



New reflections on conservation of heritage buildings – the constitutional provisions

Chaitra. S .G .Assistant Professor , Department Of Political Science ,Government First Grade College , K. R .Nagar Taluk, Mysore District, Karnataka State

Abstract

India abounds in historical monuments following its rich cultural heritage there have been several monuments which have been still left unprotected & unpreserved. The Indian National trust for art & cultural Heritage was founded in 1984 to answer the issues relating to protection of historical monuments. This paper examines the importance of legal support & legislations for protection of monuments & historical artifacts. Conserving a heritage building or declaring the architectural monuments as protected needs delicate issues to be answered. It is not just supporting heritage conservation it involves the whole nations inheritance fabric. This helps the survival of a country's pride heritage & inheritance besides in this globalizing environment it offers opportunities for redefining the past & preserving it to the future. Besides it provides avenues for employment & parallel marketing opportunities.

Key words: legislations for preservation, surviving country's heritage, avenues of employment

Introduction- INTACH has undertaken an inventory of built heritage in India which includes notable buildings aged 50 years or more which are deemed to be of architectural, historical, archaeological or aesthetic importance. The need for priority towards retaining the continuity of original functions of the organization has led to several legislative frame working. Conforming to the carrying capacity and vulnerability of the architectural heritage living Indian heritage has been framed.

Constitutional provisions

The Indian treasure trove act, 1878 (act no. VI of 1878) The Indian

treasure trove act, 1878 (act no. VI of 1878) was promulgated to protect and preserve treasure found accidentally but had the archaeological and historical value. This act was enacted to protect and preserve such treasures and their lawful disposal.

The ancient monuments preservation act, 1904 (act no. VII of 1904) The cultural heritage ushered in a new era when the ancient monuments preservation act, 1904 (act no. VII of 1904) was promulgated. This act provides for effective preservation and authority over the monument particularly



those, which were under the custody of individual or private ownership.

The antiquities export control act, 1947 (act no. Xxi of 1947) this act was the antiquities export control act, 1947 (act no. Xxi of 1947) and rules thereto which provides a regulation over the export of antiquities under a license issued by the director general and empowering him to decide whether any article, object or thing is or is not an antiquity for the purpose of the act and his decision was final.

Historical monuments and archaeological sites-In 1951, the ancient and historical monuments and archaeological sites and remains (declaration of national importance) act, 1951 was enacted. Consequently, all the ancient and historical monuments and archaeological sites and remains protected earlier under 'the ancient monuments preservation act, 1904' (act no. Vii of 1904) were re-declared as monuments and archaeological sites of national importance under this act.

The ancient monuments and archaeological sites and remains act 1958 (no 24 of 1958)-In order to bring the act on par with constitutional provisions and providing better and effective preservation to the archaeological wealth of the country, the ancient monuments and archaeological sites and remains act 1958 (no 24 of 1958) was enacted on 28th august 1958. This act provides for the preservation of ancient and historical monuments and archaeological sites and remains

of national importance, for the regulation of archaeological excavations and for the protection of sculptures, carvings and other like objects. Subsequently, the ancient monuments and archaeological sites and remains rules 1959 were framed. The act along with rules came into force with effect from 15 October 1959. This act repealed the ancient and historical monuments and archaeological sites and remains (declaration of national importance) act, 1951.

The antiquities and art treasures act 1972 (no no. 52 of 1972)-the antiquities and art treasures act 1972 (no no. 52 of 1972) is the latest act enacted on 9th September 1972 for effective control over the moveable cultural property consisting of antiquities and art treasures. The act is to regulate the export trade in antiquities and art treasures, to provide for the prevention of smuggling of, and fraudulent dealings in, antiquities, to provide for the compulsory acquisition of antiquities and art treasures for preservation in public places and to provide for certain other matters connected therewith or incidental or ancillary thereto. This act was also supplemented with the antiquities and art treasure rules 1973. The act and rules have been in force with effect from 5th April 1976. This legislation repealed the antiquities export control act, 1947 (act no. XXXI of 1947).



Challenges of conservation -The Indian living heritage needs to be protected legally because they encounter problems from

1. Absence of awareness
2. Absence of NGO support
3. Absence of official protection
4. Absence of patronage
5. Demolition
6. Destruction -voluntary / unintentional
7. Insensitive attitude
8. Lack of historical sense
9. Lack of knowledge
10. Lack of private funding
11. Natural calamities
12. Unsympathetic interventions

Benefits of conservation

Conserving heritage offers the potential to conserve both traditional objects such as monuments, manuscripts, buildings, coins, drawings etc .

1. This helps the survival of a country's pride heritage & inheritance besides in this globalizing environment it offers opportunities for define the past & preserving it to the future.
2. Besides it provides avenues for employment & parallel marketing opportunities. In India there are several buildings which have historical legacy.
3. These buildings have to be protected from Indian historical technology of buildings has been unique.
4. The use of material also is very special For several thousand years Indian building have been

testimony for the architectural excellence.

5. Archeological surveys of India & state archeology departments have helped the conservations of several buildings on the lines of UNESCO.

Key Indicators to Conservation Process

There are several key points which have to be noted before

1. The official intervention in the name of conservation process has to be very minimum
2. It should act contrary to the socio religious thinking of the local people
3. It should interfere with their traditional thinking
4. It should prohibit them from publishing their personal opinions
5. Hybrid strategies should be avoided
6. The rationales should be preserved before taking any action
7. The contemporary exigencies have to be taken care of before renovating , rebuilding , restructuring , repairing a heritage building / site
8. The overall spatial & voluminous composition of the building have to be looked into
9. Looking into making new urban vicinity near the heritage site needs to be supervised & visualized.
10. the integrity of the heritage building or site has to be defined & interpreted



11. the collective knowledge systems have to be taken into account
12. Each community has its own distinctive culture constituted by its traditions, beliefs, rituals and practices - all intrinsic to defining the significance of the unprotected architectural heritage and site.
13. The conservation strategy must respect the fact that local cultures are not static and, therefore, encourage active community involvement in the process of decision-making.
14. This will ensure that the symbiotic relation between the indigenous community and its own heritage is strengthened through conservation.
15. A holistic coherence of the architecture with the support of the local community is the need of the hour. This global era is undergoing visual spaces which are rapidly becoming homogenized. It is necessary to retain the specific visual identity of a heritage site or monument.
16. Priority must be accorded to retaining the continuity of original functions. Any new use must be introduced only after studying its effect on the local context, and must conform to the carrying capacity and vulnerability of the architectural heritage.
17. All changes to the original fabric should be preceded and followed by comprehensive documentation.

Conclusion: conserving a heritage building or declaring the architectural monuments as protected needs delicate issues to be answered. It is not just supporting heritage conservation it involves the whole nations inheritance fabric. This helps the survival of a country's pride heritage & inheritance besides in this globalizing environment it offers opportunities for define the past & preserving it to the future. Besides it provides avenues for employment & parallel marketing opportunities.

References

- National mission for manuscripts - Government of India - official website 2014
- Marjorie Shelley, "storage of works on paper," in conservation concerns: a guide for collectors and curators, ed. Konstanz Bachmann (Washington, DC Smithsonian books, 1992),
- Mary c. Baughman, "approaches to insect problems in paper and books," harry ransom center, accessed 13 April 2014
- Library of congress, "care, handling, and storage of works on paper," library of congress, accessed 13 April 2011
- Indira Gandhi National Center Of Arts Official Website 2014
- The times of India Newspaper article on Manuscripts 2010
- The proceedings of the national library 2010-2014