

Standing Committee Report Summary

Creation of Regulatory Framework for protection of Historical Sites and Monuments

- The Standing Committee on Transport, Tourism, and Culture (Chair: Mr. T.G. Venkatesh) submitted its report on ‘Creation of Regulatory Framework for protection of Historical Sites and Monuments’, on February 3, 2022. Key observations and recommendations of the Committee include:
 - **Prohibited and regulated areas:** Under the Ancient Monuments and Archaeological Sites and Remains (AMASR) Act, 1958 an area of 100 metres from the boundaries of a protected monument is declared as prohibited for purposes of construction activities. Further, an area of 200 metres beyond the prohibited area is declared as regulated. The Committee noted that the uniform restrictions imposed on all monuments are not logical. Area deemed as prohibited and regulated should be decided on a case-to-case basis. It recommended the Ministry of Culture to formulate a framework that: (i) poses least restrictions on construction activities while ensuring no damage is done to monuments, and (ii) does not affect the rights of people living near the monuments.
 - **Appointment to National Monuments Authority (NMA):** The AMASR (Amendment) Act, 2010 provides that any person who has held a post with the Archaeological Survey of India (ASI) or the Ministry of Culture cannot be appointed as the Chairman or member of NMA. The Committee observed that people with field experience in the preservation of monuments could help NMA fulfil its mandate effectively. It recommended the Ministry to revisit the rationale behind the restrictions on appointments.
 - **Review Committee:** The protection of monuments, sites, and remains, which have not been declared by the central government as of national importance, fall under the State List of the Constitution. Under their respective Acts, states/UTs have declared monuments of state importance. The Committee noted that certain monuments are not covered by the Union or State List. It recommended that the Constitution should be amended to add “ancient and historical monuments other than those declared to be of national importance” to the Concurrent List. This will enable the central government to enforce provisions for the conservation of monuments and sites not covered by the Union List or State List.
- **Powers of ASI:** The Committee observed that ASI has insufficient powers to curb encroachment on monuments. For instance, ASI officials: (i) are dependent on local police officers to deal with encroachment, and (ii) do not have the powers to seal the site of illegal construction. Further, the Committee noted that the final notification of declaration of an ancient/historical monument/site/remains as of national importance, is not published by ASI in most cases. The Committee recommended the Ministry to: (i) prescribe a time-bound limit for ASI to publish the final notification, and (ii) incorporate the provisions of encroachment under the Indian Forest Act, 1927 to empower the ASI to deal with the issue of encroachment of monuments.
- **Permission to undertake repair activities:** People living in the regulated area of a centrally protected monument are required to seek permission for maintenance activities in their property from the Competent Authority under the AMASR Act. These maintenance activities include filling of cracks, whitewashing, and replacement of windows. The Committee noted that seeking prior permission makes lives harder for people living nearby the monuments and can cause feelings of anguish towards the monument. It recommended that the Ministry may undertake a review of the AMASR Act and Rules to: (i) omit any provisions providing for seeking permission for minor works where it’s not required and (ii) streamline the process for applying for permission in cases where required. The Ministry should make the entire process for seeking permission for construction activities in prohibited and regulated areas online.
- **Security policy for centrally protected monuments:** The Committee observed that ASI faces the issue of lack of manpower for the protection of monuments across the country. It recommended the Ministry to carry out an exercise to figure out the requirements for security infrastructure and personnel at each monument. The data obtained may be used to frame a security policy for all the centrally protected monuments.

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