

Mr. Deputy-Speaker: I must apply guillotine now. Is it necessary for the hon. Minister to say anything?

Shri A. C. Guha: If you permit me, I would just say a few words.

Mr. Deputy-Speaker: I think the hon. Minister has said enough.

The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

ANCIENT AND HISTORICAL
MONUMENTS AND ARCHAEOLOGICAL
SITES AND REMAINS (DECLARATION
OF NATIONAL IMPORTANCE) AMENDMENT BILL

4 P.M.

Mr. Deputy-Speaker: The House will now take up the Ancient and Historical Monuments Bill. Who was the Member in possession of the House? Shri V. G. Deshpande. He is not in the House. Dr. N. B. Khare.

Dr. N. B. Khare (Gwallor): Sir, I want to say something on this Archaeological Monuments Bill.

Some Hon. Members: Ancient and Historical Monuments Bill.

Dr. N. B. Khare: The meaning is the same.

Mr. Deputy-Speaker: Hon. Members will be short, sweet and brief.

Dr. N. B. Khare: I shall be very short and crisp. I won't take more than 6 or 7 minutes.

When the British conquered this country, in the first flush of their victory, they destroyed from political motives some of our monuments like the Peishwa's palace in Poona, Raigarh, the palace in Nagpur and some other things. After some time it was Lord Curzon, who, though he did so many bad things to this country

did one good thing when he focussed the attention of this country on this important branch of knowledge. Then, Sir, when this Congress Government came into power, it has now brought this Bill after 6 or 7 years. I have got full sympathy for this Bill. I am glad that the Congress Government has brought this Bill before the House.

Mr. Deputy-Speaker: It is only an Amending Bill.

Dr. N. B. Khare: I do not care whatever it is: whether it is an amending Bill or otherwise. I have got my sympathy for this Bill.

But, I must say that I am rather doubtful as to how far the Congress Government would be inspired to actively engage itself in promoting this branch of knowledge. When we, in our lectures or anywhere else, talk of our ancient past and the glory of India, they are rubbed in the wrong way and they tell us to bury the past and not refer to it and always look to the future. These are our mentors: all glory to them. These mentors are now bringing this Bill before the House to dig up our past buried in the ancient monuments. Sir, when we refer to our past subjectively by mere words they are upset and now they want by this Bill to dig it up and present it before us, objectively in a concrete shape or form. This is cynicism. How far they are sincerely behind this, I do not know. I am rather sceptical about it. If we realise and apply the theory of Einstein of relativity of space to time, all these tenses of past, present and future will vanish into nothingness, and we get a whole picture of history whether glorious or otherwise. When we refer to our ancient glory and wisdom, when we say this, we are called names; we are called revivalists and reactionaries. Why? If these people revive all these ancient glories by digging them up and exhuming them, I do not know what I should call them. Shall I call them exhumers or grave diggers? I do not know.

Mr. Deputy-Speaker: Following the hon. Member, anything glorious.

Dr. N. B. Khare: I therefore say that in bringing this Bill before the House, they may not be as sincere as they pose to be. That is my complaint.

I will make my complaint clear with one reference. Perhaps 1½ years ago, an ancient monument of hallowed memory which is supposed to consecrate or commemorate an event or incident, of Shri Ramachandra eating plums at the hands of Sabari,—Samarimala—was burnt and destroyed by hooligans or vandals; I do not know to what religion they belonged but I have my suspicions. Then, there was a great furore raised in the country. When we refer to anything on the floor of the House, our Speaker asks us to contact the Ministers first and get information from them and then bring the matter before the House if we are not satisfied. I strictly followed this direction, devotedly followed this direction, to get information about the destruction of this temple and I wrote a simple private letter in a very courteous, beseeching, entreating manner, with which I am not very familiar, to our Home Minister, and—I am sorry to say that that gentleman is not here now—he has not cared to reply to my simple letter requesting to give information about the destruction of the temple.

An Hon. Member: Where?

Dr. N. B. Khare: In Travancore-Cochin; Sabarimala.

Mr. Deputy-Speaker: Sabarimalai.

Dr. N. B. Khare: I must say one thing. I do not know what these Ministers consider themselves to be. I consider them as servants of the people, servants of the House. As a Member of the House, representing the people, I consider I am a representative of the people. If we are treated with this dignity or lack of dignity, I am entitled to protest against this and

bring my grievances before the House. I am reminded of the story of Mirza Akad Beg who never had his neck like this at right angle. It was always in an acute angle or an obtuse angle like this. After getting no reply from the Minister, I put a question to our very dear and devoted Speaker: a simple question wanting information about the destruction of Sabarimalai temple. That question has been disallowed without assigning any reason. This is the yellow death warrant of my poor dear dead question. No reason. I do not know how the House functions. Therefore, I say that I am very doubtful about the sincerity of this Government in bringing this Bill. They have brought this Bill as a matter of form and they will sleep over it. They do not care for our ancient and glorious past, religion or temple. Why? Because they are secular. I am supporting the Bill.....

The Minister of Defence Organisation (Shri Tyagi): A very strange support.

Dr. N. B. Khare: But my complaint against the Government is that they are not sincere; they are not honest, I should say. Otherwise, they would have replied to my letter. This is the condition of the Members of this House. I do not know if I am a *persona non grata* with the Home Minister. The Speaker has treated me in this way. Where should I ask for this information? I invite the House to take notice of this contempt offered to one of the Members by the Minister, whom I regard, in spite of his dignity and glory, as a servant of this House and a servant of the people.

Several Hon. Members rose—

Mr. Deputy-Speaker: Let me see how many hon. Members want to speak. There are 23 Members. What is the time allotted?

Dr. Lanka Sundaram (Visakhapatnam): One and a half hours.

Shri Radhelal Vyas (Ujjain): Two and a half hours.

Mr. Deputy-Speaker: There has already been discussion on a prior occasion for three hours. The Business Advisory Committee has allotted 1½ hours.

Shri Radhelal Vyas: This time was allotted after the previous discussion was over.

Mr. Deputy-Speaker: The balance of time for the disposal of this Bill is 1½ hours.

Shri Radhelal Vyas: May I submit, Sir, that the allotment of this time, 1½ hours, was after the previous discussion was over. The Business Advisory Committee met after that discussion and has allotted 1½ hours.

Shri Altekar (North Satara): The allotment of time was made after the previous discussion was over.

Mr. Deputy-Speaker: Over and above the time taken on the previous occasion, this time has again been allotted. The Bill must be over in 1½ hours: at least the consideration stage.

Shri Radhelal Vyas: At least the whole of today should be allotted.

Mr. Deputy-Speaker: All hon. Members who are Members of the Business Advisory Committee, who are invited as heads of their various groups, must come and instruct their followers to abide by the decisions of the Business Advisory Committee. Otherwise it is useless. From time to time I am not going to extend the time. The time allotted is 1½ hours. After all, we are not going into very extraneous matters. Some items have been included in the Act which is already there. We are not now competent to go into the working of the Act. These things alone have to be included. Whether any particular item has to be included in the Schedule or not is the only point for consideration. The Bill

is quite simple. I shall close the general discussion at 5 O' Clock and give half an hour for the Clauses.

Shri U. M. Trivedi (Chittor): There are no clauses. Only amendments to the Schedule.

Mr. Deputy-Speaker: The amendments to the Schedule will be disposed of in half an hour, and guillotine will be applied at 5.30. I will allow ten minutes more, because we spent ten minutes for the other one. I think Dr. Khare took those ten minutes. I will close this at 5.40. One hour for general discussion. Hon. Members need not repeat what has been said.

I will call one Member from each bench.

Shri Radhelal Vyas: You can give five minutes each.

Mr. Deputy-Speaker: At five minutes each, it comes to 115 minutes.

Shri Sarmah (Golaghat-Jorhat): One from each State.

Mr. Deputy-Speaker: There are some States which have not yet spoken. Which are those States?

Some Hon. Members: Madhya Bharat, Rajasthan.

Shri Sarmah: You start with Andhra, and then Assam. Let us go alphabetically.

Mr. Deputy-Speaker: Mr. Radhelal Vyas.

श्री राधेलाल व्यास : सभापतिजी मैं आपको बहुत धन्यवाद देता हूँ कि आप ने मुझे समय सब से प्रथम दिया । मुझे एक तो यह निवेदन करना है कि यह जो हाउस के सामने प्रमैडमेंट्स शासन की ओर से आती है कि फलां प्रारकियालाजिकल इम्पार्टेंस के स्थान को शामिल कर लिया जाय और इसी तरह की जो प्रमैडमेंट्स मैम्बर्स की तरफ से आती हैं और हमको वोट देना होता है, उन के बारे में हम को कोई पता नहीं कि जो चीज़

शामिल की जायगी, उसका क्या महत्व है, वह कब बनी थी क्या उस का इतिहास है, क्या उस का आर्किटेक्ट है और क्या इम्पार्टेंस है। मैं निवेदन करूंगा कि जब कभी इस प्रकार की चीज सामने आवे तो शासन को पूरा इतिहास उस का हाउस के सामने रखना चाहिये, ताकि वह निर्णय कर सके कि वास्तव में यह नेशनल इम्पार्टेंस का स्थान है या नहीं और उस का समावेश इस आलेख या बिल में होना चाहिये या नहीं।

Mr. Deputy-Speaker: In connection with the Estate Duty Bill, the hon. Finance Minister called all Members who had tabled amendments. Since this is also a matter of some importance where various Members are interested in archaeological finds and in ancient glories wherever they are in various parts of India, the hon. Minister must have called them and talked to them as to what should be added or subtracted from the Schedule. Then it would have been easier.

The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya): I have had several discussions with the hon. Members, but as the amendments are pouring in every day and we have got to examine them and get investigations completed from the field, it is not possible for me to say just now whether I can accept or reject any of them.

Mr. Deputy-Speaker: Then, why not hon. Minister accept Mr. Gadgil's amendment of adding to the list whenever it is found convenient.

Shri K. D. Malaviya: There is difference of opinion on that on the interpretation of the Constitution.

Mr. Deputy-Speaker: It must be each individual monument?

Shri K. D. Malaviya: It must come before Parliament. The wording in item 67 of Union List I in Seventh Schedule is "by Parliament by law".

Shri Dhulekar (Jhansi Distt.—South): I had applied and I even went to the hon. Minister for Education for this Jhansi Rani Saheb's Maha', but I was never called or told what would happen. So I want to speak.

The Minister of Law and Minority Affairs (Shri Biswas): May I say just one word regarding the amendment of which notice has been given by my hon. friend Mr. Gadgil?

There is no doubt it is a very simple procedure, and if that is acceptable to the House and if that is in consonance with the legal opinion which we propose to take, nothing better.

As a matter of fact, I may remind the House that the Act of 1904 did not deal with the question of declaring any monuments to be monuments of national importance, but only provided for declaring certain monuments as protected monuments. The procedure was by notification. Section 3 reads:

- (1) The Central Government may, by notification in the Official Gazette, declare an ancient monument to be a protected monument within the meaning of this Act.
- (2) A copy of every notification published under sub-section (1) shall be fixed up in a conspicuous place on or near the monument, together with an intimation that any objections to the issue of the notification received by the Central Government within one month from the date when it is so fixed up will be taken into consideration.
- (3) On the expiry of the said period of one month, the Central Government, after considering the objections, if any, shall confirm or withdraw the notification.
- (4) A notification published under this section shall, unless and

[Shri Biswas]

until it is withdrawn, be conclusive evidence of the fact that the monument to which it relates is an ancient monument within the meaning of this Act."

The same procedure might be adopted in regard to the declaration of a monument as a monument of national importance within Entry 67, List I of the Seventh Schedule of the Constitution. That is quite true.

Dr. Lanka Sundaram: Is it your position that the Constitution has to be amended?

Shri Biswas: At the same time you will find, if you refer to the list, two expressions have been used in different entries. Sometimes you have the expression "declared by law"; sometimes the expression "declared by and under law". Now, the question is whether "by law" means that it must be declared by Parliament itself.

An Hon. Member: No, no.

Shri Biswas: You may say "No," but there it is. That is a point on which opinion has got to be taken. It will not do to say "No, no". I may say "No". That may be my opinion. Somebody else might say "Yes". What am I to do? I may refer to entries 23, 27, etc. where you find the expression "by or under law". One view is that the existence of these words "or under law" will permit a Notification to be issued.

Dr. Lanka Sundaram: Will you interpret Article 246?

Shri Biswas: Then the expression "by law" without the addition of the words "or under" you find in entries 32, 52, 53, 54, 56, 62, 63, 64, 67 etc. I have not been able to make out yet, whether there was any purpose behind this differentiation between the two expressions used. I have looked up the matter. There is some decision of the Privy Council, but not exactly in point. The words used there were

different. I have got that reference here.

Therefore, all these questions do raise a doubt as to what is the correct procedure. I am quite free to admit that even where, in the body of the Constitution, the words "by law" have been used, we have actually taken power to issue Notifications. I will refer only to the Act for the salaries of Ministers. There, provision is made for the making of rules by Notification regarding certain matters. So, I say a consistent practice has not been followed, but now that this point has been definitely drawn attention to, it is just as well that we should decide it one way or the other. My proposal is: let this Bill be accepted as it is.

An Hon. Member: No, no.

Shri Biswas: Do you suggest that even in spite of the fact that the Bill is here, we will go on publishing Notifications in regard to all these monuments which are scheduled here. That question will arise as regards future action. Therefore, I would suggest that the House will be well advised—if I may say so, with respect—in passing this Bill, accepting or not accepting some amendments, regarding the inclusion or exclusion of certain monuments. That is a different matter altogether. Let the House pass this Bill now, and in the meantime, let the Minister of Law take legal opinion from the highest legal adviser to Government, and then we shall act according to the advice given. Of course, so far as Government are concerned, the procedure by notification is very convenient. If the House will surrender its right to declare whether a particular monument is of national importance or not, surely the executive will only be very happy, and it will also shorten matters. But there it is.

At one stage, the idea was to have a comprehensive amendment of the Act of 1904. Now, of course, whatever monuments are declared as protected monuments will be regarded as monu-

ments of national importance, and vice versa, whatever monuments are declared as monuments of national importance will automatically become protected monuments, within the meaning of the Act of 1904. That Act has not been repealed, and is still in force. That is the position. But we want to have the whole thing cleared up.

I would therefore suggest that this Bill may be dealt with as it is. In the meantime, we shall decide about our future course of action. It is in that view, that I would like to appeal to my hon. friend to withdraw his amendment.

Shri Gadgil (Poona Central): May I know from you, Sir, whether we are expected to address arguments with respect to the constitutional propriety of this particular amendment now, or during the clause by clause discussion? If it is your direction, that this question should be disposed of, one need not wait for the discussion of amendments, for either they will be accepted or they will be not accepted, and the list may become long or short. But if it is the object to have some administrative convenience, and if the position as stated by the hon. Law Minister is correct that in the matter of the salaries of the ministers, delegation of power was permitted, and no objection was taken, I do not see any logic or consistency. Without having done this, if you are convinced.....

Shri K. D. Malaviya: Are you taking up this question? I was suggesting that the general discussion might take place just now, for about 45 minutes or an hour, and after that, if you so choose, this amendment of my hon. friend Shri Gadgil may be taken up. Then, as the hon. Law Minister has already stated, we may say a few words, and a decision may be taken. Otherwise this general discussion will be guillotined. That is all I wanted to say.

Pandit Thakur Das Bhargava (Gurgaon): This point was discussed when the original Bill was passed.

Mr. Deputy-Speaker: If this point is disposed of now, the general discussion may collapse. The general discussion is proceeding on general lines, and not with respect to any particular amendment. The present Bill is only an amending Bill, and so the original Bill and its principles are not before us. The question is whether these particular monuments are of sufficient national importance to be included in the Schedule, or whether they ought to be in the hands of the State Governments, and should not be brought up to this high position of national importance, so as to be protected and managed by the Centre. It is a simple point to be disposed of, and other hon. Members also might have their say on this. I shall hear Shri Gadgil about this point first. I shall also hear the hon. Minister later.

Prima facie, I am inclined to agree with the hon. Minister—hon. Members will kindly look into this matter, and I would like to have elucidation on this point. Entry No. 67 in List No. I of the Seventh Schedule reads:

"Ancient and historical monuments and records, and archaeological sites and remains, declared by Parliament by law to be of national importance."

Entry No. 12 in List No. II reads:

".....ancient and historical monuments and records other than those declared by Parliament by law to be of national importance."

Entry No. 40 in List No. III, the Concurrent List, reads:

"Archaeological sites and remains other than those declared by Parliament by law to be of national importance."

The latter two entries relate mostly to archaeological sites and remains.

Shri Biswas: If you will kindly look at entry No. 67 in the Union List, you will find the expression:

"Ancient and historical monuments and records....."

[Shri Biswas]

Under entry No. 12 in the State List, this is the subject matter of the State List. Only archaeological sites and remains are the subject matter of the Concurrent List, Entry No. 40.

Mr. Deputy-Speaker: Entry No. 67 is all comprehensive. In the first instance, it appears that all ancient monuments belong to the States, unless some of them are taken away and put within the jurisdiction of the Centre. As for archaeological sites and remains, they are in the Concurrent List. Parliament can pass a law in respect of these, simultaneously with the States, and the law passed by Parliament will supersede the State laws.

So far as this Bill is concerned, does it refer to ancient and historical monuments and records, or to archaeological sites and remains?

Shri Biswas: It refers to both. In Part I, it deals with monuments and records, and in Part II, with sites and remains.

Mr. Deputy-Speaker: So far as ancient and historical monuments and records are concerned, *prima facie* and in the first instance, the intention in the Constitution seems to be that they must be maintained and protected by the States. If, however, there are any monuments which are of such national importance, that the Centre should take charge of them,—in view of the slender sinews of the State, and in view of the fact that the whole country, and not necessarily one particular State may be interested in them,—and spend money over them, then those monuments etc. can be declared by Parliament by law to be of national importance. Therefore, the analogy of delegation of power in the case of the salaries of Ministers, does not seem to apply, in this case. There will be a conflict, if the executive is vested with the authority. If we accept Shri Gadgil's amendment, the authority will be vested in the Central Government, to declare a particular monument, which is otherwise within

the jurisdiction of the States, to be one of national importance, over and above the head of the executive of the particular State. That conflict between one executive and another executive will arise. Under these circumstances, it seems to be necessary that each monument or each item has to be declared by Parliament by law to be of national importance.

I would like to hear other viewpoints before I decide to allow or disallow this particular amendment.

Pandit Thakur Das Bhargava: May I submit for your consideration that on one short ground, these amendments cannot be taken to be in order? We are only amending the Schedule, under this Bill; so, the other Sections of the Act cannot be amended by means of this Bill. Only the Schedule can be amended, and nothing else. Now, all these amendments relating to particular archaeological sites and remains will have to be gone into here.

Shri Altekar: In my amendment, I have proposed that a committee should be appointed to go into the whole question, and make recommendations to the Government, after which alone, Government should come before Parliament, for declaring these to be of national importance.....

Mr. Deputy-Speaker: That is another matter.

Shri Gadgil: As I stated earlier, the real issue is whether the words 'by law to be of national importance' should be construed to mean exclusively that every monument should be declared to be of national importance by a law passed by this House, and that it is not open to this House to delegate this power of determining what is or is not of national importance, to the executive of the day. If we take a very narrow view of it, every time Government will have to come before the House with a regular Bill, and get it passed. Apart from the question of administrative convenience

which will result, if the power is vested with the executive.....I think, under our Constitution, delegation of power is not barred at all.

If you will refer to some passages from the judgment of Chief Justice Kania, he has said:

"The legislature may in laying down the rules of conduct express itself generally if the conditions and circumstances so require. The extent of the specific and detailed lines of the rules of conduct to be laid down may vary according to the circumstances or exigencies of each case. The result will be that if owing to unusual circumstances or exigencies, the legislature does not choose to lay down detailed rules or regulations, that work may be left to another body which is then deemed to have subordinate legislative power."

The limit to such delegation of subordinate power is the limit to the legislative competence of the legislature itself. What this House cannot do, certainly it cannot delegate. But the broad fact remains that in matters which are of detailed importance and working out, it would not be wise to take that function—the function is already there—and to continue to discharge it to the detriment of other and far more important legislative work.

Now, as a matter of fact, this House has passed certain laws under the Constitution where power has been delegated. An instance was pointed out by the Law Minister, that in the law governing the salaries of Ministers, power has been taken to delegate certain functions to the executive of the day which it can exercise by framing rules. The question is: are we delegating the power to enact law by my amendment or are we merely delegating the execution of a legislative policy already accepted by this House? If we are doing the first, then certainly it is unconstitutional and beyond our competence. But if we are merely doing the second, it is different. The

legislative policy has been laid down. What is the legislative policy? It is that certain ancient monuments or records or archaeological sites are to be declared of national importance. Now, the question of carrying it out is a different proposition; just as in the matter of the Essential Industries Act where power has been taken to declare certain industries as essential industries. Similarly, Sir, under the Tariff Act, if I remember aright, power has been taken to increase or decrease import duties or increase or decrease export duties and then come before the House with a Resolution. But the fact remains that the power has been delegated, and it has proved of great administrative convenience.

Now, what particular power should be delegated depends upon the importance of the question. Here it is not a very high matter of policy whether a mausoleum or a mandir is declared or not declared of national importance. It does not vitally affect either the security of the country or the economics of the country or the foreign relations that this country has with others. It is a matter that purely concerns.....

Pandit Thakur Das Bhargava: On a point of order, Sir. I had submitted that this Bill only sought to amend the Schedule...

Mr. Deputy-Speaker: I have heard that.

Pandit Thakur Das Bhargava: ...and not the sections at all. Now this amendment is about adding more sections to the Bill itself. My humble submission is—without going into the constitutional question—that amendments can be only confined to the matters mentioned in the Bill. Now, the constitutional question does not arise. It would only arise when the Chair is inclined to rule that other matters may be taken up.

Mr. Deputy-Speaker: I had my doubts. I have been bearing that in mind, and I am sure every other hon. Member who would like to inter-

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vene in this matter would address himself to this aspect also. My difficulty was this. I do not think Pandit Thakur Das Bhargava contends that it is not open to any hon. Member to include any others also in this schedule, saying that it is one of national importance, by way of amendment. It is open to him to say that it is of such national importance. There may be another thing absolutely unthought of close by...

Pandit Thakur Das Bhargava: But the proposed Committee or Commission do not come in.

Mr. Deputy-Speaker: Leave that alone. It is open to any hon. Member to introduce by way of amendment, saying that it is a monument of national importance and it ought to be included. I suppose there is no objection to that and it is in order, even if a single such monument can be mentioned. Then, is it not open to this House to say that these and other monuments which the authorities might find from time to time to be of national importance may be declared so. I am not coming to Mr. Gadgil's point; I am only trying to find out how far I may accept Pandit Thakur Das Bhargava's exception that because it adds another section, it is outside the scope of the Bill. We will leave alone this section. If the Central Government include these items and others in the Schedule, would it be out of order? Therefore, I have my doubts. I am not immediately answering this point. I am allowing discussion over the constitutional issue. Mr. Gadgil may continue.

Shri Gadgil: Actually I quoted two precedents in which this House has allowed power to be delegated to the executive of the day in two most important matters—in the control of industry as well as in the control of taxation. As a matter of fact, the power to deal with taxation is so precious that normally no House—no legislature—would part with it, but

because of the administrative convenience as also on matters of high policy, we allowed that. Then why are we straining at this little thing when this does not involve any vital question relating either to the security of the State or any other matter? As a matter of fact, this is a principle of great constitutional importance and has been accepted by most of the countries. In fact, no country has gone against it. Modern legislation is essentially legislation which lays down broad principles, and the broad principles are to be interpreted

on certain accepted lines by the executive of the day. And this House very recently has appointed a Committee to look after delegated legislation. Therefore, there is no fear. Even in the United States, which is so anxious about such matters, the Supreme Court has laid down:

“Undoubtedly the legislature must declare the policy of the law and fix the legal principles which are to control in given cases: but an administrative body may be invested with the powers to ascertain the facts and conditions to which the policy and principles apply. If this could not be done, there would be infinite confusion in the laws, and in an effort to detail and to particularise, they would miss sufficiency both in provision and execution.

“The true distinction, therefore, is between the delegation of power to make the law which necessarily involves a discretion as to what it shall be, and conferring an authority or discretion as to its execution, to be exercised under and in pursuance of the law. The first cannot be done; to the latter no valid objection can be made”.

I am, therefore, submitting that once you lay down the principle that whatever is of national importance is

to be taken over by the Central Government and whatever is not of national importance will be looked after by the State—as is the present position—the power of deciding what is or what is not of national importance is a power—not that it is impossible to exercise for this hon. House—which is such a minor matter that it is much better left to the executive. Here we have at least 10 lists and about 100 amendments. Are we going into each and every amendment which says that a certain *ghat* should be declared of national importance? I doubt whether that *ghat* has ever been visited by the mover of the amendment himself. He will have read from the note/or from the information he has received. But by and large, this is a matter which can be better dealt with by the executive. Therefore, I have suggested that. If, according to the view of the Law Minister there are precedents in which this has been done and there are precedents in which this has not been done. I think in such a situation administrative convenience and the convenience of the House ought to prevail, especially when no vital question is involved. On the contrary, much of the time of the House is saved. I honestly feel that acceptance of my amendment would be in the highest interest of the House as well as of the country.

Mr. Deputy-Speaker: May I ask the hon. Member, Mr. Gadgil whether there are cases in which a particular entry or item in the State list can be declared to be of national importance by Parliament and then thereafter legislation may be undertaken by Parliament to include any other entry from the State list. In article 249, there are similar powers with regard to industries and other things, for which we have taken power. It is declared by the law of Parliament to be of national importance. Therefore it has been taken. Are there cases in which where after having brought specific instances to

the notice of the House for the application of its power, a general power has been given to the Central Government to say that you may add any other entry in this by notification and the Central Legislature will have power. Would there not be a conflict? What has been given by the one hand to the State Legislatures will be taken away by the other hand by executive order. Will there not be any conflict between the Central executive and the State executive? When the general power to regulate is with the State Government, each single entry will have to be brought, before Parliament; that is my view.

Shri Biswas: Sir, may I add just one word. The Constitution has laid down no test by which to determine what monument is of national importance. Therefore the Constitution has not left it to the executive to decide that question; it is left to the Legislature.

Mr. Deputy-Speaker: Why should Parliament then apply its mind? Will the hon. Minister explain?

Shri K. D. Malaviya: I have nothing more to add. The criterion before the department is that an outstanding archaeological site or historical monument should be regarded as of national importance. Under the present interpretation of Constitution in this respect it is very difficult for the department to decide specifically with regard to any monument or historical site or remains whether it is of national importance or not. That is why my interpretation is that each one of the items ought to come before the House to receive its sanction whether it is to be declared an object of national importance or not. Personally, Sir, I have no objection to the interpretation put upon it by Mr. Gadgil. But my only difficulty is that according to the present interpretation it will be very difficult for the department to lay down by notification that all these monuments have been declared objects of national importance. That is

[Shri K. D. Malaviya]

why the law-makers wanted this thing to be brought before the House.

Shri S. S. More (Sholapur): When this House is to decide whether a particular monument is of national importance or not, all the necessary and relevant material ought to be placed before the House. As a matter of fact, how can we apply our minds to it when the executive cannot do it. Much more so, we are incapable, because I have not gone to South India and so many monuments will be coming up for inclusion by way of amendment. I am asked to apply my mind and come to a decision whether it is a matter of national importance. (*Interruption.*) Whenever such amendments are brought either by Government or by somebody else, they must supply all the Members with relevant material, at least in a precis, so that we may judge for ourselves whether it is of national importance or not. Government has not given us all the material.

Shri Altekar: Sir, I also want to say something in this connection.

In order to obviate this difficulty as to how we are to judge whether a particular monument is really of national importance or not, there should be a certain procedure for that purpose. Because it has been left to Parliament itself, ultimately the Parliament will have to decide. It must have some criterion before going into this discussion. I am submitting that there should be a Committee of Experts and that Committee should investigate into and examine all the various proposals and with their recommendation it should come before Parliament for a declaration. That would be a suitable thing and that is what I have suggested in my amendment No. 56.

Mr. Deputy-Speaker: So far as this matter is concerned, it is very simple. The point raised is that these matters of general importance, these monuments ought to be protected etc. They

are by way of suggestions or amendments to the original Bill. The matter for consideration is whether a particular item that has been sought to be included in the schedule here is of such national importance that the jurisdiction of the State Government ought to be withdrawn from it and the exclusive jurisdiction given to this Parliament. The hon. Members may address themselves to this. There are a number of items included in the schedule.

Hereafter whenever such a legislation is brought before the House, all the hon. Members should be notified sufficiently well in advance either by a notification in the Gazette or otherwise as to what all objects are sought to be declared as of national importance. It may be that every hon. Member is not interested in every monument; he may be interested in a monument pertaining to his State or area. So far as this is concerned, without giving any ruling I will leave it to the House when they are sought to be moved. But, at this stage, I will ask hon. Members to confine themselves to the monuments mentioned already. For individual members some objects may be of national importance but for the Government to accept that they are of national importance needs a lot of scrutiny by their officers. I would suggest that Government take all these matters which are sought to be included into consideration and have a discussion with the various hon. Members and then try to find out whether in the next Bill these ought to be included or not.

So far as the Expert Body is concerned, the Government have an expert body, the Archaeological Department and we do not think any other expert body is needed, unless we think that in this case also we should have some foreigners to find out what monuments are to be declared of national importance. The schedule may be passed as it is. I am making a

suggestion. With regard to all other items there may be a large number of them because our country is so large and our history is so ancient—let the hon. Minister look into them leisurely and see whether they can be included later on.

Shri U. M. Trivedi: What I wish to ask is that just as the Government list has been with us for some time now, some of our amendments to the schedule have been with the Government for the last 4 months or more than that—have the Government not made any enquiries about them?

Shri K. D. Malaviya: A number of suggestions we are accepting and the rest we cannot accept because either we have not examined them or because we do not consider them to be objects of national importance. I have already given the hon. Members our opinion privately.

Shri H. N. Mukerjee (Calcutta North-East): I have a simple doubt which arises out of what the hon. Minister has just now said and your comments thereon. The Minister said very frankly that he has come before Parliament because his department does not know for certain whether certain monuments and sites should or should not be declared to be of national importance.

Shri K. D. Malaviya: Sir, I never said that.

Mr. Deputy-Speaker: He said that some of these finds are not of sufficient national importance.

Shri H. N. Mukerjee: A little earlier he said that he has come up before Parliament because it is necessary to have the sanction of Parliament in regard to the ascertainment of particular monuments or sites as of national importance.

Shri K. D. Malaviya: On the background of the Constitution, I suggested...

Shri H. N. Mukerjee: I had given notice of an amendment almost exactly similar to Mr. Gadgil's amendment

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vesting in Government the authority to find out which monuments and sites are of national importance. Because, Sir, I feel that it is very unfair to tell the Members of Parliament to ascertain which exactly are of national importance and which are not. We ought to leave it to the good sense and knowledge and capacity of the Department concerned. But the Minister has come here with the Bill because he feels that Parliament should put its sanction on the findings of the Archaeological Department. There, Mr. More's point has very great validity, because in the absence of an explanatory memorandum regarding the items which he has mentioned in the schedule, we are not in a position to apply our minds properly to the Bill.

Mr. Deputy-Speaker: Let me take the other side. I just said that in future, that may the procedure adopted. So far as the present one is concerned, I might ask: what prevented the hon. Members from giving information to the Minister? Hon. Members who have got any doubts about any particular monument relating to their areas—they would be naturally interested in the monuments of their area—could have supplied the information. Then, they could not have asked the Minister, what are the records, and so on.

Shri H. N. Mukerjee: My answer is that the hon. Members concerned possibly gave the Government credit for having mentioned in their schedule monuments and sites which were really of national importance, and they suggested additional items from their own knowledge and information. Now, Sir, your suggestion is, because of constitutional difficulties, that those who have given notice of amendments should hold themselves in patience till as long as my hon. friend, the Deputy Minister, chooses to bring a second amendment or a third amendment to this particular legislation. The amendments given notice of by the Members concerned cannot really be

[Shri H. N. Mukerjee]

discussed either, because we do not know whether the monuments are of national importance or not. Government has not given us its views on the matter.

Mr. Deputy-Speaker: I am afraid the hon. Member has not followed me at all. What I suggested was that whenever such a Bill is brought before the House, sufficiently in advance by notification in the official gazette a memorandum may be sent out for information of the public and of the hon. Members of this House to find out if, in their opinion, a monument is of national importance or not. Sufficient notice may be given so that hon. Members would take interest, may look into it and come prepared. That is for the future. So far as the present is concerned, the hon. Minister said that he has received various suggestions and he has examined them, and he is accepting some of them. He is trying to investigate certain suggestions for inclusion of certain ancient monuments in the schedule. Some of them he has found not acceptable after investigation, because he has found that they are not of sufficient national importance. And to the third category belongs those items of monuments notice of which have come only recently and he had no time to investigate them. Not that he is shutting his eyes or ears to the suggestions, but only on the lists submitted to him through the amendments, the national importance could be judged. The ancient monuments included in the schedule put by the Government are there for your consideration. This has been here sufficiently long. It was open equally to an hon. Member to ask the Government, what is the record with respect to this matter, or why should we allow this in the schedule and so on. All that I say is, hon. Members will take up the essential monuments and say whether they are to be included or not. If they keep silent, I will ask the hon. Minister to say to what items he is

agreeable and to what items he wishes to make further investigation later on, for a future course, after intimating to various Members and issuing notification in the official gazette.

Shri Tyagi: There is one difficulty. In case where any fresh amendment is introduced to include in the schedule, it may not be possible for the Government to include those items, off and on, especially without investigation, and therefore, Sir, I submit that it is no use discussing those amendments, the admissibility of which the Government cannot be sure at the moment.

Mr. Deputy-Speaker: I said also, whatever the Government has not investigated, let them take time to investigate—not in this Bill. They may bring up another Bill. Whatever suggestions have been made by any hon. Member here for inclusion of the monuments which, according to them, are of national importance, will be considered. If the Government has already investigated, or, after the receipt of the amendments, have investigated into the matter, they will state here whatever they find are acceptable. Let them state it here. We can clear up the question, and then know what ought to be included in future. A list of the items may be kept ready for inspection by hon. Members so as to see which of the various items, according to the Government, are of national importance.

Shri Dhulekar: On a point of order, Sir. About four months ago, I put in an amendment that the Palace of Jhansi Rani should be included in the list of ancient monuments. I put in an application also before the hon. Minister, and I was expecting a reply as to whether it was a monument of historical, national importance or not.

I believe that the Palace of the Rani of Jhansi is of historic significance. If the Government had...

Mr. Deputy-Speaker: What is the point of order?

Shri Dhulekar: My point of order is, if I had received a reply that I have not provided the Government with sufficient material, I could have produced the Jhansi Gazetteer. I could have produced the history of India of those days. I do not know today whether my case has been investigated or not. So, I request you to help the Members by saying what they should do when they want to approach the Government in such matters.

Mr. Deputy-Speaker: It is really no point of order. The ancient monuments mentioned here are many. This list itself contains a number of entries. Some of the monuments about which notice has been given have been examined. Government is willing to accept some of them. As regards some others, Government are not willing to accept. As regards a few other items, Government are investigating. So far as the fresh ones are concerned, they might all be relegated to another Bill. If, in the meanwhile, any hon. Members find that any other monuments are also of national importance, they will give notice to the Government and then give sufficient time to the Minister before he could bring a separate Bill on the subject. I am of opinion that so far as this Bill is concerned, the general discussion regarding the nature of the ancient monuments, of which the schedule alone is sought to be amended here by the addition of some others, ought not to be allowed. I put the matter, so far as the consideration of the Bill is concerned, before the House.

Shri S. S. More: It is of some constitutional importance. If we are going to give a verdict here that these particular monuments which are sought to be now included in the schedule are of national importance. I think, as the custodian of the rights of this House, it is for you to decide whether proper material has been placed before the House for coming to a valid conclusion. We have given certain powers to certain States. By

coming to the particular decision that we are going to take now, we are encroaching upon the powers which are vested in the States. If we are to make such inroads into the powers already vesting in the States, it is for you to decide whether the House is in possession of necessary material to come to a proper decision.

Mr. Deputy-Speaker: This is not the first time that an amendment of this kind has come up before this House. On a prior occasion, some amending Bill was brought before this House, and enacted into law, wherein a number of items were included in the schedule. I don't say that hon. Members ought to vote blindly. They must, if they want information, ask the Government. I am not going to allow the Government, within the short space of time that is allowed for the Government, to say that "this monument is important for this reason"—"we have asked the State Governments"—and so on and so forth. If any hon. Members wanted information, they could have ascertained from the Minister. On a particular point, they could have even asked me. There is no question of voting blindly. Hon. Members have got every opportunity to ascertain from the Government the facts and the archaeological records also.

Shri S. S. More: I am very sorry to interrupt you. I bring to your notice item 67 of the Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Act, 1951, in the case of every instance, as a matter of fact, this House will have to come to a conclusion that the monument is of national importance. It is not a matter between Mr. More and the Minister in charge—that I should go to him and give the material and all that. My submission is that the whole House should be kept in possession of the material. I would further submit, that certain former enactments are there, is no precedent or sanction for acting on this Bill, because, in the

[Shri S. S. More]

case of every single item, we have to come to a conclusion. It is not because certain legislation was passed earlier, that certain monuments here can be declared of national importance. The previous legislation cannot be treated as a precedent. So, it is for you to see—I am making an appeal—that every particular item is sufficiently shown as one of national importance. We take that fact into account and then come to a conclusion. If we are asked to give a verdict without any evidence on record, it is not fair.

Shri K. D. Malaviya: I do not understand what Mr. More means. Supposing he has given notice of an amendment, the day before yesterday, for a certain object to be declared an object of national importance, say, in a distant region about a thousand miles away from here, does he expect me today to give him information, sufficient information on the point he wants?

5 P.M.

Mr. Deputy-Speaker: This is my ruling. In regard to the point raised by Mr. More, I do agree that every hon. Member has to be satisfied with respect to each item. But he should take it for granted that Government through its officers in the Archaeological Department would have examined all these matters before bringing the Bill before the House. It is open to the House to accept their suggestions, or recommendations or not. If in regard to any particular instance they were not satisfied, they could have asked the Minister as to how it was of sufficient importance for inclusion in the list. Down to this day hon. Members have not put a single question as to how it is of particular importance. It is physically impossible to go into every item on the floor of the House. Unless any hon. Member has got any doubt, it is unnecessary for Government to go on explaining how its inclusion is necessary in every one of those instances. I rule it out

of order: it is a dilatory motion. If we were to go into every item, it will take us 365 days in the year. If hon. Members were so much interested they could have asked the Government. This Bill has been pending for a long time. If any hon. Member wanted any information I would have called upon the hon. Minister to circulate to hon. Members relevant material for showing how each monument is of national importance. This is dilatory I am putting the consideration motion to the vote of the House.

Shri Feroze Gandhi (Pratapgarh Distt.—West cum Rae Bareilly Distt.—East): We accept your ruling, but may I suggest that the Minister concerned should be present in the House. In that case there would not have been so much trouble. The hon. Minister for Education, Natural Resources and Scientific Research, who is in charge of this Bill is not here. On a previous occasion you had given a ruling on this subject during Question Hour; you had suggested that the Minister in-charge should be present. On an occasion when there has been so much of discussion in the House, it would have been much more helpful if the Minister concerned had been present.

Mr. Deputy-Speaker: I may point out that the Minister in Charge, or at any rate the Deputy Minister in charge of the Department should handle such Bills.

Shri K. D. Malaviya: I am in charge of this Bill.

Mr. Deputy-Speaker: The desire of the House is that the Minister in charge of that Department, or if there is a Deputy Minister in charge of that Department he must take the responsibility of piloting it, not an *ad hoc* entrustment or assignment. Anyhow we will get through this Bill. I am sure the hon. Minister will take notice of this for the future.

The question is:

“That the Bill to amend the Ancient and Historical Monuments

Archaeological Sites and Remains (Declaration of National Importance) Act, 1951, as passed by the Council of States, be taken into consideration."

The motion was adopted.

New Clause 1A

Shri Gadgil: I beg to move:

In page 1, after line 4 insert:

"1A. Insertion of new section 2A, Act LXXX of 1951.—After section 2 of the Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Act, 1951, the following section 2A shall be inserted, namely:—

"2A. Authority to declare ancient monuments etc. to be of national importance.—Government may by notification in the Official Gazette declare any archaeological site or remains or any ancient and historical monument as being of national importance, and on such declaration such archaeological site or remains or ancient monument shall be considered to be included in the Schedule of the Act."

Sir, it is not necessary for me to make any long speech, because whatever I wanted to say I have already said in connection with the issue of constitutionality.

Mr. Deputy-Speaker: Enough has been said about this matter, both for and against. I will put it to the vote of the House.

An Hon. Member: But is it admissible?

Mr. Deputy-Speaker: I cannot take the responsibility of deciding it. It is a constitutional issue, which is for the House to decide.

The question is:

In page 1, after line 4 insert:

"1A. Insertion of new section

2A, Act LXXX of 1951.—After section 2 of the Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Act, 1951, the following section 2A shall be inserted, namely:—

"2A. Authority to declare ancient monuments etc. to be of national importance.—Government may by notification in the Official Gazette declare any archaeological site or remains or any ancient and historical monument as being of national importance, and on such declaration such archaeological site or remains or ancient monument shall be considered to be included in the Schedule of the Act."

The motion was negatived.

Clause 2.—(Amendment of Schedule, Act LXXX of 1951).

Shri Raghavachari (Penukonda): In the schedule I find that the coming into existence of the new State Andhra has been completely lost sight of and monuments which belong to the State have been put in another.

Mr. Deputy-Speaker: It is a technical or clerical error, which will be rectified.

Shri K. D. Malaviya: I have tried to rectify these things. I beg to move:

(1) In page 1, after line 21, add:

"ASSAM STATE

District Sadiya Frontier Tract

1. The stone boundary pillar of the Ahom period.....Sadiya".

(2) In page 2,—

(1) after line 3, insert:

"District Bijapur

- | | | |
|-----------------|-----|----------|
| 1. Inscriptions | ... | Almel |
| 2. -do- | | Indi |
| 3. -do- | | Tambe |
| 4. -do- | ... | Salotgi" |

[Shri K. D. Malaviya]

(ii) for numbers 1, 2, 3 and 4 in lines 5, 7, 8 and 10 substitute 5, 6, 7 and 8.

(3) In page 2, after line 17, insert:

"ANDHRA STATE

District Kurnool

1. Umamahesvaraswami Temple .. Yaganti
2. Old Cave Temple .. Yaganti
3. Nandavaram Temple including the Sculpture of Subrahmanya. .. Nandavaram"

(4) In page 2, after line 21, insert:

"District Muzaffarpur.

2. Juma Mosque ... Hajipur"

(5) (i) In page 2, after line 30, insert:

"6. Khadsamla Caves....Nenavali"

(ii) In page 2, lines 31, 32, 34 and 35, for Nos. '6, 7, 8 and 9' substitute '7, 8, 9 and 10': and

(iii) In page 3, lines 3 and 10, for Nos. '10 and 11' substitute Nos. '11 and 12'.

(6) In page 3, for lines 4 to 8 substitute:

- (a) Ambarkhana
- (b) Andhra Vav
- (c) Dharma Kothi
- (d) Naikinicha Sajja
- (e) Teen Darwaja
- (f) Wagh Darwaja
- (g) Tatbandi together with bastions."

(7) In page 3, for lines 11 and 12 substitute:

"District North Satara

13. Jhabareshwar Mahadeo TemplePhaltan."

(8) In page 3,—

(i) omit lines 29 and 30; and

(ii) line 32 for No. "2" substitute No. "1".

(9) In page 3,—

(i) omit lines 33 to 37; and

(ii) lines 39 and 41 for Nos. '6 and 7' substitute Nos. '2 and 3'.

(10) In page 3,—

(i) after line 42, insert:

"District Cuttack

1. Churangarh Fort locally known as Sarangarh, excluding the area acquired by the State Government."; Dadhapatna.

(ii) line 44, for "1" substitute "2"; and

(iii) line 46, for "2" substitute "3".

(11) In page 3, after line 47, add:

"4. Churangarh Fort, excluding the area acquired by the State Government....Churanga Bhalunka Krishnanagar.

(12) (i) In page 3, after line 52, add:

"(c) in the entries under the heading 'Hyderabad State' and under the sub-heading 'District Raichur' the following entries shall be added at the end, namely:—

19A. Rock edicts of Asoka on two...Kogbal hillocks, known as Gavimath and Palkigundu.

19B. Rock edicts of AsokaMaski."

(ii) In page 4, in line 1 for "(c)" substitute "(d)".

(13) In page 4, after line 23, insert:

"(e) in the entries under the heading 'Mysore State' and after the entries under the sub-heading 'District Bangalore' and before entries under 'District Chitaldrug' the following sub-heading and entry shall be inserted, namely:—

'District Bellary

8A. Parvati and Kartikeya temples ...Kumaraswami betta, Sandur."

(14) In page 4, for line 37, substitute:

"(ii) entries 8, 10, 12, 14, 17, 20, 22, 23 and 24 shall be omitted;

(iii) after existing entry 15 the following entry shall be inserted, namely:—

'15A. Old Parsvanath Temple ...Miyani.'

(15) In page 5, after line 19, insert:

"ORISSA STATE

District Mayurbhanj

1. Prehistoric sites .. Baidyapur
2. —do— .. Kuchai
3. —do— .. Kuliana
4. Ruins of ancient fort.. Haripur."

As I said in some of these amendments, I have corrected the geographical boundaries which have resulted on account of the carving of the new State of Andhra. Then one or two deletions have been suggested, because they were not considered of national importance. The rest, as a result of investigations, we have found to be of importance to be declared objects of national importance. These are the three categories. Some have been found to be of national importance, and routine corrections have to be made because of the carving out of new States.

Mr. Deputy-Speaker: I will put to the vote of the House all these amendments (10, 11, 12, 14, 16, 17, 18, 19, 20, 22, 24, 26, 27, 28 and 29) the nature of which is to re-align those monuments which were originally in Madras but which are now in the Andhra State and to include certain others which have been discovered to be ancient monuments of national importance.

The question is:

In page 1, after line 21, add:

"ASSAM STATE

District Sadiya Frontier Tract

1. The stone boundary pillar of the Ahom period...Sadiya".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

In page 2,—

(i) after line 3, insert:

"District Bijapur

1. Inscriptions .. Almel
2. —do— .. Indi
3. —do— .. Tambe
4. —do— .. Salotgi"

(ii) for numbers 1, 2, 3 and 4, in lines 5, 7, 8 and 10 substitute 5, 6, 7 and 8.

The motion was adopted.

Mr. Deputy-Speaker: The question is:

In page 2, after line 17, insert:

"ANDHRA STATE

District Kurnool

1. Umamahesvaraswami ... Yaganti Temple
2. Old Cave Temple ... Yaganti
3. Nandavaram Temple including the Sculpture of Subrahmanya ... Nandavaram"

The motion was adopted.

Mr. Deputy-Speaker: The question is:

In page 2, after line 21, insert:

"District Muzaffarpur

2. Juma Mosque ... Hajipur"

The motion was adopted.

Mr. Deputy-Speaker: The question is:

(i) In page 2, after line 30, insert:

"6. Khadsamla Caves .. Nenavali"

(ii) In page 2, lines 31, 32, 34 and 35, for Nos. '6, 7, 8 and 9' substitute '7, 8, 9 and 10'; and

(iii) In page 3, lines 3 and 10, for Nos. '10 and 11' substitute Nos. '11 and 12'.

The motion was adopted.

Mr. Deputy-Speaker: The question is:

In page 3, for lines 4 to 8 substitute:

- "(a) Ambarkhana
- (b) Andhra Vav
- (c) Dharma Kothi
- (d) Naikinicha Sajja
- (e) Teen Darwaja
- (f) Wagh Darwaja
- (g) Tatbandi together with bastions."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

In page 3, for lines 11 and 12 substitute:

"District North Satara

- 13. Jhabareshwar Mahadeo Temple ...Phaltan."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

In page 3,—

- (i) omit lines 29 and 30; and
- (ii) line 32 for No. '2' substitute No. '1'.

The motion was adopted.

Mr. Deputy-Speaker: The question is:

In page 3,—

- (i) omit lines 33 to 37; and
- (ii) lines 39 and 41 for Nos. '6 and 7' substitute Nos. '2 and 3'.

The motion was adopted.

Mr. Deputy-Speaker: The question is:

In page 3,—

- (i) after line 42, insert:

"District Cuttack

- 1. Churangarh Fort locally known as Sarangarh, excluding the area acquired by the State Government...Dadhapatna."

(ii) line 44, for "1" substitute "2"; and

(iii) line 46, for "2" substitute "3".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

In page 3, after line 47, add:

- "4. Churangarh Fort, excluding the area acquired by the State Government...Churanga Bhalunka Krishnanagar."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

(i) In page 3, after line 52, add:

- "(c) in the entries under the heading 'Hyderabad State' and under the sub-heading 'District Raichur' the following entries shall be added at the end, namely:—

19A. Rock edicts of Asoka on two hillocks, known as Gavimath and Palkigundu ...Kopbal.

19B. Rock edicts of Asoka ...Maski."

(ii) In page 4, in line 1 for "(c)" substitute "(d)".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

In page 4, after line 23, insert:

- "(e) in the entries under the heading 'Mysore State' and after the entries under the sub-heading 'District Bangalore' and before entries under 'District Chitaldrug' the following sub-heading and entry shall be inserted, namely:—

'District Bellary

8A. Parvati and Kartikeya
temples...Kumaraswami betta,
Sandur.'

The motion was adopted.

Mr. Deputy-Speaker: The question
is:

In page 4, for line 37, substitute:

"(ii) entries 8, 10, 12, 14, 17, 20,
22, 23, and 24 shall be omitted;

(iii) after existing entry 15 the
following entry shall be inserted,
namely:—

'15A. Old Parsvanath Temple...
Miyani.'

The motion was adopted.

Mr. Deputy-Speaker: The question
is:

In page 5, after line 19, insert:

"ORISSA STATE

District Mayurbhanj

1. Prehistoric sites .. Baidyapur
2. Do. .. Kuchai
3. Do. .. Kuliana
4. Ruins of ancient fort.. Haripur"

The motion was adopted.

Mr. Deputy-Speaker: What are the
amendments, notice of which have been
given, which the hon. Minister is ac-
cepting? Let me dispose of those
amendments. He will give the num-
bers, hon. Members will kindly tick
off in their list.

Shri K. D. Malaviya: Sir, the hon.
Member Shri R. N. S. Deo gave notice
of certain amendments. We have got
them examined and we are prepared
to accept a number of them.

Some Hon. Members: The mover is
absent.

Shri Sarmah: May I request you to
proceed State-wise?

Mr. Deputy-Speaker: Let me finish
those amendments. It is not as if
there must be a monument of national
importance in every State.

Shri Sarmah: There are in every
State.

Mr. Deputy-Speaker: Let me finish
these amendments.

Shri Sarangdhar Das (Dhenkanal—
West Cuttack): Whether the movers
of the amendments are present or not,
do you propose to take up those
amendments if the Minister says he is
prepared to accept them?

Shri P. Subba Rao (Nowrangpur): I
have given notice of similar amend-
ments.

Mr. Deputy-Speaker: If it is of
national importance, nothing prevents
the hon. Minister from moving them
himself.

Shri K. D. Malaviya: Sir, I gave
notice of certain amendments official-
ly. Now there are hon. Members who
want to move their amendments.
They are welcome to do so. Some of
the amendments of Shri R. N. S. Deo
I am willing to accept.

Mr. Deputy-Speaker: Those are the
only ones he accepts?

Shri K. D. Malaviya: Yes, Sir.

Sri Altekhar: Sir, unless the other
amendments are moved and the rea-
sons given, how is it possible for him
to accept or reject them?

Mr. Deputy-Speaker: I agree with
the point of order. The scope of the
Bill is that only those items which ac-
cording to the Government are of na-
tional importance have been included
here. It is open to any hon. Member
to remove any of them from the list.
I apply the same principle here as in
the case of a taxation measure. Gov-
ernment takes the responsibility of
bringing before the House what ought
to be done. Any person can refuse
to give his approval. These things have
been investigated and decided upon.
So far as the inclusion of other things
are concerned it takes time to investi-
gate. All monuments can be brought
here, for that matter. It is not by
way of amendment; it is by way of
addition. Under those circumstances I

[Mr. Deputy-Speaker]

rule all the amendments for bringing in new monuments as out of order. (Interruption). That is why I say that if the Government accepts any of them as of national importance I will treat it as having been included as part and parcel of the Bill.

Shri Bhagwat Jaa (Purnea cum Santal Parganas): Unless we move our amendments how will it be seen whether they are of national importance or not?

Mr. Deputy-Speaker: He has already indicated certain amendments as acceptable. Unfortunately the hon. Member who tabled those amendments is not here.

So far as the other amendments are concerned they are beyond the scope of the Bill in that they seek to make additions. There must be sufficient investigation on both sides. Government must investigate and come before the House. It may be a private Bill or a Bill by Government. But so far as these amendments are concerned they are foreign to the scope of this Bill.

Shri K. K. Basu (Diamond Harbour): On the facts that I can produce I can convince Parliament that some of those monuments are of national importance and that the amendments therefore are certainly within the scope of the Bill. It is not a question of Government being satisfied, but Parliament must be satisfied.

Mr. Deputy-Speaker: Hon. Members have not understood my point. My point is simply this, not that it is not open to a non-official Member to bring in a Bill saying "this is an ancient monument, it ought to be included in the list". It is one way. Government itself must do so. Let us assume that an hon. Member brings in a Bill saying that a particular ancient monument in Tanjore district or in Rajahmundry district in Andhra is of national importance and that therefore it must be included in the list. An hon. Member from Assam cannot bring an amendment to it saying "you add

on this monument in Assam to it". That Bill is confined to that particular monument. You consider whether it is ancient or not and accept or reject it. It is not as if, when the Tariff Act is brought before the House for amendment with respect to one particular item, you can bring in all things under the Tariff Act. That is foreign to the scope of the Bill. That is my point; not that the House cannot decide. But it will be foreign to the scope of the Bill to include anything more. That is why at the outset I thought that if there is an agreement between the Government and the hon. Member, we can treat it as part of the Bill. Otherwise when there is a dispute and when Government has not accepted the others, I am not going to enlarge the scope of the Bill.

Dr. Ram Subhag Singh (Shahabad South): The hon. Member accepted yesterday....

Shri Sarmah: May I rise on a point of order?

Mr. Deputy-Speaker: Let me dispose of this.

Shri U. M. Trivedi: Sir, you have been pleased to say that this is a sort of introducing a new Bill by providing certain items. What is provided for in the Bill itself is amendment of the Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Act of 1951. What is said in clause 2 of the Bill is amendment of the Schedule. For an amendment of the Schedule an amendment can always be given. It is not as if a Bill has to be introduced for the purpose. We have to distinguish the two features. If a positive provision of law is sought to be amended, then certainly an amendment on that can be given. If you can move for a particular clause that some words may be added to it in one way or the other—"or" or "and" etc.—if that is allowable, here in clause 2 what is said is that in the Schedule to the Ancient and Historical Monuments

and Archaeological Sites and Remains Act, the following shall be added. And we have given the page number and line number wherein this may be inserted.

Mr. Deputy-Speaker: The hon. Member is an astute lawyer. He knows the difference between the addition of "and" and "or" and this matter. This is a matter of substance. One item is sought to be added as an item of national importance. The mind of the House is sought to be brought to bear upon this. Another hon. Member from another part of the country wants something else to be included. That is beyond the scope. I gave the analogy. If a private Member brings a Bill about Assam saying that a particular item ought to be included in the list is it open to the Member from Cape Comorin or Rajahmundry or a friend from Bombay or Cutch to say "this should also be included"? (*Interruption*). I find that the Schedule is an important part of the Bill. It is not a mere ancillary or auxiliary thing. It is a substantial one. The Bill is mainly the Schedule. The Schedule is sought to be amended by this amending Bill. Anything which is new on which the attention of the House has to be brought to bear is beyond the scope of the Bill. Therefore, all those amendments are ruled out of order.

Shri Bhagwat Jha: May I know if these amendments are ruled out of order, how those amendments which are going to be accepted are amendments?

Mr. Deputy-Speaker: You have accepted them. (*Interruption*).

These amendments are not amendments of substance. There are ancient monuments. This Bill deals with the question as to how far these items which are included as such in the list are of national importance. They are in particular places. Hitherto, they were in the Madras State. Now, some monuments have been allocated to the Andhra State. It is absolutely a consequential amendment and does

not go into the merits of the case. That is a different matter.

Dr. Ram Subhag Singh: He just now mentioned some monuments in Madhya Bharat and Assam.

Mr. Deputy-Speaker: Two new things the hon. Members have accepted.

Some Hon. Members: No; they have not been accepted.

Shri S. S. More: According to your ruling, the amendment is beyond the scope of the Bill. (*Interruptions*).

Mr. Deputy-Speaker: Order, order.

Shri S. S. More: As per rules, even if the House accepts, it will not validate the amendment. As per your ruling, even if we have passed a particular amendment, it must be knocked out.

Shri Bhagwat Jha: Just now, you have given the ruling that the amendment..... (*Interruption*).

Mr. Deputy-Speaker: One at a time.

Shri Sarmah: I was also rising on a point of order. I could not shout and so I could not catch your ears.

Shri Bhagwat Jha: I am also on a point of order. Firstly, whether all the amendments that have been moved by an hon. Member of this House are to be regarded as amendments or not. If not, how an amendment in the name of an hon. Member who was not present was regarded as an amendment? Then, Sir, under the rules, I move an amendment to this Bill. Why this amendment of the Member who was not present was allowed to be moved.

Mr. Deputy-Speaker: They were not allowed.

Shri Bhagwat Jha: They were allowed.

Mr. Deputy-Speaker: Order, order. I have not allowed. In the case of any hon. Member who was not in the House, I did not allow that.

[Mr. Deputy-Speaker]

Regarding the amendments that have been moved by the hon. Minister, they are of two categories. One, in the nature of consequential amendments on account of the formation of the new State of Andhra.

Dr. Ram Subhag Singh: On a point of order, Sir,...

Mr. Deputy-Speaker: Order, order. The other was a substantial addition to the Schedule. So far as they are concerned, they have been accepted by the House. That is why I originally said that if both sides of the House accept to add any further items to the schedule, though it may be technically beyond the scope of the Bill, on agreement, I can include them. That is what I think. If hon. Members think that these two items ought not to be there, I have no objection.

Some Hon. Members: The whole House or individuals?

Mr. Deputy-Speaker: The whole House agreed to these two new things.

Shri Bhagwat Jha: No.

Mr. Deputy-Speaker: So far as the others are concerned, Government does not accept them.

Dr. Ram Subhag Singh: They would not be accepted. You have just now allowed these amendments of Maulana Azad, who is himself not present.

Shri K. D. Malaviya: May I make a statement, Sir, which will clarify the position?

Shri Sarmah: Before that, my point of order may be allowed, Sir. It is a humble one.

Mr. Deputy-Speaker: Let me hear the hon. Minister.

Shri Sarmah: I rise on a point of order. How can the hon. Minister interrupt? If you will please permit me, Sir, I shall raise it. But, before I come to my point of order, I must absolutely make it clear that I do not question the ruling of the Chair.

Mr. Deputy-Speaker: What is the point?

Shri Sarmah: I am a sufficiently disciplined parliamentarian to obey the Chair. The point of order is this. At an earlier stage of this debate, you were pleased to say while discussing Shri Gadgil's amendment that the amendments to the schedule are in order and admissible.

Mr. Deputy-Speaker: I did not say so.

Shri Sarmah: I speak subject to correction. Sir. You will find that.....

Shri S. S. More: That means that you are revising your decision.

Shri Sarmah: When somebody raised the objection, you were pleased to say that if it is an amendment to the schedule, it is permissible and why should not the Government be delegated these powers to bring in other lists. At a subsequent stage, you have now been pleased to rule out all these amendments as out of order without hearing as to the merits of the amendments which have been declared to be out of order. Is it in order to declare them illegal without giving a hearing, knowing that the Chair has very large powers which have to be exercised judicially?

Dr. Rama Rao (Kakinada): On a point of order, Sir, Yesterday, Government were prepared to accept some amendments. Because that hon. Member was absent, you were not prepared to accept. The same reason was given to Shri P. Subba Rao. (Interruptions.)

Shri P. Subba Rao: Amendments 59 and 62 of mine are similar.

Mr. Deputy-Speaker: Order, order. I am very sorry, today, unfortunately hon. Members—I do not know what has happened—every one of them is behaving in a manner which I have not noticed all these days at all.

Shri Sarmah: On a point of personal explanation, Sir,...

Mr. Deputy-Speaker: Order, order. I know hon. Members. It is improper that he should get up and speak when I am on my legs. What has happened today? Why are we wasting our time and emotions and ebullitions on this matter?

Shri S. S. More: That is the spirit of the House.

Mr. Deputy-Speaker: Hon. Members are aware that in the various sections suggestions are made. Shri S. S. More said that even with respect to those things which are included in the schedule, there must be given sufficient opportunity. That is right. That has been reiterated by the hon. Deputy-Leader of the Communist Party. That is why I suggested that in future, notifications may be issued so that hon. Members may know what exactly is the view of the Government and whether that ought to be accepted to be of national importance or not. So far as the present one is concerned, it has been there for a long time. If they wanted to make enquiries, they could have made enquiries. If the hon. Minister is willing to accept and include any of them in the schedule, I will overlook that question that it is beyond the scope of the Bill because it is agreed to by all sections of the House.

Shri S. S. More: You have to suspend the ruling.

Mr. Deputy-Speaker: I stated an analogy. Suppose an hon. Member brings a Bill about an ancient monument in Cape Comorin, and another Member from Assam says, add this also, that is entirely foreign to the scope of the Bill. Hon. Members are fully aware of that. Then, each Member arises on a point of order quite unusually. I am finding hon. Members are not co-operating with the Chair so far as this matter is concerned. I am extremely sorry to notice this today, particularly. If hon. Members think that that is their

attitude to the Chair, I have no objection. Hon. Members may do as they like and I shall sit quiet. There is nothing on principle hanging over this matter. What has happened today may come up tomorrow. The hon. Minister may look into the matter leisurely. If he is willing to accept an item, I have no objection.

Shri S. S. More: You have to stick to your ruling.

Mr. Deputy-Speaker: I will stick to my ruling. The other things are all out of order. Now, the hon. Minister.

Shri Sarmah: On a point of personal explanation, Sir, you were pleased to remark.....

Mr. Deputy-Speaker: I am not going to allow the hon. Member to speak again. I have heard sufficiently about this matter.

Shri Sarmah: On a point of personal explanation, Sir....

Mr. Deputy-Speaker: No, I know what the personal explanation is.

Dr. Rama Rao: You have not given your ruling on my point, Sir.

Mr. Deputy-Speaker: I have given my ruling on the point of order.

Dr. Rama Rao: The same amendments were proposed by Shri P. Subba Rao, but you took a different attitude.

Mr. Deputy-Speaker: At the time when the hon. Member was not there?

Dr. Rama Rao: Yes, Sir.

Shri P. Subba Rao: I have to make a submission. Sir.

Mr. Deputy-Speaker: That it was a similar amendment was not brought to my notice. Since exception has been taken by Shri S. S. More that even if they are accepted, still they are out of order. I shall stick to my view and I am not going to allow any more amendments.

Shri P. Subba Rao: I take exception to this, Sir. *(Interruption.)*

Mr. Deputy-Speaker: Order, order.

The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 1 was added to the Bill.

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

Mr. Deputy-Speaker: The hon. Minister.

Shri K. D. Malaviya: I have nothing to say, Sir, except that if you will permit. I will make a brief statement explaining why....

Some Hon. Members: No explanation.

Shri K. D. Malaviya: If you will permit me, Sir, I will say just a word about...

Shri R. K. Chaudhuri (Gauhati): Nothing has been said on this side.

Shri K. D. Malaviya: I do not mind saying nothing, Sir. I beg to move:

"That the Bill, as amended, be passed."

Mr. Deputy-Speaker: Motion moved:

"That the Bill, as amended, be passed."

Shri K. P. Tripathi (Darrang): May I make a submission, Sir?

Mr. Deputy-Speaker: Submission at the Third Reading stage? I shall finish and then the hon. Member may make a submission.

Shri Sarmah: Now in the third reading we may have something to say. We may be allowed five minutes.

Shri K. P. Tripathi: One minute.

Shri Sarmah: May I speak?

Shri T. K. Chaudhuri (Berhampore): This has been pending for the last three sessions. We have not had our say.

Mr. Deputy-Speaker: He may speak.

Shri T. K. Chaudhuri: As I said just now, I have been literally chasing this Bill for the last three sessions, and although very eloquent things were said in this House about the value of our archaeological monuments and their cultural and educational value, we have been treating this Bill and also the hon. Minister who has been piloting this Bill in the way that has been evidenced in the last few days. I do not want to cast any reflection on the House, but I have seen the hon. Minister standing in the queue and several Members who have submitted Amendments have also been standing at the tail end of the queue in order that they might find scope to put forward the claims of particular monuments and sites about which they have submitted Amendments.

I do not want to go into that question, but I want to draw the attention of the House to the fact that so far as the provincial Governments are concerned, although we have empowered the States to legislate in regard to monuments not declared by Parliament by law to be of national importance, I think none of the States have up till now any Act corresponding to the Ancient Monuments Preservation Act of 1904, and local antiquarians in the various districts and States, and particularly those people who regard some particular monument with a great deal of sentiment, do not know whom to approach. When we approach the State Government, they say: "We have no such powers under the Ancient Monuments Preservation Act." There is the Ancient Monuments Preservation Act, but under an Amendment passed several years ago, now under this Act local Governments cannot declare any monument to be a protected monument. So, for the present although the Constitution refers us to the States, the States do nothing. They sit tight over it.

Shri Altekari: It is wrong. The Bombay Government has passed an Act for the preservation of archaeological monuments.

Shri T. K. Chaudhuri: I am happy to note that, but Bombay is the only exception.

Shri A. M. Thomas (Ernakulam): No. no. Travancore-Cochin also.

Sardar A. S. Saigal (Bilaspur): Madhya Pradesh State Government has also passed an Act for the preservation of archaeological monuments.

Mr. Deputy-Speaker: The hon. Member has evidently nothing more to say.

Shri T. K. Chaudhuri: Anyway, at least the State of West Bengal from which I come has no such law.

Mr. Deputy-Speaker: Are there not legislators there?

Shri T. K. Chaudhuri: I am not going into that.

Shri S. S. More: They are not interested in ancient things.

Shri T. K. Chaudhuri: The people of my district, Murshidabad, feel that there is one monument. I do not know the criterion laid down by the archaeological department and the Ministry in this regard as to how they judge a monument to be of national importance. Some may be of outstanding archaeological importance, some may be of outstanding aesthetic importance, some may be of outstanding cultural importance, but there are monuments which are of national importance from a political point of view. We have been urging on the Central Government for some time the necessity of bringing the residential house of Raja Nandkumar of hallowed memory who was the first martyr to British imperialism. There was some enquiry made, but that was such a farce of an enquiry about one house in his village home that was razed to the ground by earthquake and was no longer there. The Collector who was put in charge of the enquiry confused one thing with the other, and since then the whole thing has been hanging fire. We do not know where to go. The Archaeological Department seems to think that that is of no archaeological importance. Certainly

it is not of archaeological importance, but I would say and I think the majority in this House will agree that at least the association of Maharaja Nandkumar is of sufficient political importance to become a national monument.

There is another thing, an archaeological site. About that the Archaeological Department may be interested. I know many of the historians and antiquarians of Bengal have been interested in it. That was the site...

Mr. Deputy-Speaker: Can we go into all these details? Each hon. Member has got the Question Hour. He can put a question, elicit some answers, pursue it, develop it and ask the Government.

Shri T. K. Chaudhuri: The question was put by no less a person than Mr. Arun Chandra Guha.

३१० राम सुभग सिंह : उपाध्यक्ष महोदय, आज मुझे इस बात से बहुत दुःख हुआ कि सरकार आज इस काबिल भी नहीं है कि इस बिल को जिस उद्देश्य से उस ने यहां पेश किया उस की पूर्ति इस पार्लियामेंट से करा ले। इस बिल का उद्देश्य था कि जो ऐतिहासिक महत्व के स्मारक हैं उन में शीघ्र संशोधन किये जायं। लेकिन यह बहुत दुःख की बात है कि आज गैरसरकारी कोई भी संशोधन यहां मंजूर नहीं किया जा रहा है। इस से न केवल गैरसरकारी लोगों के व्यक्तिगत अधिकारों का हनन होता है, बल्कि सारे सदन के अधिकारों का हनन हो रहा है। मैं इस को निहायत अनफारचुनेट समझता हूं। सरकार को जरा होशियारी से काम करना चाहिये।

दूसरी चीज यह है कि अभी यह कहा गया है कि किसी भी ऐसे व्यक्ति का संशोधन यहां पेश नहीं किया जा सकेगा जो व्यक्ति यहां मौजूद नहीं है। लेकिन इस के विपरीत यह भी बहुत बड़ी चीज हो गई कि उस व्यक्ति के अभी संशोधन स्वीकार कर लिये गये जो

[डा० राम सुभग सिंह]

व्यक्ति यहां मौजूद नहीं है और जिन के नाम में ये संशोधन पेश किये गये थे। जो सरकार की ओर से इस विभाग के मंत्री हैं वह यदि यहां उपस्थित होते तो उन से, उपाध्यक्ष महोदय, हम यह सिफारिश करते कि कुछ संशोधन स्वीकार किये जायें। मुझे इस बात का दुख नहीं है कि मेरा संशोधन स्वीकार किया जाय या न किया जाय, क्योंकि मैं समझता हूँ कि संशोधन के स्वीकार करने और न करने से उस चीज का कोई भी महत्व नहीं होता। जो कारनाम पुराने लोगों ने किये हैं और जो उन की कीर्ति है उन की वे कीर्तियां सदा बनी रहेंगी, चाहे उन का स्मारक इस में शामिल हो या न हो। लेकिन हम अपने यहां अपनी प्रजातांत्रिक परम्परा की नींव के लिये वह कीर्ति स्थापित कर रहे हैं कि आज इस बिल पर कोई संशोधन नहीं पेश करने दिया जाता। आज उस परम्परा, प्रजातांत्रिक परम्परा, का हम हनन कर रहे हैं जो इस सदन के सभी सदस्यों को क्रियान्वित करना चाहिये। हम को यही सब से बड़ा दुःख है कि हम अपने उस अधिकार को भी नहीं समझते कि पार्लियामेंट का कोई भी मੈम्बर किसी भी बिल में संशोधन पेश कर सकता है। आज हम बहुमत के सामने झुक जायें, हमारी पार्टी बहुमत में है। लेकिन बहुमत की पार्टी के एक एक सदस्य को अपने अधिकार के लिये लड़ना चाहिये और बहुमत की पार्टी का जो मिनिस्टर है उस को भी चाहिये कि वह अपनी पार्टी और सरकार दोनों के अधिकारों को प्रजातांत्रिक ढंग से चलाने की कोशिश करें।

Mr. Deputy-Speaker: Hon. Members always forget that there are certain subjects of which the provincial Government can take notice. In exceptional matters they may come to this Parliament. But for the fact that this

has come before Parliament. I do not know how far individually they would have taken up the matter with their respective Governments.

डा० राम सुभग सिंह : यही मैं कहना चाहता था कि कुछ ऐसे भी विषय हैं जिनका सम्बन्ध केवल, प्रान्तीय सरकारों से है, लेकिन यह उचित होता कि उन पर विचार किया जाता और वह पेश किये जाते और हमारे मंत्री महोदय बतलाते कि अमुक अमुक संशोधन हमारे अधिकार में नहीं हैं, इसलिये आप लोग उनको वापिस ले लें और हम लोग उन संशोधनों को वापिस लेने को तैयार भी थे और अगर वह वापिस न भी लिये जाते तो संसद् उनको अस्वीकार कर सकती थी। यही मेरा इलजाम है और यही बड़े दुःख और खेद का विषय है कि हमारे उस अधिकार को यहां कार्यान्वित नहीं होने दिया गया। दूसरे जो सैकड़ों संशोधन यहां दिये गये थे, उनमें से कुछ को मंत्री महोदय स्वीकार भी करने जा रहे थे, लेकिन उन संशोधनों को वह स्वीकार भी नहीं करा सके।

Mr. Deputy-Speaker: Order, order. What is the use of complaining against hon. Members who are sitting by his side? What is the good of quarrelling with Government? When they were willing to accept, hon. Members raised an objection saying, oh, that man is not here, and did not even allow me to hear another hon. member who had tabled the same amendment. It is really something which we have never seen in the past. It is the misfortune of this Parliament, that we are seeing it now.

डा० राम सुभग सिंह : वही मैं अभी कह रहा था कि मान लीजिये वह मੈम्बर महोदय मौजूद नहीं थे, लेकिन दूसरे मੈम्बर थे और मंत्री महोदय उस सम्बन्ध में कुछ चीजों की स्वीकृति देने भी जा रहे थे, लेकिन उनको

ताकत नहीं हुई कि वह उस विषय पर भावें और न उन्होंने अपनी ताकत को एकसर-साइज किया। मैं उपाध्यक्ष महोदय की रूलिंग के विरुद्ध कुछ नहीं कहना चाहता, लेकिन इस अधिकार को कार्यान्वित न कर हम लोगों ने प्रजातांत्रिक परम्परा को एक बहुत जबर्दस्त चोट पहुंचायी है।

अब चूंकि कीर्टी अमेंडमेंट पर बोलने की जरूरत नहीं है, मैं समझता हूँ कि इस बिल को सरकार को वापिस ले लेना चाहिये, क्योंकि सरकार ने जिस उद्देश्य को लेकर इस बिल को यहां भोजद किया था, उस उद्देश्य की पूर्ति नहीं हो पा रही है और जब वे सभी सदस्यों को पूरा अधिकार देते हुए इस बिल को पास नहीं कराने, तब वह न अपने उद्देश्य की पूर्ति करेंगे और न इस संसद के उद्देश्य की पूर्ति करेंगे, और हमारी सारी परम्परा को खो डालेंगे। इस लिये मैं सरकार को चेतविनी देना चाहता हूँ कि ऐसे मामलों में उसे विशेष सावधानी बर्तनी चाहिये और उसको पार्लियामेंट और उसके सदस्यों के अधिकारों की चाहे वह सरकारी दल के हों या गैर सरकारी दल के, रक्षा करने की चेष्टा करनी चाहिये। सरकार को सदन और उसके सदस्यों के अधिकार की रक्षा करते हुए ही किसी बिल अथवा कानून को पास कराना चाहिए और यदि वह ऐसा नहीं करती है, तो यह प्रजातंत्र का गला घोटना है और उसका अर्थ डिक्टेटोरशिप हो जाता है। डिक्टेटोरशिप में यही तो होता है कि जो चाहें आप कर लें, जिस बिल को चाहे पास करा लें और जिसको चाहे नामंजूर कर दें, या जितना चाहें रुपया अपने क्लिये स्वीकृत करा लें। मैं तो कहूँगा कि इस क्लिये के अनुसार जितने भी संशोधन स्वीकृत किये जाते हैं और उन सबों के फलते जितने भी स्मारकों के लिये रक्षाक रकमें जायेंगे, अथवा जो

कुछ भी प्रादमी भेजे जायेंगे, उन सभी चीजों के लिये पार्लियामेंट एक पैसे की भी स्वीकृति न दे। साथ ही मैं यह भी कहूँगा कि अब तक संसद का इस बिल पर विचार करने में जो समय लगा, इस पर विचार करने में सदस्यों का जितना वक्त जाया किया गया वह सब समय और रुपया बेकार जाया किया गया, क्योंकि उससे इस विधेयक के उद्देश्य की पूर्ति नहीं होती।

अन्त में मैं और अधिक न कह कर सिर्फ इतना कहना चाहूँगा कि इस बिल पर दो दिन से बहस और विचार चल रहा है, यदि उससे इस बिल के उद्देश्य की पूर्ति नहीं हुई तो उसका अर्थ होगा गरीब करदाताओं के रुपये की हमारे द्वारा बर्बादी और इस हेतु हमें यह तिश्चय करना है कि हम इस बिल के उद्देश्य को नष्ट न होने दें, अन्यथा हम लोग इस पर व्यर्थ बहस करके सिवाय गरीब करदाताओं का धन बर्बाद करने के और कुछ नहीं करेंगे।

Mr. Deputy-Speaker: There seems to be an impression that any hon. Members can talk on any matter, as if they are the only persons who regard public wealth and morality. It is a very wrong thing. Again and again, that is being done, and thereby we are creating a wrong impression. The hon. Member is saying, what is wrong, and so on, and comes to his own conclusion. He cannot go on saying in an indirect manner, all right, you might have done this, this is all dictatorship, and so on. The hon. Member forgets that he is casting a reflection upon himself by saying that there is a dictatorship here.

श्री भागवत झा : उपाध्यक्ष महोदय, मैं आरम्भ में यह कहें बिना कदापि नहीं रह सकता कि जिस तरह से इस विधेयक को आज सभा में पास कराया जा रहा है, वह अनुचित अवश्य है। अभी २ आपने एक माननीय सदस्य को कहा है कि उनके कहने का ढंग ठीक नहीं था और गलत था, लेकिन मैं

[श्री भागवत झा]

समझता हूँ कि इस सदन के हर एक सदस्य को अधिकार है कि वह जो भावना अच्छी समझता है उसको व्यक्त करे, और इस नाते मैं इस विषय पर जो महसूस करता हूँ, वह मैं कहना चाहता हूँ और मैं समझता हूँ कि ऐसा करने में मैं अपने विदिन राइट्स हूँ।

इस विधेयक के सम्बन्ध में मुझे यह कहना है कि इस विधेयक के सम्बन्ध में हमने जो संशोधन पेश किये थे वह इसी सेशन में ही नहीं, बल्कि पिछले सेशन में भी हमने उनको पेश किया था और यह हमारे संशोधन आज के नहीं हैं बल्कि तीन महीने पहले दिये गये थे और मैं समझता हूँ कि तीन महीने एक काफी लम्बा अर्सा है किसी सरकार के लिये कि वह इस बात की जांच कर सके कि जो संशोधन एक सदस्य ने दिया है, वह गलत है या सही, और इसलिये आज हाउस में यह कह देना कि हमारे पास समय नहीं है, यह बिल्कुल गलत और अनुचित है। दूसरे यह जो कहा गया कि एक मेम्बर कुमारी अन्तरीप से आता है और उसने आसाम के सम्बन्ध में कहा, मैं कहना चाहता हूँ कि ऐसा उन का कहना बिल्कुल गलत है, न मैं कुमारी अन्तरीप से आता हूँ और न मैं आसाम के बारे में कहता हूँ, मैं तो उस विक्रम शिला के बारे में कहता हूँ जिसका इतिहास आज का नहीं, बल्कि हजारों वर्षों का भारतवर्ष का इतिहास है। और जिसकी मिट्टी और दीवार आज भी उस वैभवशाली गौरवपूर्ण अतीत और इतिहास की याद दिलाती है। विक्रम शिला को मान्यता दिलाने के हेतु मैंने आज से तीन महीने पहले सरकार की सेवा में आवश्यक संशोधन पेश किया था, लेकिन सरकार को इस तीन महीने में इस संशोधन पर विचार करने और उसको एजामिन कराने का समय नहीं मिला, और आज जब हम उस सम्बन्ध में बोलना चाहते हैं तो हमसे कहा जाता है कि आप विदिन

राइट्स नहीं हैं और सरकार के पास इसके लिये समय नहीं है, लेकिन सरकार अगर चाहे तो वह किसी भी टूम्ब या किसी भी मस्जिद की ईंट को नेशनल इम्पार्टेंस का डिक्लेयर कर सकती है, लेकिन जब पार्लियामेंट का एक मेम्बर जिसके पीछे उसकी बात पर सम्भीरतापूर्वक विचार नहीं किया जाता और उसको नहीं माना जाता है, तो यह वास्तव में बड़ी आश्चर्यजनक बात है। चौदह लाख वोटों का प्रतिनिधित्व है, मैं एक ऐसे निर्वाचन क्षेत्र से आता हूँ जहाँ से मुझे चौदह लाख मतदाताओं की बैकिंग प्राप्त है, मैं जब विक्रम शिला के बारे में बोलता हूँ, जिसका इतिहास मेरा आपका नहीं, बल्कि बहुत पुराना इतिहास है और जिसके सम्बन्ध में मैंने आज नहीं बल्कि तीन महीने हुए मंत्री महोदय की सेवा में निवेदन किया था, आज न तो मैं अपना वह संशोधन पेश कर सकता हूँ और न ही हम सरकार से उसका उत्तर पा सकते हैं और न ही हम कुछ बोल सकते हैं, मैं समझता हूँ कि यह एक बिल्कुल नाबेल प्रोसीड्योर अस्तित्वार किया गया है। मैं जानता हूँ कि सरकार के पास आर्किला-जिकल के बहुत से एक्सपर्ट्स हैं और वह इसके बारे में उनसे जांच कराकर निर्णय कर सकती थी और मैं तो यहां तक जानता हूँ कि विक्रम शिला को नेशनल इम्पार्टेंस का करार देने की बात रेड टेप फाइल्स में मान ली गयी थी और उस कमेटी की रिपोर्ट में इसको माना गया था, लेकिन उस कमेटी की रिपोर्ट को इस हाउस के सामने नहीं रक्खा गया, मैंने चुनौती दी कि आप उस रिपोर्ट को हाउस के सामने रखिये, लेकिन वह सामने नहीं रक्खी गयी। इसके अलावा मैं आपका ध्यान एक बात की तरफ और दिलाना चाहता हूँ। सरकार ने विक्रम शिला के चारों ओर की जमीन जो है उसको तो सुरक्षित किया है,

विक्रम शिला युनिवर्सिटी को तो नेशनल इम्पाटेंस का माना है, लेकिन साढ़े छः कट्टा विक्रम शिला की जो जमीन उसके मध्य में स्थित है, उसके बारे में कहनी है कि यह नेशनल इम्पाटेंस की नहीं है, यानी आप यह कहना चाहते हैं कि वह जो चारों तरफ की सारी जमीन है वह सब विक्रम शिला है, लेकिन उसके बीच में जो टापू स्थित है, वह विक्रम शिला नहीं है। और इस पर जब हम आज आवाज उठाते हैं तो उपाध्यक्ष जी, हमसे यह कहा जाता है कि हम कुमारी भन्तरीप और आसाम के सम्बन्ध में बोलते हैं, इसके लिये मैं यही कह सकता हूँ कि यह हमारा और सदन का दुर्भाग्य है। मैं समझता हूँ कि हमने सरकार को इस पर सोचने और किसी निश्चय पर पहुंचने के लिये पर्याप्त समय दिया, हाँ जिन सदस्यों ने आज कल कहा है, उनके बारे में आप कह सकते हैं कि उन्होंने गलत कहा है और उनकी मांगों पर विचार करने का सरकार को समय नहीं मिला, लेकिन जहाँ तक मेरे संशोधन का ताल्लुक है, इसकी सूचना तो सरकार को तीन महीने पहले से है। मेरा पहला प्वायंट है कि हमने तीन महीने पहले सूचना दी, मेरा दूसरा प्वायंट है कि हमने जिसके सम्बन्ध में कहा है, वह कुमारी भन्तरीप या आसाम की बात नहीं है, तीसरे में जो बात कही है, उसके सम्बन्ध में काफी जांच पड़ताल हो चुकी है, चौथी बात यह है कि इस सम्बन्ध में हम लोग सरकार के इस डिपार्टमेंट से एक वर्ष से नहीं बल्कि पांच वर्ष से लड़ते आ रहे हैं और उस इलाके की जनता ने एक २ पैसा जमा करके क्लेज लड़े हैं, लेकिन आज क्या देखने में आता है। कल वहाँ पर बंगाल पौद्गीज नाम की एक कम्पनी आती है और वह कम्पनी वाले आज अगर सरकार को अप्रोच करते हैं कि वहाँ जमीन में चाइना कले है और वह उसको खोदना चाहते हैं, तो सरकार कह

देती है कि यह नेशनल इम्पाटेंस की चीज नहीं है, मैं समझता हूँ कि आपकी यह नीति ठीक नहीं है और हमारे विरोध करने पर जो आप यह भ्रान्त कह देते हैं कि आप एक्स-पर्ट्स नहीं हैं, यह आपको कहना शोभा नहीं देता। बस मुझे इतनी ही बात आज कहनी थी, मुझे बहुत दुःख है कि इस गलत तरीके से इस बिल को पास किया जा रहा है।

मैंने तीन महीने पहले अपने ऐमन्डमेंट की सूचना दी थी। मैंने काफी समय दिया मंत्री महोदय को सोचने का, लेकिन उस पर कोई विचार नहीं किया गया। इस लिये मैं प्रोटेस्ट के साथ अपनी कसेन्ट देते हुए अपने भाषण को समाप्त करता हूँ।

Shri Altekar: Sir, one chance should be given on this side.

Many Hon. Members rose—

Mr. Deputy-Speaker: Mr. Samanta.

Shri S. C. Samanta (Tamluk): Mr. Deputy Speaker, Sir, I am in a fix and I do not know what will be the procedure for giving amendments afterwards.

Sir, many things have been said. But I would request you to intimate the Ministry that at least those amendments which were given this time should be looked into. Sir, we people who are coming from the localities have some knowledge about the localities. We claim it. I tabled an amendment about a place which is not known now, but since the *Mahabharata* days. It was called Tamralipti and at present it is called Tamluk. I gave an amendment about it and I expected that by this time Government would have investigated about it, within this three months' time, and the Government should at least have informed me whether it is acceptable or not. Not only that. I gave a categorical statement to the hon. the Home Minister when he was the Governor of West Bengal. He kindly visited Tamluk and the Bargabhima temple which I am asking to be included in

[Shri S. C. Samanta]

the schedule. He was pleased with it. He may recommend it or may not recommend it. But a great antiquarian, William Hunter, in his Imperial Gazetteer, vol. IV, page 381 has said:

"Among the objects of noted..."

Pandit Thakur Das Bhargava: On a point of order, Sir.

Shri R. K. Chaudhuri: He is circumventing the rules.

Pandit Thakur Das Bhargava: We are now in the third reading. According to the rules whatever has been passed by way of amendments etc. can be debated in the third reading. But the third reading stage should not be utilised for the purpose of explaining amendments that have not been moved. I do not want to argue with the hon. Member. I do not want to say that his amendment was not important. But my humble submission is that at the third reading, we should not speak on matters which would have been relevant only if the amendments were moved, whether they were accepted or not. We should confine ourselves, according to the rules, to those matters only which have been moved and accepted.

Mr. Deputy-Speaker: Sitting in the Chair has become more and more a thankless task. I am finding it very difficult particularly now. I have not felt this difficulty all these months. Even when I say, 'no', hon. Members go on irrespective of all rules, and I have to go on allowing it. I am going to ask the Advisory Committee to do as it likes, and the Speaker also. That is my unfortunate position today. I find Member after Member doing this. I am really at loggerheads with Members about this. I do not know what to do. I am really seriously thinking of vacating in favour of some other hon. Member who may take charge. If I say one thing, every hon. Member thinks that I am standing in the way. I have to give some ruling. I do give it. Then hon. Members turn round and say all sorts of things. I would rather prefer to sit there and join hon. Mem-

bers also in saying all this.. (Interruptions) instead of sitting here. Hon. Members must feel some sense.... (Interruptions).

Shri Bhagwat Jha: I protest against this.

Mr. Deputy-Speaker: He may protest. I also protest. What is the good of making protests like this. There must be a feeling of oneness in the House which I unfortunately find missing today. Every small thing, every ancient monument is important. It may be true. I intend to suggest that a motion might have been tabled for reference of this Bill to a Select Committee. Then every hon. Member might have placed all these matters before the Select Committee and the Government might have had an opportunity of considering all these matters—where there are monuments which are neglected. Some hon. Members have said that some of these have been given added importance unnecessarily. That kind of distinction also is being noticed by hon. Members. It is a very vexed matter. One hon. Member says that in respect of a particular monument sufficient attention has not been paid. But we have to bear in mind the scope of the Bill. All these could have been dealt with in the Select Committee, where hon. Members could have asked for information and the Government might easily have given information. Unfortunately, the Minister is not here; the hon. Deputy Minister is piloting the Bill on the floor of the House.

Shri K. D. Malaviya: If I am given an opportunity, I can speak with regard to every amendment that has been given notice of. (Interruptions).

Mr. Deputy-Speaker: Order, order. Under those circumstances, individual attention cannot be paid on the floor of the House to each and every item. It will be taking so much time of the House. The hon. Minister should have convened a conference of all those Members and satisfied them as to how these items are useful or necessary

and also take information from them as to why from their point of view a particular monument is necessary to be declared of national importance. Then he could have got these examined through his officials and told them beforehand instead of dealing with each item on the floor of the House. Some such adjustment should have been made. So far as I am concerned, when an hon. Member says that he wants to be heard, I cannot say he ought not to be heard. That is my peculiar position. The Government also must accommodate. There is no good having this kind of bitter feeling and Members going away under the impression that what they are entitled legitimately to get from the Government was not forthcoming from the Government. I would have very much liked a Motion for reference of this Bill to a Select Committee earlier. Having regard to the fact that so many hon. Members are very much interested in this matter, I would have immediately put that Motion for reference to a Select Committee to the vote of the House. But unfortunately there is no such Motion, except an amendment to the original Bill itself that by notification they may be included. Even that I left to the House.

Now, let there be a calmer atmosphere prevailing. Honestly I feel that whatever is now hereafter going to be said relating to Tamluk or Vikramaditya—they are all very interesting and very useful also—is not relevant at this stage. If the House agrees with me, I will close it now. The hon. Member. Mr. Samanta, was asking—what is to happen? There is a new Committee that is appointed regarding Private Members' Bills. Tomorrow it is meeting. Every attempt is being made to give sufficient importance and bring those matters by giving them precedence. Nothing shall be wanting on my part to give such an opportunity on the floor of the House, and to get through those Bills—important non-official Bills. Hon. Members may bring in a Bill jointly or in groups from each State by way of amendment

to the Schedule. It does not require the President's sanction and they may be included as monuments of national importance. That may be done. Let us see how it works. Government may consider them and accept them. Those Bills may even be taken as Government Bills; otherwise, they may be in the form of Private Members' Bills. I am only making a suggestion. Therefore, in future I expect that wherever there is any such matter requiring detailed enquiry into each item, the time of the House need not be taken. Automatically, it may be referred to a Select Committee and evidence may be taken. The Government might bring sufficient material and place it before the Committee and Members also might have an opportunity to consider it, and time of the House may not be taken. Generally each hon. Member wants to say that a number of monuments in his State has been taken into consideration.

Some Hon. Members: No, no.

Mr. Deputy-Speaker: That is what he wants to say.

Shri Altekar: May I make a suggestion?

Mr. Deputy-Speaker: Only reference to those amendments which have been included in the list must be relevant at this stage.

Shri Altekar: I am not speaking on any particular amendment. But I would like to make a suggestion or two.

Mr. Deputy-Speaker: Let Mr. Samanta conclude.

Shri S. C. Samanta: I have nothing more to say, Sir

Shri Gadgil: What is this switching on and switching off? It looks like an airport.

Many Hon. Members: We cannot hear, Sir

Shri S. C. Samanta: I would only say that the amendments that have been tabled should be taken into consideration. If the Government wants

[Shri S. C. Samanta]

any more information, we will be glad to supply more material also. With these few words, I resume my seat.

6 P.M.

Shri Raghavachari: I just wanted to speak on the third reading.

Shri Gadgil: This light coming and going should be stopped; our attention is completely distracted.

Mr. Deputy-Speaker: One other thing also I would appeal to the hon. Members. There is the Advisory Committee. Why not the leaders of groups anticipate all these things in the Committee? Why could not they consult their members and ascertain from them what time is necessary and urge upon the other members of the Committee what time they should like to have? I was also there on the Advisory Committee. Whatever maximum time was asked for was given. There I urged upon the leaders, 'You are agreeing to certain things here but it is for me to get things through'. Sometimes it so happens that the time allowed is insufficient and it falls on me to carry through. It is the responsibility of the party leader to see that the time taken by his group is not exceeded by an inch. Of course, it may be said that I have not allotted time for the various groups.

Shri H. N. Mukerjee: Since you have mentioned this matter, Sir, may I draw your attention to the fact that in the course of the debates certain things happen which cannot possibly be anticipated; for example, Sir, today all the noise which happened was due to circumstances which could not possibly be anticipated.

Mr. Deputy-Speaker: It is no noise.

Shri H. N. Mukerjee: There was a great deal of confusion, as you yourself suggested, Sir, and the Minister's behaving the way he has done, treating the House in a cavalier fashion, and adding to it....

Shri K. D. Malaviya: Sir, I protest. I was trying to stand up in order to

explain the view of the Government. But there are some members who seem to be dissatisfied that their amendments have not been accepted.

Mr. Deputy-Speaker: I think there is no use apportioning the blame. There is nobody to blame; the subject itself is of such a nature. In renaissance India, after we have got independence we are all anxious that we should have all our ancient monuments unearthed as far as possible and try to protect them. That is the desire of every citizen of India. They would like to add those things which have already escaped notice. Normally this will take a lot of time.

Now, there are 20 hon. Members who want to speak. If each of them is allowed 10 minutes in the third reading, how can I finish the second reading, third reading everything in 1½ hours? Therefore, let us close this matter now. Enough has been said about this matter.

Shri K. D. Malaviya: Will I be given an opportunity to speak for a few minutes?

Mr. Deputy-Speaker: I am asking the hon. Members to conclude and not to speak any more. Let us have another Bill in order to incorporate all the suggestions that I have made. I am even making a suggestion to the Government itself. Some hon. Members say they have been writing to the Government.

Shri K. D. Malaviya: Every one of them was examined. I have had talks with the hon. Members. They know it.

Shri Raghunath Singh (Banaras Distt.—Central): Sir, three months ago I moved an amendment which was the first amendment.

Shri K. D. Malaviya: Sir, I am very sorry that I have been the cause of dissatisfaction to some hon. Members of this House...

Several Hon. Members: No, to all.

Shri K. D. Malaviya: I wanted to give an explanation as to what happen-

ed about those amendments which have unfortunately been not tabled here. They have been left out because...

Mr. Deputy-Speaker: Why did you not inform them earlier?

Shri K. D. Malaviya: I have informed them earlier. If you give me a few minutes, I shall explain, Sir.

Mr. Deputy-Speaker: We are not going to conclude the debate if I allow every hon. Member to speak on this. I am only suggesting to the hon. Minister that he may bring in a Bill as early as possible, after examining all the amendments that have been tabled here, a comprehensive Bill and rectify any of the mistakes that might have crept into this.

With regard to the suggestions of hon. Members, I would suggest to the hon. Minister that wherever such suggestions are made, they must be gone into and the members intimated as early as possible. Some hon. Members have said that they had written 3 months before and they have not heard anything. That is all I have to say.

Several Hon. Members rose—

Mr. Deputy-Speaker: Every hon. Member will kindly bear with me today. Let them have their chances for a future occasion.

श्री के० डी० मालवीय : मुझे अफसोस है कि मेरे कुछ माननीय मित्रों ने मुझे सुनने से पहले ही मुझे कनडैम कर दिया ।

Mr. Deputy-Speaker: The hon. Minister must try to satisfy all hon. Members.

Shri K. D. Malaviya: I will speak in English, Sir. I have only to make a very brief statement in explaining a certain misunderstanding which has crept in unfortunately by my silence and because of confusion. If, in the ordinary course, every amendment had come up before the House and every hon. Member had stood up to speak and said what he had to say over it, I would have said what I had to say. Unfortunately, these amendments did not come before the House and there-

fore I did not get that opportunity to speak on them. Otherwise, I am quite sure I would have satisfied all the hon. Members who are angry with me. *(Interruption)*

Sir, I hope, I will be allowed to speak. If I am allowed to speak I will satisfy some of the hon. Members who are very much displeased. I only want a few minutes indulgence.

I will attempt, Sir, very briefly to explain why we are accepting some of them to be declared as of national importance and rejecting many of them. A majority of them came to us too late. It was not possible for us to examine them from all points of view and therefore we only noted them as to be investigated. If the department considers them to be objects of national importance we will take them up in the next amending Bill. That is why I said this is a routine amending Bill.

For instance, my friend Shri Bhagwat Jha gave notice of certain amendments some time ago. We got them examined and as a result found that most of the amendments were accepted in the Act of 1951. His only dissatisfaction is with regard to the top of the Hill known as Bateswar Hill. *(Interruption)* He is concerned with the top only. The Archæological Department have examined it in consultation with the State Government and the view was that this portion may not be declared an object of national importance. The Bengal Pottery Company entered into an agreement with the State Government and they are in possession of that portion now. If today, on the advice of my hon. friend, and without considering all aspects I accept it as an object of national importance, I do not know what will be the real position. We may have to pay huge compensation. Therefore, because he desires it, we will again have it examined along with the State Government. If the Central Government and the State Government agree that it should be declared as an object of

[Shri K. D. Malaviya]

national importance, I give him the assurance that we will include it in the next list.

Shri Gadgil: May I ask one question?

Shri K. D. Malaviya: Dr. Ram. Subhag Singh also had some talk with me. He was very particular about Babu Kunwar Singh's palace. I am personally of the view that this should be included in the schedule. But even that was not examined from that point of view. The whole of the building is not there—in fact, there is nothing. New buildings have been erected, and only the site remains and some *lakhori* walls stand. The question whether the whole building site including the new building that has been built has to be declared as of national importance has to be considered—whether the entire building and the site and those that are left from the previous days—all to be declared and included in the schedule. That also requires some investigation. Therefore, this too could not be taken in the schedule.

There were some other amendments for inclusion in the schedule which I considered of sufficient importance. But now, those things also could not be taken because the investigation was not complete. A majority of them, I am afraid, cannot be accepted, because we do not consider them to be of sufficient national importance, and of course, I know, and I share the anxiety of hon. Members that each one of them, coming from their own constituencies, is, as they would like to include, a place of historical or archæological importance in the list. They wanted them to be included in the schedule, but perhaps, in our judgment, we think that all of them are not relevant to this schedule. We cannot accept most of them. Now, my friend Mr. Dhulekar stands every time. The Jhansi Rani Place has been mentioned. That palace has been

in the possession of the State Government. There is a *kotwala* there. Without giving proper notice we cannot ask the State Government to vacate it, so that we might just include it in our list.

An Hon. Member: You have powers.

Shri K. D. Malaviya: I know we have powers. But they should not be misused. We must write to the State Government. The State Government have not yet agreed to vacate the building. Perhaps they have not got another building. The moment we get the building, we would declare it an object of national importance but today, we cannot include it in this Bill.

With regard to Mr. Samanta's amendment, we got it examined and the expert opinion says that the temple is not worthy of protection. We have got the opinion of the experts, and therefore, I am unable to accept the proposal made by him.

Similarly, there are so many amendments, Sir. As I said, they are of three categories. One, we cannot accept, because they are not of any national importance; second, we are investigating, and the third which could be included in the list but there are certain difficulties. This is all that I wish to say. I hope I have satisfied the hon. Members.

Shri K. P. Tripathi: I want to make a request to the Minister through you. The request is this: yesterday, I met a gentleman from Thailand. He came for a conference. After the conference he went to the Buddhist places here. He found it was very difficult to approach the Buddhist places and he asked me to convey the request to the hon. Minister that if the approaches to the places of pilgrimage of the Buddhists are improved and better transport facilities are given, then, possibly ten times the number of people may come to this country than at present. They think that India is the mother so far as Buddhists all over the world are con-

cerned. The number of Buddhists all over the world is large. Therefore, if these facilities are given, then the number of Buddhist pilgrims will go up to large numbers. India has become the political centre of South-East Asia, but it is very little realised that India is also the home of Buddhists all over the world and is a place of Buddhist pilgrimage. It is from this point of view that I have the honour to convey the request of the Thai gentleman to the hon. Minister through you, Sir.

Pandit Thakur Das Bhargava: You said that a new Bill should be brought so that all these amendments may be considered.

Shri K. D. Malaviya: It will come as early as possible.

Mr. Deputy-Speaker: He has given that assurance. In the meanwhile, every hon. Member may write to the hon. Minister.

The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

MANIPUR COURT-FEES (AMENDMENT AND VALIDATION) BILL

The Minister of Home Affairs and States (Dr. Katju): I beg to move:

"That the Bill to amend the Court-fees Act, 1870, in its application to the State of Manipur, for the purpose of giving effect in that State to certain amendments made in that Act by Assam Act VIII of 1950, and to validate the levy of court-fees in certain cases, be taken into consideration."

Sir, after the excitement on the previous Bill, the House may be tired. I will finish my Bill very soon, and it is a Bill on which practically nothing has to be said. The House is aware that the Court-fees Act of 1870 is a Central Act. When the State of Manipur was taken over in 1950, the central Act was extended to Manipur. At that time it was overlooked that

the central Act has been varied and amended by the Assam Act, and the Assam (Amendment) Act was enforced in Assam and so automatically put into force in Manipur also, because Manipur is close to Assam. Afterwards, it was discovered that the rate in the Assam Court-fees Act was a little higher than in the old Court-fees Act of 1870. The object of this Bill, as it would appear from the statement of objects and reasons, is to make the Assam Act enforceable in Manipur as from the date of the passing of this Act and to give this Bill retrospective effect so that the charges made during the last three years may be regularized.

I may once more repeat that in Manipur, practically most of the legislation enforced in Assam is already enforced, and therefore this mistake arose. Therefore, I request the House to take this Bill into consideration and subsequently to pass it.

Mr. Deputy-Speaker: Motion moved:

"That the Bill to amend the Court-fees Act, 1870, in its application to the State of Manipur, for the purpose of giving effect in that State to certain amendments made in that Act by Assam Act VIII of 1950 and to validate the levy of court-fees in certain cases, be taken into consideration."

Shri K. K. Basu (Diamond Harbour): I would like to enquire of the hon. Home Minister one thing. He says it was something of a soothing Bill and wants to have it passed. What happens to those persons who have paid court-fees at lower rates? Has it to be given retrospective effect?

Mr. Deputy-Speaker: Hon. Members must maintain the quorum.

Several Hon. Members: There is quorum.

Shri K. K. Basu: Normally, Sir, if court-fees are paid at a lower rate, it is recovered later. You are giving it: