

BIHAR HUMAN RIGHTS COMMISSION

9, Bailey Road, Patna

Case No. BHRC/Comp.1846/12

**Sub: Violations of Ancient Monuments and Archaeological Sites & Remains
(Modifications) Act, 2010.**

Case of : Sasaram (Rohtas)

Sh. Milan Upadhaya, LashKariganj, **Sasaram**, distt. Rohtas had complained to the Commission that the Officers of **Archaeological Survey of India, (ASI) Sasaram** had stopped repair of his 300 yrs old house situated close to **Shershahsuri Maqbara** demanding illegal gratification and when he refused to do so, lodged a case against him in Sasaram PS in which he was sent to jail . Petitioner informed that illegal constructions are being done, in the same prohibited area, under collusion with ASI officials. **Commission sought responses from the ASI and DM, Rohtas.**

2. **Superintendent** , Archaeological Survey of India, Patna Circle informed the Commission that petitioner was doing construction 50 meters away from the Maqbara which is in contravention of the provisions of **Ancient Monuments and Archaeological Sites & Remains (Modification) Act,2010**. The Act prohibits construction/mining within 300 meters from the protected site. A case was lodged against the petitioner for the offence.

3. **District Magistrate, Rohtas** forwarded the spot inspection report of SDO, Sasaram. The report confirmed repair/fresh construction of the petitioner's house located 30 meters from Maqbara in the prohibited area for which he was arrested by Sasaram PS.

SDO, Sasaram also reported that fresh construction of houses belonging to Radhe Shyam Sah and Rajendra Kumar were also going on in the prohibited area (100 mtrs from Maqbara) and Krishana Mahto had made encroachments the boundary wall of Maqbara without any authorization/permission the by A.S.I.

4. **Commission would like to know from the Superintendent, Archaeological Survey of India, Patna Circle on the following points:-**

(a) What action has been taken against Sh. Radhe Shyam Sah, Rajendra Kumar and Krishana Mahto by the A.S.I officials for the constructions/ encroachment in prohibited areas ?

(b) If no action has been taken, what action is proposed against local ASI officials for the collusion?

5. Commission will be expecting a report from the Superintendent, Archaeological Survey of India, Patna Circle by 16th Nov, 2015. The report received from DM, Rohtas be sent to him.

6. Copy of the order be sent to the (i) Superintendent, Archaeological Survey of India, Patna Circle, Patna & (ii) DM, Rohtas for necessary action .

7. The case be listed next on 23rd November, 2015.

Date: 30.09.2015

Sd/-
(Neelmani)
Member

Registrar /Asstt. Registrar