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Draft Geo-heritage Sites and Geo-relics bill

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Why is in news? Recently, the draft Geo-heritage Sites and Geo-relics (Preservation and Maintenance) Bill was notified by the Ministry of Mines.

About Geo-heritage Sites and Geo-relics

The GSI was established in 1851 to investigate and assess coal and other mineral resources of the country through regional-level exploration. It is functioning under Ministry of Mines

According to a 2016 press release by the Ministry of Mines, the Geological Survey of India (GSI) declares geo-heritage sites/ national geological monuments for protection and maintenance. The GSI or the respective state governments take necessary measures to protect these sites.

Geo heritage sites defined as “sites containing geo-relics and phenomena, stratigraphic type sections, geological structures and geomorphic landforms including caves, natural rock-sculptures of national and international interest; and includes such portion of land adjoining the site,” that may be required for their conservation or to access to such sites.

Geo-relic is defined as “any relic or material of a geological significance or interest like sediments, rocks, minerals, meteorite or fossils”. The GSI will have the power to acquire geo-relics “for its preservation and maintenance

The GSI has declared 32 geo-heritage sites, including the Siwalik Fossil Park, Himachal Pradesh; Stromatolite Fossil Park, Jharmarkotra Rock Phosphate deposit, Udaipur district, Akal Fossil Wood Park, Jaisalmer, but several are in stages of disrepair

The 32 geo-heritage sites spread across 13 states include the Volcanogenic bedded Barytes of Mangampeta in Cuddapah district of Andhra Pradesh, the Akal Fossil Wood Park in Jaisalmer, Rajasthan and others

Rationale behind the bill

In January, a team discovered 92 dinosaur nesting sites with 256 fossilised eggs of the titanosaurus — among the largest of its kind, from 100-66 million years ago, when ‘India’ was a continent and yet to merge into the Eurasian land mass.

The fossil wealth of dinosaur remains of Madhya Pradesh and Gujarat, marine fossils of Kutch and Spiti the oldest life forms viz. stromatolites of Rajasthan and Madhya Pradesh are of great geoheritage and geotourism value.

The world’s oldest metallurgical records of gold, lead and zinc in Rajasthan and Andhra Pradesh are still preserved but are under great threat

Unlike the quest to preserve cultural history and man-made artefacts from archaeology, there has been limited effort to preserve and communicate at large this natural ‘geo-history’ such as rock formations, sediment and fossils.

For decades now, researchers have been warning that this neglect is leading to an erasure of this history from the public mind and a destruction as well as appropriation of this natural wealth

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Due to the absence of any legislation in the country for the protection, preservation and maintenance of the geoheritage sites, these are increasingly threatened with destruction not only by the natural causes of decay but also by population pressure and changing social and economic conditions which is aggravating the situation

Other than protecting places of geological interest, the need for a law that specifically protects sites of geo-heritage value follows from India being a signatory to the UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage, since 1972.

Key Provisions of the Draft bill

The Bill is aimed at providing for the declaration, preservation, protection and maintenance of geo-heritage sites and geo-relics of national importance, for geological studies, education, research and awareness purposes.

The Bill's provisions give the Director General of the Geological Survey of India (GSI) the power to declare sites as having 'geo-heritage' value, take possession of relics (fossils, rocks) that rest in private hands, prohibit construction 100 metres around such a site

It would authorise the Central Government to declare a geoheritage site to be of national importance.

This would be under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR Act).

Provision is made for compensation to the owner or occupier of land who incurs loss or damage from the land due to the exercise of any power under this Act. The market value of any property will be ascertained in accordance with the principles set out in the RFCTLARR Act.

The Bill imposes a prohibition on construction, reconstruction, repair or renovation of any building within the geoheritage site area or utilisation of such area in any other manner, except for construction for preservation and maintenance of geoheritage site or any public work essential to the public.

Penalties for destruction, removal, defacement or contravention of any direction issued by the Director General, GSI in the geo-heritage site are mentioned.

There is a penalty of imprisonment which may extend to six months or fine which may extend to Rs.5 lakh, or both. In the case of a continuing contravention, additional fine of upto Rs.50, 000 for every day of continuing contravention may be imposed.

Concerns over the bill

The need for the preservation of such sites, and particular laws for them, has been felt for long. But as a Science article points out, there are concerns over the distribution of power as mentioned in the Bill

The GSI has been given sweeping powers to acquire any material of geological significance. This has rankled experts who work outside the GSI-fold in central and State universities, institutes of national importance and private organisations who fear that such absolute vesting of powers in the GSI alone may impede paleontological research.

They demand a more inclusive body, on the lines of a National Geoheritage Authority, that can, more democratically, decide on declaring sites as being of 'geohistorical' importance and how best to preserve artefacts and finds.

The issue of land acquisition for the purpose of safeguarding these sites could also lead to issues with local communities.

The Way Ahead

While there are merits and demerits to either approach on governance, it is important to keep in mind that legislation, while acting as a ring fence, ought not to become a tool for suppressing independent investigation. Given the premium for land and India's economic needs, there will be conflict over questions of preservation and livelihood, but any legislation must endeavour to balance these forces and enable consensus.