

SHRI S BANERJEE: That is purely a thing which any country which wants to proceed on the path of progress ought to do. Because it is not done, article 31 stands. Because that is not done this amendment is not going to be accepted. Therefore, Sir, I would ask my revered sister to forget for the time being what did not please her in China and to support this amendment which is one of the finest things in the Constitution of the New Republic of China.

Mr Deputy Chairman, I know what the fate of my Bill will be. I know also I am perhaps casting pearls before the sublimest of God's creation. I know also that people outside

SHRI T S PATTABIRAMAN: Outside the country?

SHRI S BANERJEE: The precincts of the Chamber will watch the proceedings of today. People outside will carefully scan and scrutinise the attitude of the Government and when the next election comes and if this becomes a plank in the platform of election, I have no doubt the overwhelming majority of the people will support my amendment. I would wish that at the next general elections the whole Constitution be put before the electorate, let the whole Constitution be put before them and let the people sanction this Constitution.

SHRI GOVINDA REDDY (Mysore): People know much better.

SHRI S BANERJEE: They would have thrown out the Constitution. It was never placed before them. The people did not sanction the Constitution at all. Shri Pataskar referred to the history of the Constituent Assembly. When I recall to mind the circumstances in which the Constituent Assembly was convoked by Lord Wavell, the then Viceroy, I hang my head in shame. When I recall to mind that the Members of the Constituent Assembly did not represent the majority of the people of the country I think they had no right to foist this on the people of India. The Members

of the Constituent Assembly naturally did not put the whole Constitution before the people of the country. If it were done so, in that case the Constitution would have been rejected in its present form. The Constitution that has been framed is there; we abide by that Constitution, but that is not the people's Constitution. I say that here and now, the Constitution that has been framed is not the people's Constitution and the Constituent Assembly that framed it was not the people's Constituent Assembly. Let a fresh Constituent Assembly upon the basis of adult universal suffrage be elected and a new Constitution be framed. I am sure in that Constitution the right of recall would be there.

MR DEPUTY CHAIRMAN: The question is

"That the Bill further to amend the Constitution of India be circulated for the purpose of eliciting opinion thereon by the 31st May 1955"

(After a count) Ayes—11; Noes—40. The motion was negatived.

MR DEPUTY CHAIRMAN: Next Bill. Mr Rajagopal Naidu.

SHRI RAJAGOPAL NAIDU (Madras): Sir, I requested for postponement of this Bill.

MR DEPUTY CHAIRMAN: Yes, yes it has been postponed.

THE ANCIENT AND HISTORICAL  
MONUMENTS AND ARCHAEOLOGICAL  
SITES AND REMAINS  
(DECLARATION OF NATIONAL  
IMPORTANCE) SECOND  
AMENDMENT BILL, 1954

DR RAGHUBIR SINGH (Madhya Bharat): Mr. Deputy Chairman, I beg to move

"That the Bill further to amend the Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Act, 1951, be taken into consideration"

[Dr. Raghubir Singh.]

The Bill, Sir, which I have moved for the consideration of the House mainly falls into four parts. As I have more than once pointed out in my speeches in connection with the First Amendment Act that was passed in 1952, the list that was prepared and appended to the original Bill was done in a very haphazard way. In the first Amendment Act an effort was made to correct some of the mistakes and to add a few more archaeological sites and monuments. In connection with that Bill, Sir, I had pointed out even then that there were quite a few monuments which were not included in that even though they should have been immediately included therein. Hence in this Bill that I have put forth here I have tried to include some additional monuments which should have been included therein even last time. The second thing that I have tried to do in this Bill is this. In the original Act as well as even after the first amendment Act there remained quite a few mistakes, very patent mistakes which need to be corrected, for instance, the districts of Rajasthan were never correctly named and all the districts were not even included in that Act.

Thirdly, I have held the view that all the important monuments which have been protected under the Ancient Monuments Preservation Act, 1904, and which are in the Part C States should be declared to be of national importance. I urge this for two reasons. Firstly, I have always been of the view that there is no reason why, just because certain actions can be taken and certain moves can be made in Part C States under that Act of 1904, those monuments should not be declared to be of national importance. Sir, I am really amazed to see that while some petty monuments have been declared to be of national importance the great stupa of Sanchi which is revered not only in India but in lands like China, Japan and the distant Far East, when people

from thousands of miles away have been coming here for centuries past, for thousands of years—and even now they are coming—that stupa has not been declared to be of national importance. I am amazed at this travesty of facts. Similarly, temples of Khajuraho which have enchanted not only the people from Far East but also people from the distant West, they have not been declared to be of national importance. These are just a few examples which I am putting before you. It is rather very amazing and it sounds unreasonable. It seems understandable to me as to why they should not be declared to be of national importance. Their national importance as well as their international importance cannot be denied. I know, Sir, that in respect of monuments in Part C States action is being taken and can be taken under the Government of Part C States Act of 1951, under sub-section (2) of section 21, which continues Parliament's concurrent jurisdiction. But, Sir, all that action is being taken because the concurrent jurisdiction gives them executive authority. This executive authority can be restricted any day by an Act of Part C Legislature which has got that power. I know, Sir, and I know it very well that even if some Part C States were bold enough to pass a law, it may not receive the assent of the President here. But I personally have always felt that there should be no reason why such a chance lacuna should be allowed to remain.

Moreover, everybody knows that the States Reorganisation Commission is sitting and is considering what should be done with Part C States. I know for this certain that many of the Part C States, as they are now, are not going to continue. So if these monuments are not to be declared to be of national importance today, I say—and I say it with full confidence—that if not today, within another year these monuments shall be declared by this very Parliament to be of national importance. Therefore I felt

that if what will have<sup>be</sup> done to-morrow is done today, there was no harm about it. They are already under the control of the Central Government. All that we suggest is, do not treat those monuments as of second-rate importance. Accept them to be of national importance and declare them to be so.

Sir, when I brought forward this Bill I felt that this would not prove to be a controversial measure at all and I hoped that it shall receive the support of the Government as much as any sensible man would have done. And this morning when I opened my packet and saw the list of amendments that have been tabled on behalf of the Government I was simply puzzled by a sense of pleasure that at least for once the Government have accepted and is going to allow a Private Member's Bill to become law. From the amendments tabled by the Government I took it that the Government only wanted certain portions of the clauses to be amended. But now, Sir, after coming to the House I understand that the Government feel very diffident to accept my suggestion to include Part C States' monuments on principle. I have not yet understood their principle. As I have already mentioned, I am quite confident that all these monuments of Part C States that have been included in this Bill will be declared to be of national importance before the re-organisation of the States, because Part C States will go; they will be added to or absorbed in Part A or Part B States and the question of their declaration will then come in without any doubt. Therefore, I know that this is going to come about before long. But having seen that at least in some measures the Government is willing to let one Private Bill be passed, I want to assure the Government that I shall be only too happy to see that they accept my Bill even as much as they are willing to do. I would not press that the Bill as it is should be

put through in spite of the fact that there are certain amendments that will have to receive your special consideration and due sanction.

Finally, I would like to add here that even in respect of the amendment tabled on behalf of the Government there will have to be some further adjustment because unfortunately while creating the new section of Chittorgarh District, the Ministry of Education simply forgot the Chittorgarh Fort and it continues to be included in Udaipur District. Then there will also have to be one or two more consequential omissions. I am only mentioning these details with a special view, as having been told that the Part C States portion will be opposed by the Government, I feel it my duty to make my position clear in that respect. Sir, I have said all that I had to put forth, and I beg to move that the Bill be taken into consideration and passed as much as the Government is willing to accept.

MR. DEPUTY CHAIRMAN: Motion moved:

"That the Bill further to amend the Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Act, 1951, be taken into consideration."

श्री कन्हैयालाल इी० वेंच (मध्य भात): उपाध्यक्ष महोदय, जिस बिल पर हमने अभी माननीय सदस्य का भाषण सुना उसको सुनने के बाद मैं कुछ असमंजस में पड़ गया हूँ। मैं भी इस मान्यता का हूँ कि वास्तव में अब इस बिल की कोई आवश्यकता इस स्टैंज पर नहीं है। पिछले दिनों हम इस सदन में एक बिल इस विषय में वादविवाद कर के पास कर चुके हैं और लोक सभा में भी उस विषय में काफी वादविवाद हुआ था और वहाँ से काफी सुधार हो कर वह आया था और उन सुधारों को हम लोगों ने स्वीकार किया था। यह

[श्री कन्हैयालाल डी० वेंच]

बात ठीक है कि जो सारी ऐतिहासिक इम्पार्टेंस की चीजें हैं, जो सारा राष्ट्रीय यादगार के स्थान हैं, उनका संरक्षण होना चाहिये परन्तु मैं ऐसा नहीं मानता कि यदि केंद्रीय सरकार की ओर से उनको अभी संरक्षण में नहीं लिया गया है तो वह बिल्कुल नेगलेक्टड है या उनकी देखभाल नहीं होती।

जिस ऐतिहासिक स्थान सांची का आपने वर्णन किया है उस सांची के सार स्तूप की पूरी देखभाल का भार मैं समझता हूँ वहाँ के स्थानीय पार्ट सी स्टेट भूपाल राज्य की जो व्यवस्था है उसी की व्यवस्था के अन्तर्गत आता है, और यदि वहाँ इस विषय में कोई देखभाल बराबर नहीं होती है तो मैं समझता हूँ कि केंद्रीय सरकार इस विषय में उस सरकार का ध्यान भी खींच सकती है। ऐसी स्थिति में पार्ट सी स्टेट के विषय में अकारण ही कोई निर्णय नहीं लिया जाना चाहिए जब तक कि हम वहाँ की व्यवस्था के सम्बन्ध में कोई निश्चित नीति निर्धारित नहीं कर लेते हैं। आपको मालूम होगा मनीपुर भी पार्ट सी स्टेट्स के अंदर आता है और हमारे निचले सदन के कुछ सदस्यों द्वारा सत्याग्रह हो रहा है कि वहाँ की उत्तरदायी शासन की व्यवस्था में किस प्रकार की प्रणाली चलनी चाहिए या फिर एडवाइजर के राज्य की व्यवस्था को चलाना चाहिए। पार्ट सी राज्यों की जो समस्या इस समय हमारे सामने इस दृश में है उनकी स्थिति पर हमारा जो बाऊंडरी कमिशन बैठा है, वह भी विचार कर रहा है। इसलिए अभी जब तक हम अपने विधान में पार्ट "सी" स्टेट्स की व्यवस्था के विषय में कोई ऐसा परिवर्तन नहीं कर लेते हैं तब तक मैं समझता हूँ कि इस स्टैंज पर हमारे लिए इस प्रकार का बिल पास करना उचित नहीं होगा। पहले हम, पार्ट सी स्टेट्स के

भविष्य के बारे में कोई वैधानिक निर्णय कर लें तब जा कर जो व्यवस्था वहाँ चल रही है उस में परिवर्तन करने की बात सोच सकते हैं क्योंकि बाद में फिर यह तय करना होगा कि बदली हुई स्थिति में केंद्र को क्या क्या करना होगा और उसके ऊपर कितनी जिम्मेदारी रहती है। इस लिये मैं समझता हूँ कि माननीय सदस्य वजाय इस बिल को प्रेस करने के, इसे वापिस ले लें।

डा० रघुवीर सिंह : जिम्मा लेने की बात नहीं आती है। जिम्मा ले लिया गया है और ये चीजें गवर्नमेंट के हाथ में हैं.....

श्री कन्हैयालाल डी० वेंच : मैं भी यही कह रहा हूँ कि जब सरकार के हाथ में है तो फिर इस बिल को लाने की कोई आवश्यकता नहीं है। इसलिए अच्छा होगा कि माननीय सदस्य इसको विद्वज्ञ कर लें, अन्यथा मैं नहीं समझता कि इस बिल को मूव करने की क्या आवश्यकता थी।

डा० डब्लू० एस० बार्लिंग (मध्य प्रदेश) : उपाध्यक्ष महोदय, मैं इस विधेयक का समर्थन करने के लिये खड़ा हुआ हूँ, लेकिन मैं यह नहीं कहूँगा कि यह विधेयक जिस रूप में इस सदन के सामने पेश किया गया है उसी रूप में यह सदन उसे मंजूर कर ले। इस विधेयक में बहुत सी त्रुटियाँ हो सकती हैं और कुछ परिवर्तन भी इसमें जरूर करने पड़ेंगे। यह संधि मैं इसलिए स्वीकार कर रहा हूँ कि कदाचित् सरकार एनशियंट मॉन्यूमेंट्स के बारे में जो कुछ उसे करना चाहिए वह अभी तक कर रही है या नहीं कर रही है, और इसलिए मैं समझता हूँ कि इस सम्बन्ध में दो चार शब्द कहना अनुचित नहीं होगा।

मुझे इस बारे में तनिक भी संशय नहीं है कि सरकार एनशियंट मॉन्यूमेंट्स के बारे

में किसी प्रकार की उपेक्षा करना चाहती हैं। आज सरकार में ऐसे अनेक मंत्री हैं जिनका इस ओर लक्ष्य है और इसकी ओर बहुत ही ध्यान देते हैं और हृदय से चाहते हैं कि जहाँ तक बने, ऐसे एनीशियंट मॉन्यूमेंट्स की रक्षा की जाय। लेकिन प्रश्न यह है कि आज तक जो कुछ किया गया है वह उचित है, या नहीं, एडीक्वेट या काफी है या नहीं। यह सवाल सचमुच में हमारे सामने है। और इसके साथ ही साथ इसका महत्व क्या है यह भी हम लोगों को ठीक से समझना चाहिए।

श्रीमन्, आज अगर सबसे महत्व की कोई बात है तो वह यह है कि हम जिस दर्श में पड़ा हुये हैं उसका इतिहास हम ठीक ठीक समझें और इस इतिहास को अगर ठीक तरीके से समझना उचित है और जरूरी है तो मैं समझता हूँ कि एनीशियंट मॉन्यूमेंट्स की रक्षा करना सबसे महत्व रखता है क्योंकि यदि आज के युग में इतिहास को समझने का सबसे बड़ा साधन है, चीज है तो इस बात पर किसी प्रकार का संशय नहीं हो सकता कि, वह साधन एनीशियंट मॉन्यूमेंट्स हैं। इस बारे में तनिक भी अक्षत्य की भावना किसी को नहीं हो सकती है। आप दिल्ली को लीजिए, या आगरा को जाइयें, दक्षिण दर्श में जाइयें, मध्य प्रदर्श में जाइयें, दर्श के किसी भी भाग में जाइयें, जहाँ जहाँ भी आप एनीशियंट मॉन्यूमेंट्स को देखेंगे तो उनमें एक ऐसा एविडेंस (प्रमाण) पायेंगे कि जिससे इतिहास के बारे में आपको किसी प्रकार का संशय नहीं हो सकता। इसी लिए उनको प्रिजर्व करना, उनकी रक्षा करना यह बहुत आवश्यक चीज है क्योंकि अगर वे कायम न रहें तो जो कुछ भी एविडेंस आज हमें उपलब्ध हो सकती है अपना इतिहास बिल्ड अप करने

में, वे सब साधन बहुत जल्द नष्ट हो जायेंगे।

मैं इस सम्बन्ध में जिस एक चीज की ओर सरकार का ध्यान आकर्षित करना चाहता हूँ वह यह है—“टीचिंग आफ हिस्ट्री” : इतिहास के बारे में शिक्षा किस तरीके से दी जानी चाहिए। मैं आपको एक मिसाल देना चाहता हूँ जिससे मेरा मन में जो बात है वह स्पष्ट हो जाय। इतिहास के बारे में सामान्यतः आज एक ऐसी धारणा बनी हुई है कि वही घटना सत्य है जिनके प्रमाण मौजूद हैं, जैसे चतुर्गढ़ हैं, आगरा का किला है, और और भी दूसरे बड़े बड़े मॉन्यूमेंट्स हैं—जैसे कि दिल्ली में आपको काफी देखने को मिलेंगे। इसी तरह से हिंदुओं के टंपल्स हैं, प्राचीन खंडहर हैं, और भी बहुत सी चीजें हैं जो आप जानते ही हैं। तो केवल इन्हीं चीजों का हिस्टोरिक इंपॉर्टेंस है, इतिहासिक महत्व है—ऐसा कुछ लोग अपने मन में सोचते हैं। मेरा कहना यह है कि हिंदुस्तान की सभ्यता बहुत पुरानी है और पुरानी ही नहीं है बल्कि अभी तक जीवित है और ऐसी बात नहीं है कि पुराने इतिहास और आज के इतिहास में आज कोई बड़ा भारी गैप हो गया हो। दिन प्रति दिन का यह इतिहास मानों इन चीजों से लिख जाता है। आज आप देखिये, कि महात्मा गान्धी जी की जो इमारतें दर्श में मौजूद हैं क्या एनीशियंट मॉन्यूमेंट्स के समान उनका महत्व नहीं है ? मैं समझता हूँ, जरूर है। यानी, आज यह इतिहास की बात हो गई है, और यह इतिहास, ऐसा नहीं समझना चाहिए, कि एक बिट यहाँ, एक बिट वहाँ, एक बिट वहाँ हो—ऐसी कोई चीज नहीं है।

It is a continuous trend. इसके साथ ही साथ आपको यह सोचना चाहिए कि ये चीजें आज मौजूद हैं, वे नष्ट न हों

[डा० डब्लू० एस० बार्लिंग]

जाय और उनसे इतिहास कैसे पढ़ाया जा सकता है इसकी भी दो एक मिसाल में देना चाहता हूँ। आज नागपुर में भोंसले राज्य के जमाने की इमारतें अब भी कायम हैं। आज हमारे महाविद्यालयों में और स्कूलों में इतिहास पढ़ाया जाता है, भोंसले का भी इतिहास पढ़ाया जाता है और कोई भी इतिहास का शिक्षक या प्रोफेसर भोंसलों की इमारतों को कि उनके जमाने का जीवित (लिविंग) इतिहास है उनको छोड़ कर "भोंसलों का इतिहास" जो किताबों में लिखा हुआ है वह पढ़ावेगा। आज अगर किसी शिक्षक को दिल्ली का इतिहास पढ़ाना है तो एक प्रोफेसर या टीचर केवल इतना करेगा कि एक किताब ले लेगा.....

MR. DEPUTY CHAIRMAN: You are not concerned with the teaching of history. You are concerned with this simple Bill to amend the Schedule to the Ancient Monuments Act.

डा० डब्लू० एस० बार्लिंग: मैं यह बताना चाहता हूँ कि इसका सम्बन्ध एनीशियंट मॉन्यूमेंट्स की तरफ कैसे आता है।

MR. DEPUTY CHAIRMAN: All these remarks will be relevant when we discuss the Education Ministry during the Budget.

डा० डब्लू० एस० बार्लिंग: वह तो ठीक है। लेकिन आप जानते हैं कि बहुत सी ऐसी चीजें हैं जो एकदम इरिलेवंट मालूम होती हैं, लेकिन रिलेवंट होती हैं।

श्री उपसभापति: लेकिन आपने इस बार मैं बहुत ज्यादा बोल दिया है।

डा० डब्लू० एस० बार्लिंग: मैं आपका बहुत समय नहीं लूंगा, एक दो मिनट और लूंगा। बहस करने में ज्यादा वक्त गुजारना मैं स्वयं मुनासिब नहीं समझता।

मैं थोड़ी बात आपको सुनाना चाहता हूँ। मैं यह कहता हूँ कि मीनिये हमको दिल्ली का

इतिहास पढ़ाना है तो जो यहां के मॉन्यूमेंट्स हैं उनकी तरफ विद्यार्थियों का ध्यान आकर्षित करना चाहिये। उनको वहां ले जाना चाहिये और जो कुछ पढ़ाना है उन मॉन्यूमेंट्स के कांटेक्ट में पढ़ाना चाहिये। जहां तक मैंने देखा है आज नागपुर में भोंसलों का इतिहास पढ़ाया जाता है, पूना में पेशवाओं का इतिहास पढ़ाया जाता है, राजपूताना में राजपूतों का इतिहास पढ़ाया जाता है, लेकिन मैं नहीं समझता कि इस वक्त ये टीचर्स किस कांटेक्ट में इतिहास पढ़ाया करते हैं। मैं इस सदन में यह कहना चाहता हूँ कि अगर ऐसे एनीशियंट मॉन्यूमेंट्स का महत्व समझा जाय तो बहुत से मॉन्यूमेंट्स जो आज के प्रोटेक्टड मॉन्यूमेंट्स नहीं हैं उनका समावेश इस बिल में करना चाहिये और इस लिये मैं इस विधेयक का समर्थन करता हूँ। मैं यह समझता हूँ कि सरकार की जो इस ओर नीति है वह प्रोग्रेसिव नीति होनी चाहिये और बहुत से मॉन्यूमेंट्स जो आज इग्नोर किये जा रहे हैं उनको इस बिल में और आज का जो कायदा है उसमें समावेश कर देना चाहिये। यही मेरा आपके सामने कहना है।

MR. DEPUTY CHAIRMAN: Dr. Shrimali. Let us know the Government's view.

SHRI S. N. MAZUMDAR (West Bengal): I have to say a few words.

MR. DEPUTY CHAIRMAN: I thought we could take up the Preventive Detention Bill. Dr. Katju is waiting.

SHRI S. N. MAZUMDAR: I want to say only something, Sir.

Mr. Deputy Chairman, this Bill is no doubt simple, and I also support this Bill. But in this connection, I want to know the principle that is being followed for classifying these monuments as being of national importance. We on a previous occasion also discussed some amendments to

the Ancient and Historical Monuments Bill, and though many things were discussed on the floor of this House on that occasion, still the principle on which this classification is made is not very clear. Here we find that Dr. Raghubir Singh has given some of the lists. So far I am not acquainted with these sites, because I have not had the good fortune to see them. But I could understand from whatever little acquaintance I had on the subject that they were actually monuments of national importance. Then, Sir, I have not very carefully looked into the amendment, but I find that an amendment has been tabled by the Education Minister. But I want to know what will be the scheme actually on which they shall proceed, because there are many monuments all over our country which can be treated as monuments of national importance. And actually after listening to the speech of Dr. Raghubir Singh I am all the more puzzled, because if these great monuments of Sanchi and Khajuraho are not treated as monuments of national importance, I do not understand what is the principle on which this Department of Archæology is working. These monuments are the immortal relics of our past culture, and they have got some educative value also. We can understand the evolution of the archæological pattern in our country, which has a very pre-eminent place. I do not know whether they are left to the care of the State Government. I confess that I am not clear on what principle some monuments are left to the State Governments to be looked after, and some are taken under the care of the Central Ministry of Education. But from the point of view of national importance, certain monuments like the relics of Sanchi and the temple of Khajuraho, I think, should be included in the list. Secondly, Sir, if this principle is not decided clearly, what will happen is that we shall find that there will be a long list, as it is equally true that there are many such

monuments which, if properly examined and properly looked into, should be included in the list of monuments of national importance. On the other hand, there may be many which might be suggested as of national importance, but which may not be so. That is why I say, Sir, that while considering this principle, I shall make one submission—as a layman or as a student in this matter—that while we take care to preserve these relics of our glorious past, we should at the same time do these things in such a manner that we can be able to see the whole pattern, as far as possible. All the links are not there. Many of the links are missing; many are destroyed and many are discovered, and many are being excavated, as recently there have been some excavations here in Delhi. But it should be our endeavour to place before our eyes the whole pattern of development. And it is from that point of view, Sir, that I want to make one suggestion. I have looked into some of the publications of the Department of Archæology. They have outlined a scheme there. But actually what we expect from those who are experts on this subject is some idea not only about the number of monuments or the characteristics of particular monuments, but actually the pattern and the evolution of the whole thing. I do admit, Sir, that in some of the books there have been some attempts to show how from the pre-Maurian period there were some peculiar characteristics in the matter of archæological activities. These are no doubt there, but still I would like a fuller attention to be given to this aspect of the matter. Then, Sir, I would like to say that in this connection, I came across some observations in the books of Dr. Havel and Dr. Kumarswami, who are eminent authorities on this subject. In order to understand the pattern of architectural activities of a certain period, we should look not only to the prominent works but to the architectural atti-

[Shri S. N. Mazumdar.]

vities of the people of that period, to their villages, and to the activities of their life. And actually those authorities have differed on many other aspects. They have given us an idea that actually the stupas and the Toran architecture of Sanchi have evolved from the palisades of villages. Now I know many of them are extinct, but still when excavations are going on and the activities in this line are going, if we hit upon the correct principle, we can side by side place these things, say, the peasants' art in the Maurian period and the development in the palisades as actually the palisade in a village gate and the thorals of that period in a particular temple on a particular stupa. It will show how these things had been evolved in our country, that they were not due to the activities of certain kings and princes but that they came from the activities of the people themselves.

Then, there is another matter which is very important, if the Archæological Department pays sufficient attention to it. I am submitting it only as an instance that, if we carefully look into the architectural monuments of the Muslim period, there also we shall find a blending of the Hindu and Muslim type of architecture, we shall find that Islam in its activities in India had a definitely Indian character. Some of these are hinted in the publications of the Archæological Department, but these are only simple things which even a layman like me can understand. If you go to the Humayun's Tomb, you will find Saracenic arches there but you will also find brackets there which are definitely of Hindu design, brackets which we find in temple architecture.

MR. DEPUTY CHAIRMAN: You are speaking on the interpretation of architecture. We are not concerned with it now.

SHRI S. N. MAZUMDAR: If I am not interrupted, I shall finish in a

minute or two. You will also find the Swastika sign and the lotus. My point is this: There may be two approaches in connection with this Bill. One approach is that we take in monuments at random, which have a historical association and declare them as monuments which are ancient and of historical importance which must be looked after. Then, there can be another approach. If, however, through the preservation of these historical and ancient monuments, we want to recreate before us our whole past heritage, then we shall have to conduct our work in a different manner. That is what I am concerned with in connection with this Bill. That method of work, that basic approach, is important. Otherwise, any monument can come in and get incorporated in the list of important monuments or rock inscription or some such relic, but it would not be worth the energy and funds spent on it. That is my main submission.

श्री गांधीजी विजयवर्गीय (मध्य भारत) :  
मैं यह कहना चाहता हूँ कि यह विषय बहुत आवश्यक है और इसको इतनी जल्दी में पास नहीं करना चाहिये बल्कि इसको ससपेंड कर के इस पर और कुछ ज्यादा धाट देने की जरूरत है। जो अमेंडमेंट्स मिनिस्ट्री की तरफ से तैयार हुये हैं वे भी काफी नहीं हैं। जिस बात की तरफ डा० रघुवीर सिंह ने ध्यान दिलाया है वह बहुत आवश्यक है कि खजुराहो या सांची जैसे इतने महत्वपूर्ण मॉन्युमेंट्स भी नेशनल इम्पार्टमेंट्स के घोषित नहीं किये गये हैं। यह बहुत आवश्यक विषय है इसीलिये मेरा ख्याल है कि इस बिल को कायम रखा जाय और आगे के लिये इसको पोस्टपोन कर दिया जाय। यह ज्यादा अच्छा होगा कि यहां के मेम्बर्स और लोकसभा के मेम्बर्स जो कि इस विषय में दिलचस्पी रखते हैं वे और मिनिस्ट्री के लोग ज्यादा समय दे कर काफी गौर कर के शेड्यूल के अमेंडमेंट्स पेश करें।



THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR EDUCATION (DR. K. L. SHRIMALI): Sir, though I have full sympathy with the arguments that have been advanced by the hon. the Mover of this Bill and also by other hon. Members, I am afraid I cannot accept the Bill in its present form. The Government are fully aware of the great importance of our national monuments. Immediately after independence, the Government introduced a Bill, the Ancient and Historical Monuments and Archaeological Site and Remains Bill which was put on the Statute Book in 1951. The purpose of that Act was to bring under protection all the monuments which were of national importance. It was a great pity that in some of the Part B States these monuments were being neglected. I agree entirely with what the hon. Members have said on this subject that these ancient monuments are our great treasure. They represent our great civilisation. They represent some of the best human values for which Indian civilisation has stood, and I wish to assure hon. Members that the Government are fully aware of their responsibility in this matter. It is quite possible that in the Act which was passed in 1951 and again in the amendment which was made to it later, some of the old and ancient monuments which are of national importance may have been left out and it is also possible that the survey could not have been completed in such a short time. I am prepared to admit that there may be some more monuments which should be brought under protection and should be preserved. But in regard to C States, I cannot appreciate why it is necessary to declare these monuments of national importance. The 1904 Act is still operative and can be applied to all the States. In fact, the monuments in Part C States, even though they are not declared to be of national importance, are under the protection of

the Central Government, and the Central Government are looking after them, and there does not seem to be any necessity for bringing them into the Schedule. My hon. friend, Dr. Raghunath Singh, I think, has put in a great deal of thought and labour and I am really grateful to him for having drawn the attention of the Government to these monuments. There are still some monuments about which we have no full information, e.g., Parsnath Temple. The temple is neither under the protection of the State Government nor under the protection of the Central Government. We are going to make enquiries about that temple. In fact, investigation is already going on. I think that before we put forward a Bill like this, it is desirable to make a very comprehensive survey of all the national monuments.

SHRI T. D. PUSTAKE (Madhya Bharat): May I ask when the survey will be completed?

DR. K. L. SHRIMALI: The Government is already aware of their responsibility and will bring forward a more comprehensive Bill to bring in all the monuments of national importance.

Sir, with these words, I wish to oppose this Bill and though I have full sympathy with the Bill moved by Dr. Raghunath Singh I am afraid, I cannot accept it in the form in which it has been moved.

MR DEPUTY CHAIRMAN: What do you say, Dr. Raghunath Singh?

SHRI S. N. MAZUMDAR: How can the hon. Member oppose it if he has an amendment? 9

MR DEPUTY CHAIRMAN: They are bringing a comprehensive Bill after survey. Are you withdrawing it?

DR. RAGHUNATH SINGH: I am willing to accept Mr. Gopikrishna Vijaivar-giya's suggestion that the consideration

[Dr. Raghubir Singh.]

be postponed because as he has said.....

MR. DEPUTY CHAIRMAN: Dr. Shrimali says that the Government intends to bring a more comprehensive Bill.

DR. RAGHUBIR SINGH: Yes, I am quite willing to keep it pending or postpone its further consideration pending the comprehensive Bill that they want to bring in. Because in that case I feel that it will expedite the bringing in of the promised Bill. We have been hearing of this comprehensive Bill for more or less two years now. So I hope Dr. Shrimali will not oppose my request for postponement of this Bill.

MR. DEPUTY CHAIRMAN: Then further consideration of this Bill will be postponed.

SHRI K. B. LALL (Bihar): May I have a clarification about the comprehensive nature of the Bill which he has just referred to that the Government intends to bring? I want to know, so far as this subject is concerned, what he means by comprehensive Bill. I want to know whether it will include all the provinces or States.....

MR. DEPUTY CHAIRMAN: Yes, all provinces. So Bihar is also included.

SHRI K. B. LALL: Will any Committee be appointed? How does he propose to bring the comprehensiveness in the future Bill or is it only a slogan to shelve the bringing of Bills by hon. Members?

MR. DEPUTY CHAIRMAN: No insinuations.

Further consideration of this Bill is postponed.

# THE PREVENTIVE DETENTION (AMENDMENT) BILL, 1954— *continued*

MR. DEPUTY CHAIRMAN: Mr. Leuva to continue his speech.

SHRI P. T. LEUVA (Bombay): Sir, yesterday I was dealing with the question of whether there was an

emergency condition in this country which will justify the present measure which is before the House. There was another question which was raised against this Bill and it was this that the principle of such a measure would be acceptable to the persons who were opposing the Bill only if there were actual emergency in existence. If you had examined the arguments very closely, you will find that at the time when conditions become so desperate that lives and property of the citizens are in jeopardy, the Home Minister must rush to the Parliament and ask the Parliament to enact a measure in order to prevent the destruction of life and property. Now if this argument is accepted by Government, I would personally feel that the Government would be acting rather in a rash manner or they would be acting without any foresight whatsoever. Sir, the main purpose of this Bill is to prevent the commission of criminal activities, activities which might lead to the disruption of the society, which might lead to chaotic conditions in this country. If the Government comes at the time when these conditions are allowed to have full play, the effect would be that before the hon. Minister is in a position to get the necessary powers, the damage which might have been aimed at by those persons who are interested in illegal and criminal activities would have been completed and the very purpose and object of the measure would be frustrated. Now, is the hon. Home Minister to wait for people to burn down houses, set on fire trams and buses, kill men and women who are innocent and after this damage is done, would the hon. Minister be justified in coming to this House for asking such a measure the utility of which might have already disappeared. I would therefore submit that this measure is only designed for the purpose of stopping any activities by any person which might lead to further criminal offences. The main idea is that the criminal propensities of the people are not to be allowed to be aroused by any persons in this