

[Shri Om Mehta]
can take it up after 5 O' clock and discuss it for two or three hours. Or we can finish all the business on Saturday.

FIFTIETH REPORT (1972-73) OF THE PUBLIC ACCOUNTS COMMITTEE

SHRI KALYAN ROY (West Bengal)
Sir, I beg to lay on the Table a copy of the Fiftieth Report on the Public Accounts Committee (1972-73) regarding Chapter V of Audit Report (Civil), Revenue Receipts, 1970 and the Report of the Comptroller and Auditor General of India for the year 1969-70, Central Government, Revenue Receipts relating to Other Direct Taxes.

RE. ARREST OF SHRI O. P. TYAGI, MEMBER, RAJYA SABHA

MR. DEPUTY CHAIRMAN : I have to inform Members that the following telegram dated the 28th August, 1972, has been received from the Magistrate First Class, Saharanpur :—

"SRI OMPRAKASH TYAGI MEMBER RAJYA SABHA FROM UTTAR PRADESH ARRESTED AT SAHARANPUR IN COLLECTORATE COMPOUND AT 3.30 P.M. ON 28-8-72 UNDER SECTION 180 IPC FOR CONTRAVENING ORDER UNDER SECTION 144 CR. P.C. BAIL NOT OFFERED HENCE SENT TO DISTT. JAIL SAHARANPUR. FORMAL LETTER FOLLOWS"

SHRI BHUPESH GUPTA (West Bengal) : Sir, Prof. Nurul Hasan is here. Just give your permission for me....

MR. DEPUTY CHAIRMAN : You should have taken it from the Chairman.

The House stands adjourned till 2 P.M.

The House then adjourned for lunch at fourteen minutes past one of the clock.

The house reassembled after lunch at two of the clock.

MR. DEPUTY CHAIRMAN in the Chair.

THE ANTIQUITIES AND ART TREASURES BILL, 1972

THE MINISTER OF EDUCATION, SOCIAL WELFARE AND CULTURE (**PROF. S. NURUL HASAN**) : Mr. Deputy Chairman, Sir, I move :

'That the Bill to regulate the export trade in antiquities and art treasures, to provide for the prevention of smuggling of, and fraudulent dealings in, antiquities, to provide for the compulsory acquisition of antiquities and art treasures for preservation in public places and to provide for certain other matters connected therewith or incidental or ancillary thereto, as passed by the Lok Sabha, be taken into consideration.'

Sir, this House and the other House have correctly reflected the sentiments of our people throughout the country that our art treasures should not be smuggled out. Various reports have been pouring in day after day, and concern has therefore been rightly shown by the hon. Members of this august House and the other House and by various scholars as well as the general members of the public. The law that had been enacted did provide for the control of the export of antiquities, which was passed in 1947. The Treasure Trove Act, the Ancient Monuments Preservation Act, the Ancient Monuments and Archeological Sites and Remains Act and the Customs Act, all these did succeed to some extent in stopping and checking large scale thefts and smuggling of art objects through the years. However, it was felt that the existing law had many lacunae, which needed to be plugged.

Sir, the Indian Delegation took the opportunity of raising the matter of theft of art objects in the UNESCO and it participated in the convention on the theft of cultural property and to some extent, succeeded in having the convention approved. But unfortunately many of the countries are dragging their feet on it and therefore the objective has not yet been fully realised. In any case, whether the international convention is successful or not, this country and its Parliament will have to take every step that is conceivable in order to prevent the smuggling of our art objects and treasures.

This Bill, Sir, has come to this House today, although a demand had been raised many years ago. About 15 years ago, Maharajkumar Raghubir Singh, then a Member of this House, had given notice of the Antiquities Export Control (Amendment) Bill in 1957. In the other House, another hon. Member had given notice in 1962. Then the Government sought to introduce a Bill for this purpose in 1965. But it could not come up for consideration during the life time of the third Lok Sabha.

Then, Sir, in this House Shri G. R. Patil introduced a Bill in 1967 but it could not come up for consideration. While this Bill was being drafted, there was consultation between the different Ministries of the Government. The draft of a Bill was sent to all the States and Union Territories in 1970 for their comments. When these comments were received, they were again carefully considered by the Government. The principal features of the Bill that is before the House is as follows.—

(1) It seeks to regulate export trade in antiquities and art treasures from the commencement of this Act. It provides that it shall not be lawful for any person other than the Central Government

or any authority or agency authorised by the Central Government in this behalf to export any antiquity or art treasure ;

(2) it seeks to regulate the internal trade in antiquities by making it compulsory for those carrying on business of selling and offering to sell antiquities to obtain a licence and to maintain such records as may be prescribed for the purpose ;

(3) it also empowers the Central Government to take over the internal trade in antiquities with effect from a future date to the exclusion of others ;

(4) it seeks to undertake registration of specified types of antiquities by notification in the Official Gazette in possession of private persons and institutions ;

(5) the Bill seeks to empower the Central Government to compulsorily acquire antiquities and art treasures for preservation in a public place ; and

(6) it seeks to provide penalties for offences in contravention of the provisions of the Bill.

Sir, I am deeply conscious of the fact that this Bill might be improved upon as a result of useful suggestions. I made a submission in this House yesterday and I would repeat that submission again in the light of the working of this Bill if any shortcomings are discovered. I would have no objection in coming before this House and saying, "Please modify this Act. This is our experience and this can be improved in the light of this experience."

Further, Sir, a large number of things have to be incorporated through the rules and, therefore, any suggestions which the hon'ble Members may care to make now or they may care to make on a subsequent date either personally to me or by

[Prof. S. Nurul Hasan]

writing to my Ministry will be carefully considered and given the respect that is due to any suggestions from the hon'ble Members. But my appeal to you, Sir, and through you...

SHRI SASANKASEKHAR SANYAL (West Bengal) : All suggestions are entitled to respect. You can make a discrimination but all suggestions are entitled to respect.

PROF. S. NURUL HASAN : That is what I am trying to stress.

SHRI SASANKASEKHAR SANYAL : But you said that those who are entitled to respect.

PROF. S. NURUL HASAN : I said they will receive the respectful consideration to which they are entitled.

SHRI SASANKASEKHAR SANYAL : Now you qualify it.

PROF. S. NURUL HASAN : I have been in Parliament long enough to understand this point. The hon'ble Members may rest assured that anything which they suggest will be considered by me with the utmost respect.

Sir, the appeal I wish to make is that even though hon'ble Members may find certain shortcomings, I would beg of them to bear with me and to pass this Bill because it is absolutely important that this piece of legislation is enacted as quickly as possible.

The other House has already passed it. If it is passed by this House, then we can immediately start acting according to it and start framing rules. I would not like to take more time of the House. I know that there is a time-limit...

SHRI VEERENDRA PATIL (Mysore) :

On a point of information. The hon. Minister in his introductory remarks confessed that there is scope for improving the Bill. This Bill is non-controversial and it is likely to be welcomed in all quarters. So when the Minister himself admits that there is sufficient scope for improving it, I would like to know what the difficulty is in referring it to a Select Committee and making it a more comprehensive Bill, instead of passing it now and later on moving amendments after amendments. Why not have a comprehensive Bill by referring it to a Select Committee ?

PROF. S. NURUL HASAN : Sir, may I make a submission ? Firstly, this is a comprehensive Bill. Secondly, Sir, I am suffering for my past sins in that for 30 years I have been a teacher. I will never consider anything to be perfect. I will always feel that howsoever care may be exercised in drafting a piece of legislation, it can always be improved upon.

SHRI SASANKASEKHAR SANYAL : May I add a word to the answer ? If the patient is completely cured, the doctor's business will be over.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI OM MEHTA) : We should first find out whether he is the patient or Mr. Sanyal is the patient.

MR. DEPUTY CHAIRMAN : Mr. Sanyal is impatient.

PROF. S. NURUL HASAN : That is why I gave its history. For seven years careful consideration has been given to this Bill which is now brought forward. It needs to be enacted urgently and there is still scope for plugging further loopholes through the rule-making power which is sought to be provided by this Bill. Therefore, my appeal to the House is to pass it urgently.

The question was proposed.

DR. K. NAGAPPA ALVA (Mysore) : Mr. Deputy Chairman, I support the Antiquities and Art Treasures Bill, 1972. I am happy that the Education Minister had the courage and also humility to admit the possibility of defects or deficiencies in the Bill and also defects and deficiencies in the administration while implementing this Bill. Sir, it is very clear, if we study the chapters and the relevant points that it is not at all a comprehensive Bill. Any way I only make an appeal to him to bring a comprehensive Bill at the earliest possible time. Let the Government not suffer from prestige and other things.

I am happy that an educationist, a professor, is holding this portfolio, and also a Muslim. Everyone who is born in this country will prove himself to be a true citizen of this country. We have accepted secularism. Secularism in a sense is spiritualism. This Bill in truth has got relevance to culture and more than that to the spiritual heritage of India. During the last ten years the smuggling of these things, sale and trade of these things, particularly idols from the temples, has been increasing. It was estimated—I do not know to what extent it is correct, it may be exaggerated—Rs. 100 crores worth of these things have been sold or have been traded on, and 2,272 art objects have been stolen in three years.

SHRI VEERENDRA PATIL : They are exported also.

DR. K. NAGAPPA ALVA: They are being exported. The main purpose, of this Bill seems to be to prevent smuggling and to carry on business—Government taking over and carrying on business—and to acquire antiquities also. Here the most important word is missing, that is, preservation. Preservation and appreciation

of beauty of all good things in life is the inherent nature of man. It is a divine quality in man. So I say when you bring a comprehensive Bill I am sure you will do it with courage. Even the title of the Bill may be completely changed to give a fuller meaning. What have we been doing always ? While you enact laws in this country, it is a question of pleasing and appeasing; there is no sincerity in your efforts to book the culprits and punish them. The offenders regarding these priceless articles, these antiquities of cultural significance and spiritual importance must be treated not only as anti-social elements, but also as traitors. But what is happening today ? If you see how it will be implemented, it will be only pin-pricks to these anti-social elements or traitors. There should be frontal attack. Again I must say, whatever be the other aspects, selling of these antiquities and art treasures for money means selling the soul of the country. No one has got the right in this country to trade in these articles. It must be the endeavour, it must be the duty, of everyone to see that these are preserved. Any way, we are bringing this Bill after 25 years of independence. We had also given promises to the people of this country. We had given promises that they would be fulfilled by the year 1969, the birth centenary of Mahatma Gandhi. But we have fulfilled very little. Now I make an earnest appeal to you with all humility, and once again I repeat, certain things will have to be done with courage. The Minister also said about the UNESCO. It is for us to give the lead. It is not for us to wait for other countries to do. I know the UNESCO is there to help these endeavours. I do not want to go into these details. There are a number of enactments, as, for example, Ancient Monuments Preservation Act, Ancient Monuments and Archaeological Sites and Remains Act, the Antiquities Act ; Art Treasures Purchase Committee is there,

[Dr. K. Nagappa Alva]

Then the Customs Act is there. I only appeal to you, let there be a proper coordination between these Departments.

Let there be proper understanding so that we may value the values of life and see that we give greater and greater importance to build up the country deriving inspiration from our cultural heritage and also spiritual heritage. Lot of stealing of these idols takes place in this country and we have already allowed anti-social and anti-national elements to come up in this field. There must be an end to these things and we should not tolerate this. How have we built up our museums? We have failed in this effort. We are doing it only in a half-hearted way without being either sincere or serious. The officers have to do their job entrusted to them. It is very important that we should have a National Register. It is not simply publicising it in the gazette. A National Register must be prepared and that National Register should be reviewed once in three years. Then take the maintenance of records. What are the records maintained in our country at least after we got freedom? Are there proper records? Is there any exchange of ideas between different departments and the governmental machineries that are working at the Centre to coordinate their efforts to know where all we have got these articles of beauty and richness. I was somewhat happy to find a penalty clause here laying down a punishment of not less than 6 months. Please at least have courage and see it is implemented. Cognizance of offence is another important thing. Let there be a short-cut to cognise these offences and let there be a straight method to find out the offenders. After then you punish them and treat them as offenders. I do not want to go into details about amendments of these various Acts. Amend all those Acts which are

necessary so that they may be implemented easily and help people function in an atmosphere of peace.

I am sure, as you have promised already, in the light of these suggestions rules will be framed and an earnest effort will be made to bring forward a comprehensive Bill early.

Now I would like to give a few suggestions. A National Register should be prepared. All records should be maintained so that they are comprehensive and correct in every sense of the term. We must build up a National Museum and we should have also a National Archive. Every effort should be made to collect the best of articles and objects. And, also, Sir, it is necessary that we must make an earnest effort to get from the other countries those things which have relevance to our cultural heritage and spiritual heritage. We must get them by whatever way we can. We must encourage individuals also. Here, Sir, it looks as if they lack the strength to do this. The Government or the bureaucracy functions in such a way that it appears that it encourages these things, but it lacks the strength and the divine strength to collect these antiquities from a number of people who are having them. Many people, educated people and people even in the villages and some of our Maharajas have also done very well in this sphere. Those individuals, offices and institutions and temples must be protected and they must be given all the encouragement. There should be no question of any interference in these things while enforcing this Act. Then, Sir, the co-operation of the States also should be sought in the matter of implementation of the provisions of the Act to protect and preserve the antiquities and the art treasures.

The Government must encourage co-ordination of efforts between the States and the Centre and amongst the States

themselves in this national effort and also you must fix certain responsibilities on the States to further the cause of our rich cultural and spiritual heritage.

Another point of significance I should like to make. The ivory tower and watertight compartment mentality of the Government departments and the authorities should go. Photographs of the antiquities in the museums and such other institutions should be taken in order to have correct records and there should be a check-up and verification once in three years. A research cell should be created where, through the co-ordinated efforts of our Archaeological, Geological, Tourist and Information Departments, we can regain our diminishing values of life, by trying to appreciate and preserve the antiquities and the art treasures.

Then, Sir, there must be proper and relevant literature and these literatures must be got prepared well with proper get-up to educate the people and guide the authorities.

Finally, Sir, as a matter of duty, I must make one more suggestion. We have the Kohinoor Diamond and the sword of Shiva ji in London. Sir, we must make earnest efforts to get them. Something should be done, Sir, about the Peacock Throne which is in Iran. I had the opportunity to see that just three years ago. It was a marvellous piece of beauty.

PROF. S. NURUL HASAN : May I make an observation here more as a student of history ? That is not the original one.

DR. K. NAGAPPA ALVA : Whatever it is, if there is a mistake, it can be corrected. This is what I was given to understand. That was the impression that was created in my mind.

Lastly, Sir, I would like to mention one thing. We are concerned with taking away the privileges and other things of the princes. Here, there is the heirloom jewellery which is a precious possession. It is not only very valuable, but it is also a great treasure. It will not be possible even to get such jewellery done now. So, Sir, I am appealing to you to please keep this in mind and try to take those things from them, giving them proper compensation.

Thank you, Sir.

MR. DEPUTY CHAIRMAN : Mr. Raha.

SHRI SANAT KUMAR RAHA (West Bengal) : Mr. Deputy Chairman, Sir, I support this Bill as a new and absolutely essential, progressive legislative measure to check export or smuggling of our antiquities and art treasures of ancient culture for preservation and protection of these antiquities and objects of arts.

Sir, my feeling is this : Why should there not be a ban on export of these objects ? I think any export of these objects should not be tolerated for profit or for money. Such export should not in any way be tolerated. So I think there should be a ban so that these things cannot be treated as meant for business.

Sir, since the days of the British loot and plunder, our ancient cultures have been waning; our traditions have been lowered. Since the days of the Battle of Plassey, many historical processes have been wiped out. Our Murhidabad Palace, Moti Jheel, Hira Jheel, the Palace of Nand Kumar and such significant historical places are going to be wiped out. Our Department of Archaeology and the Government are not taking proper care of them. I think they are not also capable to manage all these things simultaneously in all States. Sir, it is reported that the original Quran of

[Shri Sanat Kumar Raha]

Firdosi is missing from Nizammat Palace of Murshidabad. It is also reported that valuable arms of the days of Siraj are missing from the almirahs of the Murshidabad Palace. Our sentiments and feelings go with our 'Kohinoor', which should be recovered, if possible. It is Indian jewellery; it is in London. The Britishers' plunder of Bengal, Bihar, Madhya Pradesh and Rajasthan have enriched the British and founded capitalism for the British Empire in the future. Now, days have come when we can bargain with those countries as an independent country, to save our honour, preserve our ancient culture and protect our antiquities. These objects of arts should be preserved and given due honour and value.

Sir, we cannot sell our national honour or ancient culture. So this Bill is very essential today. It will help the Government and the people to maintain and carry forward the old traditions, preserve Indian glory and Indian culture for our posterity.

There are international gangs in this business of export and smuggling of antiquities. I think by this Act everywhere there will be a serious observance by the Government and the Department of Archaeology and the people as a whole so that these things can be stopped for good and no export and no business of these national values is indulged in with a profit motive and for the purpose of business and gambling. These international criminals should be brought to book. They should be penalised and they should not be given further licences in their life.

Sir, recommendations are there. There are the Expert Committee's recommendations; there are the Review Committee's recommendations. There are some suggestions to protect our antiquities and regarding the export of these antiquities. So

I think the Government should consider all these recommendations and seriously implement them. Sir, it is reported that fifteen thousand monuments are there in our country. It is also reported that one thousand and odd objects are stolen every year and smuggled out of this country. I do not know as to how you call it to be a 'national property'. Will the Minister clarify as to what is 'national property'? I think not only 75-years old documents and antiques should be taken as 'national property', at least 50-years old antiques and documents should be treated as national property or objects of art.

SHRI SASANKASEKHAR SANYAL :
Will that include Members of Parliament ?

SHRI SANAT KUMAR RAHA :
If the people's interest is in them, they may be preserved in the museum.

In this regard, Sir, there should be a provision for registration of antiques. It is a very serious question. In the whole Bill I do not find such a provision where people are in picture. The question of registration by people and in places of the antiques should be considered very seriously. Those are the people who are the makers of history ; they know where the antiques are, where the ancient temples and monuments are and what the ancient culture is. So, the question of those people registering the antiques etc. and living there should be seriously considered. There should be a provision for registration and at the time of registration, a comprehensive outlook should be there, district-wise. No antique which is of 50 years old or more should be exempted from registration. If any antique which is of some value or which is an object of art must be registered.

Sir, I would request also that this Act be implemented, simultaneously in all the states it should not be implemented.

piecemeal. It is an Act for the entire country. The objects of art and antiques are to be preserved in the whole India. None should get an opportunity to carry the objects of art from place to place or from state to State. Therefore, when this Act is to be implemented, it should be implemented, necessarily simultaneously in all the States.

Then, I find there is a dearth of guides. Wherever I went, whenever I visited some of the historical places or monuments, I found a dearth of guides and their cadre. Whose department is it? So many Acts are there, so many resolutions are there for historical culture, art, ancient monuments and ancient places. This bill has also come before us, but what are you doing with the question of providing more guides, more cadres, who are the real interpreters of the objects of art? Guides are the proper interpreters of the art. there should, therefore, be a proper team, a proper cadre of guides so that the entire people of India could come to know the purpose and reality of these things. So, the 'people' should be taken into consideration seriously.

Finally, Sir, in conclusion, I would suggest that the Archaeological Department should seriously consider the subject of paintings. There are other subjects for this Department to look after but this subject of paintings is being overlooked. Paintings in Murshidabad Palace of the Moghul days are missing. This subject should, therefore, be given careful consideration. Paintings as a subject of Archaeological Department should be given serious thought. Paintings of the national value should be preserved and protected also.

In conclusion, while supporting this Bill, I hope that the enactment of this Bill and the implementation of this Act would be simultaneous throughout the various States.

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It will actually help the Indian people to maintain and carry forward their own culture and tradition to posterity, with glorious torch-bearing symbol of the past and ancient days of India.

SHRI DAHYABHAI V. PATEL

(Gujarat) : Sir, while supporting the objective of the Bill I would like to make a few comments on this. I feel that this Bill is an action of bolting the stable after the horse has fled. For how long have art objects been taken out of India, known and unknown? And we are still acting in the tradition of old. While objectively we say we want to preserve art treasures, recently our President went to Thailand. He took an old *murti* of the Buddha to Thailand from here, one of the oldest in Mahdy Pradesh. Now, those who have been to Bangkok know that Bangkok is full of *murtis* of the Buddha, sleeping Buddha, standing Buddha, gilded Buddha, emerald Buddha. They are not short of these things, was it necessary to take away this object of art, something that was very valuable and of which we do not have too many for this purpose?

Sir, in this Bill I see that there is power given to the police which is rather drastic. If the police officer suspects there is something here, if he smells it like a dog or through the horse sense, I do not know what you call it, he has got a right to enter somebody's house strongly object to this. It is a very drastic provision. There are regular provisions in the law according to which the police, after obtaining a search warrant in the normal course, could take action. I am not against taking action where action is justified but there should be some semblance of law. The citizen's right should be preserved, nobody should be allowed to ride roughshod over it. This Act comes as an act of history. The history of this country has been that this has

[Shri Dahyabhai V. Patel]

been a Hindu country for years. There have been Hindu temples and monuments and invaders for thousands of years have come, plundered, looted and destroyed and left the temples in a mess. They were left in that mess even under the British rule. Afterwards have we done anything to rebuild them? People moving about in this country with open eyes will see that every effort is made to rebuild a tomb or a mosque wherever it is and to paint it; even in Delhi it is done. I am not against it if it is a monument worth preserving. But why do you neglect the temples which have so much of art? If you come with me to Gujarat I can show you so many temples which have such beautiful carvings; the stones there are being used by people to wash their clothes. No one ever thinks of digging them up and preserving them. Therefore I feel that the Bill has got a wrong perspective. The perspective of the Ministry for the last 25 years since independence has not been correct; it should have been corrected long ago.

Sir, an effort was made—it has nearly been completed—to repair the temple of Somnath but what criticism was raised about it? Was it not a work of art, a temple, a monument that should be preserved? There was a wrong approach made to it. I am glad the Minister referred to the United Nations and what the United Nations feels about it. What do we do about it? When the communists mounted their guns on the temples of Angkor Vat, what did we do? Did we protest?

SHRI K. P. SUBRAMANIA MENON (Kerala): The communists did not.

SHRI DAHYABHAI V. PATEL: The communists did it.

SHRI K. P. SUBRAMANIA MENON: It was your American friends.

SHRI DAHYABHAI V. PATEL: I was the North Vietnamese and the communists who mounted their guns on Angkor Vat.

SHRI K. P. SUBRAMANIA MENON: It was your American friends.

SHRI DAHYABHAI V. PATEL: I have gone there and seen it. You can ask anybody there. No amount of lies can hide this fact and you will see for yourself. But the appeal that was made by the United Nations has gone unheeded. This country particularly has interest in this because they are replicas of the Hindu tradition, of the Hindu culture and that is the point I would like to make.

SHRI K. P. SUBRAMANIA MENON: Indian culture.

SHRI DAHYABHAI V. PATEL: I agree, Indian culture; I stand corrected.

SHRI SASANKASEKHAR SANYAL: Eastern culture.

SHRI DAHYABHAI V. PATEL: What do we do about it?

SHRI SASANKASEKHAR SANYAL: It is universal culture.

SHRI DAHYABHAI V. PATEL: Sir, as regards what is remaining in this country, how are we going to go about it? We have ancient monuments everywhere. We have a large number of them in the State of Orissa.

SHRI BHUPESH GUPTA (West Bengal): We have ancient monuments and ancient people also everywhere.

SHRI DAHYABHAI V. PATEL: I do not know whether he has got enough room in his museum for both of us if your reference is to us. But there are a large number of monuments in the State of Orissa, in Bhuvaneswar. There are famous temples in Orissa which are in ruins. Is anything being done? What can we do?

We can do quite a lot to preserve them, prevent them from falling apart. It would need effort. It would need money. Konarak temples are like one of the, I should say, wonders of the world. Has anything been done beyond putting up a board "Protected Property"? That is not enough. Concrete steps should be taken to see that Government is serious in this matter, a little effort, a little research, and where a few stones are missing, where a monument is crumbling and falling down, Government should make special efforts to set it right, should protect a protected monument from falling down. I am told Government has made certain zones and they have offices in certain zones. I would suggest that if in the eastern zone they have an office, the office should be in Bhuvaneswar and nowhere else, because that area has the largest number of temples. I am sure Bengal has also a number of them. But Bengal has a different personality by itself—you have a sample here. So they should not be confused with their propensity, with their tendency to dominate—see how sitting as my neighbour he tries to dominate me. They will dominate every one of us. In Andhra Pradesh, where we have a large number of these monuments, they should be protected, the individuality of the carvings and the architecture. The art of Orissa and Andhra Pradesh is similar and that should be preserved. I suggest that the Minister should have a separate directorate to look after these so that these monuments are preserved. Above all, I would like that a special effort be made to prevent these monuments, not only there but all over India, from falling down. The Government should find the architects and the old craftsmen, who know how to put these things into proper shape and repair them. That would be my appeal to the Minister. I am not against the objective of the Bill but I have drawn attention to some of the provisions about which I have my fears. I hope the Minister will deal with

them in his reply—I do not know whether I will be convinced by them or not.

श्रीमति लक्ष्मी कुमारी चंडावत (राजस्थान) :
श्रीमन् जिस मंशा और नीयन के साथ इस बिल को प्रस्तुत किया गया है उसका मैं स्वागत करती हूँ। अगर हमारे शिक्षा मंत्री जो इतिहास के जानकार हैं, शिक्षा प्रेमी हैं और पुरातत्व प्रेमी हैं उनके हाथ में ऐसे बिल न आया होता तो हमें ताज्जुब होता।

श्रीमन् अगर हम पिछले जमाने के ऊपर नजर डालें तो ये पिछले दो सौ, तीन सौ साल जो बीते हैं वह कलाकृतियों के लिहाज से एक अन्धकार का युग था। इन पिछली दो तीन सदियों में न तो हम उत्कृष्ट प्रकार की कोई कलाकृति बना सके और न उनकी रक्षा कर सके बल्कि इन दो सौ, तीन सौ सालों में बराबर लूट होती रही। अंग्रेजों ने हमारी कलाकृतियों को हमारी अलभ्य वस्तुओं का, हमारे देश के गौरव की वस्तुओं को लूटा और हमारे देश की इन अमूल्य चीजों और कलाकृतियों का खजाना खाली कर दिया। जब एक पराधीन देश होता है तो उसकी लूट होती है। उस समय हमारी मजबूरी थी लेकिन इन पिछले बीस सालों की ओर हम नजर डालते हैं तो इन बीस पच्चीस सालों में जिस तरह हमारे यहां में चीजें गईं वह उम मुकाबिले में गिनती में कम नहीं हो सकती। पहले तो कुछ लोग केवल लुटेरों की तरह ले गए हैं जैसे ब्रिटिश शासक लूट कर ऐसी कलाकृतियां बाहर ले गये हैं। लेकिन हाल के वर्षों में दुनिया में हमारी कलाकृतियों को लेकर एक अन्तर्राष्ट्रीय बाजार खोला गया। दुनिया के कई मुल्कों से जो कला के जानकार थे, जो म्यूजियम रखने वाले थे उनकी दृष्टि हिन्दुस्तान के इस भंडार की ओर गई और कई तरह से हमारी कला की वस्तुएं बाहर जाने लगीं। सबसे बुरा यह हुआ कि पूरी कीमत मिलान के साथ अधिक आमदनी के लालच में आकर हमारे लोगों ने झोंपड़ी झोंपड़ी से, घर घर से और गांव गांव में जाकर इन कलाकृतियों को खोजना शुरू किया और बाहर

श्रीमती लक्ष्मी कुमारी चूडावन

के लोगों को मुहमागे दाम पर बेचना शुरू किया। हजारों वर्षों से हमारे मंदिर पड़े थे, उनकी मूर्तिया पड़ी थी, जगलो में पड़े थे, खडहर के तौर पर पड़े थे, चाहे वे खडहर बन कर रहे लेकिन उनके मान्यूमेन्ट्स या स्कुल्चर या खडहर बाहर नहीं गए हैं। लेकिन इन बीस-पच्चीस वर्षों में हमारी मूर्तियों को जिनको पहले हाथ नहीं लगाते थे चूक एक धार्मिक भावना थी, मंदिरों तक से मूर्तिया उठा कर बाहर ले जाने लगे। तो यह बिल जो इतनी देर के बाद प्रस्तुत कर रहे है जब कि बहुत सारा खजाना हमारा खाली हो चुका है। इस बीस-पच्चीस साल के अरसे में तस्करी हुई, चोरी हुई, अनेक तरह से हमारा सामान बाहर गया, यानी उसकी हमारे पास कोई गिनती नहीं, उसका कोई हिमाब नहीं। सरकारी आकड़ों के अनुमार पता चलता है कि जिन चीजों की चोरी हुई उनके 2,272 केसेज पुलिस में रिपोर्ट हुए रजिस्टर्ड हुए। यह तो केवल रजिस्टर्ड चोरी हुए सामान की फिगर्स हैं लेकिन ऐसी अनेक वस्तुएं थी जिनका रजिस्ट्रेशन नहीं हुआ और बहुत सारा सामान चला गया। लोक सभा में पहले के एक्स मिनिस्टर माहब ने बताया था कि प्रत्येक वर्ष में करीब-करीब 1,000 मान्यूमेन्ट्स हमारे इस मुल्क से बाहर के मुल्कों में चले जाते हैं। लेकिन मैं सोचती हूँ, इससे बहुत कुछ ज्यादा ही हाता है जो हमारी जानकारी में नहीं है, जो हमारे पास खबर नहीं आती है, लेकिन अनेक सोर्सों के जरिये बाहर चली जा रही है। मैंने इसी सदन में प्रश्न पूछा था और उसके उत्तर में मुझे सरकार से जो कागज मिले उनसे मालूम हुआ कि कई वस्तुएं जो हमारे यहाँ से चोरी होकर बाहर गईं, उनके मामले इन्टरपोल में दिए गए हैं। ताज्जुब होता है कि हमारे यहाँ की बेशकीमती वस्तुएं कैसे दूसरे मुल्कों में चली गईं और वह भी हमारे सरकार के राष्ट्रीय म्यूजियमों से गईं हैं, जैसे नालदा की म्यूजियम से चीजे चोरी गईं और आज वे अमरीका के लास एंजल्स की काउंटी म्यूजियम में पड़ी हुई हैं। इसी तरह से नालदा से भगवान बुद्ध की एक मूर्ति गई और वह सीण्टल आर्ट म्यूजियम, ए २०२० में पड़ी है। इसी तरह से विजयवाड़ा से

एक स्तूप जो कि आर्कियालाजिकल विभाग के अनर्गत था, वहाँ से स्तूप के कई टुकड़े खंडों में गए और वे अमरीका के प्रोव्हियो के सीनेट म्यूजियम में पड़े हुए हैं। इसी तरह से हमारे बड़ौदा म्यूजियम से, जो एक बहुत बेशकीमती म्यूजियम है, सूर्य मूर्ति चली गई और वेस्ट जर्मनी के डलहम म्यूजियम में पायी गई है, वहाँ पड़ी हुई है। सरकार जानती है और इन्टरपोल में यह केस दे रखा है। मुझे आश्चर्य इस बात का आता है कि एक राष्ट्रीय म्यूजियम से मूर्तिया चुरायी जाती है, दूसरे मुल्का के राष्ट्रीय म्यूजियम में उनको रखा जाता है लेकिन उन मूर्तियों के बारे में कोई कार्यवाही नहीं की जा सकती, कोई चाराजोयी नहीं की जा सकती। एक साधारण मा कानून है कि किसी भी व्यक्ति को कोई चीज चुरायी जाती है तो दूसरे व्यक्ति के पास पहुँचती है, उसको पकड़ के लिए कायदा कानून बना हुआ है। क्या आपके इन्टरपोल का कोई कायदा कानून ऐसा नहीं कि एक म्यूजियम से चोरी हुई मूर्ति चली जाए और उसके बारे में पूछ न सके, उनसे पता न चला सके कि किस सोर्स से आई है। उसी तरह से हमारी ग्रीक कलाकृतिया हैं जो बाहर चली गईं। तामिलनाडु के आनन्द ताण्डव का चित्र जो अपने यहाँ से गया और आज अमरीका के एक संग्रहकर्ता के पास है, उसकी कीमत कई मिलियन डालर्स में आकी जाती है। मेरा यह कहना है कि इस तरह की जो चीजे चुराई गई हैं, तो क्या हम इसके बारे में दूसरे राज्यों से, दूसरी सरकारों से नहीं पूछ सकते हैं कि हमारे यहाँ से चुराई गई चीजों को क्यों न वापस लौटाया जाय और इस तरह से चोरी करने वाले व्यक्तियों के नाम बतलाये जाय। सरकार की तरफ से जो मुझे लिस्ट दी गई है उसको देखकर ताज्जुब होता है कि किस तरह से हमारी राष्ट्रीय महत्व की कृतियों को चुराकर बाहर ले जाया गया है और इस तरह की 95 प्रतिशत कृतिया अमेरिका में चुरा कर ले जाई गई हैं। तो मेरा आप से यह निवेदन है कि इस नजर से हमें इस चीज को देखना है और उसके लिए कार्यवाही करनी है।

खैर, यह बिल आया, देर से आया और कहावत भी है, देर आयद दुस्त आयद। तो मैं शिक्षा मंत्री जी से यह कहना चाहती हूँ कि जिस नीयत से यह बिल रखा है, उसी के हिसाब से प्रायको देश की कला-कृतियों को

प्रिजर्व करना चाहिये । इन चीजों की किस प्रकार से रक्षा की जाय, यह आपके सामने मवाल है । मैं यह जानती हूँ और इस बात की तारीफ़ करती हूँ कि जितना ज्ञान हमारे शिक्षा मंत्री जी को है अनुभव है, उसके मुताबिक मैं कह सकती हूँ कि वह इस बात को अच्छी तरह से जानते हैं कि किस तरह से इन कला-कृतियों की रक्षा की जा सकती है । आपको कई यूरोप के मुल्कों का इस चीज के बारे में अनुभव प्राप्त हुआ है, लेकिन फिर भी मैं अपनी ओर से कुछ कहना चाहूँगी ।

एक कहावत है कि चिराग के तले अग्धरा होता है । आपने वान्न बनाया, लेकिन आपकी नजर कई जगहों पर नहीं गई होगी । आप अगर अपने आस पास की जगहों को देखेंगे, तो आपके आस पास जो बड़े बड़े आफिसर हैं उनके घरों में आपको पुरानी कला-कृतियाँ भरी हुई पड़ी मिलेंगी । अगर उनसे यह पूछा जाय कि आप ये वस्तुएँ कहाँ से लाये हैं, कहाँ से खरीदी हैं, तो वे तुम्हें कोई जवाब नहीं देंगे । अगर आप किसी आई० सी० एस० या किसी पुलिस आफिसर के घर का देखेंगे तो आप वहाँ कई तरह की कला-कृतियों को पायेंगे जा कि भिन्न भिन्न देशों की हैं । अगर आप कहें तो मैं अपने राज्य की एक लम्बी लिस्ट इस तरह के लोगों के बारे में दे सकती हूँ और इन चीजों को आपके सामने पेश कर सकती हूँ और दिखला सकती हूँ ।

दूसरा मैं आपका ध्यान दिल्ली में दूतावासों के घरों की ओर दिलाना चाहती हूँ । आप इन दूतावासों के मकानों में जाते हैं, आपने उनके मकानों में देखा होगा कि हमारे यहाँ की अमूल कृतियाँ उनके मकानों में टगी हुई पड़ी हैं । एक-एक बड़े आफिसर का मकान किसी एक म्यूजियम से कम नहीं है । मैं आपको याद दिलाना चाहती हूँ कि चाहे वर्ल्ड हेल्थ आर्गनाइजेशन वाले हों, चाहे यूनेस्को वाले हों, ये लोग चाहे अमेरिका से आये हों या किसी और मुल्क से, जितने भी इस तरह के लोग विभिन्न मुल्कों से आते हैं, वे यहाँ से विभिन्न प्रकार की कला-कृतियाँ ले जाते हैं ।

इसके साथ ही साथ मैं यह भी निवेदन करना चाहती हूँ कि जो डिप्लोमैटिक बैग होते हैं, उसके द्वारा भी कई चीजें बाहर भेजी जाती हैं । इस चीज के बारे में मैं ज्यादा इस सदन में नहीं कहना चाहती हूँ क्योंकि पता नहीं इस बारे में क्या ऐक्शन या रिएक्शन हो । लेकिन

मैं यह बात अवश्य कहना चाहती हूँ कि जो डिप्लोमैटिक बैग होता है, उसके द्वारा मूर्तियाँ तो नहीं जा सकती हैं, मोनोमेन्ट्स नहीं जा सकते हैं, लेकिन छोटी छोटी चीजें बाहर भेजी जा रही हैं । जो हमारे बेशकीमती कला-कृतियाँ हैं, ज्वेलरी हैं और पेंटिंग्स हैं, वे बाहर जा रही हैं और इनको ले जाने की आपने छूट दे रखी है । तो मैं यह जानना चाहती हूँ कि आपने इसके बारे में क्या किया है ? हमारा दुर्भाग्य यह रहा है कि बाहर से आने वाले जितने भी डिप्लोमैटिक लोग आते हैं, वे यहाँ से कला-कृतियों को लेकर जाते हैं । हमारे राजदूत जो बाहर नियुक्त किये गये हैं, वे भी यहाँ से सामान लेकर बाहर गये हैं क्योंकि आपने ऐसे ऐसे लोगों को राजदूत नियुक्त किया है जिनके घरों में कला-कृतियों का भंडार पड़ा हुआ है । इस तरह के लोग सब सामान बाहर ले जाते हैं उन मुल्कों में जहाँ वे नियुक्त किये जाते हैं । शायद मंत्री जी मेरा इशारा समझ गये होंगे । इस तरह के एक नहीं अनेक उदाहरण दिये जा सकते हैं ।

मैं यहाँ पर आपका याद दिलाना चाहती हूँ कि नेपाल में भी बाहर के लोग आये और वे सारे का साग माल तथा कला-कृतियाँ अपने साथ ले गये । एक मिसेज स्टोला है जिसने नेपाल से बहुत सी कला-कृतियों को बाहर कर दिया और नेपाल को कगाल कर दिया । जब नेपाल में काफी सामान बाहर चला गया तब नेपाल सरकार की आख गलती और उसके बाद नेपाल सरकार ने उसके ऊपर बैन लगा दिया । हमारे यहाँ से इतना माल बाहर चला गया है, इतनी मूर्तियाँ चोरी चली गई हैं लेकिन आपने किनो के ऊपर बैन नहीं लगाया । क्या आपने इस तरह का कोई कानून बनाया है, कोई प्रावधान किया है कि ऐसे काम करने वाले विदेशियों का इस धरती पर पाव नहीं रखने दिया जायेगा ? आपने इस बारे में कोई ध्यान नहीं दिया है और न अभी तक आपकी आँखें खुली हैं । आपने कानून बना दिया, सुन्दर किया लेकिन क्या कानून बनाने से

3 P.M. इन पुरातत्व की चीजों की रक्षा हो

सकती है, क्या कानून में कुछ कायदे बना देने से हम इस सम्पत्ति की रक्षा कर सकते हैं । मैं कहती हूँ कि कानून बनाने से कुछ नहीं होता । पहली बात तो यह है कि कानून लेखन से भरा हुआ

श्रीमती लक्ष्मी कुमारी]

है और दूसरी बात यह है कि उसका इम्प्लीमेंटेशन नहीं होना है। (Time bell rings) मुझे कुछ और बोलना है मुझे 5-6 मिनट और दिये जाय।

PROF. S. NURUL HASAN: I will shorten my speech. Let the hon. Member give her suggestions. They are very valuable.

श्रीमती लक्ष्मी कुमारी बूँडावत : मैं यह कहना चाहती हूँ कि केवल कानून बनाने से हम सब कुछ नहीं कर सकते। सरकार को बहुत बड़ा रोल अदा करना पड़ेगा। जो सामग्री हमें विरासत में, हेरीटेज में मिली है वह हमारी अनेकों पीढ़ियों ने मिल कर बनाई है। वह आज हमारे मुल्क के कोने-कोने में बिखरी है। किसी टीले के नीचे मन्दिर बना हुआ है, किसी घने जंगल के अन्दर कोई गुफा है, कहीं छोटे-छोटे घरों में अपूर्व चीजें पड़ी हुई हैं। सरकार ने इस बिखरी हुई हेरीटेज के डोक्यूमेंटेशन के लिए क्या काम किया है, उसके लिए आपके क्या प्रोग्राम हैं, उसके लिए आपके क्या प्लान हैं? आप कहेंगे कि हमने आर्क्योलोजी के नीचे बड़े-बड़े मन्दिर ले लिए हैं। मैं मानती हूँ कि आपने मन्दिर ले लिए हैं, चिन्ने ले लिए हैं, लेकिन उसमें आपने काम कितना किया है? जो आपने लिया है उसके अलावा भी बहुत कुछ बिखरा पड़ा है और मैं यह कह सकती हूँ कि ऐसी सामग्री या न आपने सर्वे किया है और न आपके विभाग को इसके बारे में जानकारी है इसलिए अगर आप चाहते हैं, कि हमारी इन चीजों की रक्षा हो तो इनमें क्या गुण हैं, क्या खूबियाँ हैं इसके बारे में हमें अपनी जनता का शिक्षित करना होगा, उनको जानकारी देनी होगी। आज हमारी जनता को इसके बारे में जानकारी नहीं है। अगर इस तरह की भावना पैदा की जाय जो हमारे पूर्वजों के दिमाग में मन्दिरों और मूर्तियों के लिए थी तो ये चीजें सुरक्षित रह सकेंगी। आपके सामने मैं इंग्लैंड का उदाहरण देती हूँ जो आप जानते हैं, कि जब 62 में वहाँ के म्यूजियम को, वहाँ की रोयल अकादमी को रूप्यों की जरूरत पड़ी और मजदूर होकर वे अपना लियोनादो का विन्सी का चित्र बेचना चाहते थे तो अमरीका के एक व्यक्ति ने 10 लाख डालर की बोली लगाई। जब 10 लाख डालर की बोली लगी उसे खरीदने के लिए

तो सारे मुल्क में एक करेंट फैल गया, लोगों को ऐसा लगता जैसे उन्हें अपने बच्चे को बचाना है। उन्होंने चन्दा कर के 6 लाख डालर इकट्ठा करके अकादमी को दिए और कहा कि इससे काम चलाया जाय, लेकिन चित्र न बेचा जाय। इस प्रकार की भावना हमें अपने लागा में पैदा करनी है। मैं आपसे निवेदन करूँगी कि आर्क्योलोजी के डिपार्टमेंट और म्यूजियम के डिपार्टमेंट के विकास पर आप अधिक धन खर्च करें। अभी आर्क्योलोजी के विभाग में क्या है गाइड है, तो वह पूरी बात नहीं बता सकता, एक नीले रंग का पट्टा लगा हुआ है, उस पर सफेद अक्षर हैं कि इसे नष्ट करने पर यह सजा मिलती है।

प्रो० एस० नूरुल हसन मैं यह दरखास्त करना चाहता हूँ कि इस बिल के मिलसिले में जो सुझाव आप दे रही हैं वे बहुत अच्छे हैं। आर्क्योलोजी पर आप बहम करें तो मुझे तो फायदा ही होगा लेकिन आर्क्योलोजी पर बहम करने के और मौके आएँगे। अभी आप इसके बारे में सुझाव दें तो बड़ी मदद मिलेगी।

श्रीमती लक्ष्मी कुमारी बूँडावत : मैं म्यूजियम के बारे में कहूँगी कि हमारी जो अलग अलग विभाग हैं उनका विकसित करना, म्यूजोलोजी को विकसित करना बहुत जरूरी है। इस समय एपीग्राफी, एकीनोग्राफी और मुद्रा विशेषज्ञता हमारे यहाँ है। लेकिन हमारे मुल्क में जो अमूल्य हथियार हैं, कई किस्म की चीजें हैं, उनके बारे में जानकार हमारे पास नहीं है, इंडियन वैपन्स के बारे में जिन्हें एकमपेंट माना जाय वे नहीं हैं। इसके बारे में कोई पुस्तक भी नहीं है। हथियारों पर विशेष ध्यान दे क्योंकि इस आर ध्यान नहीं दिया गया है।

अभी नटराज की मूर्ति की चार्ज हुई थी आनन्द ताडव की, एक नकली मूर्ति बना कर मन्दिर में रख दी गई थी, वह मन्दिर जो आर्क्योलोजी के विभाग के नीचे था और प्रोटेक्टेड था। जब बाहर का ब्रिटिश म्यूजियम का डगलस बैगन आया तो उसने बताया कि यह नकली मूर्ति है। उसने बताया मन् 1965 में और हमारे मद्रास के म्यूजियम ने प्रेषित किया मन् 1969 में कि यह नकली मूर्ति है। शिक्षा मंत्री जी,

आप ज्यादा समय नहीं देना चाहते हैं। इस लिए मैं बहुत सक्षेप में एक दो बातें कह कर समाप्त करूँगी। मेरा सुझाव यह है कि सबसे पहले जितने प्राइवेट म्यूजियम हैं उनको सरकार अपने कब्जे में ले ले, पूरे तौर पर अपने कब्जे में ले ले और अगर पूरे तौर पर कब्जे में न ले तो उनके ऊपर मुकम्मल निगरानी गवर्नमेंट की होनी चाहिये। दूसरे रईसों के पाम कला-कृतियों के ढेर पड़े हुए हैं। उन कलाकृतियों को लिया जाय और कीमत के तौर पर एक एक रूपया दिया जाय। वह इस लिए कि यह जो सामग्री थी यह स्टेट की थी, राज्य की थी और वे राज्य इस भारत राज्य के अंतर्गत विलीन हो गये और इस लिए अपने आप स्वभावतः वह सम्पत्ति उसके अधीन आ जाती है।

तीसरे मैं आप को एक बहुत मौजू सुझाव देना चाहती हूँ। हमारे यहाँ आर्कैलाजी जगलों में चारों ओर बिखरी पड़ी हुई है जहाँ केवल एक चौकीदार रहता है जो उसको सभाल नहीं सकता है। कई दफा ऐसे केसेज होते हैं कि गिरोह आते हैं और चौकीदार के हाथ पाव बाध कर के वहाँ की मूर्तियाँ उठा ले जाते हैं। इसी तरह कई दफा खून भी हुए हैं। तो मैं आप से निवेदन करूँगी कि ये जो बिखरे हुये मान्युमेंट्स हैं इनको उठा कर के जो हमारे डिस्ट्रिक्ट हैडक्वार्टर्स हैं एक दफा वहाँ ला कर के आप रख दें और फिर उनको छाँटे कि उनमें नेशनल इम्पार्टेंस की कौन हैं। जो नेशनल इम्पार्टेंस की हो उनको यहाँ लाया जाय। जिन की कई कृतियाँ हों, जिन की कई आकृतियाँ हों, उनको मैं समझती हूँ कि एक्सचेंज किया जाय और दूसरी चीजें वहाँ से लाई जाय। इसका एक नतीजा यह निकलेगा कि विदेशों के म्यूजियम जो भारत की चीजें चाहते हैं, उनको अगर चीजें आसानी से कीमत देने में मिल जायगी तो वे स्मरगलिंग से न ले कर यहाँ से ले लेंगे। उन पर जो हमारा खर्चा लगेगा उस खर्च को भी हम वसूल कर सकेंगे।

मैं आप का ध्यान पर्चेज कमिटी की ओर भी दिलाना चाहती हूँ। जब यह कमिटी बनती है तो देश के कोने कोने से लोग यह सामान ले कर के आते हैं। होता क्या है कि उस वक्त जो कीमत उनको दी जाती है, उसी वक्त दूसरे ट्रेडर्स आ कर के खड़े हो जाते हैं और सरकार जो कीमत उनको देनी है उसकी डबल कीमत दे कर के

ट्रेडर्स ले लेते हैं और फिर उसको बाहर भेज देते हैं। आप इसका पूरा ध्यान रखें।

दूसरे आपने कानून में यह बताया कि उसकी फोटोग्राफी रखी जायगी। मैं कहती हूँ कि फोटोग्राफी से काम नहीं चलेगा। ऐसी चीजों की लोग नकल बना लेंगे। नकल करने वाले बड़े चतुर हैं। इस लिए सरकार की सील उनके ऊपर लगाई जाय। इसी तरह दूसरी कलाकृतियों के लिए भी ऐसा ही कोई प्रबंध किया जाय। केवल फोटोग्राफी से यह काम नहीं चल सकेगा।

मैं और बालना चाहती थी, लेकिन समय नहीं है इस लिए बैठ जाती हूँ।

श्री जगदीश प्रसाद माधुर (राजस्थान) :
उपाध्यक्ष महोदय, सदन में जब भी पुगनी मूर्तियों और कलाकृतियों की चोरी का प्रश्न उठता था तो सरकार की ओर से जबाब दिया जाता था कि इस सम्बन्ध में कार्यवाही करने के लिए कोई उपयुक्त कानून नहीं है और हम शीघ्र कानून बनाने वाले हैं और इस के बाद इस सबध में सरकार शीघ्र कार्यवाही करेगी। आज यह कानून हमारे सामने आया है, लेकिन मुझे इस कानून का जो प्रिर्विल है उस को देख कर ऐसा लगता है कि अब तक जो इस के पीछे मिद्दात और उद्देश्य बताया जाता था उस रूप में सरकार काम नहीं करना चाहती है। इस में इस बात की आवश्यकता थी कि जितने भी अपने पुरावशेष हैं, जितनी भी अपनी ऐंटीक्वीटीज हैं उन का किस प्रकार प्रिजर्व किया जाय इस की पूरी व्यवस्था होती। लेकिन अब तक काम चोरी से होता था, और सरकार अब कानून उनको बाहर भेजने की व्यवस्था कर रही है। इस विधेयक का जो प्रिर्विल है उस के प्रारम्भ में ही आप का लिखना चाहिए था।

"for preservation in public places

."

उसके स्थान पर आपने पहले ही लिखा है :

"to regulate the export trade in antiquities and art treasures, to provide for the prevention of smuggling..."

[श्री जसदीप प्रसाद माथुर]

तो आप पहले ही मन में एक बात ले कर चल रहे हैं। जैसा कि रानी लक्ष्मी कुमारी जी बतला रही थी। आप को सोचना चाहिए कि किस प्रकार से उन चीजों को प्रिजर्व किया जाय। मैं उन से कहूंगा कि इस विधेयक से तो हमारा माल, हमारी चीजे बाहर जाने वाली है और इस दृष्टि से ही यह विधेयक बनाया जा रहा है। सरकार कह सकती है कि जहां तक स्मगलिंग का मवाल है, शिक्षा मंत्रालय का उस से कोई संबंध नहीं। माल उन का जरूर जाता है, लेकिन उस को रोकने के लिए पुलिस का महकमा है, इंडियन पीनल ऐक्ट उस के लिए है, उस की रोकथाम के लिए, लेकिन स्वयं आप ने इस बात को अनुभव किया है कि अब तक आप की जितनी कला-कृतियां, जितने पुरावशेष ये उन की चोरी को रोकने की दृष्टि से हिन्दुस्तान के किसी प्रान्त की पुलिस ने ईमानदारी में काम नहीं किया है और जहां भी उन की स्मगलिंग का काम हुआ है उस में पुलिस वालों ने मिल कर उन का स्मगलिंग करवाया है और आप की केन्द्रीय सरकार का जो कस्टम डिपार्टमेंट है, इन चीजों को हिन्दुस्तान के बाहर भेजने में उन को सहयोग देता है अब तक सदन में जिस प्रकार की सूचनाये आई हैं और सदन में जिस प्रकार के बार-बार प्रश्न हुए हैं उनके अनुसार बहुत बड़ी मात्रा में हिन्दुस्तान की कलाकृतियों की चोरी हुई है और उनकी स्मगलिंग हुई है। उस को रोकने की दृष्टि से आज आवश्यकता इस बात की थी और मैं इस बात में महमत हूँ और मैं इस बात में सरकार को समर्थन देता कि सरकार एक ब्लैकट बैं लगाती कि हिन्दुस्तान में जो भी चीजें हैं पुरावशेष, वह बाहर नहीं जायेगी। आखिर गवर्नमेंट किन चीजों को डिक्लेयर करेगी कि ये पुरावशेष हैं या नहीं, और आप चाहे जितना डिक्लेयर कर दे, हिन्दुस्तान की सरकार उन सब चीजों की मालिक हो जाय, हम उस बात के लिए तैयार हैं, लेकिन इस बान की जरूरत है कि आज जो आप उन चीजों को बाहर भेजने की व्यवस्था कर रहे हैं दुकानों का आप रेगुलेशन करना चाहते हैं, जिन को आप लाईसेंस देना चाहते हैं तो शायद उन

को लाईसेंस देने से आपको कुछ पीस जरूर मिल जाएगा, आप के डिपार्टमेंट की आमदनी जरूर कुछ बढ़ जायगी, लेकिन वास्तव में उससे समस्या का कोई हल नहीं निकलेगा। आज भी लोग काम करते हैं, और जो लोग व्यापार करते हैं उन में से हर एक व्यापारी लाज भी बेईमान नहीं है। यह हम मान कर न चले कि जितने व्यापारी हैं वह सब बेईमान हैं। कु व्यापारी ईमानदारी से भी काम करते हैं और ऐसे काम जो बेइमानी से, स्मगलिंग से होते हैं उनको रोकने की दृष्टि से यह विधेयक, मैं समझता हू कि अपर्याप्त है। इस विधेयक का उम स्मगलिंग को रोकने से कोई मबध नहीं है वास्तव में बीमारी वहीं है और आप इलाज उसका कोई दूसरा करना चाहते हैं। इस विधेयक का हम समर्थन करें या विरोध, इस का कोई अर्थ नहीं है। जो मूल बीमारी है आज हिन्दुस्तान में उस को रोकने की दृष्टि से मैं कहना चाहता हू मंत्री महोदय से इस में कोई व्यवस्था नहीं है। इस विधेयक के पारित होने बाद भी बाहर चीजें खुल कर जायेंगी। जैसा कि अभी माननीय सदस्या कह रही थी कि अधिकारियों के यहाँ किम प्रकार की चोरी होती है। माउन्ट आबू में एक मकान बना हुआ है। जयमलमेर के ग्रंदर पालीवाल लोग जो वहाँ के पुराने ब्राह्मण थे, वहाँ उन के महल बहुत सुन्दर है। इतनी सुन्दर इमारतों के वे मकान थे, राजस्थान के मारे पुलिस अफमरो ने वहाँ चोरिया की और एक बड़े पुलिस अफमर ने जब मकान बनवाया तो उस में चोरी का जो एक खम्बा लगवाया उस पर गणेश जी की मूर्ति थी। वह गणेश की मूर्ति इस प्रकार से उस कर अकित है कि दिखायी नहीं देती। उस ने खम्बे को अपने मकान में लगवा दिया और बाद में देखा कि गणेश जी का मूर्ति उलटी हो गयी है। इतने सुन्दर ढंग में वह मूर्ति क्रेव की हुई है कि वह दिखाई नहीं देती थी, लेकिन वह खम्बा लगने में उल्टा हो गया। तो हिन्दुस्तान का जो पुलिस डिपार्टमेंट और कस्टम डिपार्टमेंट है वह जो इन की चोरी में लगा हुआ है अगर उस को आपने नहीं रोका तो मैं समझता हूँ कि इस विधेयक का कोई अर्थ

नहीं है और मैं चाहता हूँ कि इस विधेयक के द्वारा सरकार यह बात ले कर आये और यह तय करदे कि अगर हम को विदेशों में अपनी कलाकृतियाँ भेजनी है, कोई पुरानी वस्तु विदेश को भेजनी है तो सरकार स्वयं उस की व्यवस्था करे, लेकिन जिस ढंग से आज हमारी चीजें बाहर जा रही है उस हालात में तो इस विधेयक के आने के बाद हमारी चीजों को बाहर भेजने के लिए लोगों को और ज्यादा प्रोत्साहन मिलेगा आप इससे लोगों का और प्रोत्साहित कर रहे हैं, हमें उन के प्रिजर्वेशन की बात तो आती नहीं। प्रिजर्व तो चीजें होंगी नहीं।

श्री नागेश्वर प्रसाद शाही (उत्तर प्रदेश): चोरी बन्द कर देंगे ता चन्दा कहा से पायेंगे।

श्री जगदीश प्रसाद मायूर: मूर्ति चोर तो ज्यादा चन्दा देने नहीं, मिल वाले ज्यादा देते हैं।

तो मैं मन्त्री महोदय से निवेदन करना चाहूँगा कि दूसरी एक जो एक्वीजिशन की बात कही है इस के सम्बन्ध में श्रीमती लक्ष्मी कुमारी जी ने जो बात कही उस का समर्थन करना चाहता हूँ। इन राजा महाराजाओं के पास बहुत सी पुरानी कलाकृतियाँ हैं और पिछले दिनों जिस ढंग से उन्होंने विदेशों में ले जा कर उनको बेचा है वह आप जानते हैं। हमारे जयपुर के चन्द महलों में जो लाखों रुपये की पेंटिंग्स हैं उनकी जब कीमत लगायी गयी तो मालूम हुआ कि लाखों रुपये की पेंटिंग्स हैं तो अब उनका उपयोग कड़ा होगा। क्या आप उन को पब्लिक प्लेस में रखने की दृष्टि से इसके सेक्शन 19 के अन्तर्गत ले सकते हैं और क्या आप उनको लेगे क्योंकि ये मारे देश की सम्पत्ति है और जिस ढंग से आज उनका दुरुपयोग होता है उसको रोकने की दृष्टि से आप क्या कार्यवाही आगे करने वाले हैं।

ता मेरा निवेदन है कि इस विधेयक की कोई आवश्यकता नहीं है आप अनावश्यक रूप से

विधेयक को ले आये हैं। आप ज्यादा पावर्स लेना चाहते हैं तो हम वह पावर्स भी देने को तैयार हैं लेकिन मेहरबानी करके ये आपके ही जो दो डिपार्टमेंट्स हैं कस्टम डिपार्टमेंट और पुलिस डिपार्टमेंट, इन दोनों के षडयन्त्र से जो आपके घर में चोरी हो रही है शिक्षा मन्त्रालय के अन्दर जो चीजें हैं उनकी जो चोरी हो रही है उनकी चोरी का रोकिये। उस चोरी को रोकने के लिये कार्यवाही करें। इनको प्रिजर्व करें।

अब जो प्राइवेट लोगों को एक्सपोर्ट करने की इस विधेयक के द्वारा इजाजत देने को तैयार हैं उसके लिए तो हम किसी प्रकार से भी उसका समर्थन करने को तैयार नहीं। आप कोई दूसरा रास्ता बनायेंगे कि किस प्रकार से इनको प्रिजर्व करेंगे तभी हम इसका समर्थन करने को तैयार होंगे।

****SHRI M. KAMALANATHAN** (Tamil Nadu): Mr. Deputy Chairman, we wholeheartedly support the Bill brought forward by the Hon'ble Minister of Education. It has been stated in the Bill that there are not sufficient laws to protect and safeguard our ancient antiquities and art treasures and therefore it has been found necessary to bring forward this Bill. During the past ten years sculptures and art treasures worth 100 crores of rupees have been smuggled out of our country. The C.B.I. came to know about this smuggling only in the year 1965. It all happened when a New Delhi firm M/S Narang Overseas (Private) Ltd. sold a Shiva Parvati sculpture measuring about 51 feet for a sum of 13,000 dollars. The American dealer to whom it was sold estimated the cost of that sculpture to be 50,000 dollars. The C.B.I. came to know of it only after this incident.

****Original speech in Tamil.**

[Shri M. Kamalanathan]

It is my duty to narrate the hitherto undisclosed news about the circumstances under which this smuggling started from India. In 1927 one Mr. Nasley Hiram-neck an American of Indian origin, took out one of India's sculptures and introduced it to the people of U.S.A. for the first time. The American people observed that sculpture as a great work of art and they became crazy. They were prepared to buy our art treasures for whatever the cost it may be. Of all the countries in the world it is only in America where we find the most of India's art treasures which have been smuggled out of our country. Who are the persons who indulge in this work of smuggling? The watchmen who are employed in the museums, the priests in the temples, the art dealers who deal in this business of selling sculptures, the middlemen and the officers in the Customs Department. In April, 1972, a senior officer of the Government of India was alighting at Palam Airport after a foreign visit. When the Customs Officials made a search of his belongings a highly valuable piece of sculpture was found. This was an art object which could not be sold in the foreign countries and which was smuggled out of India. I want to emphasise the point that it is only the officers of the Central Government who deal in this shady business of smuggling.

Sculptures of priceless value have been stolen. As I have already mentioned it before, the Shiva-Parvati statue has been sold for a sum of 13,000 dollars. A Nataraja sculpture of the height of 1.4 metres which belonged to the Chola period has been sold for a price of 75 lakhs of rupees. A Vishnu sculpture of Chamba (Himachal Pradesh), worth 70 lakhs of rupees was stolen. Fortunately it was found at

Bombay. What are the reasons for all these things? The Central Government are not taking sufficient and proper steps in this matter. I accuse the Government of gross negligence and they are not taking sufficient steps to protect our art treasures. Take the case of the Prince of Wales Museum at Bombay. About 400 to 450 art objects have been stolen from there. If that could happen in Bombay, then it could not be understood as to how you can protect the antiquities and art treasures existing in the forests and the villages of India.

The Government are spending an amount of 130 lakhs of rupees on the Archaeological Survey of India. Out of this, 95 lakhs are spent on establishment and administration. The balance of 25 lakhs of rupees is spent on protecting our ancient monuments. I want to ask the Government as to how they can protect the 4000 protected monuments in India with this paltry sum of 25 lakhs of rupees. It is not enough if you bring forward legislation. If we have to protect our ancient antiquities and art treasures then sufficient finances are necessary. The number of employees in the Archaeological Survey of India, who are entrusted with the task of protecting the 4000 protected monuments, is one thousand. It has been found after a survey that at least 16,000 employees are required to do the work of protecting these monuments. I, therefore, request the Government to take necessary steps to recruit the sufficient number of persons to do this job.

This department is under the control of the Central Government. There are 15,000 ancient antiquities and art objects, which needs protection in India. Out of this number, 4000 monuments come under the head "Protected Monuments". I request the Central Government to leave the task of protecting these monuments to the

respective States where these monuments are situated. The Centre should also give financial assistance to these States for protecting these monuments.

In Britain, there is a trust called the National Trust. In the same way the Centre should set up in all the States the regional trusts which would take care of these monuments. It is not enough if we only take steps in this matter. We should also try to get the co-operation of the people of the U.S.A. and the European Countries to whom our art objects have been sold. I would like to ask the Government as to what steps they have taken to recover the sculptures from the U.S.A. where they have been smuggled from India.

At a UNESCO sponsored conference in 1970 at Paris a decision was taken to the effect that any smuggled art object or sculpture should not be bought unless the history and background of that sculpture is known to the buyer. Only the authorities of the Pennsylvania Museum are following this decision of UNESCO and they have decided not to buy any sculpture without an authorised certificate and background. We should also take necessary steps to implement this decision of UNESCO with the cooperation of the museums of the world so that unauthorised sculptures are not bought.

In this Bill, the Government have asked for powers to export our antiquities and art treasures. If the Government stands exporting these things and give licences to dealers to export them, then all our sacred, great antiquities and art objects will go out from India and nothing will be left in our country. If we want to protect our antiquities which must be protected the Government should not export these things and export should be banned by the

Government. If that is not possible, then I suggest that we should have some sort of exchange arrangement with other countries in regard to these art objects. If we send an art object to the U.S.A. then we should also get back in exchange a similar art object from America for our country.

Lastly, I would like to mention one thing. In Tamil Nadu we have started an institute of epigraphy. It is a difficult job. The Centre should not only assist and help this institute, but also start similar institutes in all the States.

Before concluding I would like to state that there is a famous temple called the Brihadeswara temple at Thanjavur in Tamil Nadu. It was constructed by the great Chola King, Raja Raja Cholan. The Central Government have rejected our request to construct a statue of Raja Raja Cholan in that temple. We are as much interested as the Centre in preserving and protecting our antiquities and art treasures and we are second to none in this respect. I, therefore, demand that these powers should be given to the States. With these words I welcome this Bill. Thank you.

SHRI SASANKASEKHAR SANYAL:
Sir, I welcome this Bill with some mental reservations. But, since the honourable Minister says that he expects and accepts co-operation. I wish to offer certain suggestions.

[THE VICE-CHAIRMAN (SHRI V. B. RAJU) in the Chair]

Sir, in the first place, I want to know as my friend has rightly put it, why you are getting up from the seat twenty-five years after independence, having seen from the first day of independence all works of art, sculpture, architecture, jewellers

[Shri Sasankasekhar Sanyal]
etc and many idols having been exported I have said, on one occasion that America is giving us wheat on the basis of Public Law 480 and we in our turn had been exporting through the operation of Section 420 and Section 379 of the Indian Penal Code all sorts of things to the USA and we are responsible for it. One of my friends said that the British were responsible, that the bureaucrats were responsible for it. But, Sir, I say, as far as I have known in West Bengal, the police officers in the higher ranks and their sons have got licences to export these things. The Secretaries in the Writers' Building, their sons, their sons-in-law and 'others-in-law' have got licences for the export of such items and that is how crate-loads of goods have gone by water and by air over our heads and we have always stated that we are still in the Rama Rajya. Even 'Rama' has been exported, but the Rama Rajya is here with the monkeys!

Sir, may I ask my friend one thing? Will you even now freeze all those monuments? I do not want confiscation. I do not want nationalisation. But, you should freeze all these things and no sale or no export should be allowed for the time being.

Sir, I will tell you one thing. There was a copy of the Koran in the Murshidabad Palace. It is not in Firdausi's writing. I saw it. I went once there with Shri Rafi Ahmad Kidwai. I remember his tears. Prior to that he went there and saw that Koran, just I "in depth and the workmanship was such that if you put a needle from the bottom to the top, the same letter in all the pages will be pricked". He saw it once when he was in his younger days. But, as a Minister when he went there—I also accompanied him—he saw that it was missing. I remember the tears in his eyes and I remember the tears in my eyes too.

Sir, Persian carpets, worth crores and crores of rupees, which may not be available anywhere in the world now, are in the Murshidabad Palace. The roof there is leaking and the tourists are coming there and that has gone to dogs. Are you prepared to preserve these things? The other day I put a question to him and he said that the Ancient Monuments Act will be applied.

Sir, there is painting known as Murshidabad Column, and it is in Shantiniketan. There is a gallery. The column is there, Shantiniketan is there, but that painting is not there. You will find the paintings sometimes in grocers' shops where they are used as bundles for selling articles.

Sir, what about the paintings of Princes and their jewellery? You have taken away their titles, their privy purposes. But have you tried to take away their jewellery and their paintings? Are you prepared to do that? Do not confiscate them. I am an old class of man. I am very shy of confiscation.

SHRI KALYAN ROY Marxist has changed his line.

SHRI SASANKASEKHAR SANYAL
Do not worry. You freeze them for the time being. The question of appropriation or misappropriation or the question of confiscation or of giving an amount which may be in excess of the actual price will come afterwards. Do these things.

Sir, these things apart, this law embraces works of art and painting, history, politics and all these things. So far as history is concerned, do you know, Sir, where Jesus Christ died? I told my friend Mr Mahavir Tyagi that Swami Abhedananda wrote a book in which he said, after quoting extracts from European historians of all countries that Jesus died in Kashmir in Khanayari. I have just collected a boo

from the Library where it is said that Cross was not the end of Jesus but he somehow escaped death and saved Himself by coming to Kashmir. I asked Dr. Karan Singh as to where the place Khanayari is. He said that it was a part of Srinagar ..

(Interruption)

Then, Sir, I have seen Bhṛigu who wrote manuscripts on Astrology, and as a result of partition amongst the members of the family, some of the pages of his manuscripts went to Meerut, some pages remained in Oudh, some in Banaras, and some pages went to Lucknow. They have been partitioned. Are you going to do anything?

(Interruption)

Well, I hope my friend, Prof. Nurul Hasan, will not be guided by that gentleman, Mr. Om Mehta. I am asking you. Are you going to collect the partitioned manuscripts from different places and put them together? ..

SHRI OM MEHTA: I would like to ask him. How many times did he go to the man who is the custodian of that book and consult him?

SHRI SASANKASEKHAR SANYAL: Do you know that my friend, my young friend

SHRI OM MEHTA: I take strong objection to it.

SHRI SASANKASEKHAR SANYAL: Sir, this is about Christ. Then I come to Buddha. Does he know that Buddha visited Bengal. Sir, few historians know that He came to Ranamatichandpara. Huen Tsang wrote about it. I put a humble question to Mr. Nurul Hasan only ten days back: "Is the Government prepared to erect a memorial at that place where the Buddha stayed for seven days at Ranamatichandpara in Murshidabad?"

SHRI KALYAN ROY: That is the place where you come from.

SHRI SASANKASEKHAR SANYAL: I come from every part of India. He was very proud to say that he did not go there. He gave a cryptic answer—still he says he respects us. Are you going to commemorate that place where the Buddha stayed for seven days? He says "No". That was your answer.

In the Sepoys' Mutiny of 1857 we may have lost. There is a memorial in Plassey where we lost. But in 1857, on the 26th of February my district stood up against the British rule. That was misnamed as Sepoys' Mutiny. But that was the first war of our independence—as Karl Marx, Surendra Sen and many other historians have said. I asked him, are you going to commemorate all the places in India where notable incidents took place in 1857 in connection with the first war of independence? His co-operative answer, his respectful answer was "No."

SHRI KALYAN ROY: That is very unfortunate, Sir.

SHRI SASANKASEKHAR SANYAL: It is only on the 26th of February that this incident was there. But he has tried to do nothing by way of collecting material for finding out how the Hindus and Muslims and other people of that part of the country, in the whole of Bengal and in other places they fought together, shoulder to shoulder, to shake off the burden of the Britishers. Is he prepared to probe into history and appoint a research committee for that?

(Interruptions)

Sir, please do not look at the list now. I want the Vice-Chairman and my friend, Mr. Raju, to hear me.

[Shri Sasankasekhar Sanyal]

In 1857, Nurul Hasan Saheb must know, there was one lady of valiant character, Begum Hazrat Mahal. All other martyrs there in Oudh and Lucknow, by and large, were more or less subjected to become heroes by force of circumstances. But this great lady created circumstances through her own initiative, shook off the bondage of her husband who was bribed to collect a pension. So courageous was she that she rode an elephant and encouraged all people "Come on; fight the British; come on, let us drive them out of our country; then we shall settle our own accounts." And she sent a note to the last Moghul Emperor, Bahadur Shah, in Delhi saying "Here we are, going to fight". At the last moment she was, when everything failed apparently for the time being, offered a bribe of a pension of Rs. 7 lakhs per month for herself and another pension of her minor son separately but she rejected it; kicked away the offer. She went away as an exile to Kathmandu and died there. The painful feature is that if you go to Kathmandu you will find that there is a small grave of hers. On one side of it there is a petrol pump—I do not know if petrol is being pumped into that grave. On another side there is a public latrine and a bath room.

Nepal is a friendly country. Let me see if Mr. Nurul Hasan accepts my suggestion which I am making as a man of experience. Are you prepared to go there and negotiate with that friendly country for doing something there which will be worth the name of the lady, worth the name of the legacy that she has left behind and worth the name of the tradition which is so mightily worshipped now? Sir, just a little more.

THE VICE-CHAIRMAN (SHRI V. B.

RAJU): Only you spoke about North and East; what about South?

SHRI SASANKASEKHAR SANYAL: In the South I tell you the Fresco paintings have been stolen with the connivance of the stalwarts of Delhi and those Fresco paintings can be brought back if you take the initiative. Then what about Tanjore? Tanjore has been converted into a sort of library. Why not create a monument there?

I am coming to another question (*Time bell rings*). Do not ring the bell because the Deputy Chairman had promised me some time.

SHRI KALYAN ROY: Sir, he is giving very valuable information.

SHRI SASANKASEKHAR SANYAL: I am coming to another question. From 1857 till today we are on continuous fight for freedom, first for political freedom, then for social freedom and now we are in the midst of the fight for economic freedom. Is there any history of the freedom fighters all over the country from 1857 up till now? By giving an insulting pittance to the exhausted heroes Government is thinking that much has been done to them. I say get the help of research scholars to find out about them. In every District appoint research scholars to find out what was done from 1857 to 1947 at least. People who fought in the Congress, people who fought outside the Congress, people who fought after the Congress, all these people and their families are there, unsung, unwept. I demand that something should be done for them. Will Mr. Nurul Hasan cooperate? I demand with all respect because your appearance seems to be not that of a crooked man and therefore I want you to cooperate with me,

SHRI OM MEHTA: What about Mr. Sanyal's face?

SHRI SASANKASEKHAR SANYAL. In every District there have been freedom fighters who have gone unsung and unremembered. Therefore you appoint a team of research scholars in every District for finding out about the lives and Circumstances of the freedom fighters and their families.

Regarding the face of Mr. Sanyal, I am a lawyer. I have seen faces like that of Shri Om Mehta, who have gone into the witness box, who have said that they will state the truth and nothing but the truth but who have concealed everything. Sir, here is a Government which makes promises and promises but no fulfilment. But, I hope my friend, Mr. Nurul Hasan, will at least prove an exception.

SHRI N. JOSEPH (Andhra Pradesh): Sir, what the hon Member said about Jesus Christ is not a fact. I think he spoke on the basis of a fictitious story of. One of our Puranas, the Bhavishya Purana, says that Salvahana met Jesus Christ in Kashmir hills and questioned Christ who he was and he replied that he was Jesus Christ born to virgin Mary and had to come to earth from heavens to save humanity by his death. Sir, if you believe your Puranas you will have to believe this. So, Christ came to Kashmir from Palestine and returned to Palestine where he was crucified.

श्री मूषेन्द्र नारायण मंडल (बिहार) उपाध्यक्ष महोदय, जो विधेयक इस मदन के सामने अभी प्रस्तुत है मैं इसका समर्थन करता हूँ और समर्थन करने हुए कुछ बातों की ओर मैं मंत्री जी का ध्यान खींचना चाहता हूँ।

सभी लोगो ने इस बात पर जोर दिया है कि अब तक वैसी चीजें जो कि सुरक्षित थीं उन

चीजों की चोरी होती जा रही है, इसको रोकना चाहिए, इसमें कोई दो मत नहीं हो सकता है और मैं भी उन लोगो के साथ हूँ और मैं भी चाहता हूँ कि मंत्री जी इसके लिए पूरा प्रयत्न करें लेकिन मैं यह भी चाहूँगा कि मंत्री जी इस बात पर ध्यान दें कि जो पुरानी चीजें हैं उन चीजों की रक्षा कैसे हो। मंत्री जी उस पर कुछ ध्यान रखें। जैसा कि बिहार में एक किला है जिसको कि भीर कासिम का किला कहते हैं। उसकी ओर मैं उनका ध्यान खींचना चाहता हूँ। बिहार में क्या नहीं, नार्थ बिहार में ही नहीं समूचे बिहार में एक भी ऐसा किला नहीं है जिसको कि वहाँ के लोग देखना चाहें तो वह देखने को मिले लेकिन जो भी एक किला, भीर कासिम का किला, था वह किला भी टूटता जा रहा है उसकी तरफ किसी का ध्यान नहीं जा रहा है। तो मैं मंत्री जी का ध्यान इस तरफ खींचता हूँ कि वह उस किले की तरफ ध्यान दें। अब, जिसको कि रेपर्टिबल कहते हैं, जिन चीजों का उपलब्ध होना बहुत मुश्किल है, वह किन लोगो के पास है। जिनके पास ऐसी चीजें हैं वह कौन हैं। वह इस देश के राजा महाराजा थे, वड़े बड़े जमींदार या बड़े बड़े पूज्यपति थे, यही लोग थे। अब समय बदल गया है और उन लोगो की जो हालत हो गयी है उसमें उन चीजों को वह रख नहीं सकते, लाचारी से वह उन लोगो को बेचना पड़ेगा, सीधे तरीके से नहीं तो चोरी से बेचना पड़ेगा और विदेशों में जाकर बेसी दाम पर बेचना पड़ेगा। जैसा कि राजस्थान के जो राजा महाराजा या निजाम हैदराबाद हैं, या मैसूर के जो राजा हैं, या जो बिहार में दरभंगा के महाराजा थे, इन लोगो ने कुछ हीरे जवाहरात या ऐसी कुछ चीजें जमा करके रखी थीं जो कि देखने लायक थीं। तो ऐसी चीजों की बिश्री को रोकने के लिये यह जरूरी है कि उन चीजों के ऊपर उनका तो आधिपत्य है वह उनका आधिपत्य खत्म हो जाय। अब यह आधिपत्य कैसे खत्म हो यह मंत्री जी इसको जाने। आजकल समाजवाद के उभाने में कहा जाता है कि कपेनसेशन नहीं मिलना चाहिये तो कम्पेनसेशन न देना हो तब तो

[श्री भूपेन्द्र नारायण मण्डल]

सब से अच्छा है लेकिन अगर थोड़ा बहुत कम्पेन-सेशन भी उनको देना हो, उसकी जरूरत हो, तो वह कम्पेनसेशन भी दकर के उन लोगों से इन चीजों का ले लेना चाहिये। उन्हीं के नाम पर जो सरकारी म्यूजियम हैं उनमें वह रखना चाहिये। जो उन की वंश परंपरा है उनका नाम भी इस तरह से सुरक्षित रह जायगा यह बात भी उनको कहनी चाहिये और हम समझते हैं कि ऐसे ढंग से करने पर बहुत ज्यादा रुपया पैसा भी नहीं देना होगा और वह चाहेंगे कि इनका प्रिजर्वेशन हो क्योंकि बहुत दिनों तक वह इनको प्रिजर्व करके नहीं रख सकते हैं।

हमारे जिले में भी दो जगहें हैं। मैं बिहार से आता हूँ और सहरसा जिले में रहता हूँ, सहरसा जो पुराना भागलपुर जिला था उसी का अंग है, तो वहाँ जो पुरानी चीजें थी वह करीब करीब खत्म हो गयी हैं, वहाँ दूसरी जमीन है पुराने ससार की जो जमीन थी वह जमीन वहाँ है नहीं, थोड़ी बहुत चीजें जो वहाँ रह गयी हैं उसमें एक मंदिर है, उस सब-डिवीजन में मधेपुरा थाने में श्रीनगर नाम का एक गांव है वहाँ पर एक पुराने मंदिर का भग्नावशेष बाकी है, उसका पत्थर सब वहाँ है, बहुत सुन्दर उसकी कारीगरी वगैरह है। कब का है, क्या है, यह कहना हमारे लिये मुश्किल है लेकिन उसको सुरक्षित रखा जाय, उसका कोई इतजाम हो जिससे कि चिर-स्थायी तरीके पर उसको लोग स्मरण रख सकें। ऐसा कोई प्रबन्ध होना चाहिये, यह मेरा सजेशन है। और वहाँ पर एक दूसरा है, उसी सहरसा जिले में एक चंडी स्थान है, वह स्थान भी बहुत पुराना है, हजारों वर्ष का है। कोई एक बर्मीज साधू आया था जो कि दूसरे महायुद्ध के पहले आया था और उसने उस जिले की बहुत छान-बीन की थी और उसका कहना था कि बुद्ध धर्म का बहुत बड़ा झुंड यहाँ पर था और उसने कुछ जगह का नाम लिया था कि उन जगहों का वह नाम क्या है और बुद्ध धर्म से उसका क्या संबंध है। इन सारी बातों के बारे में उस समय में जिक्र किया गया था लेकिन उसके जाने के बाद

कुछ प्रयास लोगों ने किया किन्तु सरकार ने इस पर कोई ध्यान नहीं दिया। लोगों ने चाहा कि सरकार कुछ ध्यान दे लेकिन सरकार ने ध्यान नहीं दिया तो इसलिये मैं इस ओर भी मंत्री जी का ध्यान खींचना चाहता हूँ।

अब जो मवाई, जाधपुर, के नजदीक में एक किला है वह किला भी टूट रहा है। हमने पढ़ा कि वह किला टूटने पर है। वह किला कौन सा किला है। जो कि चित्तौर का किला है ठीक उसी किले की तरह वह किला है।

चित्तौड़ में जा सब कुछ हुआ है, वहाँ पर अपनी इज्जत को बचाने के लिए राजपूत स्त्रियाँ जल मरी थी, इस तरह की जो इम्पार्टेन्ट जगहें हैं, जहाँ पुरानी यादगार की चीजें हैं, उनकी रक्षा करना बहुत जरूरी है क्योंकि वह हमारे इतिहास में, हमारे देश के गौरव के साथ जुड़े हुए हैं। इसलिए इस तरह भी मंत्री जी का ध्यान जाना चाहिए।

मुझे हैदराबाद में दो-तीन महीने रहने का मौका हुआ है। वहाँ पर मैंने सालारजग म्यूजियम को देखा। वहाँ मध्य एशिया की वस्तुओं का संग्रह रखा गया है। वह मैं समझता हूँ, हिन्दुस्तान का सबसे अच्छा म्यूजियम कहा जा सकता है। कलकत्ता म्यूजियम भी अच्छा है लेकिन उस म्यूजियम का अपना खास स्थान है। तो वे सब चीजें वहाँ पर अब तक हैं या नहीं हैं, इसको भी देखने की तक है और हम समझते हैं, सरकार इस पर ध्यान रखेगी कि उसकी कोई चीज जाने नहीं जाए, जिस ढंग से आज म्यूजियम के कर्मचारी दूसरी से मिलकर उन चीजों को यहाँ से तस्करी में बाहर भेज रहे हैं वह न होने पाए। इस तरह की कोशिश वहाँ भी होनी चाहिए। तो जितने सारे म्यूजियम हैं, उनके वस्तुओं की सुरक्षा होनी चाहिए।

इन्हीं शब्दों के साथ मैं अपनी बात को समाप्त करता हूँ।

SHRI N. G. GORAY (Maharashtra) Sir, only a few days back in this House we had a legislation on the preservation of wild animals. At that time I pointed out that it was coming not a day too soon, because some of the wild species have been lost for ever. This Bill, too, is coming rather late in the day, after the priceless art treasures have left our shores long back. Since independence there volume has been constantly growing and it is only now that we are realising that something will have to be done to preserve the priceless heritage that we have. It is very natural that *we should feel emotionally worked up when* we are thinking of the long history of this country and the treasures of art in every field. Whether it is painting or sculpture or architecture, it is almost an inexhaustible treasure. However much may have gone out of India, what remains is so rich that if we succeed in preserving it, I think it will be a great contribution to the cultural heritage not only of this country, but of the whole world. I have no doubt in my mind that so long as pieces of art like the small statue of the naked dancer unearthed at Mohenjodaro exist so long as the noble statue of Bahubali at Sravanabalagowla exists amongst us, so long as the frescos of Ajanta are there, so long as the mighty brushes of the Kangra Valley, Rajputana, Delhi, Murshidabad and the Deccan artists exist, the whole world will have to come here and admire the priceless heritage of India. The first question is whether it will be possible for us to protect these things. The other question is whether this Bill is adequate enough, comprehensive enough to take care of all these treasures. I share the anxiety of the Minister that, in spite of all the efforts, there might be a few gaps and loopholes. What he has suggested is let us try to find out whether there are any loopholes in the actual working of this legislation, and he has assured the House that he will have no hesitation at all to come to this House again for the

necessary amendment. I would like to say that the biggest loopholes are at the point of the Customs. Because these treasures are valued so much all over the world, more especially in the affluent countries of which America is the most affluent, that there is a natural temptation to take treasures of art pieces, paintings, etc., and to sell them to the highest bidder.

A good deal was said about our ancient culture and how proud we were of it. But really have we succeeded in creating that sort of mental attitude amongst the people? Is there people's participation in this? I dare say it is not there. The people really do not understand the value of all these treasures of art. My friend there from Rajasthan pointed out that even the Princes who have big stores of this treasure in their palaces are second to none in sending these treasures out and getting a good return. This has happened, this is most probably happening even now. So, the question today is that of implementation. It is the same question which is coming in our way everywhere. If it is preservation of wild life, how do we stop the poachers? Here the question is, how do we stop these vandals because the treasures are scattered all over India. It is really a tribute to the creators of art in our country. Whether it is this rule or that rule, whether it is a Maharajah or Nawab, these artists went on creating treasures of art right from Kashmir to Tamil Nadu and that is why we find—you go to any corner of India, you will find these priceless treasures right from coast to coast, right from the Himalayas to Cape Comorin. Frankly I think it will not be possible for us to preserve all of them, it is almost an impossible task, unless the people as a whole become conscious not only of its utility but of the great heritage that they symbolise. I would like to say that apart from the various provisions of the Bill it is through the schools

[Shri N G Goray]

and colleges and through the mass media like the radio, cinema etc that people can be made conscious. Now the television is also coming and if really we could make the people conscious that India has the distinction of having such a priceless heritage, then it will be possible to preserve these things, otherwise it will be very difficult. So, two things I would suggest. One is that our controls at the Customs points will have to be very rigid. That is number one. Number two is that the maximum use will have to be made of these mass media. One of our foremost archaeologists, Dr Sankhla, has said that unfortunately in India archaeology has not become popular. People have

4 P M not been taken to these places where the archeological experiments are going on. He says, the tendency is to keep the people away from them. He said what we should do is to take these people to those places. Sir, you go to the Purana Quila—I had the opportunity to go there—and you find that by layer after layer you go down almost to the first century or the second century before Christ, and it is like an open book. One layer represents a century before Christ and the second century after Christ, the third century, the fourth century and so on till the fifteenth century and the sixteenth century which represent the Moghul period. It is really a marvellous thing to watch and understand those things. If you take people to those various places, places, right from Tanjore to Srinagar, it is only then that our people—young people, even the peasants and the workers—will understand what this Bill is seeking to protect, it is only then that it will be possible for us to fulfil the desires that are reflected in this Bill. That is my point.

The next point that I would like to impress upon the Minister is that though it is not possible to reclaim all the treasures that have gone out to distant countries like England or America or others but there

are certain pieces which could be identified as coming from particular places. Now, will it not be possible for our Government to exert their influence with the Government of the USA or the UK and say that this particular piece belongs to this particular place. One or two instances I have got—the Shivapuram bronze is in America with a private person,—and the other has the Khajuraho brackets. They are also with a private person. And in the Los Angeles Museum there are any number of places which are clearly from India because they cannot be from any other country. India alone the flora, the fauna and the human life were welded together in pieces of art. You will not find it anywhere else. When there is a Buddha, you will find along with that Buddha, a monkey on the tree, you will find a deer standing near by, there will be a lion sitting there or a tiger. This is particularly Indian. I know well. You never see in the Indian art any human life completely alienated from the geographical surroundings. Human life is part and parcel of the total life whether it is flora or fauna. This is reflected in our paintings, this is reflected in our sculpture, this is reflected in our frescoes. Therefore it may not be difficult at all to identify what has gone out of India.

Therefore I would like to impress upon the Minister to try to convince these Governments to hand over these treasures back to us and in return if they want money or something else, let us give it. But I am quite sure that if our Government uses its influence it is possible as a part of the cultural exchange programme, to reclaim all these priceless treasures that have left the country.

I would only say that this Bill is a step in the right direction. I myself am not able to find out flaws in it because I do not know how the Bill will work. As I said, the lacunae might be there but because

some lacunae are there because there are certain loopholes, we cannot wait indefinitely. Therefore, I welcome the Bill and I hope that the suggestions that I have made will find favour with the Minister.

Thank you

PROF S NURUL HASAN Sir, I am most grateful to the hon'ble Members for the uniform support which they have to this measure. Since we have already exhausted the time that was allotted, I hope my hon'ble friends will forgive me if I do not deal with each individual point.

SHRI KALYAN ROY Please deal with the salient points.

PROF S NURUL HASAN I assure the hon'ble Members that I shall very carefully go through the proceedings. I have taken copious notes, taken full note of all suggestions which have been very kindly given by the hon' Members and in so far as it is possible to incorporate them in the rules, I shall keep them in view.

SHRI NG GORAY Do not confuse my points with Sanyal's.

PROF S NURUL HASAN The most important point that has been made by several hon'ble Members is that this Bill does not provide adequately for the preservation of our cultural heritage. Sir, to be very frank, this Bill is dealing with this question only in one aspect and not the whole question of preservation. The Government is deeply conscious of the need for taking effective measures for preservation and with your permission, Sir, I will very briefly indicate some of the positive measures that we propose to take up.

First of all, Sir, we have a scheme of Village to village survey of our antiquities. The scheme was taken up quite a few years ago but I must confess that I am not satisfied with the progress of this scheme. The point about the participation of the people is very well taken. We cannot hope

to have the complete village to village survey without the participation of the people and the success of the scheme would itself involve the people into this process of preservation of our art objects. Now what my attempt is going to be is to involve our youth to give them training so that within the next Five Year Plan period with the minimum of expenditure of resources this scheme of village to village survey is completed, and I have no doubt that I shall secure the support of all the State Governments.

Similarly, we have also taken up a scheme of documentation of all loose pieces of sculpture at protected sites and monuments. This is becoming more and more important. Again, I am not entirely happy with the progress of this particular scheme. I hope it will be possible for us to go ahead with it with greater speed. The State Governments have similarly been requested to take up this question of documentations. In the same manner the Regional Records Survey Committee of each of the States are being constantly urged upon by the Indian Historical Commission to accelerate their work so that there is complete survey. I can give this clarification that as soon as the rules are made we will apply them to the whole of India. Originally there was the fear that some States might lag behind and therefore, provision has been made to apply some part of it to some State or the other. But now I understand all the State Governments are willing to give their co-operation. Therefore, the whole Act and all its provisions can be made applicable to the entire country.

श्री नागेश्वर प्रसाद शाही जम्मू काश्मीर से ना
प्रो० एस० नूरुल हसन जम्मू काश्मीर की माफ़िनि
मैंने पहल ही न ता की यह बिल लाने का पहल ।

Then, Sir, about the records the government hopes very soon to issue an Archival Policy Resolution. My hon' friend Mr Bhupe L Gupta is here. He would recall some of the most remarkable debates

[Prof S Nurul Hasan] that have taken place in this House on the question of preservation of our historical records. We hope to issue an Archival Policy Resolution very soon and I hope similarly the State Governments will either enact legislation or issue similar resolution which will lead to their protection.

Similarly, Sir, the Government of India has welcomed the steps that are being taken by many State Governments to establish more and more museums. I would, in this connection, draw the attention of the House to the fact that entry 12 of List II of the Seventh Schedule provides that museums and all other objects which are not declared to be of national importance are in the State List. Therefore, in this matter we have to work in very close collaboration with the state Governments and, as I stated just now, we are certain of getting their full support. In the Fifth Plan I have asked the Archaeological Survey of India to give me a comprehensive plan of the requirements of ensuring that all our Centrally protected monuments are given proper treatment so that the buildings which were neglected due to paucity of funds can be attended to and there could be a full fledged Plan scheme. I have been assured that this work started a few months ago and that estimates are being made. I have no doubt that fairly soon this will be made available to me and then it will be for the Planning Commission to consider my requests in this particular matter. But whatever support I have received in this House I have no doubt, will strengthen my hands in making an appeal to those who have the very difficult task of allocating funds as between the different sectors of our national needs and requirements.

In this connection I would like to state that Konarak, being one of the finest monuments in the country, has been receiving the

particular attention of the Government of India. Structural repairs have been carried out. Chemical preservation has been taken up. And the most important of all is to arrest the effect of salinity on this monument, and that work has been going on with a great deal of success. It has been virtually made water-tight. A site museum has also been established at Konarak.

Then, Sir, one very important point was raised by my hon friend, Shri Dahyabhai Patel. That was, I believe, due to a slight misunderstanding. He thought that the powers of the police are being given. I would draw his attention to section 23(1) and (2). Section 23 is not a power of the police, it is a power to be given to a person who is supposed to be the custodian of these records. And secondly, if he would kindly see sub-section (2) it says

"The provisions of sections 102 and 103 of the Code of Criminal Procedure 1898 relating to search and seizure shall, so far as may be, apply to searches and seizures under this section."

Therefore, I would submit that adequate safeguard has been provided in this Bill.

Sir, a great deal has been made of something which is worrying all of us. What do we do about things that have gone out? We know they have been stolen from this country. What do we do about them? Since everyone has mentioned some important piece stolen from the country, I should also like to join my distinguished and honourable friends and give one piece of information. Only the other day I heard that a panel of the Ajanta mural is in the Boston Museum. What do we do about it? I wish I had the power to get any of these things back. Unfortunately there is no international law on the issue about this convention of the UNESCO, I am sorry that my honourable friend of the

DMK apparently read out a brief which his party had prepared, because I had heard the same arguments in the other House and he took no note of what I had said in the other House. We did our best to get this international convention made more effective. But unless the convention is ratified by the countries which receive these objects, there is nothing that we can do about it. The international law, therefore, does not exist insofar as the receiving country is concerned.

SHRI BHUPESH GUPTA Perhaps the DMK will say that we should send our thieves to bring those things from there.

PROF. S. NURUL HASAN I would be delighted to do that if I could find some.

SHRI SASANKASEKHAR SANYAL May I know from the honourable Minister if the Government has prepared a brief for presenting to the UNESCO so that on the basis of the convention at least an attempt may be made?

PROF. S. NURUL HASAN An attempt has been made and is going to be made again. The general conference of the UNESCO is going to take place in October and an attempt will again be made, and it will be continuously made. There are a few countries like India, Iraq, Egypt, Thailand, Italy, Greece, Cyprus, whose art treasures are being taken away without so much as "by your leave". But unfortunately the law of the United States is such that under that law it is not easy for us to take things back. I do not wish to disclose the secret here. Normally the Education Ministry has nothing secret and nothing to hide. But this is a secret which I do not wish to disclose here—what we are attempting to do. Maybe, there is just a chance we will succeed in getting two or three pieces. But please do not ask me because the CIB has said that I should keep my trap shut, so I am keeping my trap shut. Then, another point which I think I have to explain straightway is

that the object of this Bill is not to regulate trade. We do not want to export any antiquity. You will observe in Clause 3 sub clause (2), even the Central Government cannot send out anything without undergoing a definite procedure. But as honourable Members know, it may be possible for us to exchange things. Therefore, a legal ban would have prevented that. There is no intention certainly of permitting any private party to export any antiquity from the country. There may be certain objects which are definitely not duplicates but of which innumerable other things are available; there are certain genuine needs of foreign museums. Maybe, that museum is not willing to give us something in exchange straightway. But in that case it is better that we send out a few things and with the foreign exchange earned we acquire some of the things of other countries for our country. But this is not an ordinary trade, export trade, which is going to be permitted. I would like to clarify this point straightway.

Sir, I would have liked to discuss many of the other points. But I am sorry I have taken too much of the time of the House...

SOME HON. MEMBERS No.

PROF. S. NURUL HASAN I am seeing my hon. friend and colleague sitting here waiting. Therefore, I would conclude by requesting the House to take the Bill into consideration.

SHRI SASANKASEKHAR SANYAL : On a point of order. The Minister has, according to Parliamentary conventions, a right to be afraid of the Opposition. But has he the right to be afraid of his colleagues?

THE VICE-CHAIRMAN (SHRI V B RAJU) . The question is .

"That the Bill to regulate the export trade in antiquities and art treasures, to provide for the prevention of smuggling of, and fraudulent dealings in, antiquities, to provide for the compulsory acquisition of antiquities and art treasures for preservation in public places and to provide for certain other matters connected therewith or incidental or ancillary thereto, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted

THE VICE-CHAIRMAN (SHRI V B RAJU) We shall now take up clause by clause consideration of the Bill

Clauses 2 to 9 were added to the Bill

THE VICE-CHAIRMAN (SHRI V B RAJU) . There is one amendment by Shrimati Lakshmi Kumari Chundawat to clause 10 . Is she moving the amendment ?

श्रीमती लक्ष्मी कुमारी चूडावत मैं अमेन्डमेंट न० (3) और (4) नहीं मूव कर रही हूँ 20 वे क्लॉज पर अमेन्डमेंट मूव कर रही हूँ

THE VICE-CHAIRMAN (SHRI V B RAJU) She is not moving

Clause 10 was added to the Bill

Clause 11 was added to the Bill

THE VICE-CHAIRMAN (SHRI V B RAJU) . There is one amendment by Shrimati Lakshmi Kumari Chundawat to clause 12 . Is she moving her amendment ?

SHRIMATI LAKSHMI KUMARI CHUNDAWAT . I do not move

THE VICE-CHAIRMAN She is not moving

Clause 12 was added to the Bill

Clauses 13 to 19 were added to the Bill.

Clause 20 Payment of compensation for antiquities and art treasures compulsorily acquired under section 19

THE VICE-CHAIRMAN (SHRI V B RAJU) . There are two amendments, both by Shrimati Lakshmi Kumari Chundawat . Is she moving them ?

SHRIMATI LAKSHMI KUMARI CHUNDAWAT

Sri. I move.

3 "That at page 7,—

(i) line 22, for the words "compensation, the amount of" the words "an amount" be substituted

(ii) line 25, the words "of compensation" be deleted,

(iii) line 37, the words "of compensation" be deleted,

(iv) line 39, the words "of compensation" be deleted,

(v) line 40, for the word "compensation" the word "amount" be substituted,

(vi) line 44, for the word "compensation" the word "amount" be substituted, and

(vii) line 46 for the words "to compensation he shall apportion the amount thereof amongst" the words "to the amount he shall apportion that amongst" be substituted "

4 That at page 8 line 3, for the word "compensation" the word "amount" be substituted

The questions were proposed

PROF. S NURUL HASAN I would like to submit that this point which the hon Member has made is, of course, a

very valid point. But at the moment, as hon. Member Shri Sanyal said it is much better for us to ensure that the things are not taken out and frozen as they are rather than providing incentive to the smugglers to go ahead. In the light of this, I would appeal to the hon. Member not to press the amendments.

श्रीमती लक्ष्मी कुमारी चूडावत : मेरा यह कहना था कि कम्पेंसेशन शब्द न लगा कर अमाउंट लगा दिया जाये क्योंकि आपकी इतनी ताकत नहीं है कि कम्पेंसेशन चुका सके अगर अगली दफा करने का विचार हो तो मैं इसको वापिस लेती हूँ।

† *Amendment Nos. 3 and 4 were by leave, withdrawn.*

THE VICE-CHAIRMAN (SHRI V. B. RAJU) : The question is :

‘That clause 20 stand part of the Bill.’

The motion was adopted.

Clause 20 was added to the Bill.

THE VICE-CHAIRMAN (SHRI V. B. RAJU) : Hon. Member, Shrimati Lakshmi Kumari Chundawat, wanted New Clause 20A to be inserted in the Bill. But she is not moving that amendment.

Clauses 21 to 33 were added to the Bill

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

PROF. S. NURUL HASAN : Sir, I move :

“That the Bill be passed.”

The question was put and the motion was adopted.

† For texts of amendments see col. 204

THE RULERS OF INDIAN STATE (ABOLITION OF PRIVILEGES) BILL, 1972.

THE MINISTER OF LAW AND
JUSTICE AND PETROLEUM AND
CHEMICALS

SHRI H. R. GOKHALE : Sir, I beg to move :

‘That the Bill further to amend certain enactments consequent on derecognition of Rulers of Indian States and abolition of privy purses, so as to abolish the privileges of Rulers and to make certain transitional provisions to enable the said Rulers to adjust progressively to the changed circumstances, as passed by the Lok Sabha, be taken into consideration.’

In December last, this House, by an overwhelming majority, endorsed the abolition of privy purses and the concept of rulership.

Consequent on the enactment of the Constitution (Twenty-sixth Amendment) Bill, 1971, various administrative steps were taken to withdraw the privileges which attached to the former Rulers by virtue of executive orders and statutory notifications. Some of the privileges of these Rulers have been provided for by certain enactments. Since there were no Rulers, the relevant provisions of these enactments have also ceased generally to be applicable, though some technical arguments in favour of the view that some of these provisions continue to be operative cannot be eliminated without a formal amendment of the enactments.

The Bill before the House seeks to complete the process which was set in motion by the enactment of the Constitution (Twenty-sixth Amendment) Act by making the necessary changes in the various enactments.