

**GOVERNMENT OF INDIA
TOURISM AND CULTURE
LOK SABHA**

UNSTARRED QUESTION NO:4168

ANSWERED ON:18.05.2006

CONSTRUCTION IN PROHIBITED AREAS OF PROTECTED MONUMENTS

Owaisi Shri Asaduddin

Will the Minister of TOURISM AND CULTURE be pleased to state:

- (a) whether it is a fact that as per the notification issued in 1992 under Ancient Monuments and Archaeological Sites and Remains Act, 1958 and Rules 1959 the construction in the prohibited areas of the Central protected monuments is not permissible;
- (b) if so, whether the judgement of Delhi High Court in regard to notification of 16.06.1992 has been reviewed by the Government;
- (c) if so, the details thereof; and
- (d) the further action taken by the Government in the matter?

Answer

MINISTER FOR TOURISM AND CULTURE (SMT. AMBIKA SONI)

- (a) Yes, Sir. Under the provision of Ancient Monuments and Archeological Sites and Remains Act, 1958, Rules 1959 and the notification published in the Official Gazette of India S.O. No.1764 of 16th June, 1992, no construction is permissible in the prohibited area.
- (b)&(c) The High Court of Delhi in its judgement dated 23.7.2004 passed in FAO (OS) No.414 of 2002 and W.P.(C) No.2635 of 2002 directed the Central Government to review the notification dated 16th June, 1992 within a period of six months from the date of the order.
- (d) On 2.9.2004, the Hon'ble Supreme Court of India while hearing Fatehpur Sikri matter in W.P. (C) 653 of 1994, in Ahmed Sayeed v/s Union of India observed that there is no need to change the limit of prohibited/regulated areas. The SLP (CC) No. 1603-1604/2005 filed before the Hon'ble Supreme Court of India in the matter of Archaeological Survey of India v/s Narender Anand and others was heard on 18.2.2005 wherein the Hon'ble Supreme Court has granted stay of operation of the impugned part of the judgement and order of the Hon'ble High Court.