

at the same time, I think it is very necessary . . .

SHRI V. K. DHAGE (Bombay): Dr Raghbir Singh may continue in the afternoon, Sir.

MR. DEPUTY CHAIRMAN: Yes, let him finish this sentence.

DR. RAGHUBIR SINH: What I think, Sir, is that even when we have given the necessary powers, we cannot completely abdicate all the control that we have had so far. Formerly, according to the Constitution of India that was accepted by the Constituent Assembly, every one of the monuments was to be separately named by Parliament. When we have given these powers to the Union Government, we should make it necessary that all those notifications that are issued either accepting or denationalising any of these monuments should be placed on the Table of the two Houses so that . . .

MR. DEPUTY CHAIRMAN: You will continue in the afternoon.

THE BUDGET (RAILWAYS), 1958-59

THE DEPUTY MINISTER OF RAILWAYS (SHRI SHAH NAWAZ KHAN): Sir, I beg to lay on the Table a statement of the estimated receipts and expenditure of the Government of India for the year 1958-59 in respect of Railways.

MR. DEPUTY CHAIRMAN: The House stands adjourned till 2-30 P.M.

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

The House reassembled After lunch at half past two of the Clock, **THE VICE-CHAIRMAN (SHRI M. B. JOSHI)** in the Chair.

THE ANCIENT MONUMENTS AND ARCHAEOLOGICAL SITES AND REMAINS BILL, 1957—continued

DR. RAGHUBIR SINH: Mr Vice-Chairman, Sir, when the House rose I was dealing with the question of the imperative necessity of the notifications, that may be made by the Central Government under clause 4 on the one side and clause 35 on the other, being placed on the Table of both the Houses so that Parliament could have an opportunity to amend, alter or cancel them. Sir, as I pointed out earlier, one of the fundamental facts which emerged from the Constitution of India was that Parliament was given the power to name each and everyone of the monuments which were to be declared to be of national importance. When this power is going to be given now to the Union Government I feel it is very necessary that these notifications should be placed on the Table of both Houses of Parliament so that Parliament could have an opportunity to look into these matters, if it so wishes. I agree that the original procedure as embodied in the Constitution was neither very good nor very convenient. It was a hampering procedure and much inconvenience would have been caused and much harm would have been done to the cause which it was sought to serve, but it is very necessary now that this power is subject to a proper check and due control by Parliament.

Now, I want to come to another point about the two omissions that have been made in the present Bill but which were there in the original Act of 1904. Firstly, I refer to section 17 in the original Act relating to the power of the Central Government to control traffic in antiquities and, secondly, to sub-section (2) of section 20 also in the original Act. The provisions contained in these two sections do not appear anywhere in the new Bill. I know I will be told that the Act that was passed in 1947, Act XXXI of 1947, the Antiquities Export Control Act, 1947, would be able to cover this need in respect of section 17. I have carefully examined that Act in collabora-

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tion with this Bill and I find that at least in one or two matters the provisions contained in section 17 subsections (4) and (5) of the original Act have not been covered by any of the provisions here. Then there is the power for search. The Export Control Act does not provide for these two necessary matters.

Then again section 20(2) declares the ownership of antiquities in the protected areas to be with the Central Government, that provision also does not find a place in this Bill. I think some provisions in respect of these two important matters should be made in this Bill, at least so far as the provisions contained in section 20(2) are concerned, so that no doubt or difficulty could later arise in this respect in future. These two omissions have got to be set right. With regard to the power for search if it is felt that the addition of a provision of that kind in this Bill is not necessary or would be out of place, I should like to have an assurance from the hon. Minister that it may or will be included in a Bill to amend that Act of 1947. I would like to mention in this connection when we are talking . . .

DR. K. L. SHRIMALI: Would not clause 23 meet that objection?

DR. RAGHUBIR SINH: In respect of what, Sir?

DR. K. L. SHRIMALI: Clause 23. That refers to compulsory acquisition of antiquities discovered during the process of excavation.

DR. RAGHUBIR SINH: Yes; it is true that it provides for that but it does not in any way provide for what I said about section 20(2) which declares that the ownership of antiquities in the protected areas belongs to the Government. If the Government does not want that declaration or that presumption to be made, I would like to have a definite statement from the Government in that respect. I know that after they are discovered the Government would like to purchase

them. The provision in clause 23 will come into operation after excavations have begun. Suppose no regular excavations are begun but somebody by chance finds out some antiquity somewhere in any protected area. Then what is going to be the position of that antiquity which is a chance-find and not discovered as a result of regular excavations?

DR. K. L. SHRIMALI: Clause 25?

DR. RAGHUBIR SINH: No. I do not think that clause will serve the required purpose. Sir, it is just for this reason that I am pressing the Government to accede to my request for having a Select Committee, so that we need not enter into a debate here on every one of these important details.

DR. K. L. SHRIMALI: Sir, he is raising certain objections and I am only trying to point out that those objections are met by certain clauses. Clause 26 for instance relates to the purchase of antiquities by the Central Government.

DR. RAGHUBIR SINH: Well, this clause 26 is a reproduction of the old section 19. What I am saying is that the old Act had both section 19 as well as the provisions under subsection (2) of section 20. If it was redundant, it would not have been there. At least I think the drafting of the Acts in the old days was much better and much more precise.

DR. K. L. SHRIMALI: That is a matter of opinion which is questionable.

DR. RAGHUBIR SINH: I am not saying this is bad; I am only saying they were better.

Now, when we are talking of these antiquities etc., a very major question comes up and that major question is about having properly trained archaeologists and archaeological officers. For instance, we have laid down in clause 24 that no State Government shall undertake or authorise any person to undertake any excava-

tion except with the previous approval of the Central Government and in accordance with some rules or directions. Now, all these rules and directions cannot possibly be followed unless and until we have got trained archaeological officers or persons who know all this job. Now, Sir, I have got with me here a Report of the Central Advisory Board of Archaeology where the hon. the Education Minister himself has said that he has felt this need as early as 1947 and he had been assured by the Director-General at that time that the Department was fully equipped to start such a school. I am still wondering what has stood in the way of that desire being fulfilled. It is eleven years now and I do not know if anything is being done in this respect. A few trainees may have been given some training but the question of having a regular training school has not been taken up. When we are going to insist that the private excavators or the State excavators should do this work under certain rules and according to a certain definite system, it is very necessary that we should have trained experts for the purpose.

Then, Sir, I want to come to another question. It is more of administrative detail rather than about this enactment. When we are talking about archaeological monuments and their preservation another very major question comes and that is the question of their proper renovation and proper preservation. I think many hon. Members in the House would be remembering the famous story of a talk between a lawyer and a medical doctor—not one like me. The doctor happened to see a certain person going about in rags and he asked his friend, the lawyer, "Who is he?" He said, "He is the result of my failure. I appeared on his behalf and I could not win his case." The doctor said, "Well! so that shows your inefficiency." The lawyer turned round and said, "My failure walks on the ground, your failures are buried under the

ground." The doctor's failure is buried under the ground and so he does not remain alive to give reply or tell about the failure of the doctor. So, Sir, I was now reminded of it as the failures and mistakes of archaeologists and excavationists only disappear. As Dr. Nihar Ranjan Ray mentioned about it the other day, very much damage has been done by the amateur excavationist, and now this work of excavation has become a serious and a very technical affair. In this connection, I have got to bring to the notice of the hon. Minister what has appeared in a newspaper. A report has appeared in the "Statesman" of November 29, 1957. It is a letter written by an ex-custodian of ancient monuments. I do not know how far it is true or incorrect, but it does lay down quite a few serious charges about the way the ancient monuments are being renovated or maintained. It says: "In South India ugly pavements, partly of cement concrete and partly of stone, have been inflicted on the 8th century temple of Kailasanatha at Conjeevaram." Now, Sir, there is another thing. I hear that there has been a good deal of vandalism in Sanchi during the years 1953-54. I understand that a departmental enquiry was made in respect of these and some adverse findings were made by the enquiring officer. The findings were adverse on certain officers, still no action was taken. Then, again, I understand that the brick path of the famous monastery at Nalanda was destroyed and then during the preparations for the Buddha Jayanti, there was put in a new pavement of modern bricks. Then, Sir, there is another instance, not very far from here, a case of "चिगम तले ग्रंथेरा" I understand there was some trouble during the renovation that was going on with the tomb of Rahim Khankhana. A report was submitted by the officer concerned in 1956 that a railing has been put up while the renovation was being done. The payment was made in

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respect of the railing that was supposed to have been put up. And when it was discovered that there was no railing at all, later the railing actually had to be made and put up. That shows that there may sometimes be such cases where there are certain very serious administrative lapses. In this respect I only want to make a humble suggestion, for the consideration of the Minister, now that they have adopted the system of departmental repairs in respect of these ancient and historical monuments. I know that sometimes in some respects the system of departmental repairs is very good and is the only thing to be desired. But it has got its own weaknesses also. If any departmental repairs are made and if things go wrong, or if there are any mistakes committed, it becomes a question of departmental prestige, and there is bound to be a tendency in the department to white-wash it, gloss over it, pass it over or overlook it completely. Therefore, I would suggest to the hon. Minister that certain definite steps be taken so that any such possibilities which might lead to certain embarrassments in future or certain serious charges in this respect may be avoided.

Finally I want to bring to the notice of the Minister a small thing. My hon. colleague here, Mr. Amolakh Chand, raised the question of the list of these monuments. I think the other day when he was speaking here, when the question was being debated here, he said: "The monuments mentioned in the Schedules of the various Acts are those which have been accepted by the Government of India but there are other monuments about which the Government of India have not taken any decision." And he asked for a complete list of the monuments that have been taken into Government's protection. If I mistake not, I think they number nearly four thousand in all. Again, the hon. Minister the other day happened to mention

that some list has been given in the Act of 1951 and in its subsequent amendments. But this does not necessarily contain all those monuments that were taken over or were declared to be protected monuments prior to 1947, which were situated in the former British Indian Provinces or which were situated in the later so-called Part C States. It is very necessary that the list should be completed. Once or twice I think I asked a question and the hon. Minister said that the list was under preparation. May I hope, now that the hon. Minister has produced a comprehensive Bill, that he would also produce a comprehensive and complete list, because that would give us an idea as to exactly what monuments are now being protected and what monuments out of them can and should be retained therein for the future as well?

In conclusion, I would like once again to press the point that by passing this Bill and especially some of its provisions the House has been called upon to give certain powers to the Government of India. We do not in any way hesitate to give the powers; but at the same time the House would very much like to have retained the power of being given an opportunity to have a look into these notifications. We here in this House represent the States. As I mentioned before, it was from the point of view of the States, that it was then considered most essential that there should be a States' list also and the States should be allowed an opportunity to have their say and also to have their own archaeological department. Under these circumstances on behalf of the States that we represent, on behalf of the continuous stand that the States have all along taken in this respect, I press my hon. friend that on this point at least he may concede. These are all points of detail. As I said before, the question of revenue powers and the powers that are intended to be given to the revenue and archaeological officers

may have to be looked into carefully. We do not grudge giving those powers, but we do not want at the same time that the powers should in any place in any way be misused. Now, all these details have got to be carefully looked into and need to be examined in close collaboration with the hon. Minister and his officers. We do not want in any way to place any hindrances in the path of the officers so that this heritage of the past can be passed on intact to the future, but, Sir, at the same time we have to see that the powers that we give are not ever misused. It is for this reason that I would once again press my hon. friend, the Minister, that he may concede to our suggestion, though the request has come very late, that this Bill be referred to a Select Committee and if he so prefers, to a Joint Select Committee so that all the points that I have raised and those raised by my other friends may be thrashed out in detail and a Bill be put on the Statute Book which may be in every way a fit successor to what Lord Curzon did before, and then posterity will be ever grateful to this Parliament and to the Minister who piloted it now.

DR. RADHA KUMUD MOOKERJI
(Nominated): Sir, I rise to support this Bill. It has been long called for and appears to be a comprehensive piece of legislation by which the conflicting and overlapping obligations of the State Governments and the Central Government may be reconciled, so that the monuments which are most important for historical purposes and which are also artistic treasures may be properly conserved.

At present this object of protection of monuments suffers to some extent on account of the ambiguities as regards the liabilities and obligations of two different sets of authorities, Central and the State. For the present I am confining myself only to propose a sort of a running commentary on some of the points and

provisions of the Bill so that it may be considered for what it is worth, but I have gone rather deeply into the vocabulary of this Bill and also some of the principles upon which it is founded. For instance, the very title of the Bill, I think, may be somewhat modified, though the modification proposed is very slight and verbal. It says: "A Bill to provide for the preservation of ancient and historical monuments..." etc. My first suggestion is that "preservation" applies to life. We are all familiar with the problem of preservation of wild life on which a conference was being held. The word "preservation" applies to life, and the word "conservation" applies to inanimate objects like dead monuments and dead antiquities. So far as I remember the father of Indian archaeology or the Indian Archaeological Department was Lord Curzon, and I think he specifically used the technical term "conservation". I think there is no harm if for the sake of purity of Queen's English we replace the word "preservation" by "conservation". So, my suggestion is "to provide for the conservation of ancient and historical monuments and archaeological sites and remains of national importance" etc. That is suggestion number one. Here also I find that some fundamental principle is involved in the word "national". In this very Bill, if you refer to clause 16 sub-clause (1), at page 8, you contemplate that a protected monument which is a place of worship or shrine shall not be used for any purpose inconsistent with its character, and in sub-clause (2) it is said: a monument that is used for religious worship or observances by any community etc. If you, therefore, contemplate within the purview of this Bill the question of the conservation of shrines or temples which are still used as places of worship, then certainly you cannot say that these particular temples are monuments of national importance. I suggest that it will be better if you had used the words "monuments of historical all-India

[Dr. Radha Kumud Mookerji.] importance". I do not think that the word "national" should be used in the same sense in which in the Constitution the term is used as regards national interests. You remember that the Central Government can intervene in the sphere of State Legislation where it is convinced that some purpose involving national interest is to be declared as the subject of national interest.

Then I have also certain fundamental considerations to urge before the Minister on this question. As you know, art in India has been always denominational and religious in character. There is no artistic monument which can be considered as national in the real sense of the term, namely that it is venerated by followers of all religions. It is not so because every religion has at its service monuments of artistic importance and monuments which directly minister to the religious needs of a particular community or denomination concerned.

In this connection I should like to say that Indian art was rather late in its growth on account of this connection of art with religion. So far as Vedic religion was concerned, Vedic religion was obsessed by the contemplation of the formless Infinite, worship of Arupa Brahma. devoid of forms, the Infinite, beyond all forms or visible shape. Therefore, where the worship centres round the conception of Brahma, the Infinite, there is no occasion, no thought for the cultivation of art in the proper sense of the term, so that there is no example of any kind of art in the Vedic age for the simple reason that the fundamental point in the religion of the Vedas did not at all encourage the idea of worshipping the Infinite in terms of form or colour or shape.

Then, when you come to the rise of Buddhism in 500 B.C., you find that that great man, the Buddha, is one of the greatest characters known

in history. He banned his own portraiture. He would not allow his worshippers and followers to have any kind of portrait by which he may be represented in flesh and blood.

AN HON. MEMBER: What about his statues?

DR. RADHA KUMUD MOOKERJI: I will come to that. This ban existed for about two or three centuries and therefore Indian art, properly speaking, was so late in development on Indian soil. Why? Because, as I said, art was directly connected with religion and Buddha would not permit any kind of portraiture of his personality, because he said in a most noble manner that "I do not like my disciples to show respect to me. They should show me respect by following the teachings for which I stand, the truths which I preached". The truth 3 P.M.

counts more than the seeker of truth, and therefore such a noble idea of religion was cultivated. There you do not find the soil that is congenial for the growth of any artistic conception. Now you may ask; How was it that Buddhist art at all began? I think that the Indian art may have some origins in certain colossal over-sized statues of Yakshas or Yakshis. The cult of Yakshas is not part of orthodox Hinduism or Buddhism. Among the various statues of Pre-Mauryan times you have the famous Parkham statue of Yakshi. Now in those days popular worship centred round all these minor godlings—Yakshas and Yakshis. And the popular religious demand was that there must be some kind of visible symbols or forms of worship, and in that way the first religious image was evolved probably about 400 B.C. But that was not very widely popular. It was only confined to a few places where you find examples of colossal images of minor deities of Hinduism. But so far as the main deities of Hinduism are concerned, I think

the earliest example of the development of Indian art may be traced only to the time of Ashoka. It was only left to Ashoka to have thought of decorating this country by means of his supremely artistic structures and monuments. But even there there is no portraiture of the Buddha permitted at all because Ashoka, the devout follower of Buddha could not go against his express injunction by admitting a portraiture of Buddha in any form. What did he do? He only tried to put before the people some recollections of the Buddha in the form of symbols or tokens which might serve as a reminder of his existence. Therefore, although the form of Buddha was not at all produced, the Buddha was worshipped in some of his symbols such as his footprints or his headdress or the great stupa or the Bodhi Tree under which he attained enlightenment. These symbols have been very well repeated in the art of Ashoka. Then the masterpiece of Ashokan art in those days was that famous pillar of Saranath which inspired our national emblem. But even there the Buddha was worshipped in the symbol. The symbol used by Ashoka was the Wheel of Religion or Dharm-chakra which was first turned by the Great Buddha on the field of Saranath, and the Pali text describes this great work of the Buddha as the first preaching of his new religion by the sloka 'Dharma-chakra Pravartana Sutra'. This Sutra describes the Buddha first turning the wheel of righteousness. Therefore, in that sense Ashoka only tried to make visible the text of this Pali discourse. He reduced into the terms of visible and tangible stone the sacred words of the Buddha used in that Pali text. So what did he give to the country? He gave a beautiful monument which did not contain directly any figure of the Buddha, but only the most important point about Buddha's life and work, namely, his religion. That religion is symbolised by the Wheel. And then the essence of Buddhism was the religion of non-violence, the

doctrine of non-violence. And that also was preached by Ashoka in a most artistic way, namely by the wheel of righteousness that was placed on the shoulders of the four big lions. There the lion is a symbol of brute force and the wheel is a symbol of spiritual force.

SHRI SONUSING DHANSING PATIL (Bombay): May I know, Sir, what is the point which my hon. friend is trying to make?

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): What are you particularly driving at?

DR. RADHA KUMUD MOOKERJI: My argument is too subtle perhaps. My point is that the word 'national' will never apply to any artistic monuments. But only the Ashokan monument may be regarded as of national importance because Ashoka has placed before us the symbols of universal religious principles in a visible form.

Now, I must come back to my main point. The point is this that this religion of the Buddha did receive an artistic expression in the Ashokan monument, namely that the spiritual force is superior to the force of violence. Buddhism stood for the force of law as against the law of force, if I may say so. And therefore, that symbolism is really a work of national importance. And this phrase 'national importance', I am afraid, has to be slightly changed so that there may not be any kind of misapprehension about it.

SHRI B. B. SHARMA (Uttar Pradesh): What about 'Taj'? Will it be of national importance?

DR. RADHA KUMUD MOOKERJI: Well, I was coming to that also. Now, Sir, the Taj is not at all connected with religion. As a piece of artistic monument it is of national importance, that is to say, it is an object in which all communities interested in art show their concern. (Interrup-

[Dr. Radha Kumud Mookerji:]
tion). It may be an Islamic monu-
ment, but on account of its universal
artistic features, it is acclaimed by all
communities as of national importance.

Then, I come to another point with
regard to clause 2(a). Here you have
mentioned the words "structure, erec-
tion or monument or any tumulus or
place of interment", etc. But there
is one most important omission,
namely, 'painting'. I would request
that 'painting' should certainly and
expressly be enumerated in this sub-
clause. The Ajanta paintings require
very much expense for their proper
conservation, and therefore painting
is as much a monument of importance
as any other monument like sculpture
or inscription.

Similarly, in clause 2(b) (i) you
have mentioned the words "any coin,
sculpture, manuscript", etc. Here also
I should like the word 'painting' to
be included

Then everywhere I find that the
words 'of national importance' have
been repeated. Then again on page
4 the wording is: "Preservation of
protected monument by agreement".
Here also I should like the word
'conservation' to be used.

Then, I come to page 8. I do not
know but perhaps the hon. Minister
will be able to correct me if I am
wrong. I think that under the old
regulations, any living temple where
worship is still being offered is not
regarded as coming within the pur-
view of the Archaeological Depart-
ment. Living temples where there
are worshippers every day coming to
offer worship, such temples should not
be under the control of a secular
department like the Archaeological
Department.

SHRI KISHEN CHAND: There is a
clause for joint guardianship, joint
ownership.

DR. RADHA KUMUD MOOKERJI:
Under the older regulations, I find

that any temple, living temple, where
popular worship is still offered, is not
subject to the control of the Archaeo-
logical Department.

DR. RAGHUBIR SINH: Clause 16 is
more or less a repetition of the old
section 13.

DR. RADHA KUMUD MOOKERJI:
Here it is expressly stated: "A pro-
tected monument.....under this Act
which is a place of worship or shrine"
etc. I think this is a contradiction in
terms. Archaeology means something
antiquated, something which is not in
use. A temple is a domain of living
worship, and how can you trespass
upon that domain?

SHRI B. B. SHARMA: Does the hon.
Member mean to say that a temple
which is 2000 years old but is still
used for worship should not be taken
care of by the State?

DR. K. L. SHRIMALI: I should like
to draw the attention of the hon.
Member to section 13 of the 1904 Act.
The hon. Member was asking whether
such a place could be protected. Sec-
tion 13 reads as follows:

"A place of worship or shrine
maintained by the Government
under this Act shall not be used for
any purpose inconsistent with its
character."

DR. RADHA KUMUD MOOKERJI:
That is true, but you categorically
say here that a protected monument
can be a place of worship.

SHRI B. B. SHARMA: Why not?

DR. RADHA KUMUD MOOKERJI:
By looking after a temple you
encroach upon the domain of religious
practice. I do not see how a secular
State has any business with shrines
and temples which are still used by
the public for purposes of worship.
This is a fundamental consideration
and I think you had better consult the
proper authorities on this. By look-
ing after a monument used for religi-
ous worship or observance, you will

be encroaching upon the field of religious practice of a community, and there may be untoward events happening. Therefore, I say that these words may be slightly modified. Our purpose is a very noble one, because we do not want these monuments to crumble.

SHRI B. B. SHARMA: Does he mean to say that temples cannot be looked after by the State?

DR. RADHA KUMUD MOOKERJI: Living temples are maintained by the worshippers. Wherever a temple is not in use, then you can say that you are concerned with its conservation as a monument.

SHRI KISHEN CHAND: No.

DR. RADHA KUMUD MOOKERJI: 'No' means what? A temple like the Vishwanath Temple has been existing for centuries. Would you declare the Vishwanath Temple as a protected monument? You must come to grips with the practical realities.

SHRI H. P. SAKSENA (Uttar Pradesh): You do not have a correct conception of the whole thing.

DR. K. L. SHRIMALI: I may inform the hon. Member that there are hundreds of living monuments which are under the protection of the Government of India at the present moment.

DR. RADHA KUMUD MOOKERJI: That is what I wanted to know, but I still think there must be a line of demarcation between a temple or shrine which is still used as a living institution where worship is offered by thousands of the community concerned, and others which are not so. If you declare a living temple or shrine as an archaeological monument . . .

DR. K. L. SHRIMALI: The hon. Member is certainly aware that monuments which are not under protection tend to be neglected and gradually they crumble. It is only through protection that they can be looked after.

DR. RADHA KUMUD MOOKERJI: That should be the criterion. If a temple is deserted and not being looked after by the community concerned, there you have every reason for interference. Then you declare it to be a secular monument and that it should be controlled by the Archaeological Department.

SHRI B. B. SHARMA: What about the Khajuraho Temple? People should not go and worship there?

DR. RAGHUBIR SINH: The Moti Masjid in Agra. It is a protected monument but still worship is being conducted there.

DR. RADHA KUMUD MOOKERJI: Why should they ask me for my views? I am raising only a question of administration. The question is . . .

(Interruptions.)

THE VICE-CHAIRMAN (**SHRI M. B. JOSHI**): This is not a debating society where any one can stand up and interrupt. I would like therefore that the Member who is speaking must go on speaking. I would not allow any further interruptions.

DR. RADHA KUMUD MOOKERJI: Thank you. The point that I raise is a fundamental one, and I think that the Government would be well-advised to consider the best solution of this problem. It is my idea that a temple which is still a living institution, where worship is daily offered by a community belonging to that religion, should not be brought under the purview of the Archaeological Department. Its maintenance must be left to the devotion of the community concerned. It is not the business of the State to do it. The State cannot have any kind of denominational predilections. All these difficulties about prohibiting the entry of any person not entitled to enter any monument or part thereof used for religious worship or observances by any community, etc. will disappear if we just

[Dr. Radha Kumud Mookerji.]

define the fundamental principles on the basis of which the Archaeological Department can intervene and conserve these old decaying or crumbling monuments. Clause 18 talks of the right of access of the public to any protected monument, and there seems to be some inconsistency between this and clause 16(2)(a).

Now, coming to the marketability of antiquities, there are questions raised as to the value of these antiquities, but I think that this question need not trouble the administration because the administration knows that there is a very brisk market for the Indian artistic antiquities. Americans are ready to pay fabulous prices for these, and therefore the market value will depend upon the taste of the purchaser, so that it cannot be normalised. It is in a sense, an abnormal market. Then at page 12, clause 30, I would like to again add the word 'painting' so that it may read "any sculpture, carving, image, bas-relief, inscription and painting". Then in para (2) it says, "Any person who moves any...." I suppose it should be 'removes'. I don't know whether I am correct. There is some subtlety of legal phraseology. I don't know whether it is correct or not. Then at page 13, clause 35, an ambiguous phrase is used—"a monument that has ceased to be of national importance." I don't know how it can be so. It may cease to be of national importance if it ceases to exist but if it does exist and if it was one possessed of national character, then I don't know how you can have this idea that it ceases to be of national importance.

Although I have appeared to be somewhat of a carping critic, it is farthest from my intention to raise any kind of opposition to this very wholesome measure by which Government would be able to protect not merely the historical monuments that are of importance as sources of our national history but also monuments

which are appreciated all over the world as treasures of art which are possessed of a universal appeal and therefore I say that our national Government is very well justified in regularising these functions connected with a most important branch of our national life.

SHRI KISHEN CHAND: Sir, I wholeheartedly welcome this Bill and as has been pointed out by many hon. Members, though belated, it is most welcome and if I go through this Bill in detail—in a very short time I will finish it—it will be with the sole idea or object of making some suggestions for improvement. I know that the hon. Minister has given very careful thought to it but it is quite possible that some ideas may have been left and I may be able to make some suggestions.

I don't want to refer to the controversy raised by Dr. Mookerji and I think he has got great force in his argument about the word 'preservation' and 'national'. I leave it for experts of the English language to decide it, but the whole purpose of this Bill is for the preservation of ancient and historical monuments etc.

There is a feeling all over the country that we have a very nice Bill but as far as preservation of monuments is concerned, whether it is due to lack of funds or other causes, the preservation is not being carried on as well as it should be. I particularly point out the example of the Ramappa Temple or the thousand-pillar temple in the Warangal District. There are things of very great antiquity or historical importance—of course they have been brought under monuments of national importance—but the Department is not looking after them properly and they are slowly and gradually decaying. I come to even more important things like the Ellora and Ajanta. It requires a great deal of money. Now, 50 years back, when it was under the Hyderabad State, the, then Finance Minister, Sir Akbar Hydari, spent a very large

amount and brought certain Italian experts to renovate some of the old paintings and preserve them. I maintain that our Archaeological Department at present is not paying as much attention to the Ellora and Ajanta and various other antiquities which extend to 1,000 years or beyond that period. Most of the attention is paid to monuments only 300 or 400 years old. I don't know why there is this partiality that antiquities of only 400 or 500 years receive greater attention from the Department than those of 1,000 years or beyond.

SHRI V. K. DHAGE (Bombay): The hon. Minister has not caught your point.

SHRI KISHEN CHAND: He has understood that older monuments require greater attention and more expense on them because they are in an inferior condition of preservation. They are of greater antiquity and naturally their condition is much worse and so more money and attention are required to preserve them and I do hope the hon. Minister will pay due attention to them, in particular, to Ellora, Ajanta, the Ramappa Temple and various others. I don't agree with the previous speaker who said that places of present worship should not be brought under the protected monuments. This Bill really covers two things. There are archaeological monuments which are of historical importance but they are not places of worship but there are large number of places of worship both in South India and North India whether they are of Hindu or Muslim religion—which have to be preserved. Of course, the ownership will rest with the community or those who worship there, but if the Government gives them protection and there is some sort of joint ownership and the Government wants to preserve them, there should be absolutely no objection. We should welcome it if any monument which is used as a place of worship is protected by the Govern-

ment and the Government is prepared to spend money on its preservation. But I suppose there was some misunderstanding.

Now, I come to the various clauses of this Bill. I don't see why 100 years have been selected. In all the clauses the definition of antiquity has been defined as anything which is 100 years or over old.

SHRI H. P. SAKSENA: Because human life is supposed to be covered by 100 years only.

SHRI KISHEN CHAND: If you take the biblical age, it will be 70. I don't know which idea has been taken by the hon. Member, but I feel certain that there is absolutely no need for putting down a limitation of 100 years. There can be works of art, fine statues etc.—not the British statues for which an hon. Member has sent in an amendment, but other statues—representative of Indian culture which the Government may like to preserve. I would therefore request the Minister not to hem himself in by this limitation of 100 years. If you go really by the words "old, antiquity", the words give you an impression that it should be at least 1,000 years. If you want to come down to 100 years, why keep this restriction of 100 years? It is quite possible that even after the last Mutiny of 1857 which we should call as the War of Freedom, after that, there may have been a monument erected in the memory of the heroes of 1857 and if we want to preserve that, I don't see why the Department should not take control of that and care for that.

Then I come to clause 3 and 4. I agree that these really refer to giving notice to the public that such and such monument has been declared as a monument of national importance but as was pointed out by the previous speaker, why is it that at a subsequent stage, there is a likelihood of a monument being declared not to be of national importance? What situation can arise where a monument

[Shri Kishen Chand.]

which has once been declared to be of national importance can be relegated to the condition that it does not enjoy that importance?

DR. RAGHUBIR SINH: Correcting a mistake.

SHRI KISHEN CHAND: Then I come to clause 5 which refers to a particular monument where there is some joint ownership and in particular I refer to sub-clause 4 of clause 5. It reads as follows:

"When the Director-General has accepted the guardianship of a monument under sub-section (3), the owner shall, except as expressly provided in this Act, have the same estate, right, title and interest in and to the monument as if 'he Director-General had not been constituted a guardian thereof."

These sub-clauses—sub-clauses 3 and 4—really relate to monuments which are places of worship. Of course, they can relate to other things also, but principally they relate to places of worship. An hon. Member gave the example of Moti Masjid. Another example is that of several temples of South India, which are places of worship even now. I personally think that the ownership of these monuments should rest with the community which is worshipping there. The Director-General should only come in as a helper, not as a guardian, just for protecting the monuments, for repairs to the monuments. There will be subtle difference, if he becomes the owner, then there will be the question of difference of opinion.

DR. K. L. SHRIMALI: I may inform the hon. Member that if he would look into the Act of 1904, he would find that this is not a new provision that we have brought in. The only change we have effected is that from the collector, this power is now given to the Director-General. I just wanted to inform him that such a pro-

vision is already there in the 1904 Act.

SHRI KISHEN CHAND: I quite believe that it may be in the Act of 1904. But the hon. Minister is bringing forward this Bill in 1958 under circumstances where we have a national Government and in a national Government we want to care for the sentiments and the susceptibilities of the people of our country and of the people who are worshipping in these temples. In 1904, it was Lord Curzon and he looked at it from an outsider's point of view, of just wanting to protect the monuments and of preserving them. But we are now the citizens of this country; it is our heritage and these are our monuments. Therefore, our outlook should be a little different. I am not to be convinced by the argument that a similar provision existed in the Act of 1904, and therefore there should be one in this Bill now also. Therefore, I continue to maintain that the ownership should continue to rest with the community or the section or the sect of the people who have been utilising this as a place of worship. The Director-General or anybody else should only come in as a helper. The difference will be that if there is a sort of a joint ownership to regulate the coming and going into the place of worship, to regulate the hours of worship and the maintenance of the interior portion of this place of worship according to the rules laid down by the Director-General, I do not want that. I want, for instance, that in the case of Moti Masjid, the rules regarding worship, the rules regarding the maintenance of and entry into the mosque must be regulated by the people worshipping in the Moti Masjid only. Regarding the outside preservation part, where it becomes a protected monument and you want to protect the outside so that it does not deteriorate, there the Director-General's function comes in. Similarly, in the case of the temples, I do not want it to be declared that, since they are protected monuments,

therefore the Director-General may have the power to control and regulate the admission and non-admission of people into these places of worship, places where actually worship is going on.

Next, I come to the purchase of land etc., that is to say, clause 6(2)(e), where it is laid down:

"the notice to be given to the Central Government in case the land on which the monument is situated or any adjoining land is offered for sale by the owner, and the right to be reserved to the Central Government to purchase such land, or any specified portion of such land, at its market value".

But as hon. Members know, sometime back when permission was granted to foreigners to purchase things in the United Kingdom, so many things of art were bodily taken away from the United Kingdom and they were rebuilt in the United States of America and preserved there. So, if we just go by the market value and permit other people to come in and bid, difficulties will arise, and sometimes the prices may go up so high that the Central Government may not be able to pay. Therefore, we have to be on our guard, and I feel that the words "market value" should not be there in this provision. It should be "fair price". You cannot leave it as "market value". Suppose, there is a coin for instance, of great antiquity. Its intrinsic value, if it is a gold coin, may be only a few rupees, but its market value may be a thousand rupees or even a lakh of rupees if it is such a rare coin. Similarly, with various other articles. For instance, just now there is an excavation work going on in Rupar and so many things are being dug out. When excavation work was done in Egypt, there was a law or convention that a certain percentage of the finds from the excavations would be taken by the people doing the excavations and only the remaining part kept by the Government owning that area. Similarly,

here also we should have a rule. When you give the permission to do the excavation work, there should be a strict and detailed set of rules to the effect that any finds from the excavation cannot be taken away by the excavator. It is not the property of the excavator at all, and there is no question of any compensation or any market value being paid to him. The excavator should merely excavate. A foreigner or an outsider will not acquire any right on the excavations, on what he digs out. There should be a clause to that effect and I fail to see it here. I might have missed it in my reading of the Bill. I would like the introduction of such a clause to the effect that no find out of any excavations in India should be taken out of India; that will automatically become the property of the Government of India and there is no question of any market value.

DR. K. L. SHRIMALI: Clause 23 makes that provision.

SHRI KISHEN CHAND: I have already read clause 23.

DR. K. L. SHRIMALI: It is compulsory purchase.

SHRI KISHEN CHAND: But there is no question of any purchase. My contention is that you give permission to the man to excavate on the specific understanding that all the finds will automatically become the property of the Central Government and there is no question of any compensation. I would go a step further and say that they are our national assets. Out of their love of archaeology, foreigners may come to do the excavation work. I may give the specific example of Egypt. There, nearly 40 or 50 years ago when the Great Tut-ankh-amen tombs were found, rare things were taken out and nearly half of them were taken away by the excavators.

SHRI H. D. RAJAH (Madras): What about a pot of gold discovered from the excavation?

SHRI KISHEN CHAND: That does not concern us here. Here it is a question strictly of archaeological finds and so, that question does not arise here. To deal with such a find there are the ordinary laws of the country. It may belong to the owner of the land and there are ordinary laws for that. Here we are interested only in finds which are of archaeological value and for those cases I want this condition to be imposed.

SHRI V. K. DHAGE: Very reasonable.

SHRI KISHEN CHAND: Therefore, I say there is no question of any market value at all.

In the matter of a monument and the purchase of the land adjacent to the monument, we may want to acquire that land because we think the monument can have a better approach or the monument can have a little extra space for certain purposes, and so on. There you can have fair price. The land near a monument has a certain value because so many people visit it. If it is sold, people can put up shops there and people visiting the monument will do shopping there and therefore its value will go up. Therefore I do not want to use the words "market value" but only the words "fair price".

This work of excavation is a most difficult one and it requires a great deal of experience and knowledge. In our case most of these excavations relate really to periods which are nearly 1,500 or 2,000 years back. These excavations are almost at par with the excavations in Egypt. There also, the antiquity is very great. For some time past, there are certain excavations going on in Israel of very great antiquity. The Governments of these countries have become very alert. I have a feeling that our hon. Minister here has been over-awed by the Act of 1904 and has copied most of the parts from the 1904 Act. The world of India has changed from 1904 and

our outlook should be slightly different. In the matter of excavations, we should be exceedingly cautious. We should not first of all permit any excavation without being fully satisfied that the people who are undertaking that job are experienced people, that they know their job and that they will be doing justice to the excavation work.

[MR. DEPUTY CHAIRMAN in the Chair.]

I want all those clauses which relate to excavation to be changed entirely. I want much greater protection to be given to the places of excavation and permits for excavation work should be given only to people who have long experience of this kind of work.

As has been mentioned earlier, there is no mention in this Bill about paintings, about coins and so on. We have mostly restricted ourselves to sculptures, carvings and all the other things we have covered by "and other like objects". Now, the word "like" is a very curious one. If the word "like" means that they are connected with sculptures and carvings, then I think this is insufficient. I want to cover up all the coins and pottery also. Now, all ancient potteries that come out of excavations cannot be covered by this Bill literally. The Bill as it stands relates only to monuments and sculptures and carvings and other like objects. Why should you not include in it pottery? The whole of the Rupar find consists of potteries and if you do not include any such thing in the Bill, at least the preamble should be slightly extended by another one line in which, besides sculptures, carvings, potteries and so many other things like coins, etc., should be added on.

I have already said, Sir, I cannot understand as to how a monument once declared to be of national importance could lose its importance subsequently and be de-notified. Of course, if it completely topples down and nothing remains on the site, it can no longer be a monument but then in that contingency, I do not see any reason why

you want to de-notify it. That contingency does not require any such provision as the one you have made in clause 35. It is a thing which does not exist and naturally it goes away.

I now come to the question of vandalism in regard to our antiquities. I was very much pained to hear that in the Taj, at the time of the full moon, the people who used to visit there took away the precious stones and other inlaid work. I think, Sir, our Government is taking enough steps to protect these monuments against acts of vandalism such as taking away these precious stones or engraving the name of the people who visit these sites or engraving their dates of visit.

Lastly, Sir, I have a suggestion to make. If you go to Ellora and Ajanta, you will find, Sir, that in almost all the sculptures, in every statute, either the nose is cut or the hand is cut or the breasts are cut. All these things continue to remind us that during the medieval times, during the 13th, 14th and the 15th centuries, these places of ancient and historical monuments were visited by people who had no regard for such things. They had removed the arms, noses or breasts. I had a talk with certain experts to find out whether it will not be practicable to use modern methods of cement and plaster, with colour mixed up, to restore the previous shape of the noses, etc. If we see a statue, we should know the idea behind that statue. We do not want to go there to see an incomplete statue and come back cursing all the time the people who visited these places and struck off the noses or the arms. I want to know whether that sort of thing will be possible for the Archaeological Department to do and I also want to know whether our great Archaeologists have thought about this question of renovating our old statues with the help of cement, plaster of Paris and various other things. We cannot certainly put stone there but we can add on with these things. I would request the hon.

Minister to very carefully consider this question, place this before his Board, to find out whether it is practicable and advisable to restore all our old statues and monuments to their original shape where an act of vandalism has removed a portion.

Thank you, Sir.

आचार्य रघुबीर (मुम्बई) : उपसभापति महोदय, इस विधेयक पर पर्याप्त विचार हो चुका है, फिर भी मैं दो, चार बातें कहना चाहता हूँ। मैं कहना चाहता हूँ कि अभी तक विधेयक के हिन्दी स्वरूप पर विचार नहीं दिया जाता रहा है। आज हमारे सामने इस विधेयक का नाम हिन्दी में भी उपस्थित है। हिन्दी में नाम लिखा है : प्राचीन स्मारक तथा पुरातत्व सम्बन्धी स्थान और अवशेष विधेयक। नाम बहुत लम्बा और भद्दा हो गया है। यदि हम इसको केवल प्राचीन स्मारक तथा पुरावशेष परिरक्षण विधेयक कहें तो कहीं अच्छा होगा। इस विधेयक की कितनी आवश्यकता है, इसमें तो इस भवन के किसी भी सदस्य को संदेह नहीं है और नहीं सकता है। इस विधेयक में कई प्रकार के सुधार सुझाये गये हैं, जिनमें से पहला सुझाव मेलेक्ट्रिक मेटी (प्रवर समिति) का है। बहुत विलम्ब हो गया है। यदि यह सुझाव पहले आता तो मुझे विश्वास है कि मंत्री महोदय इसको स्वीकार कर लेते और यदि अब भी वे इसको स्वीकार कर लेते तो मुझे आशा है कि इस विधेयक में अवश्य ही कई छोटे मोटे सुधार हो सकेंगे।

डा० मुकर्जी ने प्रिजर्वेशन और कंजरवेशन, दो शब्दों के बारे में अपने विचार प्रकट किये। यह ठीक है, कनिंघम ने और उनके पश्चात् आने वाले विद्वानों ने 'कंजरवेशन' शब्द का ही प्रयोग किया है। किन्तु, मैं समझता हूँ कि सामान्य जनता की दृष्टि में 'प्रिजर्वेशन' शब्द अच्छा है, और उसे ही यदि रखा जाये तो कोई बुराई न होगी। डा० मुकर्जी ने "नेशनल" शब्द की जो व्याख्या की है, वह बहुत

[आचार्य रघुवीर]

भयानक व्याख्या है। आपने कहा, कि जिस वस्तु को सब धर्मों के अनुयायी मान लेंगे उसी को हम नेशनल कहेंगे। यह बहुत कठिन समस्या हो जायेगी। हम किसी भी लेख को, स्मारक को, मूर्ति को, मंदिर और भवन को, नेशनल न कह सकेंगे। परन्तु यह स्थिति नहीं, यह इतिहास का विषय है। यहां पूजा और मुक्ति का सम्बन्ध नहीं। यदि इस बात पर विचार करना है कि मुक्ति शिवजी की पूजा से होती है अथवा कुरान द्वारा होती है तब तो बात ठीक है कि उसमें धर्म का प्रश्न आयेगा। किन्तु, यहां पूजा और श्रद्धा का प्रश्न नहीं। यहां तो ऐतिहासिक आवश्यकता, ऐतिहासिक महत्व का प्रश्न है। राष्ट्रीय दृष्टि से कौन-कौन से भवन, मूर्तियां, चित्र आदि आवश्यक हैं, उसमें धर्म का प्रश्न नहीं है, चाहे वे मूर्तियां और भवन किसी भी धर्म के अनुयायियों की क्यों न रही हों। किन्तु आज वे सारे राष्ट्र की दृष्टि से, राष्ट्र के इतिहास को समझने के लिये परमावश्यक हैं। इसलिये, वे सब नेशनल मान्यमेंट्स (राष्ट्रीय स्मारक) कहलायेंगे।

डा० मुकजी ने पेंटिग और भित्ति चित्र का वर्णन किया। मैं उनके साथ पूर्ण रूप से सहमत हूं। अजंता और बाघ जैसे भित्ति चित्रों को भी मान्यमेंट्स में, स्मारकों में, सम्मिलित करना चाहिये। जीति-जागति मन्दिर, जहां अब भी पूजा हो रही है, उनके सम्बन्ध में हमारी क्या नीति हो, उसको मंत्री महोदय ने बीच में उठकर स्पष्ट किया और मैं समझता हूं कि जो स्थिति मंत्री महोदय ने रखी है और जो स्थिति पूर्व वक्ता श्री किशन चंद ने रखी है वह ठीक स्थिति है। चीन में पिछले तीन वर्षों में शासन ने युङ्ग हो कुङ्ग नाम के मन्दिर में जो पेंकिंग नगर का सब से बड़ा मन्दिर है, बीस लाख रुपये लगाया और उस मन्दिर को ठीक किया। किन्तु, इसका अर्थ यह नहीं कि वहां पूजा बन्द हो गई, वहां पूजा चल रही है।

एक और प्रश्न श्री किशन चंद ने उठाया, रिनोवेशन का, मन्दिरों को, मूर्तियों को नया स्वरूप देने का। यह बड़ा विवादास्पद विषय है, इसमें पुरावशेष विशेषज्ञों का बड़ा मतभेद रहा है और किसी विशेष मूर्ति के विषय में अथवा विशेष मन्दिर अथवा स्मारक के विषय में क्या नीति अनुमरण की जाये, वह एक-एक वस्तु को ले कर निर्धारण करना होगा। किन्तु मैं इस बात...

SHRI KISHEN CHAND: I referred in particular to Ellora.

आचार्य रघुवीर : मैं इस बात में पूर्ण रूप से सहमत हूं कि जिन वस्तुओं के विषय में कोई भी सन्देह नहीं कि उनका मूल रूप क्या था उनको तो अवश्य पूरा करना चाहिये और उनके जीवन को बढ़ाना चाहिये। हमारे पुरावशेष विभाग की नीति अभी तक इस विषय में निश्चित नहीं रही है, और उन्होंने इस पर पर्याप्त ध्यान नहीं दिया है।

जहां कनिष्क और मार्शल जैसे विद्वानों ने हमारी आर्कियालाजी में, पुरावशेष में काम किया और देश की बहुत सेवा की, वहां उनके विदेशी होने का हमको कुछ अलाभ भी रहा, कुछ हानि भी रही। वह हानि यह थी—मैंने श्री मार्शल से सात आठ वर्ष पूर्व लन्दन में बातचीत की थी और उन्होंने स्पष्ट रूप से इस विषय में यह कहा था कि हमारी उत्सुकता यह जानने की थी कि भारत-वर्ष का प्राचीन इतिहास, उसकी कला किस प्रकार की है, इससे अधिक हमारी इच्छा यह जानने की थी कि ग्रीक और रोमन प्रभाव भारतवर्ष में कितना रहा है। इससे भी अधिक हमारी उत्सुकता यह जानने की थी कि इस प्राचीन इतिहास का कितना अंश भारत के आधुनिक जीवन में है और भारतवर्ष के आधुनिक जीवन का समझने के लिये भारतीय मनोवृत्ति को समझने के लिये यह प्राचीन इतिहास कहा तक सहायता करता है।

किन्तु, जहां तक इन वस्तुओं के रक्षण का प्रश्न है, पुनर्नवीकरण का प्रश्न है, रिनोवेशन का प्रश्न है, उसमें हमारी कोई विशेष रुचि नहीं थी। यह रुचि तो संसार के केवल दो तीन देशों में विद्यमान है, पूर्व में चीन और जापान में और पश्चिम के एक देश इटली में। इस बात को यदि हमने सीखना है तो इटली में जा कर सीख सकते हैं अथवा चीन या जापान में जा कर सीख सकते हैं।

एक प्राचीन स्मारक हमारे यहां विद्यमान है। सन्देह हो सकता है कि उसका प्राचीन स्वरूप ठीक क्या था, मूल स्वरूप क्या था और हम क्या स्वरूप इसको दें। किन्तु इसमें कोई सन्देह नहीं हो सकता है कि इसका जीवन लम्बा करना चाहिये। जो ऐतिहासिक निधि हमारे पास आज तक आई है वह निधि भावी जनता के पास भी जाये और उतने अच्छे रूप में जाये जितने अच्छे रूप में हम दे सकते हैं। यह चीनियों और इटली के लोगों की विशेषता रही है। मुग़ोलिनी ने तो यहां तक किया कि प्राचीन भवनों के ऊपर उसने एक लिक्विड सीमेंट, तरल स्वरूप में वज्ररेप का प्रयोग किया कि जो ईंट बिखरी हुई है, जो पत्थर आपस में जुड़े हुए नहीं हैं, वे आगे, २००, ३००, ४०० या ५०० वर्षों तक खड़े रहें और नष्ट न हों। किन्तु, हमारी आर्कियालोजी में क्या हुआ? हमारे भारतवर्ष के आर्कियालोजिस्ट्स ने—केवल भारतवर्ष में ही नहीं और देशों में भी ऐसा ही हुआ है—उन्नीसवीं शताब्दी में जितना नाश किया है प्राचीन स्मारकों का उतना किसी व्यक्ति ने नाश नहीं किया। जितना नाश कनिंघम ने, मार्शल ने, दूसरे लोगों ने किया, उसके लिये मैं उनकी निन्दा नहीं कर रहा, किसी प्रकार से निन्दा नहीं कर रहा, किन्तु मैं उनका आभारी हूं जितना उन्होंने काम किया उसके लिये। किन्तु, उन्नीसवीं शताब्दी में जो भावनायें थी वे यह नहीं थीं कि हम भावी जनता के लिये इन स्मारकों को सुरक्षित रूप से रखें। एक और चीन का उदाहरण है कि

लोयांग जैसा मंदिर जो ६७ ईसवी में, आज में १६०० वर्ष पहले बनाया गया, उसको उन्होंने आज तक अपने पुराने रूप में तो नहीं किन्तु किसी न किसी रूप में बनाये रखा है। बार-बार एक एक शती में उसकी मरम्मत करते रहे हैं जीर्णोद्धार करते रहे हैं। यद्यपि प्राचीन स्वरूप उसका नहीं रहा किन्तु वस्तु आज तक विद्यमान है। दूसरी ओर हम हैं कि हडप्पा में—यह ठीक है कि वह हमारे देश का भाग आज नहीं रहा, किन्तु उसका महत्व भारतवर्ष के लिये आज भी कम नहीं हुआ—१६२६ से लेकर १६२८, १६३१ और १६३२ तक खुदाई हुई। ऊपर की तह जब खोदी गई तब वहां कुछ भवन निकले और उनका उन्होंने फोटोग्राफ ले लिया, उन भवनों को फिर गिरा दिया गया, उसके नीचे की तह खोदी गई, वहां से जो निकला उसका फोटो ले लिया गया और फिर गिरा दिया। इस प्रकार से तीसरी और चौथी और फिर पांचवीं और छठी तह पार कर नीचे तक पहुंचे। जब देखा केवल मिट्टी रह गई है तब खोदना बन्द किया। किन्तु उन्होंने यह नहीं किया कि जो कुछ तह उन्होंने देखी थीं, जो स्ट्रेटा, जो लेयर, जो फर्श, जो भित्तियां, जो दीवारें उन्होंने देखी थीं वे कायम रहें। दोबारा उन्हें इसी प्रकार बना कर भावी सन्तान के लिये छोड़ जायें, यह काम उन्होंने नहीं किया। इस बात की शिक्षा फ्रेंच लोगों से हमको मिलती है।

मैं अभी कम्बोडिया गया, मेरा विचार है बहुत से सदस्यों ने भी वहां जा कर देखा होगा कि आंगकोरवाट, आंगकोर थोम, बायोन में बीसियों मील तक प्राचीन खंडहर पड़े हुए हैं। उनमें से थोड़े से खंडहरों को फ्रेंच लोगों ने लिया। पत्थरों का एक ढेर लगा हुआ था, उन्होंने इस ढेर को अलग किया। बड़े परिश्रम से, बीसियों वर्ष लगाकर सैकड़ों लोगों की सहायता से उन्होंने फिर दोबारा उसको प्राचीन स्वरूप दिया। एक एक पत्थर उतार कर, भूमि के नीचे कंकरीट बिछाकर, फिर एक एक पत्थर को दोबारा

[आचार्य गुरुवार]

उसी प्रकार खड़ा किया। एक मन्दिर को खड़ा करने के लिये आर्कियालोजिस्ट्स ने बीस से अधिक वर्ष लगाये हैं और लाखों रुपया लगाया है, किन्तु आज वह मन्दिर अपने तेरहवीं शताब्दी के वैभव में खड़ा हुआ है। इसी बात पर डच लोगो ने १६५२ में पराम्बनम में प्रयोग किया, किसान लोग पत्थर उठाकर मीलों पर ले गये थे। उन्होंने अद्भुत बात डिस-कवर की थी, आविष्कार किया था कि वहां के मन्दिर के पत्थरों का चाहे वे कितनी दूर स्थान पर ले जाये गये प्रत्येक पत्थर का स्थान उस मन्दिर में सुनिश्चित था। यह नहीं था कि इस कोने में कोई भी पत्थर लग सकता है। नहीं। एक कोने पर एक पत्थर लगेगा, दूसरा नहीं लगेगा। इस प्रकार की बातों को जानना और ढूँढना, यह उन्हीं लोगो का काम था जिन्होंने इसको अपना लक्ष्य बना लिया था कि हम प्राचीन स्थानों की रक्षा करेंगे और उनको जिस रूप में हमने पाया था उससे अधिक अच्छे रूप में छोड़ कर जायेंगे।

इसलिये आर्कियालाजी डिपार्टमेंट का यह बहुत बड़ा कार्य है। ऐसा न हो कि यह डिपार्टमेंट डिस्ट्रिक्शन डिपार्टमेंट बन जाये जैसा कि आज बना हुआ है। जिस स्थान को यह खोदता है वह मिट्टी मिट्टी हो जाता है।

फ्रेच विद्वानों ने (anastylosis) (प्रत्यास्थापन) की पद्धति निकाली है। इसका लिये भारतवर्ष का पुरावशेष विभाग कितना छोटा है, कितना अनुपयुक्त है, कितना काम करने में अशक्त है, कितना अदूरदर्शी है, कितना प्रेम रहित है, कितना निर्दयी है, कितना क्रूर है, मुझे दुःख होता है ये शब्द कहते हुए। हमारा अपना शासन है, अपना विभाग है, सब काम करने वाले अपने मित्र हैं। आज एपिग्राफिस्ट के कमरे में जा कर देखिये, हजारों शिलालेख चौपट पड़े हैं, सड़ रहे हैं, आप उनको खोल नहीं सकते। दक्षिण भारत ताम्र-पत्रों की निधि था।

उन्नीसवीं शताब्दी से विभाग में सहस्रों ताम्र-शासनों तथा शिलालेखों की छापें आई हैं। एपिग्राफिस्ट ने कहा कि इनको अध्ययन करने का किमी को अधिकार नहीं है। इनको अध्ययन करने का, हमारा पहला अधिकार है। किन्तु उसके पास इतना समय कहां जो हजारों शिलालेखों को छपा दे। मैं मंत्री महोदय से प्रार्थना करूंगा कि उन में से जितने सड़ गये, गल गये, उनको छोड़ दें किन्तु जितने विद्यमान हैं उनका फोटोग्राफ छाप दे, चित्र छाप दे। चित्र छाप देने से यह परिणाम होगा कि भारतवर्ष के छोटे-छोटे गांवों का इतिहास बनेगा। आज हम समूचे भारतवर्ष का इतिहास बनाना चाहते हैं। वह इतिहास कैसे बनेगा। गांव गांव का इतिहास जानकर ही सम्पूर्ण भारतवर्ष का इतिहास बनेगा। इस महत्व को आज तक हमने पूर्ण रूप से नहीं समझा।

भूमि की खुदाई कौन लोग करते हैं? क्या आर्कियालोजिस्ट्स करते हैं? नहीं। जिन लोगो के बड़े-बड़े मकान और भवन बनते हैं वे लोग अपनी नींव के लिये भूमि खोदते हैं। नहर के इंजीनियर भूमि खोदते हैं, सिविल इंजीनियर, पी० डब्लू० डी० के इंजीनियर खोदते हैं, माइनिंग डिपार्टमेंट के लोग, खानों के लोग, भूमि को खोदते हैं। कई स्थानों पर सिक्के, मूर्तियां, छोटे-छोटे घड़े आदि के टुकड़े और अनेक प्रकार की वस्तुएं भूमि में मिलती हैं। किन्तु अनभिज्ञता और अज्ञान के कारण वे सब वस्तुएं नष्ट हो जाती हैं। किसी को पता भी नहीं चलता यहां कहीं बड़ा प्राचीन नगर भी था। वह सारे का सारा नहर का विभाग उड़ा चुका है।

म फिर आपको हड़प्पा का उदाहरण दूंगा। उन्नीसवीं शताब्दी में रेलवे के इंजीनियरों ने हड़प्पा की इटे उठा कर एक मां मील की रेल की पटरी का मार्ग बनाया है। भारतवर्ष के एक-एक स्थान में अगण्यनाश पी० डब्लू० डी० ने किया है, इंजीनियरों

ने किया है, ठेकेदारों ने किया है, नहर खोदने वालों ने किया है। रेल बनाने वालों ने किया है, ये सब शासन के विभाग हैं। मंत्री महोदय क्या उपाय बताते हैं इसका कि शासन को इस नाश को कैसे रोका जाये और कौन इस शासन को नाश को दिनानुदिन बताता रहे।

4 P.M.

फिर मैं चीन का उदाहरण दूंगा। चीन में यह नियम बना है कि जहां कहीं पर भी खुदाई हो और कोई वस्तु मिले तो खुदाई रोक दी जायेगी। मैं शिनिंग में, लानछाऊ में, देख कर आया हूं। जहां भी खुदाई में कोई वस्तु निकलने लगती है तो माऊ त्से तुग का स्वयं अपना वैयक्तिक आदेश है कि आर्कियालाजिकल डिपार्टमेंट के, पुरावशेष विभाग के विशेषज्ञों को बतलाओ और उनकी देख-रेख में वह खुदाई आगे चले। यह तभी सम्भव है जब हमारे देश में आर्कियालिजिस्ट बढें। अभी तो हमारे देश में दो चार पुराने पुराने आर्कियालाजिस्ट्स रह गये हैं जिनका सारा समय फाड़लों पर हस्ताक्षर करने में जाता है। यह बड़े दुख की बात है कि हमारे इस सारे विभाग में कोई व्यक्ति दिखाई नहीं पड़ता जो शुद्ध रूप से अनुसन्धान के कार्य में लगा हो। इसलिये आवश्यक है कि नव-युवकों को इस काम में शिक्षा दी जाये। दो वर्ष, तीन वर्ष, चार वर्ष, जितनी शिक्षा आवश्यक समझी जाये वह दी जाये। प्रत्येक डिस्ट्रिक्ट में, प्रत्येक जिले में, जिस प्रकार से इंग्लैंड में काउंटी आर्कियालाजिकल सोसाईटीज और हिस्टारिकल सोसाईटीज हैं पुरावशेष-रक्षण परिषद् होनी चाहियें। केवल एक दो परिषद् से काम नहीं चलेगा, प्रत्येक जिले में एक एक सोसाईटी होनी चाहिये जिसका यह काम हो कि वह पुरावशेषों की रक्षा करे। प्रत्येक मंडल में, प्रत्येक डिस्ट्रिक्ट में, अद्भुतागार अर्थात् म्यूजियम हों। पी० डब्लू० डी०, माइनिंग और इरिगेशन के लोगों को व्याख्यान दिये जायें, उनको चिट्ठियां लिखी जायें, उन्हें इस बात के लिये

समझाया-बुझाया जाये, उनको चेतावनी दी जाये कि पुरावशेष देश की निधि है और राष्ट्र की निधि की रक्षा करना उनका कर्त्तव्य है। पुरावशेष विभाग, आर्कियालाजिकल डिपार्टमेंट, के अधिकारियों का ही यह काम है कि वे एक्सप्लोरेटरी सर्वेज करें। अभी यहां दिल्ली में फ्रांस के दो विशेषज्ञ, दे मिये बिल और फिलियोजा आये और वे कम्बोडिया में गये हैं, इसलिये गये हैं कि वहां के जंगलों में नये-नये शिलालेख ढूँं। उन्होंने चार शिलालेख दस दिन में ढूँं। कहां है हमारे भारतवर्ष में इस प्रकार के सर्वेज और एक्सप्लोरेशन करने के लिये स्टाफ ? एपिग्राफी और प्रिजरवेशन आदि के लिये अलग विशेषज्ञ हों। यह बातें तभी सम्भव हैं जब कि हमारे पुरावशेष के विद्वान कूप-मंडूक न बने हों। मुझे यह शब्द प्रयोग करते हुए अच्छा नहीं लगता। किन्तु स्थिति को समझाने के लिये इसमें अच्छा शब्द कोई दूसरा मिलता भी नहीं है। हमारे विद्वानों का कर्त्तव्य है कि भारतवर्ष के स्वतंत्र होने के पश्चात् वे एशिया के दूसरे देशों में जायें। फ्रांस, जर्मनी, इटली, रूस, जापान, इंग्लैंड और अमेरिका के पुरावशेष के विद्वान सारे संसार में फिरते हैं तो क्या कारण है कि हमारे विद्वान नेपाल, भूटान और सिक्किम में जा कर खुदाई नहीं कर सकते ? एक इटली का विद्वान आ सकता है और वह खुदाई कर सकता है और हमारे विद्वान खुदाई नहीं कर सकते ? तिब्बत में रेटिंग जैसा प्रसिद्ध स्थान है जहां के बारे में यह ऐतिहासिक बात प्रसिद्ध है कि वहां अभी तक ३०-४० हजार के लगभग संस्कृत ग्रंथ विद्यमान हैं। हमारा ही शासन है जो इसको बचा सकता है। यदि यह रेटिंग न बचाया गया तो सम्भव है कि जो राजनैतिक क्रांति तिब्बत में चल रही है वह इसको अग्निसात् कर दे या इसका विध्वंस कर दे। साइबेरिया, मंगोलिया, एर्देनी दजु अथवा रत्न बिहार, बैकाल, बालि, बोर्नियो अथवा कालि मन्थान्, महा कलिंग अथवा फिलीपिंस, उजबेकिस्तान, लाओस, वीतनाम कौन सा एशिया का ऐसा

[आचार्य रघुवीर]

देश है जहां भारत के इतिहास की सामग्री भूमि में छिपी हुई न हो? कैस्पियन सी तक, ब्लैक सी तक, कहीं भी भूमि खुरचें वहां इस प्रकार की सामग्री गड़ी हुई है। यह हमारा कर्तव्य है कि हम भी संसार की आकियालाजी में भाग लें और अपने देश के इतिहास को समझें।

इस सम्बन्ध में मैं अन्त में एक ही बात कहूंगा और वह यह है कि सारे संसार के विद्वानों ने हम पर यह लांछन लगाया है, अथवा सच बात कही है, कि भारतीयों में इतिहास की बुद्धि कभी नहीं रही। चीन, तिब्बत, मंगोल में कही भी जायें, वहां एक-एक गांव, एक-एक मन्दिर, एक-एक परिवार का इतिहास लिखा गया है किन्तु भारतवर्ष के समूचे देश के बारे में भी इतिहास नहीं लिखे गये हैं। इस ऐतिहासिक बुद्धिहीनता को अब बीसवीं शताब्दी में स्वतंत्र होने के पश्चात् हमें दूर करना चाहिये। किन्तु, शासन को रुपया चाहिये, शिक्षा विभाग को इस काम के लिये रुपया चाहिये। किन्तु वह इस काम के लिये तो रुपया मांगता ही नहीं। अब आगे बजट, आय व्ययक, आ रहा है और यदि मंत्री महोदय इसकी आवश्यकता समझते हैं तो उनका कर्तव्य है कि उसमें इस काम के लिये वे पर्याप्त रुपया रखें। हमारी संसद् उस रुपये को अवश्य देगी। हमारा विचित्र गणतंत्र है, हमारी विचित्र डेमोक्रेसी है कि हम लोग जिस बात को आवश्यक समझते हैं उस बात के लिये यह संसद् रुपया नहीं दे सकती। केवल यदि शासन मांगे तभी हम हा या ना कर सकते हैं। यदि हमारी शक्ति में होता तो मैं राज्य सभा के सामने यह प्रस्ताव रखता कि पुरावशेष विभाग के लिये इतना रुपया दिया जाये।

इन शब्दों के साथ, मैं मंत्री महोदय से प्रार्थना करता हूं कि उन्होंने जो विधेयक रखा है उस विधेयक को रखने मात्र से ही भारत के प्राचीन स्थानों की रक्षा नहीं होगी वर्न् गवर्नमेंट के जिन विभागों से इसका सम्बन्ध है उनको भी चेतावनी देनी होगी,

समझाना होगा। मैं इन शब्दों के साथ इस परिरक्षण विधेयक का पोषण करता हूं।

DR. K. L. SHRIMALI: Sir, before I deal with the various points that have been raised by hon. Members, I should like to express my feelings of gratitude to the Members who have participated in this debate. I do admit that there has been some delay in bringing this Bill, but in order that we might have a comprehensive legislation we had to examine this matter from various aspects and I am very happy that the House in general has welcomed this measure.

I should like to deal with some of the points which have been raised by hon. Members. My friend, Mr. Rajah, who is not here, raised the objection that the Central Government should take over the full responsibility with regard to the maintenance and preservation of monuments and there was no need to ask the State Governments to enact their legislations. The whole purpose of this Bill is that we wish to be clear about the responsibilities of the Central Government and the State Governments as far as the monuments are concerned. The Constitution makes provision for both the Centre as well as the States to take responsibility of the monuments which are of national importance and which are of local importance and the whole purpose of this Bill is to avoid that overlapping of jurisdiction between the Centre and the State Governments. It was with that purpose that this Bill has been brought forward. We wish to be clear about the demarcation of responsibilities. In our country since we have a rich cultural heritage, we have thousands of monuments which need protection. They are our national treasure. Whether it is the State Government or Central Government which looks after them, these must be protected. If the Central Government has to take responsibility for all the monuments, it is physically impossible to manage. It

is therefore proposed that as far as protection of national monuments is concerned, that must be the responsibility of the Central Government, and the protection of monuments which are of local importance—there are thousands of them—should be the responsibility of the State Governments.

Sir, my friend, Shri Rajah, raised a strong protest against the statues which are connected with the British rule. In this matter I think my friend, Dr. Ray, has dealt with some of the points. It will not help us in any way to do away with or to wipe out the whole history which is connected with the British rule. We should have a proper historical perspective with regard to these statues. I would of course, like to assure the hon. Member that it is our policy to remove all those statues which offend our national sentiment. The Government have already removed certain statues, and gradually other statues also which offend our national sentiment will be removed. But we do not want to make too much fuss about it. We do not want to create ill-will. That has not been in our tradition, that has not been in our culture, and certainly there is no sense in attempting to wipe out the whole history of hundred years of British rule. At the same time I would like to assure the hon. Member that we have been taking steps to remove all those statues which are offensive to our national sentiment.

SHRI BHUPESH GUPTA: Remove those statues and put them in a chamber of horrors.

SHRI H. D. RAJAH: Make them into electric wires for the Five Year Plan.

DR. K. L. SHRIMALI: My friend, Mr. Rajah, also suggested that clause 6(3) of the Bill should be removed. The point raised by Mr. Rajah is covered by the amendment which we are proposing to clause

6(3). Under that the owner of any monument will become liable to refund to the Department of Archaeology any expenditure incurred by them over the monument, in those cases where the mutual agreement is proposed to be terminated by the owner of the monument. I think with that amendment the position will be made clear.

SHRI H. D. RAJAH: You are moving an amendment to that effect?

DR. K. L. SHRIMALI: Yes. In regard to clause 9 of the Bill Mr. Rajah said that it would prove ineffective in practice and that the Department of Archaeology should aim at securing agreement with the owner of the monument through negotiation. Here also I would like to assure the hon. Member that as far as possible the Government will adopt the policy of negotiation, and they will try to reach an agreement which will be mutually acceptable to both the parties. Compulsion will be taken recourse to only as a last resort. The House would certainly not like the monuments to be destroyed on account of neglect or on account of any selfish motives, and it is only as a last resort that this provision has been made.

Shri Bhanj Deo did not refer to any particular item of the Bill, but he made certain references to Government not taking over the Yogini Chakras in Orissa and Madras which are being neglected. He also said that there were numerous temples relating to the Tel Valley civilisation in Orissa which were not taken care of by the Department. With regard to Orissa, there are a number of ancient monuments which have to be protected, and obviously it is not possible for the Central Government to take over all the monuments; some monuments will have to be looked after by the State Government. But I shall certainly examine that question as soon as I receive the list from Shri Bhanj Deo which he has promised to send.

[Dr. K. L. Shrimali.]

Some Members also raised the question with regard to the list of monuments. Now, the number of protected monuments and sites is 3,612. In certain cases there is only a single entry which sometimes includes several buildings. The actual number of monuments would be much more than the figure indicated.

Sir, various Members referred to this compulsory acquisition of monuments. In various cases the Government have been trying to negotiate with the private parties. For example, in regard to the Lingaraj Temple at Bhubaneswar and the Brihadiswara Temple at Tanjore, Government have been trying to negotiate for the last ten years. Sometimes even after such long negotiations it has not been possible to persuade the owner to enter into an agreement. It is only in such cases that Government would exercise that power. Otherwise, the policy that we propose to adopt even in future is that of negotiation. I might also inform the House that the Department is engaged at the present moment in a wide inspection of all the monuments which are of national importance, and after this inspection has been done the whole list will be revised. The monuments which should not have been in the list will be removed from that list, and the monuments which should be added to the list of protected monuments will be added. This, of course, is expected to take nearly two years, and we shall be in a position to complete that work after that inspection is done.

My friend, Dr. Raghbir Singh, raised the objection that there was no arrangement for placing the notification on the Table of the House. Sir, the clause lays down that a preliminary notification will be put up in the official gazette, and after considering all objections the Government after a period of two months will declare a monument to

be of national importance, and then the official notification will be issued. It is not necessary to place that list on the Table of the House because it will all be in the official gazette. If the hon. Member wishes that Parliament should have an opportunity to discuss whether each and every monument should be in the list or not, that will be very cumbersome and will cause considerable delay in protecting the monuments, and I hope the hon. Member will not press that point. In fact, there is no amendment, I do not think it is necessary to have a Select Committee just to consider that point.

Then, he also raised objection to clause 13 of the Bill. I would like to inform the hon. Member that clause 13 corresponds to section 10 of the Act of 1904, and no new power is being given to the Government. In fact the Land Acquisition Act has been in existence since 1894 and it is only proposed that the provisions of this Act should apply. He also referred to export of antiquities. Section 7 of the 1904 Act is covered by the Antiquities Control Act of 1947, and therefore for that reason it has been omitted. I have got that matter carefully examined.

DR. RAGHUBIR SINGH: I have already indicated what portions have not been covered. I know what portions have been covered and I have already said so.

DR. K. L. SHRIMALI: The provisions which have been made in his Bill, the Antiquities Control Act and the Treasure-trove Act, if we read them together I do not think it is possible for anyone to take away any of the antiquities from here or allow them to be destroyed.

Dr. Radha Kumud Mookerji raised objection with regard to the words 'preservation' and 'national'. Any monument which is to be protected in the interest of the whole nation is a national monument, and I was rather surprised that he raised that

objection. I really failed to understand the very subtle argument which he advanced in this connection. As regards the word 'preservation', that is the word used in the 1904 Act also, and I think it is more comprehensive than the word 'conservation'.

DR. RADHA KUMUD MOOKERJI: The Oxford Dictionary might help you.

DR. K. L. SHRIMALI: The law is there. Since 1904 we have been using that word.

DR. RADHA KUMUD MOOKERJI: My point is that a slight modification would make the English far better. 'Conservation' applies to a dead antiquity. We are still in the midst of schemes for the 'preservation' of wild life. The word 'preservation' is far an extinct race.

DR. K. L. SHRIMALI: Well, Sir, I am afraid I cannot agree with the hon. Member. In fact, in law we should be guided by practice and that word has been in existence since 1904.

SHRI KISHEN CHAND: May I know from the hon. Minister what word is used in England or in America?

DR. K. L. SHRIMALI: I am afraid I cannot give that information to the hon. Member.

DR. RADHA KUMUD MOOKERJI: Well, Sir, my main point was with regard to 'denominational'—the monuments which are protected are strictly denominational—and you have also a clause regarding the free entry of people into those places of worship which are living places of worship. You are creating communal problems.

DR. K. L. SHRIMALI: Sir, I had already drawn the attention of the hon. Member that as far as that clause is concerned, we are not making any new innovation. That already exists in the old Act of 1904.

Now, Sir, some question was raised with regard to the training of archaeologists. I would like to inform the House that the Government have under consideration a scheme for starting a Central School of Archaeology, and I hope when that scheme materialises, we shall be able to train officers who can carry on this supervision and excavation work more efficiently.

Some Members and my friend, Mr. Kishen Chand, also raised objection with regard to the clause regarding those monuments which cease to be of national importance. Well, Sir, there can be occasions when a particular monument may fall down in an earthquake or may get washed away in a flood. Now, cases like those are expected to be covered by that clause.

So, Sir, these are some of the objections which were raised by Members, and I have tried to answer most of them. I am not convinced that there is any need for referring this matter to the Select Committee. That is why I was anxious to find out from my friend, Dr. Raghubir Sinh, if he had any controversial issues which ought to go to the Select Committee. This Bill has already been over-delayed and I would therefore like to get it through as quickly as possible so that we may implement this Act and carry on the work of protection and maintenance of national monuments.

Various Members referred to the great need of protecting the national monuments. Sir, I would like to assure the House that the Government are fully aware of this need and we have also requested the State Governments to enact legislation. As I told the House the other day, some of the State Governments have already enacted legislation. I said that the Governments of Orissa and Uttar Pradesh had already enacted legislation in this matter, and I had mentioned that Bombay and West Bengal had prepared the necessary Bills and they were waiting to be

[Dr. K. L. Shrimali.]

introduced. That was a slight mistake. I should have said that the Bombay Government have got their Bill prepared and are waiting to introduce it in the Legislature, while the West Bengal Government have not only drafted the Bill but also got it passed by both Houses of the State Legislature. Now, I hope the other State Governments will also follow the example of these State Governments, and it would be our constant endeavour to protect these national treasures. I thank the hon. Members once again for having participated in this debate and for having made valuable suggestions which would be fully taken into account.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill to provide for the preservation of ancient and historical monuments and archaeological sites and remains of national importance, for the regulation of archaeological excavations and for the protection of sculptures, carvings and other like objects be taken into consideration."

The motion was adopted.

MR. DEPUTY CHAIRMAN: Now, we shall take up clause-by-clause consideration of the Bill.

Clause 2—Definitions

SHRI H. D. RAJAH: Sir, I want to move my amendment.

MR. DEPUTY CHAIRMAN: But it came only this morning. So it is out of time.

SHRI H. D. RAJAH: But where is the need to bar me from telling something about the amendment? I gave it yesterday and it is there in the morning. But where is the need for barring me like this? If the House agrees, I can move it now.

MR. DEPUTY CHAIRMAN: Even if a single Member objects, I have to

rule it out. I will put it to the House.

Is the House giving permission to move his amendment?

(No hon. Member dissented.)

MR. DEPUTY CHAIRMAN: So, I take it that there is no objection. All right, Mr. Rajah, you can move your amendment.

SHRI H. D. RAJAH: Sir, I move:

4. "That at page 2, at the end of line 18, after the words 'one hundred years' the words 'but does not include any statue or other object commemorating, or associated with, the British regime in India' be inserted."

MR. DEPUTY CHAIRMAN: The clause and the amendment are before the House.

SHRI H. D. RAJAH: Sir, this amendment categorically tells something which my friend, Dr. Shrimali, has accepted to some extent. I am very grateful to him for that much acceptance which he has expressed in this House. Those statues which offend our national sentiments will be removed from the public view or will not be used as part of preservation under this Bill. To that extent I am glad, I am grateful to him. The difficulty is to find out which of these statues offend our national sentiments and which do not offend our national sentiments. When my son goes about in the street, he sees statue of King George or of Queen Elizabeth or of General Dyer or of General O'Dyer. It is very difficult for him to distinguish between these celebrities, whose statues show that they did something in this country as if this country was their grand-father's property. I do not want to bring up my child under this feeling that there were these Johnnies ruling us and looting this country. It is obviously difficult for us, therefore, to make any distinction between one statue and another.

MR. DEPUTY CHAIRMAN: He will read the history books.

SHRI H. D. RAJAH: I am not thinking of erasing the history in the books. I am not like certain people who think that by burning some history books, all history will be erased. These are embodiments to show to our children, to my children, that there was foreign rule in this country for a period of 150 years to 200 years. That must be obliterated.

SHRI J. S. BISHT (Uttar Pradesh): You do not obliterate history.

SHRI H. D. RAJAH: I am only suggesting that it is a very difficult process to find out which statues offend our national sentiment and which do not. There was a statue of Lord Willingdon in Madras which according to the Government offended national sentiment. I would have smelted the whole thing and made copper wires out of it for electricity purposes. Instead of doing that, these people took it to the museum in Madras and confined it there to some corner. I do not want a similar thing to happen with regard to the other statues in this country. What I say is that these statues are not part of history. They are the vainglorious attempts of the rulers here in this country, and there were lackeys here who helped them to perpetuate themselves in the form of statues. You say anything which has been there for not less than one hundred years. We are now in 1958. One hundred years back means 1858. Suppose somewhere in Northern India, somebody did something and got the bones of somebody and ultimately they were found to be the bones of a British soldiers who killed our brave soldiers of the 1857 revolt, and started keeping them as a monument in this Country.

SHRI P. D. HIMATSINGKA: That is not the intention.

SHRI H. D. RAJAH: Suppose those bones are found to be those of a British soldier who was shot down by an Indian soldier. If these are to be preserved as a national monument, I must commit suicide on that day. It is not a matter I can consciously allow in any form whatsoever. Are these bones to be equated with those of Mogallana and Sariputta, the disciples of Buddha? This is what I want to know. Therefore, when such a law is passed, if you give any loop holes for such things, it is not something which can be allowed. Therefore, as far as my persuasion will help, I would appeal to Dr. Shrimali, my very good friend, to accept this amendment and save our national honour.

SHRI BHUPESH GUPTA: I want to say a few words in support of this amendment. I am grateful to the House for permitting this amendment to be moved. The fact that there was not a single Member objecting to it shows that the spirit and the wording of the amendment are acceptable to the hon. Members of this House. I hope the hon. Minister will kindly accept this amendment and incorporate it in the Bill. The hon. Minister was saying that they did not want to make a fuss about removing these statues. We are not asking them to make any fuss about it, except that it requires some people to go there and remove them. I do not know why it was said that they did not want to make any fuss about it. I think there are some other reasons as to why these things are not being done expeditiously. There are some elements in the Government who think that some of these statues should be retained in their present places, and that is why it is not being done. That is the main reason. Otherwise, even after ten years of independence I regret to say that we are still having statues of the kind which should not be exhibited in public places. There should be some explanation about it. Now, you find how long it takes to build statues to our martyrs, martyrs who believed in the Congress and

[Shri Bhupesh Gupta.]
who did not believe in the Congress. This takes time, and it is not being done. But at the same time we find that these statues of our oppressors, our enslavers, are displayed in public. Now, we are told that history has to be preserved. This is not a matter of history. I should have thought that the poverty and suffering of India was enough testimony to the history of British rule here, and we do not require to perpetuate that shameful and horrible history by keeping these statues in their present places. It is a strange way of perpetuating history to suggest that these statues should remain. This is not the history of India. It is the history of those people who come here and conquered our country and plundered and looted it, and remained in occupation of this country breaking all good tenets of history, all the norms of history and all the rules of civilisation. If I were to find any place for them, it will be in a chamber of horrors. Let us create a chamber of horrors in our country and removal of all these statues and similar things there and keep them there so that the people would remember the horrible history that the British gave us. That should be the approach. Please do not say that history is being perpetuated by preserving them. Do not raise any historical grounds in order to justify the conduct of the Government in this.

Calcutta, you see, has still some statues. People do not like to look at them. There is only one paper. *The Statesman*, which writes editorials in support of keeping such statues in their present places. Except that most other newspapers in the country have expressed themselves against the continuance of these statues in their present places. Public opinion is thoroughly against it. Still you find them here in Delhi. You cannot go about the city without coming across some statues, some standing on horses and some standing with elaborate robes with some insignia or other. Well, what do they perpetuate? What do they recall to mind? What do they

signify to us? Were they put up there for art? Or for culture? They were put up there to exhibit their rule over this country. They are the legacies of a shameful and horrid past. They should be dynamited, if necessary and removed from their places. This is how we view this matter. We have got enough art here, we have got enough culture here. We are not in need of such statues to display our art, our culture, our accomplishment in the various fields. We have got enough to present to the world as signs of Indian culture, of Indian civilisation. We can well do without these horrible things. Therefore, Sir, I would ask the hon. Minister to accept this very good amendment. Sentiments are no guide. Sentiments are expressed sometimes by Members opposite, only to be forgotten in practice.

DR. RADHA KUMUD MOOKERJI:
Were not Indians responsible for that history?

SHRI BHUPESH GUPTA: What does he mean by asking whether Indians were not responsible for that history? We are not concerned with that sort of thing here. I am not engaged on any dissertation on Indian history. There have been traitors in our country, and unfortunately some of them are rewarded in this present regime. We are ashamed of such Indians but they are very few. They are very very few. Those Indians who have made Indian history or are making it, their memories need to be commemorated. I have no objection to that. But don't try to recall those things. Therefore, I don't know why a veteran old historian of his stature sometimes fails to understand what is obvious to an infant.

Then Mr. Deputy Chairman, I would ask the hon. Minister to take steps, to take account or an inventory of all the statues all over the country and fix a target date by which these statues will have been removed and pass orders to the Government to remove the statues. If they think that

they are lacking in technical skill or otherwise, let them appeal to the people and the people will know how to deal with these statues. Therefore I would again appeal to the hon. Minister to take concrete, practical, immediate steps so that this shame is completely erased out and is no longer visible before the generation that is growing up. We have had enough of it and we can do without them.

DR. K. L. SHRIMALI: In view of the assurance which I have already given to the House, I don't think it is the intention of my hon. friend Mr. Rajah to press this amendment. My friend Mr. Gupta has referred to Indian culture. The whole of our culture is based on a spirit of toleration. We fought our war of independence in a spirit of non-violence and in a spirit of love.

SHRI H. D. RAJAH: You can remove these statues non-violently.

DR. K. L. SHRIMALI: I have already told the House that we don't want to do anything which is inconsistent with our history and with our culture. I have already assured the House that we are removing these statues. None of the statues has been declared as monument of national importance and the Government have no intention to declare these offensive statues as monuments of national importance and I hope that this would satisfy the hon. Members. I would however like to say one thing, that is, whatever we do, we should do it in accordance with our culture and with our history, which are based on a spirit of toleration and spirit of love and not of hatred and intolerance.

SHRI H. D. RAJAH: In view of the assurance given by the hon. Minister that these statues will be removed from public view non-violently I withdraw this amendment.

*Amendment No. 4 was, by leave, withdrawn.

*For text of amendment, *vide* col 722 *supra*.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clauses 3 to 5 were added to the Bill.

Clause 6—Preservation of Protected Monument by Agreement

DR. K. L. SHRIMALI: Sir, I beg to move:

3. "That at page 5, line 35, for the words 'the owner shall' the words 'where the agreement is terminated' by the owner, he shall' be substituted."

I have already explained the implication of this amendment.

MR. DEPUTY CHAIRMAN: The question is:

3. "That at page 5, line 35, for the words 'the owner shall' the words 'where the agreement is terminated' by the owner, he shall' be substituted."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 6, as amended, stand part of the Bill."

The motion was adopted.

Clause 6, as amended, was added to the Bill.

Clauses 7 to 39 were added to the Bill.

Clause 1—Short Title, Extent and Commencement

DR. K. L. SHRIMALI Sir, I move:

2. "That at page 1, line 5, for the figure '1957' the figure '1958' be substituted."

MR. DEPUTY CHAIRMAN: The question is:

2. "That at page 1, line 5, for the figure '1957' the figure '1958' be substituted."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

Enacting Formula

DR. K. L. SHRIMALI: Sir, I move:

1. "That at page 1, line 1, for the word 'Eighth' the word 'Ninth' be substituted."

MR. DEPUTY CHAIRMAN: The question is:

1. "That at page 1, line 1, for the word 'Eighth' the word 'Ninth' be substituted."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The question is:

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

DR. K. L. SHRIMALI: Sir, I move:

"That the Bill, as amended, be passed."

MR. DEPUTY CHAIRMAN: Motion moved:

"That the Bill, as amended, be passed."

DR. RAGHUBIR SINH: Mr. Deputy Chairman, Sir, it is with a genuine regret that I found that my friend Dr. Shrimali would not accept my submission and request for referring this Bill to a Select Committee.

MR. DEPUTY CHAIRMAN: There was no amendment.

DR. RAGHUBIR SINH: In that connection my only submission is that these Bills are referred to Select Committees not necessarily if there is . . .

MR. DEPUTY CHAIRMAN: Dr. Raghubir Singh, you did not table an amendment and I don't think you can refer to this matter in the Third Reading. You can only speak either for its rejection or for its adoption. You have not given any amendment.

SHRI BHUPESH GUPTA: He starts with a note of regret that something was not done.

MR. DEPUTY CHAIRMAN: He had a remedy and he could have tabled an amendment.

DR. RAGHUBIR SINH: You have ruled it out of order to make a few general remarks about the Bill as a whole.

MR. DEPUTY CHAIRMAN: Yes.

DR. RAGHUBIR SINH: Against the Bill as a whole, as I have already said in the beginning, I did not have many points for opposing it, but I feel that such an important Bill should have been given more thorough consideration and there should have been a more democratic method of consultation, discussion . . .

DR. K. L. SHRIMALI: I object to this word 'undemocratic'. I don't know what a more democratic method

could be than having this Bill before the Parliament. The hon. Member never moved an amendment and now he suggests that we have followed an undemocratic method.

SHRI P. D. HIMATSINGKA: We have discussed it for two days.

DR. RAGHUBIR SINH: We have discussed it only for two days. I still feel that it would have been much better if we had provided that these notifications should have come to the House. When I made the suggestion, I did not necessarily mean that each of the notification has to be discussed here on the floor of this House but if the notifications are placed on the Tables of the two Houses, it gives the House an opportunity to take up the matter. It is true that whenever these notifications are published in the Government of India Gazette, they are known to all but they do not necessarily give a chance to Members of Parliament to raise a discussion on them. I press for that and I would still request the hon. Minister to consider that for the future; for we have always had a tradition of amending Bills coming in soon after a Bill is passed and that why I am making this suggestion again that a definite provision should be made that these notifications are placed on the Tables of the two Houses. For that will be in continuation and in conformity with the wishes of the Constituent Assembly and the wishes and desires of the States that the Parliament should have a real hand in this matter. Thank you, Sir.

DR. K. L. SHRIMALI: Sir, I have nothing more to add to what I have already said on the subject.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

THE REQUISITIONING AND ACQUISITION OF IMMOVABLE PROPERTY (AMENDMENT) BILL, 1958

THE DEPUTY MINISTER OF WORKS, HOUSING AND SUPPLY (SHRI ANIL K. CHANDA): Sir, I move:

"That the Bill further to amend the Requisitioning and Acquisition of Immovable Property Act, 1952, as passed by the Lok Sabha, be taken into consideration."

SHRI KISHEN CHAND (Andhra Pradesh): May I raise a preliminary objection?

MR. DEPUTY CHAIRMAN: Let him first move the Bill.

SHRI ANIL K. CHANDA: Sir, the present Bill which seeks to give a fresh lease of life to Act 30 of 1952 for another six years is in substance a continuation of the legal powers vested in the Government of India for the requisitioning and acquisition of properties needed for various purposes from the time of the last great war. Under the stress of circumstances, during the last Great War, a considerable number of properties, both lands and buildings, had been requisitioned by the Government, mainly for the prosecution of the war. It was hoped that at the end of the war, those properties could be released. But fortunately for us, soon after that, we got our independence and the Government embarked on a very extensive and comprehensive scheme of development works. In 1951, when the then existing law was coming to an end, Government very closely studied this problem to find out whether it was possible for the Government to divest themselves of the powers of requisitioning and acquisition of properties. But it was felt that, in view of the acute shortage of accommodation available to Government, it was not possible for