

Standing Committee Report Summary

The National Commission for Heritage Sites Bill, 2009

- The Standing Committee on Transport, Tourism and Culture submitted its 150th Report on ‘The National Commission for Heritage Sites Bill, 2009’ on November 23, 2009. The Chairperson was Shri Sitaram Yechury.
- The Committee states that the Commission proposed under the Bill only has the power to notify a heritage site but no power to protect the sites. The Bill does not provide for any enabling agency either. The Bill lacks a holistic approach in tackling the problems. It recommends that the Ministry should submit a note with reasons why certain recommendations could not be incorporated in the Bill.
- The Committee feels that there should be support from different agencies to assist the Commission for its smooth functioning. Also, monitoring committees are required for conservation and maintenance of monuments. The cooperation of the state is crucial for handling the problem of encroachment.
- The Committee expressed concern over the delay in bringing a legislation to enforce the Convention concerning the Protection of the World Cultural and Natural Heritage, 1972. India had ratified the convention in 1977.
- The Committee recommends that the definition of natural heritage sites should include terrestrial or aquatic sites, including riverine, wetland, coastal or marine areas, which has cultural, scientific and spiritual significance.
- While the Cantonment Boards Act, 2006 provides for making regulations to protect heritage sites, no such regulation has been framed. The Committee recommends that agencies engaged in conservation of heritage sites should be given access to these sites. Also, regulations be framed under the Cantonment Boards Act, 2006.
- The Committee recommends that the procedure to notify heritage sites should be prescribed in the Bill. Also, if the intention is to adopt the same procedure as prescribed in the Ancient Monuments and Archaeological Sites and Remains Act it should be specified in the Bill.
- Since the Bill defines heritage sites of “outstanding value” and not of “national importance”, the Committee recommends that instead of notifying heritage sites of national importance it should notify heritage sites of outstanding value.
- The Bill states that the Chairperson or members of the National Commission on Heritage Sites could be a person with experience in “public administration”. However, the Committee is of the opinion that it is not relevant to the subject. Therefore, it should be removed from the list of qualifications.
- The Committee suggests that the requirement of a minimum of 20 and 25 years of experience should be lowered so that people with lesser experience but eminently suited for the assignment can be considered.
- The Committee proposes that selection of Chairperson and members should be done by a Search Committee instead of allowing the central government to nominate the members. It also feels that the age limit of the Chairperson and members should be enhanced to allow for experts who may be older than 65 years.
- The Committee recommends that the Bill should make it clear what the Commission’s relationship would be with the Archaeological Survey of India, which has long experience in conservation of heritage sites. Also, states should be given adequate representation in the Committees that would be formed by the Commission.
- The Bill should make it clear whether intangible heritage is covered or not.
- While the Commission’s mandate is to lay down standards for development of scientific and technical institutions for heritage sites, the Bill does not provide any details about such institutions. The Committee feels that there should not be any duplication of efforts since there are many existing institutes working in the area of heritage preservation and conservation. Also, the Commission work at cross-purpose with other agencies.
- Since the Bill does not provide for any institutional support or standardisation of activities of the Commission, the Committee hopes that it works as a facilitator of organisations already working in the field.
- The Committee recommends that the Commission may also issue directions to agencies implementing public sector projects such as roads, tourism, and infrastructure.

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