All about Antiquities

Why in news?

India is close to signing an agreement with the United States under which the process for the return of stolen antiquities will be hugely simplified.

What is an antiquity?

- **Antiquities and Art Treasures Act, 1972**- It defines "antiquity" as
  - Any coin, sculpture, painting, epigraph or other work of art or craftsmanship
  - Any article, object or thing
    - detached from a building or cave
    - illustrative of science, art, crafts, literature, religion, customs, morals or politics in bygone ages

Antiquity criteria	Duration
Any article, object or thing of historical interest	Not less than 100 years
Manuscript, record or other document which is of scientific, historical, literary or aesthetic value	Not less than 75 years

What is the legal framework in India for antiquities?

- **Ancient Monuments Preservation Act, 1904-** It was enacted under *Lord Curzon* in British India to protect the ancient monuments and objects of archaeological, historical, or artistic interest.
- **Antiquities (Export Control) Act, 1947-** It is the first law that was enacted to regulate the export of antiquities from India.
- **Ancient Monuments and Archaeological Sites and Remains Act, 1958-** It was enacted to preserve ancient and historical monuments and archaeological sites and remains of national importance.
- **Antiquities and Art Treasures Act, 1972 (AATA)** - It empowers the Central Government to compulsorily acquire any antiquity or art treasure and is based on *UNESCO 1970 convention*.
- Every person who owns, controls or is in possession of any antiquity shall register such antiquity before the registering officer and obtain a certificate in token of such registration.

Constitutional Framework to Protect Cultural Heritage
• **Article 51 A (f)** - It states that it shall be the duty of every citizen of India to value and preserve the rich heritage of our composite culture. • **Article 49-** Protection of monuments and places and objects of national importance. • **7th Schedule-** The cultural heritage is protected under Union List, State List and Concurrent List.

What does the international conventions say about antiquities?

- **UNESCO 1970 convention**- It is on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.
- Cultural property is defined as the property designated by countries having "*importance for archaeology, prehistory, history, literature, art or science*."
- **UN resolutions**- UN resolution 2367 and other several resolutions condemned and prevented the illicit trafficking of cultural property, especially in conflict zones to promote peace and justice

An INTERPOL report in 2019 said that "the illicit international traffic of cultural items and related offences is sadly increasingly prolific."

Can India bring back antiquities?

- **International cooperation-** First two categories' requests have to be raised bilaterally or on international fora.
- In 2022, Maharashtra government announced that it was working to bring back the sword of Chhatrapati Shivaji Maharaj from London.
- This sword was given to Edward, the Prince of Wales (the later King Edward VII) by Shivaji IV in 1875-76.
- **Proof of ownership-** Antiquities in the second and third categories can be retrieved easily by raising an issue bilaterally with proof of ownership and with the help of the UNESCO convention.

UNESCO 1970 declaration stated that, "The requesting Party shall furnish, at its expense, the documentation and other evidence necessary to establish its claim for recovery and return.

Cultural Property Agreement
• **India-US pact**- India is close to signing an agreement with the US that will simplify the process for the return of stolen antiquities. • **Import restrictions**- It stops looted and stolen cultural property from entering the US while encouraging the legal sharing of such objects for scientific, cultural, and educational purpose. • **Hassle free return-** The US will automatically offer to return any cultural property that is seized and forfeited under import restrictions. • **Prevent illicit trafficking-** It will eliminate key sources of funding for terrorists and transnational organised crime. • **Time efficient**- It will also save time and resources for India, as it will not have to prove the ownership of the objects under *Archaeological Survey of India.*

References

1. Indian Express-What India, IN laws say about antiquities abroad
2. Indian Express- India-US pact on quick return of stolen antiquities

