

**GOVERNMENT OF INDIA
CULTURE
LOK SABHA**

STARRED QUESTION NO:33

ANSWERED ON:10.11.2010

CONSTRUCTION NEAR CENTRALLY PROTECTED MONUMENTS

Siddeswara Shri Gowdar Mallikarjunappa

Will the Minister of CULTURE be pleased to state:

- (a) whether Archaeological Survey of India(ASI) has in the recent past allowed constructions close to centrally protected monuments and sites in certain parts of the country;
- (b) if so, the details thereof, State-wise;
- (c) the reasons behind ASI allowing these constructions which have harmed the monuments and sites; and
- (d) the remedial measures proposed to be taken in this regard to save these monuments and sites in the country?

Answer

MINISTER OF STATE FOR PLANNING AND PARLIAMENTARY AFFAIRS (SHRI V. NARAYANASAMY)

(a) to (d): A statement is laid on the table of the House.

STATEMENT REFERRED TO IN REPLY TO PART (a) TO (d) OF THE LOK SABHA STARRED QUESTION NO.33 FOR 10-11-2010

1. The Archaeological Survey of India did permit to a limited extent construction related activities close to the centrally protected monuments and sites in certain cases taking due care that the interest of the monument is not sacrificed in any manner. A State-wise list of permissions granted by the Director General, Archaeological Survey of India between 2006 to 2009 on the recommendations of the Expert Advisory Committee (EAC) in the prohibited area of monuments and sites is at the Annexure.

2. The Government, exercising its powers under Rule 31 of the Ancient Monuments and Archaeological Sites & Remains Rules 1959, had notified certain regulations to regulate constructions near the protected monuments vide No. SO 1764 dated 16-06-1992. The Notification had also defined the prohibited and regulated areas of the monuments. However, in prohibited or regulated areas of some ancient monuments and sites residential houses/constructions existed even prior to the date of the issue of the said Notification.

3. The Central Government constituted an Expert Advisory Committee in 2006 with eminent town planners, conservation architects, archaeologists, historians and landscape architects as members to consider such proposals and recommend to Director General for grant of permission for construction, reconstruction, repair, etc. within prohibited/regulated areas.

The EAC's recommendations were primarily to permit owners of structures that lie within the prohibited areas to undertake minimum repairs, alterations, reconstruction or construction of their houses. Due to these regulations, a number of Commonwealth Games - 2010, Metro Rail and other public projects were also affected in addition to other citizens mentioned above as no construction was permissible in the prohibited area of the monuments declared as of national importance.

4. The constitution of Expert Advisory Committee and the decisions taken by the Director General, Archaeological Survey of India on its recommendations was considered by the Delhi High Court not in tune with the spirit of the 1992 Notification in its order dated 30-10-2009 in LPA No.417/2009.

5. Consequent upon the orders of the Delhi High Court, the Central Government promulgated the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Ordinance, 2010 on 23-01-2010, which after due deliberation was replaced by the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010. It was published on 30-03-2010 in the Official Gazette, after it received the assent of the President. The Amendment Act has validated certain actions of the Central Government and made provision for constitution of National Monuments Authority and appointment of several Competent Authorities, besides clearly defining the prohibited and regulated areas for the purposes of construction activities.

6. The National Monuments Authority and Competent Authorities would now receive, process and consider applications for construction, reconstruction, repair and renovation in prohibited / regulated areas and to address the concerns regarding the safety of the monuments. Further, new construction has totally been banned in prohibited area (except for some public work like drainage, sewerage, electric supply, etc.). Penal provisions have also been enhanced from three months imprisonment to two years or with fine from five thousand rupees to one lakh rupees or both in the Amendment Act. These measures constitute a major governmental initiative to arrest encroachments/pressures on the monuments and sites that are declared as of national importance.

