

AS INTRODUCED IN THE RAJYA SABHA  
ON THE 21ST JUNE, 2019

**Bill No. VI of 2019**

THE HOLY CITY OF KASHI (PRESERVATION OF CULTURAL  
HERITAGE) BILL, 2019

A

BILL

*for the declaration of the city of Kashi as the oldest living city of utmost national  
importance and to provide for the conservation, preservation and maintenance  
of culutral and natural heritage, heritage of Kashi and for matters connected  
therewith or incidental thereto.*

WHEREAS the ancient city of Kashi is one of the oldest living cities in the world and the  
cradle of Indian civilisation.

AND WHEREAS the ancient city of Kashi is abounded by thousands of ancient temples  
and other places of worship which play an important role in the social and cultural fabric of  
the city.

AND WHEREAS it is considered necessary to take appropriate legal, scientific, technical,

administrative and financial measures necessary for the identification, protection, conservation, preservation and rehabilitation of cultural and natural heritage of the ancient city of Kashi.

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

Short title and commencement. **1.** (1) This Act may be called the Holy City of Kashi (Preservation of Cultural Heritage) Act, 2019. 5

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

Definitions. **2.** (1) In this Act, unless the context otherwise requires,—

(a) "appointed date" means such date, as may be notified by the State Government; 10

(b) "construction" means any erection of a structure or a building, including any addition or extension thereto either vertically or horizontally including any reconstruction, repair and renovation of an existing structure or building, or, construction of roadways or waterways, or, construction, maintenance and cleansing of drains and drainage works and of public latrines, urinals and similar conveniences, or, the construction and maintenance of works meant for providing supply of water for public, or the construction or maintenance, extension, management for supply and distribution of electricity to the public or provision for other similar facilities for public; 15

(c) "heritage site" means a cultural heritage site, a natural heritage site, a mixed cultural and natural heritage site or a cultural landscape of outstanding value; 20

(d) "Kashi" means the area of Varanasi district in Uttar Pradesh;

(e) "large scale project" means an activity, which concerns construction or reconstruction estimated to cost not less than rupees twenty crores;

(f) "local authority" means a municipal corporation, municipal committee, land development authorities constituted under the respective State Acts, or special area development authority, village panchayat, zila parishad, hill development council, cantonment board or such other bodies, vested with the powers to control and regulate constructions and developmental activities in their respective areas; 25

(g) "notification" means a notification published in the Official Gazette and the word "notify" shall be construed accordingly; and 30

(h) "State Government" means the Government of the State of Uttar Pradesh.

*Explanation.*—For the purposes of this clause,—

(i) "cultural heritage site" shall include,—

(a) monuments, that is to say, architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features which are of outstanding value from the point of view of history, art or science; 35

(b) buildings, that is to say, separate or connected buildings which, because of their architecture, homogeneity or place in the landscape, are of outstanding value from the historical, aesthetic, ethnological or anthropological point of view; 40

(c) sites, that is to say, works of man including industrial or railway heritage or the combined works of nature and man and areas including archaeological sites which are of outstanding value from the historical, aesthetic, ethnological or anthropological point of view; and 45

(d) places of religious worship, that is to say, structures more than hundred years old or more, where devotees offer prayers;

(ii) "natural heritage site" shall include,—

(a) natural sites or precisely delineated natural areas which are of outstanding value from the point of view of science, conservation or natural beauty;

5 (b) geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants and are of outstanding value from the point of view of science or conservation;

10 (c) natural features consisting of physical and biological formations or groups of such formations, which are of outstanding value from the aesthetic or scientific point of view;

(iii) "mixed cultural and natural heritage site" shall include properties which satisfy a part of the attributes of both cultural heritage site and natural heritage site;

15 (iv) "cultural landscape" includes cultural properties representing the combined works of man and the nature and illustrative of the evolution of human society and settlement over a time, under the influence of the physical constraints and opportunities presented by their natural environment and of successive social, economic and cultural forces, both external and internal;

20 (v) "outstanding value", in relation to a heritage site, means its cultural or natural significance which is so exceptional as to transcend the boundaries of the place in which it is located and is of great importance for the present and future generations of the country;

3. The Central Government, shall by notification, declare Kashi as the 'oldest living city of utmost national importance', Keeping in view the unique stature and importance of Kashi.

Declaration of Kashi as the oldest living city of national importance.

25 4. The Central Government shall Institute a committee *inter alia* comprising of archaeological experts and scholars for the purpose of identification, conservation and preservation of heritage sites, natural heritage sites, mixed cultural and natural heritage sites and cultural landscapes of outstanding value in Kashi, in such manner as may be prescribed.

Constitution of Committee for preservation of heritage sites.

30 5. (1) The Central Government shall maintain a heritage sites roster for Kashi and make it available on its website for public viewing.

Maintenance of a roster of heritage sites.

(2) The Central Government may, keeping in view the national importance of any of the heritage sites, notify such heritage sites and enter the description of such sites in the heritage sites roster in such manner as may be prescribed.

35 6. (1) All large scale projects and construction, started after the notification of this Act or ongoing at the time of its enactment, shall be stopped with immediate effect pending an evaluation published at an appointed date of their impact on heritage sites, natural heritage sites, mixed cultural and natural heritage sites and cultural landscapes by the Committee constituted under section 4.

Measures to prevent damage to heritage sites.

40 (2) The State Government shall take all measures, including but not limited to shutting down of polluting industries, revocation of government licenses and stoppage of large scale projects detrimental to conservation, preservation and upkeep of heritage sites, natural heritage sites, mixed cultural and natural heritage sites and cultural landscapes.

45 7. The local authority shall make all efforts to identify, rebuild and rehabilitate heritage sites, natural heritage sites, mixed cultural and natural heritage sites and cultural landscapes that have been harmed due to large scale projects and construction works undertaken before enactment of this Act.

Rebuilding and rehabilitation of heritage sites.

Central Govt.  
to provide  
funds.

**8.** The Central Govt. shall after due appropriation made by Parliament by law in this behalf, provide requisite funds for carrying out the purposes of this Act.

Power to  
make rules.

**9.** The Central Govt. may by notification in the official gazette, make rules for carrying out the purposes of this Act.

## STATEMENT OF OBJECTS AND REASONS

Situated on the banks of the holy Ganges, the ancient city of Kashi is also the city of Buddha, Jain Tirthankars, Shaiva and Vaishnava saints like Kabir and Tulsi. Kashi is one of the oldest seats of knowledge and the city's various arts, crafts and mesmerising architecture is recognised all over the world. Kashi is eternally in motion yet still holds the charm of an ancient river valley civilisation, stuck in time but liberated simultaneously. Such is the story of this marvellous living city.

At the same time, Kashi is the third most polluted city in India and its toxic air is choking the city dwellers and tourists. Much of this has been done in the name of development. The horrific collapse of a flyover in the city last year is a testament to the haphazard way of development that has been undertaken.

Another one of such planned-ill development initiatives is the proposal for the construction of a corridor, supposedly to provide easy access to pilgrims, the work on which has already been started by the State Government. There is a need for protection of temples, many of them hundreds of years old, and residences among other constructions while implementing any developmental work.

The proposed Bill puts forward the demand of lakhs of people of Kashi as well as crores of other who stand for conservation of our cultural heritage and see Kashi as the holiest of the earth's cities. Hence, this Bill proposes the proclamation of Kashi as the 'oldest living city of utmost national importance', the conservation and preservation of a wide array of tangible and intangible heritage and the stopping of haphazard development projects. The Bill provides that the Central Government shall constitute a committee, without any delay, to identify, enumerate and preserve Kashi's shared cultural heritage.

SANJAY SINGH

#### FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for constitution of a committee of archaeological experts and scholars, while Clause 7 provided for re-building and rehabilitation of heritage site in the ancient city of Kashi. Clause 8 of the Bill makes it obligatory for the Central Government to provide requisite fund for carrying out the purposes of this Act. Therefore, the Bill, if enacted, will involve expenditure from the Consolidated Fund of India. However, it is not possible at this stage to estimate the actual financial expenditure that is likely to be incurred.

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matter of details only, the delegation of legislative powers is of a normal character.

RAJYA SABHA

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*(Shri Sanjay Singh, M.P.)*