Research Paper

Management

Heritage Management in India and the AMASR Amendment of 2010

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ABSTRACT

Heritage conservation is not about preserving our culturally significant places without allowing change, but is more about understanding why a place is important and then managing change in an informed way so that the historical significance of the place is retained and possibly enhanced. Heritage conservation is an informed process that manages and allows for this change, but at the same time perpetuating the cultural significance of the place, the aim being to ensure that the cultural significance of heritage places is retained for future generations to enjoy. That makes conservation the processes of looking after a place so as to retain its cultural significance. It includes maintenance and may, according to circumstances, include preservation, restoration, reconstruction and adaptation and will commonly be a combination of more than one of these. Therefore conservation doesn't necessarily mean keeping a place as it is without allowing change.

This paper aims to study the process of heritage conservation in India, especially in the light of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act 2010, analysing its shortcomings and strong points as far as the preservation and adaptability of our built heritage areas are concerned

KEYWORDS : heritage, conservation, reconstruction, AMASR.

Heritage conservation is understood to be a simple process concerning the preservation and restoration of ancient buildings, monuments, sites, etc. In other words, the tangible component of heritage is well taken care of, but the delicate relationship between the tangible and intangible heritage resources is overlooked, or rather underestimated. Although the built heritage is something very perceivable and present in the physical form, and is most definitely a very important element of historical evidence, but the value addition to built heritage is done not by the built structure, but the history associated with it. Values and valuing processes are threaded through the various spheres of conservation and play an enormous role as we attempt to integrate the field. Whether works of art, buildings, or ethnographic artefacts, the products of culture have a different meaning and use for different individuals and communities. Values give some things significance over others and thereby transform some objects and places into "heritage."

Also, the community which surround the heritage in the present day has to play a very major role in the conservation and preservation of heritage, as they are now an intrinsic *living* component of the heritage structure/site.

Hence the ultimate aim of conservation should not be to conserve material for its own sake but, rather, to maintain and shape the values embodied by the heritage—with physical intervention or treatment being one of many means toward that end. To achieve that end, such that the heritage is meaningful to those whom it is intended to benefit i.e., the future generations, it is necessary to examine why and how heritage is valued, and by whom.

Background of the Ancient Monuments and Archaeological Sites and Remains Act

The heritage conservation procedures in India started for the first time with The Ancient Monuments Preservation Act, 1904 (Act No. VII of 1904). This Act provided effective preservation and authority over the monument particularly those, which were under the custody of individual or private ownership. As this Act has not been repealed, it is deemed to be in force.

For the first time in 1992, the Act was amended to define a 100 metres prohibited zone and 200 metres regulated zone around protected monuments. These were naturally seen as stumbling blocks to the greed of property developers and insensitive local authorities. In order to ward off mounting criticism by such lobbies that the 1992 notification was too rigid, in 2006 the ASI obligingly convened an advisory committee and empowered it to transgress the 100 metres prohibited and 200 metres regulated zones. Over three years, this committee considered a few hundred cases and gave about a couple of hundred questionable decisions on heritage issues.

The Ancient Monuments and archaeological Sites and Remains (Amendments and Validation) Act, 2010 was enacted to amend the Ancient Monuments and archaeological Sites and Remains Act, 1958 and to make provision for validation of certain actions taken by the Central Government under the said act. The act has come into force (except sections 3, 5, 7, and 8 to 11) on the 23rd of January, 2010, i.e. the day on which the Ancient Monuments and archaeological Sites and Remains (Amendment and Validation) Ordinance, 2010 had been promulgated. The limits of prohibited area and the regulated area around the monuments, archaeological sites and remains declared by the Central Government as protected have been specified in the principle Act as 100m and 200m, respectively. The limits so fixed maybe further extended on the basis of graduation and classification of the monument in context.

Discussion

The failure of the AMASR 1958 and its subsequent amendments is partly because of the casual exercise of the ill-defined powers of the Act by the Archaeological Survey of India (ASI). It also has a great deal to do with "rapid urbanisation, construction of multi-storeyed residential and commercial buildings and implementation of development projects", as stated in 2005 by the minister of culture in Parliament.

Matters came to a head in October 2009 when the Delhi high court, in an unrelated case, declared the ASI's advisory committee illegal. Obviously, a committee convened by a central ministry's administrative order had no powers to amend an Act passed by Parliament. Under the circumstances, the government backtracked. An appeal against the high court's order would have been embarrassingly fruitless.

Faced with the prospect of having to demolish structures considered essential for the success of the Commonwealth Games 2010, the ministry of culture hastily drafted an ordinance to legalise the ASI's moves.

It is to the government's credit that it immediately appointed a high-powered committee to recast the January 23 ordinance before it could be brought to Parliament as a Bill for ratification. The committee, under the chairmanship of the law minister and with two other members, completed its mandate and comprehensively reviewed the earlier legislation of 1958 in light of emerging realities. The Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010, is a major departure from the earlier legislation. Faithfully implemented, the amended Act's bold and innovative approach could catalyse conservation efforts, helping to reverse the alarming decline of heritage all over the country.

The Act's most important feature was the creation of a national monuments authority (NMA) charged with the responsibility of, first, overseeing the preparation of comprehensive maps of 3,675 centrally protected monuments and their environs; second, placing all monu-

ments in appropriate categories; and, finally, freezing heritage bye-laws which will override building bye-laws and extend 300 metres or more around monuments apart from being site specific.

The repair and renovation of structures built prior to 1992 and of those sanctioned by the director-general of the ASI subsequently within the prohibited zone would be permissible, under the provisions of the amendments. The same would hold true for construction of buildings according to heritage bye-laws, or reconstruction of existing structures to their existing horizontal and vertical limits within the regulated zone. These people-friendly measures substantially allay the fears of numerous property owners living in the proximity of monuments.

However, the outcome has been disappointing so far. The main factors leading to this include weak institutional infrastructure, poor capacity and a lackadaisical approach continue to undermine the conservation efforts. The Archaeological Survey of India, the institution responsible for the protection of ancient monuments and sites has done well to keep them structurally sound, but has not paid attention to the area around.

Gaps in the Legislative Framework
Broadly, we lack any conceptual or theoretical overviews for modelling or mapping the interplay of economic, cultural, political, and other social contexts in which conservation is situated. Pragmatically, this kind of synthetic overview or framework would make clear how different disciplines can contribute to conservation research. Likewise, it would provide a context for and help to integrate the varied spheres of conservation work, with the ultimate aim of elucidating how conservation can be made more effective in serving the society.

Apart from the above, the area in which our heritage conservation process is severely lacking is Conservation Principles: In 150 years of its existence, the Archaeological Survey of India still does not have a conservation policy or principles as such. If there was a policy, it would have to include a cautious approach respecting the existing fabric, use, associations and meanings, for example. It would further emphasise on knowledge, skills and techniques, values, etc. The cultural significance of a place and other issues affecting its future are best understood by a sequence of collecting and analysing information before making decisions. Understanding cultural significance comes first, then development of policy and finally management of the place in accordance with the policy. The policy for managing a place therefore, must be *based* on an understanding of its cultural significance. Policy development should also include consideration of other factors affecting the future of a *place* such as the owner's needs, resources, external constraints and its physical condition.

Another important factor which policy makers in India have chosen to ignore is the participation of the local community. Conservation, interpretation and management of a place should provide for the participation of people for whom the place has special associations and meanings, or who have social, spiritual or other cultural responsibilities for the place. Also, Co-existence of cultural values should be recognised, respected and encouraged, especially in cases where they conflict.

There is hardly any importance being given to academic research and the process of documentation of evidence and creating knowledge banks for the purpose of policy and decision making. So in the end, a step taken without proper knowledge has more chances of being detrimental for the process of conservation.

Need of Framework
A framework would model the social impacts and influences of conservation, just as ecological models create an understanding of the natural environment to inform environmental conservation.

It should consist of a set of theories, documented patterns, and processes that outline how material cultural heritage and its conservation work within modern society. Taking as its starting point the broad perspective of conservation and its varied spheres of activity, the model would, in effect, present a theory for describing (though not predicting) how heritage is created, how heritage is given meaning, how and why it is contested, and how societies shape heritage and are shaped by it. It would also create typologies of conservation decisions, responses to these decisions, and the different stakehold-

ers that become involved in conservation decisions. The model would outline the variety of generalized social processes that combine to give heritage relevance and currency in societies—and sometimes create obstacles to such processes. They would likely include collective memory; constructing identity through art, design, and visual media; cultural fusion and other ways of effecting and representing cultural change; market dynamics and commoditisation of culture; policy making; state politics versus local politics; and so on. Most, if not all, of these processes have been theorized and documented on their own, in separate disciplines, but they have not been brought to bear on material heritage conservation with the express purpose of mapping how the "ecology" of heritage conservation works.

Conclusions
Talking about the methodology of treatment of the urban fabric during the process of heritage conservation of any particular monument, even in the case of freezing development and construction around the monuments, an innovative approach can be used. The implementation of Transfer of Development Rights (TDR) can be one such measure. Considerations for the owner's need, resources, and other physical conditions should be made. The policy should consider the importance of urban fabric along with the importance of the monument. There is a sensitive and intimate association between the monument, its urban setting (read fabric) and the local people, which should not be disrespected.

Any intent of public participation is conspicuously absent in the existing system. Public participation is important, as argued in the previous chapters, especially for people for whom the place has special associations and meanings, or who have social, spiritual or other cultural responsibilities for the place.

There should also be a method of better coordination between the various urban local bodies and the ASI, so that the legislation do not become useless restrictions, and leave the purpose of conservation unfulfilled. The NMA and the ASI should also have the powers to override some of the decisions which could be under the jurisdiction of the urban local bodies.

The attempt of assessing the value of cultural and architectural heritage is a very sensitive one. There are large gaps between the ascribed and the actual value of heritage. To attribute value to any particular component of heritage would require intense research and assessment, keeping in mind the target population or stakeholders. This again would lead to the need of public participation, which would always be different for every nationally protected monument and its urban environ. This in turn makes the direction and scope of research very context specific.

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