

15.30-1/2 hrs.

**BEEDI AND CIGAR WORKERS (CON-
DITIONS OF EMPLOYMENT) AMEND-
MENT BILL***

[AMENDMENT OF SECTIONS 1, 2 ETC.]

SHRI A. K. GOPALAN (Palghat): Sir, I beg to move for leave to introduce a Bill to amend the Beedi and Cigar Workers (Conditions of Employment) Act, 1966.

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill to amend the Beedi and Cigar Workers (Conditions of Employment) Act, 1966."

The motion was adopted.

SHRI A. K. GOPALAN: Sir, I introduce the Bill.

15.31 hrs.

**CONSTITUTION (AMENDMENT)
BILL***

[AMENDMENT OF ARTICLES 124, 125 ETC.]

श्री अशु लिमये (बाँका): मान्यवर, मैं भारत के संविधान के अनुच्छेद 124, 125 आदि में और संशोधन करने वाले विधेयक को पुरःस्थापित करने की अनुमति चाहता हूँ।

MR. DEPUTY SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Constitution of India".

The motion was adopted.

श्री अशु लिमये: मैं विधेयक को पुरःस्थापित करता हूँ।

MR. DEPUTY SPEAKER: Shri Hukam Chand Kachwai—Absent.

15.31-1/2 hrs.

**ANCIENT MONUMENTS AND
ARCHAEOLOGICAL SITES AND
REMAINS (AMENDMENT) BILL**

[INSERTION OF NEW SECTION 20A]

MR. DEPUTY SPEAKER: We now take up the Ancient Monuments and Archaeological Sites and Remains (Amendment) Bill.

Shri Ulaganambi.

15.32 hrs.

[SHRI DINESH CHANDRA GOSWAMI *in the Chair*]

SHRI R. P. ULAGANAMBI (Vellore).
Sir, I beg to move:

"That the Bill further to amend the Ancient Monuments and Archaeological Sites and Remains Act, 1958, be taken into consideration."

Sir, I will begin my speech by referring to the Statement of Objects and Reasons contained in my Bill, the Ancient Monuments and Archaeological Sites and Remains (Amendment) Bill, 1972.

"There are a large number of ancient monuments of historical importance in various States, some of which are intimately associated with the life of historical figures. On occasions, popular demands are voiced for installing, erecting,

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†.Introduced with the recommendation of the President.

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constructing or building suitable memorials to perpetuate the memory of such persons or adding to the historicity of such monuments. It is in the fitness of things that the desirability of accepting such demands be left to be decided by the popularly elected Legislative Assembly of the State within which a protected monument is situated."

The ancient monuments of India constitute her cultural heritage. The Archaeological Survey of India, which is the custodian of the national heritage of this land, is 72 years old. This central organisation has been entrusted with the onerous responsibility of preserving and maintaining ancient monuments, archaeological sites and remains of national importance for posterity. I will briefly refer to constitutional provisions in this regard. Item 67 of the Union List, Item 12 of the State List and Item 40 of the Concurrent List of the Seventh Schedule of our Constitution deal with ancient monuments and archaeological sites and remains. The Union Government can make laws not only on the ancient monuments, archaeological sites and remains of national importance but also other than those of national importance because of the authority enjoined upon it by the provision in the Concurrent List. The State Governments do not have exclusive powers even in regard to monuments other than those of national importance. I have referred to this constitutional situation to impress upon this House the avarice of the Union Government in appropriating powers of the State Governments also. I want to point out that I have introduced this Bill not with any parochial view-point. As the hon. Members are aware, the monuments are spread over the entire length and breadth of the country. It is not that because an Opposition Party is ruling Tamil Nadu, the State Government seeks exclusive powers in preserving and maintaining monuments. Though the State Governments run by the ruling Congress party may also be keen to have more powers, yet, the political propriety perhaps prevents them from initiating legislative process to this objective.

I need not stress the point that the monuments are firstly within the easy reach of the State Governments and the people of the States revere them. The central organisation located far away from the monuments, in spite of all its earnestness and zeal, cannot devote the attention that these monuments deserve. I would like to substantiate this argument by referring to certain facts which cannot be controverted by the hon. Minister of Education.

According to an assessment made by the ASI, about 1300 antique sculptures, bronzes and other art objects had been stolen from the centrally protected monuments during the period 1952 to 1971. It is also reported that the stolen objects were of the value of several crores of rupees. They have all been taken out of the country throwing dust in the eyes of the Central Customs authority. A well organised smugglers' net-work is operating successfully and is depriving the country's museums, temples and caves of valuable frescoes, bronzes, miniatures, base-reliefs etc. Thefts of pieces from the Nalanda Museum, Mohanjodaro seals and Khajuraho and Konarak sculptures cannot be easily forgotten. A thousand idol thefts had taken place in a week, the former Education Minister Dr. V. K. R. V. Rao was frank enough to confess on the floor of this House.

There are 15,000 monuments in various parts of our vast country. If they had been properly protected, could such large-scale thieving have taken place? Some years, the Central Government set up a four member Archaeological Review Committee, headed by the world-famous archaeologist, Sir Mortimer Wheeler to assess the work of ASI. This committee submitted its report, which contained 21 major recommendations in April 1965. The Government have not yet implemented all the recommendations of this committee. Expressing dissatisfaction at the attitude of ASI towards research work, the former D.G., Prof. B.B. Lal, a world renowned archaeologist, who was associated

by the UN in its international commitments, resigned and preferred the obscurity of professorship in a small university to the job of the Director General.

Sir, Agra is not very far off from the headquarters of the central organisation. Yet, due to the inadequate protection given by the ASI to the ancient art treasure, it has been reported in the press on March 24, 1974, that several costly idols have been stolen from an ancient Jain temple at Agra. I am sure that the House would not have forgotten the theft and later recovery of Chola period Nataraja idol. Serious efforts were made by the Central Government in recovering this idol only after our Chief Minister, Dr. Kalaingar Karunanidhi appealed personally to the Prime Minister, Mrs. Indira Gandhi in this respect. The ASI's incapacity and inability to discharge its responsibility in preserving ancient monuments from decay and destruction has been brought out by the appointment of a committee under the chairmanship of Dr. Karan Singh, when he was Minister of Tourism to undertake the preparation of Master Plans for environmental improvement and landscaping of the Monuments of tourist interest. Dr. Nurul Hasan is just a Member of this committee. The work of environmental improvement and landscaping should have been initiated by Dr. Nurul Hasan, bearing in mind the intrinsic historical worth of these Monuments and not merely as centres of national and international tourism. But this approach suits the normal tendency of the Central Government to touch only the fringe of the problems and to allow the vitals to rot.

Even here, master plans are reported to be under preparation only for groups of monuments in North and Central India, as if South India has not contributed anything worthwhile for historical and cultural evolution of the country, when I say this, I can be accused of spreading regionalism. Regionalism spreads not by people like me but by the actions of the Central Government.

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Sir Mortimer Wheeler, who was the Director-General of Archaeology from 1943 to 1948, was in India in November 1969. He visited Tamil Nadu at that time. He observed that the excavation work of Kaveripattinam, otherwise called Poem Puhar, in Thanjavur District was being followed with great interest all over the world. He felt that more funds should be made available to continue this work. But the views of the world famous archaeologist have fallen on the deaf ears of the Central Government.

There are 118 temples and sites in Tamil Nadu which are under the ostensible protection of the Central Government. I refer to these monuments in Tamil Nadu, because I am personally aware of their decayed condition now. Similarly, all the other hon. Members must have personal experience of the ancient monuments in their respective States.

The Central Organisation is not attending to the work of preservation and protection of these themselves in Tamil Nadu. The usual excuse given by the Centre is paucity of funds and lack of trained personnel.

I can anticipate the reply of the hon. Minister in regard to thefts. He will say that the State Government should help the Centre by giving local police protection for these ancient monuments. The local police protection would definitely be given if these temples and monuments are protected from decay and destruction through natural causes. When there is no environmental improvement at all, how do you expect the local police to reach these places?

If the Centre cannot do this work, there should be the least hesitation on their part to hand over this responsibility to the States. The Minister might put forth the argument of national importance. I would like to know whether the State Governments are not capable of appreciating this question of national importance. After all, they are national State Governments, not

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any foreign national Governments. Secondly, so far as monuments are concerned, they represent the variegated culture of our country.

The reason for my referring to this aspect is that the local people and their elected Government have got some kind of vested interest in preserving their ancient cultural monuments. Here I can say without the fear of contradiction that the ancient monuments, which are within the competence of the State Government of Tamil Nadu, are being looked after in a much better manner than those of national importance. I can mention the condition of the temple in Vellore Fort, which has been declared as of national importance. In fact, the temple in Vellore Fort is facing extinction now. I should say that the present state of Vellore Temple is a national insult. Compare this with Madurai Temples under the State sphere. The gap between the two temples is like the gap between the preachings and practice of the Central Government.

Even after the repeated requests of our Chief Minister to hand over the Vellore Temple, Brahadeeswara Temple in Tanjore and the Temple in Gangaikonda Sozhanpuram, the Central Government says "you collect money for their renovation and hand it over to us; we will take care of those temples". I am reminded here of the famous Tamil proverb "You bring flattened rice and I will bring the husk; let both of us eat after separating the husk from the flattened rice".

In Brahadeeswara Temple, bowing down to the wishes of Tamil people, the State Government wanted to erect a statue of Raja Raja Chola, the builder of the temple.

Sir, it will not be an exaggeration to say that our Chief Minister, Dr. Kalaignar Karunanidhi, is the greatest living Tamil scholar. In fact, he is an embodiment of all the best in Tamil Culture, which is as old as this country.

The people of Tamil Nadu wanted to honour the memory of one of their great Kings, Raja Raja Chola, whose valour was no less than that of Napoleon, the Great, and whose services and love for the people are personified in our Chief Minister. Naturally, our Chief Minister repeatedly requested the Centre's permission for erecting a statue of Raja Raja Chola inside Brahadeeswara Temple constructed by the King whose architectural skill is the wonder of the world. Can there be a better place than his own temple, for honouring this master-builder? The Centre talked of the architectural imbalance that this statue would create and refused permission to instal this statue even in the open ground opposite to the Temple. I wonder whether the electrification of the Temple has not created the architectural imbalance. The Centre which swears by the name of people's democracy has not cared to respect the wishes of the Tamil people and their democratically elected Chief Minister. We did not want the Centre to take over the Venkateswara Temple in Tirupati constructed by the Tamil people or the Kannagi Temple in Kerala constructed in the honour of the heroine of the great Tamil classic, Silappathigaram.

The attitude of the Central Government in refusing permission for installing the statue of Raja Raja Chola has created the demand in Tamil Nadu that the Centre should hand over such monuments as are requested by the State to the care of the State Government.

About Vellore Fort, I want to say a few words because I represent that constituency and I know about it very well. It has been declared as a monument of national importance only in words and not in deeds. The time at my disposal is very short. If I had more time, I could narrate the whole history of Vellore Fort. Therefore, I would be very brief.

The Fort and the temple inside are 700 years old. The Vellore Mutiny of 1806 was the precursor to the mutiny of 1857,

known as the Indian War of Independence. Inside this Fort, there are many offices of the Government without any facilities like ventilation, etc. As the Fort is in the heart of the town, ten acres of land around the Fort had become an eyesore for the people on account of poor maintenance of the Central organisation. After a great struggle, the State Government was permitted to improve this vast open area around the Fort and on 17-3-1974 the Chief Minister of Tamil Nadu inaugurated a grand garden, a Children's traffic park, a trolley train and so on in this area. The temple inside the Fort is gathering green moss. The Centre would not do anything to renovate the temple so that the people of Vellore can feel proud of this monument. The State Government has been representing against this gross neglect of an ancient monument. The State Government is prepared to protect and maintain this monument in the truest sense of a monument of national importance, but the Centre has not responded to this genuine demand of the people. Naturally there will be many such instances in other States too and this Bill when passed into a law will meet the aspirations of the entire people of our country.

Sir, Kaveripattinam in Tamil Nadu commonly known as Poompuhar represents the composite culture of our country. It was the capital of a great Chola king, Karikalan from 60 BC to 10 BC and an envoy was sent by this king to the court of Augustus Caesar who was ruling Rome at that time. Kaveripattinam was a world renowned port at that time. This was the place where Vaishnavites, Saivaites, Buddhists and Jains lived in perfect amity. A Buddha Vihara was erected here around 400 A.D.

On 17-4-73, our Chief Minister opened an Art Gallery at this sacred place of international importance to attract the attention of the world towards the 2000 year old Tamil culture. He also got erected a memorial for Karikalan and Elango Adigal, the author of the Tamil Classic, Silappadikaram.

In 1961, the ASI started excavation work here and, as I pointed out earlier, it attracted the attention of the entire world. But later this has been abandoned by the A.S.I.

When the Centre does not want to let the world know about the ancient Tamil culture and when the State Government under the leadership of the greatest Tamil scholar desire to do something concrete why should not the Centre hand over the responsibility of continuing excavation work to the State Government?

When the ancient temples are falling due to the negligence of the ASI the Central Government was so worried about the architectural balance of the temple that the request of the State Government was not acceded to. The Centre may encourage the decay of nation's heritage, but will not encourage the States to protect them and to preserve them and also to fulfil the aspirations of the people for perpetuating the memory of those who built these monuments. Ajanta and Ellora paintings are drawing international tourists. Every Indian is proud of this national heritage. But in Tamil Nadu there is a place called Sithannaval near Pudukottai. The excellent paintings in the cave here are of 9th century A.D. The rock-beds with inscriptions are of II and III Century B. C. Though the Central Archaeological Department is entrusted with the duty of maintaining and preserving this. Except the people of Tamil Nadu, none in the country knows even the existence of such beautiful buildings. I doubt whether the hon. Minister of Education has ever come across this ancient monument, though he has categorised it as a monument of national importance. What is the use of declaring such priceless monuments as of national importance, when those in charge of the nation do not take care of them?

This has only promoted me to introduce this Bill. This Bill has the background of Tamil Nadu Government's monumental

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performance in protecting, preserving and maintaining ancient monuments, other than of national importance. The Tamil Nadu Government's words are backed by deeds. The State Government's demands are only reflecting the will of the entire four crore people of Tamil Nadu. Their desire is translated into action by the State Government.

To enumerate only a few, an intensive survey of outstanding bronze and art pieces in all the temples of Tamilnadu has been undertaken by the State Government so as to take effective action to prevent theft of these priceless treasures.

The Tamil Nadu Government has also set up an institute for the study of epigraphy as the Union Government has been rather indifferent to the promotion of epigraphical and other historical studies. The epigraphs found in Tamil Nadu for outnumber those in any other State.

I will conclude by appealing to all the Members of this House to extend their wholehearted support to this Bill, as this reflects the unfulfilled aspirations of the people living in different States, who are constantly reminded of their hoary past for these monuments which have been left to the vagaries of nature and to the vandalism of a few unprincipled men. The hapless behaviour of the Centre in the matter of protecting these monuments can only be substituted by handing over them to the States which express their desire to maintain them. On occasions, when popular demands are voiced for installing, constructing or building suitable memorials to perpetuate the memory of such persons or adding to the historicity of such monuments, the Centre should accept such demands and permit the State Governments to meet the aspirations of the people. The Centre should not stand on false prestige and, if necessary, the Constitution also should be amended for achieving this laudable objective.

With these words, I commend the Bill to the approval of the House.

MR. CHAIRMAN : Motion moved :

"That the Bill further to amend the Ancient Monuments and Archaeological Sites and Remains Act, 1958, be taken into consideration".

SHRI B. V. NAIK (Kanara): Mr. Chairman, Sir, Shri Ulaganambi's Bill, as I from the Statement of Objects and Reasons, is good and I must compliment the hon. Member in not only trying to deserve the very honourable and very ancient language and culture of Tamil Nadu but, the wording in the Statement of Objects and Reasons seems also to cover fairly familiar grounds.

It is in the fitness of things that the desirability of accepting such demands has to be discussed by the popularly elected members of the Legislative Assemblies of the states. They are protected monuments situated in the States. I do appreciate also my hon. friend's anxiety that not only the popular monuments which are locally identified but also the people who are associated with them should also be permitted to protect such memorials. I feel that since 1904, if I remember aright, Shri Curzon brought in the legislation. During Curzon's regime, this is one of the positive contributions that had been made by him. I would like to appreciate the idea that has been given by Shri Ulaganambi. He is trying to bring in, I suppose, through the process of this Bill, also the oft repeated conception of the State's autonomy.

Sir, all of us come from various States and we do believe that there are certain areas where, it would be, in the fitness of pensable. I also feel that there are certain areas where, it would be, in the fitness of things, that a particular culture whether it is the culture of Karnatak or the culture of Tamil Nadu should be encouraged for the sense of appreciation of the local people. Take, for example, the temple at Madurai. I want to know whether there is any one in this wide world—not only in the Indian set-up but also from outside who would not be attracted or magnetised by the

architecture there. Similarly take the places like Belur and Halebid. I feel that the ancient monument, the classic creations in stone mortar, is not only a heritage of the Southern Culture. These are not only the heritage of India but they remain the pride possessions of the heritage of the entire humanity. Therefore, I would say the more liberal outlook we take in the matter of art, architecture, monuments and temples better it will be for not only that specific local sub-culture but for all of us.

16.00 hrs.

In this behalf I would like to draw the attention to one of the factors, that is, South is teaming with monuments and all of them do not fall into our concept of an archeological monument. I am not going to quote the creations of another female genius in our history, Shantla Devi of Belur and Hardhi, who created these temples where there are hundreds and thousands of carved female figures. Each one of these would itself in any foreign museum bring us hundred thousand rupees. So, a sort of desired intellect would say if we are short of foreign exchange there is a store-house of foreign exchange standing in stone and mortar. There has been a considerable amount of pilferage and smuggling and something will have to be done by the Ministry of Culture in this behalf. But the point I was driving at is in the South there is a worship of a tiger; there is a worship of the forces of nature; there is worship of a local river. Now, all these could be brought in because by and large the common masses in the South still have a sort of deeply engraved belief in regard to these local manifestations of the ultimate reality or nature. I have not been able to find the tiger god monument or the temple of tiger every being taken up as a sort of archeological monument that could be preserved under the Central legislation. I would, therefore, urge that the spirit, not the form, in which it has been stated should be considered. When-

ever there is trouble with D.M.K. they play with their trump-card; they seem to be repeating the same old things and the same old swan song of State autonomy *versus* the Centre.

SHRI R. P. ULAGANAMBI : For his information, I may tell him that I am not in that trouble.

SHRI B. V. NAIK: That is why I have talked not only about idols and temples but also about other idols.

SHRI N. K. P. SALVE (Betul) : Are they politically so obsolete ?

SHRI B. V. NAIK : Even from the point of view of the currency of an idea, I would suggest that when we take the spirit of the Bill, with the local identification of the masses and in particular illiterate ones, the simple ones and the arthy ones and the salt of the earth, their views may also be taken. If these are not preserved, there will always be devotees in the big temples and they will be taken care of, but those small ones which are in the stage of crumbling, if they are not preserved, would very soon face extinction at the hands not only of land-grabbers but also other people and also the forces of nature.

I would, therefore, urge the hon. Minister to take a fresh look, particularly at the southern part of the country in regard to the native sort of religion and the native sort of temples that are there, and give them a fair deal.

SHRI H. N. MUKERJEE (Calcutta-North-East) : I fear I find this Bill rather misconceived. I can have some sympathy for the idea that serious efforts should be made to associate the States and popular sentiments in the different parts of our country with the task of preservation of our archaeological monuments of every variety. I can understand a claim being put forward by a particular State, if it thinks itself justified that there has been default on the part of the Centre, in so far as the preservation of the archaeologi-

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cal sites is concerned, and they want to take it over. I may not agree to it straightway but I can understand it. But I do not understand at all the idea of the Mover of this Bill which in so far as his intention formulated in black and white is concerned, in terms of the proposed legislation would require that a State Government on the strength of a majority in the Assembly should be authorised to install, erect, build or construct suitable memorials for a person who is according to their Bill a founder or builder or originator of an idea, for the installation etc. of such a monument and so on and so forth. He wishes also that this kind of installing and erecting and constructing or building of suitable memorials would add to the historicity of such monuments.

I am sorry to have to say that I find it rather fantastic. The historicity of a monument is marred and destroyed and not only distorted if the kind of thing which is proposed to be done is actually done. A monument is there to be preserved and it is on the basis of very expert assessment that monuments which require protection because they deserve to be preserved are preserved. The historicity of the monument and the strength and all that would be utterly distorted if additions, alterations or renovations which are not in tune are made, because it is a very difficult job of work, and if anything is done to mar the artistic integrity of a monument and the historical character of the monument, the entire purpose of archaeological preservation is gone.

Then all this talk about our eliciting pride in the past of our country by a look at these monuments is so much *abracadabra*. Either we respect these monuments or we do not. I believe we all respect these monuments, specially in Tamil Nadu where they had a movement based on the idea of the resurgence of the Tamil people. They look back to a very glorious past. Naturally they were proud, and we all share their pride, because the culture of Tamil Nadu is not something which is

relative only to the area which is now called Tamil Nadu.

My friend here is very naturally concerned over the Brihadiswar temple in Tanjavur. He refers to the Chola emperors. Very rightly so. But he should not draw so much of a distinction between the north and the south in this regard. As for the temple complex of Gangaikonda Cholapuram built by the great Chola emperor, I do wish it is taken care of a great deal more than it is as it was crumbling away the last time I saw it. I wish the Tamil Nadu Government in association with the Central Government takes real steps to see to it that a place which is not visited by pilgrims or even by the average tourist is really looked after, because it is a grand place, Gangaikonda Cholapuram, where a replica of the Brihadiswara temple was built by one of the Chola emperors.

Now the Gangaikonda Cholapuram temple is a memorial to the fact that a Chola emperor went north and won a victory. His visit to the north was occasioned by the idea of collecting Ganga water which he could take back in large vessels. And it was taken back in very large vessels to Tamil Nadu. It was in order that the pious idea of a Tamil emperor could be satisfied that he had gone and fought some powers in the north.

There is no quarrel between the north and the south. On the contrary, you will find in every southern temple site people from the north, in large numbers, because there is a sense of kinship in so far as all parts of our country are concerned. In so far as the archaeological, the aesthetic and the artistic excellence of the remains are concerned, there is no difference in so far as even religious persuasions are concerned. An atheist like myself or people who have no faith in the gods and goddesses of the Hindu pantheon, people who belong to other religions have also an appreciation of the aesthetic qualities of these monuments. So there is no question of driving a wedge or even imagining that a wedge exists as between either the north

and the south or as between Tamil Nad or any other State. We are all concerned about this. But I am particularly concerned if any suggestion is made which changes the character of a historical monument. I say this because I had the mortification of seeing even in Madurai—Shri Naik is here; he was saying something about the great temple of Madurai which everybody will share—I had the mortification of seeing how the *facade*, the front portion, of the temple, the *gopuram*, the gate, through which you enter, had been renovated and painted over with all sorts of garish colours. I saw that described very eloquently in some American Journal as something of an aesthetic addition. But I considered that a profanity; I considered that an utter degradation, an act which was by no means warranted. You have no business to do anything to change the character of the glory of an ancient monument in that fashion.

This sort of thing has to be guarded against. We never know what would happen, if we leave it to a Legislative Assembly by vote to decide on something. I was told that in the courtyard of the Brihadeswara temple in Tanjavur, the idea was to put up something constructed by a modern sculptor. We know the way they usually do it, the kind of work they would turn out. Perhaps a monument of Raja Raja the Great was to be put up there inside the temple. I think this a fantastic proposition, a profane proposition, something which goes against the grain of faith, of tradition, of artistic belief, of any sort of integrity that we can think of in connection with a historical monument. I would not leave that sort of thing to the whims and caprices of a particular Legislative Assembly at a particular point of time.

I see that this kind of thing does take place in our country, and I am just reminded of what I have seen in Kanya Kumari. It was a grand panorama, as you must have known, before the recent constructions took place on the Vivekananda Rock. It was a beautiful temple with no particular pretensions, not so massive as the other

temples of the South, but entirely in keeping with the beautiful natural surroundings of that area. And there, about 15 or so years ago, they built a Gandhi Mantap which has nothing to look at, which is an abomination, but which is right on the sea and spoils the entire sea-coast. The atmosphere was preserved as a little place so that the pilgrims who went to Kanya Kumari temple could go and have their bath; it was an old place but it had broken down; but a lovely little thing it was. Now, it is shadowed over by the Gandhi Mantap, and over the Vivekananda Rock, we have got an enormous construction which many people may consider to be a very wonderful thing, but I consider it to be a garish and uncivilised act of vandalism which not only destroys the natural glory and beauty of that place but militates utterly against the whole concept—the Kanya Kumari temple on the one side and the wide expanse of the three oceans which commingle at the same place, on the other.

If you leave it to some PWD contractor and if you leave it to the whim and caprice of some particular temple at a particular point of time in a very special mood, goaded by certain people who do not know a thing about the genuine aspects of our essential national culture, then what happens? Things might go to rack and ruin. The only way in which you can preserve these things is to leave the matters in the hands of people who know and who, at the same time, can be trusted to have a genuine respect for our national culture. That is why we have archaeologists and scholars and such other people who would look after these things.

Therefore, if the idea was that the State young men should be associated in a more effective way with the task of preservation, I could very well support this Bill, but if the idea is, as it appears to be, that at the desire of the State Assemblies or even of Parliament, monuments could be changed and other structures could be put up in the premises of historical monuments, then I at least for one, would never

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have anything to do with it. If the Brahadewar temple or such other wonderful monuments of our country's genius are going to be spoiled and despoiled and depraved by any kind of addition of the sort which sometimes is in the contemplation of very powerful politicians, then, let us say good-bye to all talk of archaeological conservation.

Let Kaveripattinam be looked after properly; let excavation be conducted very properly. Let the State Government go to the Central authorities in order to see to it that Kaveripattinam is really investigated and everything is done in order to respect its integrity and its contribution to India's history. That is a different matter. But if you have this kind of Bill, it means that we say good-bye to all ideas of archaeological conservation. We must keep the sites as they are; we must keep the monuments as they are, and we must keep them and keep them in repair so that they do not crumble down as long as we can avoid that sort of thing happening. But this kind of tampering with our archaeological treasures is something which goes against the grain and which cannot be tolerated.

SHRI BISWANARAYAN SHASTRI (Lakhimpur) : Mr. Chairman, Sir, the anxiety of the hon. Member for the protection of ancient monuments and sites can very well be appreciated, but I fail to understand why these sites or monuments should be handed over to the State Governments.

Sir, the land of Tamil Nadu is full of monuments, ancient ruins and other things of which not only the people of that region but I should say the people of the entire length and breadth of our country is proud of. The hon. Member referred to the Chola kings who built certain monuments. They built not only monuments in the South but some of them crossed the Indian Ocean and constructed and built monuments in modern Indonesia in Angkor Wat. Those people had built

those magnificent monuments. These are the monuments not only of ancient times but they are living monuments of the entire nation of the achievements of the people who lived in those ancient days.

Mr. Naik has referred to certain things being sold, jokingly. But being a student of history I should like to mention that at the time of Lord Bentinck's viceroyship, he made a proposal to the British Government for destroying the Taj Mahal and selling the marbles for earning some money. Fortunately that proposal was not approved.

There are certain monuments of national importance which are protected by the archaeological department of the Government of India but there are certain other monuments which are not so declared. I have seen that in some parts of the country these monuments are not well protected. I cannot say definitely about Tamil Nadu but in Bengal, Bihar, Orissa and Assam I have travelled extensively. There are hundreds of such monuments and ancient sites which are not protected by the Central Government. These can be preserved, protected and maintained by the State Governments but the State Governments are not coming up as expected. I am myself associated with such an organisation which is located in Assam. We have made repeated appeals to the Archaeological department of the Central Government to take over certain monuments and ancient temples which are not protected because the State Government is not in a position to maintain, protect or preserve those monuments. It might be a different case in Tamil Nadu. I have no knowledge about Tamil Nadu. Perhaps, except the Government of Tamil Nadu, no State Government will welcome this proposal.

I mentioned earlier that in 1904 Lord Curzon introduced this Act for the preservation of ancient monuments. He was responsible for the bifurcation of Bengal. Therefore, in Assam and Bengal he was known as wicked Curzon. But he has

really done good service to the country and, therefore, we are grateful to him. That Act was amended recently and its scope had been widened. It was because of that Act that we have come to know what was in Mohanjedaro and Harappa. It is due to the activities of the Central Archaeological Department that such things came to light and the world, at large, came to know that even 6000 years ago there was a civilisation in India which was equal to the Elam or the Babylonia or even superior to those civilisations. Therefore, the Central Government should provide more money to strengthen the Archeological Department and take more interest in the construction, preservation and maintenance of those monuments, temples and ancient sites.

The repair work in these monuments should be carried out by skilled persons. The originality of the structure is to be maintained. Suppose some structure is cracking. When it is going to be repaired, modern cement concrete, as it is, cannot be used, because if used, the beauty, the originality and the colour or even the structural frame will be changed if not destroyed. The historicity of that monument will no longer be there. Therefore, the Central Government's Archaeological Department should have more skilled persons who will not only be efficient in repair work but will also have historical knowledge about the construction of our ancient monuments.

Sir, if anything new is constructed or added to ancient temples, as Prof. Mukherjee has rightly pointed out, it will not only destroy the beauty but it will surely take away the historical importance of that place. Historical importance or the historicity of a particular temple or a particular monument or a particular site cannot be enhanced by new additions or modern additions. Therefore, the idea of constructing some buildings or erecting something in the ancient monument sites, is totally misconceived and no student of History and no student of Architecture will support it. Experts all over the world,

who are connected with such preservation of ancient monuments will surely oppose such proposals morally.

Sir, in this connection, I would like to refer to my State of Assam and other eastern States and Union Territories. As far as archaeology is concerned, this Region is under the jurisdiction of Calcutta—the Superintendent posted at Calcutta looks after the preservation of these ancient monuments. There are quite a number of them in this region. But, to look after these monuments, there is only a Sectional Officer in Assam with a meagre fund at his disposal. I would like to give an example. There is a Shiv temple in the Sibsagar district of Assam, and for the maintenance of the temple, only Rs. 120 is provided. Persons who will be able to climb to the top of the temple, are not available. Such persons should have special skill and training and their daily wages should be much more than the ordinary labour. With meagre amounts, they cannot do anything. I am just giving this one instance. There are a number of such instances. Therefore, I would appeal to the hon. Minister, on this occasion, that the five States of the Eastern Region and the two Union Territories should be made one Archaeological Zone and one Superintendent should be posted there to look after the ancient monuments there so that these are preserved and people from various parts of the country are able to see and appreciate them.

I would like to make one more suggestion. Of course, it does not concern the Minister of Education. To my mind, the protection and preservation of ancient monuments is related with the growth of tourism and therefore, they should be transferred to the Ministry of Tourism.

श्री मधु लिमये (बांका) : इस विधेयक के जरिये पुरातत्व विभाग के कामों पर बोलने का मौका हम लोगों को मिला है। सब से पहले मैं यह ध्यान करना चाहता हूँ कि पुरातत्व विभाग के द्वारा यह जो प्राचीन और ऐतिहासिक अवशेष हैं, स्थल हैं, मन्दिर हैं,

[श्री मधु लिमये]

मस्जिद हैं, प्रसाद हैं, उनकी उपेक्षा की जा रही है। मुझे धादत है कि अपने दौरे में मैं कुछ समय जरूर निकालता हूँ ऐसे स्थलों पर आने के लिए। एक प्रसंग मुझे याद आता है—मैं कर्णाटक के दौरे पर था—ग्रहिलाएं नाम की एक जगह है, वहां एक बहुत खूबसूरत प्राचीन मन्दिर है, उस को देखने के लिए गया था। न केवल उसकी उपेक्षा की जा रही थी, बल्कि यह देख कर मैं दंग रह गया कि मूंगफली सुखाने के लिए पूरे मन्दिर में फैलाई गई थी। ऐसी बात नहीं है कि इस मन्दिर को पुरातत्व विभाग ने अपनी देखरेख में नहीं लिया था। इस वक्त इस मन्दिर की क्या हालत है, मैं नहीं जानता, क्योंकि यह 10-12 साल पहले की बात है। उसी तरह कई जगहों पर मैंने देखा, मैं इसी उत्तर प्रदेश के बुनाव के दौरे के सिलसिले में कुशीनगर गया था वहां यह देखकर मुझे अचम्भा हो गया कि वहां जो तिब्बती या मोटिया साधू बंजर रह लोग रहते हैं—मैं उनके खिलाफ कुछ बोलना नहीं चाहता हूँ—लेकिन जिस ढंग से उस जगह को गन्दा करने का काम चल रहा है तो एक साधू से मैंने कहा कि यह बुद्ध भगवान के महापरिनिर्वाण का परम स्थान है, आप बुद्ध के अनुयायी हैं, इस जगह को गन्दा करने का काम करेंगे तो क्या होगा? मैं ऐसे कई उदाहरण दे सकता हूँ। यह मैंने मिसाल के तौर पर कहा है। इसलिए मंत्री महोदय को इस बात पर विशेष ध्यान देना चाहिए और पुरातत्व विभाग से मेरा क्याल है हर साल उनको रपट मंगानी चाहिए कि आपके कब्जे में जितने मन्दिर, मस्जिद या जो भी प्राचीन स्थल और स्मारक दिए गए हैं उनकी स्थिति क्या है। इस तरह की रपट अगर बूरेटर, या जो भी उनका नाम है, उनसे प्राप्त करने की आप कोशिश करेंगे तो मेरा क्याल है आप यहां से ज्यादा उनकी देख-रेख कर सकेंगे और अगर मरम्मत के लिए खर्च की जरूरत है तो उसके बारे में भी ठीक ढंग से विचार कर सकेंगे। मैंने देखा है कि इस देश में कई ऐसे छोटे छोटे मन्दिर या दूसरे स्मारक हैं जो पुरातत्व विभाग ने अपने हाथ में नहीं लिए लेकिन उनका अपना सांस्कृतिक महत्व है और अगर केन्द्रीय सरकार उन स्मारकों की देखरेख और निगरानी नहीं रख सकती है तो इस बात पर सरकार को विचार करना चाहिए कि क्या यह अधिकार वर्तमान संविधान में हम लोग राज्य

सरकारों को दे सकते हैं क्योंकि इसमें जो केन्द्रीय सूची है, जो एन्ट्री है उसमें यह कहा गया है कि पार्लियामेंट जिन स्थानों को और जिन प्रयोजनों को महत्वपूर्ण समझती है और उसके लिए कानून बनाती है उन्हीं को केन्द्रीय सरकार लेनी। तो ऐसी हालत में जो स्थान ऐसे हैं जिनको आप लेने की स्थिति में नहीं है उसके लिए इसमें क्या दिक्कत है?

एन्ट्री 67 इस प्रकार है:—

“Ancient and historical monuments and records and archaeological sites and remains, declared by or under law made by Parliament to be of national importance.”

तो राष्ट्रीय महत्व के जो प्रयोजन और स्मारक हैं उन्हीं को आप ले लेते हैं। सभी स्मारकों को आप पुरातत्व विभाग के तहत नहीं ले पायेंगे, यह मैं भी जानता हूँ। इसलिए इनके अलावा जो स्थान हैं उनकी रक्षा करने का कोई उपाय हम लोगों को करना चाहिए। यह अधिकार राज्य सरकारों को देना चाहिए और अगर उसमें कोई संवैधानिक दिक्कत है तो बगल में नीतिराज सिंह जी बैठे हैं वे उसका कोई रास्ता निकालेंगे।

आपने एक ऐंटीक्वीटीज एंड आर्ट्स ट्रेजर्स एक्ट बनाया है जिसके प्राविधान बहुत अच्छे हैं और आवश्यक भी हैं लेकिन मैं जानना चाहता हूँ इसके तहत अभी तक क्या काम हुआ है? जैसे जो पुराने शिल्प आदि हैं, मूर्तियां हैं, उनकी सभी लोग जानते हैं बड़े पमाने पर बोरी हो रही है और इसमें जो आपके रक्षक हैं वे लोग भी मिले हुए हैं जिसका नतीजा यह हो रहा है कि हर दो तीन साल के बाद जब पुराने किसी मन्दिर को, किसी स्मारक को देखने जाते हैं तो इस बात का महसूस होता है कि इसमें कुछ तोड़-मरोड़ हुई है, कुछ मूर्तियों को हटाया गया है और कुछ विघटनक काम किया गया है। इसलिये मैं जानना चाहता हूँ कि नियंत्रण पर प्रतिबंध लगाने के बाद इस सेवकान को भंग करने के प्रयोगों में अब तक कितनी कार्यवाहियां हुई हैं। इसी से इसका पता चलेगा क्योंकि आप लोग कानून तो पास करते जाते हैं, कानूनों की इस देश में कमी नहीं है लेकिन उन पर धमल नहीं हो रहा है। इसलिये मंत्री महोदय

स्पष्ट करें कि यह अधिनियम बनने के बाद कितने लोगों के खिलाफ कार्यवाहियां की गईं, कितनी मूर्तियां और दूसरे अवशेषों को बचाया गया ?

इसके साथ-साथ इसमें एक महत्वपूर्ण संवर्धन 14 भी है। इस देश में निजी व्यक्तियों के पास प्राचीन, ऐतिहासिक महत्व के माल्य और मूर्तियां हो सकती हैं तथा दूसरे बहुत सारे सामान हो सकते हैं। और राजकल तो देश में फैलाने हो गया है, अगर मंत्री महोदय कुछ बड़े लोगों के घर जायेंगे तो उनको पता चलेगा और इस तरह की चीजें उनको वहां मिलगी। आपने इस कानून के तहत यह कहा है कि लोग इन चीजों को अपने पास रखें जरूर लेकिन उसकी जानकारी सरकार को मिलनी चाहिए और उसको रजिस्टर कराना चाहिए। मैं जानना चाहता हूं इस 14वें संवर्धन पर आपने कोई धमल किया है? मैं तो इसको बहुत बड़ी सम्पत्ति मानता हूं। अब तक कितने लोगों ने रजिस्टर करवाने का काम किया है?

साथ साथ इसमें एक और प्राविधान है। आप सभी लोग जानते हैं कि धाव्जेक्ट्स आफ् आर्ट्स की एक बहुत बड़ी मण्डी है। विदेशों में जो प्रमीर देश हैं उनमें इसकी बहुत बड़ी मण्डी है और हम लोग अखबारों में पढ़ते हैं कि फलां फलां पेंटिंग का दाम नीलाम में कितना बोला गया। लेकिन इस देश में भी जब से साल्वे साहब बहुत परिणामकारक ढंग से काम करने लगे तो ऐसे बहुत से सारे लोग पैसा बचाने के—मैं उनका मजाक नहीं कर रहा हूं, नाराज न हो जायें—उन लोगों को पैसा बचाने का मौका मिला है। वह लोगों को क्या सिखाते हैं? How to avoid taxes. मैं यह नहीं कह रहा हूं he teaches them also to evade taxes . . (व्यवधान) एवायडेंस तो सीगल है। तो इस तरह के लोग हमारे देश में हो गए हैं और यह फैशन है कि बहुत सारे लोग इस तरह की चीजें छरीदते हैं लेकिन आपके संवर्धन 17 में यह प्राविधान है इस तरह की जो बिन्नी होगी, उसमें तो विनियम, ट्रांसफर भी है, तो उसकी भी जानकारी सरकार को देनी चाहिए ताकि जरूरत पड़ने पर, सरकार

ने यह अधिकार लिया है कि उस कलाकृति को सरकार अपने हाथ में भी ले सकती है उसका मूद्राविज्ञा देकर। मैं नहीं चाहता कि उनकी चीजें आप ले लें लेकिन जानकारी तो रखिये, रजिस्ट्रेशन तो होना चाहिए और यह भी देखना चाहिए, समय समय पर उनसे पत्र-व्यवहार करके कि उन कलाकृतियों की स्थिति क्या है। मैं यह कहना चाहता हूं कि प्राचीन या ऐतिहासिक यह जो सारी चीजें हैं यह घाने वाली पीढ़ियों की विरासत हैं लेकिन इधर 10-15 वर्षों में राजाजी के बाद उनकी रक्षा करने के बजाय, नयी नयी चीजों की खोज करने के बजाय, जिन चीजों की खोज हो चुकी थी, जिनकी सारी दुनिया में तारीफ हुई थी वह चीजें भी इस देश से बाहर चली जा रही हैं। हम लोगों को बैसे रोटी भी नहीं मिल रही थी और मानसिक आनन्द जो इन कलाकृतियों को देखकर मिलता था उसको भी आप छिने देते तो फिर मेरा खयाल है यहां का जीवन बहुत ही नीरस हो जायेगा और घाने वाली पीढ़ियों के मन में भारत की कोई प्रतिमा, तेजस्वी प्रतिमा नहीं रह पायेगी।

16.38 hrs.

[SHRI NAVAL KISHORE SINHA in the Chair].

मैं कोई लम्बा भाषण नहीं करना चाहता, इनका जो विधेयक है उसी पर आ रहा हूं क्योंकि जब यह सारी चीजें होंगी तभी इनके विधेयक का मतलब है। अगर यह कलाकृतियां रहेंगी ही नहीं, यह मंदिर सब जमींदार हो जायेंगे और सारी मूर्तियां विदेशों में चली जायगी तो यह शोल राजा की मूर्ति लगाकर वहां क्या करेंगे? वह केवल मूर्ति मात्र रह जायगी। इसलिए मैं उसका विरोध नहीं कर रहा हूं, मैं समर्थन कर रहा हूं क्योंकि एक शिक्षा की दृष्टि से भी इस तरह के स्मारक लोग बनायेंगे, राज्य सरकार बनायगी तो जो अपने लड़के हैं, नौजवान लोग हैं वह देखने के लिए जाते हैं उनको भी कुछ पता चलेगा कि प्राई शोल राजा राजा का बनाया हुआ यह मन्दिर है। मैं तंजौर मन्दिर की बात कर रहा हूं। तो इस तरह के मन्दिर किस राजा या व्यक्ति ने बनाये इस प्रकार की जो ऐतिहासिक महत्व की बातें हैं यह भी नई पीढ़ी को मालूम हो जायगी। इसलिए इसके बिल का विरोध नहीं कर रहा हूं, बल्कि समर्थन कर रहा हूं, लेकिन

[श्री मधु लिमये]

साथ साथ यह चाहता हूँ कि इस के बारे में आप विधान सभा को अधिकार दे सकते हैं। लेकिन मूर्ति धाबि लगाने के पहले केन्द्र में कोई कमेंटी धाप बनाय क्योंकि हर एक धादमी अपने ढंग से करने लगेगा तो उसकी जो शोभा है उसमें कुछ कलंक लग सकता है। मैं यह नहीं कर रहा हूँ। जान बूझ कर होगा, लेकिन आप जानते हैं कि राजनीति में तरह तरह के दबाव आते हैं। इसलिए कोई केन्द्रीय समिति रहे उसकी सलाह से ही कोई मूर्ति स्थापित की जाय।

इसमें मूर्तियों की स्थापित करने की बात कही गयी है। अगर इसके लिए संवैधानिक संशोधन जरूरी है तो मैं कहूँगा कि राज्यों को अन्य मौन्यूमेंट्स की रक्षा करने के लिए आप संवैधानिक अधिकार दीजिये और हर एक राज्य पर छोड़ दीजिये। मेरा खयाल है कि सारे राज्य पूरी जिम्मेदारी की भावना रखते हुए ऐसे सारे मौन्यूमेंट्स की रक्षा करेंगे जिस का भार आप नहीं ले सकते हैं।

श्री शिवनाथ सिंह (ग्रंथनु) : सभापति, जी, हमारे देश में पुरातत्व महत्व के अनेक स्थल हैं, बहुत से मन्दिर हैं, अनेक प्रकार की मूर्तियाँ हैं और इस देश का उनकी तरफ ध्यान जाना बहुत ही प्रावश्यक है। मैं इस अवसर पर यह कहना चाहता हूँ कि इनकी स्थिति, जो गति धाज इन महत्वपूर्ण स्थलों की, मूर्तियों की या जो अन्य स्मारक हैं, उनकी हो रही है वह सभी के लिए एक चिन्ता का विषय है। माननीय सदस्य ने इस बिल के द्वारा यह चाहा है कि जो भी व्यक्ति या समुदाय या कोई भी जिस का इन पुरातत्व महत्व के स्थलों के निर्माण में या इस प्रकार के स्मारकों के निर्माण में या मूर्ति कला धाबि के स्थापन करने में योग्य रहा उनकी भी प्रतिमा हम स्थापित करें। मेरे खयाल में सिद्धांत रूप में इसमें कोई विरोध नहीं होना चाहिए। लेकिन हमें देखना पड़गा कि क्या इन स्मारकों के बनाने में पुराने स्मारकों का रूप तो नहीं बिगाड़ रहे हैं? क्योंकि नये स्मारक देश में हमेशा बनते रहे हैं और धागे भी बनते रहेंगे। धाज यदि आप प्रसेम्बली के द्वारा किसी को अधिकार नहीं दोग तो भी किसी को स्मारक बनाने से नहीं रोक सकते। इनका उद्देश्य यही है कि उस स्थल के आसपास भी स्मारक बने। यदि केन्द्रीय पुरातत्व

विभाग के पास वह स्थल है तो उसके आसपास कहीं बना सकते हैं। देखना यही है कि कहाँ बनेगा, कहाँ नहीं और यदि इस प्रकार का कोई महापुरुष करता है। जिन्होंने अष्टमी चीजें हमें दी हैं तो उन के स्मारक बनायें, उचित जगह बनायें। इसमें किसी का मतभेद नहीं हो सकता, और इसमें किसी को एतराज नहीं होना चाहिए। लेकिन मैं कहना चाहता हूँ कि जितने भी राष्ट्रीय, अन्तर्राष्ट्रीय महत्व की मूर्तियाँ हैं उन का धाज क्या हो रहा है? हमारी राज्य सरकारें और केन्द्रीय सरकार उनकी रक्षा करने में असमर्थ हैं, और हम धाये दिन देखते हैं, धाजबारों में पड़ते हैं कि धाज वह मूर्ति चोरी चली गयी, कल फला जगह की मूर्ति चोरी चली गयी, और उन की कीमत कहीं लाखों में और कहीं हजारों में होती है। धाज इस देश में या किसी देहात में एक पड़ी हुई मूर्ति गांव वालों के लिए 5 रु० की भी नहीं हो सकती है, लेकिन विदेशों में वही मूर्ति कई लाख की बिकती है। और इस देश में इस प्रकार का गिरोह फैला हुआ है और बड़े बड़े सरकारी और पुलिस अधिकाारी इस काम में लग हुए हैं और मूर्ति चोरी करने वाले गिरोह का संरक्षण दे रहे हैं। पिछले दिनों राजस्थान के धाकड़े पेश हुए थे। और सभा में कहा गया था कि मूर्तियों की चोरी के मामलों में हिन्दुस्तान में राजस्थान का दूसरा नम्बर आता है। मुझे व्यक्तिगत जानकारी है और मुझे अधिकाारियों के नाम मालम हैं, लेकिन मैं यहाँ नाम नहीं लेना चाहता, सरकारी लिखा पड़ी हुई है, जितने भी चोरी के मुकदमे बने हैं, इन्वेस्टीगेशन हुआ है उसमें हमारे प्रान्त के भूतपूर्व बड़े बड़े पुलिस अधिकाारियों का नाम धाया है और इन्वेस्टीगेशन आफिसर्स ने राज्य सरकार को होम सेन्ट्री को, चीफ सेन्ट्री को शिकायत भेजी हैं। लेकिन क्या होता है?

अब राज्य सरकार को नये मौन्यूमेंट्स बनाने की इजाजत दे दो, लेकिन पुरानी जगहों की रक्षा तो कर नहीं पाते हैं और चोरी करने वाले गिरोह को चैक नहीं कर पाते हैं और बड़े अधिकाारियों के संरक्षण में यह सब होता है, इस और संभी महोदय ध्यान देंगे। हो सकता है कि उनके विभाग का यह काम न हो, पुलिस विभाग का हो सकता है। लेकिन पुरातत्व विभाग इसमें विलक्ष्पी ले और जो महत्वपूर्ण हमारे पास धरोहर है उस को सुरक्षित रखें। यदि

सुरक्षित नहीं रखते तो जैसा माननीय सदस्य कह रहे थे कि बहुत ही फौरन ऐक्सचेंज घा सकती है, मेरी राय है कि अपनी इस धरोहर को फौरन ऐक्सचेंज में हमें नहीं बदलना चाहिए। यह हमारी धरोहर है। आज बहुत सा सामान चोरी हो कर बाहर जा रहा है। इसलिए राज्य सरकारों को हिदायत कर के और केन्द्रीय सरकार तथा उस के अन्य विभाग, चाहे पुलिस विभाग हो या पुरातत्व विभाग हो, इस मामले में दिलचस्पी लें और इनकी रक्षा की जाय।

जहां तक दिल की भावना है मैं इस का समर्थन करता हूं, लेकिन वह किस जगह बने और किस जगह नहीं बने संविधान को ठीक किया जा सकता है। और यदि यहां इजाजत नहीं दी जाय उसके बाद भी राज्य सरकारों को पूर्ण अधिकार है कि वह नये मॉन्यूमेंट्स बना सकते हैं। लेकिन जिन लोगों ने उन मॉन्यूमेंट्स को बनाया उन की सिर्फ मूर्तियां, जैसा माननीय लिमय जी कह रहे थे, उन की सिर्फ मूर्तियां ही रह जायेंगी और जो पुरानी चीजें हैं, जो घाट हैं हमारे देश में वह सब गायब हो जायगा। इसलिए उसका संरक्षण पहले जरूरी है। नयी मूर्तियां बाद में बनायें, यह बाद की बात है।

इन शब्दों के साथ मेरा भारत सरकार के गृह मंत्रालय से निवेदन है क्या कि प्रांतों की सरकारें, वहां का गृह विभाग इन सब चोरियों को रोकने में प्रसमर्थ है, सरकारी भूफसलों की चोरों से मिली भगत है। इसलिए केन्द्रीय सरकार का गृह मंत्रालय इस और ध्यान दें और इस प्रकार की जो पुरातत्व महत्व की चीजें हैं, स्मारक हैं या अवशेष हैं उनकी रक्षा की जाय और चोरी उन को बचाया जाय।

श्री मूलचन्द डागा (पाटी) : सभापति जी, मैं इस बिल का समर्थन करता हूं। मैं नहीं समझ सका कि इस में क्या एतराज की बात है, और शिक्षा मंत्री जी जब बोले तो यह नहीं कहूँ कि इस में एतराज के बाविल बात है। यदि कोई अपने स्मारक के पास, अगर उसकी यादगार को कायम रखने के लिए स्टेट लेजिस्लेटिव असेम्बली उस की खूबसूरती को बनाये रखे हुए अगर एक स्टेटेबिल जगह पर कोई स्मारक बनाता है तो इसको हम प्रीजर्वेशनबिल कैसे कह

सकते हैं? प्रायः अगर कुछ नहीं कर सकते तो जो उन्होंने लिखा है :

Build or construct a suitable memorial in or near or in the vicinity of a protected monument or a protected area to perpetuate the memory of the person. . . .

That is after the Resolution or the decision taken by the Legislative Assembly.

सभापति महोदय : मैं प्रायः से एक बात जानना चाहता हूं, अगर कुछ रोगनी डाल सकें तो डालें। क्या इस विधेयक को पारित करने के पूर्व संविधान की तीनों सूचियों में कुछ परिवर्तन नहीं करना पड़ेगा ?

श्री मूलचन्द डागा : जी नहीं, क्योंकि यह तो कानकुरेंट पावर्स हैं। प्रारम्भोलाजी सेन्टर और स्टेट गवर्नमेंट्स दोनों डील करती हैं। स्टेट प्रां भी इस को देखते हैं। इस का कोई झगड़ा नहीं है। इसके अन्दर इन्होंने यह कहा है कि सेक्शन 20 के बाद सेक्शन 20(ए) जोड़ दिया जाय, और जब कभी भी उस मॉन्यूमेंट्स में :

"If we want to erect any new monument then it will be done after the approval of the Legislative Assembly."

तो असेम्बली का ऐप्रूवल होने के बाद।

"Notwithstanding anything contained in this Act or in any other law for the time being in force, the Legislative Assembly of the State within the territory of which a protected monument or a protected area is situated, may, by resolution, authorise the Government of that State to instal, erect, build or construct." . . .

तो इस के अन्दर

The State Government is entitled to erect this.

[श्री मूलचन्द डागा]

प्रश्न सवाल यह है कि पुरातत्व विभाग का बजट कितना है ? कितना बजट है इस का धाप के पास ? मुझे डाउट है कि जितना धाप के पास इस का बजट है, उस से धाप हिन्दुस्तान जितना बढ़ा देना है, उस के तमाम स्मारकों का संरक्षण कर सकते हैं। अगर धाप को 15 रुपये की जरूरत है, तो धाप के पास इस काम के लिए केवल एक रुपया है। धाप के पास इस काम के लिए पर्याप्त बजट नहीं है। धाप कहीं भी पुराने स्मारकों को देखने जाए, वहां पर धाप पाएंगे कि बहुत पुराने बोर्ड लगे हुए हैं, 25, 25 साल पुराने बोर्ड लगे हुए हैं और वे इतने पुराने हो गये हैं कि उन का पढ़ना भी बहुत मुश्किल है। पुरातत्व विभाग एक पुराना विभाग है और पुराने ही बोर्ड वहां पर लगे हुए हैं। उन स्मारकों में पुराने ही लोग-बाग बैठे हुए हैं, जिन की हालत देखने वाली ही है। वैसे ही वहां पर धाप को गाइड मिलते हैं और वही किलास्कर और धाप के फ्रेंड हैं। वे क्या बातें धाप को सिखाते हैं। पता नहीं कहां के लोग आ कर वहां पर बैठे जाते हैं और कैंसी कैंसी बात सिखाते हैं ... (व्यवधान) ... वे ऐसी कहानियां और गाथाएं सुनाते हैं जो कि हम ने कहीं हिस्ट्री में नहीं पढ़ी हैं और जिन को हिस्ट्री लिखने वाला भी नहीं जानता और हमारे मध्य लिमय जी उन की बातों का आनन्द लेते हैं। ये बड़े इतिहासज्ञ होंगे, बड़े कलाकार होंगे लेकिन मैं तो इतना ही कहूंगा कि हम को अच्छे गाइड वहां पर रखने चाहिए। हम पुरानी चीजों को छोड़ें और नई नई चीजें लाएं। हमारी कुछ पुरानी चीजें ऐसी हैं जिन में अब हमें कोई आकर्षण नहीं है और नाम के लिए ही पुरातत्व विभाग ने उन को रखा है। इसलिए एक बात तो मुझे यह कहनी है कि इस विभाग का कोई बजट नहीं है। अगर धाप इस के बजट को एग्जामिन कराएँ, तो इस का डाइरेक्टर भी यही कहेगा कि इस का कोई बजट नहीं है। ... (व्यवधान) ...

दूसरी बात मुझे यह कहनी है कि पुरातत्व विभाग में कुछ ऐसे स्मारक हैं, जिन को धाप बन्द कीजिए। इतने बड़े बड़े व स्मारक हैं, पुराने किले हैं और उन के अन्दर मैदान खुले पड़े हैं। वहां पर धाप मकान बनने दो और बच्चों के लिए वहां पर खेल के मैदान हों। उन को भी धाप ने पुरातत्व विभाग में रख छोड़ा है। कई राजाओं महाराजाओं के बड़े बड़े मकान हैं। उन को पुरातत्व विभाग में रखने की क्या जरूरत है। कुछ ऐसी जगहें

हैं जिन में कुछ नहीं रहा है और मैं समझता हूं कि उन को धाप को बन्द करना चाहिए। मेरी यह राय भी नहीं है कि पुरातत्व विभाग के नाम पर धाप बड़ी बड़ी जमीनें और मन्दिर रखें, जिन मंदिरों में कोई धाट्ट नहीं रह गया है। जो धाट्ट था, वह खत्म हो गया है और वहां पर केवल जमीन ही रह गई है। धाप उस जमीन का उपयोग करियें। जमीनों को धाप ने क्यों रख छोड़ा है। उन स्थलों के पास बड़े बड़े किले बने हुए हैं। वहाँ क्या है ? वहाँ अब कुछ नहीं रह गया है और जुआरी लोग वहां पर जुआ खेलते हैं। यह उन लोगों के जुआ खेलने के झूठे बन गये हैं।

श्री बी०बी० नायक : धाप एनशियन्ट रूइन्स के बारे में कह रहे हैं ? क्या धाप यह एनशियन्ट मानुमेंट्स के बारे में कह रहे हैं ?

श्री मूल चन्द डागा : मैं यह कह रहा हूं कि उन को धाप रखिये, लेकिन कुछ मानुमेंट्स पुरातत्व विभाग के ऐसे हैं, जिन पर बड़े बड़े मकान बने हुए हैं और वे किसी काम के नहीं हैं। मेरा कहना यह है कि उन का कुछ उपयोग होना चाहिए। धाप इस पुरातत्व विभाग में इस एक्ट को एमेंड करिये और जो धाप की पुरानी कला-कृतियां हैं, उन को धाप रखिये, जो धाप के इतिहास से सम्बन्ध स्मारक हैं, उन को धाप रखिये लेकिन जो धाप के बिल्कुल काम के नहीं हैं उन को धाप डिस्पोज आफ कीजिए और उन को बेचने से जो पैसा धाप के पास आए, उस को धाप दूसरी जगहों पर लगाइए।

धाप यह देखिये कि जितने पुराने स्थान हैं उन पर कितने लोग जाते हैं और यात्री पता नहीं क्या-क्या लिख देते हैं। वे कोयले से बोर्ड को ब्लैक-बोर्ड बना देते हैं। इस को कोई देखने वाला नहीं है। वहां पर बहुत सारे शिक्षक भी जाते हैं और अपने दस्तखत कर के आ जाते हैं लेकिन धाप यह दखें कि लोग कितनी बुरी तरह से इन स्मारकों के साथ पेशा धाते हैं और क्या क्या लिख देते हैं ... (व्यवधान) ...

इसलिए मेरा कहना यह है कि मैं इस विधेयक के अन्दर कोई आबजेबान नहीं देखता हूं और जो मेरे सुझाव हैं, उन को मान कर आर्किओलाजिकल डिपार्टमेंट पुरातत्व विभाग इंफ्रुवमेंट करें। धाप कलाकार हैं, धाप शिक्षक हैं और धाप सब कुछ हैं, धाप इस में नई

जान डालिये। नई जिन्दगी फूंकने के लिए यह एक बहुत अच्छा विषय है। इन स्मारकों में ऐसा इम्प्रूवमेंट प्राप्त को लाना चाहिए, कि हम लोग इन पुरातत्व स्थलों पर जा कर इन स्मारकों से नई प्रेरणा ले सकें और वहाँ से हम शान्ति प्राप्त करें और इन स्थलों को गन्दगी और इन गड़बड़ करने वाले लोगों से प्राप्त बचावें।

बस यही मुझे कहना था।

SHRI N. K. P. SALVE (Betul) : Mr. Chairman, Sir, I did not have the slightest intention of participating in this debate but as I read the proposed Section 20 (A) to further amend the Ancient Monuments and Archaeological Sites and Remains Act of 1958 I felt very highly provoked for two reasons. First, the constitutional validity of the same. No less a person than Shri Madhu Limaya, who is one of the constitutional pundits of this House, supported this Bill in extremely low key. He again and again asserted that I am supporting the Bill.

श्री मधु लिमये : जरूरत पड़ने पर संवैधानिक संशोधन भी किया जा सकता है।

SHRI N. K. P. SALVE : I expected him to come out very frankly and say that the provision, as it is, is utterly unconstitutional. In respect of entry 67, which is in the Seventh Schedule enumerating the Union list of subjects, only Parliament has authority to legislate. Section 67 reads :

"Ancient and historical monuments and records, and archaeological sites and remains, (declared by or under law made by Parliament) to be of national importance."

So, any ancient and historical monument of national importance so declared by or under law made by Parliament is something over which Parliament has authority. In the Concurrent List item 40 it reads :

"Archaeological sites and remains other than those (declared by or under law made by Parliament) to be of national importance."

In respect of such monuments can you without amending the Constitution first vest authority in the State legislatures to make law? Therefore, instead of putting the cart before the horse first Constitution should have been amended. In fact, we are considering a Bill which is clearly unconstitutional as it is. This is my first point.

I entirely agree with the very serious concern which has been voiced by all the sections of the House including Shri Limaye and my colleagues in this party that several archaeological monuments are in a state of terrible neglect and we need to look after them far more carefully, tenderly and with much greater zeal, effort and enthusiasm. About that I should mention later. But coming purely to the basic postulate of the proposed amendment I am simply alarmed to read the proposed change. Whether or not State legislatures ever add to the historicity of these monuments of national importance, if ever this Bill is passed we would be establishing a new landmark in encouraging fissiparous and secessionist tendencies.

In respect of a matter which is of national importance, how is this House less competent to make laws and less competent to take decisions as to how it should deal with it than the state Legislature. That is something which I cannot understand; whole idea is utterly unsound.

17.0 hrs.

Recently, I happened to visit Madras and I was driven about 30 miles away from Madras to the beautiful temple at Mahabalipuram. I saw sunset there. I have gone round the world several times and seen sunset at several places and so much is said about sunsets in different parts of the world, but rarely have I seen something tremendously magnificent and which can be a sight worthy of Gods. I do not know which Raja built it. What does it matter which Raja had built it? Suppose he had propagated a philosophy

[Shri N. K. P. Salve]

that the culture of the south was something different from that of the north etc. etc. or many things with which we are completely in disagreement and supposing it commends itself to the DMK Government to start building a monument of the raja. And then the ADMK comes, only the platform would be ready and the rest of it would not come up and that would become a monument which not only add historicity to that great temple at Mahabalipuram but it would be a monument to the political disputes which have come about. But if it came here, we, sitting here in Parliament can take a much more objective view. This is a national forum which can deliberate in the matter. I cannot think of a situation where the beautiful temple can be made over to any State Legislature; even if it were in my own State of Madhya Pradesh, I would have said 'No'. Such a beautiful thing must be the exclusive prerogative of this House because this House alone can bring to bear a certain degree of national view point, a certain degree of national angle which is so necessary when we deal with these monuments. Therefore, I most vehemently protest against this Bill in its spirit as well as its letter.

SHRI MOHANRAJ KALINGARAYAR (Pollachi) : Does he mean to say that the does not want the State Government's participation in this ?

MR. N. K. P. SALVE : I welcome the State Government's participation but I certainly unwelcome completely a position which is going to interfere with the basic structure of a monument as such.

I was just coming to my next point. There are certain basic rules of archaeology. Fortunately for me and many other Members, I am a student of neither archaeology nor history and, therefore, I confine myself to commonsense. Going purely by commonsense, if a monument is of archaeological importance, I cannot understand where the necessity is of wanting to perpetuate the memory of a person

who has constructed such a monument. For instance, we have the Taj Mahal in Agra. Has Taj Mahal immortalised Shah Jehan and Mumtaz Mahal or is it the other way about? The royal couple remembered for Taj Mahal symbolises sublime human love. I would like to know from the author of this Bill what he would think if we started building the statue of Mumtaz Mahal or Shah Jehan near Taj because they were the people who were sought to be immortalised through this beautiful tomb or mausoleum. That has failed

I consider that each archaeological monument stands for a certain philosophy. Therefore, I agree with Mr. Naik when he says that our monuments are not the legacy of only Tamil Nadu or South India or the whole of India but it is the legacy of the entire humanity. Treating it as such, why is it considered that any State Legislature should be given authority to deal with—something which we consider so sacrosanct as the legacy of the entire human race? So, I would say that let us trust the Government of India to take care of it *via* this House.

As regards the actual performance, however, I have something to say. I have great respect for the Education Minister who has been an eminent educationist and I know that he is one person who has a tremendous aesthetic sense. If he really went round the country he would find that these monument are in a hopeless state of disrepair. We need to look after these monuments with a much greater care. We need to spend much more money after them because they are invaluable priceless possessions of the entire humanity. We are the trustees and custodians of these priceless possessions. Here I might narrate a very small instance which would give you an idea of what tremendous priceless legacy we have, of which we ourselves have no idea.

I happened once to lead one of the delegations, to a tiny island in the Mediterranean, Malta. The Maltese people

took us for sight-seeing because I asked them to take us to some of their ancient monuments. They said: 'we will take you to a cave but entry to that cave will cost three dollars'. The foreign exchange of three dollars was a little too much. But I said 'does not matter'. For myself and my wife, I paid six dollars, in addition for something for the bus travel to that place. We were taken there. When I entered, I saw two huge stones covered by another stone at the top. Then I said, 'All right: let us go to the cave'. The guide said, 'You are already in the cave'. Then I enquired: 'Was this cave meant for rats or for human beings'? As for the amount of six dollars, I saw it go down the drain' This is not a mere tell-tale. This is what happened.

We do not know what priceless treasures we have in these monuments, beautiful temples that we have in the south and elsewhere, the magnificent Ajanta and Ellora. What we have is something which does not exist anywhere else in the world in any country. But they are in a terrible state of disrepair.

Then the smugglers are making merry. They take it abroad and sell it not for a hundred thousand rupees but for a hundred thousand dollars.

SHRI MOHANRAJ KALINGARAYAR : It is priceless.

SHRI N. K. P. SALVE : It is priceless. But what are we doing about it?

I do hope the Mover of the Bill will withdraw the Bill and seek a assurance instead from the Minister that he will hereafter take much more tender care of these priceless treasures which are there in the country.

श्री एम० राम गोपाल रेड्डी (निजामाबाद) :

यह जो बिल श्री उसगनम्बी ने पेश किया है इसका मैं समर्थन करता हूँ। हमें इस विवाद में नहीं पड़ना

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चाहिये कि दक्षिण वाले भ्रमण हैं, तमिलनाडु वाले भ्रमण हैं। इस प्रकार की भावना इसके पीछे है भ्रमर यह कहा जाता है तो मैं समझता हूँ कि यह सही नहीं है। मेरा कहना इतना ही है कि बहुत से आर्कैओलोजिकल मानुमेंट्स खराब हो रहे हैं, बरबाद होते जा रहे हैं और सेंट्रल गवर्नमेंट की तरफ से उनकी ठीक प्रकार से निगरानी नहीं हो रही है। इस तरह की बहुत से मानुमेंट्स की दशा को देख कर दुःख हुए अगर नहीं रहा जा सकता है। मैंने कई लटर्ज इस तरह के मानुमेंट्स के बारे में लिखे हैं लेकिन कोई ध्यान नहीं दिया गया है। मैं समझता हूँ कि भ्रमर वे स्टेट के अधिकार में रहेंगे तो उनकी अच्छी तरह से देखभाल हो सकेगी। इस बिल का जो मंशा है वह यही है, ऐसा मुझे प्रतीत होता है। कितने ही मंदिर जूँकि उनकी देखभाल ठीक तरह से नहीं की गई है तबाह और बरबाद हो गए हैं। उनको देखने वाला कोई नहीं है। जो मंदिर प्रासपरस हैं वहाँ से पैसा जो चढ़ावे के रूप में आता है सरकार से कर सैक्युलर एक्टिविटीज में उसको खर्च कर रही है। जिस मजहब को मानने वाले चढ़ावा चढ़ाते हैं और जिस भावना से चढ़ाते हैं उसको उसी काम में खर्च किया जाना चाहिये, उस पैसे को उस रिलिजन के वास्ते, उस रिलिजन के मंदिरों की देखभाल के लिए क्यों नहीं खर्च किया जाता है। तिरुपति से करोड़ों रुपये की भ्रामदनी होती है। उसका बहुत बड़ा हिस्सा बकटेस्वरा यूनिवर्सिटी पर खर्च हो रहा है। मैं पूछना चाहता हूँ कि जिस मजहब के लोग उस पैसे को दे रहे हैं और जिस भावना से दे रहे हैं क्या उस पैसे को उसके अनुरूप खर्च किया जा रहा है? स्कूल बनाना, कालेज बनाना या यूनिवर्सिटी बनाना यह तो गवर्नमेंट का काम है, यह उस इंस्टीट्यूशन का काम नहीं होना चाहिये। उस रिलिजन का पैसा दूसरे रिलिजन पर खर्च नहीं होना चाहिये। जो उस रिलिजन के मानुमेंट्स हैं उनकी देखभाल पर, उनके रख रखाव पर, उनकी ठीक व्यवस्था पर आपको खर्च करना चाहिये। जब मैं प्रसेम्बली में था तब मैंने इसके बारे में सवाल भी किया था। बर्फ बॉर्ड का पैसा हो तो उसको अपने तौर से खर्च करने की इजाजत होनी चाहिये। क्यों सेंट्रल गवर्नमेंट सब पैसे को अपने कब्जे में करके रखती है? रिलिजन इंस्टीट्यूशन को भी भ्रमर गवर्नमेंट का एक डिपार्टमेंट बना कर आप रखना चाहते हैं तो यह आपकी बड़ी भारी भूल है।

[श्री एम राम गोपाल रैडी]

आज आप देखें किम किस तरह के लोगों को एवाइंट कर दिया जाता है। ऐसे लोगों को कर दिया जाता है जिनकी कोई सिफारिश होती है और जिन को आर्थोबोलोजी से कोई दिलचस्पी नहीं होती है। व आकर ऊपर बैठ जाते हैं। मैं समझता हूँ कि जो भी लोग आप इस काम के लिए रखें ऐसे रखें जिनको मंदिरों की बनावट, उसकी हिस्ट्री आदि की जानकारी हो, अच्छा ज्ञान हो। बहुत सी जगह देखा गया है कि आई० ए० एम० के अफसरों को एवाइंट करके आप इस काम के लिए भज रहे हैं। वह बेचारा रिलिजन के बारे में क्या जाने? क्या सरकार ने कभी किसी रिलिजस-माइंडिड आदमी को, जो महजब को अच्छी तरह जानता, है, किसी जगह नौकर रखा है? वह ऐसे लोगों को नहीं रखती है।

आरेबल मेम्बर का बिल बहुत सही है, लेकिन इस बारे में नार्थ और साउथ का सवाल उठाने की कोई जरूरत नहीं है। डी० एम० के० के एक मेम्बर ने पहली बार ईश्वर-भक्ति से प्रेरित होकर यह बिल पेश किया है, इस लिए मैं चाहता हूँ कि मंत्री महोदय या तो इस को कुबूल कर लें, या इस किस्म का और कोई बिल लायें।

श्री रामाबतार शास्त्री (पटना) : सभापति महोदय, इस विधेयक का समर्थन करते हुए मैं एक दो बातें कहना चाहता हूँ।

शिक्षा, समाज कल्याण तथा संस्कृति मंत्री (प्रो० एस० नुसल हसन) : समर्थन ?

श्री रामाबतार शास्त्री : इस बिल की जो भावना बताई गई है, उस का मैं समर्थन करता हूँ।

प्रो० एस० नुसल हसन : हीरेन बाबू इसका विरोध कर चुके हैं।

श्री रामाबतार शास्त्री : मैं इस की भावना का समर्थन कर रहा हूँ।

श्री मधु लिमये : प्राईवेट मेम्बरों के बिलों के संबंध में कोई पार्टी-लाइन नहीं होती है।

श्री रामाबतार शास्त्री : हमारे देश के एक कोने से दूसरे कोने तक, हिमालय से लेकर कन्या कुमारी तक, पुराने मानुमेंट्स भरे पड़े हैं, जिनकी रक्षा करना हमारा कर्तव्य है। लेकिन जिस रूप में और जिस नाम से वे मानुमेंट रहे हैं, उसी रूप में और उसी नाम से उनको कायम रखा जाये यह नहीं होना चाहिए कि उन को नई शकल या नया नाम दे दिया जाये। बिहार में राजगीर नालंदा, बोधगया, वशाली, मिथिला, कुम्हार आदि स्थानों पर बहुत प्राचीन मानुमेंट हैं। इसी तरह मनेर में एक मुस्लिम मानुमेंट बहुत प्राचीन है। इस लिए एक जमाने में उसको मनेर शरीफ कहा जाता था। इसके अनिग्रिकन महसराम में शेरशाह का मकबरा और बाबू कुंभर सिंह के जन्मस्थान है और पटना मिट्टी में गुरु गोविन्दसिंह का मन्दिर है। यू० पी० में मारनाथ और कुशीनगर हैं। ऐसे बहुत से नाम गिनाये जा सकते हैं। ये सब हमारी ऐतिहासिक धाती हैं, जिनकी रक्षा करना हम सब का कर्तव्य है। इन मानुमेंट्स से हमें अपने पुराने इतिहास का परिचय मिलता है, उस का अध्ययन करने में सहायता मिलती है। इस लिए उन की रिक्रोजन करने की तरफ सरकार का ध्यान जाना चाहिए, ताकि गलत लोग उनको लेकर धार्मिक भावनायें न उभार सकें और हमारे मुल्क की सेकुलरिज्म की नीति के खिलाफ काम न कर सकें। मैं इसी अर्थ में इस बिल के बारे में बोल रहा हूँ अगर इस का अर्थ कुछ और हो, तो वह इस बिल को पेश करने वाले माननीय सदस्य समझ, या उसका समर्थन करने वाले समझें।

दुर्भाग्य से इस काम को करने के लिए जो पुरातत्व विभाग, है, उस ने अपना उत्तरदायित्व ठीक तरह से नहीं निभाया है। मैं एक ही उदाहरण दूंगा। यह कई साल पहले की बात है। उस समय इस विभाग के जो मंत्री थे, मैंने उनकी एक पत्र भी लिखा था। मनेर शरीफ के प्राचीन मानुमेंट में एक सोने का गम्बूज था, जिस में कई पीढ़ सोना लगा हुआ था। एक रात को उस को चुरा लिया गया। इस बारे में पूरे बिहार में, और बिहार एसेम्बली में भी, हंगामा हुआ। मैंने मंत्री महोदय को चिट्ठी लिखी और

इस प्रश्न को लोक मञ्चा में भी उठाया। लेकिन उसका मुनासिब जवाब आज तक नहीं मिला है और सोना तो चला-ही गया उसका कहीं पता नहीं चला है। मालूम नहीं, उस को चोर ने गये, या वहाँ काम करने वाले ले गये। लेकिन उसका जो उपयोग हो सकता था, इस चोरी की वजह से वह नहीं हो सका। मैंने यह नमूना पेश किया है कि हमारे मानमेंट्स की डिफ़ाजिट किस तरह से की जाती है। मैं इस कान्ट्रो-वर्सों में नहीं पड़ना चाहता हूँ कि यह काम किसी एम्पलाई ने किया, या किसी ने करवाया। लेकिन तथ्य यह है कि न यहाँ की सरकार और न वहाँ की सरकार इस चोरी का पता लगा सकी है।

इस बात को लेकर वहाँ के लोगों के दिल में बड़ा असंतोष है। ख़ास तौर से यह माइना-रिटो कम्युनिटी का मामला है। उन में यह भावना बहुत जल्दी उभारी जाती है कि सरकार ने उनकी तरफ़ ध्यान नहीं दिया, जसे बहुत से मामलों में सरकार उन की तरफ़ ध्यान नहीं देती है। वह स्थान मेरे इलाके में है और मैं वहाँ जाना रहता हूँ।

राजगीर के बारे में मुझे कुछ नहीं कहना है। नागदा बहुत प्राचीन लनिन्स का केन्द्र रहा है। मंत्री महोदय जा कर देखें कि उस की हालत क्या है। मैंने ग्रन्थ ऐतिहासिक स्थलों और मानुमेंट्स की भी चर्चा की है, जिनकी तरफ़ मंत्री महोदय का ध्यान जाना चाहिए। यू० पी० के जिन मानुमेंट्स का मैंने जिक्र किया है, मंत्री महोदय को उनकी तरफ़ भी ध्यान देना चाहिए। पूरे हिन्दुस्तान में जितने भी पुराने मानमेंट्स हैं केवल मन्दिर और मस्जिद नहीं, मंत्री महोदय को उन सब की देख भाल और रक्षा की व्यवस्था करनी चाहिए। संकुलरिज्म की अपनी नीति को बरकरार रखते हुए हमें इन तमाम मानमेंट्स की डिफ़ाजिट करनी चाहिए, ताकि हम अपने इतिहास का ठीक तरह से अध्ययन कर सकें और हम लोगों को इस बारे में शिक्षित कर सकें कि हमारा भूतकाल कैसा रहा है, हमारा मूलक पहले कहाँ था, आज कहाँ जा रहा है और कहाँ जाना चाहिए। मेरी मंशा

यही है मेरा खयाल है कि मंत्री महोदय ने मेरी बात समझ ली होगी। उस का प्रयत्न वह जो चाहे समझ ल।

SHRI ARJUN SETHI (Bhadrak) : I am not in favour of this Bill, but I must appreciate the interest which the hon. Member has expressed through this Bill to preserve and maintain the ancient monuments of our Country. On this occasion I should like to draw the attention of the hon. Minister and his able Deputy to the fact that the State of Orissa is full of ancient temples and rare monuments, but unfortunately those priceless monuments and temples are in ruins due to poor maintenance. I must bring to his notice that in Konarak they have appointed some officers who do not know what a monument is. They are careless and they do not bother about this. They do not know how to preserve these monuments or what to do. They do not know what their duty is. I am told that a number of representations have been made against the Officer in charge of that museum, but, no action has been taken. I am not particularly against him or her. But, my plea is, when a person is put in-charge of an ancient monument or a temple, he should take care of that monument, for which he has been appointed or he has been paid for.

Some two to three months back, myself and my hon. friend Shri Banamali Patnaik visited the Konarak temple. When we went to the museum, we found that there was nobody except one chowkidar, who was loitering here and there. When we asked for some information in regard to the museum etc., he said, the chowkidar on duty, said 'we do not know when the Curator or the Officer will come'. This is the way in which, the famous museum, one of the most rare monuments in the country, is being looked after. This is the case not only with Konarak, but, in regard to other monuments like lingaraj temple at Bhubaneswar, Jagannath temple at Puri, etc. Similarly, there are various temples in Orissa. That is why, it is called the 'Land

[Shri Arjun Sethi]

of Temples', and due to inadequate maintenance and lack of proper protection, these rare temples in Orissa are in ruins and regularly, pilferages and thefts are taking place and many rare idols are being smuggled out of this country. So, I would request the hon. Minister to see to it that these priceless temples and priceless monuments, especially, in that part of the country, namely, Orissa are looked after. That is why, we have requested the Government at the Centre to create an Archaeological Circle, so that the Superintendent or the man in-charge of that Circle will be able to devote his full time in regard to the preservation of these monuments, in Orissa.

I would like to draw the attention of the hon. Minister to another matter, though it may be a petty one. Sometime ago, some guides were appointed in order to help the people who visit the temple at Konarak. But, they have now been retrenched. I do not know for what reasons. Now, nobody is there to guide the tourists, who visit this temple.

Lastly, I would request the Government and our Professor who is a lover of arts, architecture and monuments that he should create an Archaeological Circle in Orissa so as to preserve these temples in Orissa.

डा० गोबिन्द दास रिछारिया (झांसी) : सभापति जी, मैं आपका आभारी हूँ कि आप ने मुझे इस विषय पर अपने विचार प्रकट करने के लिए समय दिया। मैं इस जिले का समर्थन न करते हुए परन्तु इस की जो भावना है उस के अन्तर्गत माननीय मंत्री जी का ध्यान उत्तर प्रदेश के बन्देलखंड डिवीजन की तरफ आकर्षित करना चाहता हूँ। जैसा कि आपकी पता है उत्तर प्रदेश का यह एक ऐतिहासिक क्षेत्र है जिसकी एक सांस्कृतिक धाती है। यहाँ पर 1857 में महारानी लक्ष्मीबाई के नेतृत्व में अंग्रेजों के विरुद्ध युद्ध लड़ा गया था। आज भी वहाँ रानी झांसी का महल, उनका किला और उनका मंदिर दर्शनीय स्थान है। लेकिन ये सब बीरान भवस्था में पड़े हैं। मंत्री जी से कई बार निवेदन किया गया।

उनके वहाँ से उत्तर भी आया कि उस पर कार्रवाई की जा रही है लेकिन साल भर से अभी तक कोई कार्रवाई नहीं हुई। आप शीघ्र ही उसकी मरम्मत की व्यवस्था करें। महारानी झांसी का मंदिर उनका महल और किला देखने के लिए दूर दूर से लोग जाते हैं। उनकी आपने अपने कब्जे में तो ले लिया लेकिन उनकी स्थिति अभी कोई अच्छी नहीं है। ये दर्शनीय चीजे हैं।

इसी तरह में जन मन्दिर देवगढ़, सीरोन कला और पवादी में हैं। ये ऐसे मंदिर हैं जहाँ पर्यटकों की कटी हुई मूर्तियाँ बहुत बड़ी तादाद में पड़ी हैं जिन का देख कर विदेशी यात्री भी उनकी तारीफ करते हैं लेकिन उनकी रक्षा का कोई प्रबन्ध नहीं है। मूर्तियाँ चोरी चली जाती हैं, इस देश में नहीं बल्कि विदेश में। वहाँ आपकी संस्कृति जाकर बिकती है। आपका विभाग इस और ध्यान दे। इनकी रक्षा करने की आवश्यकता है।

इसी तरह से झांसी में प्रोचठा वरुण सागर और भी चार छः ऐसे स्थान हैं जिनके ऊपर आपकी विशेष ध्यान देने की आवश्यकता है। वे आपकी सम्पत्ति हैं, कला हैं, उन्हें सुरक्षित रखना आपका कर्तव्य है। उससे अपनी संस्कृति कायम रहेगी और बाहर के यात्री जो खजुराहो देखने जाते हैं वे भी इन तमाम चीजों को देखेंगे। इसलिए आप इन पर विशेष ध्यान दें। इसी तरह से महारानी लक्ष्मीबाई के पति गंगा घर राव का मंदिर है। उसको लूने की घोषणा तो आपने कर दी है लेकिन अभी तक उसकी मरम्मत का काम प्रारम्भ नहीं हुआ। उसकी भी आप कराएँ और उसकी सुरक्षा की व्यवस्था करें।

सभापति महोदय : इस विधेयक का समय पांच बच कर 33 मिनट तक है। उसके बाद श्री लिमये का विधेयक आ जायेगा। अगर सदन की राय हो तो इस विधेयक को 5-50 तक चलाया जाए और उसके बाद लिमये जी का विधेयक आए। फिर छः बजे से दूसरा काम चलेगा और लिमये जी का विधेयक अगली तारीख के लिए चला जाएगा।

मैं समझता हूँ कि सदन की राय है कि यह विधेयक 5-50 तक चले। श्रीमती सहोबराबाई राय (सागर) : यह जो जिले हैं यह जैसे तो समर्थन योग्य है लेकिन मैं प्रार्थना करती हूँ कि वह इसकी वापिस ले लें और मंत्री महोदय साथ समझकर इसके लिए कोई कानून लाएँ या वहाँ चल फिर कर देखें कि हमारे मन्दिरों की कैसी अवस्था है। कई मन्दिर बीरान पड़े हुए हैं, मस्जिदें पड़ी हैं, जो प्राचीन गिरी हैं, प्राचीन खड़ी हैं। कहीं शिवजी की मूर्ति पड़ी है, कहीं पार्वती जी की है। इन सबकी

मरम्मत की ओर वह कदम उठाएँ। उनको ठीक से बनवा देवें और वहाँ पुजारी बिठा देवें जिसमें उनका भजन पूजन हो सके। मैं अभी भ्रजन्ता गई थी, भ्रलोरा गई थी, नालन्दा गई थी। वहाँ पुरानी संस्कृति की बड़ी भ्रच्छी-भ्रच्छी गुफाएँ पड़ी हुई हैं लेकिन कुछ गिरती जा रही हैं, एक आध बनी हुई है। उनको अपने कब्जे में लेकर उनकी दुस्तो करायें जाएँ, उनको पानी से बचाया जाए और फिर से उन मन्दिरों में पुजारी रखे जाएँ। दक्षिण में बड़े-बड़े मन्दिर वीरान पड़े हैं, मूर्तियाँ चोरी चली जाती हैं। उनका कोई देखने वाला नहीं है। मैं तिरुपति भी गई थी वहाँ तीन लाख रुपये सालाना की आमदनी है। उस तीन लाख रुपये का महन्त क्या करने होंगे? वहाँ मैंने यह भी सुना कि पहले जो महन्त थे उन्होंने कोई देवदासी रख ली थी, उसके बाद उनका निकाला गया और दूसरे को रखा गया। इस रीति का उपयोग आप दूसरे धार्मिक स्थानों में लगा सकते हैं। बड़े-बड़े माधू मन्दिरों में जाकर पड़े रहते हैं, गांजा उड़ाते हैं, पैसा बरबाद करते हैं। इनका इन्तजाम होना चाहिये, सरकार की ओर से समय-मसय पर निरीक्षण होना चाहिये, देखभाल होनी चाहिये।

आज तो वह वक्त आ गया है—हमारे यहाँ मन्दिर और धर्मशालाएँ वीरान पड़ी रहती हैं। जानकीरमण के मन्दिर हैं, शंकर और हनुमान के मन्दिर हैं, दूसरे मन्दिर हैं, सब ऐसे ही पड़े रहते हैं, कोई पूजा करने नहीं जाता। छिनेमा हो तो सब पहुँच जाते हैं, लेकिन मन्दिरों में लोग नहीं जाते।

हमारे बुन्देलखण्ड के बारे में रिछारिया जी ने कहा—हमारे यहाँ खजुराहो के मन्दिर हैं, विदेशी लोग वहाँ हवाई जहाज से जाते हैं। उनको अच्छा बनाना चाहिये, उनकी उन्नति होनी चाहिये। हमारे यहाँ खंगार और गढ़ कुण्डाल के किने हैं, भ्रनकों देवी-देवताओं के मन्दिर हैं जो बेकार पड़े हैं। मन्दिर कोई भी हो, हिन्दू का हो, मुसलमान का हो, इसाई का हो सबकी समान रूप से देखभाल होनी चाहिये

श्री मूल चन्द धागा : इनके पास बजट कितना है, यह तो पूछो ?

श्रीमन्त सरोबराशई राय : मैं मिनिस्टर साहब से ही कह रही हूँ— उनको इनकी दृष्टाज्जत करनी चाहिये

इनको बनाना चाहिये। इस तरह से कन्याकुमारी तक जाइये, दक्षिण में भ्रनकों बड़े-बड़े मन्दिर हैं जो भ्रधूरे पड़े हैं, उन्हें देवताओं ने बनाया है, मनुष्यों ने नहीं बनाया है, जैसे सेतुबन्ध रामेश्वर का मन्दिर है, बट्टीनाथ का मन्दिर है, इनमें बहुत पत्निक जाती है, उनमें पैसा लगाइये। आप यहाँ के मालिक हैं, भ्रगर कुछ कर जायेंगे तो आपका नाम सोने के अक्षरों में लिखा जायगा। वक्त का कोई भरोसा नहीं है, कब चला जाये, आप कोई ऐसा काम करें जिससे आपका नामोनिशान कायम रहे।

THE MINISTER OF EDUCATION, SOCIAL WELFARE AND CULTURE (PROF. S. NURUL HASAN) : Sir, I would like to compliment the hon. Member for having brought a Bill, which has given to the Members of the House an opportunity to express themselves on the broader question of the work of the Archaeological Survey of India. The hon. Member has rendered my task very easy because in his very long speech, which he read out, there was very little on the Bill itself, and more on issues which were extraneous to the Bill itself. I am grateful to many hon. Members for having commented on two of the principles which are involved in this Bill. I would not like to take the time of the House by commenting a great deal on those two principles, because they have already been commented upon.

The first question is whether the appeal of a monument, which has been declared as a monument of national importance, lie only to the people of the State in which it is situated or whether the entire nation has to look upon it as its proud heritage. This point has been discussed by several of my hon. friends. All that I would say on behalf of the Government is that we fully subscribe to this view that these monuments are not monuments of which only the people of the State need be proud, the entire people of the country are proud of these and many of the monuments are looked upon as the heritage of the entire mankind. Therefore, this Bill brings in a concept which goes against this fundamental point. I would, therefore, urge on my

[Prof. S. Nurul Hassan.]

hon. friend to reconsider the stand that he has taken.

The second point which has been raised is, what is the best way of honouring those personalities which are connected with great monuments. This point has also been very ably discussed by many hon. members, and I find myself in entire agreement with these members that, to preserve the historicity of a monument is a greater tribute to those who constructed the monument than by attempting to put in something which is dateable to the present and not dateable to the time to which a monument belongs. Therefore, it is a broader and wider issue. It should be looked upon as a broader issue. It is a matter on which not only lay people, as was said by some hon. friends, have taken an absolutely correct stand but also historians and archaeologists of world repute have taken a very definite and a clear-cut stand. This is not a matter which should be treated as an issue of party. If my hon. friend wanted to pay a tribute to the leader of his party, at least I for one would like to say that I have great regard and respect for him. But I am afraid the issues are a little different. Can anything which is constructed today, which is conceived of, say in 1972 or 1973 or 1974, whatever may be the year, represent the authentic spirit of the period to which a monument belongs? Therefore, are we really showing our respect to those great personalities by interfering with something which they themselves have created? It is a part of our culture; those who have built a great temple have done it out of a sense of devotion; they have not done it in order to perpetuate their own memory. Otherwise, in the case of kings they could have easily had statues of themselves made and installed there. If they did something out of their faith in it, out of regard, it does not behave of us to interfere with their conception of the monument. If we want to honour some one, we can easily do so without interfering with that monument. The world is very wide, our country is very wide. If a State Government wishes

to honour the memory of a great Indian, it can always build monuments at other places, not necessarily within a monument whose historicity or whose aesthetic value is to be preserved.

A few points have been made by my hon. friend, Shri Limaye. Although they are not directly connected with the Bill, I would briefly refer to those. He has suggested that I should ask for an annual report on each of the monuments. I have already issued those instructions. He has also said that there are many smaller monuments which should be looked after by the State and the Constitution may be amended. I hope he has already seen entry 40 of the Concurrent List. The State Governments can do this, and I hope that they will be taking up the preservation and protection of those monuments. He has referred to Ahilole temple and Chalukyan temples in Bijapur District. These are already receiving our attention. We have acquired large areas around these ancient temples, and the work of repairs has already been undertaken.

Then, he has raised a point with which I find myself in full agreement that in matters like where a statue is to be permitted or not permitted should be decided by consulting expert opinion. The House will recall that there is a Central Advisory Board of Archaeology which is a body on which each State Government is represented. Certain number of universities are represented. This honourable House is represented; the other House is represented. A few distinguished archaeologists in their individual rights are represented.

There are two temples to which references were made. One is the Brahadeswara temple and the other is the temple in the Vellore Fort. The attitude adopted by the Archaeological Survey of India and the Central Government was based on the advice of the Central Advisory Board of Archaeology. In respect of the Brahadeswara temple, I went in February 1972 to Madras and there I had a discussion with my distinguished friend the Education Minister of Tamilnadu. I suggested to him that instead of this becoming a matter of

controversy between the State Government and the Central Government, why should we not ask a committee consisting of the superintending archaeologist of the Archaeological Survey in Madras, the Director of Archaeology of Tamil Nadu, and a distinguished professor of Archaeology and History, one who would be familiar with the history, etc. who could go into it and give a report as to where the statue should be placed. Actually the issue was not that the statue should not be placed. But the issue was where the statue was to be placed. But somehow this matter developed into a political controversy and I hope that my friend will try to use his good offices to see that in these matters political controversies are avoided and we respect the opinion given by experts.

My hon. friend Shri Ulaganambi has referred to Epigraphy. I think he is doing an injustice to the work that has been done with great distinction by the Epigraphical Branch and the Government Epigraphist, under him has two distinct branches, one branch dealing with South Indian inscriptions. For a long time this work has been going on and some of the work is really outstanding which has been done by the office of the Government Epigraphist.

He referred to the recommendations of the Wheeler Committee. I myself happen to be a member of that Committee. I know the importance of some of the recommendations. We are now trying to find funds so that many of those recommendations can be implemented. I am trying to deal with main points; I am sorry I am not able to deal with all individual points, within the time at my disposal. One point made was that these monuments should be looked after much better. I am in full agreement with the views which have been expressed and I might confess that I am not satisfied with the way we have been looking after the monuments or even offering protection to them. The reasons are well-known. The most important reason is inadequacy of funds. But this honourable House will recall that about two years ago about 2,000

monument attendants were appointed so that the security work could improve. During the last year the grants available to the Archaeological Survey of India have been increased considerably with the result that the work of special repairs has now been started on a fairly large scale. We hope that in the present year which has just commenced this work would improve even more, because, if the House pleases, the grants available to archaeological survey for doing this work are going to be enhanced even more.

Sir, we are conscious of the importance of preserving our national heritage and, it is for these reasons, that the amount has increased by several lakhs of rupees. I think that the plan and non-plan expenditure taken together, for erecting and for repairing, the grants would be Rs. 120 crores. This is a sizeable improvement on what the situation was about four or five years ago.

In view of this assurance that I am offering to the hon. House that Government is conscious of the fact that the work of preservation and of looking after the monument has to be taken up more seriously and the fact that we have already provided more funds and we are attempting to streamline the organisation, we hope that the care of the monuments would improve radically. So, I appeal to my hon. friend, Shri Ulaganambi to withdraw the Bill.

SHRI R. P. ULAGANAMBI : Sir, with due respect. I would offer one or two explanations within three or four minutes.

I am thankful to the Members who have participated in this debate as also to our hon. Minister for having taken pains to explain and answer the questions that have been raised by me and other Members.

The intention of my Bill is not any parochial view-points or it involves any political issue. If you go through my Bill with all seriousness you can easily understand the spirit behind this Bill. Our Minister had asked whether this is confined to my

[Shri R. P. Ulaganambi.]

State alone or the Bill is brought forward as a national issue for the country as a whole, I would like to say one thing. The Archaeological Department does not take any care to maintain and preserve the national monuments. Also, the purpose of my bringing forward this Bill is this. This is just to instal, erect, build or construct a suitable memorial in, or near, or in the vicinity of, a protected monument or a protected area to perpetuate the memory of the person, who was either the founder, or the builder or the originator of the idea for the installation, erection, building or construction of such a monument. I am not speaking as an individual belonging to D.M.K. Party. Irrespective of the fact whether one belongs to D.M.K. or A.D.M.K. or any other party, the purpose of this Bill is only for amending Section 20A to the Ancient Monuments and Archaeological Sites and Remains Act, 1958. My amendment to 20A(2) is as follows :—

“(2) The Memorial so installed, erected, constructed or built shall be such as not to have the effect of destroying, removing, injuring, defacing, imperilling or misusing the protected monument.”

That is the guarantee that is given in this Bill. It is not that any individual party or Member with vast majority of votes comes forward with this Bill for installing a statue. This reflects the aspiration of the people of the locality who want to instal or erect the statue. That should be considered. That is the spirit behind this Bill. It is not my intention to bring in any party issue or any individual's issue.

MR. CHAIRMAN : Those things are clearly mentioned in the Bill. Tell us whether you are willing to withdraw this Bill or not.

SHRI R. P. ULAGANAMBI : It is not unconstitutional as one hon. Member said. I only want an amendment to Section 20. If the Minister accepts this, then only he can bring forward an amendment to the Constitution. It is not unconstitutional. It is within the purview of the Constitution.

Prof. Mukerjee raised this issue—he is not here—and he also appreciated the maintenance of the Madurai temple. Also he appreciated the panoramic view of the Cape Comerin—Kanyakumari. Madurai temple is looked after by the State Government. That is why it is properly looked after a great struggle we got the limited permission to garden the open space around Vellore Fort. If any State Government comes forward and pass a resolution by majority to take over any temple or erect any statue then only the Bill seeks for your consideration.

MR. CHAIRMAN : Do you want to withdraw the Bill or not ?

SHRI R. P. ULAGANAMBI : I seek leave of the House to withdraw the Bill.

MR. CHAIRMAN : The question is :

“That leave be granted to Shri R. P. Ulaganambi to withdraw the Ancient Monuments and Archaeological Sites and Remains (Amendment) Bill, 1972.”

The motion was adopted.

SHRI R. P. ULAGANAMBI : I withdraw the Bill.

MOTHER'S LINEAGE BILL

17.50 hrs.

श्री मधु लिववे (बाका) I beg to move :

“That the Bill to provide for the right to trace one's lineage from the side of one's mother be taken into consideration.”

सभापति महोदय, आज सारा विश्व सन् क्रान्तियों की चपेट में है। यह सात क्रान्तियाँ कम अधिक मात्रा में दुनिया के विभिन्न देशों में चल रही हैं, और हमारा ऐसा देश जिसने इनमें से कुछ क्रान्तियों में अग्रगण्य की भी इस देश को तो इनके सभी पहलुओं पर बड़ी गम्भीरता से गौर करना चाहिये। इन सन् क्रान्तियों में एक क्रान्ति है प्राथिक समानता की, गरीबी और भ्रमरी के बीच में जो खाई है उसको मिटाने वाली।