
GUARDING BHARAT MATA'S LEGACY: LAW REFORM, MUSEUM SECURITY AND THE REPATRIATION OF INDIA'S STOLEN ANTIQUITIES

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ABSTRACT

Bharat holds one of the world's largest bodies of tangible cultural heritage, spread across roughly 3,700 centrally protected monuments, thousands of temples and palaces, and over a thousand museums. The principal statute meant to protect this inheritance, the Antiquities and Art Treasures Act, 1972, has not been substantively amended in nearly five decades, even as theft, smuggling, and institutional neglect have persisted. This article, prepared as a joint submission, examines what the 1972 Act does and does not achieve, drawing on Comptroller and Auditor General audits and credible investigative reporting to document ground-level security and conservation failures at sites including Kolhapur's Town Hall Museum, the Laxmi Vilas Palace complex in Vadodara, the National Museum in New Delhi, and temples across Karnataka, Andhra Pradesh, and Tamil Nadu. It then reviews India's rapidly improving repatriation record, now exceeding six hundred antiquities since 2014, and identifies iconic objects, such as the Kohinoor diamond and the Amaravati Marbles, that remain abroad. The article closes with a detailed, practical blueprint for legislative, administrative, and citizen-led reform, framed throughout as an obligation India owes to Bharat Mata and to future generations who will inherit only what this generation chooses to protect.

I. Introduction: Bharat Mata's Memory in Stone and Bronze

Bharat Mata is remembered not only in poetry and song but in bronze Nataraja images, Harappan seals, Chola temple murtis, and the carved stones of a thousand shrines.¹ Every surviving antiquity is a fragment of her living memory, evidence of how her people worshipped, traded, ruled, and created beauty across roughly four thousand years of continuous civilisation.² Yet this memory is fragile. India holds an estimated multi-million-object heritage spread across nearly 3,700 centrally protected monuments, thousands of temples and palaces, and over a thousand museums, but the principal statute meant to guard this inheritance, the Antiquities and Art Treasures Act, 1972 (hereinafter "AATA" or "the Act"), has not been substantively amended in almost five decades.³

We argue that protecting India's antiquities is a matter of national interest touching sovereignty, cultural identity, economic opportunity, and Bharat Mata's own dignity among nations. This article examines what the 1972 Act does and does not do, the ground-level vulnerabilities documented by the Comptroller and Auditor General (CAG) and investigative journalism from Kolhapur to Kolkata, India's improving repatriation record, and the practical reforms through which the nation can complete the unfinished task of bringing Bharat Mata's scattered children home.

II. The Antiquities and Art Treasures Act, 1972: Framework and Function

The AATA was enacted on 9 September 1972 and brought into force on 5 April 1976 (1 June 1979 for Sikkim), repealing the earlier Antiquities (Export Control) Act, 1947.⁴ It was framed in the spirit of the UNESCO 1970 Convention on illicit cultural-property transfer, and operates

¹See Archaeological Survey of India, *About ASI*, <https://www.indianheritage.gov.in/aboutASI> (last visited July 24, 2026).

²Ministry of Culture, Government of India, *National Mission on Monuments and Antiquities*, <https://nmma.nic.in> (last visited July 24, 2026).

³PTI, *ASI Undertakes Conservation, Restoration, Maintenance & Development Works of Ancient Monuments: Centre*, News on Air (Dec. 19, 2024), <https://www.newsonair.gov.in/asi-undertakes-conservation-restoration-maintenance-development-works-of-ancient-monuments-centre> (reporting 3,698 centrally protected monuments and sites under ASI); Ministry of Culture, Government of India, *Directory of Museums in India* 3 (2023), https://culture.gov.in/files/inline-documents/Directory_of_Indian_Museums_080620231.pdf (reporting more than a thousand museums in the country); Comptroller and Auditor General of India, *Performance Audit of Preservation and Conservation of Monuments and Antiquities*, Report No. 18 of 2013 (2013) [hereinafter CAG Report 18/2013]; Comptroller and Auditor General of India, Report No. 10 of 2022, ch. 8 (2022) [hereinafter CAG Report 10/2022].

⁴The Antiquities and Art Treasures Act, No. 52 of 1972, INDIA CODE, https://upload.indiacode.nic.in/view-casepdf?type=act&id=AC_CEN_27_37_00009_197252_1517807324344 (last visited July 24, 2026).

alongside the Ancient Monuments and Archaeological Sites and Remains Act, 1958, which protects built heritage rather than movable objects.⁵ The Act is administered by the Archaeological Survey of India (ASI) under the Ministry of Culture.

Its core provisions define an "antiquity" broadly as any coin, sculpture, painting, epigraph, or article of historical or artistic interest in existence for not less than one hundred years, along with manuscripts at least seventy-five years old.⁶ Section 3 bars the export of any antiquity or art treasure except by the Central Government or its authorised agency, making private export a criminal offence.⁷ Sections 5 to 8 require anyone trading in antiquities to hold a licence, while Sections 14 to 17 make registration of specified antiquities compulsory, with owners obliged to report any change of ownership.⁸ Section 19 empowers compulsory acquisition of an antiquity for public preservation, with compensation, and the Act prescribes powers of search, seizure, and penalties, including imprisonment of six months to three years for illegal export.⁹ Barring a 1976 procedural amendment, no substantive change has followed in nearly five decades, even though the Ministry has itself acknowledged the need for reform since at least 1987.¹⁰

III. Cracks in the Shield: Documented Gaps

The most authoritative official critique of the Act's implementation appears in the CAG's Performance Audit of Preservation and Conservation of Monuments and Antiquities, Report No. 18 of 2013, and a follow-up, Report No. 10 of 2022.¹¹ Several recurring gaps emerge.

First, the rigid one-hundred-year threshold for "antiquity" sweeps in objects of little significance while creating a gameable line under which a ninety-nine-year-old object of genuine importance faces no restriction whatsoever.¹² Second, the Act contains no explicit

⁵UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, Nov. 14, 1970, 823 U.N.T.S. 231; Ancient Monuments and Archaeological Sites and Remains Act, No. 24 of 1958, INDIA CODE.

⁶The Antiquities and Art Treasures Act, No. 52 of 1972, § 2, INDIA CODE.

⁷*Id.* § 3.

⁸*Id.* §§ 5–8, 14–17.

⁹*Id.* § 19; *id.* § 23 (powers of entry, search, and seizure); *id.* § 25 (penalty).

¹⁰The Antiquities and Art Treasures (Amendment) Act, No. 82 of 1976, INDIA CODE; CAG Report 18/2013, *supra* note 3.

¹¹CAG Report 18/2013, *supra* note 3; CAG Report 10/2022, *supra* note 3.

¹²Jus Corpus, *Antiquities and Art Treasure Act, 1972: A Critical Appraisal*, <https://www.juscorpus.com/antiquities-and-art-treasure-act-1972-a-critical-appraisal> (last visited July 24, 2026); Legal Vidhiya, *A Critical Analysis of the Antiquities and Art Treasures Act, 1972*, <https://legalvidhiya.com/a-critical-analysis-of-the-antiquities-and-art-treasures-act-1972> (last visited July 24, 2026).

mechanism to prevent a registered original from being covertly substituted with a copy, a gap illustrated by the Sivapuram Nataraja case, in which a sculptor swapped counterfeits for original bronzes handed to him for repair in 1951, delaying recovery of the original until 1986.¹³ Third, registration functions as a disincentive rather than a safeguard: it exposes collectors to inspection risk while conferring no real benefit, and the CAG found registration of privately held antiquities was never made mandatory in practice, leaving the national inventory incomplete.¹⁴ Fourth, enforcement is fragmented; police forces typically investigating antiquity theft lack specialised art-crime training, and coordination between the ASI, state departments, Customs, and units such as Tamil Nadu's Idol Wing remains ad hoc rather than institutionalised.¹⁵ Fifth, the ASI has no long-term preservation strategy, conducting conservation reactively; a digitisation exercise begun in 2007 remains incomplete even in well-resourced states.¹⁶ Finally, reform has stalled: the Ministry began drafting amendments in 1997, a 2003 cabinet note was never enacted, and a more ambitious 2017 draft Bill, which would remove domestic licensing, has drawn criticism for making provenance harder to trace and remains unenacted.¹⁷

IV. Bharat Mata Unguarded: Ground Realities from Kolhapur to Kolkata

Beyond the statute book, the more urgent problem is what auditors and journalists have found on the ground. The CAG's 2013 audit recorded lapses contributing to the theft of thirty-seven objects from ASI-run site museums and one hundred thirty-one antiquities from monuments over fifty years, and found the ASI never systematically monitored international auction houses for Indian antiquities offered for sale.¹⁸ The 2022 follow-up found similar weaknesses: priceless statues at the National Museum, New Delhi, were found unsecured and gathering dust, with artefacts reported missing during the audit; roughly eighty of one hundred eighty ASI CCTV cameras were non-functional; and sculptures at Aihole lay near boundary walls,

¹³Jus Corpus, *supra* note 12 (discussing the Sivapuram Nataraja case, in which a sculptor substituted counterfeits for antiquities handed to him for repair in 1951, delaying recovery of the original until 1986).

¹⁴CAG Report 18/2013, *supra* note 3.

¹⁵*Id.*; Tamil Nadu Police, Idol Wing, Economic Offences Wing, <https://www.tnpoliceidolwing.com> (last visited July 24, 2026).

¹⁶CAG Report 10/2022, *supra* note 3.

¹⁷Legal Vidhiya, *supra* note 12; Kate Fitz Gibbon, *New Art Law for India: Is the Antiquities and Art Treasures Regulation, Export and Import Control Bill, 2017, a Cure?*, Cultural Property News (Oct. 27, 2017), <https://culturalpropertynews.org/new-art-law-for-india>.

¹⁸CAG Report 18/2013, *supra* note 3.

never formally accessioned.¹⁹

A. Kolhapur's Town Hall Museum and Comparable Palace-Museums

Kolhapur's Town Hall Museum illustrates the wider pattern at the municipal level. Housed in a neo-Gothic heritage building constructed between 1872 and 1876, it preserves Satavahana and Shilahara-era artefacts recovered from the Brahmapuri excavations of the 1940s, including Hellenistic figurines, ancient coins, and ivory and sandalwood carvings, and is maintained under the state archaeology department rather than the better-resourced ASI.²⁰ Comparable palace-museums, such as the Maharaja Fateh Singh Museum within Vadodara's Laxmi Vilas Palace complex, hold extensive royal collections under a private-trust or royal-family security model rather than a government one, raising similar long-term questions of standardised conservation and inventory practice common to heritage-building museums across the country.²¹

B. Karnataka, Andhra Pradesh, and Tamil Nadu

In Moodbidri, Karnataka, thieves broke into a Jain Mutt shrine and made off with gem-studded Teerthankara idols; recently installed CCTV cameras were deliberately disabled inside the target room, and the shrine's alarm siren failed to sound even though staff were sleeping nearby.²² An Andhra Pradesh police audit found that fewer than nine percent of over thirty thousand identified temple premises in the state had any CCTV surveillance at all, a gap that repeatedly hampered investigation after valuable temple objects went missing.²³ Tamil Nadu, by contrast, has built the country's most developed institutional response: its Idol Wing has recovered several hundred idols since 2019, after decades in which stolen Chola-period bronzes

¹⁹CAG Report 10/2022, *supra* note 3.

²⁰*Town Hall Museum, Kolhapur*, Trawell, <https://www.trawell.in/maharashtra/kolhapur/town-hall-museum> (last visited July 24, 2026); *Town Hall Museum, Ambabai Devotees*, <https://ambabai.com/town-hall-museum.html> (last visited July 24, 2026) (noting the building has housed a government museum since 1947).

²¹Maharaja Fateh Singh Museum, Laxmi Vilas Palace, Vadodara; *see* CAG Report 10/2022, *supra* note 3 (describing the wider pattern of under-resourced, non-ASI palace and heritage-building museums across India).

²²*Teerthankara Idols Stolen from Basadi*, Deccan Herald, <https://www.deccanherald.com/india/karnataka/teerthankara-idols-stolen-basadi-2270466> (last visited July 24, 2026); *Moodbidri: Ancient Idols Worth Rs 13 Crores Stolen from Siddantha Basadi*, Mangalore Today (July 6, 2013), <https://www.mangaloretoday.com/main/Moodbidri-Ancient-idols-worth-Rs-13-crores-stolen-from-Siddantha-Basadi.html>.

²³Prasad Nichenametla, *Less than 9% of Temples in Andhra Pradesh Have CCTV Surveillance*, Deccan Herald (Oct. 2, 2020), <https://www.deccanherald.com/india/less-than-9-of-temples-in-andhra-pradesh-have-cctv-surveillance-896364.html>.

surfaced only years later at foreign auction houses.²⁴

C. The Subhash Kapoor Network

The most consequential case linking these failures to the global art market remains that of New York dealer Subhash Kapoor, whose gallery trafficked temple antiquities into Western institutions for roughly three decades. The American investigation, styled "Operation Hidden Idol," led to the seizure of fifteen sculptures from the Metropolitan Museum of Art in March 2023 alone; Kapoor was sentenced in India in 2022.²⁵

D. Maharashtra: Ongoing Illegal Excavation

Illegal excavation remains an active threat rather than a purely historical one. In December 2025, Maharashtra's State Archaeology Department discovered unauthorised excavation being carried out near an ancient Jain temple at Koge in Kolhapur district's Karvir taluka; finding that no permission had been sought from either the Archaeological Survey of India or the state department as the law requires, the department's Assistant Director wrote to the local tehsildar directing that the excavation be halted immediately, warning that buried sculptures or structures at the site could otherwise be damaged.²⁶ The same month, Maharashtra's Revenue Minister suspended ten officials, including four tehsildars, over the illegal excavation of nearly ninety thousand cubic feet of minor minerals on land reserved for afforestation in Pune district's Maval tehsil; although that case concerned mineral extraction rather than antiquities specifically, it illustrates how weak oversight of excavation activity more broadly can leave archaeologically sensitive sites exposed.²⁷

V. Why Every Artefact Matters

Antiquities are primary evidence: a terracotta seal or a copper plate can fix a date, a trade route,

²⁴Tamil Nadu Police, Idol Wing, *Annual Recovery Data (2019–2022)*, *supra* note 15.

²⁵Abigail Montanez, *The U.S. Is Returning Nearly 300 Smuggled Artifacts to India*, Robb Report (Sept. 23, 2024), <https://robbreport.com/shelter/art-collectibles/us-return-stolen-indian-artifacts-1235878157>.

²⁶Lokmat, *कोल्हापूर जिल्ह्यातील कोगे येथील जैन मंदिराजवळ बेकायदेशीर उत्खनन* [Illegal Excavation Near the Jain Temple at Koge, Kolhapur District] (Dec. 5, 2025), <https://www.lokmat.com/kolhapur/illegal-excavation-near-jain-temple-in-koge-kolhapur-district-a-a746> (reporting that the Maharashtra State Archaeology Department directed local revenue officials to halt unauthorised excavation, undertaken without permission, near an ancient Jain temple at Koge, Karvir taluka).

²⁷Ankit Shukla, *Illegal Mining in Pune's Maval Tehsil: Maharashtra Revenue Minister Chandrashekhar Bawankule Suspends 10 Officials, Including Four Tehsildars*, Free Press Journal (Dec. 13, 2025), <https://www.freepressjournal.in/pune/illegal-mining-in-punes-maval-tehsil-maharashtra-revenue-minister-chandrashekhar-bawankule-suspends-10-officials-including-four-tehsildars>.

or a dynastic succession that no later text can substitute for, and once an object is removed without documentation, its archaeological context is destroyed even if later recovered.²⁸ A large share of the most-trafficked antiquities are temple deities, consecrated and actively worshipped murtis whose removal source communities experience as a rupture of an unbroken devotional relationship, giving idol-recovery efforts a social urgency beyond monetary value.²⁹ Returned and well-preserved antiquities also anchor tourism, scholarship, and cultural diplomacy, and each high-profile recovery reinforces the nation's civilisational standing abroad.³⁰

VI. Bringing Bharat Mata's Children Home: The Repatriation Story

Here India's recent record offers genuine cause for national pride. Official figures indicate only about thirteen antiquities were repatriated in the nearly seven decades between independence and 2014.³¹ Since then the pace has transformed: the Culture Ministry informed Parliament in July 2026 that 655 antiquities have been repatriated and authenticated since 2014, including 615 recovered from six countries between 2021 and June 2026 alone.³² The United States has been the largest source, returning 588 antiquities as of 2025, including 297 in 2024 following a landmark Cultural Property Agreement signed in July 2024, the first such bilateral agreement between the two countries, intended to curb future smuggling rather than merely return past losses.³³ High-profile handovers include 157 antiquities, among them a twelfth-century Chola bronze Nataraja, returned in September 2021, and fifteen sculptures seized from the Metropolitan Museum of Art in 2023 as part of dismantling the Kapoor network.³⁴ Beyond the United States, the United Kingdom, Australia, Singapore, the Netherlands, and Scotland's

²⁸Atreya Mathur, *An Excursion into the Antiquities' Law of India*, Center for Art Law (June 1, 2020), <https://itsartlaw.org/cultural-heritage/an-excursion-into-the-antiquities-law-of-india>.

²⁹*Id.*; Tamil Nadu Police, *Idol Wing*, *supra* note 15.

³⁰DD India, *Vikas Bhi, Virasat Bhi: How India's Heritage Renaissance Is Reshaping Cultural Preservation, Tourism and Global Recognition* (June 18, 2026), <https://ddindia.co.in/2026/06/vikas-bhi-virasat-bhi-how-indias-heritage-renaissance-is-reshaping-cultural-preservation-tourism-and-global-recognition>.

³¹238 *Antiquities, Stolen and Smuggled Abroad, Brought Back to Country in Last 9 Years: Centre*, India Gazette (May 2023), <https://www.indiagazette.com/news/273824087/238-antiquities-stolen-and-smuggled-abroad-brought-back-to-country-in-last-9-years-centre>.

³²615 *Antiquities Repatriated from Various Countries from 2021 Till Jun 30 This Year: Govt Tells Parliament*, PGurus (July 20, 2026), <https://www.pgurus.com/615-antiquities-repatriated-from-various-countries-from-2021-till-jun-30-this-year-govt-tells-parliament>.

³³*US Returns 588 Antiquities to India, 297 Received in 2024, Says Government*, DD News (Mar. 21, 2025), <https://ddnews.gov.in/en/us-returns-588-antiquities-to-india-297-received-in-2024-says-government>.

³⁴*United States of America Returns 297 Antiquities to India*, Press Information, Prime Minister's Office (Sept. 22, 2024), https://www.pmindia.gov.in/en/news_updates/united-states-of-america-returns-297-antiquities-to-india; Montanez, *supra* note 25.

Glasgow Life have all returned sculptures, manuscripts, or temple bronzes in recent years.³⁵ Independent researchers, notably the crowd-sourced India Pride Project, have played a significant unofficial role tracing Indian antiquities in foreign catalogues, feeding leads agencies then pursue diplomatically.³⁶

State governments have also begun pursuing repatriation independently of the Centre. In April 2025, the Maharashtra government purchased the eighteenth-century ceremonial sword of Raghuji I Bhonsle, founder of the Nagpur Bhonsle dynasty, at a Sotheby's auction in London, believed to have left India as war booty after the 1817 Battle of Sitabuldi; the sword was flown to Mumbai that August and placed on public exhibition, apparently the first instance of an Indian state government directly repatriating an artefact through an international auction.³⁷ This followed the state's earlier recovery of Chhatrapati Shivaji Maharaj's Wagh Nakh, and sits alongside continuing discussions between Maharashtra's Cultural Affairs Ministry and British authorities for the return of two further Maratha relics still held in the United Kingdom: a second Wagh Nakh and the Jagdamba Talwar.³⁸ These should not be confused with the Bhavani Talwar, a separate sword long associated with Chhatrapati Shivaji Maharaj, which remains in India, preserved by the Bhonsle family at Satara and ceremonially worshipped each Dussehra; historical confusion between the Bhavani and Jagdamba swords has itself complicated past repatriation efforts.³⁹

³⁵National Herald India, *India Plans Repatriation of Kohinoor Diamond and Other Colonial Artefacts* (May 14, 2023), <https://www.nationalheraldindia.com/art-and-culture/india-plans-repatriation-of-kohinoor-diamond-and-other-colonial-artefacts> (noting Glasgow Life's 2022 agreement to return seven artefacts); DD India, *supra* note 30.

³⁶Atreya Mathur, *Spotlight: India Pride Project and the Future of Art Restitution in India*, Center for Art Law (Sept. 19, 2025), <https://itsartlaw.org/art-law/spotlight-india-pride-project-and-the-future-of-art-restitution-in-india>.

³⁷*Maharashtra Govt Brings Back Iconic Sword of Maratha Commander Raghuji Raje Bhonsle, Auctioned for Rs 47.15 Lakh, to Mumbai*, Deccan Herald, <https://www.deccanherald.com/india/maharashtra/maharashtra-govt-brings-back-iconic-sword-of-maratha-commander-raghuji-raje-bhonsle-auctioned-for-rs-4715-lakh-to-mumbai-3685565> (last visited July 24, 2026) (reporting that the sword, believed to have left India as war booty after the 1817 Battle of Sitabuldi, was purchased by the Maharashtra government at a Sotheby's auction in London on Apr. 29, 2025, and flown to Mumbai on Aug. 18, 2025).

³⁸Mrityunjay Bose, *Maharashtra Govt Takes Forward Its Plan to Get Shivaji Maharaj's Sword and Tiger's Claw*, Deccan Herald, <https://www.deccanherald.com/amp/story/india%2Fmaharashtra-govt-takes-forward-its-plan-to-get-shivaji-maharaj-s-sword-and-tiger-s-claw-1210173.html> (last visited July 24, 2026) (reporting discussions between Maharashtra's Cultural Affairs Ministry and British authorities on the return of Chhatrapati Shivaji Maharaj's Wagh Nakh and the Jagdamba Talwar).

³⁹Saket Tiwari, *Jagdamba, Bhavani and Tulja: Where Are These Swords Now That Once Belonged to Chhatrapati Shivaji?*, News9 Live (Apr. 12, 2023), <https://www.news9live.com/knowledge/chhatrapati-shivaji-swords-jagdamba-bhavani-tulja-history-united-kingdom-rishi-sunak-au2114-2102232> (distinguishing the Bhavani sword, preserved by the Bhonsle family at Satara, from the Jagdamba sword held in the United Kingdom).

VII. Unfinished Business: What Still Awaits Return

Despite this progress, several of Bharat Mata's most significant losses remain abroad, with no binding mechanism compelling their return. The Kohinoor diamond, mined in southern India and surrendered to the British Crown in 1849 under the Treaty of Lahore, remains part of the British Crown Jewels, and the United Kingdom has consistently declined requests for its return, citing a precedent for its wider colonial-era holdings.⁴⁰ The Amaravati Marbles, roughly one hundred twenty carved limestone panels from the second-century-BCE Amaravati stupa, were largely removed to London in the nineteenth century and now form a dedicated British Museum gallery, with only a smaller portion at the Government Museum, Chennai.⁴¹ The Sultanganj Buddha, a large copper statue excavated in Bihar, is held by the Birmingham Museum and Art Gallery.⁴² Beyond these iconic objects, a larger, less publicised category consists of specific temple idols still missing from Idol Wing investigations in districts such as Ariyalur.⁴³

VIII. Learning from the World

India is not alone in this struggle. Italy's Comando Carabinieri Tutela Patrimonio Culturale, a dedicated art-crime unit established in 1969, maintains a large database of stolen cultural property and has recovered well over one hundred thousand artefacts through specialised training India's general police resources do not currently match.⁴⁴ Egypt's sustained, state-level diplomatic advocacy for objects held abroad similarly shows how consistent institutional pressure sustains restitution efforts over decades.⁴⁵ The UNESCO 1970 Convention and the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects together frame most modern repatriations, though enforcement still depends on the political will of the requested state.⁴⁶ India's 2024 Cultural Property Agreement with the United States offers a

⁴⁰National Herald India, *supra* note 35; The Art Newspaper, *India to Launch Largest Ever Repatriation Campaign Against UK* (May 15, 2023), <https://www.theartnewspaper.com/2023/05/15/india-to-launch-largest-ever-repatriation-campaign-against-uk-for-return-of-heritage-looted-during-colonial-rule>.

⁴¹Prashant Reddy Thikkavarapu, *India's Myopic Approach to Recovering the Kohinoor*, The Caravan (Sept. 1, 2016), <https://caravanmagazine.in/perspectives/myopic-approach-artefacts-kohinoor>; The Art Newspaper, *supra* note 40.

⁴²The Tribune, *India Wants UK to Return Kohinoor* (June 1, 2010), <https://www.tribuneindia.com/2010/20100602/main5.htm> (Sultanganj Buddha).

⁴³Tamil Nadu Police, Idol Wing, *supra* note 15 (Ariyalur district investigations).

⁴⁴Comando Carabinieri per la Tutela del Patrimonio Culturale, <https://www.carabinieri.it/chi-siamo/oggi/organizzazione/mobile-e-speciale/comando-carabinieri-per-la-tutela-del-patrimonio-culturale> (last visited July 24, 2026); National Geographic, *Italy's Artifacts Police Wage Global War, Recover 137,000 Objects*, <https://www.nationalgeographic.com/culture/article/150618-carabinieri-morgantina-italy-art-theft-antiquities-trafficking> (last visited July 24, 2026).

⁴⁵Fitz Gibbon, *supra* note 17 (comparative discussion of Egyptian and Italian repatriation practice).

⁴⁶UNESCO Convention, *supra* note 5; UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects,

promising template for extension to other major market jurisdictions, including the United Kingdom and Switzerland.⁴⁷

IX. The Shadow of Corruption and Systemic Neglect

Much of this vulnerability is compounded by systemic neglect bordering on institutional apathy. The CAG has repeatedly found that the ASI spends under one percent of its budget on exploration and excavation, and that reserve stores holding the overwhelming majority of a museum's collection, as at the Indian Museum, Kolkata, have been left without the fire-detection and CCTV systems that were actually budgeted and approved.⁴⁸ Investigative reporting has also documented cases where dealers colluded to fabricate provenance documents for smuggled idols, and where delayed local enforcement let stolen antiquities disappear into international markets for years before recovery efforts began.⁴⁹ Addressing this requires not merely new legal text but genuine accountability at every level of custodianship, from village temple trustees to national museum administrators.

X. The Road Ahead: A Blueprint for Reform

A. Government Policy

The AATA should be amended to replace the rigid one-hundred-year rule with an expert-assessed significance test, and to require periodic, independently verified condition checks for registered antiquities so that covert substitution of the kind seen in the Sivapuram Nataraja case is caught early rather than discovered decades later.⁵⁰ Registration should be made incentive-compatible for private collectors, for instance by decoupling it from routine inspection risk, so a real national inventory can finally be built.⁵¹ The National Mission on Monuments and Antiquities digitisation exercise should be completed on a firm, publicly reported timeline, since incomplete digitisation undermines both theft detection and recovery claims.⁵² Minimum, independently audited security standards, functioning CCTV, fire detection, alarms, and

June 24, 1995, 2421 U.N.T.S. 457.

⁴⁷Mathur, *Reclaiming the Past: An Overview of the U.S.-India Cultural Property Agreement*, Center for Art Law (Sept. 25, 2024), <https://itsartlaw.org/2024/09/25/reclaiming-the-past-an-overview-of-the-u-s-india-cultural-property-agreement>; DD India, *supra* note 30.

⁴⁸CAG Report 10/2022, *supra* note 3; PTI, *CAG Raps Indian Museum Kolkata for Damaging Priceless Artefacts*, Deccan Herald (Sept. 24, 2020), <https://www.deccanherald.com/india/cag-raps-indian-museum-kolkata-for-damaging-priceless-artefacts-892505.html>.

⁴⁹Montanez, *supra* note 25; Mathur, *Excursion*, *supra* note 28.

⁵⁰Legal Vidhiya, *supra* note 12; Jus Corpus, *supra* note 12.

⁵¹CAG Report 18/2013, *supra* note 3.

⁵²CAG Report 10/2022, *supra* note 3.

accession registers, should be mandated for every institution holding registered antiquities, backed by ring-fenced rather than discretionary funding.⁵³

B. Suggestive Reforms to the Enactment

In view of increasing instances of theft, illegal excavation, trafficking, and export of antiquities, the existing legislative framework requires substantial reform. The Act should be amended to provide for more stringent penalties, treating offences involving the illegal excavation, trafficking, export, or possession of antiquities as non-bailable given their serious impact on the nation's cultural and historical heritage. The quantum of fines should not be fixed arbitrarily but determined against objective parameters, including the number of antiquities involved, their archaeological and historical significance, their assessed market value, and the extent of financial gain derived from the illegal activity; a graded penalty structure of this kind would ensure proportionality while acting as an effective deterrent against organised trafficking.⁵⁴

A National Committee on Antiquities and Heritage Protection should be constituted to periodically review implementation of the legislation, identify practical challenges, and recommend amendments to the Central Government. The Committee should comprise authorised representatives nominated by all State Governments, together with three representatives of the Central Government drawn from the ministries concerned with culture, archaeology, law, and enforcement, so as to facilitate coordination between the Union and the States in formulating informed and effective policy measures.

Although the AATA is a central enactment, State Governments retain independent constitutional competence to legislate on archaeological sites and remains that have not been declared to be of national importance, and may accordingly enact complementary legislation addressing region-specific concerns.⁵⁵ Any such State legislation should, however, remain consistent with the central enactment, supplementing rather than overriding or contradicting its provisions, and States with separate legislation should ensure that its implementation is harmonised with the objectives, standards, and regulatory framework prescribed under the central law.

⁵³*Id.*

⁵⁴CAG Report 18/2013, *supra* note 3; Legal Vidhiya, *supra* note 12.

⁵⁵INDIA CONST. Seventh Schedule, List I, entry 67; *id.* List II, entry 40 (dividing legislative competence over archaeological sites and remains between Parliament and the State Legislatures according to whether a site has been declared to be of national importance).

Public awareness should also be recognised as a statutory component of heritage protection. State authorities, including District Collectors, should organise regular awareness programmes, workshops, exhibitions, and educational campaigns to promote public understanding of the importance of preserving antiquities and reporting illegal activity.⁵⁶ Local self-government institutions, including Municipal Corporations, Zilla Parishads, Panchayat Samitis, and Gram Panchayats, should establish dedicated departments or designated heritage officers responsible for antiquities and cultural heritage within their jurisdictions, working in coordination with the Archaeological Survey of India and State Archaeology Departments to ensure effective implementation of the law at the grassroots level. Taken together, these reforms would strengthen institutional coordination, improve enforcement, promote public participation, and ensure more comprehensive protection of India's antiquities and cultural heritage.

C. Legislation and Enforcement

Parliament should resolve the stalled 2017 draft Bill debate transparently, ensuring that any liberalisation of domestic trade is paired with, not substituted for, stronger provenance-tracking safeguards.⁵⁷ A dedicated, trained national art-crime investigation capacity should be built by scaling Idol Wing-style units nationally or creating a central specialised cell, rather than relying on general police resources stretched across unrelated crime categories.⁵⁸ India should also expand bilateral Cultural Property Agreements beyond the 2024 United States model to other major market jurisdictions.⁵⁹

D. Citizens and Civil Society

Citizen awareness campaigns run through schools, temple trusts, and heritage-walk organisations can multiply the reach of official monitoring, since antiquities theft is usually first noticed locally, not centrally.⁶⁰ Formal cooperation with platforms such as the India Pride Project and bodies including UNESCO and INTERPOL should be institutionalised, and heritage non-governmental organisations should be empowered to flag under-secured sites to the ASI before, not after, a theft occurs.⁶¹

⁵⁶CAG Report 10/2022, *supra* note 3.

⁵⁷Legal Vidhiya, *supra* note 12.

⁵⁸Tamil Nadu Police, Idol Wing, *supra* note 15.

⁵⁹Mathur, *Reclaiming*, *supra* note 47.

⁶⁰Mathur, *Spotlight*, *supra* note 36.

⁶¹*Id.*; UNESCO Convention, *supra* note 5.

E. Role of NGOs and Public Awareness

The responsibility of protecting antiquities and cultural heritage should not rest solely with the Archaeological Survey of India. Non-governmental organisations can play an equally significant role in creating public awareness of the importance of preserving India's cultural heritage, through educational campaigns, workshops, and collaboration with educational institutions across both rural and urban areas.⁶² Such initiatives can foster a sense of responsibility among citizens and encourage community participation in heritage conservation, reducing instances of illegal excavation, theft, and trafficking of antiquities.

The illegal trade in antiquities remains a matter of particular concern in Maharashtra, which has a well-established network of collectors and dealers, with transactions involving valuable artefacts reported to take place within this market; there have also been allegations linking certain establishments in cities such as Pune to this trade.⁶³ Episodes such as the unauthorised excavation near Koge's Jain temple underscore the need for stronger regulatory oversight, due diligence by enforcement agencies, and strict monitoring of the antiquities market to ensure compliance with the applicable legal framework.

XI. Conclusion: An Unfinished Duty to the Motherland

The Antiquities and Art Treasures Act, 1972 was a reasonable instrument for its era, but its core mechanisms have not kept pace with the scale of trafficking or the demands of modern conservation science. Bharat Mata's memory, carved into a thousand stones and cast into a thousand bronzes, deserves better than glass cases without cameras and registers without records. Yet the same nation that has struggled to secure its village museums has, within a single decade, transformed from a country that recovered thirteen antiquities across seven decades into one that recovers hundreds every year, proving that where political will exists, her scattered children can be brought home. Closing the gap between a still-vulnerable domestic custodial system and an increasingly confident international recovery effort is the unfinished task before this generation, one that we, as her sons and daughters, owe to her with pride and resolve.

⁶²Mathur, *Spotlight*, *supra* note 36.

⁶³See Lokmat, *supra* note 26 (illustrating the risks posed by inadequately monitored excavation and antiquities markets at the local level).

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