

## NOTIFICATIONS UNDER ESSENTIAL COMMODITIES ACT

**The Deputy Minister of Agriculture (Shri M. V. Krishnappa):** I beg to lay on the Table, under Sub-section 68 of Section 3 of the Essential Commodities Act, 1955, a copy of each of the following Notifications:—

- (1) G.S.R. No. 358 dated the 10th May, 1958 making certain amendments to the Fertilizer (Control) Order, 1957.
- (2) G.S.R. No. 359 dated the 10th May, 1958.
- (3) G.S.R. No. 513 dated the 28th June, 1958.
- (4) G.S.R. No. 559 dated the 5th July, 1958
- (5) G.S.R. No. 560 dated the 5th July, 1958 [Placed in Library. See No. LT-771/58.]

12.19 hrs.

## CORRECTION OF ANSWER TO STARRED QUESTION NO. 1925

**The Deputy Minister of Railways (Shri Shah Nawaz Khan):** In answering a supplementary question asked by Shri Goray on 30th April, 1958 arising out of a Starred Question No. 1925 as to whether Government would make available to hon. Members the report of the Railway Workshop Reviewing Committee. I said I thought that the report was already in the library of the House. The position, however, is that the Government have decided to treat the report in question as a purely confidential departmental document and not to make it public. Therefore, no copy has been placed in the library.

12.20 hrs.

## BUSINESS ADVISORY COMMITTEE

## TWENTY-SIXTH REPORT

**The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha):** I beg to move:

"That this House agrees with the Twenty-sixth Report of the Business Advisory Committee presented to the House on the 11th August, 1958."

**Mr. Speaker:** The question is:

"That this House agrees with the Twenty-sixth Report of the Business Advisory Committee presented to the House on the 11th August, 1958."

The motion was adopted.

12-21 hrs.

## ANCIENT MONUMENTS AND ARCHAEOLOGICAL SITES AND REMAINS BILL—Contd.

**Mr. Speaker:** The House will now resume further discussion on the Ancient Monuments and Archaeological Sites and Remains Bill, 1958, as passed by Rajya Sabha. Out of four hours allotted to this Bill. 1 hour and 21 minutes have already been availed of and 2 hours and 39 minutes now remain. Shri D. C. Sharma may kindly continue his speech.

**Shri D. C. Sharma (Gurdaspur):** Sir, I was submitting yesterday that the punishments provided for destroying, removing, injuring, altering, defacing, imperilling or misusing a protected monument is not sufficiently deterrent. I feel that in the case of offences of a minor kind the punishment is more strict than in this case, whereas it should have been the other way round. Protected monuments are pieces of property which are of national importance not only for a year or for a generation or two, but they are the national heritage of the country. These are property which will last for many many years to come. It is, therefore, in the nature of an ancestral type of property. Yet, the punishment which has been provided is too lenient and too mild.

At the same time, the machinery that has been provided for the enforcement of this punishment is such as

cannot be easily available. I would also submit that in the case of social measures we find that the machinery of law and order comes into force very tardily. It is not coming with as much promptitude as it should. We have seen that in the case of so many pieces of legislation in the social sphere. Take, for instance, the Act which makes untouchability an offence. I would like to ask the House how many times the various provisions of the Act were called into play after we have enacted that measure. The number is very negligible. This is not my opinion alone. This is the opinion of the Commissioner for Scheduled Castes and Scheduled Tribes. He has been saying that in every report that has been placed on the Table of the House Therefore, I say that since this provision is not going to be made use of at all times and in all possible emergencies, it should have been made so strict that people would have been afraid of defacing a monument. But that has not been done. So I say that something should be done in this matter.

Again, I find that "protected monuments" have been looked upon as a piece of property. They have been put in the same category as lands, houses or anything else. The accent on the ownership of these protected monuments has been too heavy and too misplaced. I wish the Bill had laid emphasis more on the benevolent instincts of man, so far as protected monuments go, than on the acquisitive instincts of man. In this Bill everything has been done to make the acquisitive instincts more pronouncing and more clear than before.

I can understand the Government purchasing a piece of protected monument. But I cannot understand how and in what way the Government is going to take on lease a protected monument. I fail to understand that. A monument is a monument for all times to come. A monument is something which endures. I do not see the reason why we have to take a

monument on lease and then give it up after some time. It only means that the Government is not of the opinion that this monument is really of such importance. I am saying this because I find there is a provision for taking monuments on lease. Not only that. A provision is also made that this must last for three years and that the agreement may be terminated by both sides by giving three months' notice. This makes me feel that protected monuments are not being treated in the spirit in which they should be treated.

There are other points on which I would like to have enlightenment from the hon. Minister. As I said in the beginning, the Central Government is taking upon it a great deal of responsibility. Other forms of machinery for the protection of these monuments are going to be relegated to the background. The States may come into the picture or may not come. It is going to be the prime responsibility of the Central Government.

May I know how much money is being provided in the budget for these monuments now and how much enhancement we are going to have for the future for the objectives of this Bill? If the budget figure remains almost the same or is enhanced only in a slight measure, I am sure this Bill will practically remain an infructuous Bill. So I want to know whether the Government is going to make available additional funds for the implementation of the provisions of the Bill. If it is going to make those funds available, I want to know how much more money will be put in the budget under this heading. If there is no increase in the funds this Bill is going to be of a very farcical nature. It has asked for something for which it cannot provide. It is asking for things which it cannot afford to look after. This is a thing about which I want to be assured before this Bill is passed.

I would like to know from the hon. Minister what difference this Bill is

[Shri D. C. Sharma]

going to make, so far as the Archaeological Department is concerned. Some friends have been talking about the Historical Records Commission, National Archives and so on, and I think they are relevant. But I would like to know how far this Department is going to be strengthened in order to carry out the object of this Bill.

**Shri Ranga:** That is an important matter.

**Shri D. C. Sharma:** If it is going to be augmented in an imperfect manner, I think it is no use taking the time of the House for discussing this Bill. So, I would like to know what blue-prints the hon. Minister has got so far as the enlargement of the Department is concerned. What provisions is he going to make in the budget for making this department financially sound?

Sir, as I said in the beginning, I welcome this Bill. But, I feel, this Bill is not going to fulfil those objectives which are stated here. I would like therefore to have full assurance from the hon. Minister that the Bill when passed into an Act will fully serve the purposes which he has at heart and which he wants to put into effect.

**Shri Dasappa (Bangalore):** Mr. Speaker, Sir, I welcome the Bill that is before the House not because of my past experience with regard to the implementation of the main provisions of this Bill, but more because of the prospect it holds out and the hopes that it engenders. I do not want to traverse the whole Bill, but I agree with my hon. friend, Shri Sharma, in saying that unless the Government takes it sufficiently seriously to implement the wholesome provisions of this Bill, the mere placing of it on the statute book will not certainly have the desired results.

So far as the aims and objects of this Bill are concerned, we are all agreed that these ancient monuments and these archaeological sites and

buildings should be maintained as far as possible in as good a condition as possible and we must see to it that the purposes for which some of them are being used are really looked after carefully. My experience is not with reference to the monuments that are outside Mysore State and they are mostly confined to the State of Mysore. I would refer to three or four of them.

It is well known that Belur and Halebi are wonderful examples of Hoysala architecture. They are such that you do not find the like of them anywhere else in this country or elsewhere. They are a marvel to the State. How those dexterous and skillful hands have carved out such beautiful images from out of stone! It baffles the most modern technicians and engineers to-day. But when it comes to the question of their being looked after and preserved I am afraid, we have insulted those great genius prodigies who have carved out those monuments in exhibiting our gross neglect of those institutions. Recently some attempts have been made—it may be that hon. Members may be thinking that I am painting the picture a bit too thick, but I must acknowledge that there is an attempt made—to preserve these monuments. But they are wholly wanting in regard to the needs of those monuments. I am afraid, we are spending very, very little compared to the requirements of those institutions and the very experts have suggested far greater attention being paid to them than what is being paid now. I do not want to go into the details of these institutions.

Having referred to Belur and Halebi, I would also say that there is some co-ordination required between this department and the Department of Tourists, who have got to cater to the requirements and desires of the tourists, who come from other parts of this country and abroad. If you take that into consideration even there I think we lack a lot. Therefore I would suggest that this Ministry

should get into touch with the concerned Ministry and see that these places are not overgrown with thick lantana and other shrubberies and are quite presentable and neat.

The third institution which I would say is not less important is that famous Hyder and Tipu's Gumbaj in Scringapatam. I do not know whether the hon. Minister has seen it. If he has seen it he must have been impressed by the rather dull and dismal look it presents today! I remember the earlier days when the Government of Mysore when that had the charge of that institution used to look after it exceedingly well and it was a thing of beauty. Not only the place but the whole lay out and the garden and everything round-about was so scrupulously looked after that every little plant and every little path was so cheerfully looked after. But, today it is presenting an absolutely neglected look. It saddens my heart, because I have been there for more than 30 or 40 years to see that institution, that slightly its condition is deteriorating. There are so many aspects which need to be looked after.

There is a provision here that these institutions should serve the purpose they are intended to and not in any way be desecrated. I once went to an *urs* at this very place—the tomb of the great Hyder and Tipu and the mother of Tipu. A lot of my muslim friends were there—literally thousands—and what did we find on that day? Hundreds of batches sitting in different places and gambling heavily. I took courage into my hands and with some of my muslim friends tried to do as much chasing as possible, but in whole garden it was not possible. I am only bringing this to the attention of the hon. Minister to show what kind of a fall there has been from the ideals which our ancestors and predecessors had placed before themselves. So, it does require a lot more effort—a lot more serious effort—if we have got to fulfil the objects of this measure.

If it comes to a question of wages of those poor people, in this very Gumbaj of Hyder and Tipu it is simply shocking. It is miserable. Possibly, a man who was getting five or six rupees, maybe fifty or sixty years ago, is getting just the same amount, while in the case of all other services, there has been a fair rise—I do not say whether it has been quite reasonable but still there has been some rise. Here we find these people receiving meagre wages and asked to do work for not merely eight hours, but possibly all the 24 hours or at any rate for twelve hours from sunrise to sunset. These are matters which have got to be looked after. It is not enough if we declare it an ancient monument. It is an ancient monument and it is declared as such. There is no doubt about it. We do not derive any satisfaction merely by tabulating all these ancient monuments worth preserving, but we must justify the principle that we are following by our own action. I beseech the hon. Minister to pay some more heed to this institution than what has been paid all these years.

I do not want to take more time. I hope I have not encroached. I would also refer to that grand monolithic structure Sravanbelagola—Gomateswar temples, one of the grandest statues, possibly the like of which is not anywhere in the world. The history goes back to the days of Chandragupta when he went down south and settled there. Because of the ravages of time and weather, there is a kind of peeling off of the stones which gives rise to patches. Some attempt is being made to arrest this corrosive action of weather and time. But I think even greater attention is necessary and very much more scientific knowledge has to be brought to bear upon the problem that is facing us at Sravanbelagola where that grand statue is standing. Some attempts are being made. I do not deny that and let my hon. friend not carry away that impression.

**Shri Ranga:** The steps also have to be made.

**Shri Dasappa:** As I said there is some attempt being made to preserve the monument. While there is some attempt at Belur and at Sravana-belegola in regard to this image of Gomateswara, there is hardly any attention paid by the Government of India with regard to the Hyder and Tipu Gombaj. I hope they will do the needful.

**Mr. Speaker:** Pandit Thakur Das Bhargava. After him I shall call Shri Ranga, Shri Keshava and other hon. Members who want to speak on this.

**पंडित ठकुर दास भगवान् (हिंदूर):**  
जनाब स्पीकर साहब, इस बिल पर इस हाउस मे काफी बहस हो चुकी है। मैं इस सिलसिले मे एक कानूनी तुक्ता पेश करने के लिये धोड़ा सा बक्त लेना चाहता हूँ।

इस बिल के स्टेटमेंट आफ्र आक्सेक्यूटिव एंड रीजन्ड मे साफ तौर पर कांस्टीट्यूशन में दर्ज तीन एन्टीज का जिक्र किया गया है। यानी यूनियन लिस्ट की एन्टी ६७, स्टेट लिस्ट की एन्टी १२ और कनकरेन्ट लिस्ट की एन्टी ४०। एन्टी ६७ मे यह दिया गया 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.

जैसा कि आपको मालूम है, शूरु मे १९०४ के एक्ट के मात्रात कलेक्टर्ज को इस बात के बसी अस्तियारात हासिल थे कि वे किसी जगह को नैशनल इम्पार्टेन्स के भानुमेंट डिक्लेयर कर सकते थे। अब हमारा कांस्टीट्यूशन बना, तो पार्लियामेंट को यह अस्तियार दिया गया कि वह एक्ट

झीर हिस्टरिकल मानुमेंट्स, रिकार्ड्स और आरकेडोलॉजिकल साइट्स और रिमेन्ड को डिक्लेयर कर सकती है और उन्हें मुकर्तर कर सकती है। चुनावे मुझे याद है कि जब १९५१ मे इस के मूलात्मक एक बिल लाया गया, तो मुल्क के मुस्तलिफ़ प्राविसिज़ के मुस्तलिफ़ बेस्टर साहबान ने एक लम्बी चीज़ी चिस्ट पेश कर दी, जिस मे करीब पचास साठ नैशनल इम्पार्टेन्स की चीज़े थीं। उस बक्त यह महसूस किया गया कि इस बारे मे गवर्नमेंट आफ्र इंडिया के अस्तियारात ज्यादा बसी कर दिये जाने चाहिये और हर मर्टबा कोई कानून बनाने की ज़रूरत न हो, बल्कि एक नोटिफिकेशन जारी कर के नैशनल इम्पार्टेन्स की चीज़ डिक्लेयर कर दी जाय।

इसके बाद एन्टी १२ के मात्रात उन एन्कोर्ट एंड हिस्टरिकल मानुमेंट्स एंड रिकार्ड्स के मूलात्मक स्टेट गवर्नमेंट्स को अस्तियर दिया गया, जो कि उन जगहों और चीजों के ब्रन व यी, जिन को पार्लियामेंट ने नैशनल इम्पार्टेन्स की डिक्लेयर कर दिया हो या किसी कानून के मात्रात ऐसा बना दिया हो। एन्टी १२ के बारे मे मैंने कल श्री मुकर्जी, श्री गुहा और श्री डी० सी० शर्मा की तकरीरे सुनी, तो मैंने यह प्रहसास दृष्टि कि दर-प्रस्त इस हाउस मे और सारे मुल्क मे इस बात को बहुत ज़ोरों से महसूस किया जा रहा है कि जिन चीजों को गवर्नमेंट आफ्र इंडिया नैशनल इम्पार्टेन्स की डिक्लेयर न करे, उन के बारे मे स्टेट गवर्नमेंट डिक्लेरेशन करे और उन चीजों की पूरी तौर से हिफाजत हो और उन को हमेशा के लिये कायम रखा जाय। यह स्पाल और यह प्रहसास मे इस हाउस मे बहुत जबदंस्त तौर पर पाता हूँ। लेकिन जब मैं इस बिल की दफा २४ मे मह देखता हूँ कि स्टेट गवर्नमेंट्स पर एक तरह का एक्वायूमेंट—एक तरह की रेस्ट्रॉक्शन—लगा दिया गया है, तो मैं समझता हूँ कि यह कानून दुर्बल नहीं है।

इस के बाद जनावर यह भी मुलाहिजा फरमायें कि आरकेओलोजिकल साइट्स एड रिसर्च के बारे में गवर्नर्मेट आफ इडिया को अस्तियार है कि वह उन को नैशनल इम्पार्टेस की डिक्लेयर कर दे, लेकिन जिन को पार्लियर्मेट नैशनल इम्पार्टेस की डिक्लेयर न करे, उन को कनकरेन्ट लिस्ट में रखा गया है। इस के साफ मानी ये हैं कि स्टेट गवर्नर्मेट्स को भी इस सिलमिले म वही अस्तियारात है, जो कि गवर्नर्मेट आफ इडिया को हासिल है। जिन चीजों को नैशनल इम्पार्टेस की डिक्लेयर कर दिया जाय, उन के बारे में जो अस्तियारात गवर्नर्मेट आफ इडिया के पास हैं, वही अस्तियारात—उसी किस्म उमी नोएडल के अस्तियारात स्टेट गवर्नर्मेट्स को उन चीजों के बारे में हैं, जिन को नैशनल इम्पार्टेस की डिक्लेयर न किया गया हो। इस लिये उन अस्तियारात म किसी भी किस्म की रेस्ट्रिक्शन 'वौजिंग' नहीं हो सकती है।

The Minister of Scientific Research and Cultural Affairs (Shri Huzayyun Kabir) But not in respect of sites and remains Please compare the three

Pandit Thakur Das Bhargava am coming to that also

प्रगर, उन्हिस्टारिकल मानुषेस्स के लिये एक्सकेवेशन करनी पड़े जो कि एन्ड्री १२ में प्राप्त है, तो दफा २४ के मातहत स्टेट गवर्नर्मेट को मंटल गवर्नर्मेट की प्रीवियम एप्पलियाश लेनी, पहुँची और उन रूप्त आर डायरेक्टर्स पर अप्रल करना होगा, जो कि सैटल गवर्नर्मेट दे। शायद हमारे आनंदेशन, मिनिस्टर साहब की, यह कन्टेन्शन हो कि वे इस में प्राप्त नहीं हैं, लेकिन मैं नियायत अदब से अर्थ करने कीहों हूँ कि एक्सकेवेशन तो दोनों के लिये लाजिमी है। और एक्सकेवेशन नहीं। अहं जीसी मालूम किया जाए तो अप्रल है मैक्सीमिंम अल्टमून्ड की

कितनी इम्पार्टेस है, वह नैशनल इम्पार्टेस का है या उस की लोकल अहमियत है।

जहा तक आरकेओलोजिकल साइट्स और रिसर्च का ताल्लुक है, उस का जिक्र कनकरेन्ट लिस्ट में किया गया है। कांस्टीन्यूशन में यह दर्ज किया गया है कि किस बाड़ी को क्या अस्तियार है। मैं प्रबंध करना चाहना हूँ कि गवर्नर्मेट आफ इडिया को किसी किस्म का कोई अस्तियार नहीं है कि वह किसी तरह से लोकल गवर्नर्मेट—स्टेट गवर्नर्मेट—के हाथ बांधे या यह प्राविजन करे कि उस की प्रीवियस संरक्षण लेनी होती या कोई रूप्त या डायरेक्शन दे। प्रगर जनावेला कास्टीन्यूशन के आटिकल २५१ और २५४ को मुलाहिजा फरमायेंगे तो पायेंगे कि उस में माफ तौर पर दर्ज है—किंतु ऐसों निचुंशन दिलाई गई है—कि कनकरेन्ट लिस्ट के किसी सबजेक्ट के बारे में, यकर्नर्मेट आफ इडिया कानूनत रहनाती है और स्टेट गवर्नर्मेट भी नहाती है, तो उन दोनों कानूनों में यकर्नर्मेट सहस्र इडिया के यानी इस पालियामेट के कानून जो फौकिलत हासिल होती और प्रगर स्टेट यकर्नर्मेट को कोई कानून पालियामेट के कानून के इन कानिस्टट है, तो वह इमानेट होता, बायड होगा, वह दुस्त नहीं होता, और पालियामेट का कानून ठीक समझा जायगा। लेकिन दफा २४ के मातहत प्रगर गवर्नर्मेट आफ इडिया इस किस्म की रेस्ट्रिक्शन किसी स्टेट गवर्नर्मेट पर लगाती है, तो मैं उस की कास्टीन्यूशनल बैलिडिटी को डाइड की जिगाह में देखता हूँ। मेरी जाकित जिगाह में वह सिर्फ नामुनासिब ही नहीं है इसलिये कि 'वह स्टेट गवर्नर्मेट के सुवित्यारात को कम करती है, जिसके बाहर बेग भी है और उसकी इन्टरप्रेटेशन के सुवित्याक मी मुश्किलें पैदा होती है। वह दोनों इस 'तरह'

## [पंचिंत ठाकुर दास भागवत]

No State Government shall undertake or authorise any person to undertake any excavation or other like operation for archaeological purposes in any area which is not a protected area except with the previous approval of the Central Government and in accordance with such rules or directions, if any, as the Central Government may make or give in this behalf.

मैं नहीं जानता कि यह "अदर लाइक आपरेशन" क्या है। किसी भी कार्यालयी को आप "अदर लाइक आपरेशन" कह सकते हैं। मैं अब जर्ज करना चाहता हूं कि इस का दूसरा हिस्सा बिलकुल रिपगनेंट है। यह प्रोवाइड कर के कि सेंट्रल गवर्नमेंट के रूल्ज और डायरेक्शन्ज के बीतर स्टेट गवर्नमेंट काम नहीं कर सकती है, उस के हाथों को आंध देना कास्टीच्यूशन के अन्दर हरणिज हरणिज जायज़ नहीं है।

अभी तक हम एन्वेंट एंड हिस्टोरिकल मानुमेंट्स और आरकेमोलाजिकल साइट्स एंड रिमेन्ज और रिकार्ड्ज बरह ही देखते आए हैं, लेकिन इस बिल में एक नई चीज़ आई है, जिस का नाम है एन्टीकिटीज़। ये एन्टीकिटीज़ कोई रीयल प्रापर्टी नहीं हैं, एक तरह से मूवेबल प्रापर्टी हैं। उस की तारीफ़ इस तरह से की गई है —

"antiquity" includes—

(i) any coin, sculpture, manuscript, epigraph, or other work of art or craftsmanship,.....

(iii) any article, object or thing illustrative of science, art, crafts, literature, religion, customs, morals or politics in bygone ages,....

मैं समझता हूं कि हमारे मानरेवल मिनिस्टर साहब को उहर मालूम होगा कि जब

एक जगह खोदी जाती है और उस में से कायन्ज़ निकलते हैं, तो किर वहां लोगों को या स्टेट गवर्नमेंट को यह तबक्को होती है कि जिस जगह से कायन्ज़ निकले हैं, एन्टीकिटीज़ निकली हैं। वहां और भी एन्टीकिटीज़ जमीन के बावजूद में दबी पड़ी होंगी, और वे उस जगह को और खोदने का ल्याल करते हैं। लेकिन इस बिल के मुताबिक् पुरानी जगहों में एक्सकेवेशन सिवाये गवर्नमेंट प्राफ़ इंडिया की संकेशन के नहीं हो सकता है, उन रूल्ज के माने बिना नहीं हो सकता है, जो कि गवर्नमेंट प्राफ़ इंडिया बनाये। मैं अब जर्ज करना चाहता हूं कि जहां तक एन्टीकिटीज़ का सवाल है, इस बिल के अलकाज़ इतने बेग और बसी है कि इस में हरेक चीज़ आ सकती है। जहां तक बासी मैनेज़ का सवाल है, जो ला मिनिस्टर साहब लाये हैं, हर एक शर्स उस को पसन्द करेगा और मुदारकबाद पेश करेगा कि उन्होंने इस ला को पारमिंट एडेस्टल पर कायम कर दिया है। लेकिन मेरे सामने सब मे बड़ा सवाल यह है कि स्टेट गवर्नमेंट के हाथ इस तरह से क्यों बांध दिये जायें।

मैं मानरेवल मिनिस्टर साहब की तवज्ज्ञा दफा २६ की तरफ भी दिलाना चाहता हूं, जिस के मातहत सेंट्रल गवर्नमेंट प्रयत्ने अस्तियारात चाहे किसी माफिसर या अधिकारी को डेलीगेट कर दे। उस में लिखा है —

(a) such officer or authority subordinate to the Central Government, or

(b) such State Government or such officer or authority subordinate to the State Government,....

इतने बसी अस्तियारात हासिल किये गये हैं। मैं वह अब जर्ज करना चाहता हूं कि इस छोटी

सी बात के लिये स्टेट गवर्नरेंट की हाथ बोलने की रीबन्स समझने से मैं कांसिर हूँ। मैं समझता हूँ कि कांस्टीट्यूशन के भातहत स्टेट गवर्नरेंट को जो अस्थायात दिये गये हैं, उन को कम करना और कोई कानून नफिल कर के, जो कि उन के राइट्स और अधारिटीज से इनकानसिस्टेंट हो, उन की पावर्स को डेरेंगेट करना एक डाउटफुल युटिलिटी की चीज़ है। कोई अधारिटी लासूसन कोई कनकरेन्ट अधारिटी मुकर्र कर के उन की पावर्स को कम करना ठीक नहीं है और डाउटफुल कांस्टिट्यूटिव नेटिवी की चीज़ है। इसलिये मैं अज्ञ करना चाहता हूँ कि दफा २४ ऐसी है जिस का हमें बहुत सीब समझ कर देखना चाहिये और जब तक कि आनरेबल मिनिस्टर साहब हमारे इन लदशात को दूर न करे और इस के प्रन्दर कोई तरमीम करने को राजी न हों, तब तक हमें देखना चाहिये कि हम कोई ऐसा फैल न करे जिस की कांस्टिट्यूशनैनिटी भोपन दु स्वेच्छन हो।

इन अल्काज के साथ मैं बाकी भेजर को स्पोर्ट करता हूँ।

**Mr. Speaker:** I would like to know from hon. Members how we may divide the time between general discussion and clause by clause consideration. Two hours and odd we spent the other day. Two hours and 30 minutes are left today. We started at 12-20. We will take it that we must conclude discussion and all stages by 3 o'clock. There are a number of amendments that have tabled. Shall we devote an hour for them? One hour is more than enough. In that case, by 2 o'clock, we will finish general discussion. There are a number of hon. Members who would like to participate in the discussion. Hon. Members would, therefore, be brief.

**Shri Humayun Kabir:** I would like to have half an hour for my reply. I was very brief in my opening

speech. Many points have been raised.

**Mr. Speaker:** He wants me to call him at 1-30 or round about that.

**Shri Ranga:** Mr. Speaker, it is evident that we are all in favour of this Bill. The only thing is that we would like many more things to be done. So far as the Bill goes, I am in agreement with the remarks and suggestions made by my hon. friend Shri A. C. Guha yesterday that the 100 year period ought not to be insisted upon, and secondly that the Bill should be made to apply to Jammu and Kashmir also. When this territory is mentioned, my mind hovers round the historical remains, given the combined name of Martand Temple. It is in ruins. When one goes there and sees it, he begins to think of the past ages when the Indian culture was so dominant in that area.

**Mr. Speaker:** It was built by the Pandavas

**Shri Ranga:** Yes I would like that this opportunity should be taken by my hon friend the Minister to accept the amendment suggested and see....

**Shri Humayun Kabir:** For Martand, that amendment is not necessary.

**Shri Ranga:** Why?

**Shri Humayun Kabir:** Already it will be looked after by us.

**Shri Ranga:** But, there must be many other remains like that. I see no reason why that amendment should not be accepted.

**Shri Humayun Kabir:** I will explain. That is an entirely different thing.

**Shri Ranga:** In addition to the great men whose names were mentioned yesterday belonging to Bengal, there are similar great men of recent past, of 100 years or 75 years, belonging to different parts of the country, whose birth places or places where they had lived when they were dying or where they died, ought to be treated as places of pilgrimage, and produced by the Government. There were three

[Shri Ranga]

great men who died not so long ago, but, at the same time, whose places have become really very sacred in the minds of the Andhras. One is the great Veerasingam who was as great for Andhra Pradesh as Iswar Chandra Vidyasagar was for Bengal. The second is Shri Potti Sri Ramulu, who made it clear to the whole world that although Mahatma Gandhi died, Gandhism in its dynamic form can be practised and was practised. He died in a house belonging to some other friend and situated in the Madras city. It ought not to be left to a few private individuals to try to collect money, acquire the house and preserve it for the nation. Similarly, there was Desa Bandhu Konda Venkatappayya, one of our great leaders who was known to all those of us who had taken part in our national struggle. These places and the very important things which belonged to such great men, it does not matter from which part of India they hailed, we ought to try our best to preserve.

It grieved me very much when I went to Pakistan some time ago to find in what a grievous and deplorable condition the famous Lajpat Rai Hall and Lajpat Rai Bhavan are to be found now. So little is being done by that Government. I would like our Government to explore ways and means of how we could preserve them in very good condition so that that may be an example to them and a source of inspiration to those who are there already in Pakistan and also those of us from our part of the country who would like to go and see those places and think of the very great patriot.

There are a number of places in Andhra Pradesh itself which ought to be preserved properly and which are not being preserved today satisfactorily. Some years ago, I took up that matter so far as Battiprolu was concerned. After great difficulty, the then Government simply marked out that particular place and said that it was a protected monument. They did not do anything further. I would like

the Government to take into consideration that they should not only be interested merely in marking out a particular place and calling it a protected monument, but they should acquire some of the relics and antiquities and monuments which may be found in the neighbourhood, bring them over to that place and place them in such a way that when anybody goes there, he will be able to get a proper picture of the place, its history and its past glory. There are three famous places. There is one great Buddhist monument at Gholi, in Srikakulam district. It is very famous place. Not far from it, only about a mile away, there are some beautiful statues. There is an Ardhanareeswar. There is another with two faces. In front there is Kali which is very dear to our friends from Bengal. On the other side, there is Ardhanareeswar. It is a very rare thing. This is kept one mile away. When one goes to Gholi, he does not know that there is such a thing as this there. I would like these to be brought together.

Similarly, whenever any particular important antiquity is taken away from a particular place, there should be left there at least a kind of plaque to indicate that such and such a thing was found here and it has been taken to a near by museum or some other monument. Any one who wishes to know anything about it may go there. At the same time, it would be a source of inspiration to the people of that place to know that such and such a thing had been found in their own place. That would apply to a place called Chevabrovu in Guntur district where a number of Buddhist remains were found. The District Collector was taken over there and he took quite a number of them to Guntur to be kept there in the museum. In such cases it is necessary that a kind of plaque has to be kept in that place, because it would be of interest to the local people and also of information to others who would like to make some enquiries about these things.

13 hrs.

My hon. friend Shri Dasappa was mentioning of Sravanabelgola. I began to think of another place, the name of which I forgot also where an equally great statue is to be found—also in Mysore State. Both of them are unique examples of these monoliths. I have not seen the like of it anywhere in the world.

**Shri Achar** (Mangalore): There are three.

**Shri Ranga:** So much the better. These two I have seen myself. I had the great privilege of seeing them. Whether you like to worship them or not, as pieces of architecture they are unique anywhere in the world. I have seen the huge statue of Stalin on the Don-Volga canal and it is nothing when compared to our Sravanabelgola statue. Stalin's statue was constructed only fifteen or twenty years ago, whereas ours was constructed some eleven hundred years ago. It would indeed be a source of inspiration to students all over India to be taken over there and to be given the privilege of seeing it. But the difficulty is to get on to the top of the hill. It nearly breaks ones back. I would like something to be done to improve the steps.

**Shri Humayun Kabir:** Students will have no difficulty.

**Shri Ranga:** Therefore something has to be done in that direction. I do not know much about the preservation or chemical side of it, but I presume there must be some chemists associated with the arrangements. While I am on this point I would like to give one warning to Government. It seems there is a proposal before them to transfer the Office of the Assistant Chemist from somewhere in Deccan all the way to Dehra Dun. I do not know who has given them this great inspiration. I would like them to desist from this.

There is another place called Humpi where we have got a great lion image of Narasimha. It is one of the biggest statues. I dare say many of my hon.

friends would have already seen it. It is a piece of architecture worth seeing. Why was it constructed in those days? Why was it erected up there as a kind of example to the people? It is worth pondering over these matters. They were times when our people became too much of Gandhians; they did not know how to protect their States and there came the invaders from outside. Some new spirit of self-defence or national resistance had to be created and inculcated in the mind of the people. Therefore this cult of Narasimha was thought of once again and that tremendous statue was built there. It is going to pieces now; it is exposed to the sun and something has got to be done.

Similarly, there is another place. At Warangal there is the lovely head of a statue. The statue has gone, but the head is there. It is a beautiful piece. Whom it is considered to represent, I do not know. If it is a real representation of a man who was alive at that time, possibly it was Ganapathi Deva. He must have been not only a strong man, but a very handsome person, a specimen of beauty. Any poet would have had a look at that statue before describing a handsome man. That statue is lying there on the floor. Hundreds of other things are there in a state of pell-mell. How many more beautiful pieces there are we do not know, for so little is being done. I am glad the Prime Minister is coming in just now. He is interested in history and the hon. Minister is also interested in history. Why is that we are starving the Archaeological Department of funds? Why do we not place sufficient funds at their disposal? We have got crores and crores of rupees to be wasted by the Public Works Department. Why do we not place a few more lakhs of rupees at the disposal of this Department so that they can embellish the remains of our past history, so that our young people might be able to draw inspiration from these great antiquities and relics of archaeological finds.

[Shri Ranga]

Then there are these Warangal gates. I have no idea as to how many have seen them. But anybody who has seen them will be struck by their artistic beauty, and what is more the imaginative capacity of those architects who had constructed them. They were all carved out of black granite. You know how difficult it is to do carving in black granite. On red sandstone you can carve anything; on marbles you can carve anything, but it is a difficult job to do on black granite and yet they have done it with exquisite beauty. Although it is many centuries since they have been erected there, they look as if they were made only ten or fifteen years ago. Since they are heavy, one of them is leaning. I wrote about it to the Ministry and they said there is no danger of these things falling. Possibly there is no danger. But they ought to be provided with a kind of background—it is not enough if you keep these things there—so that when one goes there, one can get an idea of what must have been the glory of the past. What is the use of anybody going there and seeing these big things standing and getting frightened that they may fall on them. I would, therefore, like Government in this Ministry to think about it from that point of view and see that a certain amount of money is spent and an atmosphere is created, so that when our young people go there they would get some idea of the historical background of these works of art.

I have very many more things to say, but this is not the occasion for it. I am glad that tourism has come in. It has made our Government a little conscious of the money side of these great antiquities. I would like the Ministry in charge of tourism to place some funds at the disposal of the Archaeological Department, so that they can make these places more attractive than they are today.

Shri Keshava (Bangalore City): I also rise to record my response anticipated by the hon. Minister while moving the motion for consideration of

this Bill. There is no doubt that India has some of the best archaeological pieces in the world and some legislation in this regard was long overdue. It is not that we did not have any legislative measure. We had already three enactments, as was already pointed out by him and the implementation of these Acts necessitated the promulgation of this Bill in the interest of the preservation of the historical monuments, the priceless monuments of our country. I therefore welcome this Bill.

This is an attempt at consolidation of the several laws that are on our statute-book and it also clarifies the confusion created by overlapping jurisdiction in regard to monuments declared national and those not so declared. An additional feature of this Bill is that it provides for securing the records and archival findings in the possession of private persons. On all these grounds I welcome this Bill.

We have no written history in our country. What little history we have appears to be shrouded in the prejudiced records left by the alien rulers of our country. The archaeological findings of our country are, no doubt, seriously suffering from decay and deterioration through neglect and aging, and a proper care and preservation of these historical and national findings is a long-felt need, and therefore this effective and early salvaging and rehabilitation is really very desirable. This Bill, I have no doubt, is a good step in the right direction.

One feature of this Bill very much appeals to me, and that is, as I have already suggested, the provision to secure and safeguard the records and archival findings of national importance by way of compulsory purchase also if necessary on payment of compensation from the owners. I have a few suggestions to make in this regard to our Minister for whatever he deems they are worth.

No doubt we must protect and preserve these records of cultural value and they are priceless and of great

historical value too, but this attempt on our part for a compulsory purchase of these from the private owners is likely to dissuade those who may have valuable records in their possession from making them known to the general public; unless some inducement is offered, the owners will not come out with the information that they are in possession of these valuable and priceless findings. We have not yet cultivated a universal national outlook in our country and therefore it is better that some inducement is offered, and that I suggest would be by the Government making it known to the public that it is interested in, and prepared to purchase, the very valuable documents and other findings from private owners at reasonable prices. This must be made known. We should also provide, if possible, the supply of a true photostat copy of these records and other things to the private owners who have possession of these records which have been declared to be of national importance. Unless we are prepared to give these reliefs, I feel that it is very difficult to enlarge our activities connected with research in the whole of our country. It may even harm that kind of activity in our country.

I am rather doubtful if our Minister is certain that written records also come within the purview of this Bill. Perhaps we may be in a position to interpret them under the words "manuscript" and "literature" in clause 2(b) (i) and (iii). Anyway, I would like to suggest that the specific words "written record" also could be inserted in a suitable place in the clause on definitions.

Our country is very vast and research activity has got to be spread all over the country. In the circumstances, it is very desirable that we should have these units of national archives distributed all over the country besides having it only in New Delhi. The original records also could be distributed to these units on a proper basis.

13.15 hrs.

[PANDIT THAKUR DAS BHARGAVA in the Chair]

Also, we should be able to keep one copy of each record in every unit. The creation of these units is absolutely essential considering the fact that we are a very vast country and we should facilitate research activity all over, and unless we are also not conscious of the supreme necessity of preserving the records even in times of calamity, we shall not disregard this suggestion.

Now a word about the highly objectionable feature of concentration. I am one of those who feel that we are, of late, having too much concentration of power. It looks as though, in spite of the fact that we are a federal institution, the administration is almost on the point of being run on a unitary basis. Whatever it is, even in this Bill I see a sort of tendency to concentrate the powers at the Centre. The powers of the Collector—the man on the spot who can use his discretion and give the necessary instructions in a more fruitful and effective manner—are being now removed and placed in the hands of the Director-General located in Delhi. This is, if I may be permitted to say so, a rather retrograde step. I would rather have decentralisation of the administration. It is high time we begin that in all aspects of our administration, and particularly we should not increase centralisation any more. Even on that ground I would like to ask the hon. Minister if he cannot do away with this centralisation.

Regarding access to these records and other findings at least to scholars and research workers, as pointed out by my hon. friend Shri H. N. Mukerjee, I would deem it very objectionable and record my vehement protest against it if access is refused, even to people of this type, of the records prior to 1918 on some ground or other, on the ground perhaps that it led to terroristic activity. We are not bothered about those activities. I do not think there is any fear at all

[**Shri Keshava]**

of terrorism in us. The Government has been sufficiently stable. Therefore, we should not on any account refuse access to these records at least to the research workers and great scholars.

I would like to know the reasons why special exemption of particular clauses has been made in clause 1 of the Bill so far as Jammu and Kashmir is concerned. I think that could have been easily avoided if only a little more trouble had been taken by the Ministry. I would like it if even at this stage the State could be consulted and we could avoid the special exemption of clauses 22, 24, 25 and 26 given in clause 1(2). They are very effective clauses and I do not see why we should exempt application of these clauses in respect of Jammu and Kashmir. I do not want to reiterate what has been already urged on the floor of the House in this connection. There has been sufficient integration of Kashmir, and I do not see why we should pursue this line and not avoid making any such exemptions.

**Shri D. C. Sharma** was pleased to mention something about the exchange of historical records and monuments from Punjab which are now located in Lahore. It takes me at once to the facts in our recent experience, so far as exchange of matters relating to the borders between India and Pakistan is concerned. I would like that we should beware of the unilateral activities of our friends in Pakistan, so far as these matters are concerned. On no account should we make ourselves again responsible in any manner for a singular contingency. What has happened in the matter of borders may repeat itself in this most ineffective sphere of historical findings and archaeological remains.

Coming to my own State, I would bring to the notice of the Minister that in one of my visits to the community development project in Hosnagar taluk, I happened to come across a monument of national importance, namely the temple of Lakshminarasimha belonging to the Chola dynasty period. I found that there was

absolutely no access provided for this temple, and the road was absolutely unsatisfactory; and I am told that no attention whatsoever has been devoted to this matter. If the Department at the Centre is not interested in doing it, at least it can bring to bear some pressure on the State Government and somehow see that easy access is provided to this temple.

I would also take this opportunity of bringing to the notice of the Minister the historical monuments in Melkote. Melkote is a place that was founded by the revered Ramanuja, the great spiritual teacher who hailed from the south. In fact, he lived there and constructed a temple. That is a great monument worthy of being declared as of national importance, and so has it been declared. But, unfortunately, we find—and when our Speaker was pleased to visit Melkote recently, a representation was also made to him that the arrangements, and the provisions made under this enactment for maintaining the temple and looking after the necessary needs there are absolutely inadequate. At this rate, it looks as though we would allow ourselves again to the complaint of allowing these monuments to deteriorate, in spite of the fact that they come under the jurisdiction of this enactment. I hope that this temple at Melkote and also the Sringeri temple will be paid some attention, and the shortcomings will be made good in proper justification of the fact that they have been declared as of national importance.

With these words, I have no hesitation in heartily welcoming the Bill before this House.

**Mr. Chairman:** **Shri C. R. Pattabhi Raman.** I have to call the Minister at 1.30 P.M. So, the hon. Member may take as brief a time as possible.

**Shri C. R. Pattabhi Raman (Kumbakonam):** I shall try. That means that I would get only five minutes. I hope you will be pleased to give me a few more minutes after that.

**Mr. Chairman:** He may take ten minutes or so.

**Shri C. R. Pattabhi Ramam:** I shall try to be as brief as possible.

I am very happy that a comprehensive legislation is on the tapis of this House after having gone through its various stages in the Rajya Sabha. I am very happy also that one of the finest products of Hindu-Muslim culture, a very cultured man, is in charge of the Ministry. I have no doubt that with his usual drive and dynamism, he will give the ancient monuments administration a new look which it very badly needs. When we have a Bill of this nature, I feel that it always falls short of the mark for the simple reason that the administration is poor. We must have properly qualified persons to administer all the matters. What has happened in Egypt? We have Egyptologists who have studied all about the pyramids and tombs who have known about the various Pharaohs, who have the requisite knowledge etc. to administer it. I am not saying thereby that even the mason in charge of an ancient monument should be well-read. But, certainly, there must be a certain amount of knowledge and reverence, so far as the approach is concerned. People must be equipped with some sort of knowledge when they deal with ancient monuments, whether Hindu, Muslim, Parsi or Buddhist. These are my prefatory remarks which I am permitting myself to make when I am referring to this matter.

What happens is that we have the various Hindu Religious Endowment Acts in the various States, and it is just possible that we may have a man in charge of a temple, who may have no faith at all in the temple rituals or the puja, or who may even scoff at those things. But when the Union Government are taking up a matter like this, they must see to it that the people in charge of the administration of ancient monuments protection are well qualified and have the proper approach. They must also see to it and that they have a regular service, so far as the protection of ancient monuments is concerned. There must be graduates, and there must be

various cadres, beginning from the top. Here, I must strike a note of dissent from my learned friend Shri Keshava

I personally think that this is one matter where we must have centralisation. The Government here must have all the strings in their hands. They must have the entire landscape before them when they start administering temples and ancient monuments.

I wish to refer to the provision in regard to Kashmir. It is a pity that Kashmir is sought to be excluded. In the very next Bill that we are going to consider, namely the All India Services (Amendment) Bill, we are going to take off the words 'excluding Kashmir'. I have been the chairman of some Select Committees, and I can tell you that the rule today is not to exclude Kashmir. Why should you exclude Kashmir here? Can the State afford to look after the Martand ruins? In the old days, you could see the movement of the sun marked on the beautiful stone pillars but it is now in ruins. Of course, it is not the fault of the present Government of Kashmir, but anyhow, there was vandalism, and the Martand is now in ruins. How can the State look after a magnificent ruin like the Martand ruins, unless the Union Government step in and take it over? The State Government are not rich enough. They have got enough problems in their hands, and it is high time that we include Kashmir also, so that the beautiful monuments like the Martand temple will come under the purview of the Union Government.

There must also be proper budgeting so far as the ancient monuments are concerned. Here, I would to quote from The Statesman one small sentence. It has already been quoted in the other House. A great archaeologist, a man who knew what he was talking about, says that he went to Kailasanath temple at Kancheepuram. I am going to refer to it in some detail later, with your leave. He says:

[Shri C. R. Pattabhi Ramam]

"Even in South India, ugly pavements, partly of cement concrete, partly of stone, have been inflicted in the 8th century B.C."

He forgot to put the words B. C. It was pre-Buddhistic era. That is precisely what has happened in the Kailasnath temple at Kancheepuram. There, you have got the wonderful phenomenon of rock disintegrating. In that temple, you find magnificent figures of old granite, which have now become so old that they are just becoming sand. It is the reverse process. River sand gradually becomes rock or coal or whatever it is, geologically speaking. Now, it is the reverse in practice, so far as the Kailasnath temple is concerned. And it is open to the weather all the time. You must protect it. The main gopuram has fallen; the prakaaras are also open to the sun and the rain. It is high time that you protected them, because even now you find that it is not because of Muslim conquerors breaking the nose but purely on account of disintegration, that the figures are just collapsing. It is high time that you budgeted for this. You must have proper protection of these magnificent monuments.

Coming to my own constituency, in Tanjore we have got the magnificent Brahadiswarar temple, where the President has been only two days ago. There I saw with my own eyes the canopy. I am not criticising the people there. They are doing very bravely; with their equipment, they are doing their best. After all, when you see a big crack in a temple, you try to do something. I am sure the Minister must have seen in France Notre Dame. When there is a crack, you know that a special mixture of cement has to be pumped at high pressure into the crack, and then it is closed up. The outward closing is done so well by skilled sifpis and others that one cannot find any difference between the old and the new. While the

crack has to be filled, while the foundation has to be protected, your work needs expertise. It means properly qualified persons, not the PWD man. He is only concerned with hours of work and cement and he will give you accounts. Such people are wholly unfitted for that sort of job.

You go to Sanchi. What have the PWD done there. Look at the outrage that has been done by the repairs departmentally or otherwise. For this work, you must have fully qualified archaeologist students, perhaps BAs and MAs, history men who are also otherwise well qualified. They should be on the spot all the time supervising. The man who is supervising cannot just tell the Mistry, 'You do it' and go away. The Mistry will do just what is required of him, namely, properly plaster. He will even plaster two hands and cover it up. That is not the way of attending to this work. I am sure the Minister will bear this in mind.

When I say this, I say it with some feeling. There is a temple in Dara-suram very near Kumbhakonam. What has happened to it? The temple has fallen. The approach to it is covered with weeds. You cannot even go near it. Once you go to the Prakarams, you find that many pillars have fallen down. On top of it all—I am going to refer to it—is the vandalism that is perpetrated. We have had old vandalism. We have had the vandalism of Somnath and so many other places. Go to Hampi. It makes one's heart bleed. Even in Hampi, what is happening? The roads are not properly laid. The Narasimha vigraham in Hampi is all overgrown with plants. I do not know what is the position today. I am sure under the hon. Minister's able guidance, the matter would have been attended to already. If not, here is a matter which he has to attend to.

I am glad that reference was made to Ardhanariswara and other vigras. Even today in the Gopuram walls, plants are growing in between

niche and interstices. Acid can easily be put and the plants removed and the space covered with plaster. All this cannot be done by the States. They have no money. It is for the Centre to do it. We must have proper budgeting for it. Let the Government arm themselves not only with powers but with a lot of money, because after all, without these ancient *Gopurams* and ancient temples, there is very little that is Indian left to be shown to the world, and the world clamours for something Indian. In my humble opinion, the Indian alone is going to save the world, I mean our outlook, not only the mere temples and the ritual and arts aspect of it, but what the temples stand for. I have no doubt that the Minister will have that also in mind.

So far as acquiring of ancient monuments is concerned, there too Government can take upon themselves all the necessary powers, and they should do so soon. What has happened is that rich people get round the *poojaris* or trustees of temples and instal a nice *Nataraja vigraham*, which was in the temple for about a thousand years, in their drawing room. They acquire the same. The man will say to others: 'I have got a very fine piece. It is of 5th century B.C., not a *mooli*'. In the olden days, if some *vigraham* is broken, we discarded it. Not those *moolies*, but proper *vigrahams* have been brought to many houses. The *vigraham* is put in the house where the man flicks a cigar—thank God he does not do it in *Nataraja*'s hands—or puts his cocktail glass there. It is humiliating; it makes your blood boil. With a little effort on the part of Government, they can acquire these pieces of art, these magnificent pieces which are in private houses adorning drawing rooms. A *Nataraja* or *Devi* is put there along with cocktail glasses, whisky glasses and other things. It is time Government armed themselves with the power to acquire them.

Modern vandalism is worse than the old vandalism. A rich man may say: 'You must come to my house. I have got 8 *Natarajas* and 16 *Devis*'—as though they are just pieces to be shown that way. With all that, he pretends to be a good Hindu. He rings the bell in the morning to satisfy his conscience. But he is doing a great disservice to our religion.

These are the pieces that Government can acquire. Government can also acquire writings in 'cadjan leaves' and other ancient writings. Our *Ramayana* is still in 'cadjan leaves' in many houses. I am not saying that you must take away those which are used for *pooja* purposes, but you can get copies made. Many of them will be willingly given. Government can acquire them. Many of these 'cadjan leaves' are falling apart. As you know very well, the chemist plays a very important part in the preservation of ancient monuments. I am sure Government will have a number of chemists in their team. If they have not, the gap must be filled. They must have a number of chemists to assist them in the preservation of these 'cadjan leaves' or for that matter, paintings.

I am glad I am able to agree with my hon. friend, Shri Keshava, as regards the decentralisation of the monuments though I differ from him as regards the other point. Government must not concentrate these monuments in the same place. Just see what Napolean did in the olden days. If he were alive today, he would have been treated as a brigand or murderer. History was on his side in those days. But there is no room for a Napolean today. You cannot, so to say, bring everything to Paris or Rome. These monuments have to be in various centres, in Maharashtra, South India and so on. We can have various places as architectural centres.

I only want to stress one aspect more. I am glad that tourism is playing an important part in our national life. I know it is the concern of

[Shri C. R. Pattabhi Raman]

another Ministry. But I sincerely hope that we won't have the same lack of co-ordination by saying 'It is another Ministry's concern, the Transport Ministry's concern; I have nothing to do with it'. What happens is this. The tourists come to some temple in South India. They must be lucky if they are able to enter the temple because as soon as they get down from their cars, they are surrounded by a number of urchins and beggars. I am sure they will carry the most awful impression of our temples and our ancient monuments. They are not allowed to go to the monuments because the beggars and urchins know that if they get in, they won't pay. So they try to collect something even before they enter the temple.

Then as they go and come back, you have got people explaining to them, people who are called Guides. I know of one famous film in which Eddie Cantor was acting. A guide said 'This is Agripa, wife of so and so'. Eddie Cantor was nearby. He said: 'I am sorry. It is not Agripa. It is so and so.' So you must have properly qualified people who will explain these monuments to the tourists.

As I said in the beginning, this is a very specialised department. You must have people with special qualifications, and more than qualifications, proper respect for ancient culture, who will have the *shradha* which is necessary, not merely the degree. In fact, the most dangerous man is the 'degreeed' man who has no regard for our ancient culture.

**Shri Humayun Kabir:** I am very grateful to hon. Members who have spoken for their support to this Bill and for the very constructive suggestions which have come from different sides of the House. As I said while introducing the Bill, I was sure that this was a Bill where there would be no controversy at all so far as the object and principles are concerned. I am glad to note that there have been various suggestions made in a constructive spirit and if sometimes there

have been remarks with which I cannot agree, I shall try to explain to the House that many of these remarks are due either perhaps to imperfect appreciation of some of the clauses of the Bill or in some cases, incomplete information about some of the things to which reference has been made.

The discussion was opened by my hon. friend, Shri H. N. Mukerjee. He said that wherever any monuments are declared as monuments of national importance, it should be done in consultation with State Governments and Regional Record Offices. I need hardly tell him that this is actually what is done. Nobody can sit here in the Centre in Delhi and suddenly by a fiat or by an act of imagination declare a monument to be of national importance. It is usually done only when a reference is received. Even during the discussions yesterday and today, many hon. Members have made valuable suggestions about monuments which are not declared to be of national importance at present and which they would like to be so declared. I can assure them that every suggestion will be taken into consideration and wherever there is sufficient justification, such monuments will be taken into the national list.

So far as Shri H. N. Mukerjee's suggestion about monuments or record in private possession is concerned—this was also referred to by Shri C. R. Pattabhi Raman—we shall make every effort to have some kind of an inventory and we shall try, as far as possible, to acquire them.

The question of acquisition has been referred to by a number of hon. Members. And there we have to strike a sort of a happy balance between two extremes. There were some hon. Members who wanted that we should just get hold of whatever is in private possession. Others said that there should be no commercial element at all in the whole matter and we should appeal to their benevolence. Still others said that we should offer sufficient inducement so that these antiquities in the possession of private

persons may be forthcoming. This variety of suggestions itself shows that this is rather a difficult matter and that we shall have to proceed carefully. I can assure the House that all these different methods shall be tried. We shall certainly appeal to the patriotism and sense of loyalty to the nation of the different private individuals who have these antiquities. Some appeals have already been made; and, as is very often the case, mere appeals do not always have the effect which we want them to have. And so, sometimes appeals have to be buttressed by other more material forms of inducements and the question of purchase, whether compulsory or voluntary, has also to be brought in.

Mr. Mukerjee also referred to the question of the Historical Records Commission and the National Archives and complained that there were certain restrictions on the use of records. Mr. Keshava and Mr. Arun Guha also referred to the same matter. I agree with them that as far as possible these records should be made available to scholars, and we should be very liberal in the interpretation of the rules. I will convey this suggestion to my colleague who is in charge of the National Archives because I do not deal with it directly. I have no doubt that he will also pay due attention to the suggestions made in this House.

In that connection Mr. Keshava also suggested that there should be a dispersal of archival records. I am all for decentralisation wherever decentralisation is possible. But, I think Mr. Keshava will agree and other hon. Members in this House who are familiar with archival procedure and principles will agree that this is one field where dispersal is not permitted. In fact, all archivists are very very clear on the point that whenever you disperse any archival records you take away the value of the whole set. The solution is to have a sufficient number of photostat copies and that we are trying to do as far as possible. And, in that way we have to meet the rival requirements of archival science and

satisfying the requirements of particular regions.

Shri C. R. Pattabhi Raman: On a point of information, Sir. Are they not all of them in Delhi? In that case you may as well take them to some of the palaces in Gwalior and Indore and not keep them in Delhi which may not be secure.

Shri Humayun Kabir: There are certain regional record offices already and even the National Archives has a branch outside Delhi. But the main point is that the sets of papers cannot be dispersed. Whenever you have a series, the unity of that series should not be broken. But, where there are in the States already Record Offices of the State Governments, the Historical Records Commission has always been encouraging the development of all these local archives and the local Record Offices.

Then a question was raised both by Shri Mukerjee and also I think by one or two other hon. Members regarding the archaeological excavations by parties other than the Director-General of Archaeology or the State Governments. I can assure the House that every encouragement is given to the Universities and other bodies. And, in fact, assistance is also offered both by way of technical advice and, in certain cases, of funds wherever any request is made to the Director-General of Archaeology.

But, as my hon. friend Shri Pattabhi Raman made it clear, this is one field where there must be some overall plan and some co-ordination. There must be some overall picture of how these excavations are carried out throughout the country, because, otherwise, there is a risk that some of the very valuable heritage of the nation may be dispersed or may be damaged and, in some cases, there may be some unscientific or slipshod or haphazard excavations which are worse than no excavation at all.

My friend, Shri Mukerjee, also referred to the case of the Ashutosh Museum. I think a question on this was asked on the 18th April and I

[Shri Humayun Kabir]

told Parliament that a grant of Rs. 2,500 has been made to the Museum and no further grants had till then been asked for by the Museum. We thought that the grant which had been made was sufficient. It was only after that answer in Parliament that a further request has been made and it is now under examination. But, I can assure the hon. Member that if a case is made, it will be treated with the greatest possible sympathy.

Shri Mukerjee also referred to Konarak. Now, I am a little surprised to learn from him that some people have told him that the work in Konarak is unsatisfactory or that there have been even cases of vandalism there. I think everyone in this House will agree that vandalism should not be permitted anywhere in any archaeological site or in any archaeological monument and at least of all in Konarak which is one of the most precious possessions so far as our archaeological heritage is concerned. I have sometimes described it as a kind of Hindu Taj Mahal. It is certainly one of the most exquisite things which we have among the monuments of the ancient period of India. I can assure the hon. Member and other hon. Members of this House that the repairs there are going on according to the recommendations of an expert committee. A very highpower committee was appointed to go into this question because repairs to this kind of temples is not an easy matter, and, as more than one hon. Member pointed out, you cannot leave it to the ordinary engineer or even to the Central P.W.D.

We have architectural engineers, and, in this case we have appointed a special committee who had made certain specific recommendations. I am advised that the repairs are going on according to the instructions and advice given by this technical committee. I am further advised that the state of affairs is not unsatisfactory; in fact, I am told that it is quite satisfactory. I am also told that no sculptures are

known to have been removed from Konarak. I would therefore be surprised if there are any sales of Konarak statuaries in Calcutta. But what may happen is this. Our architectural remains and sculptural remains are scattered over such a vast area in the country, and in certain cases there are such similarities in the case of different statuaries in more or less neighbouring parts of the country that the statuary of one part may easily be passed off for a statuary of another part. And, in many cases, the amateur is not able to differentiate between what is Konarak statuary and what may be taken from some village 25 or 30 miles away from Konarak.

I am also sure that the House will agree that in such a vast country, these remains being scattered throughout the area, it would not be possible to guarantee that even a single piece will never be taken away. We shall make every possible effort; and one of the methods which have been suggested recently is to develop site Museums, because if site Museums are developed near about archaeological remains, the local people also develop a kind of local pride and that may prevent the pilferage of statutory from such areas. But you cannot altogether prevent it. You go down the National Highways and you will find sometimes near the roadside there is a statue which belongs to nobody; and if a motorist stops his car and takes it up, who is going to prevent him? You can only depend on the sense of loyalty and the sense of devotion of the Indian citizens and I hope that that will gradually be developed. Otherwise, by more police measures it would not be possible to prevent occasional pilferage. I certainly agree that with regard to more important areas we ought to ensure that there is no possibility of pilferage at all.

I may also inform the House that it has been decided to set up a site museum in Konarak and I hope to

visit that area fairly soon myself and I will certainly keep in mind what I was informed in this House about the repairs.

Now, with regard to Nagarjunakonda, the House is aware that this question has been debated over and over again, and the greatest possible effort was made to try to save it. But it was a case of competition between the claims of the living and the dead; and we were told that large areas in Andhra Pradesh would suffer if Nagarjuna Sagar was not built. As for the suggestion of my hon. friend, Shri Mukerjee, that an additional Rs. 5 crores would have saved the monument, I do not know where he got the figure from. I have visited Nagarjunakonda and I have seen the site. I also know that if the site was really to be protected, two additional bunds would have to be built. The main bund across the river is perhaps a mile and a half. There are two other hills which have to be bunded if the water is to be prevented from submerging the area where the ancient monuments are located. That would have meant two other bounds, perhaps half a mile and the other also almost of the same size. I have not got the figures; but my own estimation would be that probably another Rs. 30 or Rs. 40 crores at least, if not more, would have been needed if you wanted to have another embankment which would have protected Nagarjunakonda. The hon. Member knows that every effort was made to save the site. The question was raised not only in Parliament. It was raised in the Central Advisory Board of Archaeology and we found that there was no alternative if the demands of the living were to be met. So we could not but agree to this construction. The alternative that was adopted was that we excavate the site as quickly as possible. I am glad to inform this House that to a large extent the excavations have been carried out and are being

completed. We are sure that before the area is submerged, whatever is worth preserving and can be removed will be removed and we shall have a museum on the site which will be the second best though it will certainly not be as good as the original.

Shri Guha has given notice of a number of amendments. Since he discussed all his amendments in his speech, I hope that when I have dealt with his amendments in general in my reply, he will himself be satisfied that these amendments need not be moved at all. But before I take up his specific suggestions I would like to refer to his comments about the debt of gratitude which we all owe to certain Europeans. Shri Guha has himself been a revolutionary and a patriot who has devoted all his life to the service of this nation and that is perhaps the reason why he can also appreciate the services which these foreigners have rendered to this country. I think it was a very graceful act on his part to pay this tribute to men like Prinsep, William Jones and Cunningham. Not that they need our tributes because they did what they did because of their love of knowledge and love of ancient civilization and culture of this great country of ours. Nevertheless, it was very graceful on his part to have done so. I would like to add one more name to those he has mentioned: Lord Curzon. We may criticise Lord Curzon for many things on the political plane. I know that every Member of this House would have a good deal to say about Lord Curzon, but so far as the preservation of our monuments and ancient heritage is concerned. I think it would only be fair to say that the services of Lord Curzon will always be remembered and should always be remembered.

Shri A. C. Guha (Barasat): I fully agree; I should have mentioned Lord Curzon's name.

An Hon. Member: Add some more.

**Shri Humayun Kabir:** We have taken note of all the names and if it is possible in any way to do anything, especially with regard to some of the great Indian scholars who have added to our knowledge of archaeology and history in this country, we shall see what can be done in this connection.

Now, I shall come to the specific suggestions of Shri Guha which are possible amendments. He asked whether records and antiquities are included in the Bill. Shri D. C. Sharma referred to trees. Shri Deo referred to paintings. If only we look at clause 2 (b), we shall find that all these things are covered by the term antiquities. The clause includes any coin, sculpture, manuscript, epigraph or other work of art or craftsmanship. Certainly, painting is a work of art or craftsmanship. So paintings can easily come under antiquities. Records also come under this head because manuscript is mentioned here. There is another clause 2 (b) (iv) which refers to any article, object or thing of historical interest. Certainly a tree is also an object, or if you do not like to call it an object, it is certainly a 'thing'. So, these things, paintings and trees all come under this clause. In fact the definition is so wide that you can include almost anything provided it is 100 years old. The next sub-clause is even wider: any article, object or thing declared by the Central Government by notification in the Official Gazette, will be an antiquity for the purposes of this Act. It seems that the draftsman of this Bill has not taken any risks in the matter. After enumerating all the things he can think of, finally the power is left so that by a simple notification in the Gazette you can declare as an antiquity anything which you want to declare as an antiquity. I hope that this particular amendment of Shri Guha will no longer be necessary.

Shri Guha also referred to another question. We should have the power to secure antiquities excavated in any area. That is already provided under clause 23(3). He also said that clauses 6 and 17 should be amended to ensure that monuments are properly maintained and made accessible to the public. The Director-General may either declare a thing to be a protected monument; he may enter into an agreement with the owner of a protected monument and that agreement may later be cancelled. Sufficient power is already reserved in clause 9. If Shri Guha reads clause 9, he will find that all the necessary powers are already there. His amendments are, therefore, to my judgment unnecessary and superfluous.

Similarly, another proposed amendment of Shri Guha is that we should make specific reference to the power of acquisition. This is redundant as under clause 5(1), the Government can purchase, take lease of, accept a gift or bequest of, any protected monument. Acquisition is also a form of purchase. So, we have already got the necessary powers. There is also a separate clause referring to land under the Land Acquisition Act and for that provision has separately been made. So, I hope that he will agree that the proposed amendments are unnecessary.

**Shri A. C. Guha:** Is it that purchase includes acquisition also?

**Shri Humayun Kabir:** So far as land and anything that stands on land are concerned, there is a separate clause. So far as there are other things which are not land and things that stand on land, they cannot be brought under the Land Acquisition Act. The present clause 5 is quite adequate. At least that is what I am advised by my legal advisers.

I now come to a very controversial issue which was raised by Shri Guha, Shri D. C. Sharma and a number of other speakers, and in a sense by you also, Mr. Chairman. Shri Guha wants clause 24 to be omitted; yet at the same time by another amendment he

wants clause 24 to be extended to Jammu and Kashmir. Certainly you cannot have it both ways. If you want it to be extended to Jammu and Kashmir, then it is an argument that it should not be omitted and I do not see how these two things can be reconciled.

I would first take up the question of the application of the various clauses to Jammu and Kashmir. Here I find that there has been a certain amount of misunderstanding in the House. This Bill excludes only four clauses—clause Nos. 22, 24, 25 and 26—from their application to Jammu and Kashmir and there are very good reasons for that. All these four clauses refer to Entry No. 40 in the Concurrent List. They do not relate to Entry 87 in the Union List which deals with ancient and historical monuments and records and archaeological sites and remains, declared by or under law made by Parliament to be of national importance. Under the new Act, it would not be necessary to have an enactment but merely a notification to declare an ancient historical monument or record or an archaeological site or remain to be of national importance. We have already, as a result of discussions, with the Kashmir Government come to an agreement that monuments and sites which are recognised to be of national importance shall be looked after by the Director-General of Archaeology. It is, therefore, only in respect of Entry No. 12 in the State List which deals with ancient and historical monuments and records other than those declared by or under law made by Parliament to be of national importance or Entry No. 40 in the Concurrent List which deals with Archaeological sites and remains other than those declared by or under law made by Parliament to be of national importance that these particular provisions will apply. So far as the temple of Marthand is concerned, or any other important monuments in Kashmir are concerned, they will

be governed by the provisions of this Bill as we have come to an agreement with the State Government. So far as Entry No. 12 in the State List is concerned, the question does not arise because it is purely a State matter. So far as Entry No. 40 in the Concurrent List is concerned, we cannot apply that to Kashmir because under article 370, the power of Parliament to make laws for the State of Jammu and Kashmir is limited to certain matters specified in the Constitution (Application to Jammu and Kashmir) Order, 1954, made by the President. Under this Order Parliament has no power to legislate for the State of Jammu and Kashmir in respect of any matters specified in the Concurrent List.

4 hrs.

Therefore, the points which were raised by Shri Guha and Shri Sharma, and to a certain extent by you also, Sir, that this question should be taken up with the Government of Jammu and Kashmir, I would suggest, would not at all arise. Shri Sharma had also suggested, in referring to this question, that we should extend the operation of the whole Act to the State of Jammu and Kashmir by persuasion. Apart from the constitutional difficulty to which I have just now referred, I would say that in principle it would not be advisable for the Central Government to force the pace in such matters. We should leave it to the Kashmir Government. They have already, as a result of discussions and consultations, agreed that national monuments shall be taken up, monuments which are considered to be of national importance shall be looked after by the Director-General. In such matters the pace should be set by Kashmir and not from the Centre. I think, in principle, it would be wrong for us to try to hurry them, because by trying to hurry them we might create a certain amount of apprehension there.

I feel that in such matters cohesion is much stronger, much more lasting

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and much more real when the initiative comes from the acceding units. I believe that in all such cases, the Centre should be guided by the wishes and the desires of the different local units. And, I am a little surprised that some hon. Members, for example, my friend Shri Keshava, who is so keen about decentralisation within India, should in the case of Jammu and Kashmir try to have this kind of co-ordination in a field where they themselves are not prepared for it. A time may come, and I hope it will come soon, when this coordination is achieved but I would submit humbly to this House that in such matters we ought to proceed with the utmost care, and nothing should be done which may give a suggestion that there is any attempt at forcing the pace.

Now, there is also the general question of clause 24, and here you, Sir, raised a very important constitutional question. I hope with what I have already said about the distinction between entries 67, 12 and 40, I have been able to meet, at least substantially, the points raised by you. If I understood you aright, your point was that clause 24 tends to restrict the power of the State Government in respect of even Entry 12. I do not think so. It is quite clear that clause 24 refers to excavation or like operation for archaeological purposes in an area which is not a protected area, except with the previous approval of the Central Government. This refers to archaeological sites and remains and not archaeological monuments. So, far as archaeological monuments are concerned, they will be governed by Entry 12 in the State List. They are already protected and, therefore, clause 24 will not apply to Entry 12 in the State List. I am not a practising lawyer and I can only go on the expert advice which I am given. I am advised that this is not in any way inconsistent with the Constitution and, therefore, some of the apprehensions

which you, Sir, had expressed are probably not justified.

At the same time, I would like to point out that certain general supervisory powers as provided in clause 24 are necessary. Apart from any legal or constitutional aspects of the question, it is necessary to ensure that there is uniformity of procedure in these matters. As I mentioned once before, we should not have any half-hearted, slipshod or unscientific excavations, because such excavations may lead to the wastage of our national heritage; archaeological sites and remains are of a type that once damage has been done nothing can rectify it, whereas in certain other matters we may proceed by methods of trial and error. In the case of archaeological sites and remains, I would on the whole be conservative. We use the word 'conservation' with regard to archaeological remains and monuments and, if I may make an adjective of that word 'conservation', let us be conservative, let us go slow. And, in that way, it is better that we make our advance steadily and slowly, rather than we allow a number of people to develop these things in a more or less slipshod manner and thus face the danger that some of the most valuable remains may be damaged.

I am afraid, Sir, I will take a little more time, if I may have your indulgence, because many points were raised and I would like to deal with all of them. As I said, all the speeches have been very constructive and I would, as far as I possibly can, like to meet all the points which have been made, so that we can have this Bill passed without a single amendment, without a single dissentient, and without even leaving a sense of grievance in the mind of any hon. Member that any of his points has been overlooked.

Sir, Shri P. K. Deo raised some objection to clause 23, about compulsory acquisition. He also mentioned clause 27, but I suppose he really meant clause 28. If you look at clause 28

carefully, you will find that in clause 28 there are two parts. First of all, it has been laid down that there will be the question of market value, the market price of an antiquity. But there is also a provision here that in case of any dispute, any difference of opinion, there will be assessors and one of the assessors will be the nominee of the person from whom the purchase is sought to be made. Therefore, his wishes will also be taken into consideration, and I hope he will agree that this is the extent to which, as far as it is reasonable to expect, one can go in meeting with the wishes of any particular collector or any owner of any particular monument or antiquity.

Shri Deo has also asked for a new Circle for Orissa, and also to pay greater attention to the various important monuments in the Tel river valley. These were not exactly any criticism of the Bill. They were in fact suggestions for action, and I have no doubt the Director-General of Archaeology will pay every possible attention to his suggestions. We should like that there should be as many Circles as possible, but, Sir, again, it is a question of funds. If Parliament will provide the necessary funds it may be possible to have a Circle in every State in India, but so long as our funds are limited and there is also this consideration that the monuments are generally grouped in certain areas, perhaps reasons of economy and convenience of administration will not justify at present the multiplication of the Circles beyond a certain limit. There is also the question of expert personnel, trained personnel. I will have a little more to say about that when I take up the questions raised by Shri Pattabhi Ramam, and here I would only say that we shall keep these suggestions in view.

I have already disposed of the question of theft of images, to which Shri Deo referred, when I was discussing the point raised by Shri H. N. Mukerjee.

I will now come to the speech of

Shri D. C. Sharma. I am always extremely interested in whatever he says, because he generally has a somewhat original points of view, but I hope he will not mind if I say that his speech yesterday and today has disappointed me a little, because I find that some parts of his speech were inconsistent with certain other parts. He made certain suggestions which he himself later on contradicted. I certainly did not expect that from an eminent scholar like Shri D. C. Sharma there would be this kind of, shall I say, inconsistency and, perhaps, not very carefully thought out suggestions.

So far as Jammu and Kashmir is concerned, I have already tried to say at some length why we cannot bring Jammu and Kashmir within the purview of the particular four clauses that I have mentioned. Shri Sharma's main difficulty—it seemed to me he is a perfectionist—is that he wants everything to be declared a national monument and everything to be looked after by the Director General of Archaeology. If that could be done, it might be the best possible solution. Then he went further and said that if that could not be done in the case of Kashmir, we should leave it entirely to the States. I hope that as a practical legislator, as a veteran parliamentarian, he will agree that even though it might be desirable to make everything a national monument the exigencies of circumstances do not permit us to do so. Therefore, we have to be content with declaring certain monuments as national and leaving certain monuments to the care and good offices of the State Governments, and in certain other cases, just in plain and simple language, hope for the best. I know that with the vast number of monuments which we have, it is not possible to look after all of them with equal care. I agree with Shri D. C. Sharma that we should make every possible effort to persuade the States to take more care of these monuments which are a national heritage. They have been approached again and again, and a number of States have passed their own Bills and I hope more States will do so.

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Shri D. C. Sharma also expressed some apprehension and said that the present Bill curtails the powers of the Collectors. I do not think it is quite correct; in the proposed Bill, we are giving a certain number of functions to the Collector, as he will find if he refers to clauses 6, 26, 28 and certain other clauses including clause 29. It has been specifically laid down that powers may be exercised by the officers of the State Governments. Therefore, Collectors will be in the picture, but all that we are doing is that certain functions which may be better performed by the Director-General and which were in the past being performed by the Collectors are being taken away from the Collectors and are being put as the responsibility of the Director-General. I think this also disposes of the point raised by Shri Keshava.

Shri Sharma also objected to two months' notice instead of the former one month's notice, in the previous Act. I am sure he will not be offended very much if we stick to two months. Personally I do not see any great difference between one month's notice and two months' notice.

Shri Sharma raised one important point when he asked why we have fixed the period of a hundred years. It is an arbitrary figure. After all, any figure you may choose in this regard would be arbitrary—whether you make it hundred years or 200 years or even 500 years. Whatever figure may be chosen is an arbitrary figure, but some figure has to be given as this is an Ancient Monuments and Archaeological Sites and Remains Bill. So, the word "ancient" had to be defined in some way, and we thought that "hundred" would do the least possible damage. Further, in the Antiquities Export Control Act, the figure chosen has been a hundred and from that point of view also, we thought there should be uniformity.

Shri Sharma and certain other hon. Members raised an important point as to the position of important monu-

ments and buildings which have been built in the last hundred years. For them, I think we have to have a separate agency and a separate instrument. For one thing, any monument which has been built during the last one hundred years is likely to have a live function. There is likely to be some organisation behind it. It has a different character from the kind of monuments and remains with which we are primarily concerned in the present Ancient Monuments and Archaeological Sites and Remains Bill.

I may also add for the information of the House that for sometime past we have been considering the setting up of a National Trust, some kind of a national trust, which will look after this kind of objects which have been built during the last hundred years or so. Some preliminary examination of the proposal has been made, and I hope that before long it may be possible to place before the House some concrete proposals for setting up a national trust when it will be possible to deal with objects of this type.

Then there was the question of exchange of records and antiquities with Pakistan. Where this is possible, we would certainly like to do it, but it would be very difficult to persuade any country to part with original manuscripts. Therefore, in such cases in which we are now getting photostat copies or micro-films, we ought to be satisfied. We shall certainly keep that in view.

The last point of Shri Sharma was with regard to penalty. He thinks that a "penalty of Rs. 5,000 and/or imprisonment of three months" is not enough. I would submit that a fine of Rs. 5,000 and imprisonment for three months is not very inadequate. If you like, you can have more severe punishment, but I am one of those who believe that the punishment proposed should not be very dire. But whatever punishment there may be, it should be actually given if the occasion arises. It is better to have lenient laws and administer those laws in a strict and conscientious manner rather than to

have very strict laws and then administer them very leniently or just overlook them whenever there are any lapses.

Many hon. Members suggested that we should have more money for our budget. That is a suggestion which is entirely welcome to me. We have at present about Rs. 96 lakhs for the current year including the grant under the Five Year Plan. If Parliament in its wisdom and in its vision enhances that amount, nobody will be happier than I, and I hope that my friend Shri D. C. Sharma and other Members who have raised this question will certainly press that the grant for the Archaeological Department may be further extended.

My friend Shri Dasappa wanted that results should be achieved and that we should not merely pass a Bill. I am entirely at one with him, and it is because we want to have result that in some cases we have made the Bill more moderate than I would otherwise have liked. As I said, let us have a lenient Bill and administer it rigorously than have it the other way round.

Then Shri Dasappa also referred to a number of important monuments like Belur, Halebi and Sravanabelagola. We would certainly see that whatever is possible is done in this connection and we will keep in view the suggestions he has made. But I may say that so far as Sravanabelagola is concerned, some action has already been taken. It is being repaired as best as we may. Similar is the case with Kailasnath Temple which was mentioned. There also, some action has been taken. Cement concrete has been used on one of the floors to make it solid. But I may tell this House that pumping of cement is not always entirely desirable. At one time, when the Taj Mahal was threatened, there was a suggestion that some cement may be pumped into it, but experts later pointed out that that might have very dangerous results indeed. We have our archaeological engineers and our archaeological chemists, and we are trying to strengthen these departments. We shall take every

possible care to see that the precious heritage of the nation is not in any way damaged or ruined.

**Shri C. R. Pattabhi Raman:** I also suggested a covering.

**Shri Humayun Kabir:** I shall examine that, but I cannot give any reply on this point of expertise without a proper examination.

Reference was also made to the wages of the staff. If the persons are regular chowkidars, they get the usual pay. I have generally heard a complaint that the Central Government employees are paid a little more than State Government employees. So, I was surprised to hear from Shri Dasappa that there are complaints of this kind. But, if they are casual labour, they are governed by local conditions and are paid according to the PWD rates.

The major points which you, Mr. Chairman, have raised, I have tried to answer as best as I could already. I hope that I have been able to satisfy you. You have also referred to clause 29(b) where certain powers are given to the State Governments. I think you will agree that it is necessary that in certain cases "such State Government or such officer or authority subordinate to the State Government, as may be specified in the direction" ought to exercise the kind of power which it is necessary for them to exercise.

You have also referred to the question of antiquities. Perhaps you were under a misapprehension when you said that antiquities is a new item. It is not a new item. It is found also in the old Act of 1904. You will find the expression "antiquities" there. Only, the definition has been spread out a little in the new Bill.

I now come to the suggestion made by Shri Ranga. I have already replied to the point about Jammu and Kashmir, about the hundred years' period and about the great national names. We will certainly keep them

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in view and give them our consideration. With regard to the site museum, we will try to see that they are improved. I think Shri Ranga was under a misapprehension when he said that the office of the Assistant Chemist would be removed from Hyderabad. There is no intention whatever of doing so, and the office will be maintained there. All that will happen is that some of the officers will be changed. Perhaps officers of a slightly different status may be posted there, but the office will be maintained.

Shri Ranga made another suggestion which seemed to me a little curious. He suggested that some of the old monuments should be rebuilt in order to give an idea of what they were in the past. I am sure no student of history or archaeology would welcome a suggestion like that. We do not want the ancient monuments to be reconstructed in that manner. I agree there may be museums, preferably site museums, where attempts at reconstruction may be made. But if ancient monuments are interfered with like that, it would be regarded as an act of vandalism by most archaeologists in the world.

Shri Keshava also made a number of suggestions, some of which I have already disposed of. We shall try to have photostat copies wherever possible. So far as written records are concerned, they are already covered in the Act.

I think I have dealt with practically all the points mentioned except one by Shri Pattabhi Raman. I shall close my speech by referring to it. He was very right when he said that administration of a department like archaeology requires not only knowledge but also a sense of feeling and a sense of reverence. I am glad he said it and I am also glad to say that generally our officers in the department of archaeology are people who are devoted scholars of Indian history and archaeology. A vast majority of

them—I should have said perhaps "without exception", but there may be occasionally a person here and there—are people who have that sense of reverence and that sense of feeling for our ancient monuments. If you go to any officer of the archaeology department and suggest that any of these monuments may be deprotected, you will see how he reacts. They fight passionately for the preservation of these monuments and I am proud of the way in which they have been working. I am glad to say that the work of some of our officers has received wide appreciation not only in this country, but also outside and I can assure my hon. friend that this will always be kept in mind. We want to have in the department of archaeology a tradition of love and regard for all our ancient monuments regardless of whether it is a Hindu, Budhist, Jaina or Muslim monument or a monument of ever a later period.

I am afraid I have taken a little longer than I had intended. In conclusion, I would once again express my thanks to the House for the generous support it has given to this Bill.

Mr. Chairman: The question is:

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

The motion was adopted.

#### Clause 2 (Definitions)

Mr. Chairman: There are some amendments to this clause by Shri Shree Narayan Das. He is not here.

The question is:

"That clause 2 stand part of the Bill".

The motion was adopted.

Clause 2 was added to the Bill.

Mr. Chairman: The question is:

"That clause 3 stand part of the Bill".

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4 (Power of Central Government to declare ancient monuments to be of national importance).

Mr. Chairman: There are some amendments to clause 4 by Shri Shree Narayan Das and Shri A. C. Guha, but they are not here.

The question is:

"That clause 4 stand part of the Bill".

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5 (Acquisition of rights in a protected monument)

Mr. Chairman: There is an amendment by Shri A. C. Guha. He is not here. The question is:

"That clause 5 stand part of the Bill".

The motion was adopted.

Clause 5 was added to the Bill.

(Preservation of protected monument by agreement)

Mr. Chairman: There is an amendment by Shri A. C. Guha. But he is not here. The question is:

"That clause 6 stand part of the Bill".

The motion was adopted.

Clause 6 was added to the Bill.

Mr. Chairman: The question is:

"That clauses 7 to 16 stand part of the Bill".

The motion was adopted.

Clauses 7 to 16 were added to the Bill.

Clause 17 (Relinquishment of Government rights in a monument)

Mr. Chairman: There is an amendment by Shri A. C. Guha, but he is not here. The question is:

"That clause 17 stand part of the Bill".

The motion was adopted.

Clause 17 was added to the Bill.

Mr. Chairman: The question is:

"That clauses 18 to 28 stand part of the Bill".

The motion was adopted.

Clause 18 to 20 were added to the Bill.

Clause 29 (Delegation of powers)

Mr. Chairman: There is an amendment by Shri A. C. Guha, but he is not here. The question is:

"That clause 29 stand part of the Bill".

The motion was adopted.

Clause 29 was added to the Bill.

Mr. Chairman: Since there are no amendments to the remaining clauses 30 to 39, I will put them together. The question is:

"That clauses 30 to 39 stand part of the Bill".

The motion was adopted.

Clauses 30 to 39 were added to the Bill.

Mr. Chairman: The question is:

"That clause 1, the Enacting Formula and the Title stand part of the Bill".

The motion was adopted.

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

**Shri Humayun Kabir:** I beg to move:

"That the Bill be passed".

**Mr. Chairman:** The question is:

"That the Bill be passed".

The motion was adopted.

14-26 hrs.

**ALL-INDIA SERVICES (AMENDMENT) BILL.**

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** I beg to move:

"That the Bill to amend the All-India Services Act, 1951, be taken into consideration."

This is a very short measure and it is not necessary for me to go into details about it. Under article 312, it was open to Parliament to institute services known as the Indian Administrative Service and the Indian Police Service. Subsequently an Act was passed by Parliament on 29th October, 1951 (Act 81 of 1951), according to which it was open to the Indian Government to make rules so far as the IAS and IPS were concerned. But as you are aware, this Act did not apply to the State of Jammu and Kashmir. Subsequently, under article 370, there was an agreement and that agreement has been included in a notification which has been published in the Central Government Gazette dated February 27, 1958, according to which article 312 has been made applicable to the State of Jammu and Kashmir.

Thereafter this question was discussed with the Government of Jammu and Kashmir and then it was agreed that that State also should participate in the scheme of All-India Services, namely IAS and IPS. After this agreement, as a result of the above notification, it has been considered necessary that there ought to be an amendment of the All-India Services

Act. So, the operative portion is clause 2 of the amending Bill which says:

"In sub-section (1) of section 3 of the All-India Services Act, 1951, after the words "the States concerned", the words "including the State of Jammu and Kashmir" shall be inserted."

After this Bill has been passed, there will be a regular participation by the State of Jammu and Kashmir in the two All-India Services, namely, IAS and IPS and subsequently a cadre will be formed. As a result of the All-India Services Act, we have got various cadres so far as the other States are concerned. After this Bill is accepted by the House, it would be open to constitute cadre of the IAS and IPS. This is the purpose of this amending Bill and I hope it will commend itself to the approval of this House.

**Mr. Chairman:** Motion moved:

"That the Bill to amend the All-India Services Act, 1951, be taken into consideration."

**Shri C. R. Pattabhi Ramam (Kumbakonam):** I am obsessed with one difficulty so far as this Bill is concerned. I find that it is stated in Part XIV, article 308 of the Constitution that:

"In this Part, unless the context otherwise requires, the expression "State" does not include the State of Jammu and Kashmir."

Therefore, so long as we have this article in the Constitution which excludes the application of the provisions in Part XIV to Jammu and Kashmir, I do not know whether a Bill like this can be introduced without amending article 308 of the Constitution or an order under article 370. I do not claim originality for this, but I am obliged to Shri S. N. Das.