

श्री मूल चन्व डागा (पाली) : सभापति जी, मैं पूछ रहा था कि जब हाईकोर्ट ने जजमेंट दे दिया, सुप्रीम कोर्ट ने जजमेंट दे दिया तो आपको कितनी पंजी मोटानी थी ? कम से कम 40 करोड़ आपकी मोटाने से जिनकी धान आपने धामे घटे में इस बिल के जरिए से बचा लिया ।

**SHRI B. V. NAIK:** He has put the question to the Hon. Minister, Let him reply.

श्री मूलचन्व डागा मैं यह पूछ रहा हूँ अपने फाइनेंस मिनिस्टर साहब से कि जब सुप्रीम कोर्ट ने जजमेंट दे दिया और उसके पहले हाईकोर्ट ने जजमेंट दिया तो उतने समय तक आपका सारा डिपार्टमेंट क्या करता रहा ?

सभापति महोदय : यह बड़ा रीडिंग है, इसपर बोलने हुए आपकी बिल्कुल क्लियर कर देना चाहिए कि आप इस बिल को सपोर्ट कर रहे हैं या रिजेक्ट कर रहे हैं । अभी थोड़ी देर पहले डिप्टी स्पीकर साहब ने श्री नाईक को याद दिलाया था कि बंड रीडिंग में बोलने की कितनी गुंथायत है । मैं समझना हूँ आप एक अच्छे पार्लियामेंटियन हैं, आप इसका विचार रखेंगे ।

The question is:

"That the Bill be passed".

The motion was adopted.

16.20 hrs.

#### ANTIQUITIES AND ART TREASURES (AMENDMENT) BILL

THE MINISTER OF EDUCATION, SOCIAL WELFARE AND CULTURE (PROF. S. NURUL HASAN): Sir, I beg to move:

"That the Bill to amend the Antiquities and Art Treasures Act,

1972, as passed by Rajya Sabha, be taken into consideration."

The House would recall that this Bill was passed in 1972, but it took some time to notify that the Bill has come into operation. The main reason for that was that State Governments were requested to appoint Registration Officers, whose salaries were to be paid by the Central Government. That discussion took quite some time. I urged the State Governments to make the appointments as soon as possible. I am grateful to many of my colleagues in the State Governments for having responded to my request, but in the very nature of this Bill, until all State Governments had made proper and appropriate arrangements, it would not have served the purpose which this House intended if the Bill has been brought into operation. Therefore, this Bill was finally brought into force with effect from 5th April 1976, throughout India except in the State of Sikkim.

Under the Act and the rules that were notified thereunder, all dealers had to register themselves and to register all antiquities which they had, along with the photographs, within two months and private collectors were required to do so within three months. Numerous representations were received both from dealers as well as from private collectors that they needed more time to comply with the provisions of the Act. In fact, they had enough notice because the Bill had been passed by the House in 1972 and it had been brought to the notice of all concerned, but apparently they were waiting for the official notification to start preparing for the registration of their objects. So, representations were received that the time of two months for the dealers and three months for private collectors was much too short and that they would not be able to do it. They also had complaints about the rule that four photographs of each antiquity were to be deposited with the registration authorities. Due to

[Prof. S. Nurul Hasan]

the rising cost of photographic material, many of the persons involved submitted that the cost of submission of four copies of photographs would be very high indeed, particularly in the case of coins and smaller objects it was considered exorbitant compared to the price at which these were generally bought. Some associations of dealers in antiquities as well as individual art collectors apprehended that their legitimate business would suffer greatly as a result of these conditions. Many of these persons also said that they were not fully aware which of the objects of art held by them were antiquities covered by the Act and which were not. Taking all these factors into consideration it was felt that some relief should be given. Government, therefore, advised the President and he was kind enough to issue an Ordinance that further time-limit be extended from two to six months, thereby giving extension of four months to enable the dealers to prepare stock registers and complete photographic documentation of the antiquities in their collection. The last date for obtaining licences is now October 4, 1976.

Further, it was also felt that some relaxation should be made regarding the supply of photographs for specified categories of antiquities. By a Government order the size of the photograph has been reduced from postcard size to the quarter size (10 x 7.5 cm.) while the number of photographs required for registration have been reduced from four to three. Similarly, the smaller antiquities like miniature bronzes, terracottas, etc. may be grouped in one photograph—three in quarter size and six in full size.

The amendment to section 18 exempts from registration antiquities kept in museums and institutions run by local authorities or by any such

body as the Central Government may approve by general or special order. This was a very important lacuna which was pointed out to us because it was mentioned that some of the major museums were being run by municipal authorities and not by State Governments and, therefore, they would have to supply the details of each antiquity although they are among the best run museums in the country and there is no fear or danger that any antiquity in those museums would disappear. For example, the museum run by Allahabad Municipal Board, which is an excellent museum, would have been covered by this Act and that is why, we are coming to this House with this amendment and the Ordinance contains that amendment that they can be given exemption. In the same way, the Prince of Wales Museum in Bombay is run by a society supported by the Municipal Corporation to which State Government and Government of India have also given assistance from time to time.

It was also decided that we should proceed gradually and not bring within the scope of the enactment all the antiquities but select those in which there is an international trafficking and clandestine export. We have, therefore, proposed that sculptures in stone, terracotta, metals, ivory and bone, paintings in all media and manuscripts containing paintings, illustrations and illuminations have to be registered within the time-limit. So far as other things are concerned like coins, arms, armour, medals, furniture, textiles and un-illustrated manuscripts have been, for the time being, excluded from registration but are proposed to be brought within the scope of the Bill progressively. The registration machinery has already been set up consisting of 104 posts of Registration Officers and these are generally under the control of the respective State Departments of Archaeology. The response has already been very good. We have

received applications from dealers for licence for about 40 upto 31st July, 1976 and these applications are being looked into. The registration work is also going on smoothly and the number of applications for registration of antiquities received throughout the country till the 31st July, 1976 is 5075. Sir, one of the effects of the enforcement of this law has been that several persons who had collected objects of art are now giving them either as gift or as permanent loan to the leading museums of the country.

Sir, the other day I had the privilege of receiving, on behalf of the National Museum of India, a number of very valuable objects of art given by a well-known donor.

Sir, these are the main features of the amending bill which has been passed by Rajya Sabha and which I commend to the House, through you, for consideration.

MR. CHAIRMAN: Motion moved:

"That the Bill to amend the Antiquities and Art Treasures Act, 1972, as passed by Rajya Sabha, be taken into Consideration."

श्री कमला मिश्र "मधुकर" : जनाब सदर साहब, मैं अपने वजीर साहब का जो तालीम और तहजीब के वजीर हूँ इस बात के लिए शुक्रगुजार हूँ कि वह यह बिल लाये हैं। वह खुद भी अपने इतिहास के काफी ज्ञाता हैं और इतिहास के ज्ञाता होने के नाते उन्हें भारत की कम्पोजिट कल्चर में, हिन्दू, मुसलमानों की चली आ रही प्राचीन कल्चर में, प्राचीन पुरावशेषों और बहुमूल्य कलाकृतियों की धरोहर में काफी आस्था है। इसी आस्था का यह सबूत है कि वह यह बिल लाये हैं। मैं इसका एक और प्रमाण दे रहा हूँ। मद्रास से जो हिन्दू प्रखबार निकलता है, उसके 22 प्रगस्त के पंक में निकला हुआ है—

"India proposed to hold bilateral talks with the developed countries

to explore the possibility of getting back art objects and other cultural property removed in colonial time. Mr. S. Nurul Hasan, Education Minister, said here to-day."

ऐसा कहा गया है। फिर आगे उन्होंने कहा है—

"But, he said, several of the developed countries, which had been the recipients of such cultural property, had not yet ratified the convention."

इससे प्रकट होता है कि हिन्दुस्तान में जो ब्रिटिश साम्राज्यवाद का बोलबाला रहा है, उसने हिन्दुस्तान की सांस्कृतिक धरोहर को कितना लूटा है और इसका अहसास और ज्ञान उनको है। डेवेलपड कन्ट्रीज में जो एक नयी चीज पैदा हो रही है उसको याद कराते हुए भी उन्होंने बताया है कि—

"The British Museum is full of art objects from India."

इसी सन्दर्भ में मेरा कहना यह है कि इस देश के आप जिस कोने भी जाइये, चाहे एलोरा में जाइये, चाहे भजन्ता में जाइये, चाहे बनारस में जाइये, चाहे महाबलीपुरम् में जाइये, कहीं भी जाइये, वहाँ के मन्दिरों में, गुफाओं में, वास्तुकलाओं एवं मूर्तियों के रूप में हिन्दुस्तान की धरोहर सुरक्षित है। हिन्दुस्तान के किसी भी विद्यार्थी को राजस्थान या दूसरे इलाकों में सारे के सारे हिन्दुस्तान को दिखाया जाय तो उसे मालूम होगा कि हिन्दुस्तान एक कितना महान देश है। मैं खुद भी महाबलीपुरम् गया हूँ और मैंने वहाँ के मन्दिरों में मूर्तियों को देखा है, दक्षिण भारत के मन्दिरों की मूर्तियों को देखा है। मूर्तियों की चोरियां न हों, इनकी अनधिकृत खरीद-फरोखत न हों, देश की धरोहर सुरक्षित रहे, देश की निधि सुरक्षित रहे इस सन्दर्भ में यह बिल लाया गया है।

[श्री कमला मिश्र, मन्चुकर.]

यह प्रसंगीय काम है जो थाप कर रहे हैं। सांस्कृतिकता का नामकों ने भी इस मुल्क की घरोर को काफी मूटा है और अमरीकियों ने भी मूटा है। आजादी के बाद भी और इस बिल के बन जाने और लागू हो जाने के बाद भी सिक्सटीज में हिन्दुस्तान की बहुमूल्य मूर्तियां, कलाकृतियां, पांडुलिपियां बाहर अनाधिकृत रूप से स्मरण करके बेची गई हैं और यह काम स्मरणकों और बिजनेस करने वालों ने किया है। इनकी कोई संस्कृति नहीं होती है, मध्यता नहीं होती है। पूंजी का जब राज होता है तब यही बात होती है। इन लोगों ने वैश्व के साम्राज्य में इनको बेचा है। थापकों तो मान्य ही है कि नटराज की मूर्ति को एक निम्नवर्ण शायर ने बेचा था। उसका मूल्य हिन्दुस्तान में पन्चीस हजार रुपये के करीब होगा। बिम्बु की मूर्ति जो कलकत्ता में थी उसको भी स्मरण किया गया। अमरीकी साम्राज्यवादियों ने भी हमने बेच दिया है। अश्वेतों ने तो मूटा ही था अपने राज में लेकिन अमरीकियों ने भी वैश्व के बल पर हिन्दुस्तान की घरोर को खरीदा है, जो बम्बुए स्मरण हुई उनको खरीदा है। इनके बादबूढ़ हिन्दुस्तान के कुछ महान् मयून वे जिन्होंने हिन्दुस्तान की प्राचीन पांडुलिपियों को मान में बहुत संग्रहण किया। राहुल सांकृत्यायन का नाम इन सम्बन्ध में लिए बिना भी नहीं रह सकता है। उन्होंने निम्नवर्ण से भारतीय प्राचीन सामग्री को और बाल कर बौद्ध संस्कृति की बहुत सी पांडुलिपियों को साकर पटना म्यूजियम में रखा। उनमें प्राग्म की संस्कृति और मध्यता पर प्रकाश पड़ता है। श्री अश्वेतों ने निकला है कि कुतुब मीनार की जब मरम्मत हो रही थी उसमें कुछ हिन्दुओं और जैन मूर्तियों की मूर्तियां मिली हैं। पता नहीं तृप्य क्या है। तृप्यों का पता मनवा जाना चाहिये और इस काम को ठेकी से करवाया जाना चाहिये। इससे हिन्दुस्तान के इतिहास पर प्रकाश पड़ेगा और उसको जानने में बहुत मदद मिलेगी।

हृदय्या और मोहनजोदड़ो संस्कृति पर जिनकी भी खुदाई हो रही है उससे प्रकाश पड़ रहा है इतिहास की यह जो घरोर है इसकी हिकायत होनी चाहिये।

रामायण और महाभारत के बारे में एक विवाद भी छिड़ गया है। यह कहा जाता है कि वे एपिक हैं। दूसरे कहते हैं कि यह रोयलिटी है। इसकी चर्चा चल रही है। जो खुदाई का कार्य चल रहा है उससे पता चलेगा कि सचमुच में यह काव्य के या इतिहास के धन के।

वे सब चीजें हैं जिन पर दुर्भाग्य से सरकार का पर्याप्त ध्यान नहीं गया है। जहां-जहां खुदाई की आवश्यकता हो वहां-वहां खुदाई की जानी चाहिये।

श्री हान ने विभिन्न भागों में खुदाईयां बाकी हैं। उदाहरणस्वरूप अम्बाला में बिनामयूर प्रबन्ध में मरम्मत नहीं की चर्चा जो वेदों में है उसकी खुदाई होनी चाहिये।

दूसरे बड़ा खुदाई बिहार में राजा जनक के पार द्वारों में दो द्वार बिहार के मिर्जा म्बाल में पड़ते हैं और दो वेबाल में पड़ते हैं। बड़ा खुदाई होनी चाहिये। मन्चुकर: जिने में राज्यकलीकह की खुदाई हुई लेकिन उसको संग्रह में ही छोड़ दिया गया, उसको बन कर दिया गया। बड़ा दर खुदाई के कार्य को हाथ में लिया जाना चाहिये।

अम्बाला जिने के केमरिया में एक विज्ञान टीमा की बंध है। आज तक यह तप नहीं हुआ है कि किस युग का यह है। इसका पता मनवाया जाना चाहिये और यहाँ पर खुदाई का कार्य हाथ में लिया जाना चाहिये। बहा पर मंडक नदी की खुदाई हो रही थी। उनमें निच निच की प्रतिमा मिली जिसे विषय में बिहार भागी का कहना है कि ऐसी प्रतिमा बहुत ही कम लोगों ने देखी होगी। क्या मूल्य है और क्या बूड बह तो भी नहीं जानना है।

क्यों कि मैंने उसके दर्शन नहीं किए हैं। मैं उसका पूजक भी नहीं हूँ। लेकिन यह एक उच्च कलाकृति है और यह हमारी धरोहर है, हमारे देश की धरोहर है। इनकी सुरक्षा का प्रबन्ध होना चाहिये और वहाँ और खुदाई होनी चाहिये।

जहाँ-जहाँ पर आप मरम्मत का काम कर रहे हैं वहाँ देखा गया है कि पैटिंग का जो रंग है उसी में पैटिंग न करवा करके आप गड़बड़ी कर रहे हैं। इस ओर आप ध्यान दें। वैसे ही रंग से उसकी मरम्मत और पैटिंग होनी चाहिये। ताजमहल को दुनिया के लोग देखने के लिए आते हैं और वहाँ आकर वे स्वप्न लोक में पहुँच जाते हैं। उसकी भी ठीक तरह से मरम्मत होनी चाहिये। दिल्ली में बहुत सी चूबे हैं दिवंगत और आपका ध्यान नहीं जा रहा है। राज्य सभा में बहस हुई थी। तस्कर लोग प्राचीन ऐतिहासिक चीजों को उगाड़ने में लगे हुए हैं। उपयोगिता इन की इसलिये है कि इन से हमारी कला, संस्कृति, वास्तु कला, मूर्तिकला, पुरावशेष आदि पर रोगनी पड़ती है। लेकिन सरकार ने अभी तक इन पर ध्यान नहीं दिया। और यह इसलिये कि जो भी कानून आने इस सम्बन्ध में बनाये उन पर ठीक से अमल नहीं हुआ। आपने सन् 1947 में कानून बनाया जो ठीक से लागू नहीं हुआ। फिर 1972 में कानून बनाया लेकिन उस कानून को कई साल तक लागू ही नहीं किया गया। यह क्या बताता है? यह हमारी उपेक्षा की भावना को प्रकट करता है। हम चाहते हैं कि भारत की प्राचीन कला निधिओं को रक्षक की जाय, लेकिन तीन साल तक कानून बनाने के बाद उसको अमल में नहीं लाया गया। इससे हमें बड़ा दुःख होता है।

आप आज बिल लाये यह अच्छा किया, इससे कुछ दिक्कतों को आपने दूर करने का प्रावधान किया है। जैसे राजस्थान में मूर्तियों का निर्माण होता है, लेकिन जो उन मूर्तियों

को बनाने वाले कलाकार हैं उन को बहुत कम पैसा मिलता है। मूर्तियाँ तो ले जाकर किसी मन्दिर में रख दी जाती हैं जहाँ उनकी पूजा होती है, लेकिन जो कलाकार हैं उनको बहुत कम पैसा मिलता है। अब आप ने ठीक ही कहा है कि कुछ उन कलाकारों को भी समुचित दी जाय। ऐंटीक्विटीज क्या हैं, इसकी भी समुचित परिभाषा की आवश्यकता है। इसलिए मेरा सुझाव है कि इस बिल को यदि आप और कांफ्रीहेंसिव बनाना चाहते हैं तो हमें अपनी प्राचीन कला कृतियों, पाण्डुलिपियों, वास्तुकलाओं और प्राचीन अवशेषों की समुचित ढंग से हिफाजत करना चाहिये। हमें उन तमाम ऐसे स्थानों की खुदाई करनी चाहिये जहाँ हमारे पुरावशेष के भंडार जमीन में दबे हुए पड़े हैं। इससे हमारे इतिहास पर नया प्रकाश पड़ेगा। तीसरा मेरा सुझाव यह है कि यह समस्या केवल कानून बना देने से ही हल नहीं होगी, बल्कि जनता में जेतना जगानी चाहिये कि वह इन धरोहरों की हिफाजत करें, उनकी देख रेख करें और कोई अगर गड़बड़ी करता है तो उसकी खबर सरकार को दें। अभी क्या होता है कि कहीं पर कोई मूर्ति मिल जाती है तो ग्राम तीर पर लोग उसकी पूजा करने लगते हैं, उसको संग्रहालय में नहीं भेजते हैं। इसलिये जनता में जेतना पैदा की जाय अपनी प्राचीन बहुमूल्य कलाकृतियों की हिफाजत की। चौथा मेरा सुझाव यह है कि प्राचीन बहुमूल्य कलाकृतियों का व्यवसाय करने वालों को कड़ी से कड़ी सजा दी जाय। जो व्यवसायी पैसे के लोभ में हमारे देश की ऐंटीक्विटीज को विदेशों में बेच कर अपना व्यापार चलाते हैं उन को सख्त सजा देनी चाहिये। इस पर आपने अभी समुचित तरीके से ध्यान नहीं दिया है। मुझे पता नहीं है कि किसी को आपने सजा दी हो।

आप ने कहा है कि विदेशों में पड़ी हमारी प्राचीन निधिओं को वापस कराने का प्रयास किया जायगा। मेरा निवेदन है कि विदेशों में

[[श्री कमला मिश्र 'कच्चकर']]

श्री श्री हमारी बहुमूल्य सामग्रियां हैं, जैसे कोहिनूर हीरा, लखेटाऊस। इनको घाप कैंने बेज में ला सकते हैं इस पर घाप को विचार करना चाहिये। इस बारे में क्या इंटरनेशनल ला है इस पर घाप को विचार करना चाहिये।

प्राचीन मूल्यवान कलाकृतियों की जो चोरी या स्मगलिंग हो रही है, ऐसे कुकर्म करने वाले लोगों को पकड़वाने वालों के लिये रिबाइंड की व्यवस्था होनी चाहिये। जैस कैमिनी प्लानिब के सिमसिसे में, या बेचक के बारे में रिबाइंड की घोषणा की है उसी प्रकार क्यों नहीं ऐसी व्यवस्था करते कि जो कोई भी ऐसी कलाकृतियों को बेज से बाहर न जाने देने में सरकार की सहायता करेया उस को इनाम दिया जायया। इससे लोगों में अपनी प्राचीन निधिवां की हिक्काइत करने की प्रेरणा मिलेगी।

मातवा मेरा मुझाव यह है कि इन मामले में स-मन्धान होना चाहिये कि पुरानी कलाकृतियों को किस प्रकार सुरक्षित रखा जा सकता है। मैंने कहा है कि इन में जो प्राचीन संस्कृति की चीजें हैं उनको सुरक्षित रखने के बारे में केमिकल की जांच और खोज की जानी है कि किस केमिकल ने उनकी हिक्काइत की जा सकती है।

हिन्दुस्तान जैसे प्राचीन इतिहास वाले देश में इन लचय जो कलाकृतियां हैं, उनको सुरक्षित रखने के लिए क्या उपाय किये जाने चाहियें, इस बारे में रिक्तचं होनी चाहिये। खजना के चिन्हों, लाल चिन्ने और ताकसहन खादि की छाकृति और संरचना में कोई विकार या दोष न जाने पाये, इसके लिए अनुसन्धान होना चाहिये, ताकि इन उन कलाकृतियों की हिक्काइत करने में सक्कन हो सके और उनका कय ज्यों का त्यों बना रहे।

इस बिज मे म्यूजियम को छूट दी गई है इसने यह भाव भी होया कि संरहायकों में

कलाकृतियों को रखने में अधिक सुविधा होगी। लेकिन इसमें एक खतरा भी है कि अधिकारियों की सहायता से कलाकृतियों की चोरी भी हो सकती है। मैं यह उहना चाहता हू कि संरहायकों का डिम्बेदारी बेचम स्टेट गवर्नमेंट्स पर नहीं छोड़नी चाहिये। जिजा को कान्कस्ट सिस्ट में लाने का मुझाव दिया जा रहा है। और उसको मान लिया गया, तो जिजा का बिषय कान्कस्ट सिस्ट में घा जायेगा। चूंकि यह बिद्याल जिजा मन्त्रालय के अन्तर्गत हैं, इस लिए इसको भी कान्कस्ट सिस्ट में लाने की दिशा में कदम उठाना चाहिये, ताकि इस सम्बन्ध में भारत सरकार और राज्य सरकारों के बीच पूरा ताल मेल हो सके और वे दोनों भिन्न कर देश की धर्मूल्य धरोहर को रक्षा कर सकें।

इन जगहों के साथ मैं इस बिधेयक का मन्वर्न करना हूँ और मन्त्री महोदय को सम्बन्ध देना हूँ कि उन्होंने यह एक बहाना नहीं करम उठायया है।

श्री अण्णाय बिज (अधुक्नी) : सभापति महोदय, जिजा मन्त्री ने इस बिधेयक को नाकर बहा उपकार किया है। इसकी बर्त प्रतीक्षा की। यह इन बात का भी खोतक है कि हमारे जिजा मन्त्री किन्ने इतिहास-बिज एन्टिक्विटीज के प्रज्ञामक और संरक्षक हैं। मैं उनका आधारी हूँ और इन बिधेयक को माने के लिए उनको सम्बन्ध देना हूँ।

उनके प्रति आभार बकट करने का एक इमरा कारण यह भी है कि उन्होंने अपनी प्रखर बुद्धि से पुरानी चोरी चली गई वृत्तियों और कलाकृतियों को वापस करवाया है। इसमें उन्होंने बड़ी बुक्नी दिखाई है और इनके लिए मैं उनको सम्बन्ध देना हूँ।

मन्त्री महोदय ने अपने स्टेटमेंट में कहा है कि रविस्टुडन के लिए पहले जो दो बर्हाने की खबर्त दी गई थी, दोनों के सापह पर घाप असको छ: बर्हाने कर दिया गया है।

दूसरे, इस बिल के द्वारा मूल कानून में "Shall be accompanied" शब्दों के स्थान पर ये शब्द रख दिये गये हैं :

"Shall, in the case of such antiquities or class of antiquities as the Central Government may, by notification in the Official Gazette, specify, be accompanied."

पहले सरकारी इन्स्टीट्यूशन्स को रजिस्ट्रेशन और अन्य बातों से एग्जेंट किया गया था। लेकिन अब मंत्री महोदय ने प्रिंस आफ वेल्स स्मूजियम, बम्बई और एजियाटिक सोसायटी, कलकत्ता को भी एग्जेंट कर दिया है, और इस प्रकार उन संस्थाओं के प्रति बड़ा न्याय किया है।

मंत्री महोदय ने कहा है कि यह विधेयक बड़ा छोटा है। यह भन्ने ही छोटा हो, लेकिन बड़ा लाभकारी, महत्वपूर्ण और तर्कपूर्ण है। इस बिल को सम्भारना और महत्व को देख कर मुझे विद्वानों सभके के बारे में कही गई इन पंक्तियों का स्मरण हो आता है। "सतसइया के दोहरे जम नावक के दोर, देखन में छोटे लगे चाव करें गम्भार।" जिन प्रकार कवि की कविता लोगों के हृदय को स्पर्श करती है और लोग उत्फुल्ल हो जाते हैं, उसी प्रकार इस बिल के लिए केवल यह सदन ही नहीं, बल्कि सारे देशवासी मंत्री महोदय के प्रति आभार प्रकट करेंगे और अनुभव करेंगे कि उन्होंने एक बड़ा ऐतिहासिक कदम उठाया है। मुझे ऐसा लगता है कि वह इस बिल के माध्यम से देशवासियों के हृदय पर अपनी अमिट छाप छोड़ेंगे। मैं बहुत सन्तुष्ट हूँ और बार बार मैं इनके प्रति शुक्रिया अदा करता हूँ।

अब तक तो मैंने इसको तारोफ में चन्द बाने कही हैं, लेकिन अब मैं जो इसमें कुछ खामियां रह गई हैं उनकी चर्चा करना चाहता हूँ। प्रथम तो यह कि यह जो ऐंटीक्विटी एण्ड आर्ट्स का हमारा ट्रेजरी है वह इस बात का द्योतक है कि हमारा देश कितना पुराना,

कितना ऐतिहासिक और कितना गौरवमय देश है। फिर यह भी प्रश्न उठता है कि इसको रक्षा और संरक्षण काय भी उसी तरीके से होना चाहिए। लेकिन वह अभी तक नहीं किया गया है। अब इस विधेयक के पास होने पर मैं समझता हूँ कि इसको वह संरक्षण दिया जायगा और हम उसका इन्तजार करते हैं।

मुझे याद है 1947 में एक कानून बना जिसके जरिए से यहां की मूर्तियां और पुरानो चीजों जो बाहर भेजी जाती थीं, उनके एक्सपोर्ट पर प्रतिबन्ध लगा दिया गया अगर प्रतिबन्ध लगाने के बावजूद भी यह काम घड़त्से से होता रहा जिसकी चर्चा होती रही। हम उससे बड़े निराश होते रहे कि अगर हमारे देश को प्राचीन निधि विदेशों में भेजी जाती रहेगी तो फिर इनका क्या हाल होगा और हम भी इसके लिए दौरो होंगे कि हम अपनी चीजों को रखा नहीं कर सके। इससे हमारी संस्कृति और सभ्यता को बड़ा धक्का लगेगा। इसलिए हम अर्ज करेंगे कि इस का चोरी कहीं नहीं हो ऐसी व्यवस्था मंत्री महोदय कर दें, उसके लिए ऐसे नियम बना दें और उन नियमों का कड़ाई से पालन हो। कड़ो से कड़ो सजा उनको मिले। चाहे वह कोई भी हों अगर ऐसा करती हुए पकड़े जायें तो उनको सख्त से सख्त सजा दें। इस प्रकार से इन के संरक्षण की बहुत समुचित व्यवस्था आप कर दें जिसमें इतनी चोरी बिल्कुल न हो सके। 1969 में उत्तर प्रदेश, तमिलनाडु, मध्य प्रदेश और राजस्थान वगैरह से बहुत सी मूर्तियां चोरी हो गईं और अपनी बहुत सारी ऐसी कोसों धरोहर से हम वंचित हो गए।

मंत्री जी ऐसा प्रयत्न कर रहे हैं जिसके लिए मैं उनको धन्यवाद दूंगा कि जो पुरानी मूर्तियां हमारी बाहर चली गई हैं उनको कैसे यहां वापस लाया जाय। उसको चर्चा उन्होंने की है। उसमें कुछ समय तो लगेगा लेकिन समय लगने के बाद वह चीजें वापस मिल जायेगी ऐसी हमें आशा और विश्वास है

[श्री जगन्नाथ मिश्र]

मैं एक निवेदन यह करना कि यह केवल सरकार या मिना मन्त्री का दायित्व नहीं होना चाहिए बल्कि ये सभी चीजें तो प्रान्तों में रहती हैं तो प्रान्तीय सरकारों पर भी इस दायित्व को भारें और उनसे इस बात के लिए कहें क्योंकि वापस तो आप उनको देते ही होने तो क्या देते हैं तो माहूब लाइन भी वे कि अपनी जो यह निधि है उसके रखा होने करें। बड़े माहूब लाइन से इनकी रखा की व्यवस्था प्रान्तीय सरकार करें उसके लिए ऐसे मुझाब आप उन को दें। इसके लिए प्रान्तीय सरकारों का और उनके अधिकारों का सम्बन्ध आप बूलाएं और उनमें विचार विमर्श के बाद उसके बारे में निर्णय लें।

क्राउन एजेंट्स और मस्करों का व्यापार करने वाले ज्यादा इस काम में चाहिए हैं, बड़ी ज्यादा इनकी चोरी और व्यापार करते हैं। तो ऐसे मस्करों करने वालों और क्राउन एजेंटों को आप पकड़ें ताकि इन की चोरी न हो सके।

मैंने माहूब लाइन्स की बात कही। मैं समझता हूँ कि जबकी महोदय इनको स्वं कर कर दे कि बड़ा बड़ उनको अपने देते हैं बड़ा उसके साथ साथ माहूब लाइन्स भी दें, उनको विचार दें जिससे कि वह कच बड़ा हो सके और इनकी चोरी बन्द हो।

हम जोब अपनी टेम्प्लेटों में अपनी बनता पर बहुत निर्भर करते हैं, समाज पर बहुत ज्यादा निर्भर करते हैं। इसकी चर्चा की कि सरकार को यह करना चाहिए, यह करना चाहिए, लेकिन मेरा एक मुझाब यह है कि इस सरकार पर हूँ; निर्भर न करें। हमारे देश में, हमारे समाज में बहुत सारे प्राइवेट एजेंसियाँ हैं जो इस तरह के काम करती हैं जैसे रोटेरी क्लब्स और माहूब क्लब्स हैं, स्थानीय संस्थाएँ हैं, उनके जिम्मे जो इन कामों को दें जिससे सरकार और स्थानीय एजेंसियाँ मिल

कर इन कामों को करें और इस तरह से हम इसकी चोरी बन्द करने में बहुत दूर तक सफल हो सकते हैं।

समापति महोदय : क्या रोटेरी क्लब और सायन्स क्लब पर आप बहुत कन्फिडेंस कर सकते हैं जिनके बारे में यह भी सुना गया है कि उनका पन्दा भी बिदेसों को जाता है ?

श्री जगन्नाथ मिश्र : श्रीमान्, पवित्र मन्साओं को हम बढ़ावा दें, उनसे काम ले तो मैं समझता हूँ कि चोरियों का काम बन्द हो जायेगा। ऐसा ही होगा, इस विश्वास के साथ मैं इस विधेयक का महोदय से समर्थन करता हूँ और आपको धन्यवाद देता हूँ।

SHRI P. K. DEO (Kalahandi): Sir while supporting this Bill I would like to submit certain suggestions. This country is the cradle of civilisation and it has become, after the evolution of thousands of years, a beautiful tapestry in which various cultures have been interwoven to make India a beautiful home of art. It is a treasure-house of the antiquities and pieces of art created by mankind through the ages. It should be the duty of the Government not only to see that they are not stolen but also to preserve them properly. I have been in this House for quite some time and it was a matter of great concern to me to hear about ten years back that some beautiful miniature paintings with the signature of Emperor Jehangir were smuggled out from the Jaipur Museum. Of course the Curator Sangram Singh was arrested but though he might have been arrested those things which have gone out of the country cannot be salvaged. We are lucky to have been able to salvage the Harraj Murti of Chamba when it was about to be shiploaded from Bombay. The famous Nataraj Murti has also been taken away from South India and a fake copy image has been placed there. I believe negotiations are being carried on by the Government to procure back that famous Nataraj Murti.



The speakers who preceded me have spoken about the various pieces of art and antiquities which gone abroad. Since 1957, when I came to this House, I had been requesting time and again, when Prof. Humayun Kabir and also when Maulana Azad was in charge of this Ministry, that the books of the India House Library should be procured. These are famous pieces of our culture and if we cannot get them back we should at least try to have micro-films of these books taken and preserved here. At that time I also made a request that we should use our good-offices with the British Government to try to get back the Kohinoor Diamond which has been so precious and of such sentimental value to this country, and also the Peacock Throne. For the time being we are very friendly with the Imperial Government of Iran and we could use our good-offices to retrieve the Peacock Throne and restore it to its proper place in the Red Fort.

Some time back I was stunned to read in the papers that when the previous President visited Thailand he presented an antique image of the Buddha to the Thai Government. I don't know how far it is true but it pained me greatly to read it. I hope this is not correct and that the Minister will repudiate it.

So far as private collectors are concerned, I take my hat off to Salar Jung of Hyderabad who invested his whole fortune entirely in collecting pieces of art. His is one of the finest museums of this country. I also salute such other patriots who have rendered immense service for the preservation of art in this country.

17 hrs.

So far as Orissa is concerned, I come from a place where, if you scratch the earth anywhere, you will come across antiquities; there is every scope that antiquities will be available, beautiful sculptures will be available in plenty. But their preservation is important. I would like to cite the example of

one Museum in my constituency, the Belkhandi Museum. I request the hon. Minister to make a note of it. There, the Museum is just for the name's sake; the images are there, but there is nobody to look after them; people go inside the Museum and cook their food and the place has become absolutely black; all the iron railings have been removed. Fortunately, the local people, who are mostly Adivasis, do not know the actual value of these art pieces; otherwise, those things would have been lost for all time to come.

So far as monuments are concerned, according to our Constitution, monuments are of two kinds: monuments of national importance and monuments of State importance. So far as monuments of national importance are concerned, their preservation is the concern of the Central Government. So far as the monuments of State importance are concerned, it is the duty of the State to look after their preservation, I must state frankly that nothing much has been done to preserve those monuments which are still with us, to preserve them from moisture, from sun, from wind and from sand. If you look at Konarak: you will find that all the beautiful sculptures have been eroded by sand, wind and sun. There should be chemical treatment and those should be properly preserved.

Now I come to the fake antiquities. This has become an art. You go to Janpath; you will find that there are so many Tibetans selling antiquities. Those antiquities are newly-made pieces: they are made antiques; you put them under the earth for two months and they become antique; even brass pieces, with the application of some chemical, look greenish and they are sold at fabulous prices; the poor tourists are being cheated like anything. Ultimately, the bad name comes to the Government. I would, therefore, like to draw the attention of the Minister to this. He must have some authority to find out whether the antiques are really antiques or they are fake antiques.

[Shri P. K. Deo]

As the time is very limited, I am not going into the details. I welcome the move, though it is belated. Much action could have been taken since the last three years. However, better late than never, I fully support the Bill.

श्री मूलबन्ध भाषा (पाली) : सम्पाति महोदय, राजस्थान एक ऐसा प्रदेश है जिस के ऊपर इस कानून का सबसे ज्यादा असर पड़ेगा। यह राजा-महाराजाओं का देश रहा है, वहाँ के घर-घर में कला-कृतियाँ मौजूद हैं। मैंने पहले भी सरकार से कहा था—आप मेरा पहला प्रोपोजमेंट देख लें—कि समय बहुत कम है, मेहरबाबी करके मेरी प्रोपोजमेंट को मान लीजिये, काम ठीक से सेशन 5 के बारे में मेरी प्रोपोजमेंट थी, लेकिन आपने उस कानून मेरी बात नहीं मानी, हरिद्वारी बिल को पास करते नये। अभी भी आप सेशन 5 के अन्धर 6 महीने की बात कर रहे हैं, लेकिन आप इन बातों को देखिये—यह बिल 1972 के अन्धर पास हुआ था और 1976 के अन्धर लावू हुआ, यानी बिल पास होने के बाद काम बाध लावू हुआ, उसके बाद जो आर्डिनैन्स निकाले हुए आपको कितने दिन हो गये हैं।

17.05 hrs

[Shri P. Parthasarathy in the Chair].

मैं पूछना चाहता हूँ कि इन एक्ट के नीचे कितनी धाराएँ हैं उनका किस प्रकार से कम्प्लायंस हुआ है। आपने सेशन 5 में कहा है :

"On and from the expiry of a period of two months of the commencement of this Act, no person shall

himself or by any other person on his behalf, carry on the business of selling or offering to sell any antiquity except under and accordance with the terms and conditions of a licence granted under Section 8".

हो महीने की जगह आपने छः महीने कर दिया है। आप यह बता दें कि किस किस राज्य में लाइसेंस के लिए किनकी किनकी एन्टीकैमन्ट छाई हैं इन एन्टीकैस के लिए। आपने बताया है कि एक हजार या चूकी हैं। मैं राज्यवार खीरा चाहता हूँ। आप घर घर में भी बरत पुरानी चीजें पड़ी हुई आपको भिज जायगी। आपने डेफ़ीनिशन यह ही है :

"antiquity" includes—any article, object or thing of historical interest"

यह बहुत बड़ा डेफ़ीनिशन है। हर धारवाँ के घर में ऐसी चीजें भिज सकती हैं। ये चीजें उनके घरों में पीढ़ियों से चली आ रही हैं। अब आप राब फोटो की कॉपीयाँ मांगते हैं। आपको पता है कि कितना इन पर खर्च आया? नो डेड नो धा आया। अब कोई इनको दे नहीं सकेगा तो क्या होगा? आपका परपक्ष क्या था? मैं समझता हूँ कि कानून बनाने जाने से कोई नाच नहीं हुआ। इनसे केवल थ्युरांक्टिव को फायदा होगा है। आप स्मार्चानन को रोकना चाहते हैं। हिन्दुस्तान के बाहर ये चीजें न जाएँ यह आपका परपक्ष था। इस तक ही आपको चाहिए था कि आप अपने आपको कनफ़ाइन करते, यही तक कानून को सीमित रखते। डीनर्स को ही लाइसेंस देने की आवश्यकता होनी चाहिए थी। अब इसमें आपने मन्दिरों को ले लिया है, म्यूजियम को ले लिया है। एक म्यूजियम में बस हजार कृतियाँ या मूर्तियाँ या दोनों भिजा कर हो सकती हैं। उनको भी क्या जरूरी और फोटो देना होगा? सेशन 18 आपका यह था :—

"Nothing in section 14 or section 16 or section 17 shall apply to any antiquity kept—

(i) in a museum; or

(ii) in an office; or

(iii) in an archive; or

(iv) in an educational or cultural institution, owned, controlled or managed by the Government"

आपने इसकी इनक्ल्यूड कर दिया है और कह दिया है :

"It was also considered necessary to enlarge the scope of the exemption under Section 18 of the Act so as to cover antiquities kept in museums, offices, archives, or educational or cultural institutions...."

आपका परपत्र था कि कला कृतियों को पुरानी चीजों को भारत के बाहर नस्कर लोग ले जाकर न दें। यह परपत्र नहीं था कि छोटे-छोटे म्यूजियम में और एजुकेशनल इंस्टीट्यूशन में जो आर्ट ऑब्जेक्ट्स हैं उनको आप इतनी फोटो और डाटा मांगेंगे। पुराने राजा महाराजाओं के यहां जो चीजें हैं उनको भी उनका विवरण देना होगा। फोटोज उनको देनी होंगी। इसके बहुत ज्यादा हाईलिप होगी। रेडियो लाइसेंस रिन्यू करवाना होता तो वह भी बहुत झगड़ा मालूम देता है। यहां आप पता नहीं कितने झगड़े पैदा कर रहे हैं। आप आदमी को कानून से जकड़ रहे हैं। आप आंध्र से आते हैं। वहां गांव गांव में लोगों के पास कला कृतियां हैं। इस कानून में आप ने सैक्शन 18 को इनक्ल्यूड कर दिया है। और मैं नहीं चाहता था कि सैक्शन 18 को आप शामिल करते। बल्कि जैसा पहले था वैसा ही रहने देते। अब आप ने म्यूजियम और एजुकेशनल इंस्टीट्यूशन को शामिल कर के गड़बड़ कर दिया है कि उनको भी फोटो देनी होगी। मैं इस की सराहना नहीं करता हूँ।

कितने लाइसेंस डीलर्स है और कितनी चीजें बिक रही हैं कुछ पता नहीं। 15 दिन का आपने समय दिया। उसकी मियाद क्यों नहीं बढ़ाई गई। जहां सैक्शन 14 में आपने कहा है :

"In the case of any person, within 15 days of the day when he comes into ownership...."

तो वहां 15 दिन क्यों? वहां भी तो मियाद बढ़ानी चाहिये था। कम से कम एक महीना बढ़ाइये। लेकिन वहां 15 दिन।

आपने कहा कि रिप्रेजेंटेशन आये। तो आपने के बाद मैं नहीं समझ सका कि उन्होंने क्या क्या रिप्रेजेंटेशन दिये हैं। आप इस बिल के जरिये कानून बना रहे हैं उसके अन्तर्गत आप डीलर्स तक ही सीमित करें, औरों को शामिल नहीं करें। नहीं तो इसका बड़ा भारी दुरुपयोग होगा।

DR. HANEN SEN (Barasat): I wholeheartedly support the Bill though it is a little belated.

While speaking on this Bill, I was reminded of a famous poem written by Rabindranath Tagore entitled "India, the Shrine" in which he has said that here in India the Aryans, the non-Aryans, the Huns, the Scythians, the Mongols, the Chinese, the Pathans, all got mixed up and a composite culture grown in this sacred soil of India. Therefore, though it will be a little outside the purview of this Bill, I want to draw the attention of the Minister to two or three things.

It is good that registration and other things will be necessary. But there are any number of manuscripts, paintings, statues and busts in our country which are still not explored and things which have been explored but are not properly taken care of. I want to mention just one or two examples.

[Dr. Ranen Sen]

The Asiatic Society is a treasure-house of any number of valuable manuscripts, busts, statues and paintings. Even there are paintings which have been autographed by King Shahjehan, but it is reported in Calcutta newspapers two days back, in Calcutta Statesman, that many of these antiquities are being kept neglected without proper care, on the floors of the Asiatic Society. I had moved a question which, unfortunately, became unstarred in which I raised this question. Now, in that Asiatic Society which is nearly 200 years' old started by Sir William Jones and in which very known and famous Indian intellectuals were also connected, many of the manuscripts are rotting and proper care has not been taken to preserve them properly. I want to know whose responsibility it is. Now, there is a quarrel among the authorities and the Board of the Asiatic Society as a result of which there is almost a total deadlock. Would be Government of India see that in the interests of preserving all these very valuable manuscripts, paintings, busts and statues, the Government should interfere in this regard. There is another question which has been discussed in this House but which still remains unresolved. There are various manuscripts that are lying in the National library. As yet, a proper librarian has not yet been appointed. Proper scientific approach has not yet been taken in regard to preservation of these manuscripts which are a treasure-house, if I may say so. They are now rotting in these cellars of the national library. Some of these manuscripts in the national library and Asiatic Society are those manuscripts which are written on palm leaves. There are organisations like Bangiya Sahitya Parishad with which such names as Ishwar Chandra Vidyasagar, Dr. Suniti Chatterjee and Shri R. L. Mitra

are all associated. I am told that many valuable earlier period manuscripts are rotting without proper care. I am told that certain technological difficulties are there, but we should resolve these things and see that these manuscripts are properly preserved. The manuscripts may not be taken outside India. But while in India, we should see that these manuscripts are properly preserved and protected and proper care is taken of these things. This is my submission.

I can speak of Bengal and Bihar. There are many numbers of very valuable art structures. In Malda district there is a pathan mosque called Adina Masjid. Nobody is looking after such wonderful specimens of architecture. We should have new researches to find out certain old Hindu civilisations which lie buried under the soil. Who is looking after all these things? Of course other Acts are there. But as you know all these things are inter-related. The hon. Minister is a knowledgable person and an erudite scholar, I hope he will take care of all these things and he will seriously think of these manuscripts lying in the national library and the Asiatic society, the Bangiya Sahitya Parishad and other places also. Mr Madhukar talked about Patna museum. There is the Salar Jung Museum. There are other museums. It is the duty of the Central Government to properly guide the State Governments and other organisations looking after these things and try to solve their difficulties both financial and administrative. With these words, I suport this.

SHRI B. V. NAIK (Kanara): I cannot add more to what has already been said by the learned speaker but I would like to draw the proper attention of the hon. Minister to Art 49 of the Directive Principles of the Constitution and request him to decide whether this Bill as well as

what is proposed to be done is perfectly in consonance with the Directive Principles of State Policy. Here it says:

It shall be the obligation of the State to protect every monument or place of object of artistic or historic interest, declared by or under law made by Parliament, to be of national importance, from spoliation, disfigurement, destruction, removal, disposal or export, as the case may be.

The most operative part is—removal, disposal or export, as the case may be. Antiquities are meant to be in temples, mosques, churches, etc. Disposal or export means they would have left the country and they would have gone to places which are not at all the places of their origin. I am wondering how this very long process of registration, without any value content of that particular thing, the *ad valorem* of the particular pieces of art, would help us in carrying out these Directive Principles.

How will this be of much use in order to protect our art treasures—these antiquities? I would wish if the hon. Minister finds some time—he has to find time in most of his busy commitments—to go to Belur and Halebid—he will find that each stone—there are millions of stones—will be valued in thousands of rupees. If the girls made of stones or the dancing girls made of stones, are valued, they would be valued in thousands of rupees. Virtually, if anybody were to auction out the Belur temples, they would fetch money not in lakhs or millions or crores but in billions. Of course I am not approaching in a negative way—of course Rajasthan and West Bengal have the greatest treasure house, of ancient art and culture in this country. A large proportion of that is very much in the south—in

Belur. Why these were not properly maintained—I do not know that.

SHRI M. C. DAGA: The point here is that they are not properly maintained. There are Jain temples there.

SHRI B. V. NAIK: Therefore, I feel that in order to carry out the Directive Principles of State Policy, firstly the country must ban all exports—total ban on export of antiquities and art treasures in this country. Then nothing will be lost. As long as these antiquities and art treasures are circulating within the country, nothing will be lost. Of course they will have to be exhibited at one place or other. Therefore, while I welcome this Bill, it is giving only a fringe importance to Art. 49 of the Directive principles of State Policy. Something more stringent in preserving it within the territory of India will be most welcome. I hope that the hon. Minister will bring in such a legislation very soon.

PROF. S. NURUL HASAN: Sir, I am extremely grateful to the hon. Members for the support that they have given to this Bill and also for the kind words that they have spoken as also the very deep interest which this House as well as the other House has been taking in reserving our rich culture heritage. Not only we in this country are proud of it but all lovers of art and culture throughout the world are also proud of it.

The interest of the hon. Members is a source of great strength and encouragement to all of us to whom the responsibility of looking after these treasures has been entrusted.

Sir, I will try to refer to the point that has been made by the hon. Members. But, if I am not able to refer to each of the points, that is because of the shortage of time. I can assure my hon. friends here that I shall give the most respectful consideration to the suggestions that they

[Prof. S. Nuru] Hasan.]

have made, many of which, I have no doubt, are capable of being implemented with great profit to this country.

Sir, the first point that was raised was with regard to the treasures that have been taken out of the country first during the colonial period and then smuggled out of this country after Independence.

SHRI M RAM GOPAL REDDY (Nizamabad): But, what about Takht-e-taous?

PROF. S. NURUL HASAN: I have heard about it. I was told that it is in Teheran. I am afraid I have not seen this. I have gone there and made a careful study of what was considered to be the Takht-e-Taous in the National Imperial Bank of Teheran. But, it is not there. If we get any clue, we will certainly like to look into this matter.

As my hon. friend over there rightly pointed out, many of the developing countries have not yet ratified the Unesco Convention and we are therefore trying to organise bilateral talks with some of them to ensure that at least those objects of art which we can prove were stolen from our country or smuggled out of our country illegally can be returned.

We have received a great deal of co-operation even without formal ratification from some of the governments of the developing countries. For example, hon. members referred to the Shivapuram Natraj. Only recently, the person who had acquired this from the person who had smuggled it out formally transferred the ownership of the Shivapuram Natraj to our Ambassador in the USA and we have agreed that it can be exhibited publicly for a period of ten years after which it will come back.

Similarly, we have also received co-operation from the UK in regard to some of the sculptures of Nalanda

which had been stolen/smuggled out, and in the same way about the sculpture belonging to the Banga Sahitya Parishad which has been brought back.

In this connection, I would like to pay a tribute to the officers of the Archaeological Survey of India and of the Central Bureau of Investigation who have taken a lot of initiative in preventing smuggling, in recovering objects of art and sculpture which have been stolen and in trying to get back these objects when they have gone abroad through means other than legal and diplomatic.

Only recently a Seminar was held in Mexico which was attended by the Director-General of Archaeology in India and also by the Director of the CBI. One of the main points discussed there was what to do about, and how to prevent, the smuggling out or theft of antiquities and art treasures, specially from developing countries and countries which have a very rich art heritage such as Italy. It was organised, if I remember correctly, under the auspices of Interpol, and we have been receiving co-operation from them

To protect sculptures specially, we have increased the number of monument attendants. The number is now about 2,500 or so. We have built sculpture sheds where loose sculptures can be put back.

Anxiety was expressed about the decay of Ajanta paintings. I have great pleasure in informing the House that the apprehensions in this regard are unfounded. I myself went and made a very careful examination of the paintings. I examined carefully also the report given by our Indian specialists who came to the conclusion that there is no decay of pigments. To strengthen our report and the opinion of our experts, we invited one of the very famous experts of the Smithsonian organisation in the US/Two experts were sent to us by UNESCO at our request and all of them have

supported the findings of the expert committee appointed by the Archaeological Survey of India. However, protective steps that were being taken to remove incrustation and ensure that there are no termites, etc. continue to be taken.

Anxiety was also expressed about Tajmahal. At the present moment the condition of Taj is quite satisfactory. But we have appointed an expert committee to examine the effect of pollutants in air and water in Agra at the moment and what are going to be the likely effect of the establishment of the refinery at Mathura. My colleague the Minister of Petroleum has already stated that this matter was being looked into very carefully and that nothing would be done which would harm or damage our national heritage. It was also suggested that we should seek the co-operation of the masses and that we should try to educate them. It is quite correct that without educating the masses and making them conscious of the richness of our heritage and seeking their support, we will not be able to achieve what we desire to achieve.

For this purpose we have undertaken a number of steps; it includes a very interesting programme taken up last year whereby university, college and school students were involved in looking after some monuments in their neighbourhood and the reports that we have received are extremely encouraging. We are also trying to organise as part of non-formal education an understanding of our culture. The national museum has prepared a cultural kit for schools so that our people can get an understanding of our cultural heritage.

Reference was made to excavations in Bihar, ancient site of Vikramasila in district Bhagalpur, by the Archaeological Survey of India. Recently some excavations had also been undertaken at Nalanda where new mural paintings of the Pall period were

brought to light. As regards the Sivalinga which had been referred to by my hon. friend, I will be grateful if he could give me some more information so that we can explore the possibility further... (*Interruptions*). If the hon. Members would bear with me for a little more, I shall try to satisfy them.

This country, as has been rightly pointed out, has innumerable sites which can yield extremely promising results. But there is one aspect of excavation which we should all remember. Excavation according to leading archaeologists is what is called destruction; the evidence which comes to light as a result of excavation is then destroyed several times. Therefore any haste in excavation, any unplaned programme of excavation or excavation by persons who are not really experts is likely to do more harm than good. For this reason we have been very careful to proceed slowly, to give licences slowly and in a planned, phased manner rather than allow haphazard excavation activities.

Another point that has been raised is about Bilkhandi museum; it is not a central museum; it may be State or local museum. If my hon. friend and colleague there would send me some information I would look into it.

Regarding Konarak, I should submit that I have myself seen it very carefully, both from the point of view of structural conservation and chemical treatment. A great deal of valuable work is being done and I am at least satisfied that there is no danger to the wonderful and magnificent carvings and sculptures of the Sun Temple. The other museum which is planned to be put up in Orissa is at Ratnagiri where a Buddhist site has been excavated by the Archaeological Survey of India.

Dr. Ranen Sen referred to the Adina mosque in Malda. This is a centrally protected monument and is being taken care of by way of annual and special reports. But if my hon. friend

(Prof. S. Nurul Hasan.)

has any information that there is any type of neglect in looking after it, I would request him to send me a letter and I will have it looked into immediately.

So far as theft and smuggling activities are concerned, we have sought the cooperation of the State Governments. We have asked them to strengthen the watch and ward. We have ourselves been doing whatever is possible. The customs officers have been trained to ensure that there is no smuggling. More than that, under the activities which have been undertaken by the Central Government against smugglers, drastic action has already been taken against a few of the most well-known, if I may say so notorious smugglers.

Regarding India Office Library, we are negotiating with the British Government and urging them....

SHRI P. K. DEO: For the last 25 years!

PROF. S. NURUL HASAN: Yes; it is not in our hands, as the hon. member knows. But the other suggestion of the hon. member is being taken up by us. That is, pending the negotiations regarding the ownership rights of the library, we have negotiated a programme of microfilming those records which are not available in our national museum. A number of papers have already been identified and I hope this programme will start soon.

SHRI P. K. DEO: Anything about Kohinoor?

PROF. S. NURUL HASAN: That is a different problem.

I am afraid my hon. friend, Shri Daga perhaps did not care to listen to my introductory remarks. Otherwise, some of his doubts would have been dispelled. However, may be I was not

clear enough in my presentation of the case and I will try to satisfy him against Section 18, as originally passed by this House, gave exemption only to those museums which were owned or controlled directly or indirectly by the Central or State Governments. Now what we are attempting to do is to increase the scope of this exemption. Some of the other museums such as the Prince of Wales Museum, Bombay or the Allahabad Museum are being sought to be included in the list of institutions to be exempted. In addition to this, we will also examine any case of a private museum on merits and decide. If we are satisfied that their care of the art objects and the safety of these objects is satisfactory, then we will certainly consider exempting them.

In regard to the Salar Jung Museum, I would like to remind the House that it has already been declared by this Parliament to be an institution of national importance, and funds for its looking after will be provided directly by the Central Government.

We have also provided under various other schemes for the survey of records and manuscripts by the Regional Records Survey Committee. We have also taken up under the Archaeological Survey a scheme of village to village survey of sculptures and other monuments. That, unfortunately, did not gather momentum because of inadequate funds. We are trying now to involve the post-graduate students, along with the experts and specialists, to take up this work.

Regarding the manuscripts in the National Library, I would like to assure the hon. House that these manuscripts are very well looked after and are in air-conditioned chambers and not in cellars.

In regard to the Bangiya Sahitya Parishad, I have appointed an Enquiry Committee to go and see the situation and submit its report. That report



has been submitted to me and it is under examination.

Regarding the Asiatic Society, a few years ago I had appointed a Committee, which examined the situation and decided to increase substantially the grants to the Asiatic Society. If any concrete proposals are received by me from the authorities of the Asiatic Society, which is a registered society free to act by itself, I will see what help we can give.

DR. RANEN SEN: There is a newspaper report and there was also a Question in this House that the authorities of the Asiatic Society are now divided and are quarreling among themselves. I do not understand why nothing is being done by the Central Government in regard to that situation.

PROF. S. NURUL HASAN: Unfortunately, my authority over registered societies in States is limited, because this House does not have that authority. But if there is a general public demand that the Centre should intervene, I would be very glad to provide such help and assistance as I can do within the constitutional framework. But I do need a well-considered demand from the people of West Bengal, particularly the intellectuals and those who are members of the Asiatic Society.

SHRI B. V. NAIK: In the State of Karnataka, wherever these decadent registered societies have been found to be defunct or quarreling within themselves, the State Government has taken powers to take over the administration of these registered societies. When we are making Ordinances for many other subjects, I think it is high time that we have an Ordinance in order to take over such societies of national importance.

PROF. S. NURUAL HASAN: This is a very good suggestion. I will discuss the matter with the Government of West Bengal.

My hon. friend, Shri Naik, referred to article 49. I would draw his attention to the Ancient Monuments and Sites Act, which this House passed a long time ago, under which most of the monuments, which were considered to be of national importance, have been protected by the Archaeological Survey of India and in the case of monuments of State importance, the State Governments have been urged to give them protection.

So far as total ban on exports is concerned, the whole purpose of the Act which the House had passed, and which is now sought to be amended is to prevent the export of antiquities, because unless we know where our antiquities are, it would not be possible to prevent smuggling.

With these words, I commend this Bill to the House.

MR. CHAIRMAN: The question is:

"That the Bill to amend the Antiquities and Art Treasures Act, 1972, as passed by Rajya Sabha, be taken into consideration."

*The motion was adopted.*

MR. CHAIRMAN: The question is:

"That Clauses 2 to 5 stand part of the Bill."

*The motion was adopted.*

*Clauses 2 to 5 were added to the Bill.*

MR. CHAIRMAN: The question is:

"That Clause 1 stand part of the Bill."

*The motion was adopted.*

*Clause 1 was added to the Bill.*

MR. CHAIRMAN: The question is:

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

*The motion was adopted.*

*The Enacting Formula and the Title were added to the Bill.*

PROF. S. NURUAL HASAN: I beg to move:

"That the Bill be passed."

MR. CHAIRMAN: The question is:

"That the Bill be passed."

*The motion was adopted*

17.45 hrs

**ESSENTIAL COMMODITIES  
(AMENDMENT) BILL**

THE MINISTER OF STATE IN THE  
MINISTRY OF CIVIL SUPPLIES AND  
CO-OPERATION (SHRI A. C. GEOR-  
GE): I beg to move.

"That the Bill further to amend the Essential Commodities Act, 1955, as passed by Rajya Sabha, be taken into consideration."

The Essential Commodities Act was passed in 1955 for the control of production, supply, distribution and pricing and of trade and commerce in certain essential commodities. At present, there are 61 declared essential commodities which include items like foodgrains, sugar, vanaspathi, drugs and textiles and other such items that are basic to the daily requirements of the citizens of the country.

From 1955 onwards, on the basis of experience gained in the working of the Act, suitable amendments to the parent Act have been made to make its provisions more effective. The Act

was last amended in 1974 in the light of the recommendations made in the 47th Report of the Law Commission and by it, the penal provisions of the Act were made more deterrent, so that the Act could be a more meaningful instrument to check hoarding, profiteering and other malpractices in the trade and commerce of essential commodities.

Regional Conferences of State Ministers of Food and Civil Supplies were held during 1974 and 1975 so that a consensus could emerge in regard to the changes required in the framework of this regulatory enactment. As a result of the recommendations made in these meetings, some amendments became necessary. Certain other amendments have also to be proposed, consequent upon the striking down of control orders relating to levy on foodgrains by the High Courts of Karnataka and Orissa, which hampered the procurement of foodgrains. The amendments which have been proposed are absolutely necessary for fulfilling our social needs, underscore the disciplinary requirements of our developing economy and would contribute to greater order in the procurement, supply and distribution of essential commodities. As has already been explained in the Statement of Objects and Reasons, the main provisions of the amending Bill relate to: enlarging the definition of the term "Collector" to allow other senior officers to exercise powers in the drive against hoarder and profiteers for promotion of procurement to redefine the basis on which levy orders can be passed by the State Governments; to enable the re-introduction of seized essential commodities into the public distribution system and also to debar lower Courts from interfering with the confiscation proceedings; and finally, to protect public servants functioning under the Act against malicious and vexatious complaints in the course of the performance of their duties.

\*Moved with the recommendation of the President.