

## PROTECTING INDIA'S ANTIQUITIES For "World Heritage Day" – 18th April

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(English Version)

Canada's Prime Minister Harper has just returned a 900-year old "Parrot Lady" sculpture from Khajuraho to Prime Minister Modi. Some weeks ago, Australian PM Abbott presented him with 2 ancient Siva sculptures that were proudly displayed by their National Gallery, which had bought it for 30 crore rupees in 2008. All of a sudden, newspapers have started reporting on how Indian antiquities that had been smuggled to foreign museums have started coming home.

In early April this year, US museums in Massachusetts and Hawaii decided to return 8 rare antiquities that were pilfered from India, and one Subhash Kapoor, the brain behind this constant flow of rare artefacts, has been arrested. In October last year, another museum in Ohio decided to return an Indian statue it had bought in 2006 for crores of rupees. Kapoor is awaiting trial on charges of trafficking of at least 600 crore rupees of stolen artefacts. This is not a small amount. The plot thickens, as investigations lead to more and more American museums, including the prestigious Asian Arts Museum in San Francisco, the Metropolitan Museum in New York, the Institute of Arts in Chicago and the Los Angeles County Museum.

This is just the tip of iceberg and there is no doubt that Indian antiquities have been taken out illegally for several decades. If one recalls the central theme of many Bollywood films in 1970s and 80s, a familiar figure would pop up immediately of a blonde 'white smuggler', who would hand over a bag full of cash to his Indian counterpart, saying: "Now hand over your Moorti (idol) to me". The popular cinema, therefore, was clearly conscious of what was actually going

on behind the scenes, and made this one of its perennial and exciting themes. How officialdom treated this problem is not known, because excepting a few enterprising Customs and Police officials, no one appeared to be spending sleepless nights.

The question that we raise on World Heritage Day is: how did we come to such a pass? Well, we need to go back to 1969 and the abolition of 'Privy Purses' that sent panic waves among the erstwhile royalty, especially of those former 'princely States' whose monuments had not been brought under the Archaeology Survey of India (ASI). The Nizam of Hyderabad set the cat among the pigeons when he started calling international auction houses to evaluate his rich jewelry collection, "that was large enough to pave Piccadilly Circus". It was rumoured that many former other 'royals' were spiriting away valuables like paintings, antiquities and jewelry overseas. The Central Government rushed in to enact the Antiquities and Art Treasures Act in 1972, which was to regulate trade within the country and "to prevent smuggling and fraudulent dealings". To deter wrong doers, a provision for compulsory acquisition of such priceless products was also inserted. But, by the time the 'Rules' governing this Act were promulgated next year, the market reported that whatever could move within the grey areas of law did so with lightning speed.

The real game then began, between a completely unprepared ASI, that was declared the custodian of India's treasures, and those who sought to feed the avarice of the foreign institutional buyers and lusty private collectors. The former royals or the erstwhile zamindars were not the only ones who were in this 'sport', because the unguarded temples and monuments of India were also prime targets. "The 1970 UNESCO Convention on Preventing Illicit Import of Cultural Property" is only a guideline and unless Interpol is deadly serious, it could remain just a

pious pronouncement. One cannot fault the UNESCO for not trying hard enough, for it kept publishing instructions and alerts and even brought out a Technical Manual in 1983. It also made several 'Declarations' and held numerous conferences in pleasing foreign climes, which must have been well attended. India has also been elected often as a member of Inter-Governmental Committee of the UNESCO.

But the very clumsy procedure outlined in the 1972 Act and the Rules of 1973, almost ensured its unworkability, as ASI's main and unenviable task is to guard almost 3700 protected monuments of India. It is so short-staffed that more than half of these have just a purple enamel signboard, rusted at the edges, declaring its 'national' status and seriousness of purpose, without a single guard within eyesight. Some of us have been constantly campaigning for a re-look at the excessive burden that has been thrust on the ASI, we have also been pleading that responsible local communities or public institutions be permitted and encouraged to guard and care for monuments in their neighborhood, with love and pride.

ASI has neither the requisite number of 'Registering Officers' nor sufficient 'Licensing Officers', though both these functionaries are the mainstay of the Antiquities Act. Besides, ASI's expertise in identifying, dating and valuing antiquities is also rather limited, considering that most of its officials were recruited and trained for the conservation of monuments and for archeological excavations, not for guarding antiquities.

The Antiquities Act declares every coin, sculpture, painting, image or any item of historic value that is more than a hundred years old to be an 'antiquity' which has to be registered. It is estimated that well over 90 per cent of such items are/were not registered, as their owners were not in the know about the legal

provisions and last dates. Besides, most citizens are petrified at the prospect of visiting any government office. Thus, all are now 'offenders' under this Act and liable to the 'search and seizure' under Section 23 or confiscation of family's heirloom, or even face six months imprisonment for contraventions under Section 25.

The tragedy lies in the fact that this law has not been able to stop smuggling of antiquities out of India, but it is seen as the biggest impediment to the movement, sale and transfer of such heritage items within our own country. In the age of the internet, the obstinate insistence on presenting oneself before junior officials and frightening clerks could easily be replaced by electronic registration on voluntary basis, that would free millions from the dark shadow of 'criminality' for the simple fact of not registering what their forefathers left behind. We set up the R.N.Mishra Committee in 2010 as one of the endless attempts to modify this rather draconian Act and permit treasures hidden in family vaults or with dealers to come out and be exhibited in public museums or in other iconic connections. But this report proved to be disappointing to the pro-changers as evident from the historic meeting of the cultural community with the government on 5th September, 2011. The Antiquities laws of China, Japan, Canada and other countries were analysed and presented with a fervent plea to jail smugglers or illicit dealers, but not to punish millions of common citizens. Permitting free flow of antiquities within the country would lead to hundred of crores of rupees to the often-impoverished owners and will enrich the country's official collection. It would provide employment to thousands of qualified persons. The Act remains, as before.

A lot of water has moved down the river, often in the reverse direction, but the human heart and mind never gives up hope: at least not on the day when the world celebrates its heritage.