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Background: I have conducted archaeological research in India since 1988. I am currently co-directing an international collaborative research project at the site of Brahmagiri in the state of Karnataka. Over the past 35 years, I have engaged in research, student training, and building collaborative partnerships in India.

On behalf of myself and the Society for American Archaeology, I write in support of the proposed Memorandum of Understanding (MOU) with India for the protection of its archaeological and ethnographic heritage. My testimony will focus upon the four determinations as outlined in the Cultural Property Implementation Act.

1. The cultural patrimony of India is in jeopardy from the pillage of archaeological or ethnological materials.

Archaeological and cultural sites in India are unfortunately under direct threat from both organized and casual looting. While the latter is being addressed through public education and legal frameworks within India, organized pillage for resale in international markets remains a serious threat to the integrity of India's archaeological record.

Some estimates suggest that thousands of art objects are looted from temples each year.¹ UNESCO estimates more than 50,000 objects were smuggled out of India by 1989.² More recently, the well-documented prosecution of art dealer Subash Kapoor included the seizure of more than 2,500 antiquities of South Asian origin, many from small shrines and village temples.³ Both portable objects and sculptural elements have been targeted by organized looting.

A number of factors contribute to the vulnerability of cultural patrimony in India. To begin with, it is a vast and diverse country with a rich archaeological record dating from the earliest human migrations into Asia all the way through the colonial period. It is not an exaggeration to say that archaeologically significant sites are found in every district of every state throughout the country. Despite the robust governmental and nongovernmental efforts to protect this heritage (discussed under point 2 below), the scale and density of culturally significant sites exceeds the resources available to protect them.

The national Monuments Authority currently lists 3,695 monuments and sites of national importance, with another 4,134 sites under protection of the states.⁴ Although some 7,000

sites are under at least some form of protection, (1) many more lie outside any protected designation, and (2) the authorities charged with protection of these sites are stretched thin in terms of personnel and funding. To take an example from the Vijayanagara Metropolitan Survey, a project that I participated in over a 10-year period, systematic pedestrian survey in the hinterland of the medieval imperial capital of Vijayanagara in northern Karnataka recorded more than 700 sites in just 120 km². Only a handful of these sites were previously registered and under some form of legal protection. Many of these sites are found in small villages, agricultural fields, and forested areas far from any major population center.⁵

The fact that many of these sites are part of ongoing religious and cultural practices is an important element of this heritage landscape. Many objects, images, and structures constructed between the ninth and seventeenth centuries remain in active use as sites of worship. Many of these, particularly larger and more spectacular temple complexes, are protected monuments under joint authority of the Archaeological Survey of India (ASI) and local religious authorities, while others are dispersed throughout the countryside in smaller villages with little protection. It is this group of smaller temples in more remote locations that is a well-documented target of organized looting rings.⁶ These thefts are not just a threat to durable heritage but to contemporary communities and their sacred traditions.

Other factors cited by UNESCO as challenges to heritage protection in India include poverty, inadequate resources and staffing of enforcement agencies, and a strong international market for art objects from precolonial contexts.⁷ Seizures and repatriation agreements suggest that the United States is an important part of that market, which also includes Europe, Australia, Canada, and East Asia.⁸

2. India has taken measures to protect its cultural patrimony.

Since the time of independence, India has made protection of archaeological and cultural resources a priority. This commitment is manifest in a robust legal framework, governmental oversight, and a vibrant nongovernmental sector dedicated to conservation, protection, and public engagement. I discuss some examples of these efforts below.

The Indian constitution enshrines both the obligation of the state to protect cultural patrimony and the responsibility of its citizenry to preserve that patrimony. These principles are enacted through the Ancient Monuments and Archaeological Sites and Remains Act of 1958, which protects archaeological sites and other cultural resources and regulates archaeological research and permits through the Ministry of Culture and the ASI. The ASI is also tasked with the designation and protection of antiquities through the Antiquities and Art Treasures Act of 1972, which regulated the registration, trade, and export of portable objects. Under this act, only the central government may legally export antiquities greater than 100 years old.⁹

Under this legal framework, the ASI conducts research, regulates permitting, and is responsible for preservation, maintenance, and conservation of more than 3,600 cultural sites, including 42 World Heritage Monuments. Thirty-seven subdivisions covering the entire country ensure a local presence at centrally protected sites. As part of this work, the ASI maintains public education and engagement programs through 46 museums located at prominent heritage sites.¹⁰ Coordinate activities are carried out at the state level. I am most familiar with the Karnataka State Department of Archaeology and Museums (KDAM), with which I have frequently collaborated. Like the ASI, KDAM conducts research, engages in public outreach, and is responsible for the preservation and conservation of 844 state protected monuments. KDAM has been instrumental in leveraging public-private partnerships in the conservation of significant cultural sites.¹¹

Beyond government action, researchers, nongovernmental organizations, and private individuals are actively engaged in community engagement, public education, and advocacy for preservation and protection of archaeological sites. Here, I highlight four examples of nongovernmental organizations and initiatives as examples of the range of these efforts. Founded in 1984, the Indian Trust for Art and Cultural Heritage (INTACH) promotes preservation and protection of architectural, archaeological, and cultural heritage through research, documentation, public education, community-based development, policy advocacy, and legal intervention. With over 200 local chapters and a national and international presence, INTACH is a model volunteer organization involved in all aspects of heritage advocacy, protection, and education. INTACH also conducts specialist seminars, workshops, and training programs in conservation science to help build the next generation of heritage professionals. INTACH has been especially important in the documentation and preservation of built heritage that lies outside of official protected status.¹²

The Sharma Centre for Heritage Education, Chennai, combines archaeological research, public education, and advocacy. Founded by Professor Shanti Pappu and Dr. Kumar Akhilesh, the Sharma Centre is especially noteworthy for their K–12 engagement programs, teacher trainings, and innovative children’s museum.¹³

Recently founded by Professor Ravi Korisettar, the Robert Bruce Foote Sangankallu Archaeological Museum (RBFSAM) in Ballari, Karnataka, brings many of these same efforts to a smaller, more local level, with state-of-the-art displays and education programs focusing on the prehistory of northern Karnataka. Like the Sharma Centre, the RBFSAM focuses on K–12 and children’s programs to promote heritage conservation.¹⁴

More directly involved in preventing trafficking in antiquities, the India Pride Project is a social media–based initiative that uses crowdsourcing to document in situ cultural resources, identify illegally trafficked objects in international markets, and work with global organizations for repatriation of smuggled artifacts. This initiative has important in helping to protect outlying rural temples and shrines of the kind that are often targets of organized looting.¹⁵

On a less formal level, public engagement is an important component of every archaeological research project that I know of. In our current project, for example, we engage local villagers to encourage stewardship of heritage resources and are developing K–12 outreach programs in multiple languages. It is particularly important to reach rural village schools, which are often under-resourced. It has been our experience that these efforts help build dedicated stakeholders in the communities that live near and often among important archaeological sites.

3. Restrictions on the importation of archaeological and ethnological material of India will be of substantial benefit in deterring pillage.

I believe that import restrictions are a crucial, necessary step to prevent the importation of stolen objects. Despite a strong legal framework and dedicated professional and volunteer efforts, objects of cultural patrimony are still illegally trafficked internationally. Though the scale of the black market for stolen antiquities from India is difficult to quantify, recent legal cases demonstrate that the United States is a destination for many of these objects. India's coastline is extensive, its borders long, and its international airports numerous. There are simply too many ways materials can be smuggled out of the country. Blocking access to importation at the US border is likely the most important and effective way to staunch the flow of materials from organized looting.

4. The application of the import restrictions will not interfere with international interchange of cultural property for scientific, cultural, and educational purposes.

Collaboration between foreign researchers and Indian colleagues is extensive, long-standing, and important for educational and cultural institutions in both countries. There are currently several archaeological collaborations between Indian universities and government archaeology departments and US universities. Many more cultural and educational exchanges are facilitated by the close ties between Indian institutions and US-based scholars. American students and researchers benefit greatly from these opportunities. All of this work is currently conducted under the terms of India's 1972 Antiquities Act, which prohibits export of artifacts. In-country analysis of antiquities is the standard, while sediment, microfossils, and other non-artifact samples are often sent abroad for specialist analysis. New US import restrictions would not change these conditions in any way. In fact, the existence of a well-developed legal and institutional regime for cultural property makes research exchanges more predictable, stable, and routine.

These same laws govern other forms of cultural and scientific exchange and require active collaboration between governments and the institutions involved. As an example, *Tree & Serpent: Early Buddhist Art in India, 200 BCE–400 CE*, a recent special exhibit at the Metropolitan Museum of Art, was made possible through successful cooperation

under existing laws.¹⁶ Again, I see no reason why new import restrictions would substantially hamper such exchanges.

NOTES

¹ Seerat, Chabba. 2022. How India Is Pushing for the Return of Stolen Artifacts. *Deutsche Welle*, April 7. <https://www.dw.com/en/how-india-is-pushing-for-the-return-of-stolen-artifacts/a-61394995>, accessed January 12, 2024.

² Banerjee, Samayita. 2020. India: Heritage Theft Remains a Challenge. *UNESCO Courier*, October 8. <https://courier.unesco.org/en/articles/india-heritage-theft-remains-challenge>, accessed January 12, 2024.

³ Mashberg, Tom. 2021. Authorities Return 248 Looted Antiquities to India. *New York Times*, October 28. <https://www.nytimes.com/2021/10/28/arts/design/authorities-return-248-looted-antiquities-to-india.html?searchResultPosition=5>, accessed January 12, 2024.

⁴ *Monuments Authority of India*. Electronic document, <http://www.nma.gov.in/>, accessed January 12, 2024.; *Archaeological Survey of India*. Electronic document, <https://asi.nic.in/alphabetical-list-of-monuments/>, accessed January 12, 2024

⁵ Sinopoli, Carla M., and Kathleen D. Morrison. 2007. *The Vijayanagara Metropolitan Survey: Volume 1*. Anthropological Papers of the Museum of Anthropology, University of Michigan, Ann Arbor.

⁶ Sasidharan, Deepti. 2018. Preserving Cultural Heritage: Addressing Gaps in the Antiquities Act. *Economic and Political Weekly* 53(8). Electronic document. https://www.epw.in/journal/2018/8/commentary/preserving-cultural-heritage.html?0=ip_login_no_cache%3D601010d2d46eaaff5fd57e9a47f2816b, accessed January 12, 2024; Mashberg 2021.

⁷ Banerjee 2020.

⁸ Seerat 2022.

⁹ ASI Website. 2024. <https://asi.nic.in/antiquity-section/>, accessed January 13, 2024; Ministry of Culture, Government of India Website. <https://indiaculture.gov.in/legal-mandate>, accessed January 12, 2024.

¹⁰ ASI Website. <https://asi.nic.in/about-us/>, accessed January 13, 2024.

¹¹ KDAM Website. <https://archaeology.karnataka.gov.in/page/Departmental+Activities/en>, accessed January 12, 2024.

¹² INTACH Website. <http://www.intach.org/about-mission.php>, accessed January 12, 2024.

¹³ Sharma Centre Website. <http://www.sharmaheritage.com/index.php>, accessed January 12, 2024.

¹⁴ RBFSAM Website. <https://www.rbfsam.com/education/>, accessed January 12, 2024.

¹⁵ Ramadurai, Charukesi. 2023. The Sleuths Bringing Back India's Stolen Treasures. *BBC News*, April 17. <https://www.bbc.com/culture/article/20230417-the-sleuths-bringing-back-indias-stolen-treasures>, accessed January 12, 2024.

¹⁶ *Tree & Serpent: Early Buddhist Art in India, 200 BCE–400 CE*. Metropolitan Museum of Art Website. <https://www.metmuseum.org/exhibitions/tree-and-serpent>, accessed January 13, 2024.