

**GOVERNMENT OF INDIA
CULTURE
LOK SABHA**

UNSTARRED QUESTION NO:3198

ANSWERED ON:19.08.2004

CONSTRUCTION ACTIVITIES AROUND PROTECTED MONUMENTS

Mane Smt. Nivedita; Vijay Krishna Shri ; Yadav Shri Anirudh Prasad (Sadhu)

Will the Minister of CULTURE be pleased to state:

- (a) whether the Government has a dual policy in regard to restricting construction activities around the protected monuments in the country;
- (b) If so, the details in this regard;
- (c) whether Delhi High Court has recently asked the Government to review its notification regarding construction around the protected monuments;
- (d) if so, the details thereof; and
- (e) the action taken by the Government in this regard?

Answer

MINISTER FOR INFORMATION & BROADCASTING AND CULTURE (SHRI S. JAYAPAL REDDY)

(a) & (b) No, Sir. As per the notification issued in 1992 under the Ancient Monuments and Archaeological Sites and Remains Act, 1958 and Rules, 1959, construction in the prohibited area of the centrally protected monuments is not permissible. Even in the regulated area, further beyond 200m of the prohibited area, licence is required to be obtained for undertaking any construction.

(c) Yes, Sir.

(d) The Hon'ble High Court of Delhi has directed the Central Government to consider for evolving a mechanism where the prohibition is imposed or relaxed on case to case basis because the degree and type of protection depends upon variables such as the nature of the protected monuments, its locale the weather condition, the topography, the soil, etc. The Court has also observed that the public interest lies in the protection, preservation of the monuments on the one hand and development and progress on the other hand, hence the two opposing forces need to be harmonized and balanced in the context of time and space. The Court has further ordered that there may be instances where larger prohibited and regulated areas are necessary, while in other, smaller areas of prohibition and regulation would suffice. The Court has finally issued direction to the Central Government to review the notification dated. 16.06.1992 within a period of six months from the date of the judgement.

(e) As per the directions of the Hon'ble High Court of Delhi, the notification dated. 16.06.1992 is under review.