

INFRASTRUCTURE

SCIENCE

BLOGS

FORGOT PASSWORD?



SNAPSHOT

There are serious concerns about the proposed Antiquities Bill 2007.

Close[x]

These concerns are highlighted and specific recommendations offered to improve

The Ministry of Culture recently **put out the Antiquities Bill, 2017**, proposing, amo  
buying of heritage items and antiquities. Normally, this development wouldn't hav  
of bills are tabled and thousands of papers are shuffled within Lutyens' offices.

[SIGN IN TO YOUR ACCOUNT](#)

Email

Password

[SIGN IN](#)[FORGOT PASSWORD?](#)

Prime Minister Narendra Modi (L) and Australian Prime Minister Tony Abbott talk alongside a statue of the Dancing Shiva ahead of a meeting in New Delhi. (PRAKASH SINGH/AFP/Getty Images)

## Fundamental concerns

While recommendations are incorporated later on in the piece, it might be prudent to highlight three fundamental concerns about the Bill:

1. **Mercantilism:** Clearly, going by the global trends on this front, illicit antiquities trade is not merely about antiquities any more. Viewed in this light, the proposed Bill reflects a complete lack of understanding and appreciation of the issues involved. Worse, the Bill reflects and reinforces negative stereotypes of Indian mercantilism even with respect to issues that have a deep bearing on its (a) heritage, (b) history :

[SIGN IN TO YOUR ACCOUNT](#)

Email

Password

[SIGN IN](#)[FORGOT PASSWORD?](#)

UNESCO, the need for fundamental reform in the organization, and continuing anti-Israel bias at UNESCO.

The United States indicated to the Director General its desire to remain engaged with UNESCO as a non-member observer state in order to contribute U.S. views, perspectives and expertise on some of the important issues undertaken by the organization, including the protection of world heritage, advocating for press freedoms, and promoting scientific collaboration and education.

Pursuant to Article II(6) of the UNESCO Constitution, U.S. withdrawal will take effect on December 31, 2018. The United States will remain a full member of UNESCO until that time.

###

America's official statement announcing their exit from UNESCO

**2. Ignoring geopolitical equations:** Earlier this week, the US and Israel walked out of UNESCO. Israel's Prime Minister **Benjamin Netanyahu said**, "This is a brave and moral decision, because UNESCO has become a theater of the absurd. Instead of preserving history, it distorts it." With rapid evolution in geopolitics on heritage, it is surprising that this bill takes an inward-looking approach. It might have been prudent to follow a participative approach, to involve the Ministry of External Affairs, to ensure that the Bill retains its relevance in the emerging world order.

**3. Counter-productive objectives:** The central thrust of the Bill appears to be to regulate (read facilitate) free trade in antiquities, as opposed to their protection and preservation. This is evident from a clear reading of the proposed Bill, in particular Sections 2, 3 and 6, among others. The Bill should have focused on protecting Indian heritage. Instead, it outlines how heritage should be sold. Why the government would want private parties to control antiquities (perhaps of national importance) is beyond comprehension. In fact, this necessitates a clear and defined distinction between public and private antiquities, which is absent in the Bill.

Colonel Matthew Bogdanos (USA) said, "We should be very clear on one thing, there is no doubt that antiquities trafficking is funding terrorism and has since 2005... Like it or not, because of the connection to terrorist activities, the vast majority of this information is classified."

[Close\[x\]](#)

Despite global agencies and governments clearly pointing to a nexus between illicit funding, the proposed Bill does not seem to exude the seriousness expected of it in have historically flourished with revenues from counterfeit currency, the flesh trade have evolved to under-the-radar crimes such as dealing in illicit antiquities.

SIGN IN TO YOUR ACCOUNT

Email

Password

SIGN IN

FORGOT PASSWORD?



More than 50 per cent of the artifacts imported into USA were from India, explains the Antiquities Coalition report.

Of the \$147 million worth arts/antiquities traded in 2016, \$79 million worth came from India (compare that to Iraq, at only \$2.5 million). Antiques Coalition suggests an example. With the gains from selling one Buddha sculpture (stolen from Mathura, illicitly sold for \$1 million), terrorists could fund a dozen Paris-type attacks.

Make no mistake. Just because we have our heads in the sand doesn't mean that terrorists do too. Collective ignorance and government apathy act like a pep-pill for them to push the pedal (on funding terror through heritage crimes). The last thing India needs is a new bill that whitewashes the elephant in the room.

### Specific recommendations

Ideally, the Bill, if it is indeed meant to be an improvement over the existing Antiquities and Art Treasures Act, 1972, must be designed to achieve the following (in addition to suggestions listed above):

**1. Preserve our past, don't peddle it.** A bill such as this must be seen as an opportunity to consolidate public antiquities and to ensure their preservation and maintenance, apart from providing a formidable enforcement mechanism to prevent illicit trade in public antiquities.

Close[x]

SIGN IN TO YOUR ACCOUNT

Email

Password

SIGN IN

FORGOT PASSWORD?



Prayers being offered in the empty *garba-griha* after the *murti* has been stolen

**2. Distinguish between ‘heritage’ and ‘antiquities’.** It would also help to strike a distinction between antiquities and objects having heritage value. Most laypersons would agree that a heritage object is very different from an antique object. A grandfather clock is an antique object. The *murti* from a temple is a heritage object. In a country like India, where people and communities are rooted to their religious institutions, it is almost criminal to belittle a heritage object and treat it at par with a mere antique. This distinction is all the more important given that the illicit antiquities trade has been largely about heritage objects. Also, **India has an opportunity to lead the global narrative on this issue** by treating these two as separate categories and showcasing to the world that we, as a nation, respect the core offering India has given to the world – its heritage. To show the world that India will find ways to rightfully claim and protect what has been ours for ages.

**3. Enable ASI to focus on its core competence:** The Archaeological Society of India (ASI) must be tasked only with the preservation and maintenance of public antiquities. The ASI must not be overburdened with responsibilities which fall outside the scope of its core competence. Senior ASI officials have complained about lack of sufficient manpower and expertise, even till very recently. Unjustly overburdening the ASI has resulted in it losing 92 monuments (as per a CAG report from 2013). In yet another example, in June 2016, **Prime Minister Modi was publicly offered 200 Indian antiquities by the US** while on a state visit to Washington, DC. He graciously thanked the people of America for their gesture, and the speech was prime-time news. It has been over a year since then, and ASI has been able to bring back only a dozen (of the 200) back to India. It is a matter of international ridicule when bureaucrats are unable to follow instructions from the Prime Minister.

**4. Create empowered agencies:** Instead of burdening the ASI with retrieval of stolen antiquities, a job they have neither been trained for nor one they signed up to do, a dedicated ‘Heritage Crimes’ with the Central Bureau of Investigation or as an arm of the Bureau, which can liai: Close[x]

1. ASI, to render expert assistance in identifying and retrieving the stolen antiquities
2. The Ministry of External Affairs
3. The Indian consulate in a foreign country
4. The concerned foreign government agency
5. An agency to liaise with the current owner of the antiquity (private collector or museum)

[SIGN IN TO YOUR ACCOUNT](#)

Email

Password

[SIGN IN](#)[FORGOT PASSWORD?](#)

7 minutes ago

#BringOurGodsHome

#DelhiWithOddEven

#WorldHeritageDay

#Joker

Dipa Karmakar

#Brazil

Deogarh

EVIDENCE

Worli

#LaLi

#RCI

#Nat

#Tha

#सत्य

2 Yea

AKSH

Gujar

Mehs

[Close\[x\]](#)



[SIGN IN TO YOUR ACCOUNT](#)

Email

Password

[SIGN IN](#)[FORGOT PASSWORD?](#)

**Involve experts with practical experience.** If, as a country, we can invite private experts to run our ports, highways, schools and hospitals, then why not bring in private experts to save our heritage? Many nations have realised that isolated efforts of the government bear minuscule results, as compared to efforts that are inclusive in nature. Closer home, the Swacch Bharat Abhiyan is an example of participative leadership and community ownership. Unfortunately, the proposed Antiquities Bill proudly rejects this learning from India and abroad, thereby losing out on the goodwill and expertise of well-intentioned experts. The few experts they propose to involve are required to report to the very structures that have been unsuccessful themselves in the past.

While there are several aspects of the issue which need to be addressed in detail, the above are but a few high-level suggestions which relate to the broad framework of the Bill and the priorities it must concern itself with. If the proposed Bill is revamped bearing the above in mind, at least the compass would be recalibrated to go in the right direction.

For a country that is intent on emerging as a superpower and which has reaped the benefits of soft power to an extent, the proposed Bill as it stands, shockingly, does not reflect our appreciation of the uses of soft power. In fact, as incredible as it sounds, the proposed Bill makes the Act of 1972 look better! So much for all the vaunted talk of a “New India”.

The real question for us to answer as a nation is this: are we happy to sit by and watch silently as our heritage is destroyed and looted, especially when the solution to tackle the issue is not difficult to implement?

Importantly, do we have the moral authority to blame historical looters and colonizers when today, we don't want to protect our own heritage?

## Conclusion

In short, the proposed Bill looks like a hastily drawn up document with a singular p

to us, it represents the deep-rooted malaise within the Indian bureaucracy – of au  
lost opportunities. Here was a chance to engage experts, use global benchmarks, re  
something that could have been the best-in-class. However, what we have is a half  
which makes its predecessor look better.

Close[x]

[SIGN IN TO YOUR ACCOUNT](#)

Email

Password

[SIGN IN](#)[FORGOT PASSWORD?](#)**Anuraag Saxena and J Sai Deepak**

Anuraag Saxena co-founded the India Pride Project. He has been featured/published in the *BBC*, the *Economic Times*, the *Sunday Guardian*, *Doordarshan*, *Man's World*, *Swarajya*, *Panchajanya* and *Organiser*. He is passionate about Indian heritage and culinary history and tweets at [@anuraag\\_saxena](#).

J Sai Deepak is an engineer-turned-litigator who practises as an arguing counsel before the High Court of Delhi and the Supreme Court of India. Sai is also the counsel for the Indic Collective Trust, which represents Indic legal causes. He writes frequently for *Swarajya*, *IndiaFacts* and the *Times of Israel* blog, and runs his own "blawg" *The Demanding Mistress*. He tweets at [@jsaideepak](#).

[Close\[x\]](#)