Need for a New Antique Law

What is the issue?

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The recent happenings over antique collecting across India draw attention to the shortfalls in the related laws and understanding.

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What is the anomaly?

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- A civilisational history cannot be constructed purely by an archaeological agency, despite it being an important component.
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- Other groups such as littérateurs, historians, anthropologists and curators also contribute valuable insights into the material culture.
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- However, the framing of laws has not happened in conjunction with any of these disciplines.
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- This was because at the time of framing law, the agenda was to preserve India’s material culture.
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- But that rationality at the time of India's Independence, no longer fits in with the present requirements.
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- The reality and needs of a modern-day state that seeks to understand its past is different.
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What are the concerns?

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- The Antiquities and Art Treasures Act, 1972 has long outlived the purpose for which it was drafted.

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- A promised amendment has been floated on the website of the Union Ministry of Culture, but its status is still largely unknown.
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- **Understanding** - Importance is ascribed by virtue of religious sentiment, age or provenance to every significant and insignificant work of art.
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- But this hampers purposes of scholarship or understanding of what constitutes a beautiful work of art or a national treasure.
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- The view that once-sacred objects today only belong to temples is a myopic view and stems from a lack of understanding of -
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i. the role and purpose of these objects
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ii. the temple economy that maintained them
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iii. the constant process of renewal that occurred within historic sites
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- It thus denies the process of regeneration of these living cultural sites.
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- **Ownership** - Every object in a private collection is now seen as the result of temple desecration and robbery.
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- The laws that govern the ownership of historical objects, their purchase and sale have been a disincentive for the average collector.
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- Registering antiquities with the Archaeological Survey of India (ASI) is a cumbersome and difficult procedure for most collectors.
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- Cultural vigilantism, the presumption of guilt without trial, public shaming and the resultant media trial have led to a dangerous state of affairs.
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- Vigilante movements neither follow the rule of law nor do they respect the ASI’s time-honoured process of registration of such artefacts.
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- It is casting a long shadow on the production of knowledge of the country's past.
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- **Limitations** - The rule is that every object over a 100 years is an antique.
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- With every passing year, the number of objects that shift from 99th year to a 100 year status will increase.
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- This would soon result in the transfer of vast numbers of objects to a status of national antiquity.
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- But is the state geared to handle and maintain this vast emerging enterprise remains uncertain.
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- The state is also not equipped to handle the needs of a growing populace of collectors.
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What could be done?

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- It is well within the rights of every citizen to acquire and collect objects of their past.
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- Nevertheless, this acquisition should definitely be governed by a legal process of buying.
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- With changing ideas, the role of private connoisseurship, individual collectors, trusts and foundations should also be considered.
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- Their proactive agency has safeguarded the ancient Indian art from being channelled abroad or being destroyed.
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- An urgent amendment to existing laws is essential to save the material culture from being examined purely from the prism of religious sentiment.
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- It should foster the creation of secular spaces where everyone can enjoy and appreciate the past.
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Source: The Hindu

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