

Bill No. 36 of 2019

THE PROMOTION AND PROTECTION OF INTANGIBLE CULTURAL
HERITAGE BILL, 2019

By

SHRI KUNWAR PUSHPENDRA SINGH CHANDEL, M.P.

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*to constitute a Board for promotion and protection of intangible cultural heritage of the
country.*

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Promotion and Protection of Intangible Cultural
Heritage Act, 2019.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification
5 in the Official Gazette, appoint.

Definitions.	<p>2. In this Act, unless the context otherwise requires, —</p> <p>(a) "Board" means Alha Board for the promotion and protection of intangible cultural heritage constituted under section 3;</p> <p>(b) "intangible cultural heritage" means local based traditions, customs, representations and expressions including knowledge, skills and cultural heritage of community groups or individuals; and</p> <p>(c) "prescribed" means prescribed by rules made under this Act.</p>	
Constitution of the Alha Board.	<p>3. (1) The Central Government shall, by notification in the Official Gazette, constitute a Board to be known as the Alha Board for the promotion and protection of intangible cultural heritage of the country.</p> <p>(2) The headquarter of the Board shall be at Mahoba district in the State of Uttar Pradesh.</p> <p>(3) The Board shall consist of twenty-five members to be appointed by the Central Government in such manner as may be prescribed:</p> <p>Provided that at least one member of the Board shall be each from the State of Uttar Pradesh and Madhya Pradesh having experience in conservation of cultural heritage to be nominated by the State Government concerned:</p> <p>Provided further that at least two members of the Board shall be representatives of the cultural organizations.</p> <p>(4) The Chairperson of the Board shall be appointed from amongst the members of Board through consensus.</p> <p>(5) The Board shall hold at least one meeting every three months.</p> <p>(6) The salaries and allowances payable to, and the other terms and conditions of service of the Chairperson and the members of the Board shall be such as may be prescribed.</p> <p>(7) The Board may, with the approval of the Central Government, make regulations for regulating its own procedure.</p>	5 10 15 20 25
Function of Board.	<p>4. The Board shall,—</p> <p>(i) conduct an annual survey to prepare a representative list of intangible cultural heritages in the country;</p> <p>(ii) prepare written documents on local traditions and provide protection through the most suitable techniques;</p> <p>(iii) recognize, conserve and promote the enriched, diverse and huge intangible cultural heritage of the country;</p> <p>(iv) constitute a Coordination Committee consisting of a Chairperson and at least five other memebtrs, representing various cultural traditions to create awareness towards and integration of intangible cultural heritage of the country; and</p> <p>(v) formulate such rules for protection and promotion of diversities of cultural expressions, progress of inter-cultural communications and enrichment of inter-cultural activities to underline the importance of the link between culture and development.</p>	30 35
Central Government to provide funds.	<p>5. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide such funds to the Board as it may deem fit for effective implementation of the provisions of this Act.</p>	40
Power to give directions.	<p>6. The Central Government shall, under any provision or rule made under this Act, direct the Government of any State, as it deems necessary, for the purpose of its implementation in the territorial jurisdiction of the State concerned.</p>	45

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to
make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which
5 may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be
10 of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Intangible cultural heritages have been existing in India since ancient times and they are a part of our mixed culture. Our nation has vibrant variations and ways of such heritage. There is a co-existence of various heritages after many adjustments due to various upheavals in the country. Recently, a committee on protection of intangible cultural heritage under UNESCO has mentioned Kumbh Mela in the representative list of intangible cultural heritage during their twelfth session organized in Jeju island in south-eastern of South Korea. It is a symbol of Indian culture which has found a place in this list of UNESCO. Before this, in the year 2016, 'Yoga' and Parsi festival 'Navroj', 'tradition of Vedic recitation of mantras', Kutiyattam, Ramlila, Ramman, Kalbelia, Mundiyehe, Chhau dance, Buddhist recitation of religious hymns of Ladakh, community prayers (Sankirtan) and Jandiyala were included in this list. Likewise, there are many intangible cultural heritages in the country such as "Nanda Jaat Yatra" in Uttarakhand, "Kanwal Yatra" in Northern India and "Alha" folk poem in Bundelkhand which are still existing through oral traditions for one thousand years and there is a need to protect, recognize and develop them.

"Alha" is sung in Hindi language in various parts of the country especially in Bundelkhand. It is related to their history and belief. It is mainly a poem in Bundeli and Avadhi language. Basic verse of Alha is in 'Kaharwa Taal' which has initially a restrained rhythm and it gradually increases. The vigorous feeling generated in the singer and listeners is remarkable. The teacher-disciple tradition is followed in Alha and it is passed on from one generation to another. Persons from all the communities take part in the singing of Alha and no discrimination is made thereto.

It is in accordance with existing International Human Rights because all people take part in this equally, devoid of any discrimination. Although, various wars are mentioned in different folk songs of 'Alha' yet it gives a message of patriotism, sacrifice and peace. 'Alha' singing reflects that patriotism, sacrifice, tolerance and amicability which are significant for the contemporary world.

Intangible cultural heritages are spread across the country which give the message of humanity. Special policy efforts are required to protect them so that social harmony, fraternity and peace can be promoted. It shall be a key to accelerate the process of making India a developed nation and through healthy and fruitful use of these heritages, Indian society shall put India on a world stage.

Hence this Bill.

NEW DELHI;
June 4, 2019.

KUNWAR PUSHPENDRA SINGH CHANDEL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a Board for promotion and protection of intangible cultural heritage in the country. It also provides for a secretariat for the purpose of assisting the Board and the salary and allowances of the Chairpersons, members and employees of the Secretariat. Clause 4 provides for conducting a survey every year, preparing written documents on local traditions, protection of oral traditions and publicize, conserve and promote intangible cultural heritage. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of rupees two thousand crore per annum.

A non-recurring expenditure of rupees five hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3(7) of the Bill empowers the Board to make regulation for regulating its own procedure. Clause 7 empowers the Central Government to make rules for carrying out the purposes of the Bill. As matters in respect of which rules and regulations may be made are matters of administrative details and procedure, the delegation of legislative power is of a normal character.

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(Shri Kunwar Pushpendra Singh Chandel, M.P.)