बाद वहां बहुत से अवशेष मिले - चावल मिले, अन्य वस्तुएं मिलीं और तमाम बौद्ध देशों ने इसको मान्यता भी दी। प्रदेश सरकार की ओर से बहुत सी घोषणाएं हुईं, केन्द्र की सरकार में जो संस्कृति मंत्री हैं, मैंने कई बार उनको पत्र भी लिखा। उन्होंने कहा कि केन्द्र की तरफ से कपिलवस्तु के विकास के बारे में किसी प्रकार की कोई परियोजना नहीं है। अब आप देखिए कि कपिलवस्तु ऐसा महत्वपूर्ण स्थान है, लेकिन वहां पर यह हाल है। श्रावस्ती उसी से सटा हुआ है, वहां की भी यही हालत है।

उपसभापति जी, मैं यह कह रहा हूँ कि यह बात सही है कि दिल्ली में बहुत से मुगल राजा रहे, यहां कई प्रकार के राजा आए, यहां बहुत ही अच्छे और ऐतिहासिक महत्व के स्थल हैं, लेकिन हम देख रहे हैं कि किस तरीके से इनमें encroachment हो रहा है। जब आप उन स्थलों का सुन्दरीकरण करें, उसके साथ ही साथ जब तक आप उन स्थलों को प्रचारित नहीं करेंगे, सुंदर नहीं बनाएंगे, इस काबिल नहीं बनाएंगे कि पर्यटक आकर उनको देखें,

विद्यार्थी आकर वहां पढ़ें, तब तक उनका विकास नहीं हो सकता है। देखिए, अमरीका है, अमरीका का इतिहास बहुत छोटा है, लेकिन वहां के विद्यार्थियों को, नौजवानों को, अमरीका के इतिहास के बारे में बताया जाता है। हमारा इतना पुराना देश है, इसका इतना पुराना और गौरवमयी इतिहास है। इतने बड़े देश को एक सूत्र में बांधे रखना, अपने आप में बड़ी विचित्र बात है। आज हम IT revolution में चले गए हैं, इतने साधन हो गए हैं, लेकिन इसके बावजूद जो देश में सामाजिक और सांस्कृतिक एकता होनी चाहिए, वह नहीं है। मुझे याद है कि मणिपुर में एक स्थान है, जहां पर आज भी औरतें, कृष्ण को गाली देती हैं। उनका जो लोकगीत है, उसमें कृष्ण को गाली दी जाती है, क्योंकि कृष्ण की शादी उसी मणिपुर के इलाके में हुई थी। जो कृष्ण की पत्नी थीं, वे मंदिर में पूजा करने आईं और कृष्ण जी उनको उठाकर ले गए। वह एक कथा है, एक संस्कृति है, वरना कहां मणिपुर और कहां कृष्ण। तो इस प्रकार के जो लोकगीत हैं, जो लोक-संस्कृति है, उसमें देश की एकता को एक सूत्र में बांधने के लक्षण हैं। अब हमारी काबिलियत और हमारी समझ ऐसी होनी चाहिए कि हम इन एकता के सूत्र को किस प्रकार से पिरोएं। इसलिए हमारे जो ऐतिहासिक महत्व के स्थान हैं, उनको हमें विकसित करना चाहिए, ठीक तरीके से इतिहास लिखाना चाहिए और उसकी जानकारी लोगों को देनी चाहिए।

उपसभापति जी, कानपुर में बिठूर नामक एक जगह है। बिठूर के बारे में यह प्रचलित है कि उसे पृथ्वी का मध्य माना जाता है, लेकिन आज आप देख लीजिए कि बिठूर उपेक्षा का शिकार है, वहां कुछ भी नहीं है। गंगा के किनारे स्थित इस जगह को बहुत ही सुंदर बनाया जा सकता है, रमणीक बनाया जा सकता है। आप पर्यटन के विकास की बात करते हैं। पर्यटन के विकास की अद्भुत और असीम संभावनाएं हमारे देश में मौजूद हैं, बशर्ते हमारी दृष्टि ठीक हो, हमारी नज़र ठीक हो, हमारी समझ और हमारा दिमाग ठीक हो। इसलिए मैं इस विधेयक का स्वागत करता हूं, पर साथ ही साथ सरकार से भी यह अनुरोध करूंगा कि जो स्थान अभी भी उपेक्षित हैं, उनकी पहचान करके इस काम को बहुत ही तेजी से करना चाहिए, ताकि हम कुछ न कर सकें, तो कम से कम अपने इतिहास को समझ सकें। यही हमारी सबसे बड़ी सफलता होगी। मैं इन्हीं शब्दों के साथ अपनी बात समाप्त करता हूं। धन्यवाद।

DR. JANARDHAN WAGHMARE (Maharashtra): Sir, I rise to support the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Bill, 2010. The ancient monuments link us with our hoary past, with our history and heritage, with our forefathers and with our ancient culture and civilization. Through them, our past becomes an inseparable part of our present.

Sir, the ancient monuments help us in interpreting our history, our age-old traditions and beliefs and nuances of our ancient civilization and culture. They give us perceptions of our ancient art, architecture and sculpture. This is the reason why we should preserve and protect our ancient monuments and archaeological sites and remains. Sir, the ruins and remains of our ancient monuments reveal the things hidden behind the veil of time. India is one of the richest countries in the world having ancient monuments and archaeological sites and remains. Our history goes back to 5000 years, encompassing the Ramayana and Mahabharata. The ancient monuments in our country mark the high level of our culture and civilization. The remains of Mohenjo Daro and Harappa indicate the creative genius of ancient India in the pre-Aryan times. We have remains of pre-Aryan and post-Aryan times. We must preserve and protect them with utmost care and sensitivity of mind from the ravages of time.

Sir, the Lakshyagraha at Barnawa in the Baghpath district of UP and the remains around Hastinapur and Kurukshetra have been utterly neglected. They should be preserved. The Buddhist period in the social and cultural history of India is the zenith of Indian culture. There are many Buddhist caves around Aurangabad city in Maharashtra. There are a couple of Gurudwaras and other sites of the Sikh community around Nanded city. Many forts in Maharashtra are still neglected. Stones in the structures of these forts tell the saga of people who made history. We should preserve and protect the ancient monuments which reveal the creative genius of our people. The Authority which would be set up should conduct surveys for tracing the remains of the ancient monuments.

Sir, we should not look at ancient monuments with narrow, sectarian eyes. Egypt takes pride in the Sphinx and other ancient monuments; China takes pride in the Great Wall and other ancient monuments. Likewise, India should take pride in the Taj Mahal, Ajanta and Ellora Caves and other ancient monuments from mythological to modern times.

With these words, Sir, I support the Bill.

SHRI TIRUCHI SIVA (Tamil Nadu): Sir, I rise to support the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Bill, 2010, brought to replace the Ordinance promulgated on January 23rd, 2010.

Sir, this Bill amends the Ancient Monuments and Archaeological Sites and Remains Act, 1958, which seeks to preserve the ancient and historical monuments and archaeological sites of national importance. I would like to confine myself to only the objectives of the Bill. To achieve the object of the Bill, the Central Government could constitute a National Monument Authority. I do not wish to go into details of the Constitution, but the main functions of the Authority must be, to make recommendations to the Central Government for grading and classifying the historical protected monuments and protected areas declared as being of national importance. And to oversee the work of the Competent Authorities. To take measures for implementing this Act. And above all, foremost, Sir, considering the impact of the large scale projects, development projects or public projects, which may be proposed in the regulated areas and make recommendations to the Competent Authority for granting permission.

Sir, again, there is a very clear classification of three items. One is, protected monument and protected area, means, any ancient monument, archaeological site and remains which have been declared to be of national importance. Second is, prohibited area, means, area beginning at the limit of a protected area over a radius of 100 metres, and regulated area is the area which begins at the

limit of the prohibited area to 200 metres. Sir, there is another very clear classification. Sir, this Bill has been very meticulously drafted. Sir, any person who owns a structure in the prohibited area can carry on only repairs, not any new construction. Any person who possesses a land in the regulated area can have a construction or re-construction or repairs. But, this could be done only by way of approaching the competent authority. The person after having applied to the competent authority, the competent authority within 15 days, shall forward it to the authority. The authority, after receiving that, within two months, will give the results to the competent authority, and after receiving that, within one month, the competent authority will let know the person who has applied for it. Sir, again, a very important classification is given here. I would like to have only two queries from the hon. Minister. Sir, there are provisions for violations of this Act, not only for those who have violated, and those officers who have also violated. Before that, there is a provision, Sir, which says that any area, near any protected monument or its adjoining area declared, during the period beginning on or after the 16th day of June, 1992, but ending before the date on which the Ancient Monuments and the Archaeological Sites and Remains (Amendment & Validation) Bill, 2010 receives the assent of the President, and it goes on and says that be deemed to have been validly granted in accordance with the provisions of this Act, as if this section has been in force at all material times. Sir, my only query is, what is the rationale behind marking the day of 16th day of June, 1992? I just want a clarification from the hon. Minister. Then, going through the penalty that has been imposed on those who violate, Sir, first is for those who reside in the prohibited area, about that my colleague pointed out here, shall be punishable with imprisonment not exceeding two years or with fine which may extend to one lakh rupees or with both. Sir, any violation in the regulated area, again with the same punishment, Sir, shall be punishable with imprisonment not exceeding two years or with fine, which may extend to one lakh rupees or with both. Sir, when there is a clear classification that the prohibited area is much more of importance, and the regulated area is given with some concessions that they could have some constructions, the punishment should vary, either the punishment for the violation in the prohibited area should be more, or, the punishment for a construction or any violation in the regulated area should be less, whereas both are same here, Sir. So also the punishment for any officer of the Central Government enters into or acquiesces in any agreement to do so is punishable with imprisonment for a term which may extend to three years or with fine or with both. Sir, an abettor gets more punishment whereas the violator gets a lesser punishment. Sir, the Minister can look into this and do the needful.

Sir, my submission here is, earlier in the same House, I had made a proposal through a Special Mention that Kallarai a water reservoir or a dam in Thanjavur in Tamil Nadu, which was

constructed way back in the 2nd century by a Chola king, Karikalani, is still under use. That dam is said to be a model for many other dams which cropped up across the world, and many people, even from Rome have come down to India and Tamil Nadu to have an idea about that dam, Sir.

I was told that for any site like that, to be recognized as a world heritage site by the UNESCO, the first step is that it should be identified by our own country as a structure of national importance. Shri Narayanasamy, hon. Minister knows better about that. Hon. Prime Minister is also here. If that site is identified as of national importance, it could be taken to the UNESCO, because any structure of ancient heritage of 10th century had been accorded recognition. This one, which is constructed in the second century and hailed as a marvel of engineering technology should be identified. I appreciate and support this Bill, Sir, to achieve its objectives. Thank you.

**श्री श्रीगोपाल व्यास (छत्तीसगढ़) :** धन्यवाद उपसभापति महोदय, मैं समझता हूँ मुझे बहुत बड़ा अवसर मिला है, आज माननीय प्रधान मंत्री जी भी मौजूद हैं, बिल के ऑब्जेक्ट्स में भी माननीय प्रधान मंत्री जी का नाम है। इस अवसर पर एक महत्वपूर्ण उपस्थिति डा. कर्ण सिंह जी की है, जो संस्कृति के क्षेत्र में हमारे देश में बहुत महत्व का स्थान रखते हैं। विद्वान कानून मंत्री जी के ध्यान में मैं यह भी लाना चाहता हूँ कि यह केवल एनसिएंट मोन्यूमेंट नहीं है, यह आपका बिल भी बहुत बड़ा मोन्यूमेंट है, मैं आपके माध्यम से बताना चाह रहा हूँ। मूल अधिनियम 1958 का है। 16 जून, 1992 में एक अधिसूचना जारी की गई है। लोग इसके खिलाफ 2004 में उच्च न्यायालय गए हैं, रिट याचिका हुई है। बाद में 2005 में एक सर्वेक्षण पर फिर से लोग उच्च न्यायालय में गए हैं, जहां स्टे मिला है। 2006 में एक विशेषज्ञ सलाहकार समिति बनाई गई जिसने कुछ निषेध क्षेत्र में निर्माण के लिए अनुमति मांगी है। 30 अक्टूबर, 2009 को उच्च न्यायालय ने एक रिट से इस समिति को अवैध करार कर दिया है। ऐसा माननीय मंत्री जी आपके ही प्रतिवेदन में दिया है। मैं बहुत आश्चर्य में पड़ा था और मैं आपसे जानना भी चाहता हूँ कि आपने लिखा है कि यह जो हमारे मित्र पूछ रहे थे कि 16 जून, 1992 की तारीख का क्या महत्व है। वह माननीय मंत्री जी के पत्र में है। इस तारीख से पहले आपने लिखा है कि अनेकों निर्माण हो चुके थे और उसमें कई मुकदमें चल रहे थे, इसलिए यह जो बिल लाया गया है जो रेस्ट्रोस्पेक्टिव इफैक्ट से है, यह अपने आप में बहुत आश्चर्य का विषय है। 1958 का यह बिल है, 1992 में कुछ हुआ है और आज हम इसको इतने वर्षों पीछे जाकर लागू कर रहे हैं, यह कानूनी प्रक्रिया में मुझे लगता है कि माननीय मंत्री जी को काफी कष्ट हुआ होगा इसको करने में। महोदय, मैं अभी यह कहना चाह रहा हूँ, मेरा ध्यान इस पुरातत्व के विषय पर गया था। माननीय उपसभापति महोदय, मैंने दिल्ली के पुराने किले में देखा कि कुछ बच्चे नाव चला रहे थे तो वहां मैंने उसकी दीवार पर इस कानून की पट्टिका देखी। तो मैंने जाकर इसको पढ़ा। उन दिनों राम सेतु का विवाद चल रहा था। उसके कानून में लिखा है कि उसकी आयु सौ वर्ष से अधिक की होनी चाहिए, जिसको पुरातत्व में गिना जाता है। तो वह तो हजारों वर्षों पुराना है। मैंने यहां पर एक विशेष उल्लेख के माध्यम से



मांग भी की थी तथा कहा था कि वह सेतु हजारों वर्षों पुराना है, उसको नुकसान न पहुंचाते हुए कोई योजना बनाई जाए। इस संदर्भ में मैंने यह कानून देखा था और आज मुझे बहुत खुशी है कि विद्वान लोगों ने संस्कृति की और अपने पुरातत्व की रक्षा करने की कोशिश की है।

महोदय, मैं एक और बात को स्मरण कराना चाहता हूं, आपका समय ज्यादा नहीं लूंगा। यहां कानून मंत्री जी बैठे हुए हैं और संविधान की चर्चा हो रही है। संविधान की जो उद्देश्यिका है, उसमें हिन्दी में विक्रम संवत् का संदर्भ दिया है। इस विक्रम संवत् का आज पहला दिन है। मैं आपके माध्यम से यहां सभी को और पूरे देश को बधाई संदेश देना चाहता हूं, शुभकामनाएं देना चाहता हूं। धन्यवाद।

SHRI B.S. GNANADESIKAN (Tamil Nadu): Sir, I am a disciplined soldier, and I would abide by the time-limit. Sir, I stand to support the Bill. There are two-three things I would like to focus on. An Ordinance is being replaced by this Bill. In between, there was a committee constituted under the able leadership of Shri Moily. On the basis of certain recommendations contained in that report, certain modifications have been incorporated in the Bill which is before the august House now. These include creation of National Monument Authority and other aspects. Sir, before going into the other aspects because I do not have time, I will confine myself to two or three things. We enact many laws, there is no problem. But the implementation part is very difficult. There is no power for the ASI to evict the encroachers, to demolish the unauthorized construction which is a problem. Even the Report has pointed out about the encroachments in the Jaisalmer Fort as well as the Golkonda Fort. Therefore, I urge upon the hon. Prime Minister to convene a meeting of all the Ministers, in-charge of the respective States, and find a way how to evict these encroachers because our leaders in the Opposition know that as far as encroachment is concerned, from State to State there are different laws. While the Supreme Court says encroacher is a trespasser, in Tamil Nadu there is an Act called the Encroachment Act which recognizes encroachment, BMOs are issued. There are several procedures for evicting the encroachers and there are several judgments on that aspect but the correct procedure is not followed. Unless there is a uniform policy for eviction of these encroachers from the monuments, there may be a difficulty in implementing this Bill. Sir, one more aspect is, what ASI needs is, more funding, more staff, preservation and security. The ex-servicemen can be used because instead of creating more jobs, which is also necessary, which may take more time, immediately, as contained in the Moilyji' Report, ex-servicemen can be absorbed for protecting these monuments because nearly 2500 monuments out of 3675 at the national level are unprotected. It is really a sorry state of affairs. There, was a reply in the Parliament that nearly 35 protected monuments disappeared. There is an antiquity trade, blessed by mafia gangs, is going on in this country. Many idols, very preservative idols are being stolen, are with the traders and sold. ...*(Interruptions)*... Thank you. Therefore, Sir, I request that proper concentration must be made on this aspect. It again

involves the State Governments, the Panchayat Unions, Panchayati Raj and there are several tiers in our system. Therefore, all must be taken together to see that these thefts and other things do not take place. Sir, the Culture Department is getting only 0.1 per cent of the Budget allocation and one-third of it is only the allocation for the ASI. I only request that this Budget allocation is increased and more funds should be given to this Department. Sir, there are several aspects to this 100-meter limit which has been prescribed here. I will only mention one aspect and I will sit down. In my State, Mahabalapuum, which is called Mahabalipuram, which is famous for five Rathas, Arjun's penance etc., there was identification by UNESCO, five Rathas Temple, etc., etc. In 1991, there was another notification and this rock hill area which is not so important, which is densely populated area has been notified. Now, with regard to Mahabaiipuram, it is a peculiar situation. From the coast to the eastern side, there is a ban on constructing buildings. There is ban on any construction 4.9 kms on the south from Kalapakkam which has a nuclear plant. With the result all residences are now concentrated in the middle. This hill rock which has been notified by the ASI as a monument is situated exactly in the residential area. This monument has also been fenced. Now when this 100 meter rule is being implemented, there is already a fence there, the 100 meter is calculated from the fence, not from the monument side. That creates another problem. The renovation and other things may be there. But even for constructing a toilet in the residential area, the people are put to very, very great difficulty. Therefore, I urge upon the hon. Minister to kindly look into this aspect. Wherever there are no major UNESCO and important monuments, considering the people's plight and taking it into consideration, whether it can be reduced to 50 meters and also that is from the monument site and not from the fencing. With this, I conclude, Sir. As a disciplined soldier I have taken three minutes.

MR. DEPUTY CHAIRMAN: You have taken five minutes.

SHRI B.S. GNANADESIKAN; Two minutes exceeded, Sir. Thank you very much.

SHRI M. VEERAPPA MOILY: Mr. Deputy Chairman, Sir, I am really excited over the most enlightened, monumental, deliberations which have gone on replacing this ordinance with the Bill. It started from our learned friend, Justice Rama Jois and ended with hon. Member Shri Gnanadesikan. I would first like to deal with certain provisions which have been incorporated in this Bill. This reflects

the firm resolve on the part of the Government to deal with the subject. Firstly, the limits of protected had not been codified in the 1958 Act. In fact, in this Bill, it has been codified and modified and 100 metres in all directions shall be the prohibited area in respect of such protected area or protected monument. Secondly, the Central Government can increase this-100 metres. Many of the monuments, sometimes require a larger extent in order to protect it and in future, from this State no permission was required to include, in carrying out any public work or project essential to the public or other constructions in the protected area. It was not there. It is a clear prohibition so that our monuments could be saved forever. Repair or some of the renovation or some basic amenities like drinking water, sanitation is allowed. Even in the name of public projects no encroachments, no permission will be granted for any projects whatsoever in the prohibited area. So, absolute clarity has been incorporated in this enactment. Another is: limits of regulated area. It was only under the rule of 1958, it was notified in 1992 and it was not part of the enactment. Now, we have made it very clear about 200 metres in all directions shall be the regulated area in respect of such protected area and Central Government can increase these 200 metres of regulated area. This power has been given. It was not there. In fact, construction or re-construction or repair or renovation of the regulated area is allowed after permission by a competent authority. They cannot just undertake it. Permission by competent authority within the limited area has to be granted on the recommendation of authority. In fact, we have taken out the domain of the bureaucracy itself from this. There is a National Heritage Monument Authority which is purely of the experts, archaeologists and the heritage experts. It is even headed by them and the competent authority in various areas may be officers but the ultimate domain to permit or pass any orders lies with the National Monument Authority. This is one body which has been created. All these years, there has been no proper pacification of the answered monuments. There has been no gradation of answered monuments and there was no technical inventory to have it. Of course, elders say that we sometimes live in a country by accident. I think, if at all these things have been saved it is because of the generosity of the citizens of this great country. I will come back to that and tell you why sometimes it was not possible to exercise that kind of an authority. I do not want to deal with it in greater detail but before I get into that area, I would like to deal with some of the questions and issues which have been raised by hon. Members.

In fact, the DDA has carried out a survey of Delhi's built heritage. It has been referred by Justice Rama Jois. It includes 1208 heritage buildings in the list. This includes 170 monuments which are absolutely protected by the ASI. The remaining monuments have to be protected by the State Government. There are, in fact, three types of monuments. The first one is, National Monuments,

which are the responsibility of the ASI. There are State Monuments which are the responsibility of the State Government. And, there are many, many other unprotected monuments on the surface, under the surface, to be excavated and already excavated. So, these are the three types of monuments that we have. In fact, there is also the Heritage Conservation Committee under the Ministry of Urban Development to ensure preservation and conservation of built heritage in some of the areas other than managed by the ASI.

Sir, so far as Hampi is concerned, there are three categories of monuments. The first one is protected by the ASI. There are 56 monuments which are protected by the State Government. And, third, are the unprotected monuments. An Integrated Management Plan for Hampi World Heritage Site is under implementation. Concerns expressed by the UNESCO were replied to adequately and Hampi was removed from the Endangered List. In one go, it was classified as the World Heritage and, for some time, it was included in the Endangered List. Now, it is removed. You may kindly recall that I have some contribution to make on Hampi. In fact, the notification was issued during my regime and we protected it. Even the Temple's car path which you must have seen has been narrowed down only to one car pass. Now, it is just like a super highway from temple to car shed. Now, we are happy that Hampi World Heritage Site Management Authority has been established by the Government of Karnataka to undertake comprehensive management, preservation and conservation.

Sir, I am not going to deal with High Court buildings. Again, I had some role to play when Justice Jois was also there. We sustained that old building. Apart from that, we constructed a similar building in the same premises. Both of them were concerned and another building came up. There is no danger for the old building.

I would like to deal with Konark Temple. Sir, ASI has done a lot of conservation work in Konark for the last thirty years. Sir, Lord Jagannath Temple has been stabilized to a great extent. For a comprehensive conservation of the Jagannath Temple, a workshop has been organized, particularly with a focus on structural engineering, A project has been taken up under the National Culture Fund for the development of visitors facilities. The project will be carried out by the ASI and the IOC will provide the necessary funds.

Sir, the question came up for giving stringent punishment. In fact, as you all know, the existing fine of Rs. 5,000 has been increased to Rs. 1 lakh. As against the punishment of 3 months, it has been increased to 2 years. You would have liked it to make it as a cognizable offence. But, as I

already explained to you, when technical data is not available, when technical inventory is not available, area has not been properly notified as to what is prohibited and regulated and unless it is properly protected, demarcated, just imagine what would be the fate of innocent people around the monument when you give more punishment. We have taken into consideration all these. Straightaway giving punishment is not an issue. But, that could be done, once we are ready with all the things – having the technical data, inventory cost, gradation of monuments and demarcation of areas. Once these things are done, I think, we can graduate ourselves into the domain of greater punishment in this area. This is how these limitations have been considered. And, for all these fifty years, the punishment has been a penalty of Rs. 5,000 and three months' imprisonment. Now, we have increased the penalty by 20 times and imprisonment by 8 times. I don't say that this is an ideal situation; but, under the circumstances. I think, we need to address those issues of the respective monuments with concern.

Then, ancient Patliputra has been identified. As a modern city is there, it had been excavated at certain spots, while the city buildings and the population started concentrating. The remains of ancient Mauryan city have been noticed in the city at Kumhrar where 80 pillars, all of the Mauryan Assembly Hall, and a later Buddhist Monastery were found. At Bulandi Bagh, in Patna, the remains of the city fortification wall were found in excavation. Only a few spots, with ancient remains in the city, are protected by the ASI. Guru Gobind Singh was born in Patna. It is a pilgrimage for Sikhs and others. So, a lot more needs to be done there. But, I will tell you the constraints and limitations to do that, at a little later stage.

As far as encroachments are concerned, 249 monuments have been under encroachment for the last 40-50 years. We need to address this issue. It is a very serious concern. Efforts are being made, to a certain extent, to remove the encroachments. The orders have been issued, district administration has been involved and the police help has been sought for. In some of the cases, even rehabilitation schemes are under implementation.

Insofar as Kapilvastu is concerned, which was the capital of Shudhodhana, the father of Gautama Buddha, in the 6th Century B.C., the Stupas, at Piprahwa, have yielded Buddhist relics. A number of seals and sealings of 1st and 2nd Century have been found, and excavations are on. In fact, the ASI had excavated the Siddharth Nagar of UP. in 1970s.

7.00 P.M.

An issue was raised by the hon. Member, Shri Tiruchi Siva, if I am correct, as to why it was 16th June, 1992. It is very simple. I will pass over the notification to the hon. Member. The notification was issued on that day, as far as the Act of 1958 is concerned. It says, the declared areas up to 100 metres from the protected limited, further, beyond it, up to 200 metres, near or adjoining protected monuments will be prohibited and regulated area. Therefore, in exercise of the powers conferred by rule 32 of the Ancient Monuments and Archaeological Sites Remains Rule, 1959, the Central Government hereby declares the said areas to be prohibited and regulated areas. This is, in fact, under the rules, not under the Act. So, the definition of the prohibited area originated from the notification of 16th June, 1992. We have, now, graduated into the substantive provisions of the Act. That is the only significance, nothing else.

Then, there are many other issues, which have been raised here. I would like to bring some of the points for the consideration of the House. Yes, we need to address many, many issues. I think, it requires one or two days' debate. It is worthwhile. But I can just tell you that there is, in fact, already a Bill before the Standing Committee. The National Heritage Commission has to be established. I think, at that time, we can discuss all these issues which have been raised by the hon. Members. I don't want to delay you. Of course, the portfolio belongs to the hon. Prime Minister. On his behalf, I am piloting the Bill, because he happened to appoint me as the Chairman of the Committee to address some of the issues and concerns arising out of the Ordinance. Of course, we have firmed up everything. I think the day has now come when we have to get into the domain of preserving it, not only preserving it but also empowering and building the capacity within the ASI, both for the manpower and also the funding to protect it. Because tourism contributes, particularly, Rs.55,000 crores of foreign exchange. India's tourism contributes 6.5 per cent to the GDP of this country. Keeping this in view, I think the hon. Prime Minister will, definitely, prevail upon the Planning Commission and also the Finance Minister to build appropriate capacity within the ASI. With these words, I conclude. I thank the entire House for giving unanimous support to this Bill.

SHRI RAJEEV SHUKLA (Maharashtra): Sir, I have to seek one small clarification from the Hon. Minister and the hon. Minister of State is also here. One can understand the construction activities which are going on for the Commonwealth Games and, of course, permission can be given. But 170 permissions have been given to private people and others in the last few years. I want to know whether you will go for a review of all those permissions. It is very important, Sir. About 170 permissions, have been given to private people.

SHRI M. VEERAPPA MOILY: Mr. Deputy Chairman, Sir. we have gone into all these aspects. In fact, this Bill does not permit or approve of the ex post facto permissions. So far as the rest of the permissions are concerned, we have legally and pragmatically examined them and, ultimately, we have come out with this Bill. So, this is fully fortified. Otherwise, if you meddle with some of the aspects then the whole thing can be quashed by the courts.

MR. DEPUTY CHAIRMAN; The question is:

That the Bill further to amend the Ancient Monuments and Archaeological Sites and Remains Act, 1958, and to make provision for validation of certain actions taken by the Central Government under the said Act, as passed by Lok Sabha, be taken into consideration.

*The motion was adopted.*

MR. DEPUTY CHAIRMAN: We shall now take up clause-by-clause consideration of the Bill.

*Clauses 2 to 13 were added to the Bill*

*Clause 1, the Enacting Formula and the Title were added to the Bill.*

SHRI M. VEERAPPA MOILY: Sir, I move:

*That the Bill be passed.*

*The question was put and the motion was adopted.*

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#### SPECIAL MENTIONS

MR. DEPUTY CHAIRMAN: Now, we shall take up Special Mentions. I will call the names, please lay the papers.

#### **Demand to take effective measures to check extravagance by the Government machinery in the country**

**श्रीमती माया सिंह** (मध्य प्रदेश) : महोदय, केन्द्र सरकार द्वारा सब ओर से कहा जा रहा है कि भारत बड़ी तेजी के साथ आर्थिक मंदी से निकल रहा है और हम बहुत जल्दी ही 9 से 10 प्रतिशत विकास दर से विकास करने वाले हैं। ये बातें और आंकड़े तो सुनने और देखने में बहुत अच्छे लगते हैं, परंतु सच्चाई यह है कि हर भारतवासी लगभग 9,968 रुपए के विदेशी कर्ज से दबा है। सरकारी क्षेत्र में व्याप्त फिजूलखर्ची को यदि हम थोड़ा कम कर दें, तो इससे कुछ राहत मिल सकती है।

यह फिजूलखर्ची नहीं तो क्या कहेंगे कि राष्ट्रमंडल खेलों के नाम पर दिल्ली की सड़कों के बगल में फुटपाथों को तोड़कर रख दिया गया है और सुंदरता के नाम पर करोड़ों रुपयों की बर्बादी उन्हें दोबारा बनाने में की जा रही है। यही कारण है कि सितंबर 2003 में खेलों हेतु पूर्वानुमानित राशि 655 करोड़ से तकरीबन 16 गुना बढ़कर 10455 करोड़ रुपए हो गई है। अच्छे फुटपाथों को तोड़कर, उन्हें बनाओ, चाहे वे 2 महीने पहले ही क्यों न बने हों, उन्हें फिर बनाओ और बिल भेज दो, जैसे तो राष्ट्रमंडल खेलों के नाम पर आ ही जाएंगे।