

CHAPTER – XI

Governance and Insensitivity to Red Signals

The functioning of the Ministry and its subordinate organisations were reviewed by external groups and authorities on multiple occasions. Parliamentary Standing Committee on Transport, Tourism and Culture also commented on the poor performance of the ASI and the National Museum and issues related to heritage conservation, several times.

Other authorities including the C&AG, Supreme Court and High Courts of India also took cognisance of the various issues in their reports/orders.

We noted that the Ministry and its associated organisations exhibited insensitivity towards these red signals. No major corrective actions or change in approach was noticed to rectify the deficiencies. Even where some action was initiated, it lacked the organisational will to be completed in a time bound manner. We analysed some of the recommendations made by these Committees/Groups and the action taken by the Ministry as of January 2013.

11.1 Ineffective Governance and Stewardship of Ministry

The mandate of the Ministry of Culture is to preserve and promote all forms of art and culture. In order to achieve this mandate, the Ministry undertakes maintenance and conservation of heritage, historic sites and ancient monuments through the ASI. Similarly, the Ministry also controlled some of the museums which had valuable collections. On the following issues, we found that the role of the Ministry was deficient:

11.1.1 Inadequacy of Policy Making

As pointed out in proceeding chapters, several organisations were working without adequate policy, legislation or standard practices. The inadequacy of policy affected the efficient functioning of these organisations for years. Yet we found no efforts from the Ministry to ensure timely updating of policies and due monitoring for the same as can be seen in the **Chart 11.1** below:-

Chart 11.1 Absence of proactive approach for finalisation of the Policies



However, the Ministry failed to monitor and take suitable action to accelerate the policies/legislation. Several agencies including the courts pointed out severe shortcomings in the functioning of ASI and museums and yet, the ministry took no note to improve the Governance at its level.

11.1.2 Improper Financial Management

The Ministry made budgetary allotments to the ASI without assessing the fund requirements of the ASI. No instructions were given to assess the requirements for conservation works and no proactive attempts were made to seek funding from sources other than Consolidated Fund of India.

The revenue generation efforts of ASI remained limited largely to ticketing and fees for shooting at the sites. No efforts or guidance was provided by the Ministry to adopt international best practices of revenue generation through monuments by way of souvenir shops, customised tours and provision of other tourist facilities. In fact, even within the existing modes, attempts for modernisation through online ticketing or regular revision in fees for shooting were not found.

The Ministry provided no leadership in any of these areas. The monuments constituted national assets but their revenue potential had not been recognised or realised.

11.1.3 Inadequate MIS and Monitoring

The Ministry did not have any information or MIS at its own level and all questions and issues related to the organisations were simply forwarded to these organisations to handle. In effect the organisations functioned as long arms of the Ministry. We did not notice any monitoring of organisations like National Mission of Monuments and Antiquities for the timely progress of work. Many of the initiatives and projects taken up by agencies covered under this audit were lying incomplete for decades and the Ministry was not monitoring the same on periodic basis. Interestingly, whenever issues of neglect of a particular site or monument were raised through a Parliamentary Question, VIP reference or experts, the Ministry's efforts remained limited to that very site rather than looking for more systemic and process based changes for all such sites.

Even in case of individual sites, Ministry's interventions and assurances were found largely ineffective as is evident in the case of Kanaganahalli (**Refer Case Study 6**).

A list of incomplete projects requiring monitoring by the Ministry is as follows:

Chart 11.2: Incomplete Projects/ works lacking monitoring of the Ministry



11.1.4 Insensitivity to Red Signals

There was no monitoring by the Ministry for action taken on the recommendations of various expert committees, audit reports and court rulings. Despite serious concern being raised on some issues from all forums, no concrete action was visible from the Ministry to rectify the shortcomings. Most of the concerns remained alive even after multiple red signals over the years. The details are given in succeeding paragraphs.

We found the guidance and instructions coming from the Ministry to these attached, subordinate and autonomous organisations random and conflicting. The documentation of instructions was incomplete and on many crucial aspects of functioning, there was no guidance from the Ministry. This had a trickledown effect on the efficiency and effectiveness of these organisations.

The Ministry replied (June 2013) that Central Advisory Board on Archaeology, headed by the Minister of Culture makes recommendations on conservation and maintenance of centrally protected monument. The Ministry provides guidance on all policy matters which are implemented by the ASI and the Ministry also monitors the activities of the ASI on all important matters on regular basis. However, the position of incomplete projects pointed towards ineffectiveness in the Ministry's monitoring. There is no system of regular reporting on pending issues/projects from various organisations to the Ministry. Further, the absence of a conservation policy and a national policy on excavation and exploration does not support the Ministry's reply.

11.2 Action on Recommendations of Various Reports

Table 11.1 Details of the various committees for evaluation of the ASI

Name of the committee	Reason of formation	Chairman	Report/ recommendation given in
The Expert Group on Archaeology	To carry out a professional study of the steps need to be taken and to prepare an overall plan of action in the matter of preserving India's historical monuments in the light of multi-dimensional factors responsible for their damage, especially environmental pollution and vandalism	Shri Ram Niwas Mirdha, Member of Parliament	1984

Name of the committee	Reason of formation	Chairman	Report/ recommendation given in
Parliamentary Standing Committee on Transport, Tourism & Culture's report on Functioning of the ASI		Shri Nilotpal Basu, Member of Parliament	2005
Committee appointed by Ministry of Culture	To analyse the impact of amendment to the AMASR Act 1958 including the impact of the AMASR (Amendment & Validation) Ordinance 2010.	Shri M. Veerappa Moily, Union Minister of Law and Justice	2010

It was noticed that the ASI/the Ministry failed to implement, on most issues, the recommendations of the Mirdha Committee in 1984. Similar matters were raised again by the Parliamentary Standing Committee in 2005 i.e. after a gap of more than 20 years. Most of these issues still remain unresolved:

Table 11.2 Details of the recommendations of various committees

Topic	Mirdha Committee(1984)	Parliamentary Standing Committee (2005)	Moily Committee (2010)
Changes in organisation of the ASI and the Legislation	The ASI should not be considered as a branch of public administration but should be treated as an academic institution with highly specialised duties and be accorded the status of scientific and technical institution enjoying	The Committee was constrained to note that no concrete action was taken by the Ministry and the ASI which amply indicated the administrative apathy towards the whole issue of implementation of the notification declaring the ASI as a scientific and technical institution. The Committee regretted that no internal exercise was undertaken by the Ministry and the ASI for availing the benefits and	The Act has not been able to adequately respond to the rapid growth in population and the attendant urbanisation across India. It has been ineffective in preserving our ancient monuments. An ineffective law has been

Topic	Mirdha Committee(1984)	Parliamentary Standing Committee (2005)	Moily Committee (2010)
	<p>autonomy in its functioning.</p> <p>Though the notification for the ASI declaring a Scientific and Technical Institution was issued in 1990, it was never implemented</p>	<p>privileges as a Science and Technology Department.</p>	<p>compounded with the lack of manpower and resources of the ASI.</p>
<p>In 2012 we found that the ASI continued to function as a regular attached office of the Ministry. There was no move to confer the status of a Scientific Department to the ASI.</p>			
<p>Excavation and Exploration</p>	<ul style="list-style-type: none"> • Lack of strategy for Exploration & Excavation • Not much has been done for historical period and pre history of India • Multi disciplinary work is needed for understanding the parameters of Stone Age. • At least 25percent of the ASI's budget should be utilised for Excavation and Exploration activities. • Publication of reports should be expedited. 	<ul style="list-style-type: none"> • The ASI should strictly adhere to the criterion fixed for selection of Excavation of sites. Further, decisions for Excavations should be made on the basis of proper scientific and technical appraisal and no extraneous factors should go into the decision making. • The ASI should ensure that officials engaged in a particular Excavation work were not transferred till such time that they complete the Excavations and submit their reports. 	<ul style="list-style-type: none"> • The reservation of a certain percentage of the estimated cost of large projects could be mandatory requirement so that archaeological documentation is done on a contract basis. This is the practice followed by several countries and results in the rapid execution and publication of focused archaeological works.

Topic	Mirdha Committee(1984)	Parliamentary Standing Committee (2005)	Moily Committee (2010)
<p>In 2012, we found that expenditure on Excavation activities was just about one <i>per cent</i> of the ASI's budget. There were significant delays in report writing and publication. Officers were being transferred before completion of Excavation report and there was no specific planning or direction for the Excavations being taken up by the ASI (Details in Chapter 5)</p>			
<p>Conservation of Monuments</p>	<ul style="list-style-type: none"> • Annual conservation programme should be specific purpose wise like a plan for the Kos Minars etc. • Important monuments should be identified for thorough conservation including environmental conservation on an integrated development basis. • There should be a new manual for conservation works and ASI should have its own schedule of rates. • Maintenance of Log Book of the monument with complete details of the work carried 	<ul style="list-style-type: none"> • The ASI informed the Committee that a comprehensive conservation manual would be compiled during the 10th Five Year Plan. • More amounts should be spent on conservation/preservation of the sites in comparison to site development/beautification etc. • The ASI should treat both ticketed and non ticketed monuments equally and efforts should be made for integrated infrastructure development and conservation/preservation of all monuments/sites with encompassing facilities for tourists. 	<ul style="list-style-type: none"> • The large amount of conservation work confined to WHS and ticketed monuments. • There are several hundred monuments which have not received a single rupee towards conservation in the last 20 to 30 years.

Topic	Mirdha Committee(1984)	Parliamentary Standing Committee (2005)	Moily Committee (2010)
	<p>out should be properly recorded for future references.</p> <ul style="list-style-type: none"> • Need for a special cell for research in archaeological conservation 		
<p>In 2012, we found that there were no integrated/ category wise conservation programs for monuments. No logbooks were being maintained by the Circles on works taken up on each monument. The Conservation Manual was not updated and the ASI had not developed its own Schedule of Rates. The ASI continues to rely on the Manual published by Sir John Marshall. There was no special cell for research and Archaeological Conservation. The position of visitor amenities was far from satisfactory even on World Heritage Sites. (Details in Chapter 3 and Chapter 10).</p>			
Security of Monument	<p>The ASI should have at least 9000 monument attendants and they should have a security force of its own</p>	<ul style="list-style-type: none"> • 10000 posts of monument attendants. • Expenditure on Security i.e. CISF and SIS should be borne by the Ministry of Home Affairs and suitable proposal should be submitted 	<ul style="list-style-type: none"> • While expressing concern on the encroachment and destruction of monuments, the Committee mentioned that the numbers of disappeared monuments were larger than mentioned by the ASI i.e. 35.

Topic	Mirdha Committee(1984)	Parliamentary Standing Committee (2005)	Moily Committee (2010)
In 2012, we found that majority of the ASI monuments were still without a fulltime guard. Monuments were increasingly falling prey to encroachments for want of adequate security arrangements. (Details in Chapter 9)			
Human Resource Management	<ul style="list-style-type: none"> • Upgrade the present post of Directors to JDGs and the post of SAs be changed to Directors • Staff at Circles should be suitably increased which includes the technical as well as administrative staff • HQ should have a Public Relation Officer • More posts were recommended in the engineering cadre to properly handle the conservation and preservation of monuments 	The ASI still felt shortage of manpower in the Conservation cadre and also in the Horticulture cadre to cope up with the requirement	<p>The Committee mentioned that in several cases, threats to the monuments have been ignored by their institutional guardian, the understaffed and underfunded the ASI.</p> <ul style="list-style-type: none"> • There are situations where the CAs are managing up to 80 monuments and hence they cannot be expected to visit /inspect such a large number of monuments at any reasonable frequency.
In 2012, we found that the ASI was facing acute shortage of staff. There were alarming shortages of technically competent staff for taking up conservation work. Some specialised conservation units like Underwater Archaeology were defunct for want of manpower. (Details in Chapter 4).			

Besides the above points, there were other issues that were pointed out by these Committees as detailed below:-

Topics	Recommendations of Ram Niwas Mirdha Committee
Inspection of the Monuments	Each monument should be inspected by one of the officers of the Circle and the Directorate must enjoin the Directors to inspect at least 50 monuments in a year. Inspection and Conservation notes should be prepared for each monument and be separately filed in a guard file.
Availability of Site Plans	Attendant should have a Site Plan in his possession so that he can report any threat to the ASI's land by way of encroachment.
Documentation Centres	There should be 2-3 documentation centres having all the details of the monuments including relevant photographs, drawings etc for the interested scholars.
Public Amenities	More monuments should be ticketed and the price should be increased. Public amenities, flood lighting etc should be done and maintained by tourist departments in consultation with the ASI
<p>We found that none of these recommendations were carried out or even considered at higher level. Lack of inspection of monuments and documentation continued to be areas of concern. The basic documentation like site maps/ plans was not available at Sub-Circle level in most cases. (Details in Chapter 2 and 10)</p>	

Neither the ASI nor the Ministry could provide us documentation and assurance that these issues were considered and some changes were brought about on the basis of these recommendations. Our audit at the field level confirmed that most of the issues remained relevant and unchanged even now.

11.2.2 Recommendations of the Committees on the National Museum

We also noticed that even the National Museum showed insensitivity to the red signals. An Expert Committee for the purpose of **“Comprehensive Scientific and Physical Verification of Art Objects of National Museum** was appointed under the chairmanship of Shri Varadarajan in 1999. The report was prepared by the Committee and submitted in the year 2004. Further in 2011, a Parliamentary Standing Committee chaired by Shri Sitaram Yechury, also pointed out the lapses in the functioning of National Museum.

Both reports submitted in 2004 and 2011 were having common issues which were not resolved till the completion of the Audit (November 2012). Some of them are as follows:

Topics	Recommendations of Varadarajan Committee in 2004	Recommendations of Yechury Committee in 2011
Documentation	Entire holding should be digitised and computerised by December 2005	There is a minimal use of IT. Digitisation must be considered for expeditious implementation
Physical verification	20 <i>per cent</i> of the objects of each section must be verified each year so that all objects were completely verified in a five year cycle.	Finds it hard to believe that no verification of artifacts had been done since 2003. The Committee fears that when the verification process is taken up some of objects may be reported missing
The physical verification was not carried out after 2003		
Security	Security must be under one umbrella and managed by one agency	Make use of the best technology to safeguard the museum
Display	Display of the galleries needs to be changed periodically	Yearlong display schedule may be drawn up and publicised widely
No specified display schedule was drawn up (Details in Chapter 6)		
Manpower	Critical vacancies must be filled without any further delay	Make the post of DG more attractive. Lack of commitment of the Ministry in filling up posts. Create posts of ADG and JDG.
No posts of ADG and JDG were sanctioned and filled up. The manpower crunch was noticed during the audit also. (Details in Chapter 8)		

Topics	Recommendations of Varadarajan Committee in 2004	Recommendations of Yechury Committee in 2011
Acquisition	Art Purchase Committee be reconstituted and should start functioning from April 2004	Reasons for the defunct acquisition committee may be looked into and steps be taken to constitute the committee at the earliest
The Art Purchase Committee was still defunct and no concrete efforts were made to reconstitute the same. (Details in Chapter 6)		
Closure of galleries		Out of 26, 7 galleries were closed and the reasons were not convincing. No laid down guidelines for renovation of galleries
Maintenance of building		Performance of CPWD may be closely monitored and if required, the maintenance may be awarded to some other specialised agency
Signage		Signage and labels were unattractive and too small in size and find errors in translation
Central Asian Objects (CAA)	Suitable decision for 700 CAA objects lying in V&A Museum, London should be taken and digital catalogue be obtained from them	
No efforts were made by the National Museum to contact V&A Museum, London to search for the details of the 700 CAA objects.		
Gift shop	It must be plentifully stocked with attractive replicas	
Non antiquity objects	Non antiquity objects could be transfer to NGMA or crafts museum	

11.3 Court Rulings for Monuments

Various courts across the country had also taken note of the issues related to heritage conservation and functioning of these organisations. We noted that there were instances where no action was taken by the ASI even after the directives of the Hon'ble Supreme Court of India and the High Courts of the States. Some of the illustrative cases were as follows:

11.3.1 No action on Supreme Court Judgments

- a) On the appeal of the ASI, the Supreme Court in 2004 passed a judgement⁶⁶ through which the notifications issued by Government of Karnataka in 1976, declaring 43 centrally protected monuments as Karnataka Wakf Board properties, were annulled. However, instead of taking steps to cancel the notifications, the ASI requested the Government of Karnataka for a joint survey of these monuments to determine the status of monuments from 2008. The joint survey had not been conducted till January 2013. The Government of Karnataka had further notified another six monuments at Bidar, Belgaum and Gulbarga as Wakf properties in August 2005, i.e. after the Supreme Court judgement of 2004. No action was taken by the Ministry or the ASI in this regard.
- b) For the celebration of local festivals near the Tenkailasanatha Temple, a centrally protected monument in Trissur circle, people used to burst fire crackers which were destroying the mural paintings of the temple. In 2005, the Supreme Court directed that the chemical composition for each fire crackers should not result in noise levels exceeding the limit of 125 decibels at the rituals during festival season. However, the ASI did not put any system in place to coordinate the issue with District Authorities. The ASI had no mechanism of its own to ensure that the Supreme Court directions were adhered to. We found that fire crackers being used in the function were still damaging the roof of the protected monument.

11.3.2 No Action on the Judgments of High Courts of States

The ASI was unable to remove encroachments from its protected sites despite court judgments. Absence of cooperation from District and State Authorities was cited as a reason by the ASI. However, we noted that it had not taken up this matter at the Ministry's level for a long term solution. Some illustrative cases are as follows:

⁶⁶ CA No 16899/96

- a) 66 cases of unauthorised construction in the protected area of Jaisalmer Fort, Rajasthan could not be removed despite the judgment of the Rajasthan High Court in February 2004.
- b) The High court of Ahmedabad orders, for removal of encroachment at the Ancient site, Gohilwad Timbo, Amrali, Vadodara Circle, could not be implemented.
- c) In 2002, the High Court of Delhi directed the Central Government to review its notification dated 16 June 1992 relating to its definition of prohibited and regulated areas and the requirement of permission from the ASI for construction in the regulated area. The High Court also opined that prohibition of construction must not be left to an inflexible rule of thumb but must be arrived at after a conscious and objective application of mind. However no such review has been carried out or even started as of January 2013.

11.4 Insensitivity to Audit

The ASI received its budget from the Consolidated Fund of India and therefore, we conducted regular transaction audit of the Headquarters of the ASI and the Circles and Branches. We noted the persistence of irregularities.

We had also conducted a review of the “Preservation and restoration of Art Objects” related to Indian Museum, Victoria Memorial Hall and Asiatic Society Kolkata, published in C&AG’s report No 4 of 2005 (Civil). However during this Performance Audit we were constrained to note that most of the irregularities and shortcomings were persisting.

11.5 References from People

Cases were also noticed where people’s representatives, conservationists and eminent persons pointed out towards serious lapses in the functioning of the ASI. The ASI did not take any action in most of the cases even to ascertain the facts. Some such illustrative cases were noticed during the test check of records:

- a) The ASI carried out a joint survey with the State authorities to develop Chandramouleshwra temple, Unkal in Dharwad Circle as a tourist place. A rehabilitation plan amounting to ₹ 14.75 crore was made after conducting the survey. This would be shared in the ratio of 37:63 between the Government of Karnataka and Government of India. It was revised to 50:50 in August 2010. As no progress was made in this regard, Shri Prahlad Joshi, Member of Parliament requested the Prime Minister’s office to take appropriate action in this regard in September 2011. No further action was taken on this issue till completion of Audit (December 2012).

- b) Minister for Rural Development, Government of India informed (April 2012) the Minister of Culture regarding the conditions of the Buddhist site 'Kanaganahalli'. He mentioned that the "protection of the monument was only on paper and the lump of the head of the woman was vandalism masquerading as archaeological conservation". He stressed for the establishment of the Site Museum, documentation of each and every piece of stone and for carrying out the repair work in the most sensitive and scientific way. No action was taken despite his intervention and subsequent visit. We found the site lying neglected. (Refer **Case Study No 6**).
- c) Similar observations were made by the Minister for Rural Development, Government of India regarding the poor condition of the Tomb of Hasan Shah Suri and Sher Shah Suri at Sasaram, Rohtas in Patna Circle. He pointed out the poor condition of the baoli, garbage and defaced walls and mentioned that the maintenance was 'atrocious'.

The ASI failed to ensure proper compliance with the recommendations of Expert Groups and Parliamentary Committees. As a result, the ASI continued to function ineffectively, without adequate financial and human resources to carry out its mandate. The deficiencies in the ASI can largely be contributed to the Ministry's insensitivity towards these red signals.

