

CONSERVATION AND PRESERVATION OF ANCIENT MONUMENTS IN BRITISH INDIA: A STUDY

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Abstract: Lord Curzon's contribution cannot be ignored in the Indian History. He had shown a great sensitivity and refinement in appreciating Indian ancient monuments. Hence he felt the utmost need to legalize the rules and regulation for conservation and preservation of Indian monuments. In this paper 'Ancient Monument Preservation Act of 1904' has been discussed in detail.

Indian archaeology is a curious mixture of civilizations- Aryans, Muslim, Buddhist, Hindu and what not. It had exotic architectural remains. These remains of Indian architecture were influenced by foreign art like Persia, Central Asia and Arabia & Afghanistan. India has an extra ordinary rich, vast and diverse heritage in the form of both archaeological sites and prehistoric remains. It was only during the British rule the awareness was brought and the idea of cultural heritage and the sense of Lord Curzon's personal initiative and enormous energy led him to penetrate into the fields of preservation of ancient monuments which other Viceroy's had led untouched until then its conservation was inculcated among the Indians. He showed great sensitivity and refinement in his appreciation of Hindu and Muslim art. He was determined to ensure that the beauty of the past should be preserved and those monuments of historical interest and aesthetic value in India be restored and preserved. Lord Curzon realized that the protection and preservation of cultural heritage against damages and destruction resulting from theft, vandalism, clandestine excavation and illicit traffic cannot be effectively provided without the reference to law.

Before Curzon, it was with the establishment of Bombay Asiatic Society in 1804 and royal Asiatic Society in Britain in 1823, gave a stimulus to the studies of ancient Indian History and culture. A trend which is relevant in this period is that of the publication of drawing of Indian monumental remains and other antiquities. The descriptions of ancient monuments were more frequent during this period. Various publications relating to archaeology and ancient monuments popularized the value of ancient monuments. In 1848, Alexander Cunningham wrote of the need of a systematic Archaeological investigation and more explanation for Historical geography. And on January 1862, the council of Governor General of India admitted that the Government had been negligent of a comparatively cheap duty of investing and recording the principal antiquarian sites of British India. The council assigned duty to Cunningham and it was to make an accurate descriptions of such remains, as most deserve notice, with the history of them so far as it is traceable and a record of the traditions that are retained regarding them, and no money was to be spent on 'repairs and conservations'. Till 1871, till Cunningham was appointed as the head of the Archaeological Survey of India was not able to contribute much due to bureaucratic approach of the government.

With the valuable contribution of Alexander Cunningham and then James Burgess, H. H. Cole lot of conservation and restoration work of Indian monuments was carried out. But it was only during the period of Lord Curzon a Act of restoration was passed. Lord Curzon was deeply impressed by splendid Indian architecture. He had toured India from top to bottom. During his Viceroyalty Lord Curzon brought about the centralized direction and enunciated a clear archaeological policy. Lord Curzon identified the corner-stone of the archaeological work in India under him- Epigraphy, conservation and research.. The restoration work under Lord Curzon was spread over to those cities and sites of India boasted a past history and every remembrance for the posterity. He took restoration work mainly with the help of John Marshall and his assistants at many places like Agra, Fatepur Sikri, Lahore, Delhi, Rajputana, Cuttack, Vijapur, Bijapur, Mount Abu, Jaunpur, Burma etc.

Curzon was the man of foresightedness. He had an intelligent judgment that the land which possess of magnificent heritage, but decaying into doldrums due to neglect of few. So he decided to give permanent protection to Indian heritage by enacting the 'monument preservation act' and subsequently history is an eloquent testimony to the fact that Curzon had been successful strategist. And then came the 'Ancient Monument Preservation Act of 1904', which is a foundation of all the preservation act passed by Indian Government till today.

Of all the legislations passed during Lord Curzon's Viceroyalty, none gave him quite same intimate personal satisfaction as Ancient Monuments Preservation Act. Lord Curzon, during his first year of administration was destined to mark a new era in the history of conservation work in India by legislating for the protection of the ancient monuments and antiquities of the country. Before this act there were some legislations which partly helped to protect the Ancient Indian Monuments. They were 'Religious Endowment Act, 1863, The Indian Trove Act of 1878 and the Land Acquisition Act of 1894'. However they were inadequate, so the bill of 'Ancient Monument Preservation Act of 1904' was proposed.

The objectives of the Bill was,

The country has lost and is now losing, monuments of great artistic interest owing not to merely to neglect but to deliberate destruction. The Government decided to intervene and to prevent further injury and to carry out such necessary measures of protection and repair as the owners are unwilling to undertake and they are not without hopes that legislation for this purpose may, by awakening public interest, render the interference of Government less necessary than it appears to be at present.' [Maharashtra State Archives. GD, Vol I, Compl No. 313, dated 3rd December 1901]

The Government of India forwarded the letter and the bill to the Superintendent, Archaeological Survey-Bombay, the Commissioners in Sind, the Commissioner of Central Divisions, the Commissioners of Customs, the Collector of Land revenue, Customs and Opium-Bombay, the Solicitor to the Government, the Remembrance of Legal Affairs, the Public Works Department and Mr. A. M. T. Jackson I. C. S. for the favour of their opinion on the provision of the Bill. They all were requested to submit their report. Accordingly Secretary to Government General Department received the opinions of the respective officers. On 4th December 1903, the Bill was referred to Select Committee consisting of Mr. Raleigh, Rai Sri Ram Bahdur, His Highness Agakhan, Mr Lely, Mr. Adamson, Mr. Morison and Mr. Denzil Ibbetson. [MSA, Proceedings of 1903, Vol No XLII pp 283.]

The committee presented their report on 4th March 1904 with some minor alterations but they in no way touched the principles upon the bill was based. The Bill was passed under the Preside ship of Lord Curzon. [MSA, Proceedings of 1903, Vol No XLII pp 26]

The Act Content [https://en.wikipedia.org/wiki/Ancient_Monuments_Preservation_Act_1904]

Sections

1. Short title and extent.
2. Definitions.
3. Protected Monuments.

Ancient Monuments

1. Acquisition of rights in or guardianship of an ancient monument.
2. Preservation of ancient monument by agreement.
3. Owners under disability or not in possession.
4. Enforcement of agreement.
5. Purchasers at certain sales and persons claiming through owner bound by instrument executed by owner.
6. Application of endowment to repair of an ancient monument.
7. Compulsory purchase of ancient monument.
8. Power of Central Government to control mining, etc., near ancient monument.
9. Maintenance of certain protected monuments.
10. Voluntary contributions.
11. Protection of place of worship from misuse, pollution or desecration.
12. Relinquishment of Government rights in a monument.
13. Right of access to certain protected monuments.
14. Penalties.

Traffic in Antiquities

1. Power to Central Government to control traffic in antiquities.

Protection of Sculptures, Carvings, Images, Bas-Reliefs, Inscriptions or like objects

1. Power to Central Government to control moving of sculptures, carvings or like objects.
2. Purchase of sculptures, carvings or like objects by the Government.

Archaeological Excavation

1. Power of Central Government to notify areas as protected.
2. Power to enter upon and make excavations in a protected area.
3. Power of Central government to make rules regulating archaeological excavation in protected areas.
4. Power to acquire a protected area.

General

1. Assessment of market value or compensation.
2. Jurisdiction.
3. Power to make rules.
4. Protection to public servants acting under Act.

The Act of 1904 provided effective preservation and authority over the monument particularly those, which were under the custody of individual or private ownership. The act did not act effectively as it was expected.

So another Act was passed in 1947 -The Antiquities Export Control Act. This act 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. [<https://www.livelaw.in/legal-aspects-heritage-india/>]

After independence another act was passed, The Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Act, 1951. 'Consequently, all the ancient and historical monuments and archaeological sites and remains protected earlier under 'The Ancient Monuments Preservation Act, 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 States Reorganization Act, 1956.' [<https://www.livelaw.in/legal-aspects-heritage-india/>]

To legislate and to make more effective 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 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.

[<https://www.livelaw.in/legal-aspects-heritage-india/>]

Central Government proposed National Commission for Heritage Sites Bill in 2009 to comply with the World Heritage Convention. But in 2015 Bill was withdrawn.

The present scenario is totally different; UNESCO is playing very important role in conserving and preserving national monuments. There is a change in attitude of common man towards the rich heritage India possess. There is a need for a comprehensive law to deal with overall aspects of the heritage in India. And also a serious awareness campaigns about the conservation and preservation of ancient Indian monuments. Though Lord Curzon was imperialistic but he proved himself a well wisher and a pioneer in the field of preservation of ancient monuments.

1. REFERENCES

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