



Indian constitutional provisions towards conservation of archeological inheritance

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Abstract : Indian constitution has several provisions towards conserving archeological inheritance. All Indian nationals are required to help & support government in management of inheritance & heritage artifacts. Indian constitution also provides for punishment following the acts of grave indifference towards negligence & destruction of archaeological monuments or items. The enactment of antiquarian legislation in India known as Bengal regulation xix of 1810 was the first legislation which carried provisions for conservation of monuments & this was continued later by, madras regulation vii of 1817, the Indian treasure trove act, 1878 the ancient monuments preservation act, 1904, the antiquities export control act, 1947, the ancient and historical monuments and archaeological sites and remains (declaration of national importance) act, 1951. These acts of the government vested the government with power to intervene whenever the public building/monuments / heritage artifacts were under threat of misuse. This paper examines the constitutional provisions for maintenance & protection of heritage artifacts.

Keywords: protection of heritage artifacts, constitutional provisions, provisions through legislation

Introduction:

The enactment of antiquarian legislation in India known as Bengal regulation xix of 1810 was the first legislation which carried provisions for conservation of monuments. This was followed by madras regulation vii of 1817. Both these regulations vested the government with a power to intervene whenever the public buildings were under threat of misuse. However, both the acts were silent on the buildings under the private ownership. The act xx of 1863, was therefore enacted to empower the government to prevent injury to and preserve buildings remarkable for their antiquity or for their historical or architectural value.

(Report on the Archeological survey of India 2010)

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. In a landmark development in 1886, James burgess, the then director general succeeded in prevailing upon the government for issuing directions: forbidding any person or agency to undertake excavation without prior consent of the archaeological survey and debarring



officers from disposing of antiquities found or acquired without the permission of the government.

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 provided effective preservation and authority over the monument particularly those, which were under the custody of individual or private ownership. As this act has not been repealed, it is deemed to be in force. (Report on the Archeological survey of India 2010)

The antiquities export control act, 1947 (act no. XXXI of 1947): Next act was the antiquities export control act, 1947 (act no. Xxxi of 1947) and rules thereto which provided 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 (no LXXI of 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. Another four hundred and fifty monuments and sites of part 'b' states were also added. Some more monuments and archaeological sites were also declared as of national importance under section 126 of the state's reorganization act, 1956. (National mission for manuscripts - government of India – 2014)

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. (Report on the Archeological survey of India 2010) 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. (ASI report 2010)

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. (Report on the Archeological survey of India 2010) 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). (Report of Indira Gandhi national center of arts 2014)

The archaeological survey of India : 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. Maintenance of ancient monuments

and archaeological sites and remains of national importance is the prime concern of the ASI .(The proceedings of the national library 2010).

Besides it regulate all archaeological activities in the country as per the provisions of the ancient monuments and archaeological sites and remains act, 1958. It also regulates antiquities and art treasure act, 1972. For the maintenance of ancient monuments and archaeological sites and remains of national importance the entire country is divided into 24 circles. The organization has a large work force of trained archaeologists, conservators, epigraphist, architects and scientists for conducting archaeological research projects through its excavation branches, prehistory branch, epigraphy branches, science branch, horticulture branch, building survey project, temple survey projects and underwater archaeology wing. the main function of the archaeological survey of India is to explore, excavate, conserve, preserve and protect the monuments and sites of national & international importance.

Conclusion- Preservation conservation & environmental development needs to be supported through governmental agencies & supportive partners. Management of a nation's legacy towards posterity should be an integrative approach involving all stake holders together. The Government & NGOS have to link the stake holders towards a large work force of trained



archaeologists, conservators, epigraphist, architects and scientists for conducting archaeological research projects through its excavation branches, prehistory branch, epigraphy branches, science branch, horticulture branch, building survey project, temple survey projects and underwater archaeology wing.

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