

## **Comments of NHRC India on Consultation of Special Rapporteur in the field of cultural rights**

Article 49 of the Constitution of India contains provisions relating to the State's obligation to protect cultural heritage. The said article is as under:

“49. Protection of monuments and places and objects of national importance. It shall be the obligation of the State to protect every monument or place or object of artistic or historic interests, declared by or under law made by Parliament to be of national importance, from spoliation, disfigurement, destruction, removal, disposal or export, as the case may be.”

In accordance with the above constitutional provisions, and for providing better and effective preservation to the archaeological wealth of the country, the Ancient Monuments and Archaeological Sites and Remains Act 1958 was enacted. This Act provides for the preservation of ancient and historical monuments and archaeological sites and remains of national importance, for the regulation of archaeological excavations and for the protection of sculptures, carvings and other like objects. Subsequently, The Ancient Monuments and Archaeological Sites and Remains Rules, 1959 were also framed. The Act along with Rules came into force with effect from 15 October, 1959.

The Antiquities and Art Treasures Act, 1972 is the latest Act enacted on 9<sup>th</sup> September, 1972 for effective control over the moveable cultural property consisting of antiquities and art treasures. The Act is to regulate the export trade in antiquities and art treasures, to provide for the prevention of smuggling of, and fraudulent dealings in, antiquities, to provide for the compulsory acquisition of antiquities and art treasures for preservation in public places and to provide for certain other matters connected therewith or incidental or ancillary thereto. This Act was also supplemented with The Antiquities and Art Treasure Rules, 1973.

The Archaeological Survey of India (ASI), under the Ministry of Culture, is the premier organization for the archaeological researches and protection of the cultural heritage of the nation. Maintenance of ancient monuments and archaeological sites and remains of national importance is the prime concern of the ASI. Besides it regulate all archaeological activities in the country as per the provisions of the Ancient Monuments and Archaeological Sites and Remains Act, 1958. It also regulates Antiquities and Art Treasure Act, 1972.

For the maintenance of ancient monuments and archaeological sites and remains of national importance the entire country is divided into 24 Circles. The organization has a large work force of trained archaeologists, conservators, epigraphist and scientists for conducting archaeological research projects through its Circles, Museums, Excavation Branches, Prehistory Branch, Epigraphy Branches, Science Branch, Horticulture Branch, Building Survey Project, Temple Survey Projects and Underwater Archaeology Wing.

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