



Monuments: The individual's role and responsibility in preserving the heritage

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Abstract

Protecting the built heritage and conserving the local traditional and cultural values of communities for future generations present a real challenge for developers, architects, and professional education programs which are responsible for preparing the courses focused on heritage conservation aspects, learning respectful aware design with cultural context, and qualified graduates in planning, design, and implementation of conservation projects.

These monuments, in a way bring to the forefront, the elegance and splendour of the bygone era. We can get a glimpse of the world's past through these monuments. With their elaborate superfluities and wonderful architecture, Indian monuments represent one of the most outstanding facets of the multi-faceted Indian culture. The monuments of India must become an inspiration for the future generations.

The paper looks into the historical aspects of the preservation of monuments, fate of the unprotected monuments, and responsibility of the society/individuals.

Keywords: heritage, preservation, unprotected monuments, UNESCO, hague convention in 1954, legislation, cultural property, monument protection

Introduction

As I walked to the India Gate..... and gradually the long walls of the monument came into view. Nothing I had heard of or written had prepared me for the moment. I could not speak. I looked on and wondered. There are the names. The names!... For twenty years, I have contended that these men died in a cause as noble as any cause for which a war was ever fought. Others have contended, and will always contend, that these dead were uselessly sacrificed in a no-win war that should never have been waged at all. Never mind....

India Gate is a memorial to 82,000 soldiers of the undivided Indian Army who died in the period 1914–21 in the First World War, in France, Flanders, Mesopotamia, Persia, East Africa, Gallipoli and elsewhere in the Near and the Far East, and the Third Anglo-Afghan War. 13,300 servicemen's names, including some soldiers and officers from the United Kingdom, are inscribed on the gate.

Why, then, given that I find it moving, will I say that it "does not speak"? In what way does I believe that a monument should speak, and to what purposes? How are monuments supposed to represent our ideals? What if our ideals are contested? What sort of thinking should our monuments engender? Why, according to me, and for what purposes might monuments be superior to words?

On my visit to the memorial, walking that slow descent into the earth along the face of the wall, I was deeply lost in my own museum. It was indeed the names, the names beyond counting. As I walked, and stood, and moved on again, I passed and was passed by the people who had come that day to find the names of friends or kin, or simply to see this memorial to the war that had touched us all in some way or another. Those of us who had come to see simply stood and

ran our eyes over the length and height of the wall. But those who had come to find—they had a more pointed mission. They could be seen kneeling or standing before one particular spot in the wall, staring long at one name out of the thousands, their eyes welling with tears. We others allowed a circle of distance around each of these solitary mourners lost in their thoughts, keeping our own shared thoughts to a quiet murmur. And we realized, in that pondering, how the monument spoke to the memories of the private grievors. This wall of names arranged by date of death encompassed the private reality, and not the corporate enterprise, of war. That reality, for those kneeling in thought, must have been one of sequential loss, of one particular friend taken at one particular moment, over and again until the circle closed and all who had been sent away were gathered in again. Even those of us who sought no particular death found ourselves reading individual names and, unbidden, imagining the places and the circumstances of their deaths.

What monuments have traditionally done is embody an idea important to those who erected them. That is what Jefferson did with his idea of an ideal academic society, and what the builders of the Virginia War Memorial did for their ideas of war and sacrifice. But a monument endures beyond its time, holds that idea before us, in our time, and asks us to contemplate that idea—turn it over in our heads, stand it next to our own experiences and ask if it still applies. Do people and institutions act as they do out of allegiance to this idea? And if they do, do I want people and institutions to keep on doing those things? Do I want them to do those things out of allegiance to this idea, knowing what that might entail? And if people and institutions do not act in accord with this idea, would I wish them to? In short: Do I want this idea, and all it

might entail, to be an operative force in our society?

Monuments confront us with that choice. They tell us that people like ourselves once chose to affirm a certain set of ideals, but in that telling, they remind us that we too must face the decision of which ideals to affirm. Monuments thus set before us the task of reassessing our values. And they do it by giving us both the means to criticize and the reason for doing so. By asking us to contemplate imaginatively the ideas they embody, monuments prod us to think through the implications of our social ideals. Through the free contemplation which they engender, we can know an idea more wholly—see more clearly and feel more deeply both the dangers and the glories to which it might lead. In that sensing of both danger and glory we have a surer means, a firmer basis for judging.

History is an important part of human existence. History is what created us all, it is how we progressed. Just like a photograph which you preserve, maybe of your family, reminds you of the love for each other. In the same way history and historical heritage tells about the love for humanity. Love for how we progressed. How we are what we are today.

Monuments are not only of historical value but also of economic as well as social value. Egypt is famous for its pyramids. Tourism is Egypt's second largest source of revenue, bringing in \$13 billion in 2010. (Pyramids at Giza -- National Geographic)

Taj Mahal in India, one of the Seven Wonders of the World attracts around 3 million visitors every year.

The other importance is that of culture. These monuments and other artifacts tell us about what culture our ancestors followed. A society without a culture is like a car without wheels. When we preserve the facts in museums, people visit those places and learn about our cultural heritage which leads to peace and prosperity. It also shapes a person's thinking towards the society. It helps distinguish between good and bad.

Every place has a history. There isn't any monument which doesn't have some or other value. If something was destroyed in war, it is a reminder for the people that wars lead to misery and thus we should try to solve all the disputes by discussion. Kangra Fort in Himachal Pradesh, India was destroyed by an earthquake in early 1900's but still after all the repairs remain one of the places which wasn't captured the Mughals and thus attracts people from all over the world.

The art and architecture of any country is the indicator of its historical and cultural wealth. They tell the story of the evolution of mankind and reflect the values, traditions, and sensitivity of the society. Monuments or buildings are engraved with the time and space in which they are located and are representatives of collated memory. As the monuments grow old, they become important carriers of our history and important cultural resources. They bring us the messages from the past, and are the living witnesses of the age of traditions. If we trace the history of a conscious conservation, we find that the need to preserve the Greek ruins as markers of cultural heritage was first realized by the early Romans. The fundamental rules and principles of conservation were set up as early as the 8th Century AD. However, the practice became a law only in the middle of the 19th century in European countries.

Definition

What exactly is a monument? The term Monument is very general, and - according to Wikipedia - is commonly used for all kinds of structures. This definition is not specific enough. We would like to differentiate monuments from a memorial statue or a rune stone.

The main features of a monument include:

- It is considerably larger than a memorial statue
- It is very important
- One can walk on or through it
- It commemorates a person or a historical event.

As Albert Einstein aptly put it a long time ago: "*knowledge is to know where it is written.*"

Monuments do not only commemorate public figures who have deserved well of the nation. They commemorate the nation, raise it above the land on which it is planted and express an idea of public duty and public achievement in which everyone can share. Their meaning is not "he" or "she" but "we". And the successful monument does not stand out as a defiance of the surrounding order but endorses it and adds to its grace and dignity.

All attention comes from the monuments, onto the city and the people who live and move within their sight. They are like the eyes of a father, resting on his children at play. They are full of joy of belonging, and convey a serene acceptance of death in the national cause. The sculptors and architects are forgotten, their forms and materials are the forms and materials from which the city around them is built. And they retire into corners as though in acknowledgment that their work has been done.

What is it that makes a monument special? How should its specialness be conserved? First, a function of a monument is commemoration. The essential value communicated by the monument is an evocation of the notions of memory and time. The origin of the word "monument" comes from the Latin *moneo, monere*, which means 'to remind', 'to advise' or 'to warn', suggesting a monument allows us to see the past thus helping us visualize what is to come in the future ^[1]. In English the word "monumental" is often used in reference to something of extraordinary size and power, as in monumental sculpture, but also to mean simply anything made to commemorate the dead, as a funerary monument or other example of funerary art.

The *Shorter Oxford English Dictionary* more narrowly defines a monument as "a structure, edifice or erection intended to commemorate a notable person, action or event", generally in the singular—an isolated case of brilliance which stands out from the rest of the world and is not to be forgotten ^[2]. Buildings have tended to express this by taking the form of towering columns, such as London's Monument, a giant Doric column built sixty-two and a half meters high to commemorate the fire of London, or the Washington Monument, an even higher column.

Memory and time as the dual essence of the monument is a

¹ Cole, John Young and Reed, Henry Hope, *The Library of Congress: The Art and Architecture of the Thomas Jefferson Building*, Norton, 1997, p.16.

² Franklin, Simon and Widdis, Emma, "National Identity in Russian Culture: An Introduction", Cambridge University Press, 2nd February, 2006, p.171.

broader concept of the term than that suggested by the dictionary—a tower structure, which in this day and age is doomed to be quickly outreached by the next skyscraper in its vicinity. The dictionary’s “monument” is likely to be stillborn in significance at the outset: “erected over the grave or in a church, etc., in memory of the dead”, like some would-be Ozymandius’s tomb.

There are different kinds of definition. Historical monuments are considered as a cultural asset, including both the single architectural handmade (such as a palace, building, church, etc.) and city walls, a garden or a whole landscape or a movable artistic evidence. Cultural Heritage is the whole set of material documents put together in years, that compose a city or part of it, an urban landscape or a non built environment, a series of evidences, etc. that are worth the conservation and preservation. Cultural Heritage is also the set of oral and written evidences of a population or of a single person (e.g. farmers’ culture) that have historical interest and thus represent a document. Cultural Heritage is the set of goods that have a high historical importance, that are of public interest and compose the richness of a place and of that population.

The Estonian Heritage Conservation Act defined the historical monuments as a “movable or immovable, a part thereof, a body of things or an integral group of structures under state protection which is of historical, archaeological, ethnographic, urban developmental, architectural, artistic or scientific value or of value in terms of religious history or of other cultural value and due to which it is designated as a monument pursuant to the procedure provided for in Heritage Conservation Act”.

According to the Ancient Monuments Preservation Act 1904, “ancient monument” means any structure, erection or monument, or any tumulus or place of interment, or any cave, rock-sculpture, inscription or monolith, which is of historical, archaeological or artistic interest, or any remains thereof, and includes—

- a) The site of an ancient monument;
- b) Such portion of land adjoining the site of an ancient monument as may be required for fencing or covering in or otherwise preserving such monument; and
- c) The means of access to and convenient inspection of an ancient monument

Emergence of Concept of Preservation

The destruction and looting of cultural heritage has been intertwined with conflict for thousands of years. To steal an enemies’ treasures, defile their sacred places and burn their cities has been part of war throughout history. And sadly, in the modern battlefields of the ancient world, in Syria, Iraq, Afghanistan, Egypt, and elsewhere, it continues to this day.

The Colosseum in Rome, for example, was built using spoils from the sack of the Temple of Jerusalem in AD 70. Many of the Louvre’s collections were “acquired” by Napoleon while rampaging through Europe (albeit later returned). In fact, much of Napoleon’s collection of war booty – acquired during his failed campaign in Egypt – was declared forfeit by the British victors and given to the British Museum under the Treaty of Capitulation of 1801. The Rosetta Stone, which famously enabled the deciphering of the ancient Egyptian

hieroglyphic script, was acquired through this treaty and is still on display there today.

Enter the Monuments Men. In 1943, the Allied forces approved the formation of a new unit: the Monuments, Fine Arts and Archives Commission (MFAA). For the first time in history, armies went into the field with officers dedicated to protecting art and monuments during the conflict. It was going to be a tough job. Entire historic quarters in cities such as Warsaw were demolished in days and the artistic treasures of Europe were vanishing.

Just 345 men and women, with no dedicated resources, were tasked with protecting historic buildings, monuments, libraries and archives across the whole of Europe and North Africa. Most were museum staff, art historians, scholars and university professors, yet their success was incredible. They found and returned more than five million stolen objects and artworks and ensured the protection of numerous buildings, often using no more than their own ingenuity.

A part of their story is told in the film, *Monuments Men*, based on author Robert Edsel’s book of the same name, by the Monuments Men Foundation, and also in the book and ensuing film *The Rape of Europa*. In 1951, the MFAA was disbanded as politicians drafted the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, followed by the First Protocol in 1954 and the Second Protocol in 1999 (which extended and clarified the original tenets).

The concept of preservation when it first emerged as far back as the 19th century, was concerned mainly with the world’s historical assets. Although the terminologies associated with preservation has varied over the last two centuries, it evolved from the principle of conservation espoused in the theory of Eugene Emmanuel Viollet-le-Duc a renowned French restoration architect and writer who set up a movement in the 1830s to restore medieval buildings and who was also commissioned in this period to restore Notre Dame and other important historic structures throughout Paris.

Importantly, the essential principles and the implications of Viollet-le Duc’s movement towards conservation in terms of “defining the history of a building and returning it to its original character”^[3], has basically remained unchanged. However, a further evolution of this concept occurred with the development of scientific methods and its influence on historic research. As such, historic accuracy and authenticity then became an ideal and this notion was further strengthened when the League of Nations established the International Institute for Intellectual Cooperation (IIIC). Among the bureaus of the IIIC, was the International Office of Museum (IOM) which was responsible for bringing together leading experts in the fields of conservation and restoration of monuments and sites to resolve differences that came out of World War 1 and to arrive at internationally accepted principles of cooperation concerning conservation.

In the aftermath of World War 2, when the United Nations Educational, Scientific and Cultural Organisation (UNESCO) was founded, it took over many of the IIIC’s responsibilities. It seemed however that it was at this juncture that the

³ Iser, Yudhishthir Raj, ed. “The Challenge to Our Cultural Heritage: Why Preserve the Past?”, Smithsonian Institution Press, Washington, 1986.

importance of preserving the world's cultural heritage, was recognised and included in the mandate of the newly formed UNESCO. Notably, part of the responsibility of this new organisation as set out in Article 1 of the UNESCO constitution was to: "Maintain, increase and diffuse knowledge; by assuming (inter alia) the conservation and protection of the world's inheritance of books, works of art, and monuments of history and science and recommending to the nations concerned the necessary international conventions [4]"

Between 1950-1970s, various countries across the globe have adopted major conventions, recommendations and charters for the protection of cultural heritage through UNESCO. A number of these are as follows:

- Hague Convention for the Protection of Cultural Property in the Event Of Armed Conflict- 1954
- International Charter for the Conservation and Restoration of Monuments and Sites- 1964
- The Convention on the Means of Prohibiting and Preventing Illicit Import, Export and Transfer of Ownership of Cultural Property- 1970
- The Convention Concerning Protection of the World Cultural and Natural Heritage- 1972

Among the myriad of conventions and charters, the Convention Concerning Protection of the World Cultural and Natural Heritage has enjoyed the most success, since it has been ratified by more than 85% of UNESCO's member states. It has been said that the ratification of this Convention by member states in UNESCO complements heritage conservation programmes at the national level. UNESCO's Intergovernmental Committee for the Protection of the World Cultural and Natural Heritage in its operational guidelines for the implementation of the World Heritage Convention in 1972 recognised that: "The cultural and natural heritage are among priceless and irreplaceable possessions, not only of each nation but of mankind as a whole. The loss, through deterioration or disappearance of any of these most prized possessions, constitute an impoverishment of the heritage of all peoples of the world."

Despite the initiatives during the period of the 1950s to the 1970s, it should be noted that preservation/conservation interests have proliferated in our own time because of the intensification of following forces:

- Resurgent tribal and local loyalties require the reaffirmation of symbolic links with the material past
- Pace of technological change
- Radical modernization of the built environment
- Speed of material obsolescence
- Migration to new homes
- Greater longevity which results sometimes in leaving us in ever less familiar environments

Evolution of Preservation of Monuments in India

The principles of preservation and monument making, as they are known in India today—that is, state-driven, bureaucratically controlled, and centralized— were introduced under British rule. Throughout the entire period of the rule of

the East India Company from 1765 to 1858 little more than sporadic attempts were made by the company to preserve historical structures. These efforts were largely limited to the heartland of the former Mughal Empire in Delhi and Agra and, as recent research suggests, had much to do with the efforts of the company to legitimize its rule as the natural successor of the Mughal rulers of India.

The real impulse of a frenetic phase of state-driven conservation came with the appointment of George Nathaniel Curzon, Marquess Curzon of Kedleston, or Lord Curzon (1859–1925) to the office of Viceroy of India, which he held from 1899 to 1905. As has been adequately documented, Curzon not only had a deep interest in preserving India's architectural heritage, he saw this as the fundamental, divinely ordained duty of the colonial government and thus outlined a clear line of archaeological policy to be pursued by the state [5]. In addition to using India's pre-colonial, Mughal public buildings to stage elaborate imperial rituals of state power, and vigorously insisting on the employment of the so-called Indo-Saracenic building style in order to create the illusion of British rule in India as a natural and legitimate successor to Mughal rule [6], he also radically restructured the department of archaeology. This last included a centralized department of archaeology and appointing a Director-General of Archaeology who would be responsible for this centralized policy and its implementation [7]. The man chosen for the position was a young scholar of the classics and archaeology, aged twenty five and with no previous experience of, or family history related to, India. Nevertheless, he was the personal choice of the viceroy, who wished to entrust the task of India's monument management to a scholar of the classics and European archaeology rather than a philologist and orientalist. That man, of course, was John Marshall [8]. Curzon also dramatically increased the government's expenditure on archaeology and succeeded in passing the Ancient Monument Preservation Act in 1904 [9].

Despite these measures, what remained unclear was the precise way in which preservation should be undertaken,

⁵ See, for example, the many speeches of Curzon on the subject, both in India and in Britain. Probably the most famous, and certainly most often quoted of these is the speech he gave to the Asiatic Society of Bengal in 1900, in which he rather grandly proclaimed that India's ancient, religious architecture was "a part of the heritage which Providence has committed to the custody of the ruling power." Lord Curzon, Speech before the Asiatic Society of Bengal, 7 February, 1900.

⁶ On Curzon's attempts to use India's architectural heritage for staging imperial power (Metcalf, Thomas R., *An Imperial Vision: Indian Architecture and Britain's Raj*, 2002, Oxford University Press, New Delhi).

⁷ For the restructuring of archaeology by Lord Curzon (Chakrabarti, Dilip K., *A History of Indian Archaeology from the Beginning to 1947*, Munshiram Manoharlal, New Delhi, 2001, p.122; Roy, Sourindranath, *The Story of Indian Archaeology, 1784–1947*, Archaeological Survey of India, New Delhi, 1996.).

⁸ On the background to Marshall's appointment, see Lahiri, Nayanjot, "John Marshall's Appointment as Director General of the Archaeological Survey of India: A Survey of the Papers Pertaining to his Selection", *South Asian Studies*, Vol. 13, 1997, pp. 127–139.

⁹ For instance, in 1898–1999, the total expenditure of the Government of India and all provincial governments on archaeology was a total of £7,000 a year; by 1904, this had gone up to £37,000. IOL, IOR/L/PJ/6/674 File 803, President of the Council of the Governor General, or Viceroy Curzon, 18 March 1904, Proceedings of the Legislative Council, Ancient Monuments Preservation Act, Act VII, 1904, Judicial and Public Dept.

⁴ Ibid.

which as late as the early twentieth century remained ad hoc and unregulated. Curzon's early response to the way in which the colonial state in India went about the task was unequivocal: "[...] there is neither principle nor unity in conservation or repair, while from time to time horrors are still committed that make the student shudder and turn grey"^[10]. The appointment of John Marshall, with his experience of working in Crete, Turkey, and Greece, was expected to change all this. Marshall himself tried to define the task that the Director-General of Archaeology in India should undertake: the most important of his functions is to secure that the ancient monuments of the country are cared for, that they are not utilized for purposes which are inappropriate or unseemly, that repairs are executed when required, and that any restorations, which may be attempted, are conducted on artistic lines^[11].

But what were the principles of preservation that Curzon and Marshall were referring to? Curzon's choice of the terms "conservation or repair" is an unwitting reference to what was a central issue in the debate on preservation that had been going on in Britain and Europe for the better part of the nineteenth century, i.e. how were the material remains of the past to be presented to the present? Were they, with the help of modern technology, to be restored to their original form? Or should they be conserved in the state of decay or ruin that they were in, in order to preserve their historical authenticity? These were the questions that John Marshall sought to address in his Conservation Manual and in his dealings with the Society for the Protection of Ancient Buildings (SPAB).

Long before the manual was published in 1906, John Marshall brought out a shorter and less ambitious version called *Conservation of Ancient Monuments: General Principles for the Guidance of Those Entrusted with the Custody of and Execution of Repairs to Ancient Monuments*. In this pamphlet, Marshall spelt out the precedence that preservation should take over restoration. "Officers charged with the execution of the work of repair," Marshall wrote, "should never forget that the reparation of any remnant of ancient architecture, however humble, is a work to be entered upon with totally different feelings from a new work or from the repairs of a modern building. Although there are many ancient buildings, whose state of disrepair suggests at first sight a renewal, it should never be forgotten that their historical value is gone when their authenticity is destroyed, and that our first duty is not to renew them but to preserve them"^[12].

It is fairly evident from these remarks that the principles of preservation of ancient structures that Marshall was articulating stemmed from a philosophy of preservation and heritage management that had become dominant in Victorian Britain and large parts of Western Europe by the late nineteenth century^[13]. The conservation movement began to

exercise increasing influence on prominent architectural and antiquarian bodies of Victorian England, such as the Society of Antiquaries and the Royal Institute of British Architects (RIBA). In 1877, at William Morris's (influential intellectual and thinker) initiative the movement got its own learned society, the Society for the Protection of Ancient Buildings, also known as the Anti-Scrape Society. The SPAB was rooted in the Arts and Crafts movement, and came to stand for a particular notion of aesthetics which held that the value of historical buildings lay in their age, in the continuity of material over time, and that the aesthetics of old structures was to be found in their age^[14].

Against the prevailing trends of Gothic Revival and energetic church restoration undertaken, especially by the parishes and defended by restoration architects such as George Gilbert Scott as befitting places of worship in the mid-nineteenth century younger architects, antiquarians, and preservationists, usually members of the SPAB, began to militantly assert that the worth of old buildings and structures lay in their age and beauty. Some architects, such as John James Stevenson emphasized that an important purpose for engaging with old buildings was antiquarian research and that churches, for example, were merely records of history^[15]. So steady was the growth in influence of the preservation movement that by the end of the nineteenth century opposition to restoration or any attempt to 'de-historicize' ancient buildings had become the most prevailing trend in thinking about built heritage.

Why Protect Monuments: A Cultural Property?: Case Study

Monuments as cultural property have unfortunately played a part in conflict throughout history. Some notable examples include the 2001 destruction of the Bamiyan Buddha statues^[16] by the Taliban, which dated back to the pre-Islamic era of Afghanistan. The Taliban, despite international pleas to stop their atrocious behavior, stated that while they were part of the cultural heritage of Afghanistan they contradicted Islamic beliefs^[17]. In the last few years, the violence in the ongoing conflict in Syria has taken a heavy toll on the ancient cities of

Cambridge, Cambridge, 2007. Forthcoming as *The Rise of Heritage. Preserving the Past in France, Germany and England, 1789–1914*.

¹⁴ Miele, Chris, "Conservation and the Enemies of Progress?" In William Morris, *Building Conservation and the Arts and Crafts Cult of Authenticity 1877–1939*, edited by Chris Miele, Yale University Press, New Haven, 2005, pp. 1-29.

¹⁵ Davies, Reginald W. J., "The Preservation of Ancient Monuments", Royal Institute of British Architects (RIBA), 1913, unpublished manuscript.

¹⁶ It should be noted that the statues were "inscribed" on to the "List of World Heritage in Danger" by UNESCO in 2003. Once a country signs the Convention, and has sites inscribed on the World Heritage List, the resulting prestige often helps raise awareness among citizens and governments for heritage preservation. Greater awareness leads to a general rise in the level of the protection and conservation given to heritage properties. A country may also receive financial assistance and expert advice from the World Heritage Committee to support activities for the preservation of its sites. More information on the Bamiyan Buddhas and UNESCO can be accessed at: <http://whc.unesco.org/en/list/208>

¹⁷ Rashid, Ahmed, "After 1700 years, Buddhas fall to Taliban dynamite", *The Telegraph*, March 12, 2001. Available at: <http://www.telegraph.co.uk/news/worldnews/asia/afghanistan/1326063/After-1700-years-Buddhas-fall-to-Taliban-dynamite.html>.

¹⁰ Roy, Sourindranath, *The Story of Indian Archaeology, 1784–1947*, Archaeological Survey of India, New Delhi, 1996.

¹¹ Chakrabarti, Dilip K., *A History of Indian Archaeology from the Beginning to 1947*, Munshiram Manoharlal, New Delhi, 2001, p.122.

¹² Marshall, John, *Conservation of Ancient Monuments: General Principles for the Guidance of Those Entrusted with the Custody of and Execution of Repairs to Ancient Monuments*, Government Press, Shimla, 1906, pp.3-4.

¹³ Swenson, Astrid, "Conceptualising 'Heritage' in 19th and Early 20th-Century France, Germany and England", PhD dissertation, University of

Aleppo ^[18] and Damascus ^[19]. While these situations are different in terms of the conflict classification analysis involved (Syria is still considerably under debate), the situations are similar with regard to the destruction of cultural property. Is cultural property protected under international law? Yes. There seems to be multiple conventions that discuss the protection of cultural property (both moveable and immovable).

Let's take an example of the destruction of the statue of Bamiyan Buddha in Afghanistan in 2001. In March 2001, the statues were destroyed by Mullah Omar of the Taliban following a decree issued by him. The Taliban supreme leader Mullah Omar explained why he ordered the statues to be destroyed in an interview: "I did not want to destroy the Bamiyan Buddha. In fact, some foreigners came to me and said they would like to conduct the repair work of the Bamiyan Buddha that had been slightly damaged due to rains. This shocked me. I thought, these callous people have no regard for thousands of living human beings -- the Afghans who are dying of hunger, but they are so concerned about non-living objects like the Buddha. This was extremely deplorable. That is why I ordered its destruction. Had they come for humanitarian work, I would have never ordered the Buddha's destruction ^[20]."

Soon after the Mullah's decree, there was a predictably deafening international outcry and the international community appealed to the Taliban regime to see reason. The director general of the U.N. Educational, Scientific and Cultural Organization (UNESCO) Koichiro Matsuura called the destruction a "...crime against culture. It is abominable to witness the cold and calculated destruction of cultural properties which were the heritage of the Afghan people, and, indeed, of the whole of humanity ^[21]."

Situated at an important junction on the ancient Silk Route, Afghanistan in general has come to acquire a unique composite cultural heritage reflecting a history underscored by a diversity of influences of Persia, Greece, Hinduism, Buddhism and Islam. However, many of the tangible treasures of this heritage, including the Bamiyan Buddhas, have suffered the onslaughts of conflicts and disasters. The priceless collections of historical treasures at the Kabul museum came under attack in 1995 and 1996 and were subjected to theft and vandalism. The Afghan people have been rightly proud of their cultural heritage. The fact that the Afghan rulers (including Timurides) respected and protected the cultural heritage of their land for the past 1,500 years speaks volumes about their patriotism, and cultural values.

Can a ruling regime in a country vandalise and destroy so wantonly the treasures of its cultural heritage? Are there international norms against such historically irresponsible and morally reprehensible conduct of a state?

Professor V. S. Mani, Pro Vice-Chancellor and Director of the

School of Law, Jaipur National University and former President of the Asian Society of International Law (2011-2013), the legal luminary expressed serious concern on the damage that is today being caused to, what he calls, the "prized cultural heritage of the entire world" and the manner in which these "monuments are directly attacked".

According to him, the sovereignty of a state within its territory is no longer "exclusive and absolute". It is subject to international law. A state undertakes international obligations under treaties or under general international law. The totality of these obligations determines the permissibility or otherwise of a state action. The argument that the above cultural properties are situated within the territory of Afghanistan and belong to the state of Afghanistan is not good enough for the Taliban to escape international legal accountability. The Taliban must show that its conduct is not inconsistent with any applicable international obligations to which Afghanistan, like any other country, is subject ^[22].

There are at least three categories of international obligations, which Afghanistan must respect in this regard. They relate to (a) international humanitarian law applicable in international armed conflicts (the Afghan situation has not been an 'internal' armed conflict, pure and simple, as it has had foreign participants); (b) obligations specifically relating to protection of cultural property; and (c) obligations emanating from international human rights law ^[23].

International humanitarian law, perhaps a forerunner of the contemporary human rights law, has always sought to 'humanise' warfare by endeavouring to strike a balance between the principles of humanity and the requirements of military necessity, although the balancing act has often been left to the commander in the field to implement ^[24]. Article 27 of the Hague Regulations on the Laws and Customs of War, 1907 (following a similar provision in their 1899 version), clearly obligates a party to an armed conflict to take "all necessary steps... to spare, as far as possible, buildings dedicated to religion, art, science, or charitable purposes, historic monuments... provided they are not being used at the time for military purposes." It is this time-honoured provision that paved the way for the eventual adoption, at the initiative of UNESCO, of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, in 1954. All that the 1954 convention does is to elaborate the 1899-1907 Hague principle of protection of cultural property. Thus, the principle of protection of cultural property is deeply embedded in international humanitarian law, regardless of whether a state is a party to the 1954 treaty. The Taliban cannot escape a customary law obligation by saying that Afghanistan is not a party to the 1954 treaty. Afghanistan's non-party status has relevance only with regard to the role of UNESCO in procedural implementation of the treaty ^[25].

The general treaty law relating to cultural property is embodied in the UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage, 1972,

¹⁸ UNESCO inscription 1986, World Heritage in Danger inscription 2013. Available at <http://whc.unesco.org/en/list/21>

¹⁹ UNESCO inscription 1979, World Heritage in Danger inscription 2013. Available at <http://whc.unesco.org/en/list/20>

²⁰ Mohammad Shehzad, "The Rediff Interview-Mullah Omar", *The Rediff*, Kabul 3rd March, 2001.

²¹ "U.N. Confirms Destruction of Afghan Buddhas", *ABC News*, 12th March, 2001.

²² Prof V.S. Mani, "Bamiyan Buddha and International Law", *The Hindu*, 6th March, 2001.

²³ *Ibid.*

²⁴ *Ibid.*

²⁵ *Ibid.*

to which Afghanistan became a party in 1979^[26]. The purpose of this treaty was to recognise that all countries have an obligation to protect the “cultural and natural heritage of outstanding universal value” and that to that end there was a need to evolve a cooperative international framework to make resources available to countries where the property is situated. The treaty defines “cultural heritage” in terms of “monuments”, “groups of buildings”, or “sites”. Cultural heritage “monuments” would encompass “architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave-dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science.” (Article 1: similar definitions follow in the same provision on “groups of buildings”, and “sites”). Article 4 of the treaty imposes on each state party “the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage... situated on its territory.”

While it is the primary duty of each state party in whose territory the heritage is situated, the treaty also recognises “the duty of the international community as a whole”, to cooperate and assist the former if called upon (Article 6). Thus, India was merely seeking to perform its part of the duty under the treaty, when it offered to take over the Afghan heritage treasures and bring them to India, an offer that the Taliban rejected outright. Afghanistan has already been a recipient of international assistance in this regard^[27].

How does one enforce the law against the Taliban? Here is a case of a nearly decade-long armed conflict with a mix of terrorism, both domestic and international, and international arms and drug trafficking. Prof V.S. Mani would not be averse to any coercive action by the Security Council based on its assessment of the situation vide Article 39 of the U.N. Charter, provided, of course, it is all based on international consensus. Prof Mani emphasized on the need for consensus, for that is perhaps the only way a U.N. action can be legitimised. He also emphasized the need to protect cultural property around the globe given that in contemporary armed conflict we increasingly witness the targetting of monuments, places and structures of cultural significance.

“The protection of cultural property is governed by several legal instruments. In each conflict one has to see which of the instruments have been ratified to determine the level of protection cultural property should be afforded. The 1907 Hague Regulations have become part of customary law and are binding on all states. The provisions relating to cultural property, namely, Articles 23(g) and 56 are therefore applicable to all states in an international armed conflict^[28].” Beyond the 1907 Convention, there was the Hague Convention in 1954 and then the Second Protocol to the Hague Convention of 1954 for the Protection of Cultural

Property in Armed Conflict 1999^[29] (“Second Protocol”). The Second Protocol was adopted in response to the gaps contained within the 1954 Convention. The main crux of the Hague Conventions is to prevent the destruction of cultural property and artifacts during war, including eliminating the use of cultural property as a weapon of war^[30]. Beyond the treatment of cultural property in war, the Second Protocol states that Prosecution is warranted when there is a violation of the conventions. Beyond these specific conventions, crimes relating to cultural property can also be found in the ICC Rome Statute (“Statute”).

Why, amongst the many horrors of war, most particularly the great suffering and loss of life, should humanity care about the fate of objects and buildings? In fact, the argument for protecting cultural property in wartime has both ethical and practical foundations.

Museum conservator and Monument Man George Stout wrote in 1942: “As soldiers of the United Nations fight their way into lands once conquered and held by the enemy, the governments of the United Nations will encounter manifold problems...In areas torn by bombardment and fire are monuments cherished by the people of those country sides or towns: churches, shrines, statues, pictures, many kinds of works. ...To safeguard these things will not affect the course of battles, but it will affect the relations of invading armies with those peoples and [their] governments....To safeguard these things will show respect for the beliefs and customs of all men and will bear witness that these things belong not only to a particular people but also to the heritage of mankind^[31].”

Stout explains the ethical importance of respecting cultural property. “We should not protect ancient manuscripts and statues simply because they are beautiful or historic buildings of worship because they serve as a gathering place for the faithful; we must understand them to be part of the culture and history of a people. In a time in which Hitler was attempting to destroy a people and conquer many cultures, to show respect for the cultures and the symbols of others was to fight for the liberation of Europe in another, meaningful way. What’s more, these objects do not belong solely to the people who cherish them^[32].” Stout argues that they also belong to “the heritage of mankind.” This recognition that the symbols of one civilization are also part of the history of all mankind is an idea that has been further embraced and recognized post-World War II and has become an integral part of the ethical argument for protecting culture in conflict.

As Irina Bokova, Director-General of UNESCO, wrote in a 2012 article on the importance of preserving embattled states’ cultural heritage, “This [the destruction in Syria] is a loss to all humanity. Some cultural sites have an outstanding universal value—they belong to all and must be protected by all. Let’s be clear. We are not just talking about stones and

²⁶ K. Warikoo, *Bamiyan: Challenge to World Heritage*, Pentagon Press, 2004, p.130.

²⁷ Prof V.S. Mani, “Bamiyan Buddha and International Law”, *The Hindu*, 6th March, 2001.

²⁸ The Protection of Cultural Property in Armed Conflict, ASSER Institute. Available at: http://www.asser.nl/default.aspx?site_id=9&level1=13336&level2=13374&level3=13459.

²⁹ Protocol text. Available at: http://portal.unesco.org/en/ev.php-URL_ID=15207&URL_DO=DO_TOPIC&URL_SECTION=201.html.

³⁰ Maas, Peter, “Cultural Property and Historical Monuments, Crimes of War”. Available at: <http://www.crimesofwar.org/a-z-guide/cultural-property-and-historical-monuments/>.

³¹ Edsel, Robert M. and Witter, Bret, *Monuments Men: Allied Heroes, Nazi Thieves and the Greatest Treasure Hunt in History*, Arrow Books, the Random House Group, London, 2010, p.23.

³² Ibid.

building. This is about values, identities and belonging [33].”

In addition to the ethical foundations for protecting cultural property, there are several very practical arguments for the benefits of doing so.

1. The loss of cultural property is not only a loss to the heritage of mankind, but also to the better understanding of that heritage. As Rodrigo Martin, a heritage expert monitoring the damage to Syria’s sites, expressed it, “[t]he destruction of things that have not been studied is like burning pages in the book of history [34].” Archaeologists can recover stolen artifacts, but as Colonel Matthew Bogdanos, leader of the U.S. investigation into the 2003 looting of the Iraq Museum, explains, without the context of the item, little can be learned about the civilizations that came before us. This limits our educational resources and collective knowledge of the past [35].
2. The destruction or looting of sites and objects of cultural significance, especially when intentional, can create lasting resentments and obstacles to peace. As Bokova writes, “[d]estroying culture hurts societies for the long term... Warlords know this. They target culture because it strikes to the heart and because it has powerful media value in an increasingly connected world. We saw this in the wars in the former Yugoslavia, where libraries were often burned first [36].” When the deliberate destruction of cultural property is linked with genocide or ethnic cleansing, such as the intentional destruction of mosques in Kosovo, it is easy to understand why resentment would endure. To protect cultural property is a way to avoid one more obstacle to peace.
3. Even when cultural property losses are not linked to genocide, the issue of repatriating and restituting looted objects of cultural property remains expensive, contentious, and legally complex. For example, amongst the “trophy of war” removed by the Soviet Union in World War II were books of important cultural value to Hungary. The books were not returned until 2006, after years of negotiation. Similarly, reconstruction of cultural heritage sites, if even possible, is a long-term process that can be extremely controversial and expensive. Afghanistan’s Bamiyan Buddhas, destroyed by the Taliban in 2001, are a case in point.
4. In certain circumstances, the theft of cultural property can fuel further conflict. As Bogdanos writes, “things have become even more troubling—when tracking down terrorists, we now find antiquities...” Bogdanos notes that antiquities trafficking provide a source of funding for insurgents in Iraq, and one must be concerned that this trend could continue in other conflict zones [37].

³³ Ibid.

³⁴ Mollick, Jennifer Otterson, “The Fate of Cultural Property in Wartime: Why it Matters and What Should Be Done”, *Carnegie Council for Ethics in International Affairs*, 17th September, 2013.

³⁵ Chmelenko, Yuliya, “The Plundering of Iraq’s National Museum: What Really Happened?”, *Oriental Review*, 18th July, 2010.

³⁶ Khoday, Amar, “War Crimes and Cultural Property – Recent Events at the International Criminal Court”, *Robson Crim Legal Blog*, 25th August, 2016.

³⁷ Mollick, Jennifer Otterson, “The Fate of Cultural Property in Wartime: Why it Matters and What Should Be Done”, *Carnegie Council for Ethics in International Affairs*, 17th September, 2013.

Now, let’s talk about India. With a civilization dating back to 3200 BC and being the birth place of four major religions, namely, Hinduism, Buddhism, Jainism and Sikhism, while Islam and Christianity came with empires that ruled this land for centuries, India is the site of thousands of historical monuments. All the preceding civilizations have left their historical imprint on the country, from temples to palaces and stupas to mosques. Despite such an ancient civilization, with vast reserves of monuments and architectural geniuses, the practice of heritage conservation was brought to India by the British, with the introduction of the Ancient Monuments Preservation Act, 1904. In the present day context, according to the Article 51 A(f) of the Constitution of India, “it shall be the duty of every citizen of India to value and preserve the rich heritage of our composite culture”. The question, however, is: “are we, as citizens of this country, abiding by the Constitution Duty?” Are these monuments being protected? Are the laws and regulations to protect and preserve these monuments adequate? If there are laws then, are they being enforced by the authorities? What are the hurdles that the authorities face in this process? Has the issue of conservation of heritage monuments been able to catch the fancy of common people? What are the steps that can be taken to preserve the historical and heritage monuments of this land? India has an extraordinary, vast and diverse pool of cultural heritage and ancient monuments in the form of buildings and other archaeological sites and remains. The sheer number of these historic heritages is astounding. And the fact that these monuments are the reminiscence of the living witnesses of the golden historic era of over a thousand years and of the pre-independence battles, they carry a special and a well-deserved respect in the eyes of the Indians. They are the epitome of courage, stand testimony to the evolution and are a symbol of cultural expressions.

In order to have a comprehensive understanding of the conservation of heritage monuments, one needs to first explore the meaning of the terms, heritage, conservation, and monuments. According to the dictionary, the word heritage refers to legacy. Heritage thus, belongs to mankind as a whole and has an important role to play in the shaping up of people’s cultural identity. The term conservation, in the context of heritage monuments, can be described as a practice that amounts to protection and augmentation of the cultural and traditional value of any monument or building. Moreover, conservation here should be understood from the point of view of economic interest as well as cultural interest and value. According to Section 2 (a) of The Ancient Monuments and Archaeological Sites and Remains Act, 1958, the meaning of the term ancient monuments includes any structure, erection or monument, or any tumulus or place of interment, or any cave, rock sculpture, inscription or monolith, which is of historical, archaeological or artistic interest and which has been in existence for not less than one hundred years [38]. Moreover, it includes the remains of an ancient monument, the site of an ancient monument, such portion of land adjoining

³⁸ The Ancient Monuments and Archaeological Sites and Remains Act 1958. The Act came into force on 15th October, 1959, vide Notification S.O. 2307, Gazette of India, Extraordinary Part II, Section 3, Sub-section (ii) 15th October, 1959.

the site of an ancient monument as may be required for fencing or covering in or otherwise preserving such monument, and the means of access to, and the convenient inspection of an ancient monument. Section 2 (j) of the article defines protected monuments as an ancient monument which is declared to be of national importance by or under this Act [39].

Based on the above definition, INTACH (The Indian National Trust for Art and Cultural Heritage), a private NGO (non-governmental organization) based in New Delhi, estimates 70 000 odd historical monuments across the length and breath of this country [40]. There are other estimates, which say that there are 100 000 plus monuments in India. The country's main heritage conservation body ASI (Archaeological Survey of India), established in 1861, declares 5 000 odd monuments out of 70 000 as protected monuments. The ASI is solely responsible for the structural conservation, chemical preservation, and protection of these monuments. The various state departments of archeology have identified an equal number of monuments for protection and preservation. The rest of the monuments across the country, which amount to more than 50 000 have as yet gone completely unprotected! Even the fate of those that are overtly protected either by ASI or by the various state archaeological departments is highly uncertain. The reasons are varied and complex without any easy answers [41].

Fate of unprotected monuments

The biggest problem that these monuments face are encroachment, expanding urban space, climatic changes as well as limited functioning of the ASI and other authorities. In Delhi itself there are about 1200 monuments. According to figures provided by INTACH, only 174 of these 1200 come under the umbrella of protected monuments and are taken care of by the ASI or the Delhi state Department of Archeology. Many of the unprotected monuments in the capital have turned into living quarters. A 600-year-old Lodi era tomb was recently reported to having been converted into living quarters, right in the heart of the city. A family had been living in this tomb for three generations, no less! According to ASI officials, they had completely turned the ancient monument into private living quarters with no regard for its heritage status; the walls inside the gumbad had been painted white in several places; the facade is broken and in urgent need of attention. After the encroachment was finally removed by the ASI, this 15th century tomb, standing on a 4.35 metre high terrace and made of random rubble masonry, has been given the highest archaeological value by INTACH.

In the month of March, the Times of India carried out a story of encroachment in Atgah Khan's tomb located in the Nizamuddin dargah area of New Delhi. The 16th century mausoleum of Atgah Khan, husband of one of Akbar's wet nurses, Ji Ji Angah, rated as "A" by INTACH in terms of heritage value has been encroached upon by 12 families [42].

³⁹ Ibid.

⁴⁰ "Environment Chronicles: the best of TerraGreen, The Energy and Resources Institute", *TERI*, 1st January, 2011, p.115.

⁴¹ Ibid.

⁴² Verma, Richi & Lalchandani, Neha, "At home in Akbar-era ASI-protected tomb", *Times of India*, 5th March, 2009, p.1.

According to ASI officials, a strategy is being worked out to remove the families and rehabilitate them elsewhere. "We have been unable to evict the occupants till now as they have been extremely hostile. But now we have been able to communicate with the families and they are more open to leaving the area", said an ASI official. Similar stories of encroachment pour in almost everyday.

It is for the protection and preservation of such unprotected monuments that NGOs such as INTACH step in. INTACH, set up in the year 1984, works for the preservation and protection of unprotected monuments, cultural heritage, and awareness building on such issues [43]. INTACH has shortlisted a number of monuments across the country and has helped preserve them. Over the last two decades, with a growing network of 140 voluntary chapters spread across the country, INTACH has documented and listed nearly 65,000 monuments and sites across 150 cities in 23 states. One of the best known conservation cases is the plan prepared by INTACH for the thousand-year-old Mangyu Monastery in Ladakh. The body undertook partial restoration of the monastery supported by the Department of Culture, Government of India. In 2006, the roof and wall paintings were restored. The Architectural Heritage Division of INTACH prepared similar conservation plans for the Jagajit Palace in Kapurthala and Sheesh Mahal in Patiala and is in the process of preparing another plan for the Old Moti Bagh Palace in Patiala. In 1996, World Monuments Watch listed the Jaisalmer Fort as one of the 100 most endangered sites in the world. INTACH has been running a variety of conservation and restoration projects, as part of the Jaisalmer Conservation Initiative. The INTACH project includes restoration of Rani Ka Mahal, setting up of art and craft training centres, theatre workshops, and so on. These illustrations brings home the fact that if on one side we have dilapidated monuments due to sheer neglect on the part of the concerned authorities and common people, on the other hand we have organizations like INTACH, addressing the cause of conservation with renewed passion.

Sanjay Jain is however of the opinion that though organizations such as INTACH are working and doing a good job, yet the structure and functioning of these organizations are always under suspicion [44]. They are elite, ivory-tower institutions, lacking transparency and without any accountability.

The Archaeological Survey of India (ASI) describes ancient monument as "*Ancient Monument means any structure, erection or monument, or any tumulus or place of interment, or any cave, rock-sculpture, inscription or monolith which is of historical, archaeological or artistic interest and which has been in existence for not less than 100 years*" [45]. Some of these ancient heritages include The Taj Mahal, Agra; Qutub Minar, Delhi; Tomb at Sikandara, Qutb Minar, Sanchi and Mathura; Ajantaa and Ellora Caves, Nasik, Maharashtra; The Jantar Mantar, Delhi, Jaipur; The Red Fort, Delhi; The Charminar, Hyderabad and others. There are about a thousand

⁴³ "Monumental Loss: Are We Losing Our Historical Heritage?", April 2009. Available at http://terragreen.teriin.org/popup.php?section_id=243&category_id=1.

⁴⁴ Ibid.

⁴⁵ Ibid.

more such places spread all over India. Also included are other palaces, forts, epigraphs, coins, drawings, architecture, wells and sculptures.

Most of the sculptures in historic temples and tourist places have been damaged by vandals and inscribed gold/silver/bronze idols have been taken out of the country, the epigraphs are vanishing during construction of additional facilities in old temples and mindless applying of fresh coat of paint during renovation. Some monuments have gone missing due to encroachment, granite quarrying and construction of dwelling units near the temples and collapse of fort walls.

For the maintenance of ancient monuments and archaeological sites and remains of national importance the ASI has divided the entire country into 24 Circles. The ASI has a large work force of trained archaeologists, conservators, epigraphist, architects and scientists for conducting archaeological research projects. Earlier a lot of laws and acts had been passed by the government to protect these monuments, but major of them were done on structures that were beneficial to the contemporary society. Also, the work that was carried out had a dearth of funds, enthusiasm and awareness. Later, the 'Ancient Monuments and Preservation Act, 1904' was passed with the prime objective to ensure the proper upkeep and repair of ancient buildings in private ownership excepting such as those used for religious purposes ^[46]. Under this program, the conservation work is carried out in three main broad categories ^[47]:

1. **Chemical Preservation** – The ASI's Science Branch is responsible mainly for the chemical conservation treatment and preservation of some three thousand five hundred ninety-three protected monuments besides chemical preservation of museum and excavated objects countrywide. The main aim of the Science Branch includes – Material deterioration process, basic studies of intervention technologies, basic studies on materials and diagnostic technologies.
2. **Structural Conservation** – The workers in the field are acquiring cumulative knowledge of several generations and gaining expertise on the ways to improve and stabilize the structures by maintaining their pristine looks. The structures are given additional strength and reinforced to undo the harms done by pollution, acid rains, and other chemicals over the years. The foundations are so improved so as to make these structures natural-disasters resistant.
3. **Contemporary Awareness Program**– The citizens of India in general and students in specific are being roped in by the government to spread awareness and advertise about the preservation of the heritage. Many seminars are being organized every year where the students are lectured not only about the basic steps each can take individually on this issue but also are made familiarized with the amount of money, time, expertise and labour that goes into protecting these structures via chemical and other methods.

According to section 3 of the Ancient Monuments, Sites and Remains Act 1958, all ancient and historical monuments and all archaeological sites and remains which had been declared

by the Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Act, 1951 or by Section 126 of the State Re-organisations Act, 1956 to be of national importance shall be declared to be of national importance ^[48]. The Act stated that protected monuments should be the ancient monument and archaeological sites and remains which are of historical, archaeological or artistic interest and which have been in existence for not less than 100 years ^[49]. However, the Act did not define the term "national importance" in objective terms with a defined set of criteria. Even the Ministry so far had not specified any detailed criteria for declaring any monument to be of national importance.

According to Para 26 of the John Marshall's Manual of Conservation ^[50], the Living monuments were those structures that were still in use for the purpose for which they were originally designed at the time of notification of the monument. This implied that any activity, such as worship, which was subsequently introduced in a monument, but was not being carried out at the time of notification, would be deemed as unauthorised.

It was found that in many monuments such unauthorised activities were being carried out. The ASI replied (May 2012) that presently 955 monuments were being used for worship and prayers ^[51]. However, the ASI did not have the details of monuments where prayers/worships were being held prior to issue of notification. It was also found that in many monuments electrical points, loudspeakers, fans, etc. were also installed by unauthorised persons to facilitate these activities. Some examples were Ancient Mosque, Palam and The Mosque, Qudsia Garden in Delhi Circle. The ASI, thus, failed to protect the monuments of national importance by not restricting the unauthorised activities being held there ^[52].

The ASI did not have an updated and approved Conservation Policy to meet its requirements of preservation and conservation. There were no compiled instructions for the Circles. The ASI stated that it was following the conservation manual of Sir John Marshall, which was published in 1923. Besides, ASI was also following the Manual of Archaeological Survey of India, published in 1984, and Archaeological Works Code which were more than 30 year old. In the absence of a comprehensive conservation policy, the performance evaluation of these agencies was found highly subjective. The process of revising the Manual and Works Code which had started in August 2011 did not yield any result till December 2012 ^[53].

⁴⁸ Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Act, 1951, updated as per the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010.

⁴⁹ Ibid.

⁵⁰ Sengupta, Indra, "A Conservation Code for the Colony: John Marshall's Conservation Manual and Monument Preservation Between India and Europe", in Michael Falser and Monica Juneja, *'Archaeologizing' Heritage?: Transcultural Entanglements between Local Social Practices and Global Virtual Realities*, Springer Science & Business Media, 31-May-2013.

⁵¹ Report of CAG on Performance Audit of Preservation and Conservation of Monuments and Antiquities, Ministry of Culture, Government of India, Report No. 18, 2013, pp.63-66.

⁵² Ibid.

⁵³ Ibid.

⁴⁶ Jain, Sonali, "Protecting The National Heritage: Here's How", *Youth Ki Awaaz*, 23rd March, 2011.

⁴⁷ Ibid.

The Circle offices were responsible for carrying out the works for preservation and conservation of the monuments. As per the ASI Works Code, the Superintending Archaeologist of the Circle was responsible for reporting any irregularity during the execution of the work and for maintenance of the documents. The DG ASI was overall responsible for monitoring the performance of the Circle in-charge. We noted the following irregularities in carrying out conservation works: No mandatory requirements for inspection by Superintending Archaeologist were prescribed; Non preparation of inspection notes after site inspection, Absence of complete documentation of the works estimates, Faulty budgeting of the conservation works resulting in inclusion of extra items, Delays in completion of works and Non preparation of completion reports along with photographs after conservation ^[54].

Role of Individuals in Preservation of Monuments

People have always lived next to or in the remains of those who lived before them. Structures of older cultures or the house of their grandfather - sometimes seen as old rubbish or source of cheap building materials - can be places of wonder and stories. Ancient temples were re-used as churches and mosques, walls disassembled and used to build houses. A first academic interest in these remains can maybe be seen in the Renaissance period, when scholars got interested in the remains of the antiquity.

Some of the steps that we as citizens of this country can follow to do our share in their protection are-

1. Prevent ourselves and others from scribbling on the walls.
2. Participating in the regular Cleanliness Drives.
3. Being a part of the 'Adopt a Heritage' initiative
4. Spreading awareness around about these monuments and their importance.

In recent times, digitalization has played major parts in the preservation of precious materials. Making high quality images available electronically can reduce wear and tear of fragile items. According to Jones (2001), we live in an increasingly digital world. Hundreds of libraries, museums and archives have recently launched projects designed to digitize their collections and place them on the web. The main reasons to digitize are to enhance assess and improve preservation. By digitalizing their collections, cultural heritage institutions can make information that was previously only available to a select group of researchers accessible to all. Digital projects allow users to search collections rapidly and comprehensively from anywhere at any time ^[55].

One of the primary problems confronting library profession is lack of commitment by the available human resources, particularly, in the areas of information and communication technologies (ICTs) and preservation of resources on cultural heritage ^[56]. The knowledge explosion brought about by the acceleration of scientific and technological progress is adding a new dimension to education, capacity building, amongst

other essential human development endeavours. Librarians, irrespective of their levels in the professional hierarchy must possess the conceptual knowledge, skills and attitudes relevant to the performance of their jobs. Training refers to the manifestation of knowledge, skills and attitudes in a person which enables him to apply them in his work situation. In essence, education is to cause a permanent change in behaviour potential of the concerned individual and it is regarded as the key with which to unlock the stores of knowledge and for their use by the society. As a result of its importance for professional upliftment, libraries have often tried to inculcate some desirable professional orientations in their personnel through training ^[57].

Digitization can also be the first step for conducting advanced research on historical materials. Ancient documents present a prime candidate for digitization because of their historical import, combined with centuries of exposure and degradation habits in their arrangement. However, Oketunji (2001) observed that the library schools are inadequate in meeting the challenges of modern information technologies owing to lack of financial resources to procure the necessary equipment needed for the training of students ^[58]. Similarly, Singh (2004) argued that skill in information Technology (IT) can be gained only when one gets hands on training and experience in laboratories under simulated conditions or in real life situations ^[59]. The graduates and past graduates turned out by library schools do not possess adequate skill and expertise to interact confidently with IT specialists, evaluate what is recommended by their and full fall their requirements.

Protecting cultural heritage is economical, as well as historical and also a cultural process. Cultural heritage is based on the aspects of our past that we cherish, want to keep and pass on to the future generations and outside world. However, the economic benefits of preservation are secondary to the intrinsic value of that heritage which is been preserved.

As rightly observed by Sekler, "tangible cultural heritage has the great advantage over its intangible counterpart, such that with proper care it will remain authentic over centuries. As long as historic monuments remain without falsification and misleading imitations, they will, even in a neglected state, create a sense of continuity that is an essential part of cultural identity ^[60]".

In today's competitive world, we have to preserve the monuments and showcase them to the next generation as the contributions or achievements of our ancestors. A little effort on our side can create drastic changes that will make the past, the present and the future generations of the country and the world proud of India.

⁵⁷ Ibid.

⁵⁸ Oketunji, I., "Education of Librarians in an electronically oriented society". Paper presented at the Cataloguing, Classification and Indexing Section of the Nigerian Library Association, Seminar/Workshop on Software Choice Parameters for Cataloguing in Nigerian Libraries held in Akure, Ondo, 22nd - 27th October, 2001.

⁵⁹ Singh, R., "Restructuring library and information Science Curriculum. LIS Education in India", 2004. Available at <http://knol.google.com/k/restructuring-library-and-information-science-curriculum#>

⁶⁰ Sekler, E., "Sacred spaces and the search for authenticity in the Kathmandu Valley" in Serageldu, I., Shluger, E., & Martin-Brown, J. (Eds). *Historic cities and sacred sites: Cultural roots for urban futures*. The World Bank, Washington D.C., 2001.

⁵⁴ Ibid.

⁵⁵ Jones, T. (2001), "An Introduction to Digital Projects for libraries, museums, and archives". Available at <http://images.library.uiuc.edu/resources/introduction.htm>.

⁵⁶ Ibid.

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