Antiquities and art treasures act

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Manifest pedagogy

Questions related to culture have been common in UPSC, but issues related to heritage were not much focused on. There is a possibility of exploring issues related to heritage like tangible and intangible heritage. Factors which have played a role in preserving the culture and transferring it as heritage to the next generation which may include social factors like caste, family, etc. Or Governmental initiatives post-independence. The holistic way to handle culture and heritage is to study aesthetics behind the culture (literature, paintings, etc.) and the governance aspects (constitutional, legal and institutional measures to preserve them) related to it.

In news

Smuggling of Indian antiquities and Preservation of historical monuments and cultural heritage often make headlines.

Placing it in syllabus

Indian culture will cover the salient aspects of following from ancient to modern times.

Art forms, Literature and Architecture

Dimensions

1. Constitutional provisions
2. International conventions
3. Legal provisions

Content

Global Financial Integrity (GFI) Report says that Illegal trade of artifacts and antiquities is one of the world's most Profitable Criminal Enterprises **worth 6 billion dollars**. Of this Indian artifacts contribute more than 30%. This huge loss of antiquities and cultural heritage presents itself as a double jeopardy as most of the money earned from art smuggling goes into the hands of terrorists or money launderers which undermines the **security and economic integrity of the country**.

Constitutional provisions

1. States are obliged under **Article 49 of the Indian Constitution** to protect monuments and places and objects of national importance. It is part of directive principles of state policy.
2. It is the duty of every citizen of India **under Article 51A (f)** of Indian Constitution to value and preserve the rich heritage of our composite culture.

International conventions

1. **Protection under Hague Convention (1954)**

It provides for protection of Cultural Property in the Event of Armed Conflict

Convention defines a Protective Sign ("**Blue Shield**") to facilitate the Identification of protected cultural property during an armed conflict

2. **Protection under Geneva Convention on War**

Establishes the standards of international law for the

humanitarian treatment of war.

Under Article 53 of Protection of Cultural Objects and of Places of Worship in the Event of Armed Conflict— it provides for protection of UNESCO world heritage sites

3. Protection under UNESCO Convention (1970) on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. It is also called **World Heritage Convention.**

Indian legal system for conservation and protection

The **Archaeological Survey of India (ASI**), as an attached office under the Department of Culture, Ministry of Tourism and Culture, is the premier organization for the archaeological researches and protection of the cultural heritage of the nation.

Besides it regulate all archaeological activities in the country as per the provisions of the

1. **Ancient Monuments and Archaeological Sites and Remains Act, 1958.**
2. **It also regulates Antiquities and Art Treasure Act, 1972.**
3. **Indian Treasure Trove Act (1949)**

The antiquities and art treasures act contains provisions for **regulation** of export trade, **licensing** for the internal trade of antiquities and sets up **registering office** for registering private antiquities and also provide powers to central government to **compulsorily acquire** art treasures with minimal compensation.

Objectives of NMMA (National Mission on Monuments and Antiquities)

- **Documentation and creation of suitable database** on built heritage and sites for information and dissemination to

planners, researchers etc. and for better management of such cultural resources.

- **Promote awareness and sensitize people** concerning the benefits of preserving the historical and cultural aspects of built heritage, sites and antiquities.
- **Extend training facility and capacity building** to the concerned State Departments, Local bodies, NGOs, Universities, Museums, Local communities etc.
- Help in **developing synergy** between institutions like Archaeological Survey of India, State Departments, concerned Institutions and NGOs to generate close interaction.
- **Publication and Research**

Analysis of the legal framework and enforcement record

- In 2013, a Comptroller and Auditor General (CAG) report found that at least 92 centrally protected monuments of historical importance across the country which have gone missing without a trace.
- The CAG report said that the ASI **did not have reliable information** on the exact number of monuments under its protection.
- The CAG recommended that **periodic inspection** of each protected monument should be done by a suitably ranked officer.
- CAG said that since the ASI is unable to protect the country's museums and monuments so they should be professionally maintained by private companies or through **the public-private-partnership (PPP) model.**
- The treasure trove act is too obsolete because any object worth more than Rs.10 found hidden in soil is regarded as "Treasure"!
- The act does **not prescribe for enforcement division**. Lack of legal framework hinders ASI from engaging with foreign agencies to retrieve the foreign treasures.
- In what is seen as a blatantly unfair clause, the Act

also empowers the State to **compulsorily acquire an art object from its owner without any reliable assessment of a fair price**.
- According to the National Mission for Monument and Antiquities, there are approximately 7 million antiquities in India. But by March this year, only 1.3 million had been documented.
- Art also gets smuggled abroad rather than being kept at home because the present laws are drafted in a way that **deters people from building private collections**.
- India needs a larger cadres of art historians, conservators and archaeologists to man important sites and museums to safeguard and maintain heritage.
- There is a need to incentivize art fairs, auctions, and art dealers will help solve the problem by creating a thriving domestic market.
- Our laws **inhibit Community Participation in conservation**.

Best practices and ideas

1. Community Participation will help in better conservation and preservation.
2. Enhanced And Dedicated Policing.
3. India should learn from USA's **Operation Hidden Idol**. In 2015, Operation Hidden Idol was launched by USA's Homeland Securities Investigation Department to recover and repatriate looted Artifacts and Antiquities numbering 2600 by Subhash Kapoor worth an estimated Rs.650 Crores ($100 million).
4. India should work on a mission mode to **recover theft of its own artifacts** by launching a policy for management of Antiquities and **make ASI accountable for it**.
5. It includes checking catalogues at international auction houses, posting news of such theft on websites, posting information about theft in the International Art Loss Registry, sending photographs of stolen objects

electronically to dealers and auction houses and scholars in the field.

Private participation in conservation of antiquities

Adopt a Heritage scheme by the Ministry of Tourism in partnership with the Ministry of Culture, Archaeological Survey of India and a fourth party called **Monument Mitra** (in the form of private entities).

- The project plans to entrust heritage sites/monuments and other tourist sites to private sector companies, public sector companies and individuals for the **development of tourist amenities**. They would become 'Monument Mitras' and adopt the sites. The basic and advanced amenities of the tourist destinations would be provided by them. They would also look after the operations and the maintenance of the amenities.
- The project would begin with 93 ASI ticketed monuments and would be expanded to other natural and cultural sites across India. The heritage sites are classified into various categories. The 'Monument Mitras' would take up the sites of varied visibility and footfall as a package.
- The 'Monument Mitras' would associate pride with **their CSR activities**. They would also **get visibility** in the monument premises and in the **Incredible India website**. The project aims to **develop synergy** among all partners.
- But far more importantly, it could bring in the much-needed professionalism and funds required to make glorious stones and structures of India's past speak to us again.

INTACH model

- The Indian National Trust for Art and Cultural Heritage (INTACH) is a non-profit charitable organization registered under the Societies' Registration Act, 1860.

- INTACH was founded in 1984 in New Delhi with the vision to create a member organization to stimulate and spearhead heritage awareness and conservation in India.
- Since 1984, INTACH has pioneered the conservation and protection of India's natural and cultural heritage and is today the largest member organization in the country dedicated to conservation.
- The role of INTACH is to institutionalize the conservation of the unprotected architectural heritage all over India. It should accomplish this objective by establishing Local Chapters.
- Among the tasks undertaken by INTACH are restoration of monuments and their management; advocacy for heritage property conservation; public awareness through heritage walks and buses;[6] establishment of heritage clubs in schools; and holding of awareness workshop for teachers of schools and colleges and heritage walks to various unprotected sites.
- After developing Raghurajpur, Orissa, a place famous for its master 'Pattachitra' artists and 'Gotipua' dance troupes as a heritage village, which has now become a major rural tourist destination.

Test yourself: Mould your thoughts

Safeguarding the Indian art heritage is the need of the moment. Discuss the statement suggesting innovative measures to safeguard Indian heritage.