

NEXT IAS

**DAILY EDITORIAL
ANALYSIS**

TOPIC

**REFORMING INDIA'S HERITAGE
PROTECTION FRAMEWORK**

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REFORMING INDIA'S HERITAGE PROTECTION FRAMEWORK

Context

- India's heritage protection regime is **over-centralised, uniform, and counterproductive**, often failing both conservation and development objectives.
- Rigid buffer-zone approaches, weak enforcement, and lack of contextual planning undermine heritage management and urban growth simultaneously.

About India's Heritage Protection Regime

- Ancient Monuments and Archaeological Sites and Remains (AMASR) Act, 1958 aims to **protect and preserve** ancient monuments and archaeological sites, to regulate **excavations and antiquities**, and to prevent **encroachment and damage** to heritage structures.
- It is implemented mainly through the **Archaeological Survey of India (ASI)** under the **Ministry of Culture**.
- It oversees about 3,700 centrally protected monuments.

Key Features of AMASR Act, 1958

- **Definition of Ancient Monuments:** Structures or remains **over 100 years old**, that includes temples, mosques, forts, tombs; and caves, inscriptions, sculptures.
- **Declaration of National Importance:** Central Government can declare sites as '**Monuments of National Importance**', that come under **ASI protection**.
- **Protection & Maintenance:** ASI is responsible for conservation; repair and maintenance; and regulation of public access.
- **Regulation of Excavations:** Excavation allowed **only with government permission**, aimed to prevent illegal digging and trafficking of antiquities.
- **Control over Construction Activities:** It was strengthened after the **2010 amendment to the Act**.
 - ◆ **Prohibited Area (0–100 metres** around monument): No construction allowed;
 - ◆ **Regulated Area (100–200 metres):** Construction allowed only with permission;

AMASR Amendment Act, 2010 (Key Changes)

- **Creation of National Monuments Authority (NMA):** Regulates construction in prohibited/regulated areas; and grants permissions
- **Heritage Bye-laws:** Site-specific regulations for each monument
- **Stricter Penalties:** For illegal construction and encroachment
- **Clear Demarcation of Zones:** Formalised 100 m and 200 m rule

Why India Needs a Stronger & Reformed Heritage Protection Regime?

- **Ineffective Conservation Outcomes:** Many monuments remain poorly maintained and encroached upon, despite legal protection.
 - ◆ Archaeological Survey of India (ASI) faces capacity constraints and resource shortages, limiting effective monitoring.
 - ◆ Issues of encroachment, vandalism, and neglect, showing that legal protection is not the actual preservation.
- **Outdated and Rigid Legal Framework:** AMASR Act, 1958 imposes uniform buffer zones irrespective of monument significance.
 - ◆ It treats all monuments equally despite vast differences in historical, cultural, and tourism value, and lacks context-sensitive and scientific planning.
 - ◆ It leads to both over-regulation and under-protection simultaneously.
- **Conflict with Urban Development:** Infrastructure projects (metro, hospitals, Smart Cities) face delays due to heritage clearances, and large urban land parcels remain economically unutilised.
 - ◆ Initiatives like **Smart Cities Mission and AMRUT** require better integration with heritage laws.
- **Underutilisation of Tourism Potential:** India's heritage sites contribute less to tourism revenue compared to global standards.

- ◆ Lack of visitor amenities and local economic integration.
- **Governance and Institutional Challenges:** Multiple agencies (ASI, State Departments, NMA) have overlapping jurisdictions, delaying approvals (2–5 years in many cases).
 - ◆ It highlights the need for administrative simplification and decentralisation.
- **Lack of Community Participation:** Current regime is **top-down**, ignoring local stakeholders; and global best practices stress **community-led conservation**.
- **Need to Align with Global Standards:** UNESCO promotes **Historic Urban Landscape (HUL)** approach, and India's framework still follows **colonial-era preservation mindset**.

Policy Reforms: Way Forward

- **Rationalisation of Protected List:** Shift low-significance sites to **state** and or **local governance**.
- **Graded Protection Framework:** Tier-based regulation, as strict control for high value (UNESCO), and flexible norms for others.
- **Replace Blanket Bans with Smart Regulation:** There is a need to allow **case-specific development controls**, and focus on **visual integrity, structural safety**.
- **Integrate Heritage with Urban Planning:** Adopt **HUL approach of UNESCO**, and promote **heritage-led urban regeneration**.
- **Boost Heritage Economy:** There is a need to enable cultural tourism, local businesses; and PPP models.

Conclusion

- India's current heritage protection model is **broad but blunt**, prioritising rigid restrictions over effective conservation.
- Evidence suggests that over-regulation without contextual planning leads to both heritage degradation and economic inefficiency.
- A shift toward **flexible, evidence-based, and economically integrated heritage management** can transform monuments from regulatory burdens into **drivers of cultural pride and economic growth**.

Source: BS

Daily Mains Practice Question

- [Q] Critically examine the limitations of India's heritage protection framework and suggest reforms.