

CHAPTER – II

Identification and Protection of Monuments and their documentation

For appropriate protection and conservation of monuments and sites, the first step was their identification. The AMASR Act, 1958 authorised the Central Government to designate the “Monuments of National importance”.

2.1 Monuments of National Importance

According to section 3 of the AMASR Act, 1958, all ancient and historical monuments and all archaeological sites and remains which had been declared by the Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Act, 1951 or by Section 126 of the State Re-organisations Act, 1956 to be of national importance shall be declared to be of national importance. The Act stated that **protected monuments** should be the ancient monument and archaeological sites and remains which are of historical, archaeological or artistic interest and which have been in existence for not less than 100 years. However the Act did not define the term “national importance” in objective terms with a defined set of criteria. Even the Ministry so far had not specified any detailed criteria for declaring any monument to be of national importance.

We also noted that the Ministry through ASI had not conducted any comprehensive survey or review for identifying monuments which were of national importance for inclusion in the list of Centrally Protected monuments. There were no standing instructions for the ASI Circles to look for and recommend such unprotected monuments for notification on a regular basis.

We found that a detailed review was also required to de-notify monuments which were brought to protection prior to independence and had lost importance over time.

The Ministry (May 2013) agreed that there was an urgent need to review and survey all the ancient monuments and archaeological sites declared as of national importance whether they still continue to be of national importance.

2.2 Protected Monuments

The AMASR Act authorised the ASI to declare a monument to be of national importance by issuing a notification in the Gazette of India. Thereafter, activities

relating to preservation and conservation of monuments were to be undertaken. We noted that the ASI did not maintain a reliable database regarding the number of protected monuments.

Further, the information in respect of number of monuments provided by the ASI HQ was at variance with the information provided by Circle/Sub-Circle offices. The variations are shown in **Table 2.1**.

Table 2.1 Details of difference in number of protected monuments

Name of the Circle	Number of Monuments/Sites as per the ASI HQ	Number of Monuments/Sites as per Circle/Sub Circle	Discrepancy in number of Monuments
Bengaluru	208	218	10
Bhopal	292	290	2
Chennai	410	411	1
Dehradun	44	42	2
Delhi	174	149	25
Dharwad	299	300	1
Jaipur	163	162	1
Kolkata	136	137	1
Lucknow	365	358	7
Patna	182	183	1
Raipur	47	45	2
Ranchi	12	11	1
Trissur	36	37	1
Vadodara	214	213	1
Total			56

We observed further discrepancies in the figures of protected monuments provided by the ASI to the Ministry of Finance in 2006 and to the Parliament in June 2012.

The ASI stated (July 2012) that the discrepancies in the number of monuments were mainly due to non updating of list of monuments immediately after bifurcation of a Circle and changes in the jurisdiction of Circles due to creation of new Circles. The reply underscores the need to exercise better coordination with the Circles as timely updation of this basic information is important for various stakeholders.

Absence of details of the exact number of monuments under the control of the ASI would impinge on proper protection, preservation and conservation of these sites of national importance.

Recommendation 2.1: *The lists of protected monuments should be updated and reconciled periodically so that there was no ambiguity with regard to the number of protected monuments under each Sub Circle, Circle and the ASI as a whole.*

2.3 Shortcomings in Notification and De-notification of Monuments

In terms of section 4 of the Act, if the Central Government was of the opinion that any ancient monument or site and remains not included in Section 3 was of national importance, it may, by notification in the official gazette, give two months' notice of its intention to declare such ancient monument or archaeological site and remains to be of national importance. A copy of each such notification shall be affixed in a conspicuous place near the monument or site and remains. On the expiry of the said period of two months and after considering the objections, if any, the ancient monument or the archaeological site and remains were declared to be of national importance. Thus, the notification gave the monuments or sites an official status of being "Protected". Examination of the system of notification and de-notification of monuments revealed the following deficiencies.

2.3.1 Notification Cases

No procedures were laid down for the Circles under the ASI, to send recommendations for the protection of monuments periodically. However, occasionally at the initiative of the Circle or based on a VIP reference, the ASI received detailed proposals from the Circles with an inspection note of Superintending Archaeologist (SA) (In-charge of the Circle).

These proposals were required to be scrutinised by a Committee of Officers (appointed by DG, ASI in 2006) with Joint DG as the Chairman. On the basis of recommendations of the Committee, approval of the Minister was sought to issue a preliminary notification in the official gazette. We found that the committee had held only four meetings since 2006. Out of the 78 proposals submitted by various Circles since 1996 for the protection of monuments; only 53 were submitted to the Committee for consideration. The other proposals were rejected even before consideration of the Committee for which no reasons were available on record. The details of the proposals scrutinised and recommended by the Committee were as follows:-

Table 2.2 Details of notification proposals scrutinised and recommended

Date of the meeting	Proposals scrutinised	Proposals recommended
30 May 2007	6	2
11 January 2008	14	6
23 September 2008	31	24
22 May 2012	2	2
Total	53	34

However, only 2 monuments out of the 34 recommended by the Committee since 2007 were notified till date. We noted inordinate delays in processing of cases for notifications with some cases pending for more than 16 years, as proposals submitted by Circles/offices were pending since 1996.

In nine cases preliminary notification proposals were approved by the Prime Minister (then Minister of Culture) in 2009 but only one monument out of these nine was notified till 2012.

The Ministry (May 2013) stated that the proposals received from the Circles were not taken on record as these were incomplete and had been sent without completing the formalities. In many cases the justification given was unreasonable. The reply is not valid as we did not find any evidence in the records that the stated deficiencies had been communicated to the concerned Circles for taking corrective measures.

2.3.2 De-notification cases

According to Section 35 of the AMASR Act 1958, in case the Central Government was of the opinion that any ancient and historical monument or archaeological site and remains had ceased to be of national importance, it may declare so.

We noted that over the past 46 years, Circles had submitted 26 proposals, which included General Nicholson statue, which was gifted away by Government of India in 1960s to Government of Ireland, for de-notification of the monuments mainly on the grounds that these were missing or untraceable. However, these monuments had not been de-notified as of December 2012.

We also observed substantial delays at the Circle level in sending proposals for de-notification, despite being aware that monument was untraceable on ground. For example, the two 'site of siege batteries with inscription' in Qudsia Garden in Delhi

Circle were not traceable since 1971. Proposal for de-notification of these monuments was submitted only in July 2012.

In another case, the Notification issued in 2003 for the monument 'Sat Narain Bhawan' in Delhi Circle was quashed by the Delhi High Court. However, the monument was not de-notified and was still featuring in the list of protected monuments. Joint physical inspection of this monument revealed that the owners had demolished the building but the Circle office had no information on this matter. The monument, continued to be "protected" by the ASI in its records.

2.4 Information on Location and Actual Condition of Protected Monuments

During a joint physical inspection of selected monuments, we found that the ASI officials were often unaware about the exact location and actual condition/nature of the monuments they were assigned to protect as discussed below:

- Rewa sub Circle in Bhopal Circle showed a rock painting at Rewa "**fresco paintings at Gahir, Rewa**", a centrally protected monument. The Circle was not aware of the existence and exact location of this protected monument.
- In Delhi Circle, the Kashmere Gate Sub Circle could not locate the exact site of the protected monument listed as "**Enclosure containing the graves of Lt. Edwards and others, murdered in 1857**" during joint physical inspection with us.
- A sculpture from the protected monument '**Sculptures in the Chummary Compound, Tezpur, Assam**' was shifted to the environment park by the Tezpur Municipal Board in 1995-96. Guwahati Circle requested (1997) the DG, ASI to de-notify the monument whereas, the Municipal Corporation in 1998 requested the DG, ASI to accord permission for shifting which had not been accorded by DG, ASI till date. Guwahati Circle after inspection in July 2008 found that one school building was constructed at the protected area.

The above instances indicate that the mechanism of inspection by the ASI was grossly inadequate. Norms of regular inspection at Circle/Sub Circle level were absent, resulting in inadequate information about the location and status of protected sites.

The Ministry (May 2013) replied that probably the information was collected from ill informed field staff of the sub Circle. Such complicated matters should have been discussed with SA of the concerned Circle. The reply is not tenable as it is the field

staff of sub Circles that looks after the monuments on day to day basis. Further, SAs were informed before and after the visits by us.

2.5 Number of “Missing” Monuments

The ASI informed (2006) the Ministry that 35 of the total centrally protected monuments were not traceable. This figure was also communicated to Parliament in the same year. The same information was also communicated again in June 2012. However, the joint physical inspection of the monuments along with the officials of the ASI revealed that in the sample of 1655 (45 *per cent*) monuments selected by us, 92 monuments (6 *per cent*) (Detailed in **Annex 2.1**) were not traceable as detailed below:

Table 2.3 Details of number of missing monuments

Sl. No.	State	Number of ‘missing’ monuments as communicated to Parliament	Number of missing monuments as per the joint physical verification
1.	Assam	1	6
2.	Arunachal Pradesh	1	
3.	Delhi	12	15
4.	Gujarat	2	2
5.	Haryana	2	2
6.	Jammu and Kashmir	3	3
7.	Karnataka	1	4
8.	Madhya Pradesh	-	2
9.	Rajasthan	2	3
10.	Uttarakhand	3	2
11.	Uttar Pradesh	8	16
12.	Andhra Pradesh	-	8
13.	West Bengal	-	7
14.	Maharashtra	-	8
15.	Tamil Nadu	-	3
16.	Bihar	-	11
Total		35	92

We also found that one of the monuments in Dehradun Circle (Uttarakhand) **'Remains of ancient buildings locally identified with Vairatapattana, Dhikuli, Nainital'** was reported to the Parliament, as being untraceable by the DG, ASI. However, this monument was still being depicted in the records of the Circle office. The Circle office had also reportedly incurred expenditure on the maintenance of the monument during 2011-12.

Recommendation 2.2: *The ASI should make a provision for inspection of each protected monument by an officer of suitable level periodically. The ASI should publish the state of each monument being protected by it on the basis of detailed inspection note and photographic evidence collected during such inspection on a regular basis.*

The Ministry (May 2013) accepted the recommendation and stated that the number of missing monuments i.e. 35 reported to Parliament was based upon a survey done in 1998-99. We noted that the Ministry did not possess the correct and updated status on the number of missing monuments. We are unable to verify the details of Ministry's reply in the absence of any documentary evidence on record.

The Ministry also intimated that based on inspections, nine out of 35 monuments were *reported to be traced* but the final verification and confirmation was to be done. However, no documentary evidence in respect of the survey carried out viz. the inspection report along with the photographs of the present condition of the monument could be shown to us in support of this claim.

2.6 Discrepancies in Issue of Notification

2.6.1 Criteria for Issue of Notifications

A monument is declared to be of national importance only after publishing a notification in the Gazette of Government of India. However, we noted that there were no specific criteria for notifying number of monuments in one complex either as a single monument or as an independent monument. There were instances of more than one monument being notified by the ASI in a single complex as detailed below:

Table 2.4 Details of instances where more than one monument was notified in the same complex

Circle	Complex where more than one monument notified	Number of monuments notified
Delhi	Roshanara Bagh complex	2
	Qudsia Garden complex	2
Patna	Barabar & Nagarjuni hills, Jehanabad	7
	Kurisarai, Gaya	5
	Ancient structures in Rajgir, Nalanda	3
	Maner, Patna	4
	Sharqui monuments at Jaunpur	4
Dharwad	Great Durga Temple Complex, Bijapur	8
	Jyotirlinga Temple Complex, Bijapur	6
	Mallikarjuna Temple Complex, Bijapur	4
	Galagantha Group of Temples, Bijapur	6
	Kontigudi, Bijapur	2
	Huchchappayya Matha, Bijapur	2
	Trayambakesvara Temple, Bijapur	3
Dehradun	Jageshwar temple complex, Almora	6

There were also cases wherein independent structures within a complex were notified as a single monument. A few examples of such categorisation were the Red Fort and Qutb complex in Delhi Circle, Bidar Fort, group of Bahmani tombs in Dharwad Circle and group of temples on Hemakunti hills in Bengaluru Circle.

In the absence of a uniform standard to recognise a monument as an independent entity, we could not conclude that security concerns and budgeting needs of monuments were adequately assessed and addressed.

Recommendation 2.3: *There is a need to have clearly laid down guidelines for notifying number of monuments in one complex as a single monument or as independent monument.*

The Ministry (May 2013) intimated that now the ASI was following the criteria of issuing only one notification for the entire complex rather than having separate notifications for each of the monument located therein.

We also found some cases where instead of notifying the whole structure of a monument, only certain portion of the monument was declared as centrally protected monument and the remaining part was left as unprotected. The details are as given below:

Table 2.5 Details where part of the monument was not declared protected

Circle	Name of the protected monument	Area not defined as protected monument
Delhi	City wall of Shahajahanabad, Darya ganj	Some portion of the wall across the road was left as unprotected
Dharwad	Basadis at Chandragiri Hills, Sravanabelagola	Out of 14 basadis, 11 were not declared as protected and left as unprotected
Dehradun	Jageshwar group of temples	Out of the 124 temples, 118 temples were not declared as protected
Chandigarh	63 Kos Minars	Kos minar in TaranTaran was not protected
Trissur	Rock cut cave, Vizhinjam	Extended portion of the boulder outside the boundary wall not protected
Trissur	Burial site at Kudakkallu Parambu	Unexcavated burial sites outside the protected area

The Circles concerned could not provide any documented reasons for the categorisation adopted in such cases.

The Ministry (May 2013) intimated that part of the city wall of Shahajahanabad, Darya Ganj was not declared protected as it was encroached. The miniature temples were not protected in Dehradun Circle as they were votive in nature and only the important Kos Minars were protected in Chandigarh Circle. The Ministry did not provide any documentary evidence in support of its contention.

2.6.2 Double Notifications

We noted that the ASI did not maintain any centralised inventory of protected monuments with full details of the sites and structures. Similarly, the ASI also did not have information on monuments protected by various states. Hence any new proposal for notification could not be thoroughly verified by them. Resultantly, we found that some monuments were notified by the ASI twice. E.g. Hauz Shamsi⁷ at

⁷ Notified as 'Houz Shamsi with central red stone pavilion situated at Mehrauli in field No 157-81, 1586-97, 1614 & 1624' vide 7485 EDU dated 25.10.1918

Delhi was also notified as Shamsi talaab⁸ and Iron Hindu Pillar⁹ was also included while notifying the Qutb complex¹⁰.

Such instances call for comprehensive review of notifications.

The Ministry (May 2013) replied that the cases of double notifications was a result of an error committed between 1908 to 1925. It further stated that efforts would be made to rectify all such cases by the ASI on merit.

2.6.3 Monuments included in the list though not Finally Notified

As per section 4 of the AMASR Act, a monument was termed as centrally protected monument of national importance only after publication of final notification in the Gazette of India. We, however, found instances where monuments were included in the list of centrally protected monuments even though the final notification had not been issued in the Gazette of India (February 2013). The details are given in Annex-2.2.

The Ministry (May 2013) stated that all such issues shall be taken care of at the time of physical verification of the protected monuments.

2.6.4 Instances of Hasty Notification

During our audit we also noticed cases where sites with encroachment or unauthorised occupants were notified. In such cases, litigation followed the notification. As a result, the ASI was unable to carry out any preservation work on the sites. Some illustrative cases were as follows:

- i. In 2004 the ASI notified a building as *Tamluk Rajbati* in Kolkata Circle despite objection from the owner of the place. The owner claimed that the dilapidated building was *Jhulan Dalan (Imarat)* and not *Tamluk Rajbati*. As the monument was in a dilapidated condition, the Circle had a plan to shift the *Tamluk* Site Museum in the building after restoration. Some of the owners in 2004 went to the court challenging the notification. Consequently the matter became sub-judice. Till December 2012, the ASI could not even place the protection notice board, despite passage of more than eight years after notification. No

⁸ Notified as 'Shamsid Tallab together with platform entrance gates at Mehrauli' vide Punjab notification No 37 dated 15.2.1908

⁹ Notification No Punjab Gazette 849 dated 9.12.1909

¹⁰ Notification No 387 EDU dated 16.1.1914

restoration work had been carried out by the Circle office pending the outcome of the case.

- ii. The ASI notified two monuments in Kolkata Circle viz 'Clive's House Dum Dum known as Barakothi' in March 2004 and 'Moti Jheel masjid' in June 2011. Clive house was occupied by 22 families, while Moti Jheel Masjid was occupied by an Islamic school (*Madarsa*) and some families. We noted that both these monuments were occupied before their notification as protected monument. As a result, the ASI was unable to take action against the occupants as encroachers of the monument. Further, the ASI was also unable to carry out any preservation and conservation activities on these monuments.

In such situations, notification of sites did not carry any meaning.

Recommendation 2.4: *The ASI should have a laid down policy for notification of sites with contested ownership or occupants. These sites can be placed in the tentative list for nomination till all disputes are resolved.*

The Ministry (May 2013) stated that such actions had been taken on the assurance given by the occupants and also the State Governments. However, the ASI had now taken a stand that a monument or site shall be notified as protected preferably when it is free from all encumbrances including the ownership rights.

2.6.5 Monuments protected by both Centre and State

We also found cases where one monument was notified and protected by both the ASI and the State government e.g. **Fort in ruins Dharanikota at Guntur and Bhimeswara temple at Samalkot, East Godavari District.** They were notified by the ASI, Hyderabad Circle and State Department of Archaeology and Museums, Andhra Pradesh. The ASI had notified these monuments in 1967 and 1964 respectively. The ASI stated (September 2012) that the State Department of Archaeology and Museums would be requested to delete these monuments from the state list.

Similarly a part (lion statue), of the ASI protected monument 'Stone group of a gigantic lion standing on a small elephant' of Patna Circle in Jaunpur, was also included in the protected list of State Archaeology Department, Uttar Pradesh.

These cases indicate gaps in the notification process, coordination with State Archaeology Department and incomplete documentation at the time of notification.

2.6.6 Repeated Notification and De-notification

Some cases were noticed where sites were notified, de-notified and re-notified without any recorded reasons. E.g. Five monuments commemorating Anglo-Sikh battles fought in the 19th century at Mudki, Subraon, Saragarhi, Ferozeshah and Misriwala in Ferozepur, Punjab were earlier in the list of protected monuments of national importance declared in November 1918. Subsequently they were de-protected by the ASI vide No.818 dated 13 April 1927 and No.1693 dated 22 May 1962 for reasons not available on record. However in 2006, the ASI identified these five monuments once again for central protection but took no further action. Currently (December 2012), these monuments were still being protected by the State Government and were found to be in a dilapidated condition.

2.6.7 Monument Protected before completion of 100 years

As per the AMASR Act 1958 “Ancient Monument” is any structure, erection or monument, or any tumulus or place of internment, or any cave, rock-sculpture, inscription or monolith which is of historical, archaeological or artistic interest and which has been in existence for not less than 100 years.

We found cases of some monuments declared protected by the ASI which did not fulfill the criteria of completing 100 years at the time of notification. E.g. **‘Cooch Behar Palace’ in Kolkata Circle** was notified in 1982 before completing 100 years. The Kolkata Circle intimated that this was a special case. We could not appreciate this argument as no such exemption was available in the Act. A similar case was noticed in the Delhi Circle where a monument called **‘Sat Narain Bhawan’** was notified in 2003. However, when the owners contested the claim, ASI could not prove in the court that the building was more than 100 years old. The court quashed the notification in 2007. The monument was still pending de-notification.

2.6.8 Antiquities protected as Monuments

As per the AMASR Act, 1958 the definition of monument was as given below:

“Ancient monument” means any structure, erection or monument, or any tumulus or place of internment, or any cave, rock, sculpture, inscription or monolith, which was of historical, archaeological or artistic interest and which had been in existence for not less than one hundred years, and included-

- (i) the remains of an ancient monument,
- (ii) the site of an ancient monument,

- (iii) such portion of land adjoining the site of an ancient monument as may be required for fencing or covering in or otherwise preserving such monument, and
- (iv) the means of access to and convenient inspection of an ancient monument”;

We observed that the ASI was protecting a number of ‘monuments’ which did not constitute a monument as per the Act. A few examples are canons, guns, jhoolas, statues etc. which were being protected by the ASI as centrally protected monuments of national importance. No specific reasons were accorded as to why these were protected as monuments and not as antiquities. A list of such monuments is placed at **Annex 2.3**.

2.7 Categorisation of the Monuments

As per Section 4A of the AMASR (Amendment & Validation) Act 2010, the Central Government shall, on the recommendation of the Authority, prescribed categories in respect of ancient monuments or archaeological sites and remains declared as of national importance. The Central Government shall, on the recommendation of the National Monument Authority (NMA), classify all the ancient monuments or archaeological sites and remains declared as of national importance in accordance with the categories prescribed under sub section (1) and thereafter make the same available to the public and exhibit on its website and also in such other matter as it may deem fit.

The ASI Headquarter notified in 2011 that all the monuments were to be categorised in following manner:

Table 2.6 Details of different categories of monuments

Category I	World Heritage Sites
Category II	Tentative list of World Heritage Sites
Category III	Identified for inclusion in the World Heritage tentative list
Category IV	Ticketed monuments (other than mentioned above)
Category V	Identified for categorisation as ticketed monuments
Category VI	Living monuments which receive large number of visitors/pilgrims
Category VII	Other monuments located in the Urban/semi urban limits and in the remote villages
Category VIII	Other category as the Authority may deem fit

We noted that the categorisation was being followed only by the Guwahati Circle. No other Circle had carried out this categorisation so far. No detailed guidelines or any timelines were prescribed for the completion of this activity.

Further, we also noted that no record was maintained on the number of visitors as required for Category VI. There was no guidance how this information was to be collected for the purpose of categorisation.

The Ministry stated (May 2013) that the categorisation of the protected Monuments/Sites was the responsibility of the NMA and not that of the ASI. The fact remains that the Monuments/Sites were not categorised and no timelines were fixed for the same. Moreover the ASI being the custodians of the protected monuments should only propose categories for each protected monument /Sites for NMA's approval.

2.8 Access to the Protected Monuments

2.8.1 Unauthorised Activities at the monuments

According to Para 26 of the John Marshall's Manual of Conservation, the Living monuments were those structures that were still in use for the purpose for which they were originally designed at the time of notification of the monument. This implied that any activity, such as worship, which was subsequently introduced in a monument, but was not being carried out at the time of notification, would be deemed as unauthorised.

We found that in many monuments such unauthorised activities were being carried out. The ASI replied (May 2012) that presently 955 monuments were being used for worship and prayers. However, the ASI did not have the details of monuments where prayers/worships were being held prior to issue of notification. During Joint Physical inspection, we found that in many monuments electrical points, loudspeakers, fans, etc. were also installed by unauthorised persons to facilitate these activities. Some examples were Ancient Mosque, Palam and The Mosque, Qudsia Garden in Delhi Circle.

The ASI, thus, failed to protect the monuments of national importance by not restricting the unauthorised activities being held there.

2.8.2 Closure of Monuments or its part without the Approval of DG, ASI

As per the extant rules¹¹, DG, ASI may direct that a protected monument or any specified part thereof shall not be open, permanently or for a specified period to general public.

Joint physical inspection of monuments revealed that in eight Circles, parts of the 23 monuments were closed for visitors without the approval of the DG, ASI as detailed in **Annex 2.4**. There was neither any reporting requirement for such closures nor any mechanism to ensure that closure of parts of the monuments was approved in advance by the competent authority.

Delhi Circle could not provide any information on monuments or its parts closed as per the approval of DG, ASI. Circle intimated that some parts were closed due to security reasons. No security threats were however, found recorded or intimated to ASI HQ or the Ministry.

The Ministry (May 2013) stated that the ASI would examine all such cases and would take remedial measures wherever necessary.

2.8.3 Restricted access to the monuments

Section 18 of AMASR Act 1958 provided a right of access to any protected monument to all visitors. However, it was noticed that there were many monuments access to which was not open for all visitors. Some of the protected monuments were situated in the premises of other organisations and were not in the control of the ASI as listed below:

Table 2.7 Monuments in the premises of other agencies

Sl. No.	Circle	Monument	Area under which the monument exist
1.	Delhi	Unknown tomb	Jawahar Lal Nehru Stadium
2.		Shikargah Kushak II -327	Nehru Planetarium
3.		Lal Bangla	Delhi Golf Course
4.		Kos Minar or Mughal Mile Stone	Delhi Zoo
5.		Gazuddin Tomb	Anglo Arabic School
6.	Patna	Buddhist site up to limit of Narokhsar Tank near Dhamesh Stupa, Sarnath	Forest Department, Uttar Pradesh
7.		Lt Col Pogsons' Tomb, Varanasi	Cantonment Area, Military Wing

¹¹ As per Rule 4 of the AMASR Rules 1959

The ASI did not enter into any agreement/MoU with the management of these organisations for allowing visitors to these centrally protected monuments. Thus, practically these monuments were not open to general public, which was a violation to the Act.

The Ministry (May 2013) replied that the ASI would pursue the matter of individual written agreement with owners wherever feasible.

It was also noticed that at some centrally protected monuments, there were restrictions for people of some category/religion to enter into the monument. Some of the illustrative examples are as follows:

Table 2.8 Monuments where entry to visitors was restricted

Sl. No.	Circle	Monument	Reasons
1.	Lucknow	Sikandar Bagh Building	Non Muslims were not allowed
2.		Tahsin Ali Mosque	
3.		Dargah Hazrat Abbas	
4.		Tomb of Ghaziuddin Haider	
5.		Imambara Aminud-daula	
6.		Jama Mosque near Hussainabad, Lucknow	
7.		Masjid connect with Asaf-ud-daula, Lucknow	
8.	Hyderabad	Khulla Mulla Mosque	Women were not allowed
9.		Thumamala Mosque	
10.	Dharwad	Asar Mahal	Men were not allowed
11.		Makka Masjid, Bijapur	Men were not allowed

Recommendation 2.5: *There is an urgent need to come up with a written agreement with the management of the sites with restrictive entry, to enable access to these sites by common visitors. The ASI also needs to develop policy for maintaining such sites.*

The Ministry (May 2013) stated that these restrictions had to be imposed because of the age-long tradition and the ASI does not interfere with religious functions.

2.8.4 Use of Monuments for other Purposes by the ASI

No person shall, within a protected monument do any act which causes or is likely to cause damage or injury to any part of the monument. The AMASR (Amendment & Validation) Act 2010 also prohibited construction within 100 meters of the protected monument. However, we noted that the ASI itself was not complying with the provisions of the Act.

The Circle offices and the Sub Circle offices of the ASI were located in the centrally protected monuments. The divisional and zonal offices of Science Branch and divisions of Horticulture Branch were also situated in the protected monuments. They carried out changes to the structure of the monument viz fitting air conditioners, electrical fittings, water pipes etc. Toilets were laid with ceramic tiles in the monuments for these offices. These changes were not consistent with the original character of these monuments. We also observed that offices of the Institute of Archaeology, National Mission on Monuments and Antiquities, Commandant of CISF, Zonal office of Chemical Branch and Office of Horticultural Branch and their stores were located inside the Red Fort, Delhi which is a World Heritage site.

Some of the World Heritage Sites (Red Fort, Delhi and Fatehpur Sikri, Agra) had VIP/guest rooms equipped with modern facilities. Sensor fitted taps, hand drier, etc. were installed which were not in consonance with the aesthetic values of the monuments.

The Ministry (May 2013) accepted the observation and stated that sometimes it becomes difficult to completely follow the principle considering the interest of the monument.

We also noted that complexes as such as the Red Fort, Delhi included the residence of the DG, ASI, SA and Dy. SA of Delhi Circle and the Conservation Assistant (CA) of the concerned monuments. In addition, security guards of the private security firm hired by the ASI were also residing in monuments such as the Red Fort, Delhi and Purana Qila, Delhi.

The Ministry (May 2013) intimated that residences of the ASI officials and accommodation of the security guards were in the modern barracks and not in the protected monument. The reply is not tenable as the ASI was incurring expenditure for the entire complex as a protected monument.

Recommendation 2.6: *It is inevitable that changes would be carried out in the protected monuments if they are to be also used as offices and residences. For these exceptions, the ASI should prepare detailed guidelines and get the Act revised appropriately.*

The Ministry (May 2013) accepted the recommendation and intimated that guidelines to the Circles in this regard would be issued for strict compliance.

2.8.5 Cultural Events at the Monuments

In terms of Rule 7 of the AMASR Rules 1959, no protected monument shall be used for the purpose of holding any meeting, reception, party, conference or entertainment except under and in accordance with permission in writing granted by the Central Government. DG, ASI in 2005, approved a list of 120 monuments in which cultural events/programs could be organised at prescribed fees ranging from ₹ 25000/- to ₹ 50000/- per day and a refundable security deposit of ₹ 50000/-. However this permission was subject to certain conditions such as:

The organisers

- will not sell tickets for the event
- will not carry out commercial activities during the event
- will not cause any damage to the monument.

A penalty could be imposed by the ASI in case of any damage to the monument or the violation of the guidelines in this regard. The ASI earned revenue amounting to ₹ 1.39 crore by organising cultural events in the centrally protected monuments. However, we noted that in a number of cases the stipulated conditions were not complied with.

- There were monuments where festivals were organised without the approval of the Central Government e.g, the Dushehra festival in the Ruined Fort of **Nurpur in Shimla Circle**. This was allowed without the approval of the DG, ASI. The ASI did not receive any fees from the organisers of the festival.
- In 2011 a cultural function was organised at **Khusroobagh (Allahabad) in Lucknow Circle without the approval of DG, ASI**. This monument did not form part of the list of 120 monuments notified by the DG, ASI where cultural events could be held.
- Similarly, in the **Red Fort in Delhi Circle**, Ramlila was being organised every year. Delhi Circle office did not charge any fees from the organisers on the grounds that it was a religious function. We did not find any documented instruction or waiver specified in the guidelines issued by DG, ASI for a religious function. It was also observed that the organisers were carrying out commercial activities in violation of the provision of the Act.

Evidently, the ASI failed to effectively implement the conditions required for organising the cultural events in the centrally protected monuments.

The Ministry (May 2013) intimated that the religious functions were allowed as per customary practices. The reply is not tenable as the rules do not permit for waiver of prescribed fees for religious functions.

2.9 Inspection of the Monuments

According to Conservation Manual of John Marshall, regular and systematic inspections of monuments were to be carried out annually or even more frequently.

The ASI has had a long tradition of inspection by senior officials of the ASI, including the Directors General. In the archives of the ASI, detailed inspection notes, written by the inspecting officers were available. These notes highlighted the conservation and preservation requirements and also documented the state of a monument/site on a given date. We found that the practice of inspection had been completely given up in recent years. There were no inspection notes available on records detailing the inspections done by the DG, ADG and Director (Conservation) and other officers during the period covered under Audit. Similarly at the Circle level there were no inspection notes available on the visits of Superintending Archaeologist (SA), Deputy Superintending Archaeologist (Dy. SA). The inspection notes by Sub Circle in-charge and sometimes by the SA were available on record only in relation to proposals of detailed estimates of conservation works.

The ASI replied (August 2012) that there was no set mechanism/system for inspection of monuments by ASI HQ.

In the absence of inspection records, it was not possible for us to ascertain the date on which a particular site was last visited. In the context of monuments becoming untraceable and being encroached upon, this documentation was of utmost importance.

Recommendation 2.7: *The ASI should prescribe detailed guidelines for inspection of monuments in a regular manner. There should be a written policy for submission of inspection notes after each inspection was carried out by any officer.*

The Ministry (May 2013) stated that guidelines on inspection of monuments already existed so as to ensure that these were inspected on regular basis. The sub circle in-charge should visit once in a month whereas SA should visit once in a year. The reply is not tenable as no such specific records of inspections were found during audit in any Circle of the ASI.

2.10 Maintenance of the Information in respect of Monuments

2.10.1 Compilation of Data related to Notifications

Each monument of national importance was to be notified by the ASI in the official gazette. Thus each centrally protected monument was assigned a unique notification number. The notification provided legal authority for the ASI's intervention at the site. It was found that the ASI did not maintain the records regarding the notification, number and date of notification of centrally protected monuments at its headquarters.

The ASI stated (July 2012) that the list of monuments with date/ number of notification was not being maintained and hence was not available. After gathering the information from the Circle offices, DG, ASI provided the list of 10 Circles in July 2012 and further five Circles in August 2012. The information in respect of the remaining nine Circles could not be collected till completion of Audit (December 2012). This demonstrated the lack of Management Information Systems (MIS) at the DG, ASI's level and also the dismal state of documentation in the organisation.

Audit of the Circle offices revealed that the information in respect of the notifications was not fully available at the Circle level, as detailed below:

Table 2.9 Monuments in respect of which information was not available at Circle offices

Sl. No.	Name of Circle	Number of monuments	Number of monuments for which details are available
1.	Dharwad	299	110
2.	Ranchi	12	10
3.	Dehradun	42	41
4.	Guwahati	69	59
5.	Hyderabad	137	115
6.	Shimla	40	0
7.	Goa	21	5

Recommendation 2.8: The notification is an important document which not only provides a legal status for centrally protected monument but also defines the area of the site. This document is crucial for establishing encroachment or unauthorised construction at the site. The ASI should maintain a centralised database of all notifications and records related to the sites which should be readily available with the ASI HQ.

The Ministry (May 2013) accepted the fact that ASI did not have Management Information System (MIS). They intimated that a fresh initiative has been taken by the Circles to collect the photo-copies of the original notifications in respect of protected monuments under their jurisdiction and compile them in a book form.

2.10.2 Discrepancies in the Information on the Monuments

It was noticed that the Indira Gandhi National Centre for Arts (IGNCA), an autonomous organisation of the Ministry of Culture, was running a project named 'Kala Sampada'. Under this project, digitised documentation of the monuments and archaeological sites was being collected and maintained on their website. Scrutiny of records revealed that the information provided by IGNCA on their website did not match with the information provided by the Circle office in respect of their monuments. For instance in the following cases, discrepancies were noticed in the information provided by the IGNCA and the ASI for the same monuments:

Table 2.10 Details of discrepancies in the geographical location

Sl. No.	Monument	State	ASI-Latitude	ASI-Longitude	IGNCA-Latitude	IGNCA-Longitude	Effects to be on present monument location ¹²
1.	Gunavati group of temples	Tripura	23.31 N	91.09 E	23.32 N	91.30 E	1.85 km more north & 38.85 km more east
2.	Ranganathdol	Assam	26.58 N	94.41 E	26.58 N	94.37 E	7.40 km less east
3.	Sivadol	Assam	26.56 N	94.34 E	26.57 N	94.32 E	1.85 km more north & 3.70 km less east
4.	The Mound & ruins of the stone temple-Dah Parbatia	Assam	26.37 N	92.47 E	26.38 N	92.45 E	1.85 km more north & 3.70 km less east

Thus, two organisations under the same Ministry maintained different set of coordinates for the monuments. There was no coordination and reconciliation of information between the two organisations before placing it in public domain.

Similar cases of discrepancies were noticed in the Ranchi Circle, where the area defined in the notifications was different from that of provided by the Circle office:

¹² One degree of latitude/longitude = 111 kilometres, 1 second = 111/60 = 1.85 km; N=North & E=East, Lat=Latitudes & Long=Longitudes; e.g. 91.30 E - 91.09 E = 21 seconds, 38.85 km = 21x1.85km

Table 2.11 Details of discrepancies in the areas defined in the notification

Sl. No.	Name of the monument/site	Area as per Notification	Area as per ASI Circle	Difference in acres
1.	Benisagar tank and remains of temple and sculpture in survey plot No 322	76.73	49.02	(-) 27.71
2.	Asura site and ancient stone temple with shiva lingam	0.015	3.97	(+) 3.81
3.	Baradari building with probable underground cell	0.03	3.84	(+) 3.61
4.	Asura site, Kunti	49.76	49.79	(+) 0.03

Recommendation 2.9: *There should be no room for ambiguity and difference in factual information related to the monuments. The ASI should collect the MIS data from its Circles on each of the protected monument and place it in public domain after reconciling the discrepancies.*

The Ministry (May 2013) accepted the recommendation and intimated that efforts would be made to eliminate ambiguities.

2.10.3 Inventory of the Monuments

The ASI is required to maintain¹³ an updated inventory comprising the brief details of all the protected monuments. The inventory should have details about the monument such as notification number, site plan, brief history and the photographs. These inventories were to be updated from time to time so as to provide the latest and correct information.

It was noticed that out of the 24 Circles, only Aurangabad Circle was maintaining and updating the inventory of the monuments properly.

The ASI commenced (1997) a project to edit and publish the inventories of all Circles. After four years of the project, inventories of only five Circles were published. The project was wound up abruptly. Further, the published inventories were not updated. This led to non-availability of accurate data relating to inventories as tabulated below:

Table 2.12 Details of non updation of inventory

Sl. No.	Name of the Circle	Monuments as per current list of ASI	Monuments as per published inventory
1.	Delhi	174	154
2.	Chandigarh	123	118
3.	Jaipur	163	156

¹³ As per note under Para 11.3.1 of A.W. Code

Further, Circle office level inventory details were not prepared properly nor updated regularly. For example, Kolkata Circle was maintaining the inventory of 129 monuments only out of the existing 136 monuments. Chennai Circle was able to produce inventory of 351 monuments out of the total of 411. Out of the 351 produced to Audit, 215 were not certified by the Circle in-charge. Guwahati Circle inventory lists did not include details of four centrally protected monuments.

Inventory of the Dharwad and Bengaluru Circle, prepared in 2000 and 1992 respectively, were not submitted to the ASI HQ.

Recommendation 2.10: *In our opinion, publishing the inventory of monuments should be completed in a time bound manner.*

The Ministry while accepting the audit comment (May 2013) intimated that a few of the inventories were almost ready for being published since 2006-07 but no further action to publish them could be taken owing to acute shortage of staff.

2.10.4 Joint inspection with Revenue Department

The Circle offices were required to carry out a joint physical inspection with the revenue department of the state government to ascertain the exact area of the notified monument. We noted that out of the 3678 protected monuments with the ASI, the joint survey was carried out in only 409 monuments. There was no time-frame to complete this work, nor was there any reporting by Circles or periodic monitoring of progress by the ASI HQ in this regard.

2.11 National Mission on Monuments and Antiquities

The archaeological sites and remains were managed both by Union and State Governments. However, there were thousands of monuments and sites which were unprotected, and were in a state of neglect. As per records, there were about five lakh unprotected monuments and about 70 lakh antiquities available in India at different places. Most of them were not even registered in the absence of any registering body.

For the documentation and creation of a suitable database on built heritage and sites and antiquarian remains, the Prime Minister in August 2003 announced the setting up of a National Mission to prepare a national data base on India's tangible heritage.

The National Mission on Monuments and Antiquities (NMMA) was formally launched after much delay in 2007 with tenure of five years in the ASI.

2.11.1 Performance of the Mission

As per the Expenditure Finance Committee (EFC) memo, the Mission was to document the five lakh unprotected monuments and about 70 lakh antiquities by 2010. However till 2012, NMMA was able to complete the documentation of only 80000 Monuments and eight lakh antiquities. Out of these eight lakh antiquities, three lakh were already registered with the ASI. NMMA was able to upload only 2823 entries on the website out of the 8.80 lakh entries.

We noted that ₹ 34.03 crore out of the approved budget of ₹ 90 crore was released by the Ministry. Further, out of this sum only ₹ 14.12 crore (16 per cent) had been utilised by the NMMA indicating substantial under-utilisation of funds.

NMMA was first established at Tilak Marg, New Delhi after incurring an expenditure of ₹ 53.28 lakh. However, in February 2010 NMMA was shifted to Red Fort. During the process of shifting NMMA lost valuable data. Further, for dismantling and reinstalling etc. at Red Fort NMMA had to incur an expenditure of ₹ 30.52 lakh.

2.11.2 Secondary Sources for Documentation

The mission document of NMMA originally included a proposal for primary survey to collect information on the monuments with a budgetary requirement of ₹ 400.00 crores. In 2004, citing time and budgetary constraints, DG,ASI decided that data should be collected from secondary sources such as exploration /excavation reports, memoirs, catalogues, project works and other published references with a budget provision of ₹ 90.00 crore. Thus, the Mission adopted data without any independent verification.

We noted that the data obtained through secondary sources was sketchy, not fully reliable or authentic. We also found on record that experts in various workshops and meetings recommended for a primary survey to be undertaken to build a credible national level data base on built heritage, sites and antiquities. Finally in June 2010, after investing three years of effort in collecting data through secondary sources, NMMA requested permission of the ASI to conduct a primary survey. However no decision had been taken to commence this work (November 2012).

We noticed that the Ministry was also aware of the lack of credibility of the data collected so far. In December 2011, it instructed NMMA to indicate, while uploading on website, that the data was subject to validation. The Mission attempted to validate the data through experts; however, by then, the tenure of NMMA expired in 2012. Hence the mission failed to achieve its objective within the prescribed time. It had now submitted extension proposals for completing the work during the next five years i.e. till 2017 at a cost of ₹ 99.00 crore.

2.11.3 Monitoring of the Mission

There were only four meetings of the Monitoring committee and five of the Finance Committee since 2007.

Out of the 33 State level Implementation Committee (SLIC), no committee was formed in seven states/UTs¹⁴. Further, in 26 States, where the SLIC were formed, no meeting was convened in five States¹⁵.

For a suitable monitoring mechanism, a MIS for monitoring the performance of various activities of the Mission at different levels was to be put in place. The Mission was also required to monitor the SLICs. We, however, noted that the MIS had not been introduced till the end of Audit. Thus we found that the monitoring of the Ministry was inadequate.

The setting up, functioning and performance of the National Mission for Monuments and Antiquities were marked by lack of planning and delays. The ASI, unable to accomplish basic documentation of even its protected monuments, could not provide any impetus to this Mission.

2.12 Heritage Bye-laws

As per the AMASR (Amendment & Validation) Act 2010, the Central Government was required to prepare heritage bye-laws in respect of each protected monument and protected area. The heritage bye-laws shall also include use of building material, façade, roofing pattern, colour, height, built-up area, usage, stilt parking, underground construction, drainage systems, roads and service infrastructure like electric poles, water, sewerage, excavations and such other factors which may be necessary within the prohibited areas and regulated areas of the protected monuments and protected areas. These bye-laws were to be submitted to the National Monument Authority (NMA) for their approval and the Competent Authority was required to make them available in public domain through their website.

AMASR (Framing of Heritage Bye-laws and other functions of the Competent Authority) Rules 2011 clearly stated that the Competent Authority shall formulate **time bound programme** for preparation of heritage bye-laws for prohibited area or regulated area of each protected monument and protected area.

¹⁴ Chhattisgarh, Jharkhand, Sikkim, Nagaland, Pondicherry, Lakshdweep and Daman & Diu

¹⁵ Delhi, Goa, Manipur, Mizoram and Tripura

NMA was required to intimate, to the Competent Authority, the impact of any construction/renovation (in regulated/prohibited area) having regard to the heritage bye-laws relating to the concerned protected monuments or protected area. Provided that, the Competent Authority may, in exceptional cases, with the approval of the NMA, grant permission to the applicant until the heritage bye-laws have been prepared.

Heritage bye-laws for only two monuments had been prepared out of the 3678 centrally protected monuments. These draft bye-laws were not yet approved. There was no timeline fixed for preparation and approval of heritage bye-laws (June 2013).

As a result, all applications for NOCs for construction/renovation in such areas were treated as *exceptional* leaving scope for error in judgment in every case.

Recommendation 2.11: The Ministry should come up with a strategy to ensure time bound completion of heritage bye-laws for all protected monuments and their speedy approval.

In the Exit Conference (June 2013) the ASI informed that the work for preparation of templates of bye laws had been taken up for selected monuments.