ICOMOS
INDIA
™
Council on Monuments and Sites

BUILDING CAPACITY TO SUPPORT

RIGHTS BASED APPROACH

IN THE
WORLD HERITAGE CONVENTION.

LEARNING FROM PRACTICE - INDIA

2015

ICOMOS INDIA

Council on Monuments and Sites

BUILDING CAPACITY TO SUPPORT

RIGHTS BASED APPROACH

IN THE

WORLD HERITAGE CONVENTION.

LEARNING FROM PRACTICE - INDIA

2015

TABLE OF CONTENTS ────

ACKNOWLDEGMENTS

EXECUTIVE SUMMARY————————

How can the identification of heritage and Outstanding Universal Value go beyond the defined parameters of the World Heritage Convention, to address rights and recognize the inherent values and significance which makes it World Heritage?

This research project is a short term activity for the RBA (Rights Based Approach) undertaken by ICOMOS India– supported by the Ministry of Climate and Environment, Norway and ICOMOS Norway. The aim of the project is to undertake national consultations; to identify and map experiences with issues pertaining to addressing rights in field of heritage management with specific focus on World Heritage (WH). The main objective is to device methodologies to build capacity to support rights based approach and analyze good practices in the World Heritage Convention.

ICOMOS INDIA AND NATIONAL SCIENTIFIC COMMITTEE:

ICOMOS India supported the initiative of ICOMOS Norway in the General Assembly of ICOMOS held in Florence in 2014. Several world heritage sites, both cultural and natural have been selected for research as case studies for the purpose of this project. These are:

- Western Ghats *(Natural property, Inscribed)*
- Champaner- Pavagarh Archaeological Park *(Cultural property, Inscribed)*
- Mahabodhi Temple complex *(Cultural property, Inscribed)*
- Sri Harimandir Sahib *(Cultural property, Nomination withdrawn)*
- Khangchendzonga National Park *(Mixed site, Tentative list)*

The following report is the outcome of **Phase I: Short term** research through secondary sources. The **Phase II: Long Term** research will be conducted in the following two years with detailed primary analysis for good case practices, under the aegis of the National Scientific Symposium of ICOMOS, India. (19th General Assembly 2017)

DEVELOPING A PHILOSOPHY TO FORMULATE THE NARRATIVE WITH RESPECT TO HERITAGE:

The philosophy developed for this study intervenes in the existing framework of identifying World Heritage in the existing parameters laid by the UNESCO WH Convention and explains the need to address heritage, its value and significance, beyond these definitions and set criteria. This rhetoric should be defined not only in the cultural, social, historical, scientific, technical aspect but also in a spiritual, metaphysical and historical level. In the existing framework of WH, categorizing nature and culture separately violates the integrity of the site, thus generating silos and deprives a substantial number of people of their livelihoods, disconnecting the site from the everyday concerns of citizens in general and makes these sites exotic parts of consumerism. This philosophy is envisaged by establishing the relation between heritage and democracy and rights, with respect to Outstanding Universal Value (OUV) by reconstructing the historical narrative and redefining customary rights.

ARTICULATION OF VALUE AND DE-CONTEXTUALIZATION:

With the existing defined enabling factors and operational guidelines, we start to attribute the values defined in a global perspective, but not adequately recognizing the substantive value or the local value.

The local communities are the torch bearers of this local significance and heritage. Hence, they should be given primary identification and importance in the recognition of their 'heritage' as a 'World Heritage'. An operational system needs to be in place to address the local context, values and rights at a local and a global level, feeding into the management framework.

Here, the idea of a 'symbolic place', 'a cultural landscape' and adhering to a 'knowledge systems approach' captures the essence of that place, which has significant heritage value. Heritage and tradition are two different aspects in the social context. Tradition becomes heritage when the value of it transcends the defined tradition to a larger level, at a universal level. It is only when these inherent values and meanings are identified, with respect to nature, people and geography, as an integrated approach, the rights at various levels can be addressed. This research elaborates the philosophies and theories which can be executed on site, and how in the light of the existing laws and conventions can be further elaborated and incorporated in the consciousness of the people as well as the management bodies. Conservation of natural and cultural heritage needs to be imbibed as a habit in the consciousness of people.

IMPORTANT QUESTIONS FRAMED DURING THE RESEARCH:

What is Heritage? Why remember? What makes it authentic and integral as World Heritage? What are the attributes associated with it giving it Outstanding Universal Value? Is the conservation practice adequate and appropriate? What rights are addressed in the process of World Heritage Nomination? How can the practice of conservation be inclucated as a habit within the communities? What is the potentiality of heritage? How to sustain heritage? Does it address the system of commons? What are the indicators of good practice for conservation of heritage? What is the incidental duality of the practice of conservation? How can the process be more inclusive, transparent, accountable and participatory? What needs to be formulated as a common framework and an operational guidance?

ANALYSIS OF OPERATIVE RIGHTS REGIME AND METHODS OF ANALYSIS OF INFORMATION:

A good practice in the realm of heritage conservation in terms of site level execution as well as management level is where the International Governmental Body of UNESCO operates with the state parties, advisory bodies and the local government. Also, heritage management is a highly politicized affair, owing to the various stakeholders and actors involved in the process. In this case, it is necessary to analyze the existing management framework, the rules and regulations which provide clauses for heritage management. It is the need of the hour to analyze these antiquated laws in the perspective of the dynamics of the ever evolving nature, culture and society. The analysis of the conventional rights (*human rights, cultural rights, etc);* substantive rights and procedural rights is the first step taken towards analyzing the operative rights regime and the good case practices and finding the gaps in the execution of these laws.

MATRIX FOR ASSESSMENT AND EVALUATION OF CASE STUDIES:

The analysis of the relation between the advisory bodies and the individuals and institutions, the effectiveness of regime, the underlying functional and success aspect and identification of the roles and responsibilities and authorities of these monitoring bodies and where they lack in practice on ground is required. Hence, for this purpose, a matrix was devised for the evaluation and assessment of the case studies selected for this research. This matrix demonstrated a clear picture of actual ground reality in terms of legislations, customs and traditions, conflicts arising due to nomination as World Heritage or in the terms of religion, politics, economics and its effects on heritage management and vice versa. A

case study narrative was articulated with this secondary information, to analyze good practices on ground and to identify the gaps in management and the commonalities as to how the approach can be amended, in terms of World Heritage nomination and management.

INFERENCES AND RECOMMENDATIONS:

Effective rights bases approaches demand specific policy guidance, enabling factors and well-designed operational mechanisms. Inferences drawn from the case study analysis and theories and philosophies are further articulated into recommendations. These recommendations deal with various levels of management, policy guidance, enabling factors for adhering to a 'rights based approach' for building capacity in the World Heritage Convention.

LIMITATIONS OF THE RESEARCH AND WAY FORWARD:

This research is largely based on the available secondary data and literature, consultations of experts having work experience in the selected WH properties as case studies; theories in sociology and facts and figures. Many of the aspects in the devised format for case study are not available in secondary sources, but have only been analyzed with the available information. Hence, for a more holistic and broad perspective, the working group for RBA, ICOMOS India has conceived the idea of carrying out a two year long research, with primary survey, field study and consultations. This research will be incorporated in the National Scientific Symposium themed **'Heritage and Democracy'** to be held on the occasion of the 19th General Assembly of ICOMOS, India in 2017.

INTRODUCTION

- Heritage and Outstanding Universal Value

- The project and ICOMOS India National Scientific Committee

- Phase I and II of the project

- Rights Base Approach working group

- Methodology for the research

1

INTRODUCTION ──────────────

1.1 HERITAGE AND OUTSTANDING UNIVERSAL VALUE

Heritage is a shared responsibility. With the vast repository of cultural, natural and built heritage we have in India, it is essential to introspect and reconsider our approaches towards identification, recognition, protection, conservation and management of heritage. A holistic approach taking into account the rights of communities directly or indirectly linked with heritage, in the purview of management of World Heritage properties is a challenging task. It is recognized amongst the conservation fraternity that respecting and supporting rights is necessarily part of an equitable and sustainable approach to management of World Heritage properties. With over 25 properties inscribed on the UNESCO WH list as cultural heritage properties and 7 natural heritage properties, and many more being further nominated, adopting the 'Rights Based Approach' will ensure protection of the link between communities and sites for preservation, conservation and management. Effective progress on addressing rights in World Heritage system offers an important contribution to put into practice the social equity pillar of sustainable development.

The Operational Guidelines of World Heritage Convention 1972 have defined properties with **'Outstanding Universal Value' (OUV)** under two main categories: **Natural and Cultural.** The set criterions create a common platform to weigh all the heritage sites on a universal scale. However, the spiritual and symbolic aspects of these historically, aesthetically, architecturally, spiritually, culturally significant sites become subjugated in the run to identify them within the broader universally accepted criterions. This, according to our study, is a fundamental area which requires to be addressed as part of the process for identification of sites for world heritage recognition. It is important that defining OUV encompasses the local context, significance of time and value of site which makes it truly universally outstanding, without infringing on the social systems, beliefs and customs. It is the prerogative of the local and ethnic communities to highlight the traditions and customs which confer meanings and values to these sites.

Heritage and tradition are two different aspects. 'Tradition' becomes 'heritage' when the value of it transcends the defined tradition to a deeper level, thus making it universal. State parties are obliged to follow guidelines formualted by WH Conventions. It is also observed that purview of heritage is beyond defined frameworks. This heritage value of any site is convergence of traditions and customs which can be better analyzed through principles of time and is the foundational position, 'situatedness' and inclusive of transcendental presence.

This philosophical basis renders the categorization of sites as 'cultural' and 'natural' site as less effective. These sites identify nature and culture together as a part of the daily lives of the community and are mutually interlinked. This requires to be dealt with in a more appropriate manner to avoid appropriation, acculturation and subjugation of local values and rights thereafter. The concept of rights springs from this philosophical basis.

The definitions of enabling factors and operational guidelines that attribute values defined in a global perspective do not adequately recognize the 'substantive' and the 'local value'. The point that people are central to conservation practices, and not antithetical, needs to be internalized

with the management practices. The local communities are the torch bearers of this local significance and hence, they should be given primary identification and importance in the recognition of their 'heritage' as a 'world heritage'. An operational system needs to be in place to address the local **context, values and rights** at a local as well as at the global level, feeding into the management framework.

1.2   THE PROJECT

This project is a short term activity for the RBA (Rights Based Approach) – supported by the Ministry of Climate and Environment, Norway. The aim of the project is to undertake national consultations to identify and map experiences with issues with respect rights in the field of heritage management - with the focus on World Heritage. ICOMOS Norway being the project manager; has invited National Committee of ICOMOS of India and of South Africa to collaborate on this important pilot project. Given the significance of the Rights Based Approach (RBA) to heritage, ICOMOS India supported the initiative of ICOMOS Norway in the General Assembly of ICOMOS held in Florence in 2014. Several World Heritage properties, both cultural and natural have been selected for research as case studies for the purpose of this project.

ICOMOS INDIA AND THE NATIONAL SCIENTIFIC COMMITTEE:

The Executive committee of ICOMOS India invited members of ICOMOS India to be part of the working group for this research. This led to forming of the India ICOMOS RBA working group which has contributed to several activities of the project including undertaking research, participating in consultations and deliberations to develop the project methodology, development of the framework from the standpoint of rights informed by both research and practice and also planning for future activities. The budget for the project was prepared by the ICOMOS Executive committee.

For the purpose of examining issues of 'rights', five case studies have been identified. These are:

♦ Western Ghats *(Natural property, Inscribed)*
♦ Champaner- Pavagarh Archaeological Park, Gujarat *(Cultural property, Inscribed)*
♦ Mahabodhi Temple complex, Bodhgaya, Bihar *(Cultural property, Inscribed)*
♦ Sri Harimandir Sahib, Amritsar, Punjab *(Cultural property, withdrawn nomination)*
♦ Khangchendzonga National Park, Sikkim *(Mixed site, Tentative list)*

These case studies (Cultural, Natural and Mixed sites) are of immense significance, and of varying complexities with respect to nature, culture, indigenous and ethnic groups, community based organizations (CBOs); inscribed, nominated and withdrawn nominations of these heritage sites. Here, we try to analyze the existing heritage management framework and the relationship and interaction with local and customary values and practices. The assessment of these sites has been undertaken and data logged into a matrix. The information logged is from secondary sources. The team consists of experts in the field of heritage conservation, sociology and natural conservation, which gives this study a multi disciplinary perspective and broadens the scope of the project. The preliminary assessment of the sites is limited as all materials are culled out from the available secondary sources.

1.3   RESEARCH IN PROPOSED TO BE UNDERTAKEN IN TWO PHASES:

Phase One (Short term, June-July 2015):

Generation of theoretical framework and philosophical perspective on matters of rights and heritage and undertake preliminary assessment of case studies to present the current state of management of world heritage sites, primarily though secondary sources.

Phase Two (Long term 2015-17):

Detailed study based on primary field work to generate detailed case studies for the National Scientific Symposium to be held on the occasion of the 19th General Assembly of ICOMOS proposed to be held in New Delhi in 2017:

The theme for the National Scientific Symposium of ICOMOS India for the General assembly in 2017 is **'Heritage and Democracy'.** It is envisaged by the working group that this project would contribute meaningfully towards development of the theme for the scientific symposium. This will be executed through detailed primary surveys and case studies, community interaction and participation. The need of a long term activity emerged through discussions and knowing that much of the information can be acquired through primary surveys and field experiences. Culture is deeply rooted in folklores, art, architecture, scriptures which should be studied in order to gauge the significance of the site. The philosophy developed for this particular research demands deeper understanding of the relations between man, nature and culture and how all these three add to the universal significance and needs to be inculcated as a habit of conservation in the masses.

1.4   ADVISORY COMMITTEE OF THE RBA WORKING GROUP:

Collaboration with the WII, a Category II Center of the UNESCO, was the result of constituting of a multi disciplinary group of advisors and experts. This collaboration enriched the development of the methodology and theoretical framework in an interdisciplinary manner. The following brief report is the outcome of the intense brainstorming sessions, with inputs from the members from various backgrounds. Inputs to the draft documents were received from out station members of the group as well which helped in devising the following methodology

Meetings and deliberations:

As mentioned above, an interdisciplinary team of experts contributed to the project. The team includes scholars from social sciences and humanities background, wildlife studies, architectural conservation experts and experts in the culture sector.

Two meetings of the RBA working group took place in New Delhi, with intense discussion and idea generation for arriving at a methodology for this project, with respect to India.

(Refer ANNEXURE II- Minutes of Meetings)

1.5   METHODOLOGY FOR THE RESEARCH:

WHAT IS HERITAGE

NEED TO REDEFINE IDENTIFICATION OF HERITAGE

FORMULATING THE NARRATIVE WITH RESPECT TO HERITAGE

Redefining the attributes of value, significance, authenticity and integrity of World Heritage sites.
• Context
• Value
• Rights

1. Reconstruction of the historical narrative.

2. Redefinition of customary rights

DEFINING 'COMMONS' AND 'INCLUSIVENESS'

SCOPE OF RIGHTS

ANALYSIS OF THE OPERATIVE RIGHTS REGIME

• Human
• Culture
• Nature

Philosophy of rights:
• Adequateness
• Appropriateness

Laws in theory and practice:
• Customary laws
• Statutory laws
• Convention laws

RIGHTS BASED CONSERVATION APPROACH

STUDY OF CONVENTIONS RELATED TO HUMAN RIGHTS AND THEIR RELEVANCE IN LOCAL CONTEXT

ANALYSIS OF THE HIERARCHY OF MANAGEMENT AND IDENTIFYING THE GAPS

• Local level
• Regional level
• National level
• International level

WORLD HERITAGE SITE: CASE STUDY MATRIX: ASSESSING SIGNIFICANCE AND EVALUATING WH IN INDIA TO DEMONSTRATE GOOD PRACTICES.

CULTURAL SITE:

1. Champaner Pavagarh Archaeological Park (Inscribed 2004)

2. Mahabodhi Temple complex at Bodhgaya (Inscribed 2002)

3. Sri Harimandir Sahib , Amritsar (Nomination withdrawn 2003)

NATURAL SITE:

Western Ghats (Inscribed 2012)

MIXED SITE:

Khangchendzonga National Park (Tentative list)

ANALYSIS AND INFERENCES

NEED FOR AN IMPROVED MANAGEMENT SYSTEM TO BE ACHIEVED

i. Policy guidance
ii. Operational guidance
iii. Enebling factors

• Safeguards
• Heritage impact assessment

• Capacity building
• Intellectual property rights

Fig. 1: Methodology for the project

PHILOSOPHICAL BASIS FOR THE RESEARCH:

- ♦ OUTSTANDING UNIVERSAL VALUE, RIGHTS, HERITAGE, AND DEMOCRACY

- ♦ REDEFINING ATTRIBUTES OF VALUE, SIGNIFICANCE, AUTHENTICITY, AND INTEGRITY OF A WORLD HERITAGE SITE

- ♦ ARCHITECTURAL KNOWLEDGE SYSTEMS APPROACH FOR IDENTIFYING HERITAGE

- ♦ SYMBOLIC PLACE AND IDENTICIDE

- ♦ DOCUMENTATION OF A SITE AS A WHOLE

2

PHILOSOPHY FOR RESEARCH ────────────

2.1
OUTSTANDING UNIVERSAL VALUE, RIGHTS, HERITAGE AND DEMOCRACY ─────────

Excluding nature and culture from each other, historical experiences of over two hundred years has repeatedly demonstrated, brings disaster, generates violence and damages life processes irreversibly. Such separation today manifests as 'irreverence for life'.

Humanity is determined as 'reverence for life', by how inclusive are we, and can be, of the world of nature and culture, in our social lives across the spectrum extending from our daily activities to collective public works. A significant step in this direction was taken with the formulation of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954). It laid the foundation for efforts to protect monuments and sites that are worthy of being designated as World Heritage for their **'Outstanding Universal Value'**. These sites are distributed over two distinct categories of nature and culture. The separation of culture and nature into two separate silos can be said to be the basis of contemporary democratic political systems that created the paradigm to conquer nature. The sites are thus integrated into an economy of unmitigated production practices and consumerism.

The separation of nature and culture too is an 'unmitigated' excess - a violation of the integrity of nature and culture. Thus, the 'protection' frameworks and regimes of procedure for each category deprive a substantial number of people of their livelihoods, disconnecting the site from the everyday concerns of citizens in general and make these sites exotic parts of consumerism which does not inhibit practices that are compromising the values of these sites.

These frames and regimes of protection do not measure up to the Outstanding Value of the sites.

This is not a 'right'.

The separation of 'nature and culture' creates chasm, an abyss and darkness and leaves no space for 'rights'. A significant aspect of the notion of 'rights' is 'worthiness', which determines position, limits-in-relations. Rights point to limits in a relation and excess is a violation of a relation. In a democracy, limits do not mean 'closure' but means potentiality. The adequateness and appropriateness are necessary elements of 'worthiness' of the limits of relation, as to how far can it extend the horizon of the 'yet to come' or the potentiality of it.

Potentiality is 'outstanding value'. Potentiality is inclusive of nature and culture.

From this perspective what is not right about the protection regimes is that they do not measure up to the worthiness of the Outstanding Value of World Heritage properties; they do not bring people in proximity to it.

What are the outstanding attributes of the World Heritage properties? And are these integral parts of our lives. This is perhaps a step towards shaping our humanity inclusive of nature and culture.

The Outstanding Value of the heritage sites emerges only when we see the sites in nature and culture together in relation to each other. There are four attributes of outstanding value: time; foundational position; situatedness and inclusive transcendental presence. These parameters are further elaborated in the research.

Together, natural and cultural World Heritage unfolds long duration time rhythms ranging from a few hundred years to a few thousand years. They together bring to us a sense of dignity, steadfastness, and a freshness of being shaped by having withstood the wear and tear of time. Thus, they illuminate value and meaningfulness of every other thing in the world. In their absence, lives of millions are likely to get affected adversely. In the world view, they are thus in a foundational position. The particular geography and contexts where they are situated highlights their creative energies. These belong to no one, but all can belong here, everyone can draw from it energy to rejuvenate. All this makes their presence inclusive and transcendental. This holds potentiality.

Their togetherness is inclusive of the potentiality of 'life processes'. It is the 'yet to come', 'that which is not yet framed', the ever expanding horizon, yet to be realized.

In the light of these attributes of outstanding value, what can we say of the protection regimes? And what questions can be put to it?

To begin with, these regimes are sets of mere procedures within a larger set of democratic procedures. The expression 'mere' refers to the un-mindfulness of democracy as a value that is a measure of potentiality. Democracy in particular instance of 'potentiality' for it presence emerges in the ever expanding horizon, from being open to the yet to come, to the yet to be realized, to the potential of several contexts. It is an inclusiveness of time and humanity, of nature and culture respectively.

The protection of 'rights' in conservation should be concerned with worthiness of practices, how adequate and appropriate they are in relation to the worthiness of the Outstanding Value and how mindful are they of potentiality of the relation between human beings and nature. *The significant question is not just whether, conservation practices can generate livelihoods, can save from poverty and extinction. The important inclusive question is, is not the worthiness of the outstanding value integral to human cultures?*

The notion of rights has thus been negotiated; on one hand the fact that the world of consumers and customary practices cannot be wished away, and on the other that the Outstanding Value of World Heritage cannot be wished away either. It is becoming necessary to give adequate recognition to the Outstanding Value of the World Heritage and accordingly an appropriate position be given to it in the worldview. With this a ground is being created for the making of conservation a habit which goes beyond not wasting, not generating waste, recycling, economic use of resources, cost effectiveness, to be adequate and appropriate of limits in relation between nature and culture.

2.1   NEED FOR REDEFINING THE PROCESS OF IDENTIFYING HERITAGE:

People and communities are an inherent part of site/s, the primary custodians, having survived through generations and connected with the culture, traditions and knowledge systems which shape the natural and cultural environment they live in. In case of Western Ghats, recognition of a site as only 'natural heritage' is inadequate; the site has elements of 'cultural landscapes' owing to the combined works of man and nature. In the process of adhering to the international conventions, at a local level the authenticity and the integrity of the site may be compromised due to the procedural flaw. The micro details should not be overlooked in the course to address the macro picture of heritage management. The WHC does provide standards for regulatory and operational framework; the state party requires developing a mechanism of operation, institutionalization and management at a local level responsive to rights. *Do the available tools for management, work codes, roles and responsibilities, duties and powers recognize and further aid in mobilizing public opinion and participation?* These are critical questions to be addressed.

2.2

REDEFINING THE ATTRIBUTES OF VALUE, SIGNIFICANCE, AUTHENTICITY AND INTEGRITY OF A WORLD HERITAGE SITE ——————————

Often times, the gradual disassociation of the attributes of the OUV from the local values, communities and practices of the people directly associated with the 'cultural landscapes' are debated during inscription of a site. We take one step backwards to understand the value and significance of the heritage, and its 'meaning' for preserving it for posterity. We further examine the 'defined attributes' that are recognized while nominating the site for World Heritage inscription.

> *A cultural landscape is a 'symbolic place', providing a context within which humans live, providing boundaries, quite complexly, within which people remake themselves and are worked upon by the landscape they have constructed.* (Meharg S. 2001)

Sustained engagement with heritage is vital as it is an 'antidote' to war & terrorism- as a symbolic reserve for peaceful human existence. Hence, propagation and conservation of a site as World Heritage becomes important.

BURRA CHARTER (1979)

> The cultural significance of heritage sites is defined by the aesthetic, historic, scientific, social or spiritual value for past, present or future generations which is embodied in the place itself, its setting, use, associations, meanings, records, related places and related objects.

The historical discourse can be divided into categories to delve into greater depths and analyze the aspects of local values and significance; which are overlooked in the overarching framework of management of world heritage:

◆ **THE CONTEXT** of the heritage sites

◆ **THE CIRCUMSTANCES** which shape the history. (which may include the geographical, political, cultural, social, economic context)

◆ **THE HISTORY** that has been handed down to generations in tangible and intangible aspects (oral histories, myths, documentation through paintings, art, sculptures, folklore and architectural manifestations)

2.2.1 INCULCATING THE SENSE OF CONSERVATION OF HERITAGE AS A HABIT IN THE COMMUNITIES:

Heritage is an entity which needs to be preserved for posterity, to generate a sense of belonging within people and sense of history, knowledge, identity and tolerance which has been existing since ages and shapes the culture and nature together. In this respect, heritage conservation can act as a highly incentivized act, benefiting the local communities, as well transcending to a universal level. As a repository of knowledge, it will be beneficial if the communities are engaged in managing heritage at a local level.

E.g.: Maintaining a 'public library' can act as a vibrant place for congregation and condition the young minds with the significance and value of their heritage.

Value can be defined under four parameters:

2.2.1.1 TIMELESSNESS:

The association with time makes them significant. Culture, religion, faiths have a sense of 'timelessness' and 'placelessness', they cannot be measured and quantified nor they can induced without making the societies understand its value and significance and engage them in the practice of conservation. This can be achieved by weaving together the stories, myths, associated beliefs, art, fairs in a cyclic time format, a calendar, which behaves as a constant reminder of its importance in the otherwise ordinary life race to meet the fundamental needs of humans.

2.2.1.2 SITUATEDNESS:

The character o places does not undergo huge transformations, but in the light of development and changing circumstances it can be maintained and preserved to be meaningful in the global context. This plays an important role in continuing the legacy, irrespective of the changing circumstances. This can only be achieved, if the people engaged with the site are well aware and well informed about the universal significance of their heritage.

2.2.1.3 TRANSCENDENTAL VALUE OF CONTEXT:

The value of the property at a local context may be of a higher value at a universal level, making it universally significant.

E.g: The philosophy behind the construction of the Harimandir Sahib Gurudwara, transcends beyond the premises of the building and the city, but reaches the people and communities all over the world and accords this place a larger value in the universal context.

2.2.1.4 FOUNDATIONAL VALUE:

This describes the significance of the location of heritage. This aspect highlights the rarity, the OUV, which if taken out of context, which may have larger implications worldwide. This foundational value is associated with time, place and people and has transcended the boundaries, beyond its directly linked time, place and people.

E.g: The Mahabodhi Temple complex of Bodhgaya holds larger value in the Buddhist and Hindu religion, worldwide, and is associated with the foundation and the place with which it is associated.

WORLD HERITAGE CONVENTION – OPERATIONAL GUIDELINES (2008)

Para 81: The respect due to all cultures requires that cultural heritage must be considered and judged primarily within the cultural contexts to which it belongs. There's a clearly a tension between global standards, including the notion of OUV, and the local, a tension that provides shelter for parochialism and nationalism.

With reference to the above statement, the goal of conservation is to preserve this significance by ensuring that all interventions and actions meet the test of authenticity in all respects. Understanding the relative degree of significance of heritage resources is essential if we are to rationally determine which elements must be preserved under any circumstance, which should be preserved under some circumstances and which, under exceptional circumstances, will be sacrificed. The degree of significance can be evaluated on the basis of:

♦ Representativeness,
♦ Rarity,
♦ Condition,
♦ Integrity
♦ Interpretive potential of a resource.

2.2.2. CONSERVATION OF HERITAGE AS A CULTURAL PRACTICE:

The professionals in the field of conservation of heritage have a greater responsibility as to assimilate all the values and significance of the sites or areas of heritage value and not merely treat it as an architectural project. By understanding the nuances of history, culture and social aspects, knowledge systems which has shaped the heritage (tangible or intangible), one can do justice to addressing the absolute issues and preserving it for posterity. Here, the behavior of the professionals in conservation is utmost important, in connecting with the communities, to engage them and to deliver most suitable solutions which is only possible with a right attitude and catering to the sensibilities and beliefs of the people. A rights based approach is when conservation of heritage is realized without compromising the social and cultural belief systems of the locals. These traditional knowledge systems which have been passed on from generations to generations, cannot be understood overnight and be dealt with in a limited period of time to address the theories in conservation, where as practice demands a much broader understanding and perspective.

> *It is important to understand the linkages between conserving cultural heritage, maintaining cultural diversity and enforcing human rights in the realm of practicing conservation. While there seems to be a growing awareness of these linkages in international heritage and human rights circles, they remain poorly understood by many heritage practitioners who see their conservation work merely as a technical matter. Too often, heritage professionals stray into working on heritage that is of great significance to local people, be they Indigenous groups, ethnic minorities or small mainstream communities, without realizing the political character and social implications of their interventions. They also need to recognize that there can be many motives behind official heritage interventions, that such action is sometimes made primarily to achieve political goals, and that it can undermine rather than strengthen cultural diversity and human rights. Such a reorientation is an extension of the paradigm shift in which heritage is understood as cultural practice in which the dignity of human rights can be respected. (Logan W. 2012)*

Thus, the profession of conservation needs to strike a balance between the two aspects of theory and reality.

2.2.3 DEFINING AUTHENTICITY AND INTEGRITY AND OUV:

As per the definitions of UNESCO,

♦ **ATTRIBUTES** are those elements of the property that carry OUV
♦ **AUTHENTICITY** is the link between attributes and OUV
♦ **INTEGRITY** is the completeness/intactness of the attributes that carry OUV

Authenticity can be associated with timelessness of heritage, not confined in a particular period or time, but transcends its value. Integrity can be associated with situatedness, relating to the context, which holds all the aspects of significance together.

NARA DOCUMENT ON AUTHENTICITY (1994)

Article 12: *It is of highest importance and urgency that, within each culture, recognition be accorded to the specific nature of its heritage values and the credibility and truthfulness of related information sources.*

WORLD HERITAGE CONVENTION- OPERATIONAL GUIDELINES (2005)

Para 88: *Integrity is a measure of the wholeness and intactness of the natural and/or cultural heritage and its attributes.*

OUTSTANDING UNIVERSAL VALUE:

The requirement of Outstanding Universal Value should be interpreted as an outstanding response to issues of universal nature common to or addressed by all human cultures. In relation to natural heritage, such issues are seen in bio-geographical diversity, in relation to culture in human creativity and resulting in a cultural process. (B. V. Droste et al. 1998)

INDIVIDUALISM AND COLLECTIVISM FRAMEWORK:

♦ INDIVIDUALISM:

Individualism is the moral stance, political philosophy, ideology, or social outlook that emphasizes the moral worth of the individual. (Wood E. 1972)

♦ COLLECTIVISM:

Collectivism is the moral stance, political philosophy, ideology, or social outlook that emphasizes the significance of groups; their identities, goals, rights, outcomes and tends to analyze issues in those terms. (Triandis, Harry C. 2001)

There is a need to translate authenticity and integrity with respect to individualism and collectivism approach and the attributes of OUV that are defined within the UNESCO framework requires to be identified while defining and inscribing a site. Majority of the heritage sites should be framed under collectivism, owing to the link with nature, culture and communities and hence benefitting all. This contributes to identification of an integrated and authentic heritage site with Outstanding Universal Values identifying cultural process.

2.2.4 RE-CONSTRUCTION OF THE HISTORICAL NARRATIVE

To acknowledge and document the local customs, traditions, stories which are/ maybe subjugated in the light of defining the macro scale OUVs with respect to international conventions.

2.2.5 RECOGNIZING THE CUSTOMARY RIGHTS OF STAKEHOLDERS:

The customary rights and hierarchy of primary custodians of the heritage sites need to be considered during and after inscription of WHS and their fundamental rights need to be reflected in the management framework.

Law identifies ownership and hence safeguards the rights of the defined owners under fundamental principles, where as many associational ownerships, maintenance, investment by the local community constitutes to ownership, under the customary rights which are disregarded. Hence, rediscovery and redefinition of history, ownership, custodianship,

metaphysical values and customary rights is essential. Such a collectivist approach aids in broader perspectives to define heritage.

```
┌─────────────────────────┐          ┌─────────────────────────────┐
│   Context of the site   │  ──▶     │ Circumstances which shapes  │
│                         │          │        the history          │
└─────────────────────────┘          └─────────────────────────────┘
                                                   │
                                                   ▼
┌─────────────────────────────┐      ┌─────────────────────────────┐
│ Re-construction and         │ ◀──  │    Historical narrative     │
│ rediscovering of the        │      │                             │
│ historical discourse        │      │                             │
└─────────────────────────────┘      └─────────────────────────────┘
           │
           ▼
┌─────────────────────────┐
│ Recognising ownership   │
│ and customary rights    │
└─────────────────────────┘
```
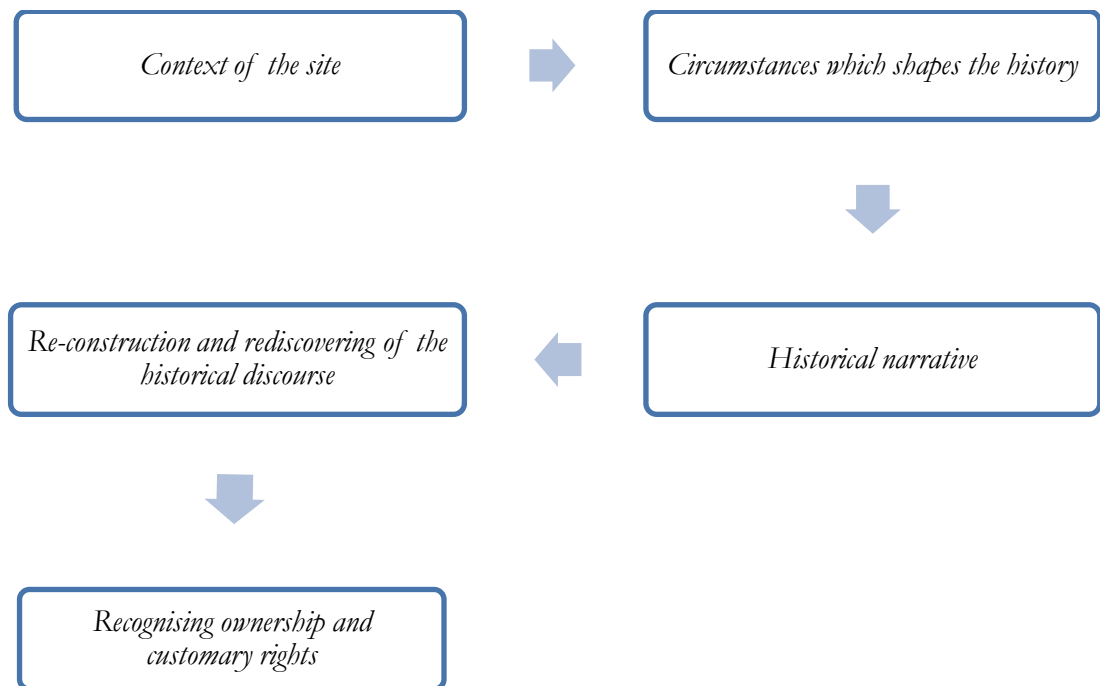
Fig. 2: The developed process to generate a historical narrative specific to context and identify owenership and customary rights.

2.3

KNOWLEDGE SYSTEMS APPROACH FOR IDENTIFICATION OF HERITAGE

A holistic management framework identifies heritage as a cultural product. Heritage can be defined under different disciplines of humanity, making it an interdisciplinary subject. Heritage can be defined in the theories of the following disciplines:

♦ **HISTORY**
♦ **GEOGRAPHY**
♦ **ANTHROPOLOGY**
♦ **SOCIOLOGY**

The amalgamation of these theories produces objective information. The knowledge systems approach is to break up and then reassemble information in a hierarchical order, making the historical context a source of knowledge.

Historical and traditional Indian heritage was produced through plural cultures that were within a holistic and integrated paradigm. It is assumed that conservation is a shared responsibility. A framework needs to be devised to reintegrate that which has been lost through the Colonial and Western intellectual processes that were adopted in India over the last 200 years.

CONTEXT:
Built heritage is seen as an embodiment of all the technical and architectural knowledge of the place and intangible heritage is the product of the sense of place, the geography and the cultural and social norms in a community. It is defined as the product of three elements namely people, place and time which comprises of the context of the place. These three elements are always examined together. Therefore, we have to look as three sets of information systems together namely, anthropological, geographical and historical, to extend and build upon the existing information. (Thakur N. 2002)

'PLACE' refers to the natural environment, which supports life, the manmade modification which gives rise to the architectural characteristics of a particular geographical region.

'PEOPLE' refer to the inhabitants who are the users, builders and modifiers and to their culture, aspirations and values.

'TIME' refers to the past, present and future dimension which provides the first two elements with much of their dynamic quality, taking into account the modification of the landform through various periods of history.

This approach of recognition of heritage beyond the technical aspects is the essence of knowledge systems approach, which helps identify objective as well as subjective information on ground, which has resulted in the evolution of civilizations and has been passed on from generations to generations. A rights based approach, thus, becomes a phenomenal step towards addressing deeper issues, which otherwise are often overlooked in the light of existing heritage management practices.

2.4

SYMBOLIC PLACE AND IDENTICIDE ————————

Places have a vested meaning, owing to the cultures and the landscapes and evolution with respect to nature and culture together, making it symbolic. Regionalism and the local sense of place helps restoring the social belonging that can be readily visualized through landmarks, landscapes, diets, music, clothing, literature, histories and also define ideological movements. Culture is a pattern of human activities and the symbols that give these activities significance.

Landscape provides a context within which humans live, and also provides the boundaries, quite complexly, within which people remake themselves and are worked upon by the landscape they have constructed. So framed, place becomes like personality- unique and particular. Further, landscape is seen as a prop of memory and identity and may be contested because it holds significance for people, situating a sense of place and genus loci. This emotional bonding of people with place is psychic in nature and resides in the 'realm of memory'. As symbolic landscapes create a particularity of place, they also act as narratives of collective memory that underpin the cohesion and identity of groups. Landmarks represent the convergence of the material with the cerebral, mixing historic and mythic circumstances. They act as mnemonic devices within our lived-in world, representing such things as dates, people or even myths that aid in the creation of nationalism. Identity satisfies a sense of social belonging and evokes a dynamic relationship between the past and the present. Yet, territorial identities can be among the most salient and provoke the greatest degree of ambivalence and conflict between people. (Meharg S. 2001)

Symbolic place is the keeper of national consciousness and promoter of communality. The national consciousness and self-esteem are fed by tradition and ethnic symbols' (G. Taylor and S. Spencer 2004)

IDENTICIDE- DESTRUCTION OF IDENTITY:

Places become personalities- unique and particular, shaped by humans. Hence, any landscape is seen as a prop of memory and identity and may be contested because it holds significance for people, situating a sense of place and genus loci. This emotional bonding of people with place is psychic in nature and resides in the realm of memory. 'Identicide' encompasses the destruction of any or all of the particular qualities that make up, not necessarily the actual elimination of people, but rather, the places which they have constructed over time and in which they habitually live, and their customary and routinized social practices. (Meharg S. 1999)

In case of heritage, there major causes of destruction of identity are:

♦ **WAR (VANDALISM)**

The ravages of war have destructive impacts on societies, economics and politics. This results in the degenerating and washing away of the memory of civilizations and history, which are embodied in the heritage, both tangible (destruction of built heritage) and intangible (destruction of people and communities and the knowledge associated with them)

HAGUE CONVENTION: CONVENTION FOR THE PROTECTION OF CULTURAL PROPERTY IN THE EVENT OF ARMED CONFLICT WITH REGULATIONS FOR THE EXECUTION OF THE CONVENTION (1954)

The inception of this concept in the late 1890s to conserve peace and preserve the monuments of national importance from the impacts of war, is a very vital step

towards conservation and preserving identity of the place, in the local as well as in the international context. This convention continues to stand as symbol of the need for restrictions on war and the desirability of avoiding it altogether

> **Article 1: Definition of cultural property:** For the purposes of the present Convention, the term 'cultural property' shall cover, irrespective of origin or ownership:
>
> i. movable or immovable property of great importance to the cultural heritage of every people, such as monuments of architecture, art or history, whether religious or secular; archaeological sites; groups of buildings which, as a whole, are of historical or artistic interest; works of art; manuscripts, books and other objects of artistic, historical or archaeological interest; as well as scientific collections and important collections of books or archives or of reproductions of the property defined above;
>
> ii. buildings whose main and effective purpose is to preserve or exhibit the movable cultural property defined in sub-paragraph (i) such as museums, large libraries and depositories of archives, and refuges intended to shelter, in the event of armed conflict, the movable cultural property defined in sub-paragraph (i);
>
> iii. Centers containing a large amount of cultural property as defined in sub-paragraphs (i) and (ii), to be known as 'centers containing monuments'.
>
> **Article 2: Protection of cultural property:** For the purposes of the present Convention, the protection of cultural property shall comprise safeguarding of and respect for such property.
>
> **Article 3: Safeguarding of cultural property:** The High Contracting Parties undertake to prepare in time of peace for the safeguarding of cultural property situated within their own territory against the foreseeable effects of an armed conflict, by taking such measures as they consider appropriate.

Thus, war as an event can be controlled largely and heritage can be saved from devastation and preserving 'sense of memory'.

♦ GLOBALIZATION

Globalization and urban change can result in **placelessness,** resulting in homogenization of landscapes devoid of meaning. Thus identity is misplaced, collective memory of the communities is rendered useless and social fabric is destroyed.

> *Globalization as the increased interconnectedness and under dependence of different societies around the world* (Henslin 2007)

The effects normally identified with globalization are not only occurring at the global level, but are equally often the results of internal processes within countries and regions, urbanization trends and regional integration.

The process of expanding culture has been under way for many centuries, but technologies have increased the speed and have also broadened the distribution of cultural elements beyond communities and nations' territorial frontiers. (Nwegbu N. et. all 2011)

Globalization may include the following causes:

♦ Colonization/ colonial legacies

- Cultural diversity
- Information technologies
- Cultural policies

Globalization has both positive and negative impacts on heritage. Globalization is neither the panacea which will cure mankind of all problems and conflicts, nor is it the ultimate calamity that strikes down the cultures of the world. Positive impacts can be the propagation and integration of cultural and heritage values at an international platform, giving it recognition, further expediting the act of conservation and management. However, the negative impacts include degenerating and alterations of values and knowledge systems in cultures and religions, as culture is a dynamic and ever evolving.

UN DECLARATION OF RIGHTS OF INDIGENOUS PEOPLE (2008)

> This document demonstrates the rights of the indigenous people with respect to safeguarding their land, occupations, heritage and history and culture in the light of new development and their rights to demand participation in the process of planning which is directly or indirectly affecting them and the responsibilities of the state party to provide effective mechanisms to mobilize socio-cultural development.

Today's societies are multi-cultural in themselves, which encompasses a multitude of varying ways of life and lifestyle. Most people are shaped by more than a single culture, which is brought about by globalization. Commercialization of heritage due to globalization and propagation may become an important factor to deviate from the main objective of preserving identity and managing heritage as it will only focus on commercial gains, in the process causing mutations in the knowledge systems of the communities. This is not a rights based approach and can have devastating effects in the longer run; causing instability of personality, family, community and other activities largely due to the rapid erosion of our absolute traditional values.

♦ INTERNATIONAL FRAMEWORK FOR HERITAGE MANAGEMENT:

In the international context of recognition of heritage at a universal level, may also result in exclusion of the local context owing to the definitive framework established at an international level. Such identicide results in the exclusion of values and traditional knowledge of both tangible as well as intangible heritage. Hence, the international conventions should be addressed and formulated in a way to cater to the management practices at a local level and be called referred to as a rights based approach.

The very need for a Convention could be said to have been a response of the international community to the perceived threats and challenges of globalization to intangible cultural heritage and cultural diversity.

UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (2003)

Preamble: Recognizing that the processes of globalization and social transformation, alongside the conditions they create for renewed dialogue among communities, also give rise, as does the phenomenon of intolerance, to grave threats of deterioration, disappearance and destruction of the intangible cultural heritage.

But more is needed in order to respond to peoples' growing awareness of the importance of their culture, taken in the broadest sense of the world: in other words, a better balance between the Organization's action in the area of the physical cultural heritage; cultures' tangible, movable and immovable manifestations – and the area of the intangible that had to some extent hitherto been neglected. (Matsuura K. 2004)

♦ **THE NEED FOR POST-CONFLICT HEALING OF HERITAGE:**

> Heritage is invoked for post-conflict development by international organizations, governments, and sub-national groups to provide emotional and cultural, including economic, healing for individuals and societies. However, academic critiques of healing-heritage typically cite the failure of heritage to heal, either because it cannot, or because it is managed incorrectly. Thus, an anomalous situation exists between expectations and critiques within international policies and national and sub-national post-conflict healing-heritage initiatives. Drawing on concepts of heritage as a cultural process, cultural trauma, and symbolic healing, heritage is neither an essentially positive nor negative post-conflict development strategy to select or avoid respectively. Instead, heritage is better understood as a common element of post-conflict renewal, which becomes intensified as the past is aggressively negotiated to provide healing related to conflict traumas. By moving beyond the 'does heritage heal or hurt?' distraction the meaning and function of heritage in post-conflict contexts as a common element of post-conflict healing complexes is elucidated. The implication for those who wish to manage post-conflict development through heritage is that they are just the latest in a long history of symbolic healers, from whom they have a lot to learn. (Giblin J. 2014)

This theory is helpful to further delve to invoke heritage as a tool to heal the trauma, physical and mental, and generate a sense of belonging in the conscious of the people and communities again. In this manner, the significance and values of heritage can be imbibed as a habit for conservation of heritage.
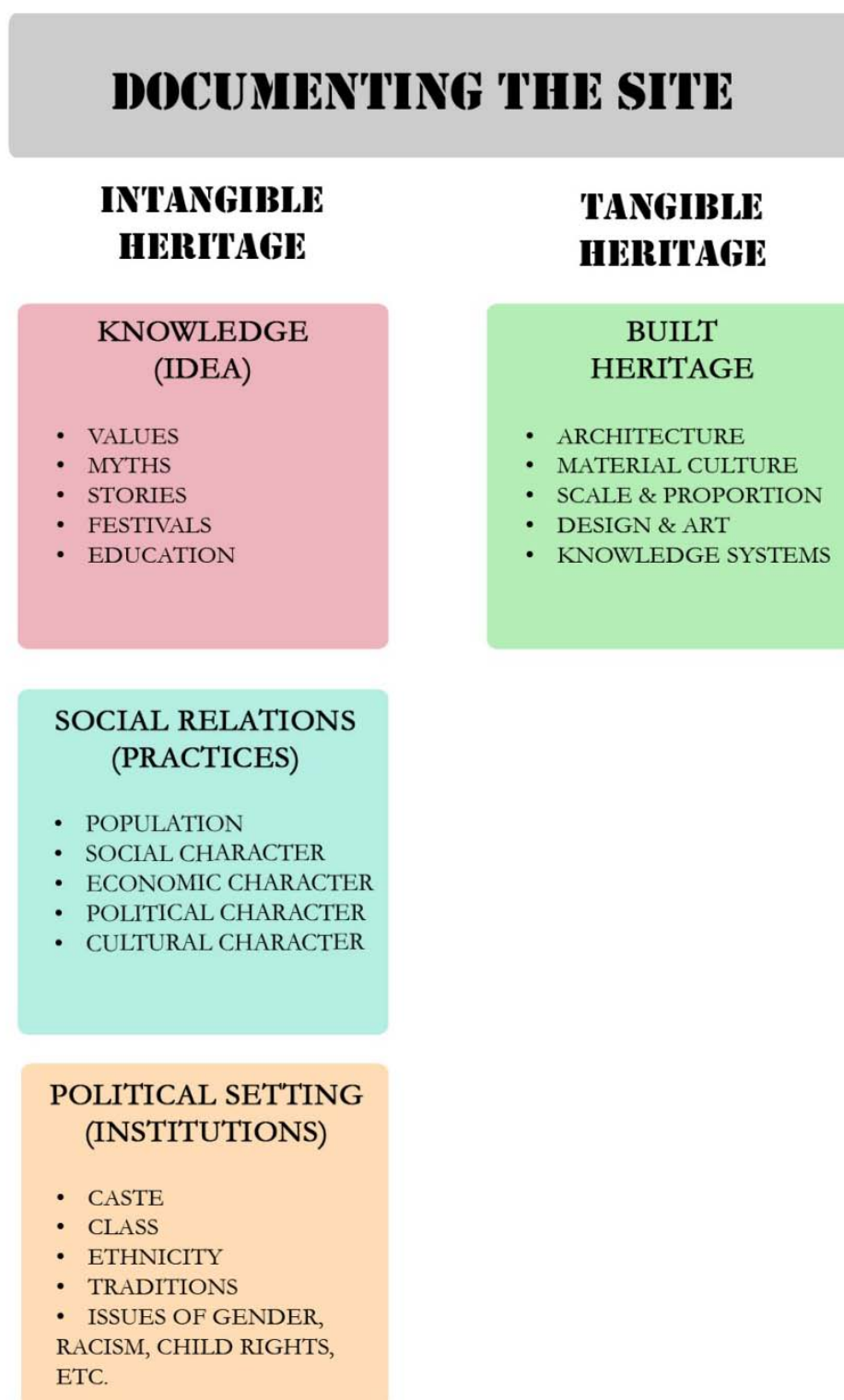
2.5

DOCUMENTATION OF A SITE

Documentation of a site:

♦ With respect to understanding and appreciating 'the basic reverence for life' through institutions and governance (public and private)

♦ For the purpose of arriving at a theory of rights, to define the parameters of:
  ♦ **Adequateness** (Defining quantitative values/attributes)
  ♦ **Appropriateness** (Defining qualitative values/attributes)

Context	*Value*	*Rights*

♦ For defining 'Commons' (inclusiveness) in the purview of World Heritage in the world.

♦ As socially inclusive tags of 'Natural WH' identify national parks, sanctuaries, forest reserves and 'Cultural WH' identifies archaeological, and heritage sites of architectural remains. The people who are directly and indirectly dependent or related to these two categorized sites often remain on the periphery where as a large portion of mixed (cultural and natural) sites are not identified. Hence, these categorizations are not socially inclusive, which denies the rights of humanity.

♦ Measuring 'Potentiality', a value derived from 'Democracy'. Every WH property has a potential for social, cultural, physical inclusion and can be defined under the following parameters:

  ♦ **TIMELESSNESS:** The association with time makes them significant

  ♦ **SITUATEDNESS:** The character does not undergo huge transformations, in the light of development and changing circumstances, but still is maintained and preserved to be meaningful in the global context.

  ♦ **TRANSCENDS CONTEXTUALLY:** The value of the property at a local context may be of a higher value at the universal level, making it universally significant.

  ♦ **FOUNDATIONAL VALUE:** Significance of the location.

♦ For identifying the potential and necessary steps to be taken for an inclusive approach.

♦ Analyse the case studies, to measure its potentiality of being a WH site.

DOCUMENTING THE SITE

INTANGIBLE HERITAGE

KNOWLEDGE (IDEA)

- VALUES
- MYTHS
- STORIES
- FESTIVALS
- EDUCATION

SOCIAL RELATIONS (PRACTICES)

- POPULATION
- SOCIAL CHARACTER
- ECONOMIC CHARACTER
- POLITICAL CHARACTER
- CULTURAL CHARACTER

POLITICAL SETTING (INSTITUTIONS)

- CASTE
- CLASS
- ETHNICITY
- TRADITIONS
- ISSUES OF GENDER, RACISM, CHILD RIGHTS, ETC.

TANGIBLE HERITAGE

BUILT HERITAGE

- ARCHITECTURE
- MATERIAL CULTURE
- SCALE & PROPORTION
- DESIGN & ART
- KNOWLEDGE SYSTEMS

Fig. 3: The parameters for the selected site to define the reality of the site with respect to the developed philosophy for the research.

THE EXAMINING OF A SITE ON THE FOLLOWING THREE IMPORTANT PARAMETERS FOR MEASURING POTENTIALITY: (Ndoro w, Pwiti G. 2009)
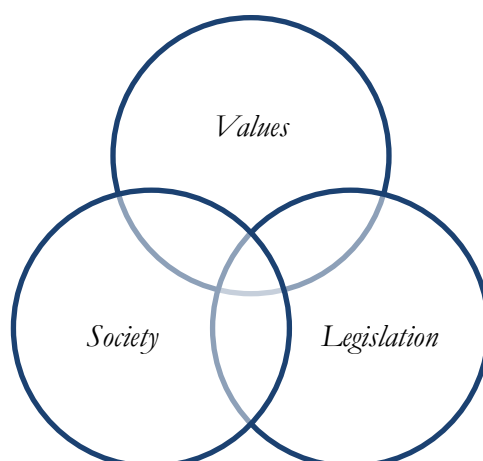

Fig. 4: The parameters for examining a site and their interconections.

VALUES:

Immovable heritage can only be preserved through conservation, but the decision as to what to conserve depends on values attached to that heritage. It follows, therefore, that every conservation decision is based on values. Culture heritage is valued in a number of ways and driven by different motives, principally economic, political, cultural, social, spiritual and aesthetic. Each of these values has varied ideals, ethics and epistemologies. As a result, different ways of valuing have led to different approaches to preserve heritage. This dimension should be captured in legislation if it aims to preserve this heritage.

SOCIETY:

Cultural heritage is a politicised and contested social construction. Immovable heritage is a medium through which identity, power and society are produced and reproduced. As a result, it involves a variety of stakeholders- the individual, the family, the local community, ethnic and religious groups, the nation- state. Motivations for valorising the material heritage vary. Continuity and change, participation, power and ownership are all linked to how cultures are created and developed.

LEGISLATION:

Legislation is a critical third component. It should be able to help bring about a sense of order and equity among the various stakeholders. The purpose of the law is to make government and local bodies recognize that cultural properties of the country belong to all and are indispensible to the correct.

♦ To identify the enhancers and those which compromise the value and significance of the WH site. By identifying the pressures on the sites, the divide between the natural and cultural property regime can be understood as this divide can amplify the pressures instead of enhancing the value of the site.

♦ Documenting context of the site for understanding the habits of conservation in the institutional framework as well as within the communities which safeguard the site and its heritage. Laws are mere facilitators whereas the loyalty to the ground realities aids conservation.

♦ For conservation of heritage site, it is essential that one harnesses the potentials of it and not take the path of 'consumerism' according to likes of a few actors in the institutional framework.

EXERCISING RIGHTS

LEVELS OF EXERCISING RIGHTS

- SUBSTANTIVE RIGHTS (CUSTOMARY RIGHTS)
- PROCEDURAL LAW (STATUTORY RIGHTS)
- CONVENTIONAL RIGHTS

DEFINING SCOPE OF RIGHTS

- HUMAN RIGHTS
- CULTURAL RIGHTS
- RIGHTS BASED CONSERVATION APPROACH

3

RIGHTS ────────────────────────────────

HUMAN RIGHTS LITERATURE DISTINGUISHES BETWEEN THREE LEVELS OF STATE OBLIGATIONS: (Larsen P. 2014)

Respect	*Fulfill*	*Protect*

RESPECT:

Respecting human rights requires policy guidance encouraging State-led World Heritage activities to refrain from directly or indirectly interfering with individual and collective enjoyment of human rights as a basic policy stance. A basic commitment towards respecting human rights, and ensure compatibility, not only follows from existing commitments to rights, but reflects wider strategic commitments to enhance the credibility, transparency, equitability and accountability of the Convention. (UNESCO archive)

PROTECT:

Protection of human rights specifically requires States to protect individuals and groups against human rights infringements by others. Adopting this principle in the World Heritage context would specifically concern the role of State Parties in protecting against infringements by third parties such as, for example, NGOs and private sector activities with negative impacts on rights in the World Heritage field.

FULFILL:

This involves positive State action to facilitate the enjoyment of rights. Whereas States have adopted a range of human rights commitments and obligations, implementation often remains a major challenge. World Heritage efforts can be a critical instrument to help fulfill and realize rights to heritage, culture etc. Adopting fulfillment of rights as a principle would demonstrate the general contribution of World Heritage for the enjoyment of certain rights e.g. to culture, heritage and environmental health as well as the recognition of positive action to allow WH activities to contribute to rights implementation.

3.1

LEVELS OF EXERCISING RIGHTS ——————

3.1.1 SUBSTANTIVE RIGHTS (CUSTOMARY RIGHTS)

These are basic human rights possessed by people in an ordered society and include rights granted by natural law as well as the substantive law. Substantive rights involve a right to the substance of being human (life, liberty, happiness), rather than a right to a procedure to enforce that right, which is defined by procedural law. These refer to established, traditional patterns of norms that can be observed within a particular socio-cultural setting (Thompson, 1991). Sets of customary rights and obligations may be called customary law. Customary rights exist where there is a consensus of relevant actors considering them to be 'law'

3.1.2 PROCEDURAL LAW (STATUTORY RIGHTS)

These comprise of the rules by which a court hears and determines what happens in civil lawsuit, criminal or administrative proceedings. The rules are designed to ensure a fair and consistent application of fundamental justice to all cases that come before a court.

3.1.3 CONVENTION RIGHTS

- Human rights
- Environmental rights
- Gender rights
- Civil rights
- Child rights
- Animal rights

Laws are becoming repressive than being persuasive. The human rights regime has acquired a vested interest approach, instead of a developmental approach. Hence, laws and rights need to be weighed under the above parameters. Societies are fast evolving, but laws do not evolve at a rapid pace. Hence, these two contradictory elements demand to be addressed to mutually bridge the gaps of management.

3.2

SCOPE OF RIGHTS

Distinction between human rights, cultural rights, and right based approaches can account to rights based conservation approach. Scoping specific rights concerns is about identifying when the WH activities contribute to State implementation efforts of their human rights obligations when relevant.

"Scoping of rights should aim for the highest possible standards. The international system and the UN in particular. Pioneer and offer important vehicles for enhancing the respect for rights, also where they may not have been recognized." (Norad 2011)

3.2.1 HUMAN RIGHTS:

Universal rights, globally shared and ratified by all countries, a legal rights of people to function in a society, to live without fear, threat and vulnerability and live in freedom.

3.2.2 CULTURAL RIGHTS:

Deals with identity of an individual or a group of individual identity, often forced on individuals, to be socially accepted. (Modern traditional identities) One cannot assume that these identities are self-selected, but may be imposed. Hence, the emphasis of cultural rights is tends to be more with respect to individuals.

3.2.3 RIGHTS BASED CONSERVATION APPROACHES:

Human's rights based approaches, where people's rights do not suffer interference, repression, discrimination based on race, religion, gender, ethnicity, along with rights of indigenous rights, which are essential to be catered to during addressing issues of values, and context for conservation practice for natural and cultural heritage.

Cultural perception of the indigenous communities, (customary rights) but these customary practices need to be weighed carefully, as all the practices and customs adopted by communities, may not be healthy in term of other rights.

Eg: Honor killings. Hence, these customary rights need to be defined very carefully, to bring them under the purview of rights based approach in conservation.

3.3

DEFINING HUMAN RIGHTS

Human rights might be invoked to defend a right to development as well as a right to enjoy a cultural heritage. What might be more disturbing is that the World Heritage inscription and consequent tourism impacts have been imposed upon the local people without them having any say in it. If we believe a local community needs its heritage in order to reaffirm its worth as a community, its ways of going about things, its 'culture', then the World Heritage controls are not only an example of top-down town management, but perhaps also a practice that violates the community's rights to the identity that is mirrored in this cultural heritage as well as the rights of locals and others to enjoy the art that this heritage also is. If people do not have access to and are unable to enjoy their heritage, then issues of cultural rights, a branch of human rights, clearly arise. Innumerable cases can be drawn onto demonstrate that some kind of problem exists in the management of heritage places at the world, state, provincial and local levels and that the human rights are implicated. If we are to reduce the incidence of such infringements, however, we need precise knowledge about what human rights and human rights violations are, and to think through what it actually means to work for more respect for human rights. (Ekern s. et. all 2012)

One reason human rights might mean different things to different people having various connotations:

- ♦ Moral philosophy and notions of rightful or wrongful social action;
- ♦ Political philosophy and ideas about good and bad government;
- ♦ Articles of national or international positive law and court rulings according to which state action is legal or illegal.

As a field of academic study, human rights is often interdisciplinary and will comprise courses and research in international public law as well as political science, history, anthropology and moral philosophy, perhaps even communication theory, in order to equip professionals for spreading knowledge about human rights and promoting them in everyday politics.

Human rights tend to be seen as more than positive law. They are simultaneously imagined as a set of moral ground rules (conceptual area)

- ♦ Political norms of constitutional rank
- ♦ Provide a blueprint for a just and orderly society
- ♦ Inobservance of which reveals your opponent to be morally and politically wrong.

The core human rights documents are in fact premised on a series of 'fundamental freedoms' thought to inherently belong to all individuals, and a similar universal obligation of all states to respect, protect and fulfill the same freedoms.

3.4

DEFINING CULTURAL RIGHTS ──────────────

Cultural Rights are rights related to art and culture, both understood in a large sense. The objective of these rights is to guarantee that people and communities have an access to culture and can participate in the culture of their election. Cultural rights are human rights that aim at assuring the enjoyment of culture and its components in conditions of equality, human dignity and non-discrimination. They are rights related to themes such as language; cultural and artistic production; participation in cultural life; cultural heritage; intellectual property rights; author's rights; minorities and access to culture, among others.

EXISTING MANAGEMENT FRAMEWORK: ANALYSIS AND IDENTIFICATION OF GAPS

4

EXISTING MANAGEMENT FRAMEWORK: ANALYSIS AND IDENTIFYING THE GAPS—

A heritage management framework is a vital tool for promoting and protecting cultural heritage. Evaluation of these management systems, in the Indian context is necessary to propose effective solutions. To manage appropriate changes and protect the cultural significance, a sound legislative and policy framework is needed to guide management and development practices (Getty, 2010:6). The five pillars in a management system are:

- ♦ Institutional
- ♦ Legal
- ♦ Financial
- ♦ Technical
- ♦ Operational

This framework is applicable at different level of management:

- ♦ Local Levels *(Panchayats ,Urban Local bodies ULBs, Community Based Organizations CBOs)*
- ♦ Regional Level *(State governments and further divided into administrative divisions forming districts and sub divisions)*
- ♦ National Level *(Joint Parliamentary committee/ Legislative assembly level)*
- ♦ International Level *(UNESCO, WMF, World Bank, etc.)*

These are several levels provided by legislation for line agencies/ specialist agencies to develop programs, projects and undertaken for management and address the needs of the stakeholders (primary, secondary and tertiary). Platforms are created for enable inputs, in form of invitation of suggestions or objections on the proposed development. These are through legislative provisions (with respect to the 74th Constitutional Amendment of the Indian Constitution) to enable and achieve:

- ♦ Participation
- ♦ Accountability
- ♦ Transparency in effective governance

In order to avoid homogeneity in the development process and tackle the issues at a ground levels, a **bottom-up** approach is essential, which is supported by law and legislation on one hand and with a provision which enables a truly consultative process which recognizes engagement of the community anchored in the principles of knowledge, learning and heritage. This needs to be further analyzed.

The very need of inclusion of community in the participation process has been recognized and propagated to ensure a better management and planning to deal with issues at the ground level, concerning the communities. Participation is the key to address the rights of the communities.

CONVENTION FOR THE SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE (2003)

Article 15: Participation of communities, groups and individuals

Within the framework of its safeguarding activities of the intangible cultural heritage, each State Party shall endeavor to ensure the widest possible participation of communities, groups and, where appropriate, individuals that create, maintain and transmit such heritage, and to involve them actively in its management.

For a holistic solution, these five pillars of management need to be executed in tandem, providing policies, operational guidelines, identifying experts and financing bodies which will aid the process of conservation. In case of shortcomings in any of these aspects, will result in mis-management and may create larger issues for preservation of heritage. Hence, strengthening of the management system is a must. Most of the legal frameworks in current use are promulgated during the colonial times. These antiquates instruments are often inadequate to meet the new concepts, definitions and the needs of contemporary heritage management. Hence, it is vital to examine and analyze these legislations and identify gaps and make amendments to make it more relevant to the present situations for a better management.

ANALYSIS OF THE GAPS IN EXISTING HERITAGE MANAGEMENT FRAMEWORK:

For the proposed case study analysis, a matrix has been developed to analyze the existing heritage management framework and the relationship and interaction with local and customary values and practices. The assessment of these sites has been undertaken and data logged into a matrix. The information logged is from secondary sources. This analysis focuses on :

- ◆ Evaluating the current state of legal framework, their shortcomings at local, regional, national and international levels.
- ◆ Identifying important issues with respect to heritage management
- ◆ Identification of issues related to formal and informal legislations
- ◆ Developing linkages between addressing rights of communities, the site and culture and religions and conflicts arising due to the management or identification in the World Heritage context.

This matrix for assessment of case studies establishes a fact file of laws and regulations and the conflicts arising due to multi layered interventions of stakeholders at different levels. In most of the cases it may be observed that the formal and informal management systems are at conflict, posing hindrances for conservation. Hence, each case study assessed is a unique case presenting the multitude of challenges faced on ground.

(Refer Annexure I)

HERITAGE AND CULTURAL IMPACT ASSESSMENT AND SAFEGUARDS

5

HERITAGE AND CULTURE IMPACT ASSESSMENT AND SAFEGUARDS —————

5.1   ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

The Environment Protection Act (1986) was mandated for all development projects in India. The format of EIA has undergone an evolutionary process, as previously only air, water and soil were identified, however later biodiversity was also identified and included in the required parameters.
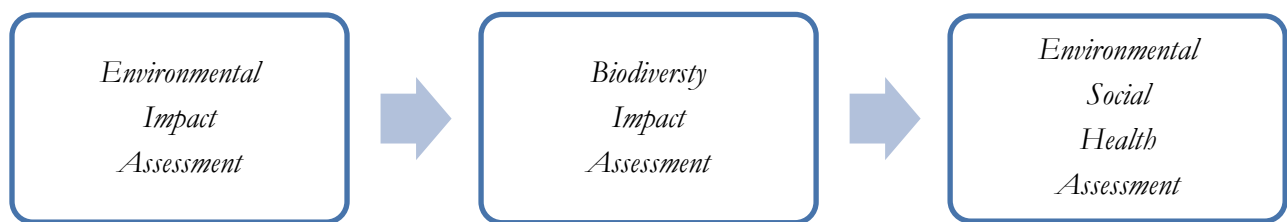

Fig. 11: The process of development of the concept of imapct assessment and broadening of the scope of assessment

In 2006, a system of accreditation was introduced in the Quality Council of India, which provide technical support, expertise, terms of reference and transparency in the process of EIA which tremendously improved the EIA process and reports.

EIA is mandated for all projects within 10km of a national park, sanctuary for 30 categories of projects defined cleared at the state level and central government.

5.2   HERITAGE IMPACT ASSESSMENT (HIA) AND CULTURAL IMPACT ASSESSMENT (CIA)

Heritage Impact Assessment (HIA) in India has a legal backing from the ASI whereas Cultural Impact Assessment (CIA) does not have a legal framework, but no dedicated framework for IA. The development works within the 100 and 200 m restricted and regulated zones defined by the ASI, needs to be defined in detail further as heritage and culture is not constricted within these boundaries and impacts needs a cumulative assessment.

SAFEGUARDS come under the purview of the international advisory bodies (World Bank) for development projects. Cultural aspects have not been significantly identified or defined; only addressed as 'Physical Cultural Resource' but does not address the intangible aspect of heritage. The sustainable development goals of UN (three aspects identified: Environment, Economic and Social) and UNESCO is applying for Cultural aspect needs to be further emphasized.

THE ANALYSIS OF CASE STUDIES FOR THIS PROJECT WITH RESPECT TO HIA OR CIA, IT IS ESSENTIAL TO UNDERSTAND:

♦   The evolution of concept of EIA, HIA and CIA aspects it includes.

♦   The international bodies and the conventions to which India is signatory to.

♦   The advisory bodies involved in assessment

♦   A need for a definitive framework for the culture and heritage.

PROPOSED CASE STUDIES FOR EVALUATION OF EXISTING HERITAGE MANAGEMENT FRAMEWORK AND TO DETERMINE 'GOOD PRACTICES' AND SHORTCOMINGS

- **WESTERN GHATS**
  (NATURAL PROPERTY, INSCRIBED)

- **CHAMPANER- PAVAGARH ARCHAEOLOGICAL PARK, GUJARAT** *(CULTURAL PROPERTY, INSCRIBED)*

- **MAHABODHI TEMPLE COMPLEX AT BODHGAYA, BIHAR**
  (CULTURAL PROPERTY, INSCRIBED)

- **SRI HARIMANDIR SAHIB , AMRITSAR , PUNJAB**
  (CULTURAL PROPERTY, WITHDRAWN NOMINATION)

- **KHANGCHENDZONGA NATIONAL PARK , SIKKIM**
  (MIXED SITE, TENTATIVE LIST)

6

PROPOSED CASE STUDIES: EVALUATION OF EXISTING HERITAGE MANAGEMENT FRAMEWORK AND GOOD PRACTICES AND SHORTCOMINGS

The selected case studies are:

6.1. WESTERN GHATS, MAHARASHTRA (Natural property, Inscribed)

Unique property, as 7 identified clusters are spanned across 4 states, have varied regional legislative framework and has undergone much protest through the civil societies (WGEEP Report and K. Kasturirangan report 2012) in an attempt to defer the inscription, fearing that the local communities will get drastically affected and marginalized after the inscription.

6.2. CHAMPANER- PAVAGARH ARCHAEOLOGICAL PARK (Cultural property, Inscribed)

This property has a multi-cultural aspect (in terms of religions) and stakeholders such as the Forest Department of the Government of Gujarat and ASI. Hence, the inscription, the identification of core area and buffer area, identifying the indigenous communities and their rights for a holistic and integrated management plan is to be analyzed.

6.3. TEMPLE COMPLEX AT BODHGAYA (Cultural property, Inscribed)

The temple at Bodhgaya, is not a protected site/ monument under the ASI, yet a world heritage site. In this case, it is essential to draft a management plan which caters to all the stakeholders at different levels.

6.4. SRI HARIMANDIR SAHIB GURUDWARA (Cultural property, withdrawn nomination)

An example of a nomination being withdrawn by the site managers (SGPC) stating that the World Heritage will adversely affect the religious site, and allow for interference in practices which are inherent in the cultural practices and further will impinge on the management of the site.

6.5. KHANGCHENDZONGA NATIONAL PARK (Mixed site, tentative list)

An example of a mixed property, considering the cultural and natural aspect, would be a best case study to analyze the changing perspectives in the field of heritage management.

These five sites, were selected for representing the case of heritage management (Cultural and Natural and Mixed sites). Each case study contributes to the understanding of diversity in heritage considered for world heritage and also perspectives on 'heritage and democracy'.

Fig 4: Map showing location of the selected case studies

(Refer ANNEXURE I for detailed case studies and analysis)

CASE STUDY MATRIX AND FORMAT BASED ON THE PHILOSOPHY FOR RESEARCH

- **FORMAT FOR CASE STUDY**

- **ASSESSMENT MATRIX**

7

CASE STUDY : FORMAT AND ASSESSMENT MATRIX

This narrative demonstrates the philosophy adopted to explain the ground reality on the case studies selected for the research and defines the regime of universal human rights and relation between the nature and culture regimes of WH Convention to understand their relation and gaps.

The following is the devised format for description of the selected World Heritage properties as case studies. The main objective of this format is to highlight the components to explain the context, value and rights which make it a World Heritage and renders it an Outstanding Universal Value. The case study narrative thus produced is based on the available secondary data, documents and research papers and nomination dossiers. Here, it is important to note that the description of the site in terms of cultural, social, religious, historical, geographical aspects should narrate the value of the site beyond the defined parameters to highlight the sense of the place and parameters that make it worthy of World Heritage. Also, as the world heritage nomination dossiers define a core and a buffer zone, the property is thus isolated and the value is only described within these boundaries. However, the study demonstrates the values and rights of nature and culture together which also needs to be addressed while preparing for the nomination of the property. Hence, sites need to be described within the frame of context, value and rights.

7.1. FORMAT FOR CASE STUDY:

7.2.8 Site name and Date of inscription/nomination

7.2.9 Define 'Context'; social and cultural, natural background of the site.

7.2.10 Geographical location (Natural and cultural)

Location; Area of World Heritage property; Map of the WH property showing core zones and buffer zones.
This section describes the physical and geographical extents of the property, as inscribed in the World Heritage Nomination.

7.2.11 Description of the property as per the nomination.

Historical and geographical description of the site as inscribed in the World Heritage Nomination.

7.2.12 Values and significance of the WH property

The historical, social, cultural, geographical, demographical values of the site as inscribed in the World Heritage Nomination.

7.2.13 Attributes of SoUV

As inscribed in the World Heritage Nomination and other literally sources and scholarly research articles. Adhering to the ideologies of individualism, collectivism to define the universal value and granting it a heritage value.

7.2.14 Authenticity and Integrity

As inscribed in the World Heritage nomination. Also, following the individualistic and the collectivistic approach towards defining the site, demonstrating the significance in time, place, context and attributes which make it universally valuable.

7.2.15 Criteria for inscription

As inscribed in the World Heritage nomination. Here, it is important to note that these criteria describe the site within the set parameters due to which the significance of context, value and rights may be overlooked and the categorization of 'natural' and 'cultural' may isolate certain aspects which has higher universal significance.

7.2.16 State of conservation report

Analytical summary of the perceived trends, changes and threats to properties, based on an analysis of the state of conservation of World Heritage properties. The Committee also considered that this work highlighted the need for more systematic monitoring of threats and of how to identify and react to emerging trends and globalization.

7.2. Demographical information:

7.2.1 Population

To document the trends in growing population, out migration, in migrations, floating population, tourists, groups which are directly and indirectly related and dependant on the property for sustenance, economic social and cultural reasons.
The direct and indirect relation of this aspect with heritage and management and conservation:
   ♦ The increasing pressures on the heritage site of the burgeoning population, the land crunch and requirement for development of land for the resident population.
   ♦ This increasing population will also result in modifications and diversion in the current practices which lead to inculcating the habit of conservation of the heritage (tangible and intangible) and preserve it through generations.
   ♦ Therefore, it is important to know the growing trends in population so as to device a mechanism or operational guidelines or enabling factors to facilitate the practice of conservation with in the communities without having to compromise the needs of the growing population.
   ♦ The habit of conservation within the population is directly linked to the :
      ♦ Economical development
      ♦ Political attitude
      ♦ Cultural and social values

Hence, the development trends in population is utmost important to document.

7.2.2 Distribution of Communities / Stakeholders

The primary, secondary and tertiary stakeholders directly and indirectly dependent on the site.

7.2.3 Social systems

The social systems of the indigenous tribes and local communities are shaped by the landscape they reside within, developing a social significance, which is conserved through practice. These social systems generate the names and terminologies of these places, practices of worship, rituals and daily practices which conserve the environment and the natural landscape as well. This demonstrates perfectly the relation between man and nature and culture, which in the defined frame of UNESCO of 'culture' and 'nature' is often subjugated, but very well fits within the description of a 'cultural landscape'.

> *"Social changes as variations from the accepted modes of life, whether due to alterations in geographic conditions, in cultural equipment, composition of population, or ideologies."* (Gillin and Gillin 1954)

These social systems are a reflection of the ground realities of the site, in terms of the knowledge systems, social and cultural value systems require documentation as they hold a vast repository of knowledge and historical information and are dynamic and continually evolving.

> *"Social change is only a part of a broader category of change called 'cultural change' cultural change refers to all changes occurring in any branch of culture including art, science, technology, philosophy etc., as well as changes in the forms and rules of social organizations."* (Davis 1949)

Hence, to promote these values and imbibe as a habit of conservation within communities, the many layers of social change need to be identified and documented, beyond the defined boundaries.

7.2.4 Cultural values

Documenting the cultural values of the site. The knowledge systems that are rooted in culture need to be highlighted while inscription of a world heritage site, for a broader perspective and to cater to rights.
Cultural change is broader than social change which envelops social change also in its fold. For them, society is the product of culture

> *"Culture tends to give direction and momentum to social change and to set limits beyond which social change may not go"* (Dawson and Gettys, 1948)

Cultural change includes change in ideology, administrative system, technology and indicates changes in the accepted mode of life, habit patterns, and the life-style.

7.2.5 Public and development profile

The following parameters define the need for making conservation of nature, culture, social values a habit and inculcate the sense of conservation as a habit within the communities. Only then, such practices of identifying world heritage will be called a rights based approach. All the following parameters are directly linked with the lifestyle of the people and the communities associated with the heritage and hence, any introduction of a programme for management of heritage and conservation should ideally include the primary stakeholders and initiate introduction of programmes, amendments to fetch the basic needs of the communities. A transparent, accountable and participatory governance system is the key to a successful practice of conservation of heritage. This will inculcate the values and significance of conservation as a habit after having provided the communities with the basic amenities.

7.2.5.1 Poverty reduction

This is directly related with the economic up-gradation of the communities, by identifying the needs and practices of these indigenous tribes and communities. By making amendments in the existing laws or introducing new clauses, for the betterment of the communities directly or indirectly linked with heritage ushers in conservation and makes the process more inclusive.

7.2.5.2 Waste management

For any community, to generate a habit of waste management, demonstrates the habit of conservation of the nature and culture as well.

7.2.5.3 Equity

Equal distribution of resources, system of commons within the different stakeholders and communities at different levels.

7.2.5.4 Diversity

Identifying the diverse culture, social systems, and diverse communities. By documenting the conglomeration of communities, their social and cultural aspects and the methods which build a mutually sustained environment, enabling factors and guidelines can be incorporated to address rights at a micro level.

7.2.5.5 Social inclusion

Aspects of practices conducted on site by communities, which demonstrate social inclusion and conservation of social and cultural practices.

7.2.5.6 Governance

The existing laws, operational guidelines, governing bodies local participation for conservation of heritage, analyzing gaps in the management and need for amendments. The key words of transparency,

accountability and participation only executed and the rights of stakeholders can be safeguarded at all levels.

7.2.5.7 Peace and security; Nature of violence and conflict of interest, political profile, activism and movements.

Conflicts in the arena of religion, culture, conservation practice, management and governing bodies, civil societies that affect the conservation practices and the need for arriving at a common ground to address rights of all parties.

CASE STUDY ASSESSMENT AND EVALUATION MATRIX:

This following matrix for the case study was developed to draw an analysis of the World Heritage nominated or inscribed site to demonstrate all layers of information regarding the site, the existing management system and the conflicts arising due to nomination. This further is built into a narrative for the selected sites for case studies and the analysis of the existing management framework to understand successes and flaws. This matrix can be used as a reference table with each case study narratives.

Fig 5: Case study matrix

PLATE 1: Basic description of site as per the nomination dossier and other literary sources which describe the site in detail besides the defined framework of UNESCO nomination

PLATE 2: Description of the site, criteria for inscription, state of conservation report through the specifications of the UNESCO nomination, within its defined framework

PLATE 3: The analysis of the existing legislations exercised at different levels and laws and regulations established catering to various disciplines. This plate helps in the analysis of the existing heritage management framework, its success and gaps in management

PLATE 4: To analyze the critical issues before and after inscription of the site, at different levels of management and how the studies which are conducted by government level and community based organization, to deal with issues and conflicts arising due to the nomination, conflicts between formal and informal governing bodies and legislations.

PLATE 5: Successful and good practices on ground which are vital for a right based approach.
(Refer Annexure I for detailed assessment matrix for case studies)

ANALYSIS OF CASE STUDIES

8

ANALYSIS OF CASE STUDIES ———————————

The case studies have been analyzed purely on the basis of secondary information. However, the detailed analysis and inferences requires secondary as well as primary survey of the site, inclusion of the community, as theories and ground realities vary at different levels. Following are set of important factors that were analyzed for the research. These factors are important to be addressed for a right based approach and the philosophy which needs to be developed for such an approach during nomination or inscription for WH with respect to India. The findings are exemplified for each case study through excerpts from the narrative of case studies.

(Annexure 1: Detailed Case study narratives and evaluation matrices)

Following are some important key points from the five case studies undertaken, highlighting the main issue of rights with respect to the following aspects:

- ◆ Natural
- ◆ Cultural
- ◆ Social
- ◆ Economical
- ◆ Political
- ◆ Religious
- ◆ Aesthetic
- ◆ Spiritual
- ◆ Scientific
- ◆ Technological

◆ **DEFINING THE PROPERTY BEYOND THE SET FRAMEWORK:**

The philosophical basis of this study to analyze the case studies and their nomination as World Heritage is to highlight the facts that in the domain of 'defined criteria' many underlying values are often neglected. Hence, detail description of what makes the site a World Heritage within the framework of the ten criteria (natural and cultural) and also describing beyond these characteristics.

E.g.: Khangchendzonga National Park

Criterion (iii) - To bear a unique or at least exceptional testimony to a cultural tradition or to a civilization which is living or which has disappeared.

Drawing of interrelation and connection between culture and nature and how the civilization has adapted itself with respect to nature. Highlighting the unique cultural aspect, especially Buddhism and how it has existed over generations and developed a habit of conservation within the communities. These metaphysical cultural and spiritual aspects need to be delved in detail, through secondary as well as primary sources and research on site.

This information can be deciphered through intense site study, over a longer period to understand the cyclic process and the behavior of humans with nature which gives it an Outstanding Value, which needs to be conserved. Searching for answers as to why this mixed heritage site needs to be brought under the purview of World Heritage and preserve for posterity.

♦ **VALUES AND SIGNIFICANCE OF CULTURAL LANDSCAPES:**

Identify the significance of the name and location, which makes it distinct from the other mountain ranges. Description of why is this particular peak and national park important in terms of its origin, geography, formation, and mythical stories and reverence in the common life of the people associated with it.

E.g.: Western Ghats

The identified 39 clusters are interlinked and cannot be identified in isolation. This is a best case for serial nomination, as more sites of Universal Outstanding Value are added, which helps in identification of the property as a whole, giving highest significance to the integrity of the property.

Khangchendzonga National Park

What makes this property unique giving it Outstanding Universal Value and greater significance in relation to the surrounding ranges and peaks, which have an important place of reverence, community value and religious and spiritual value as well.

The need to describe the location of the site with respect to the geography to highlight the significance of the site to be nominated as World Heritage. No site can be viewed in isolation, the relation to the surroundings, the story and the myths associated with it make it an indispensable part of the local traditions and culture of the communities.

This information of cultures, rituals, spiritual beliefs and customs account towards addressing the customary values and laws, which go unnoticed in the light of making legislations for protection of heritage. Hence, to facilitate community mobilization for protection of heritage, the rights base d approach is required.

E.g: Khangchendzonga National Park

Beyul Demojong, as Sikkim is known in religious Buddhist texts, is the most sacred of the hidden lands in the Himalayas as per the belief of the Northern Buddhists. The spiritual description of this land has been made in various religious texts such as the Denjong Nay-Yig, the Guide Book to Sacred Places of the Hidden Land of Rice (Tibetian: sbas yul 'bras mo ljongs kyi gnas yig), a text which contains many secret notes about the places of worship, the mountains, high rocks, cliffs, caves, water-falls, lakes and streams as well as the instructions to follow while entering this land.

This piece of information demonstrates the significance of this place as well as the significance of the literature and culture which has been shaped around it. Hence, this value of historical, cultural and social importance in the Buddhist religion **transcends** beyond the boundaries of this place giving it an OUV. This essence of interrelation between the religion and region and literature needs to highlighted, to preserve this heritage for posterity. The rights of the indigenous people involved in the study, propagation and conservation of scriptures and sacred documents and texts may thus be preserved in the process of nomination, granting it a universal significance.

♦ **IDENTIFY THE SITE AS CULTURAL LANDSCAPES:**

This aspect of a cultural Landscape needs to be featured as how nature and man co-exist and have been surviving and performing in a cyclical fashion. How nature and humans together shape the landscape by identifying its strengths, vulnerabilities and opportunities. Highlight the fact that the site is to be viewed as a 'mixed site' to demonstrate the aspect of culture and nature together.

E.g.: Champaner PavaGarh Archaeological Park

A concentration of largely unexcavated archaeological, historic and living cultural heritage properties cradled in an impressive landscape which includes prehistoric (chalcolithic) sites, a hill fortress of an early Hindu capital, and remains of the 15th century capital of the state of Gujarat. Strong breezes, which by one account gave Pavagadh Hill its name, drive monsoon winds up the steep hill slopes, feeding a chain of reservoirs (talaos) perched on each plateau. The names of these reservoirs reflect the water's descent from pure milk (Dudhiya talao) to yoghurt and oil (Chassiya and Teliya talaos). The water system feeds the residential settlements of Champaner before discharging into a large irrigation tank and channel

The waterworks from summit to plains must be understood as a **socio-cultural system**, as indicated by their names (e.g., tanks named for a milk→curd→oil series; and the familiar Ganga, Yamuna, and Saraswati river goddesses); water uses (ritual, as well as functional and historically strategic purposes); **technologies** (which include filtration wells, flood control channels, water warming channels, and dry-season lotus plant pools)

This piece of information demonstrates the value of this site as a cultural landscape, where the geography and culture being shaped after the geography, with connotations and values become inherent qualities of this place.

♦ **EXISTING LEGISLATIONS AND ITS EFFECTS ON THE HERITAGE VALUE:**

E.g.: Western Ghats

The current rights regime in forests areas in India, which includes Protected Areas such as Wildlife Sanctuaries, National Parks and World Heritage Sites, is governed by the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. This Act seeks to vest the forest rights and occupation in forest lands in forest-dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded. Recognition of rights in Protected Areas therefore remains inadequate. Many plans for management of such Protected Areas, including those leading to restrictions on customarily exercised rights, are not able to involve local participation very actively (DESOR 2013).

What are the implications of such laws on the conservation of the customary values? These implications infringe the rights of the locals, and the economic, social and cultural implications are not documented.

CONVENTION ON THE PROTECTION AND PROMOTION OF THE DIVERSITY OF CULTURAL EXPRESSIONS (2005)

Article 2.1: Principle of respect for human rights and fundamental freedoms
Cultural diversity can be protected and promoted only if human rights and fundamental freedoms, such as freedom of expression, information and communication, as well as the ability of individuals to choose cultural expressions, are guaranteed. No one may invoke the provisions of this Convention in order to infringe human rights and fundamental freedoms as enshrined in the Universal Declaration of Human Rights or guaranteed by international law, or to limit the scope thereof.

In the light of this provision, it is essential to promote and support fundamental freedom. This may be achieved through amendments in the existing legislations or defining new policy guidance to cater to such issues at a local level.

- ♦ **ECONOMIC VALUE OF THE NATURE AND BIODIVERSITY AND THE INTERDEPENDENCE OF COMMUNITY.**

  E.g.: Khangchendzonga National Park

  Livestock: *In 2004 there were about 1,629 yaks, 469 milch cow-yak crossbreeds, 1,141 sheep, 150 cows and 316 horses and dzos owned by 99 families using the national park. These livestock generated incomes of about US$ 230,000 annually* (Tambe 2008). *In order to reduce the associated degradation, FEWMD implemented a ban on open grazing even in reserved forest areas, plantations and near water sources in 1998 (FEWMD 2009). Within KNP, yak herders have continued to keep their animals in the alpine areas, as they form a very important livelihood for nomads.*

  Medicinal plants: *FEWMD permitted the commercial exploitation of the medicinal plants resource in KNP from early 1970s until the late 1990s. However, the practice has now been largely curbed following a ban imposed on commercial exploitation of medicinal and aromatic plants by the government.*

The above mentioned information portrays the economic value of the livestock, however does not talk about the vulnerability, the endangered species which renders this location of the national park significance and uniqueness. Also, the economical aspect needs to be highlighted demonstrating the fact that how livestock and community activities are linked to each other and conservation of these practices should be facilitated to maintain a balance in the ecology. This is the crux of a rights based approach in identifying Outstanding Universal Value.

Legislation identified to protect and conserve the ecology is essential to maintain the balance between nature and culture, to safeguard the relation between both. However, it is also important to safeguard the customary values, practices and laws govern the communities and conserve the maintain balance in the ecology.

- ♦ **RELIGIOUS ASPECTS AND CUSTOMARY VALUES:**

  E.g.: Khangchendzonga National Park.

  Notification of 2001 identifies specific sacred peaks, caves, rocks, lakes, stupa and hot-spring as the most sacred Buddhist places of worship in Sikkim and protects them under provisions of places of Worship (Special Provisions) Act, 1991

The significance of protecting the cultural aspects of such a site and the relation of the Buddhist religion and its fundamental provisions and belief which ensure conservation of nature needs to be highlighted.

- ♦ **THE NEED FOR POST-CONFLICT HEALING OF HERITAGE:**

  E.g.: Champaner PavaGarh Archaeological Park

  Champaner - Pavagadh lies between a situation where heritage becomes an object and context of conflict and it thus requires a contemporary as well as historical perspective. In contemporary terms, it has been affected by recent regional violence and continuing local economic violence, but not direct physical human rights violations. At the same time, in historical terms, it has a record of armed violence that is part of its heritage.

Conflicts between infrastructure developments, economic competition, and tourism development that contribute to site destruction. Fragmentation of bureaucratic authority aggravates the inherent tensions between past and future landscapes.

♦ **FREEDOM OF EXPRESSION:**

E.g.: Sri Harimandir Sahib

Spirit of Sikhi: The Harimandir Sahib precinct gives expression in architectural form to the spirit of 'Sikhi'. The term 'Sikhi' is derived from the Pali term 'sikha' (in Sanskrit 'shishya', meaning disciple). 'Sikhi' is thus submission to Truth and Truth is learnt from the 'Bani' (the word) of the Gurus and 'bhagats' as recorded in the sacred text, the Guru Granth Sahib .This submission involves a preparedness to be guided by the Truth of the Bani, and the living of this Truth. The practice of 'Sikhi' involves preparedness, submission, dedication and hardship. More often than not after one knows the Truth intellectually one may not want to follow it or be led by it, because to do so implies a lot of unlearning and hardship.

♦ **BALANCING RELIGIOUS SENTIMENTS:**

E.g.: Mahabodhi Temple complex

Amendment bill of 2013 for the Bodhgaya Temple Act of 1949:
The Bihar government has amended the Bodh Gaya Temple Act of 1949, allowing for a non-Hindu to head the temple committee. As per Section 3 (3) of the Act, the district magistrate (DM) is the ex-officio chairman of the temple committee and has to be a Hindu. If the DM is a non-Hindu, the Act requires the government to nominate a Hindu as Chairman of the committee for the period during which the DM is a non-Hindu. However, the State Assembly passed the Bodh Gaya Temple (Amendment) Bill 2013 as this section goes against the spirit of secularism of the Indian Constitution.

♦ **BALANCING POLITICAL INTERESTS:**

♦ **INCULCATING THE HABIT OF CONSERVATION:**

E.g.: Khangchendzonga National Park.

The Forest, Environment and Wildlife Management Department of the Govt. of Sikkim maintain its own 'Garbage Monitoring Form' and effectively undertake the process for waste management.

E.g.: Champaner PavaGarh Archaeological Park

Temple trusts and various NGOs on Pavagadh hill organize to maximize their interests while protecting against some forms of site impacts, e.g., NGO programs of tree planting and reservoir de-silting.

For any community, to generate a habit of waste management, afforestation, demonstrates the habit of conservation of the nature and culture as well. Hence, implementation of waste management policies effectively on site is an important step towards conservation.

♦ **EFFECTIVE PARTICIPATORY , ACCOUNTABLE AND PARTICIPATORY GOVERNANCE:**

> *E.g.: Khangchendzonga National Park.*
>
> *Towards participatory forest management, the Government of India passed a significant resolution in 1990 providing specific guidelines relating to the formation, functioning, rights and responsibilities of community forest management groups called Joint Forest Management Committees (JFMC)/ Eco-development Committees (EDC). The aim of this was to carry out on-farm and off-farm income generation activities in the buffer areas of reserved forests and protected areas so that the inhabitants of fringe villages become less dependent on forests for their livelihoods and contribute to forest protection and conservation in partnership with the state.*
>
> *E.g.: Champaner PavaGarh Archaeological Park*
>
> *The Forest Act is from 1861- A British Act.*
> *The heritage components of the site are mostly archaeological and scattered throughout the dense teak forest. When the work was started there was a drought in the region and the enormity and scale of the forest was not visible. In 1994 when the forest grew back it was realized that the heritage could not be protected through the Forest act. More over the heritage is threatened because the Act excludes Heritage and in this case the Heritage is an integral part of the Forest and a new legislation is required that addresses both.*

♦ **EFFECTIVE PRACTICE OF CONSERVATION:**

> *E.g.: Champaner PavaGarh Archaeological Park*
>
> ***Conflict among Heritage Conservationists:*** *Conflicts arise among heritage conservationists about the appropriate concepts, methods, and techniques for conservation. Historic landscapes are inherently dynamic and they change over time in ways that invite debates. At Champaner - Pavagadh there are intense debates about conserving different strata of archeological, historical and living cultural resources. Some argue that policies must be established first, while others argue for master plans and/or prototype designs, and for greater or lesser emphasis on pilgrimage heritage relative to architectural and archeological heritage; natural heritage has received less attention to date.*

♦ **MANAGING INTEREST OF STAKEHOLDERS:**

> *E.g.: Champaner PavaGarh Archaeological Park*
>
> ***Conflict among Heritage Stakeholders over Material and Symbolic Control:*** *Champaner - Pavagadh faces institutional fragmentation among national, state, local, and private organizations whose efforts are not well coordinated. At the national level there are ASI protected sites but little ASI presence compared with state archeology, forest, and irrigation districts. The Panchmahals district headquarters in Godhra has jurisdiction over local roads, schools, and public finance. Champaner town is a separate entity from settlements on the hill.*

♦ **xxx**

INFERENCES AND RECOMMENDATIONS

9

INFERENCES AND RECOMMENDATIONS—

This discourse on values, heritage, systems, societies and legislations and analysis of case studies as good practices directs us to arrive at recommendations and inferences through this study. The following recommendations, in the realm of World Heritage, will be beneficial to convert theory into tangible efforts.

A rights-based approach in the World Heritage Convention not only calls for improving the knowledge and understanding of such rights of humanity, but also underlines the imperative of inclusion, integration, ownership, access and use while ensuring conservation and protection within an institutional framework.

◆ **NEED OF ALTERNATIVE FRAMEWORKS TO INTERNATIONALIZE HERITAGE MANAMGENT IN TRUE SENSE, WITH RESPECT TO THE THEORIES AND PHILOSOPHY ELABORATED IN THIS RESEARCH.**

◆ **WITH RESPECT TO GLOBALIZATION:**

Technology has come to accelerate our cultural heritage. Therefore, rejecting advanced information technology or globalization is not a solution for overcoming its disintegrating effects; rather, it may be viewed as a form of escape. The only remedy in ensuring cultural stability is for the agents of change (government) to repackage and re-inculcate absolute values through the use of libraries, mass media, and advanced information technologies to counter negative changes that are emerging today.

- ◆ There is the need for the legal protection of the intangible cultural heritage.
- ◆ There is need for the government to revive traditional and popular forms of a people's expression.
- ◆ Government should incorporate programs relating to traditional cultures, heritage and folklore in education curricular at all levels.
- ◆ Government should develop legislative protection for traditional culture, heritage museum, archives and libraries.
- ◆ There is the need to establish "heritage library" where issues of cultural heritage would be discussed as a means of transmission of oral and intangible heritage. Conservation, preservation and dissemination of expressions of the intangible cultural heritage should continue to be an important component of the library profession.

◆ **NEED FOR A MANAGEMENT SYSTEM TO SAFEGUARD RIGHTS:**
The drafting of a heritage management plan and identifying roles and responsibilities of state parties must be process driven act, in light of the existing framework, to cater to issues of:

- ◆ **Human rights**
- ◆ **Capacity building**
- ◆ **Tools and Skills**

The following two approaches can be followed:

♦ **TO IDENTIFY GAPS IN THE EXISTING FRAMEWORK AND CONSTITUTE AMENDMENTS OR POLICIES OR GUIDELINES TO TACKLE THE ISSUE WITHIN THAT EXISTING FRAMEWORK.**

♦ **TO IDENTIFY THE POINTS OF INTERSECTION WITHIN THE EXISTING FRAMEWORK AND THE NEED FOR AN ORIENTING BODY TO FURTHER EXAMINE ISSUES OF:**

   ♦ **Safeguarding of rights**
   ♦ **Heritage Impact Assessment**
   ♦ **Risk preparedness**

Such local **'orienting bodies'** should act as a catalyst for heritage awareness and mobilize community participation. The issues in conservation of heritage along with the overarching issues of livelihood, health, education, finance are inherently linked and form the basis of the fundamental rights of a human being. Development and conservation projects need to be inclusive.

♦ **THE NEED FOR POST-CONFLICT HEALING OF HERITAGE:**

Heritage is invoked for post-conflict development by international organizations, governments, and sub-national groups to provide emotional and cultural, including economic, healing for individuals and societies. However, academic critiques of healing-heritage typically cite the failure of heritage to heal, either because it cannot, or because it is managed incorrectly. Thus, an anomalous situation exists between expectations and critiques, which this study describes and explores through international policies and national and sub-national post-conflict healing-heritage initiatives from Rwanda and Uganda. Drawing on concepts of heritage as a cultural process, cultural trauma, and symbolic healing, this study proposes that heritage is neither an essentially positive nor negative post-conflict development strategy to select or avoid respectively. Instead, heritage is better understood as a common element of post-conflict renewal, which becomes intensified as the past is aggressively negotiated to provide healing related to conflict traumas. By moving beyond the 'does heritage heal or hurt?' distraction the meaning and function of heritage in post-conflict contexts as a common element of post-conflict healing complexes is elucidated. The implication for those who wish to manage post-conflict development through heritage is that they are just the latest in a long history of symbolic healers, from whom they have a lot to learn. (Giblin J. 2014)

♦ **DEVELOPING THE AGENDA OF PRACTICE OF CONSERVATION:**

As a field of conservation and preservation of heritage, which encompasses a broader definition of tangible and intangible heritage, it is important to recognize that conservation cannot unify or advance with any real innovation or vision if we continue to concentrate the bulk of our conservation discourse on issues of physical condition. Conservation risks losing ground within the social and cultural agenda unless the non-technical complexities of cultural heritage preservation, the role it plays in the modern society and social, economical and cultural mechanisms through conservation works are better understood. (Getty 2000)

♦ **INCENTIVE APPROACH TOWARDS HERITAGE MANAGEMENT:**

Heritage management should be pro-people- an approach towards social inclusion. Promotion and inculcation of 'conservation' of nature and culture as a habit, for a compensatory approach, to create awareness within the local communities, so a give and take relation.

◆ NEED FOR CAPACITY BUILDING:

Transformation of life, in terms of 'consumerism' is antithetical to the idea of conservation of heritage and tradition. The balance between the aspiration to cater to the development and the idea of conservation can be achieved through capacity building and training and inculcating the values with in the communities.

◆ INTELLECTUAL PROPERTY RIGHTS REGIME:

The traditional knowledge of extraction of medicine from the forests should be identified as a value intrinsic with the ethnic tribes. There is no documentation of this process and discovery on ground with the locals, but only happens in the laboratory. This IPR regime should be directed to benefit the communities and directly linked with Rights to Forest Resource.

ANNEXURE

- **DETAILED CASE STUDIES AND ASSESSMENT AND EVALUATION MATRICES**
    - I-I WESTERN GHATS
    - I-II CHAMPANER- PAVAGARH ARCHAEOLOGICAL PARK
    - I-III MAHABODHI TEMPLE COMPLEX AT BODHGAYA
    - I-IV SRI HARIMANDIR SAHIB
    - I-V KHANGCHENDZONGA NATIONAL PARK

- **MINUTES OF MEETING**

- **R.B.A. BUDGETARY ALLOCATIONS**

Annexure

I. *Detailed Case Studies and assessment matrices.*

II. *Minutes of the meeting: 16th May and Minutes of the workshop: 30th and 31st May 2015*

III. *R.B.A. Budgetary allocations*

Annexure I-I

1. DEFINE 'CONTEXT'; SOCIAL AND CULTURAL, NATURAL BACKGROUND OF THE SITE

The Western Ghats were inscribed as World Heritage Site, under Natural Criteria (ix) and (x) of the Operation Guidelines of World Heritage Convention, in the General Assembly of World Heritage Committee held at St. Petersburg, Russia in 2012. It was successfully nominated and inscribed after a 6 years long campaign for inscription on the World Heritage list. This is the first serial site to be inscribed in India.

### 1.1 GEOGRAPHICAL LOCATION (NATURAL AND CULTURAL)

The Western Ghats is made up of 39 components grouped into 7 sub-clusters across 4 states viz. Kerala, Tamil Nadu, Karnataka and Maharashtra. The serial approach is justified in principle from a biodiversity perspective because all 39 components belong to the same bio-geographic province, and remain as isolated remnants of previous contiguous forest. The justification of developing a serial approach rather than just identifying one large protected area to represent the biodiversity of the Western Ghats is due to high site endemism in the Western Ghats that contributes to the overall high level of endemism. Indeed, the 39 sites are akin to beads in a necklace that constitute a unified whole representing the evolutionary history and ecological integrity of the Western Ghats as a landscape with outstanding universal values.

The property is internationally recognized as a region of immense global importance for the conservation of biological diversity, besides containing areas of high geological, cultural and aesthetic values. A chain of mountains running parallel to India's western coast, approximately 30-50 km inland, the Ghats traverse the States of Kerala, Tamil Nadu, Karnataka, Goa, Maharashtra and Gujarat. These mountains cover an area of around 140,000 km² in a 1,600 km long stretch that is interrupted only by the 30 km Palghat Gap at around 11°N.

The Western Ghats of India are a geomorphic feature of immense global importance that forms a characteristic feature of the Indian Peninsula. About 65 million years ago at the beginning of the Tertiary Era, a piece of the ancient Gondwana landmass collided with the Asian landmass and its northern portions witnessed enormous volcanic eruptions that resulted in the formation of the Deccan Traps—a vast region of over 500,000 km² of basaltic rock.. The rocks and soils of the Western Ghats relate to the region's tectonic history. The remarkable geomorphic formations in the Western Ghats present an exceptional and fascinating documentation of geological processes and momentous events in the history of the earth. Their excellent and relatively intact representation within the nominated Sub-clusters in the Western Ghats, from the Deccan Traps in the north to the ancient mountains

in the south, are very important for the recognition and preservation of these values (UNESCO)

1.2   THE NOMINATION TEXT DESCRIBES TWO PRECINCTS:
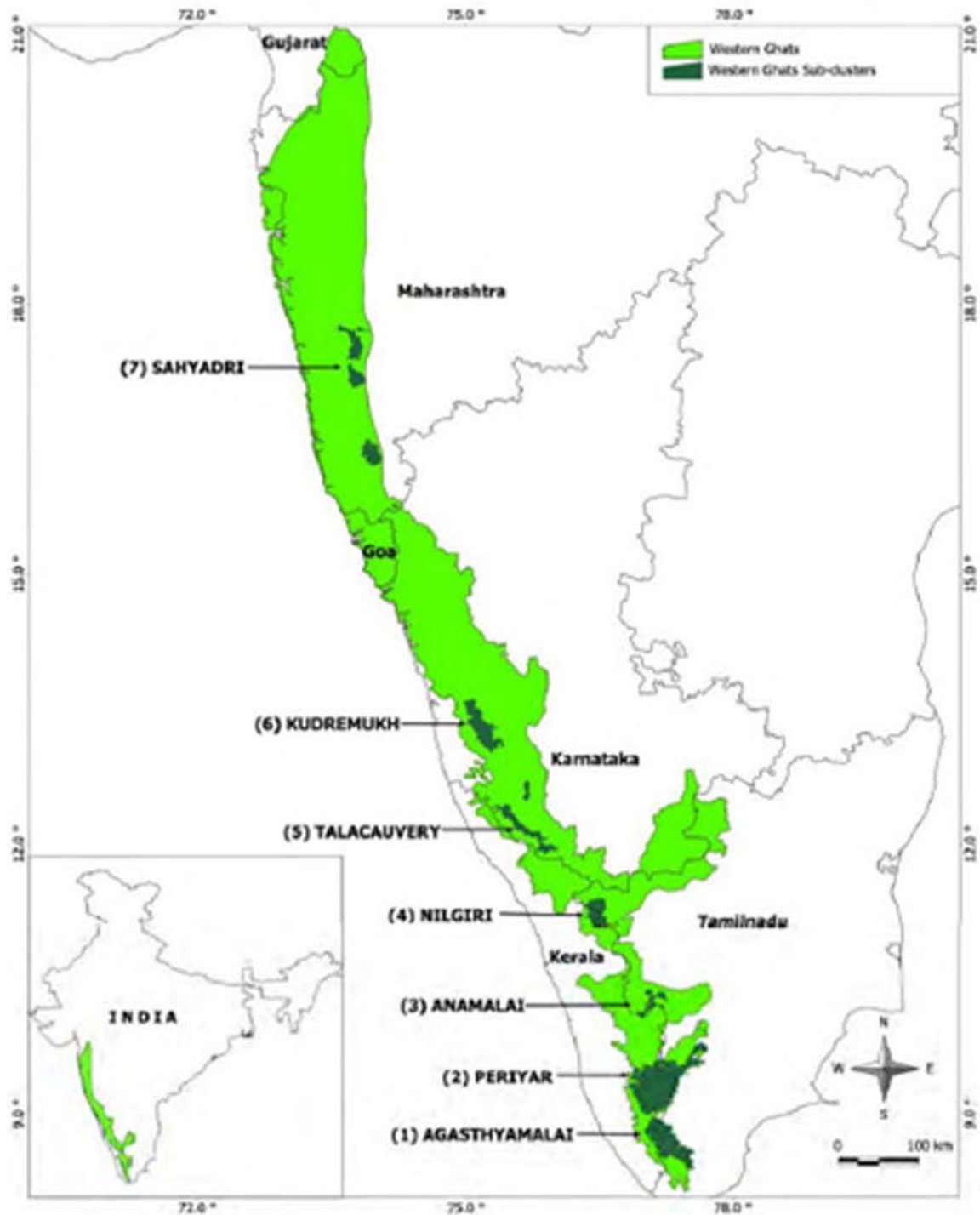
(Source: Serial Nomination for UNESCO by State Party 2009)

1.3   VALUES AND SIGNIFICANCE OF THE WH PROPERTY

A significant characteristic of the Western Ghats is the exceptionally high level of biological diversity and endemism. This mountain chain is recognized as one of the world's eight 'hottest hotspots' of biological diversity along with Sri Lanka. The forests of the Western Ghats include some of the best representatives of non equatorial tropical evergreen forests in the world. At least 325 globally threatened (IUCN Red Data List) species occur in the Western Ghats. The globally threatened flora and fauna in the Western Ghats are represented by 229 plant species, 31 mammal species, 15 bird species, 43 amphibian species, 5 reptile species and 1 fish species. Of the total 325 globally threatened species in the Western Ghats, 129 are classified as Vulnerable, 145 as Endangered and 51 as Critically Endangered.

1.4   ATTRIBUTES OF SOUV

1.5   AUTHENTICITY AND INTEGRITY

The property is made up of 39 component parts grouped into 7 sub-clusters. The serial approach is justified in principle from a biodiversity perspective because all 39 components belong to the same biogeography province, and remain as isolated remnants of previous contiguous forest. The justification for developing a serial approach rather than just identifying one large protected area to represent the biodiversity of the Western Ghats is due to the high degree of endemism, meaning that species composition from the very north of the mountains to 1,600 km south varies greatly, and no one site could tell the story of the richness of these mountains. The formulation of this complex serial nomination has evolved through a consultative process drawing on scientific analysis from various sources. The 39 component parts grouped into 7 sub-clusters together reflect the Outstanding Universal Value of the property and capture the range of biological diversity and species endemism in this vast landscape.

1.6   CRITERIA FOR INSCRIPTION:

Criterion (ix): The Western Ghats region demonstrates speciation related to the breakup of the ancient landmass of Gondwanaland in the early Jurassic period; secondly to the formation of India into an isolated landmass and the thirdly to the Indian landmass being pushed together with Eurasia. Together with favourable weather patterns and a high gradient being present in the Ghats, high speciation has resulted. The Western Ghats is an "Evolutionary Ecotone" illustrating "Out of Africa" and "Out of Asia" hypotheses on species dispersal and vicariance.

Criterion (x): The Western Ghats contain exceptional levels of plant and animal diversity and endemicity for a continental area. In particular, the level of endemicity for some of the 4-5,000 plant species recorded in the Ghats is very high: of the nearly 650 tree species found in the Western Ghats, 352 (54%) are endemic. Animal diversity is also exceptional, with amphibians (up to 179 species, 65% endemic), reptiles (157 species, 62% endemic), and fishes (219 species, 53% endemic). Invertebrate biodiversity, once better known, is likely also to be very high (with some 80% of tiger beetles endemic). A number of flagship mammals occur in the property, including parts of the single largest population of globally threatened 'landscape' species such as the Asian Elephant, Gaur and Tiger. Endangered species such as the lion-tailed Macaque, Nilgiri Tahr and Nilgiri Langur are unique to the area. The property is also key to the conservation of a number of threatened habitats, such as unique seasonally mass-flowering wildflower meadows, Shola forests and Myristica swamps.

1.7   STATE OF CONSERVATION REPORT: (UNESCO)

NA

1.8   DEMOGRAPHICAL INFORMATION

1.8.1   POPULATION (AS PER STATES)

As the Western Ghats is spread across 39 sites and 7 sub-clusters in 4 states viz. Kerala, Karnataka, Tamil Nadu and Maharashtra, it is difficult to estimate the population of each site. Hence, the population of each of the four states of the Western Ghats WHS is given below.

STATE	POPULATION	SEX RATIO	LITERACY RATE
Kerala	3,33,87,677	1084/1000	96%
Tamil Nadu	11,23,72,972	996/1000	80%
Karnataka	6,11,30,704	973/1000	75.36%
Maharashtra	7,21,38,958	929/1000	82.34%

1.8.2   DISTRIBUTION OF COMMUNITIES/STAKEHOLDERS

(Detailed primary surveys required)

1.8.3   SOCIAL SYSTEMS

In these 39 sites inscribed as World Natural Heritage in the Western Ghats, a number of tribes *viz.* Toda, Halakki, Siddis, Paniyas, Adiyan and Kani inhabit in and around the World Heritage Sites. Their social systems are described briefly below.

THE TODA TRIBES of Nilgiril Hills are pastoral people. They rear buffaloes and produce milk products which they sell or exchange with different products of neighboring tribes to procure items of daily use. Thus, they are involved in "socio-economic symbiosis" with the neighboring tribes. Whilst dairy works are completely in the male domain, females are debarred from entering the dairy house. Previously, males were engaged in cooking but now this duty has been shifted to the females of the household. The women are also primarily responsible for rearing of children, fetching of water and fuel from the forest. (DISTRICT OF THE NILGIRIS DISTRICT ADMINISTRATION) (BANERJEE2014)

THE HALAKKI VOKKAL TRIBE inhabits the state of Karnataka mainly in North Kanara district. According to their social structure, the elderly men of the community wield influence over the day-to-day matters of village life. Compared to other tribes in North Kanara, women have better social acceptance as re-marriage isn't a taboo and divorce is accepted (BALAJI 2014)

THE SIDDI TRIBE, a scheduled tribe, is mostly concentrated in the state of Karnataka. This tribe has mostly remained secluded, and economically and socially neglected. (SIDDIS OF KARNATAKA)

THE SOLIGA TRIBE resides in the hilly forest areas of Karnataka. It is also referred to as Sholiga, Soliga, and Soligaru. They speak an old dialect of Kannada called 'Soliga nudi'. They have two types of settlements in forest viz.

'haadi' (permanent settlements) and 'podu' (settlement in hill slope or forest with lesser number of families). Their economy is heavily dependent upon wood and non-wood forest products. Their main occupation is to collect minor forest produces like gum, honey, soap nuts, root and tubers, tamarind etc. (Shodhganga-Soligas)

THE PANIYA TRIBE is considered as one of the prehistoric, homogenous Dravidian tribe. Their customs, culture and religion are unique. Every village is headed by a ruler called *muppen* belonging to different clans or *kulam*. All the members of the tribe are expected to respect and value the traditions and customs. They have their own language called *Paniyabhasha*, a mixture of Tamil and Malayalam languages. Among Paniyas the literacy rate is very low when compared to that at the state level in Kerala or Tamil Nadu. They have limited access to modern healthcare facilities. (Shodhganga-Paniyas)

THE ADIYAN TRIBE, one of the Scheduled Tribes of Kerala, are distributed mainly in the Mananthavady taluka of Wayanad district. They are mostly marginalized farmers with little control over the resources. They have largely been devoid of skills for subsistence in the mainstream economy. The term Adiyan is synonymous with the subservient role they played in the past under the landlords. It is believed that their name has originated from an old rule that they should maintain a distance of '*ar*' (six), '*adi*' (feet) from the landlords. The economy of the Adiyan is centered on food gathering, marginal agriculture, animal husbandry and agricultural labour. Their economy also depends on the collection of forest products. In Adiyan society, a clear division of labour prevails according to sex. Men plough the land, carry head loads, and collect minor forest produces and also guard crops from wild animals. As in many parts of India it is taboo for women to plough, it is the same with the Adiyan even though they are agricultural labourers, women are not engaged in ploughing. (Ramachandran 2004)

THE BHIL TRIBE is an Adivasi people living in the hilly tracts of Maharashtra in the Western Ghats. They speak the Bhil language, a subgroup of the Western Zone of the Indo-Aryan languages. They practice farming with a significant minority being landless agricultural labourers. Bhil villages are located in rich forest areas. (Census India)

THE KAANI TRIBE lives in settlements in the states of Tamil Nadu and Kerala in South India. (Kanyakumari and Thirunelveli districts of Tamil Nadu and Thiruvananthapuram district of Kerala in the Western Ghats region). Holding an egalitarian value system, no one in the tribe claims a superior status, nor does the community allot a superior position to any one based on social, economic, cultural and literary criteria. Community administration is governed by a headman (*Mootukaani*), a secretary (*Vizhikaani*) and a physician (*Pilathi*). This triumvirate administers the community in decision-making, dispute resolution, judgement, punishment, celebrations, and rituals and maintains the integrity and cohesion of the community. All major decisions are made at the community level. (Shiva B. 2011)

1.8.4   CULTURAL VALUES

The Western Ghats hold immense socio-cultural importance for millions of people that reside there and indeed for the southern Indian landscape and beyond. The Western Ghats intercept moisture-laden monsoon clouds and bring about seasonal rains and play a vital role in determining the rainfall patterns across peninsular India. The rains give rise to countless streams that join to form over 60 rivers that are the lifeline of over 300 million people. Trees that have been an inseparable part of local culture, such as Saptrees/Mangosteen *Garcinia sp.*, jackfruit *Artocarpus* sp., banana *Musa* sp. and several spices, are native to this region. Spices such as black pepper *Piper nigrum* and cardamom *Elettaria cardamomum* represent ancient trade commodities. Several plants of medicinal value (*e.g. Trichopus zeylanicus*) are known from this area, and ancient systems of medicine such as the *Siddha* system of medicine originated here. Numerous ancient sacred shrines and sacred groves are still preserved in this region. The Western Ghats World Heritage serial sites therefore are preserving both rich biodiversity as well as traditional knowledge systems. Several communities of people of varied culture, language and lifestyles inhabit the area. The Western Ghats is home to a large number of tribal communities living in close proximity with rich biodiverse landscapes, having evolved location specific and innovative livelihood strategies based on their traditional knowledge. The hill tribes or Adivasis (original inhabitants) as they are called, account for barely 5% of the area population in the Western Ghats. The tribes have coexisted with nature for centuries with rich traditional knowledge and cultural life. They hold a vast treasure of knowledge of medicinal plants that has been passed on orally from generation to generation. At least 70 plant species belonging to 42 families have been recorded to be used for various purposes by tribal people of Western Ghats. Moreover, many of the cultural practices of the tribal communities of the Western Ghats are closely interlinked with its natural heritage. Some of these tribes and their socio-economic and cultural practices are described below.

The **Toda** tribe is the most ancient and unusual tribe of Nilgiri of Tamil Nadu. The name Toda is supposed to be derived from the word 'tud', the sacred tud tree of Todas. Todas worship nature like hill gods, Lord Amodr (the realm of the dead) & Goddess Teikirzi. Their livelihood is mainly by producing milk products. They reside in reserved forest land. (Indian Mirror-Toda tribes)

The Soligas tribe have been leading their life in harmony with nature and posses a rich wealth of indigenous knowledge on forest conservation and sustainable agriculture. (Agriculture network) People from Soliga tribe practice herbal medicine enabled by their deep knowledge of medicinal plants. This tradition is passed on from one generation to the next. The knowledge of the Soligas and their practices of conservation are linked to the clan (kula) system and their configuration of the landscape. Each kula has its own six important places of worship: Devaru (god); Maramma (goddess); kallu gudi (stone temple); Veeru or Muni; habbi or jala (waterfall); and, Samadhi (burial ground). They also worship trees (*Michelia champaca,* locally called Sampige, and *Terminalia bellerica* locally called Tare) and animals such as bears (Karadi devaru) and elephants (Ane devaru). Their songs reflect indigenous knowledge of forest flora and fauna. The songs describe various species and enable the

transfer of indigenous knowledge from one generation to the next. (Madegowda 2009); (Zaraska N. 1997)

The Halakki Vokkal are confined to the coastal talukas of Uttara Kannada district of Karnataka. They are agriculturists living on farm lands located at the outskirts of towns that are sandwiched between the Western Ghats in the East and the expanse of the Arabian Sea on the West, 75,000 Halakkis live in Koppas under direct control of their community heads. Mud walls and floors of their thatched huts are elaborately decorated with "Hali"(white rangoli against black or red background.) "Halakki Kannada" refers to the dialect of the state language in which these people converse. They have a rich folklore. (Kamat-   Halakki   tribes)
The main source of livelihood is animal husbandry while they also practice small scale agriculture. Another source of income is collecting herbal leaves, wild berries, nut and honey and making and selling bamboo baskets. Vokkals believes in animism which includes spirits dwelling in the forest and beside rivers, mixed with elements from popular Hinduism. (Câmara C. 2011)

The Siddis are a tribal community who are found in the jungles of Western Ghats in the Dharwad and Karwar districts of Karnataka. They live in small clusters of settlements either in the forest or in its outskirts. (Shodhganga-Siddis) The one factor which binds the Siddis, irrespective of their religion is the *Hiriyaru* or ancestor worship. The dead are believed to be nearby, in the form of spirits. They are regarded as witnesses to be consulted by a family in all its concerns. On the occasions like births, marriages and deaths, the ancestors are invoked. *Hiriyaru* worship may be performed twice a year by the 'Kartha" (head) of the family. It is normally held during the Navarathri festival in the first week of November. While they mainly speak the Kannada language, they also speak other languages like Konkani and Marathi.

The **Paniya** also known as Paniyar and Paniyan are an ethnic group that primarily inhabits Wayanad, Kozhikode, Kannur and Malappuram districts in Kerala. Historically they worked as agricultural labourers. They are believed to have been brought to Wayanad by the king of Malabar, and thereafter tilled the land as serfs. Following the abolishment of the slave-holding system, the Paniya were resettled in different areas established by the government. Typically they live in villages (*padis*) consisting of a few huts (*pir*e or *chala*). Each hut settlement contains 5 to 15 settlements. Traditionally Paniyas were food-gatherers enjoying the freedom and self sufficiency of nomadic life in the interior forests. They used edible roots, leaves and animals trapped or hunted in the forest. Although rice is their staple food, considerable quantities of wheat or ragi are consumed by the Paniyas. Tapioca, vegetables, animal flesh, fish, crabs and varieties of roots and tubes form part of their diet. Many food items are obtained from the wild and the Paniya have a rich traditional knowledge of the nutritional and medicinal values of biodiversity. (Shodhganga- Paniya)

The Adiyans are bonded labourers who migrated to Wayanad in Kerala from Coorg (Kodagu) region of Karnataka. They speak a hybrid language between Kannada and Malayalam, more akin to Kannada. They used to be considered as being attached labourers of land lords as they live in groups called *kunt* which is attached to the land lord. The household unit of a *kunt* is known by the name *kulu*. Each *kunt* is known by the family name of the landlord.

Around 92 percent of the Adiyan in Kerala live in the district of Wayanad. (Shodhganga- Adiyans)

The **Bhils** are divided into a number of endogenous territorial divisions which in turn have a number of clans and lineages. Religious practice among the Bhils differs from place to place. Most of them worship local deities like Khandoba, Kanhoba, Bahiroba, and Sitalmata. Some of them worship a Tiger God called 'vaghdev'. They consult Badvas - the hereditary sorcerers on all the occasions. They have Bhagat or Gurus who perform the religious rites. They have village headsmen, who deal with their disputes. Bhils strictly follow tribe rules and regulations. Their close relationships are tightly based on mutual love and respect. They have a rich cultural history and give much importance to dance and music. Ghoomar is amongst the most well-known aspects of the Bhil culture. Than Gair is the religious dance drama performed by the men in the month of Sharavana, i.e. in the monsoon (July and August). Talented in painting and sculpture, the Bhil make beautiful horses, elephants, tigers and deities out of clay (EcoIndia; *"Bhil Tribe"*)

Among all the tribes present in the Western Ghats, the **Kani tribe** is most known for its rich traditional knowledge used for herbal medicines. The herbal lore that this community possesses reveals deep knowledge about a large number of wild plants in the region which has helped them survive for generations. Traditionally a nomadic community, they now lead a primarily settled life in the forests of the Agasthyamalai hills of the Western Ghats in the Thiruvananthapuram district of Kerala. It was the Kanis' tradtional knowledge and use of the fruit of a plant, identified as *Trichopus zeylanicus travancoricus*, found in the forests where they live, that gave the scientists of Tropical Botanic Garden Research Institute (TBGRI) the lead to investigate it and identify its active ingradients. From this plant, TBGRI developed a drug called *Jeevani*. Any commercial returns from the drug were to be shared with with the Kanis at fifty percent. 'Jeevani' is a restorative, immune enchancing, anti-stress and anti-fatigue, based on the herbal medicinal plant *arogyapaacha*, used by the Kani tribals in their traditional medicine. They live in areas which are threatened though rich repositories of biological diversity, classified as 'Hot Spots'. They maintain their culture in the deep forests with unique environmental ethics and intrinsic value systems. (Shiva B 2011)

Name of the state	Name of the tribe
Kerala	*Adiyan, Kani, Paniya*
Tamil Nadu	*Toda*
Karnataka	*Halakki Vokkal, Siddis*
Maharashtra	*Bhil*

1.8.5   PUBLIC AND DEVELOPMENT PROFILE

1.8.5.1 POVERTY REDUCTION

Poverty reduction and development plans initiated in the Western Ghats included a separate Western Ghats Development Programme (WGDP) which was launched way back in 1974-75 as a component of the programme for the development of hill areas of the country (http://planningcommission.nic.in/plans/annualplan/ap2021pdf/ap2 021ch10-2.pdf). This Programme in the WG states covered 132

talukas of WGDP comprising of Western Ghats in Maharashtra (51 talukas), Karnataka (28 talukas) Tamil Nadu (23 talukas), Kerala (27 talukas) and Goa (3 talukas) . The programme focused on involvement of the people and meeting their basic needs through improved management of their land and water resources. (WGDP, HADP, 2008) The measures outlined in the programme include:

♦ An energy policy to provide alternate sources of energy and thereby reduce pressure on forests,
♦ Afforestation of denuded forest land with species which can provide both fuel and fodder,
♦ Provision of adequate and safe drinking water,
♦ Emphasis on improvement of health facilities including infrastructural facilities in primary health institutions,
♦ Development of skilled manpower,
♦ Evolving a proper land use pattern keeping the socio-economic and ecological parameters in view,
♦ Development of horticulture and plantation crops,
♦ Improvement of livestock,
♦ Development of non-polluting industries such as electronics that lead to high value addition,
♦ Development of network of transport and communication facilities; and
♦ Evolution of appropriate technology and scientific inputs which would suit local conditions and harness local resources.

Amongst the four Western Ghats states with natural WHS, Kerala ranks the highest (in fact, not just amongst the four states but in all of India) with respect to social development indices such as elimination of poverty, primary education and healthcare.

1.8.1.1 **WASTE MANAGEMENT** *(Detailed primary surveys required)*
1.8.1.2 **EQUITY** *(Detailed primary surveys required)*
1.8.1.3 **DIVERSITY** *(Detailed primary surveys required)*
1.8.1.4 **SOCIAL INCLUSION** *(Detailed primary surveys required)*
1.8.1.5 **GOVERNANCE** *(Detailed primary surveys required)*

1.8.1.6 **PEACE AND SECURITY; NATURE OF VIOLENCE AND CONFLICT OF INTEREST, POLITICAL PROFILE**

While support for the World Heritage nomination was evident from many quarters including Government agencies, local populations, academics and committed conservationists including a variety of NGOs and individuals, opposition to NGOs, Government and the nomination of sites as World Heritage was witnessed in some places such as Kodagu, Karnataka. (IUCN Evaluation Report 2012)

The Western Ghats has witnessed several environmental movements and agitations. Conflict between development and conservation led to struggles to save the fragile ecology and forest-dependent livelihoods in the Nilgiris and Silent Valley National Park amongst other sites.

The Save the Western Ghats March (SWGM) began on November 1, 1987 and was revived in 2009 with the organisation of a meeting of civil society representatives from Western Ghats that mobilized about 200 + organizations and individuals. (SWG) The meeting deliberated on issues including 'Saving Nilgiri Biosphere Reserve', hydroelectric and thermal power development, mining, 'Bring Western Ghats into NAPCC', rights of indigenous people, human-wildlife conflict, GM and organic farming.

INFORMATION ON NATURAL ENVIRONMENT

The unique and natural habitats of the Western Ghats are invaluable repositories of biodiversity and prime habitats for *in-situ* conservation. The Western Ghats contains more than 30% of all the plant and vertebrate species found in India, in less than 6% of the country's landmass. It is also recognized as one among the 200 globally most important eco-regions. The Outstanding Universal Values of the Western Ghats World Natural Heritage Site are:

♦ **REPRESENTATIVES OF EVOLUTIONARY GEOGRAPHIC HISTORY OF INDIA**

As explained in the foregoing text (section 1a), the Western Ghats of India are geomorphic features of immense global importance. Older than the great Himalayan mountain chain, they retain the 2 billion year old Gondawana geology from the start of the Tertiary era, about 65 million years ago. The remarkable geomorphic formations present an exceptional and fascinating documentation of the geological processes and momentous events in the history of the earth. Their excellent and relatively intact representation within the Sub-clusters in the Western Ghats, from the Deccan Trap in the north as to the ancient mountains in the south, is very important for the conservation of these values.

♦ *HABITATS OF SEVERAL ENDANGERED AND ENDEMIC FLORA AND FAUNA (VAST SURVIVING STRETCHES OF WELL PRESERVED FORESTS)*

The forests of the Western Ghats include some of the best representatives of non-equatorial tropical evergreen forests in the world. The major plant associations of the wet evergreen forests, include eight at lower elevations (<850 m), five at medium elevations (850–1,500 m) and three at higher elevations. The wide variation of rainfall patterns in the Western Ghats, coupled with the region's complex geography, produces a wide variety of vegetation types. These include tropical dry thorn forests in the low-lying rain shadow areas and plains on the eastern side, deciduous and tropical rainforests up to an elevation of 1,500 m and a unique mosaic of stunted montane evergreen forests, called *sholas*, and rolling grasslands above 1,500 m. Tropical rainforests represent the primary centers of species richness and endemism within the Western Ghats and cover approximately 20,000 km². Dry, moist deciduous and scrub forests cover another 20,000 km². The region has 58 endemic plant genera, 49 of which are monotypic and some are highly species (e.g. *Niligirianthus*, with 20 species). Some prominent genera and families are represented by large numbers of endemic species, such as *Impatiens*, with 76 of 86 species endemic, *Dipterocarpus*, with 12 of 67, 13 species endemic and *Calamus*, with 23 of 25 species endemic. Of the 490 tree species recorded from low and medium-elevation forests, 308 (63%) species representing 58 families are endemic (Ramesh and Pascal 1991). The only gymnosperm tree, *Podocarpus (=Nageia) wallichianus*, is also endemic. Of the 267 species of orchids (representing 72 genera), 130 are endemic. About 63% of India's woody evergreen taxa are endemic to the Western Ghats. Of the nearly 650 tree species found in the Western Ghats, 352 (54%) are endemic. The tree genera that are endemic to the Western Ghats include *Blepharistemma*, *Erinocarpus*, *Meteromyrtus*, *Otenophelium*, *Poeciloneuron* and *Pseudoglochidion*. Four species in the tree genus *Myristica* are found in the

Western Ghats southwards from Karnataka. Other genera endemic to the Western Ghats include *Adenoon, Griffithella, Willisia, Meineckia, Baeolepis, Nanothamnus, Wagatea, Campbellia* and *Calacanthus* (Nair 1991). Out of the 8 species found in bamboo genus *Ochlandra*, are from the Western Ghats.

ANALYSIS OF THE OPERATIVE RIGHTS REGIME

I. CUSTOMARY RIGHTS
II. STATUTORY RIGHTS
III. CONVENTION RIGHTS

♦ The rights regime in forests areas in India, which includes Protected Areas such as Wildlife Sanctuaries, National Parks and World Heritage Sites, is governed by the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. This Act seeks to vest the forest rights and occupation in forest lands in forest-dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded. The Act states that it has become necessary to address the longstanding tenure and access rights of these populations.

♦ Following rights have been granted under this Act, including right to hold and live in forest land; community rights such as *nistar*; right of ownership, collection, use and dispose of minor forest produce; other community rights of uses or entitlements such as produce from water bodies, grazing, traditional seasonal resource use of nomadic or pastoralist communities; community tenure of habitat for primitive groups; rights for conversion of *Pattas* on forest lands to titles; rights of settlement of forest villages to revenue villages; right to conserve any traditionally protected community forest resource; rights under any traditional or customary law of tribes of any State; right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity; right to *in situ* rehabilitation. Besides this, the Act also covers any other traditional rights customarily enjoyed by schedules tribes or other traditional forest dwellers that are not mentioned in the earlier clauses, excluding the traditional right to hunt, trap or extract a part of the body of any species of wild animal.

♦ The Act lays down the authority and procedure for vesting of forest rights through the Gram Sabha, a Sub-Divisional Level Committee, a District Level Committee and a State Level Monitoring Committee. It may be mentioned that the recognition of forest rights include the responsibilities and authority for sustainable use, conservation of biodiversity and maintenance of ecological balance and thereby strengthening the conservation regime of the forests while ensuring livelihood and food security of the forest-dwelling Scheduled Tribes and other traditional forest dwellers (FRA, 2006). The Act seeks to protect the most vulnerable and marginalized even amongst tribal communities, such that by securing community tenures over their customary habitats could provide them significant protection against usurpation of their resource rights (Sarin and Springate-Baginski 2010).

♦ Taken up with hope and enthusiasm in many areas with tribal populations, the Act was sought to be implemented to address challenges of promoting community and customary rights of forest dwellers to natural resources. However, it was seen that though tribal communities had customary and historical claims to dependency on forests for their livelihoods and very way of life, few community claims were being registered as opposed

to individual claims for user rights (Sathyapalan 2010, UNDP 2012). It is also unclear about the ownership of common property resources despite the high dependence on such resources.

♦ There are persisting issues of poor understanding amongst the implementing agencies about both the objectives and the provisions of the Act, and certain confusion at district and lower levels on institutions for implementation. Recognition of rights particularly in Protected Areas therefore remains inadequate. Many plans for management of such Protected Areas, including those leading to restrictions on customarily exercised rights, are not able to involve local participation very actively (Desor 2013).

UNDERSTAND THE EXISTING AND REQUIRED STRUCTURE OF MANAGEMENT SYSTEMS

Analysis of the existing systems, intermediate systems, gaps in the procedure of democracy; the need for inclusive approach. (Its effectiveness and shortcomings)

♦ With the shift towards participatory approaches in forest management and biodiversity conservation and the enunciation of the National Forest Policy (1988) that local communities were to be involved in natural resources conservation, there has been a significant effort towards implementing approaches such as eco-development. Eco-development comprises site-specific measures for protection and management biodiversity and natural heritage through local economic development involving grass-roots level institutions.

♦ The 39 serial sites of the Western Ghats World Natural Heritage property fall under a number of protection and management regimes, ranging from Tiger Reserves, National Parks, Wildlife Sanctuaries, and Reserved Forests. All components are owned by the State and are subject to stringent protection under laws including the Wildlife (Protection) Act of 1972, the Indian Forest Act of 1927, and the Forest Conservation Act (1980). Through these laws the components are under the control of the Forestry Department and the Chief Wildlife Warden, providing legal protection. 40% of the property lies outside of the formal protected area system, mostly in Reserved Forests, which are legally protected and effectively managed. The Forest Conservation Act (1980) provides the regulatory framework to protect them from infrastructure development.

♦ Integrating the management of 39 components across 4 States is a challenge, for which a 3-tier governance mechanism is required that will operate at the Central, State and Site levels to provide effective coordination and oversight to the 39 components. A Western Ghats Natural Heritage Management Committee (WGNHMC) under the auspices of the Ministry of Environment of Forests (MoEF), Government of India to deal with coordination and integration issues is already functional. All 39 components in the 7 sub-clusters are managed under specific management / working plans duly approved by the State/Central governments. The livelihood concerns of the local communities are regulated by the Forest Rights Acts, 2006 and their participation in governance is ensured through Village Eco-development Committees (VECs) or Eco-development Committees. These VECs or EDCs are grass root level organizations where forest dependent families are members participating in the planning and implementation of various forestry and community development programmes. For example, in Kerala Participatory Forest Management (PFM) is used as a management tool intended to protect the forests and manage the non-wood forest resources of forests in a sustainable manner with the active participation of forest dependent communities ensuring their livelihood needs. Under the

PFM set up, there are Village Level bodies known as Vana Samrakshana Samithies (VSSs) in the Territorial Divisions and Eco Development Committees (EDCs) in the Wildlife Divisions. As part of the participatory management strategy of Protected Areas, eco-development aims at conserving biodiversity by addressing both the impact of local people on the protected areas and the impact of the protected areas on local people.

♦ All 39 sites in the Western Ghats have participatory mechanisms in place through Village Eco-development Committees (VEDCs) and the management system supports participatory governance schemes. Under eco-development, people can only be empowered in aspects of development that do not lead to the exploitation of wildlife or forest resources. However, issues of power and influence eco-development efforts wherein poor and marginalized people are often inadequately represented in VECs or, if represented, are unable to influence the decision-making process. There is also a lack of proper understanding of the concept among forest department and among local people, who may fear the loss of their rights. The VEDCs offer a mechanism for consultation and inclusion through representation of all groups and individuals of local communities. However, these VEDCs need to ensure that governance mechanisms are not imposed but account for and respect existing indigenous institutions for decision making.
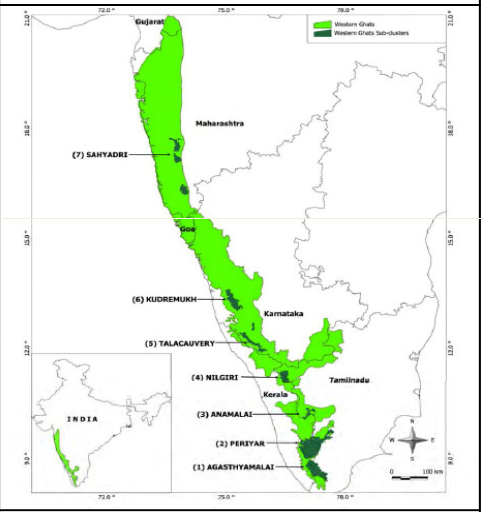
<table>
<tr><td colspan="6" align="center">**PLATE 1**</td></tr>
<tr><td colspan="6" align="center">*Basic description of site as per the nomination dossier and other literary sources which describe the site in detail besides the defined framework of UNESCO nomination*</td></tr>
</table>

S.No.	Name of World Heritage Site (India) and year of inscription	Geographical location			Inherent Values of site
		Location	Area	World Heritage Clusters	
1	Western Ghats, 2012	States of Maharashtra, Karnataka, Kerala, Tamil Nadu.	795,315 ha	39 serial sites under 7 sub-clusters	1. At present, the hill tribes or Adivasis (original inhabitants)account for 5% of the total populaiton of the area. 2. Contains more than 30% of all plant and vertebrate species found in India, in less than 6% of the country's landmass. 3. Recognized as one among the 200 globally most important eco-region. *(Source: Adaptation Strategies of Tribals of Western Ghats Center for Earth Research and Environment Management, Cochin, India)*
	The extents of the identified site of Western Ghats spanning across 4 states in India. *(Source: Serial Nomination for UNESCO by State Party 2009)*				The area is one of the world's ten "Hottest biodiversity hotspots" and has over 7,402 species of flowering plants,1814 species of non-flowering plants, 139 mammal species, 508 bird species, 179 amphibian species, 6000 insects species and 290 freshwater fish species; it is likely that many undiscovered species live in the Western Ghats. At least 325 globally threatened species occur in the Western Ghats *(Source: UNESCO WHC)*
	Description of the site	Also called 'The Great Escarpment of India'. Western Ghats, the hill range of which starts near the Maharashtra-Gujarat border running to nearly 1600 km along the States of Gujarat, Maharashtra, Goa, Karnataka, Tamil Nadu and Kerala and ending at Kanyakumari **Distribution of sites inscribed as WHS:** • **Kerala : 20 site** • **Karnataka : 10 sites,** • **Tamil Nadu: 5 sites** • **Maharashtra : 4 sites.** In Maharashtra, the Kas plateau, the Koyna wildlife sanctuary, the Chandoli national park and the Radhanagari Wildlife sanctuary in the Sahyadri range have been given the world heritage site tag.			**Identified 7 sub-clusters:** 1. Agasthyamalai 2. Periyar 3. Anamalai 4. Nilgiri 5. Talacauvery 6. Kudremukh 7. Sahyadri Within which 39 components including tiger reserves, wild life sacnturay, hill ranges, forest divisions, national parks are included) *(Source: Serial Nomination for UNESCO by State Party 2009)*

PLATE 2

Description of the site, criteria for inscription, state of conservation report through the specifications of the UNESCO nomination, within its defined framework

UNESCO			Communities/ Stakeholders dependent on site
Attributes of SoUV	**Criteria of Inscription**	**State of Conservation**	
The Outstanding Universal Value of the Western Ghats is manifested in the region's unique and fascinating influence on large-scale biophysical and ecological processes over the entire Indian peninsula. *(Source: UNESCO WHC)*	**Criterion (ix)**: The Western Ghats region demonstrates speciation related to the breakup of the ancient landmass of Gondwanaland in the early Jurassic period to the formation of Indian landmass being pushed together with Eurasia. **Criterion (x):** Contain exceptional levels of plant and animal diversity and endemicity for a continental area. 54% tree species are endemic.	Despite these limitations, there exists information readily available to the WH Centre which **permits it to monitor objective and quantitative indicators on the following attributes of WH Forests:** **1. Extent and nature of WH Forest coverage** i) Total area of WH Forests (by region, by biome) ii) Total forest cover within WH Forest (by region, by biome) **2. Relative importance WH Forests to global forest conservation** iii) Ratio of total WH forest cover to total global forest cover iv) Ratio of total WH forest cover to total IUCN category I-IV protected forests **3. State of conservation of WH Forests** v) Number of WH Forests on the List WH in Danger vi) Proportion of WH Forests on the List of WH in Danger vii) Threat intensity to which WH Forests are subjected viii) Average threat intensity for entire WH Forest network **The value of these indicators can be tracked over time, providing important information on trends, and allowing for a variety of practical analyses.** *(Source: Patry M. et al 2005 ;'The state of conservation of world heritage forests'; 2nd World Heritage Forest Meeting, France)*	**List of some of the Tribal communities existing in Western Ghats:** • The Todas • The Soligas • Hallaki • Vokkals • The Siddis • Paniya • Adiyas • Kattunayakans • Kuruchiyans • Kuruma • Bhils • Kani *[Source: Pai Mohan (2005) 'The Western Ghats']*
These hills cover 160,000 km^2 and form the catchment area for complex riverine drainage systems that drain almost 40% of India. The Western Ghats block southwest monsoon winds from reaching the Deccan Plateau. The average elevation is around 1,200 m.			Traditional knowledge systems of the tribals: 1. Herbal medicines 2. Agricultural practices adopted to withstand flooding and draught. Production of drought tolerant, flood tolerant and scented varieties of rice in their fields 3. Vernacular architecture to adopt to extreme weather conditions 4. Traditional knowledge systems to combat climate change; One of the current tools for mitigation and adaptation to climate change is – the use of indigenous know-how and techniques applied in agriculture, housing and energy-saving. *(Source: Adaptation Strategies of Tribals of Western Ghats Center for Earth Research and Environment Management, Cochin, India)*

PLATE 3

The analysis of the existing legislations exercised at different levels and laws and regulations established catering to various disciplines. This plate helps in the analysis of the existing heritage management framework, its success and gaps in management

Signatory to International Treaties and Conventions	Indian Constitutional/Legislative and Regulatory provisions				Institutional Frameworks/Enforcement Authorities/Monitoring Bodies
	Applicability Area	**Environment**	**Culture**	**Administration**	
1. World Heritage Convention 1972 2. Universal Declaration of Human Rights 3. U.N.Declaration on the Rights of Indigenous Peoples 4. Convention on International Trade in Endangered Species of Fauna and Flora (CITES) 5. Convention on Biological Diversity 6. Convention on the Conservation of Migratory Species of Wild Animals (CMS)	**National**	1. Forest Conservation Act 1980 2. Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 3. Article 244 of the Constitution of India, the Fifth Schedule and Panchayats (Extension to the Scheduled Areas) Act, 1996 4. Biological Diversity Act 2002 5. Coastal Regulation Zone Notification, 2011 6. Eco-sensitive Zone notifications 7. Environmental Impact Assessment Notification 2006 8. National Environmental Policy 2006 9. Draft Notification declaring Ecologically Sensitive Area in Western Ghats in the states of Gujarat, Maharahstra, Goa, Karnataka, Kerala and Tamil Nadu 10. Numerous guidelines pertaining to sector-wise developmental interventions and resource usage	1. Ancient Monuments and Archaeological Sites and Remains Act, 2010 2. Indian Treasure Trove Act 1878 (amended 1949) 3. Antiquities and Art Treasures Act 1972	1. Draft National Tribal Policy 2. National Tourism Policy 2002 3. Ecotourism Policy and guidelines - GoI (under revision)	1. Western Ghats Natural Heritage Management Committee (WGNHMC), MoEF 2. Forest Department
	Regional	a) Government of Karnataka - Operational Guidelines of Western Ghats Development Programme, April, 2014	Karnataka Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1961	1. 'Wilderness Tourism Policy' (Karnatka) 2. 'Kerala Tourism Vision 2025' (Kerala) 3. Tourism Policy note 2010-2011 (Tamil Nadu)	1. Karnataka - Western Ghats Cell, Planning & Economic Affairs Department
	Local				1. Village Ecodevelopment Committees (VECs).
:					

PLATE 4

To analyze the critical issues before and after inscription of the site, at different levels of management and how the studies which are conducted by government level and community based organization, to deal with issues and conflicts arising due to the nomination

Critical Issues				
Critical Issues highlighted by UNESCO/ ICOMOS/IUCN			**Studies commissioned/ critical issues identified by Government of India**	**Studies commissioned/ critical issues identified by Community Based Organisations, Non Governmental organisations, Self Help groups.**
Criteria	**Before inscription**	**After inscription**		
Legislative and institutaional frameworks in Governance	1. Withdrawal of Goa state party from submitting the state nomination,	Controversy with the WGEEP Report and the K. Kasturirangan report,	1. Report of the Western Ghats Ecology Expert Panel (WGEEP) appointed by the MoEF: * Compilation of readily available information about Western Ghats * Development of Geo-spatial database based on environmental sensitivity, and * Consultation with Government bodies and Civil society groups 2. K. Kasturirangan report	WGEEP report: Scientifically documented picture of the status of the Western Ghats ecology, processed underlying the manifold degradation, and proposed measures including the demarcation of ecologically sensitive zones (ESZ) and regulatory and promotional measures. *(Source: OUTLOOK; 'The Goa Dossier: Ghats Of Perdition' ; Madhav Gadgil ; 10 June 2013)*
Conservation and management of natural and cultural heriatge	The International Union for Conservation of Nature (IUCN), the official World Heritage advisory body on nature, in its recommendation did not include the Western Ghats as four of the sub-clusters were not contiguous as contended by India and many did not have buffer zones. *(Source: ToI, 39 sites in Western Ghats get world heritage status; TNN ; Jul 3, 2012, 04.02AM IST)*			The Gadgil panel had faced opposition from States for recommending that almost three-fourth of the hills, including plantations, cultivated lands and large habitations in the Ghats be turned into a restricted development zone with an over-arching authority to regulate the region superseding the elected authorities' role. *(Source: DNA; 'Goa to seek scrapping of notification on Western Ghats'; Friday, 23 May 2014 - 7:48pm IST; Place: Panjim;Agency: PTI)*
Infrastructure Development/ natural resource extraction	2. Among the concerns expressed were mining in Sindhdurga district (Radhanagari Sanctuary) and that there was no overarching management plan for the nominated sites. *(Source: ToI, 39 sites in Western Ghats get world heritage status; TNN ; Jul 3, 2012, 04.02am IST)*		Mining, thermal power plants, hazardous industries, etc, are banned in ESAs. States have been demanding reduction in the ESA within their boundaries. *(Source: Business Standard; 'Western Ghats ecology issues to be based on Kasturirangan report';New Delhi August 28, 2014)*	
Tourism				
Local/indigenous communities				1. No consideration to the Indigenous cultural values. 2. Nominations were prepared without meaningful involvement and consultation of the Indigenous peoples *(Source: WGEEP Report Appendix 3: Objections raised at UN Permanent Forum on Indigenous Issues to Indian Proposals (pg. 344)* **The 'Save Western Ghat March' (SWGM)** played a significant role in bringing a worldwide attention on the ecological status of the Western Ghats, later regarded as a major ecological hotspot in the world and also in mobilizing widespread public opinion in India for a people-centric 'National Forest Policy, 1988', in place of more than 90 year old forest policy of 1894 formulated by the British Regime. *(Source: WGEEP Report)*

PLATE 5

Successful and good practices on ground which are vital for a right based approach

Commendation or Successes related to Management, specifically with respect to Rights	Comments
The WGEEP commission recommended <u>constitution (Parliament bill) of a Western Ghats Ecology Authority (WGEA),</u> as a statutory authority under the Ministry of Environment and Forests, with the powers under Section 3 of the Environment Protection Act, 1986 *(Source: The Hindu. 'Western Ghats expert panel report out in public domain' June 12, 2012.)*	
	The UNESCO nomination does not identify the Western Ghats **as a 'mixed site' of natural and cultural significance, or as a cultural landscape for combined works of man and nature, as the indigenous people are an integral part of this area.**
Former Goa CM sought immediate withdrawal of notification egulates various categories of projects and activities in ecologically sensitive areas in the Western Ghats in Goa which seeks an immediate closure of mines under buffer zone of one kilometre disregarding the recommendation of the State government to phase out any mining beyond 500 metres in five to 10 years. *(Source: The Hindu. 'Western Ghats expert panel report out in public domain' June 12, 2012.)*	The basic reason behind Kasturirangan panel being preferred is that his report dilutes the Western Ghat report by WGEEP. MoEF has been facing intense pressure from state governments which want to carry out developmental activities in their areas. State governments were complaining that if Gadgil committee report is adopted it would mean end to all development activities. **So, in simple term, the move means go ahead to mining, dam or other activities that are outside the 37% area ESA suggested by the Kasturirangan report.**
	Recommendations by the WGEEP: • To defer all World Heritage nominations of sites in Indigenous peoples' territories if it cannot be ensured that the Indigenous peoples have been adequately consulted and involved and that their free, prior and informed consent has been obtained; • To defer the nominations and call on the **respective State parties to consult and collaborate with the Indigenous peoples** concerned, in order to ensure that their values and needs are reflected in the nomination documents and management plans and to obtain their free, prior and informed consent; • To endorse the **UN Declaration on the Right**s of Indigenous Peoples and use it as the basic reference framework when making decisions about World Heritage sites in Indigenous territories, together with the UNDG Guidelines on Indigenous Peoples' Issues.

Annexure I-II

1. DEFINE 'CONTEXT'; SOCIAL AND CULTURAL, NATURAL BACKGROUND OF THE

    1.1   GEOGRAPHICAL LOCATION (NATURAL AND CULTURAL)

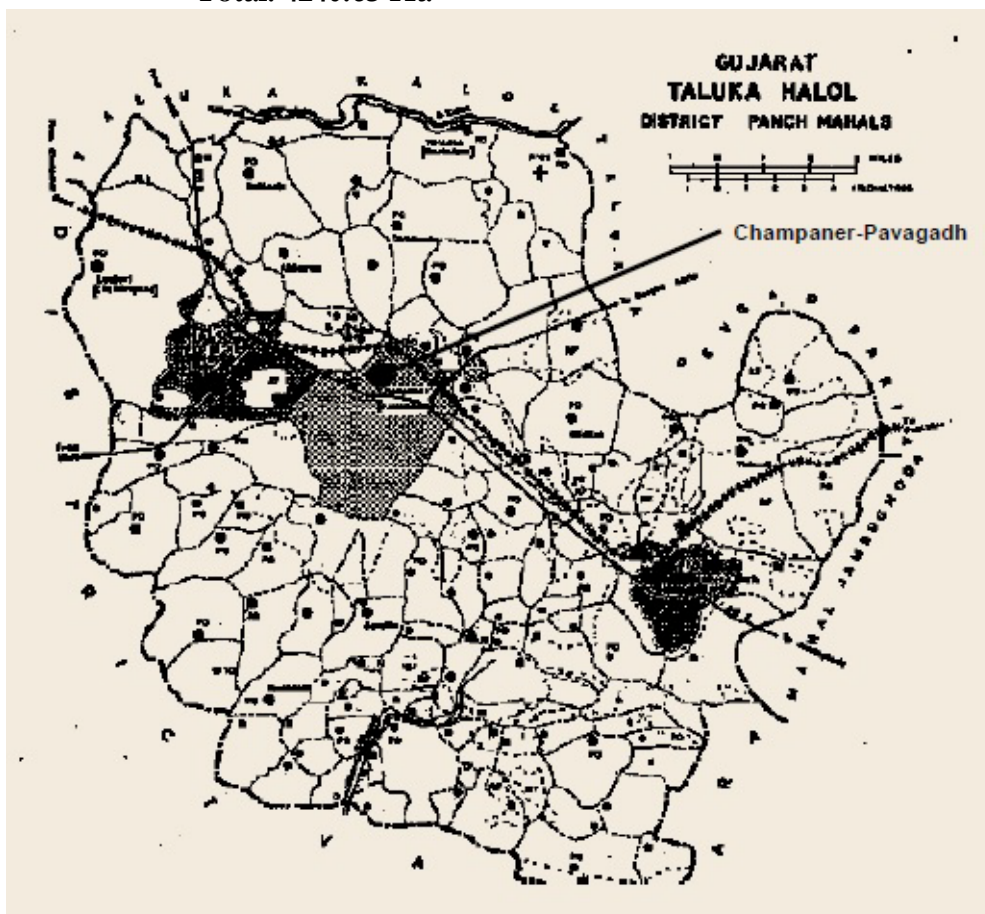   **LOCATION:** Gujarat state, district of Panchmahal

    AREA: It spreads over an area of approximately 14 sq. km Core Zone and 30 sq. km Buffer Zone.

    WORLD HERITAGE PROPERTY:
    (i) Proposed Heritage Zone (Core): 1328.89
    (ii) Proposed Buffer Zone: 2911.74 Ha
    Total: 4240.63 Ha

Map of CPAP *(UNESCO Nomination dossier)*

1.2 THE NOMINATION TEXT DESCRIBES TWO PRECINCTS: (WHS Nomination Dossier 2000)

i. The first is the Royal Enclosure, fortified by high defensive stone wall, with towers and gates. It used to house palaces, gardens, royal mosque and administrative buildings. It houses now the modern village and government offices. Most of the precinct is buried and unexcavated. The exposed part can teach of what a medieval capital in this region used to be. A processional way links the royal palace, through the city gate, with the mosque, outside the precinct.

ii. The second precinct, called Jahanpanah, is also in ruins and not excavated. It was the capital of Begharha, and abandoned in the mid-16th century when conquered by the Mughal Empire. The urban plan has been studied by exposing the main road system – comprising of well-built and paved streets, all leading from the surrounding fortifications to the center of the city. Whenever needed, topographic obstacles were overcome by bridges and retaining walls.

Champaner- Pavagadh can be considered one of the most important sites in western India because of the high archaeological, architectural, historical and artistic value of its cultural landscape. It is also a recognized National Site with 39 structures protected by the ASI. It was one of the 100 Most Endangered Sites of the World, declared by the World Monument Watch, 2000 (Integrated Management Plan of CPAP 2013)

1.3 VALUES AND SIGNIFICANCE OF THE WH PROPERTY:

♦ A concentration of largely unexcavated archaeological, historic and living cultural heritage properties cradled in an impressive landscape which includes prehistoric (chalcolithic) sites, a hill fortress of an early Hindu capital, and remains of the 15th century capital of the state of Gujarat.

♦ The site also includes, among other vestiges, fortifications, palaces, religious buildings, residential precincts, and water installations, from the 8th to the 14th centuries.

♦ The Kalikamata Temple on top of the Pavagadh Hill is considered to be an important shrine, attracting large numbers of pilgrims throughout the year.

♦ The site is the only complete and unchanged Islamic pre-Mughal city.

The area now known as the Champaner- Pavagadh Archaeological Park (CPAP) was an expanding and evolving cultural landscape from prehistoric times up until 15th-16th century. Thereafter, it started experiencing decentralization owing to successive incursions and subsequently abandoned.

The historic fabric comprises diverse elements dating from different periods of its existence. The cultural heritage attributes are preserved in a range of occupation formats - camp sites, rural settlements, historic city. The planning and integration of essential features of a city, royal estates, and utility structures both public and private, religious edifices and spaces can be seen and interpreted with the Champaner - Pavagadh Archaeological Park. Its ancient Hindu architecture, temples and special water retaining installations together with its religious, military and agricultural structures, dating back to the regional Capital City built by Mahmud Begda in the 16th century, represent cultures which have disappeared. The structures represent a perfect blend of Hindu-Moslem architecture, mainly in the Great Mosque (Jami Masjid), which was a model for later mosque architecture in India. In terms of scale, materials and design of each building within the property contributes to an understanding of the growth and development of not only the settlement but also the architecture of its time

and context which was transformed into a spectacular cityscape. (Integrated Management Plan of CPAP 2013)

Pavagadh Hill is a dramatic volcanic cone, an outlier of the southern Aravalli range that rises 700m above the surrounding cultivated plains. It has long served as a regional pilgrimage center in western India. A pilgrim's path ascends the hill through medieval Rajput and Sultanate fortifications and gateways, past Jain and Hindu temples, shops, and rest areas, culminating at the goddess temple complex of Kalika Mata on the summit. Strong breezes, which by one account gave Pavagadh Hill its name, drive monsoon winds up the steep hill slopes, feeding a chain of reservoirs (*talaos*) perched on each plateau. The names of these reservoirs reflect the water's descent from pure milk (*Dudhiya talao*) to yoghurt and oil (*Chassiya* and *Teliya talaos*). The water system feeds the residential settlements of Champaner before discharging into a large irrigation tank and channel. (Wescoat J. 2007)

At Champaner–Pavagadh, pilgrimage and World Heritage listing contribute to sanctification and designation but the full story remains somewhat veiled. For example, many of the protected archeological remnants were built as military fortifications or in the course of military campaigns. The Mirat-i Sikandari reports that Sultan Mahmud Begara built the great Friday Mosque of Champaner town while besieging Rajput rivals in hillslope forts, with the aim of communicating his resolve (Sikander bin Muhammad [1611] 1886). The "pilgrim's path" winds its way up Pavagadh hill through a series of Rajput and Sultanate fortifications. In addition to stone ramparts, these structures include sophisticated gateways designed to enable defenders to survey, regulate access, and drop stones on attackers; catapults; and fortified passages to waterworks designed to withstand long periods of siege. Vegetation has overtaken these fortifications, which now seem powerless to the ascending pilgrim, tourist, and vendor.

1.4   ATTRIBUTES OF SOUV:

This is the only example in India to have been recognized as a site and not as a city or a group of monuments; and is the only one to have met four out of the six criteria. (Modi 2008)

1.5   AUTHENTICITY AND INTEGRITY:

Since much of the archaeological site is unexcavated it is as authentic as possible. Seems that most of the surroundings have kept its authenticity.

1.6   CRITERIA FOR INSCRIPTION:

Criterion (iii): The Champaner - Pavagadh Archaeological Park with its ancient Hindu architecture, temples and special water retaining installations together with its religious, military and agricultural structures, dating back to the regional Capital City built by Mehmud Begda in the 16th century, represents cultures which have disappeared.

Criterion (iv): The structures represent a perfect blend of Hindu-Moslem architecture, mainly in the Great Mosque (Jami Masjid), which was a model for later mosque architecture in India. This special style comes from the significant period of regional sultanates.

Criterion (v): The Champaner - Pavagadh Archaeological Park is an outstanding example of a very short living Capital, making the best use of its setting, topography and natural features. It is quite vulnerable due to abandonment, forest takeover and modern life.

Criterion (vi): The Champaner - Pavagadh Archaeological Park is a place of worship and continuous pilgrimage for Hindu believers.

1.7 STATE OF CONSERVATION REPORT: (UNESCO)

At the time of the examination of the Nomination File for the inscription of Champaner on the World Heritage List, in 2004, ICOMOS had recommended that the nomination be deferred to allow the State Party to provide a proper Management Plan and comprehensive planning which would integrate management of the 39 individual components of the property managed by the Archaeological Survey of India, and which would clarify a statement of Outstanding Universal Value to be applied to the entire property. Although the Committee eventually inscribed the property on the basis of information provided by the State Party, it also requested the State Party to monitor the implementation of the Management Plan study already carried out.

STANDING STRUCTURES:

♦ Number of heritage components identified– recent research has changed the definition of heritage in Champaner - Pavagadh from monuments to 13 heritage components.
♦ Number of standing structures– recent research has changed the definition of heritage in Champaner - Pavagadh from 36 monuments to 120 elements. The area of the site has increased.
♦ Number of monuments protected- 36 at present protected by ASI, one having been de-listed.
♦ Evidence of intervention to the heritage components.
♦ Evidence of problems observed in last few years- vegetation growth, graffiti, vandalism, inapproachability, collapse due to forest growth.

ARCHAEOLOGICAL SITES

♦ Area of site brought under cultural jurisdiction.
♦ Area of site cleared in recent times- Buildings liberated from forest.
♦ Area or buildings documented.
♦ Area of site being damaged by forest.
♦ Area under illegal mining in site and around.

PILGRIMAGE:

♦ Increase in numbers over last five years.
♦ Impacts observed on site- Wear and tear on path, increase in the number of kiosks along the pilgrims' path.

GENERAL:

♦ Area of encroachment increased or decreased.
♦ Area of site cleared of encroachers.
♦ Number of buildings that are sympathetic to site and those disturbing.
♦ Change in usage of the site. Increase in forest is having a negative impact unlike irrigation, which is not so detrimental.
♦ New constructions in recent times- within the inner enclosure, on Machi and other plateaus.

1.8 DEMOGRAPHICAL INFORMATION

1.8.1 POPULATION *Detailed primary surveys required*

1.8.2 DISTRIBUTION OF COMMUNITIES/ STAKEHOLDERS
Listed Stakeholders:
- The Archaeological Survey of India
- Forest Department
- District Administration
- Department of Sports Youth and Cultural Activities
- State Public Works Department
- State Town and Country Planning
- District, Taluka and Village Panchayats
- Heritage Trust Baroda
- Local Religious Trusts (Kalika Mata, Jain, Fakir Trust, etc)
- State Department of Archaeology
- State Department of Irrigation and Electricity Boards
- Gujarat Tourism Development Corporation
- Gujarat Industrial Area Development Board
- Pilgrims
- Tourists
- The Authority
- Local residents
- Floating population, interested in economic activities

1.8.3 SOCIAL SYSTEMS *(Detailed primary surveys required)*

1.8.4 CULTURAL VALUES:
The area now known as the Champaner - Pavagadh Archaeological Park (CPAP) was an expanding and evolving cultural landscape from prehistoric times up until 15th -16th century. Thereafter, it started experiencing decentralization owing to successive incursions and subsequently abandoned.

The historic fabric comprises diverse elements dating from different periods of its existence. The cultural heritage attributes are preserved in a range of occupation formats - camp sites, rural settlements, historic city. The planning and integration of essential features of a city, royal estates, and utility structures both public and private, religious edifices and spaces can be seen and interpreted with the Champaner - Pavagadh Archaeological Park. Its ancient Hindu architecture, temples and special water retaining installations together with its religious, military and agricultural structures, dating back to the regional Capital City built by Mahmud Begda in the 16th century, represent cultures which have disappeared. The structures represent a perfect blend of Hindu-Moslem architecture, mainly in the Great Mosque (Jami Masjid), which was a model for later mosque architecture in India. In terms of scale, materials and design of each building within the property contributes to an understanding of the growth and development of not only the settlement but also the architecture of its time and context which was transformed into a spectacular cityscape.[1]

---

[1] *Integrated Management Plan of CPAP 2013*

The waterworks from summit to plains must be understood as a **socio-cultural system**, as indicated by their names (e.g., tanks named for a milk→curd→oil series; and the familiar Ganga, Yamuna, and Saraswati river goddesses); water uses (ritual, as well as functional and historically strategic purposes); **technologies** (which include filtration wells, flood control channels, water warming channels, and dry-season lotus plant pools); and as yet to be discerned cultural relationships that guide who can use different types of waters for what purposes and with what technologies and ascribed meanings. These investigations would help generate system-wide plans that link the historical dimensions of water management with future needs, mitigate water conflicts, and set parameters for historic waterworks conservation.

1.8.5   PUBLIC AND DEVELOPMENT PROFILE

1.8.5.1 POVERTY REDUCTION *(Detailed primary surveys required)*
1.8.5.2 WASTE MANAGEMENT *(Detailed primary surveys required)*
1.8.5.3 EQUITY *(Detailed primary surveys required)*
1.8.5.4 DIVERSITY *(Detailed primary surveys required)*
1.8.5.5 SOCIAL INCLUSION *(Detailed primary surveys required)*
1.8.5.6 GOVERNANCE *(Detailed primary surveys required)*
Draft Action Plan for Integrated conservation Sponsored by Heritage trust Baroda and INTACH (Dec 1987) it has been a continuous process in 1999 it was inscribed in the World Monuments Watch List. The original work resulted in the proposal of Regeneration programme for Champaner - Pavagadh – A Participatory Conservation collaboration.

The Forest Act is from 1861- A British Act.

The heritage components of the site are mostly archaeological and scattered throughout the dense teak forest. When the work was started there was a drought in the region and the enormity and scale of the forest was not visible. In 1994 when the forest grew back it was realized that the heritage could not be protected through the Forest act. More over the heritage is threatened because the Act excludes Heritage and in this case the Heritage is an integral part of the Forest and a new legislation is required that addresses both.

1.8.5.7 PEACE AND SECURITY; NATURE OF VIOLENCE AND CONFLICT OF INTEREST, POLITICAL PROFILE, ACTIVISM AND MOVEMENTS.

Champaner - Pavagadh lies between a situation where heritage becomes an object and context of conflict and it thus requires a contemporary as well as historical perspective. In contemporary terms, it has been affected by recent regional violence and continuing local economic violence, but not direct physical human rights violations. At the same time, in historical terms, it has a record of armed violence that is part of its heritage.

CULTURAL VIOLENCE which occurred in Gujarat in 2002 has historical roots. While hundreds of religious structures – mainly mosques and shrines – were destroyed in 2002, cultural sites at Champaner - Pavagadh experienced less physical destruction. It seems important to understand why and how conservation addresses the spectrum of

heritage conflicts, including those that involve human rights abuses. (Wescoat J. 2007)

ECONOMIC AND SOCIAL EXCLUSION ON THE BASIS OF RELIGION: Champaner and Pavagadh were affected by the riots and violated human rights. Newspapers reported that Muslims in Champaner were threatened, driven out of town, and their shops damaged and looted (Waldman 2002; Bunsha 2006). Most local Muslim families (reportedly 49 in number) fled for their safety, and when several tried to return in December 2002 they were reportedly again driven off (Kotwal 2002). The Muslim families which returned remained fearful of attacks and avoided public visibility by wearing non-Muslim types of clothing; some reported being forced to utter the Hindu pilgrims' cry of "Jai, Mataji!" (Vora 2004). Others reported economic boycotts and forcible exclusion from their work as van drivers, telephone booth operators, and shopkeepers, especially on Pavagadh Hill (Bunsha 2006; Taneja 2004; Times of India 2004).

CONFLICT, ECONOMIC DEVELOPMENT AND HERITAGE CONSERVATION: Conflicts between infrastructure developments, economic competition, and tourism development that contribute to site destruction. Fragmentation of bureaucratic authority aggravates the inherent tensions between past and future landscapes. At Champaner - Pavagadh, there are intense development pressures to construct Dharamsalas for pilgrims, a new ropeway up the mountain for tourists and pilgrims, highway construction through the site, along with roadside vending and hawking (Sinha et al. 2002; Thakur 1987). Competition across economic sectors involves diverse socioeconomic and elite constituencies, which makes these struggles political and economic as well as cultural, as the next section elaborates.

CONFLICT AMONG HERITAGE STAKEHOLDERS OVER MATERIAL AND SYMBOLIC CONTROL: Champaner - Pavagadh faces institutional fragmentation among national, state, local, and private organizations whose efforts are not well coordinated. At the national level there are ASI protected sites but little ASI presence compared with state archeology, forest, and irrigation districts. The Panchmahals district headquarters in Godhra has jurisdiction over local roads, schools, and public finance. Champaner town is a separate entity from settlements on the hill. The Ropeway coalition and Champaner Hotel have concessions to operate and make a profit on the site. And temple trusts and various NGOs on Pavagadh hill organize to maximize their interests while protecting against some forms of site impacts, e.g., NGO programs of tree planting and reservoir de-silting.

CONFLICT AMONG HERITAGE CONSERVATIONISTS: Conflicts arise among heritage conservationists about the appropriate concepts, methods, and techniques for conservation. Historic landscapes are inherently dynamic and they change over time in ways that invite debates. At Champaner - Pavagadh there are intense debates about conserving different strata of archeological, historical and living cultural resources. Some argue that policies must be established first, while

others argue for master plans and/or prototype designs, and for greater or lesser emphasis on pilgrimage heritage relative to architectural and archeological heritage; natural heritage has received less attention to date.
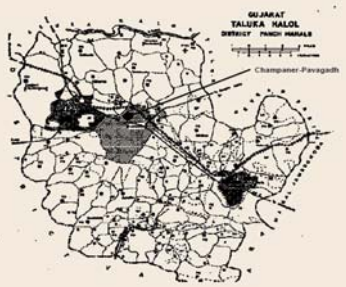
PLATE 1

Basic description of site as per the nomination dossier and other literary sources which describe the site in detail besides the defined framework of UNESCO nomination

S.No.	Name of World Heritage Property (India) and year of inscription	Geographical location			Values of property
		Location	Area	World Heritage property	
1	Champaner-Pavagarh Archaeological Park, 2004	Gujarat state, district of Panchmahal	It spreads over an area of approximately 14 sq. km **Core Zone** and 30 sq. km **Buffer Zone.**	**(i) Proposed Heritage Zone (Core):** 1328.89 **(ii) Proposed Buffer Zone:** 2911.74 Ha **Total: 4240.63 Ha**	1. A concentration of largely unexcavated archaeological, historic and living cultural heritage properties cradled in an impressive landscape which includes prehistoric (chalcolithic) sites, a hill fortress of an early Hindu capital, and remains of the 15th century capital of the state of Gujarat. 2. The site also includes, among other vestiges, fortifications, palaces, religious buildings, residential precincts, and water installations, from the 8th to the 14th centuries. 3. The Kalikamata Temple on top of the Pavagadh Hill is considered to be an important shrine, attracting large numbers of pilgrims throughout the year. 4. The site is the only complete and unchanged Islamic pre-Mughal city
	The extents the property				Champaner- Pavagadh can be considered one of the most important sites in western India because of the high archaeological, architectural, historical and artistic value of its cultural landscape. *(Source: WHS Nomination Dossier 2000)* It is also a recognised National Site with 39 structures protected by the ASI. It was one of the 100 Most Endangered Sites of the World, declared by the World Monument Watch, 2000 *(SOURCE: Integrated Management Plan of CPAP 2013)*
	Description	**The nomination text describes two precincts.** **(i) The first is the Royal Enclosure,** fortified by high defensive stone wall, with towers and gates. It used to house palaces, gardens, royal mosque and administrative buildings. It houses now the modern village and government offices. Most of the precinct is **buried and unexcavated**. The exposed part can teach of what a medieval capital in this region used to be. A processional way links the royal palace, through the city gate, with the mosque, outside the precinct. **(ii) The second precinct, called Jahanpanah, is also in ruins and not excavated.** It was the capital of Begharha, and abandoned in the mid-16th century when conquered by the Mughal Empire. The urban plan has been studied by exposing the main road system – comprising of well-built and paved streets, all leading from the surrounding fortifications to the centre of the city. Whenever needed, topographic obstacles were overcome by bridges and retaining walls. *(UNESCO Nomination Dossier)*			The area now known as the Champaner-Pavagadh Archaeological Park (CPAP) was an expanding and evolving cultural landscape from prehistoric times up until 15th -16th century. Thereafter, it started experiencing decentralization owing to successive incursions and subsequently abandoned. The historic fabric comprises diverse elements dating from different periods of its existence. The cultural heritage attributes are preserved in a range of occupation formats - camp sites, rural settlements, historic city. The planning and integration of essential features of a city, royal estates, and utility structures both public and private, religious edifices and spaces can be seen and interpreted with the Champaner-Pavagadh Archaeological Park. Its ancient Hindu architecture, temples and special water retaining installations together with its religious, military and agricultural structures, dating back to the regional Capital City built by Mahmud Begda in the 16th century, represent cultures which have disappeared. The structures represent a perfect blend of Hindu-Moslem architecture, mainly in the Great Mosque (Jami Masjid), which was a model for later mosque architecture in India. In terms of scale, materials and design of each building within the property contributes to an understanding of the growth and development of not only the settlement but also the architecture of its time and context which was transformed into a spectacular cityscape. *(SOURCE: Integrated Management Plan of CPAP 2013)*

PLATE 2

Description of the site, criteria for inscription, state of conservation report through the specifications of the UNESCO nomination, within its defined framework

UNESCO			Communities/ Stakeholders
Attributes of SoUV	**Criteria of Inscription**	**State of Conservation**	
This is the only example in India to have been recognised as a site and not as a city or a group of monuments; and is the only one to have met four out of the six criteria.*(Source: Modi S. (2008) 'Champaner-Pavagadh – Managing conflicts – A conservation challenge' Taylor & Francis Group, London, UK)*	**Criterion (iii):** The Champaner-Pavagadh Archaeological Park with its ancient Hindu architecture, temples and special water retaining installations together with its religious, military and agricultural structures, dating back to the regional Capital City built by Mehmud Begda in the 16th century, represents cultures which have disappeared. **Criterion (iv):** The structures represent a perfect blend of Hindu-Moslem architecture, mainly in the Great Mosque (Jami Masjid), which was a model for later mosque architecture in India. This special style comes from the significant period of regional sultanates. **Criterion (v):** The Champaner-Pavagadh Archaeological Park is an outstanding example of a very short living Capital, making the best use of its setting, topography and natural features. It is quite vulnerable due to abandonment, forest takeover and modern life. **Criterion (vi):** The Champaner-Pavagadh Archaeological Park is a place of worship and continuous pilgrimage for Hindu believers. *(Source: UNESCO WHC)*	At the time of the examination of the Nomination File for the inscription of Champaner on the World Heritage List, in 2004, ICOMOS had recommended that the nomination be deferred to allow the State Party to provide a proper Management Plan and comprehensive planning which would integrate management of the 39 individual components of the property managed by the Archaeological Survey of India, and which would clarify a statement of Outstanding Universal Value to be applied to the entire property. Although the Committee eventually inscribed the property on the basis of information provided by the State Party, it also requested the State Party to monitor the implementation of the Management Plan study already carried out. **Standing Structures:** (i) Number of heritage components identified– recent research has changed the definition of heritage in Champaner- Pavagadh from monuments to 13 heritage components. Ref Inventory Report (ii) Number of standing structures– recent research has changed the definition of heritage in Champaner Pavagadh from 36 monuments to 120 elements. The area of the site has increased. (iii) Number of monuments protected- 36 at present protected by ASI, one having been de-listed. (iv) Evidence of intervention to the heritage components. (v) Evidence of problems observed in last few years- vegetation growth, graffiti, vandalism, inapproachability, collapse due to forest growth. **Archaeological Sites** (i) Area of site brought under cultural jurisdiction. (ii) Area of site cleared in recent times- Buildings liberated from forest. (iii) Area or buildings documented. (iv) Area of site being damaged by forest. (v) Area under illegal mining in site and around.	**Listed Stakeholders:** (i) The Archaeological Survey of India (ii) Forest Department (iii) District Administration (iv) Department of Sports Youth and Cultural Activities (v) State Public Works Department (vi) State Town and Country Planning (vii) District, Taluka and Village Panchayats (viii) Heritage Trust Baroda (ix) Local Religious Trusts (Kalika Mata, Jain, Fakir Trust, etc) (x) State Department of Archaeology (xi) State Department of Irrigation and Electricity Boards (xii) Gujarat Tourism Development Corporation (xiii) Gujarat Industrial Area Development Board (xiv) Pilgrims (xv) Tourists (xvi) The Authority (xvii) Local residents (xviii) Floating population , interested in economic activities
Authenticity and integrity: Since much of the archaeological site is unexcavated it is as authentic as possible. Seems that most of the surroundings has kept its authenticity.			
		Pilgrimage: (i) Increase in numbers over last five years. (ii) Impacts observed on site- Wear and tear on path, increase in the number of kiosks along the pilgrims' path. **General:** (i) Area of encroachment increased or decreased. (ii) Area of site cleared of encroachers.	
		(iii) Number of buildings that are sympathetic to site and those disturbing. (iv) Change in usage of the site. Increase in forest is having a negative impact unlike irrigation, which is not so detrimental. (v) New constructions in recent times- within the inner enclosure, on Machi and other plateaus.	

PLATE 3

The analysis of the existing legislations exercised at different levels and laws and regulations established catering to various disciplines. This plate helps in the analysis of the existing heritage management framework, its success and gaps in management

Heritage Management Framework (Legal, Institutional, Financial, Operational, Technical)

Signatory to International Treaties and Conventions	Indian Constitutional/Legislative and Regulatory provisions				Institutional Frameworks/ Enforcement Authorities/ Monitoring Bodies
	Applicability Area	Environment	Culture	Administration	
1. World Heritage Convention 1972 2. Universal Declaration of Human Rights 3. U.N.Declaration on the Rights of Indigenous Peoples 4. Convention on International Trade in Endangered Species of Fauna and Flora (CITES) 5. Convention on Biological Diversity 6. Convention on the Conservation of Migratory Species of Wild Animals (CMS)	National	1. The Indian Forest Act 1927 2. The Forest (Conservation) Act 1980 3. The Wild Life (Protection) Act 1972 4. The Environment (Protection) Act 1986 5. Reserved Forest Act	1. The Ancient Monuments and Archaeological Sites and Remains Act 1958, amended as the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act 2010 2. Indian Treasure Trove Act 1878 (amended 1949) 3. Antiquities and Art Treasures Act 1972	1. Draft National Tribal Policy 2. National Tourism Policy 2002 3. Ecotourism Policy and guidelines - GoI (under revision)	
	Regional		(i) The Gujarat Ancient Monuments and Archaeological Sites and Remains Act 1965 (ii) The Champaner-Pavagadh Archaeological Park World Heritage Area Management Authority Act 2006	Gujarat Panchayats Act, 1961;	Champaner-Pavagadh Archaeological Park World Heritage Management Authority
	Local		Jai Mataji Temple Trust; Shahji Sawai nu Deru Temple trust		
:					

Signatory to International Treaties and Conventions	Indian Constitutional/Legislative and Regulatory provisions				Institutional Frameworks/ Enforcement Authorities/ Monitoring Bodies
	Applicability Area	Environment	Culture	Administration	
	National	1. The Indian Forest Act 1927 2. The Forest (Conservation) Act 1980 3. The Wild Life (Protection) Act 1972			

PLATE 4 (Part I)

To analyze the critical issues before and after inscription of the site, at different levels of management and how the studies which are conducted by government level and community based organization, to deal with issues and conflicts arising due to the nomination

	Critical Issues	
	Critical Issues highlighted by UNESCO/ ICOMOS/IUCN	
Criteria	**Before inscription**	**After inscription**
Legislative and institutaional frameworks in Governance	• Many times State-Parties nominate a site just to reap in the economic benefits of tourism. **There is no assessment of the site's significance, there is no engagement with the local community and also there is no plan drafted to conserve the property for the future** • These issues can be regulated by a meticulous conservation management plan. And the importance of such a plan has prompted the World Heritage Organisation to ask the State-parties to submit a management plan before nominating any new site *(UNESCO, 2013).*	
Conservation and management of natural and cultural heriatge		
Infrastructure Development/ natural resource extraction	The Heritage trust to Gujarat Govt. filed a Public Interest Litigation in the Gujarat High Court asking for an immediate ban on the quarrying activities at Champaner-Pavagadh. There was a Supreme Court ruling against quarrying in forest areas and non-renewal of quarrying licenses to quarry owners operating in forest zones. Since 80% of Champaner-Pavagadh is under Reserved Forest area, most of the quarries here automatically had to shut down. A few quarries continue to operate in the Revenue land.	Pavagadh gram panchayat that passed a resolution opposing the site's heritage status.But this objection was in reality against the ASI notices served for illegal constructions. *(Source: The Indian Express;Champaner-Pavagadh heritage tag runs into protestsAyesha Khan (Sept 2007) ;Accessed on 28 May 2015)*
Tourism		
Local/indigenous communities/ Stakeholders	**The First Stake-holders' Conference: 1999** (i) Heritage Trust called a Conference of all the stake-holders with any interest in the 6 sq. km. site. (ii) This included the various state government departments such as Forest, Revenue, Public Works including Roads & Transport, Tourism, Culture, central government bodies like the Archaeological Survey of India (ASI), the local people as represented by their Panchayat, and the Kalika Mata Temple Trustees. This Conference was the first time that all the stakeholders got together around a table and voiced their concerns, what according to them should be planned at the site, the projects their departments were in the process of preparing/implementing. (iii) The local representatives came up strongly for protection and conservation of the site. (iv) The Conference revealed to Heritage Trust the complex nature of the site and therefore the immediate need to persuade the state government to **form a high-powered Task Force on Champaner.** **The Second Stake-holders' Conference: 2000** (i) The issues in focus at the Conference looked at ways of fund-raising for Champaner and the stake-holders present indicated access to fairly large amounts of funds. (ii) It was decided that the Trust continue its pursuit of the Task Force and the Conference also looked at ways in which this could be expedited The Task Force was instituted by the Government of Gujarat	(i) At Champaner city, a part of the Champaner-Pavagadh World Heritage Site, the locals filed a petition for the removal of the Champaner-Pavagadh Archaeological Park World Heritage Area Management Authority Act, 2006. (ii) This act protects the site but was seen by the locals as infringement on their property rights. (iii) The situation aggravated after the Archaeological Survey of India (ASI) served the temple authorities with a notice to stop any new constructions (Khan, 2007). (iv) The complexity of the issue here was also due to the decision of its inclusion on the World Heritage list without consulting with the local community (Times of India, 2009). (v) This resentment and the added provocation by Hindu communist leaders, who were affronted that a Muslim site was given importance, also led to protests for de-listing the site *(Source:1. Abdi, R. (2007) BJP wants de-recognition of Champaner World Heritage Site. In Twocircle.net (online).*

PLATE 4 (Part II)		
To analyze the critical issues before and after inscription of the site, at different levels of management and how the studies which are conducted by government level and community based organization, to deal with issues and conflicts arising due to the nomination		
Studies commissioned/ critical issues identified by Government of India	**Studies commissioned/ critical issues identified by Community Based Organisations, Non Governmental organisations, Self Help groups.**	**RSOUV**
	Issues with management plans: a. The management plan is so focused on keeping the authenticity of the landscape intact that it creates obstacles for the local people, and **compromises the ecological as well as the structural integrity of the site** (Fowler, 2004; Clark, 2010). b. There is no guarantee that an adopted conservation management plan will be followed. The negligence towards its use is because many times state-parties feel that the **conservation-oriented plans interfere with the development of the site** (Steinberg, 1996; Rodwell, 2007; Fleming, 2010).	Based on the statement worked out in the 2004 Management Plan on significance of the site, the draft Retrospective Statement of OUV was submitted to World Heritage Centre on 1 February 2011, and has been referred to the present document at every stage of preparation.
(i) The agricultural activities that were part of Champaner-Pavagadh for past 200 years was considered as an issue in archaeologically conserving the site. (ii) The obligation of planting fresh saplings every year has proved to be a big threat to the archaeological heritage. The roots of the plantations are slowly harming the vulnerable heritage buried below the earth.	**Marwar Initiative (Seminar Education Foundation, 2004)** was signed that brought together many heritage conservators to recast new policies, management guidelines and the existing approaches to conservation. By creating awareness about the importance of the site the government soon changed its attitude and within a year's time campaigns were held to draw back tourists to Champaner-Pavagadh *(SOURCE:'Issues in conservation of the Historical Champaner-Pavagadh Site in Gujarat' Tejasvi Mehta, Student of Archaeology, University of York)*	
(i) Today, as many as 22 lakh visitors come to Pavagadh annually, the number shooting up to almost one lakh per day during the Navratri festivals in the month of October- November. (ii) Within Champaner itself the human and the vehicular traffic generated by the pilgrims to the temple is considerable. (iii) The local prosperity is governed by catering to the pilgrims needs. It has resulted in a lot of unauthorised construction near the bus stop, at Machi, and at Mauliya *(Source: WHS Nomination Dossier 2000)*		
	Residents of the Champaner village who stay within the Royal Enclosure cannot even get a toilet constructed in their house, because it falls within the ASI protection. *(Source: Modi S.; 2008 Champaner-Pavagadh – Managing conflicts – A conservation challenge)*	

PLATE 5

Successful and good practices on ground which are vital for a right based approach

Commendation or Successes related to Management, specifically with respect to Rights	Comments
	(i) ASI protects, out of the identified 114 structures, only a mere 55 and that too in isolation. It has created islands of protected territories within the entire Archaeological Park. Paradoxically enough, it was the ASI which nominated this place as a site to WH committee but only protects 100 and 200 m prohibited and regulated zones. (ii) State Department of Archaeology protects only those buildings that are more than a 100 years of age and only the ones in stone! Its law does not allow for protection of other significant buildings. *(Source Modi 2008)*
	The involvement of locals in the Champaner-Pavagadh conservation management plan has not been inculcated into the activities related to the site. An open-dialogue between the locals and the planners can lead to better drafted management policies and also enrol many of them to actively protecting the site. *(Source: Fleming, A. (2010) Heritage values, public policy and development. In Smith, G. et al (Eds.) Heritage Values in contemporary society. California: Left Coast Press. pp. 101-112)*

Annexure I-III ──────────

1. DEFINE 'CONTEXT'; SOCIAL AND CULTURAL, NATURAL BACKGROUND OF THE SITE

1.1 GEOGRAPHICAL LOCATION (NATURAL AND CULTURAL)

Location: District Gaya, Bihar.

Area: 4.8600 ha.

World Heritage property: (UNESCO)

Core Area: The area proposed for inscription is the Mahabodhi Temple Complex including the Lotus Pond totally covering 12 acres of land. There are two divisions of the Complex: one where the main temple stands and the other where the Lotus Pond is located. The Main temple occupies 5.5 acres of land.

The proposed area for inscription has the following important structures and revered Buddhist heritage spots:

- i. The Mahabodhi Temple
- ii. The Bodhi Tree
- iii. The six other sacred spots where the Buddha meditated after he attained Enlightenment. The *Ratnachakrama* or the path where the Buddha walked 18 steps in deep thought; the *Animeshlochan Chaitya*, the *Ratnaghar Chaitya*, the *Ajapala Nigrodh* Tree and the *Rajyatana* Tree all of which are close to the main temple. The Lotus Pond or the *Muchalinda* Pond where the Buddha meditated in the 6th week after attaining enlightenment is located just outside the southern boundary wall of the Temple (as noted above, the area of the pond is also part of the proposed area). The Core Area is enclosed by outer boundary walls.

Buffer Zone : The Mahabodhi Temple Complex including the Lotus Temple is protected and enclosed by an outer boundary wall of a height of 10ft.6" on the east, 11ft. on the west, 15ft. on the north and 7ft. on the south. This wall is at a distance of 204 ft. in the east, 110ft. in the west, 169 ft. in the north and 263 ft. in the south from the inner Asokan period railing which is the historical enclosure of the Temple. The outer wall may be considered as the primary protection of the Temple Complex. There is a buffer zone beyond the boundary walls of the temple of 2 kms radius from the Mahabodhi Temple. This includes an area where a little excavation has been carried out by the Department of Archaeology of the State Government of Bihar.

1 Km Buffer Zone: Beyond the boundary walls, the Bodh Gaya Regional Development Authority has declared an area of 1 km from the boundary wall of the temple to be a protected buffer zone wherein no new structures shall be permitted in future except those vital for religious usage and designed sympathetic to the site and are only ground floor structures. The total excavated area of Cunningham's plan of the monastery as given in the map of 1892 will remain free of any new structures.

2 Km Buffer Zone: It has also been decided that within an area of 2 km from the temple boundary wall, no building shall be permitted to exceed a height of 44 ft and these buildings shall be designed in character similar to those traditional to Bodh Gaya monument times. These Buffer Zone regulations are enforced by the Gaya Regional Development Authority of which the District Magistrate & Collector of Gaya who is also the Chairman of Bodh Gaya Temple Management Committee is a member. The legal instrument for implementation is the Bihar Public Land Encroachment Act. The Indian Treasure Troves Act of 1878 also protects finds unearthed during diggings in the area around the Mahabodhi Temple and in the buffer zone.
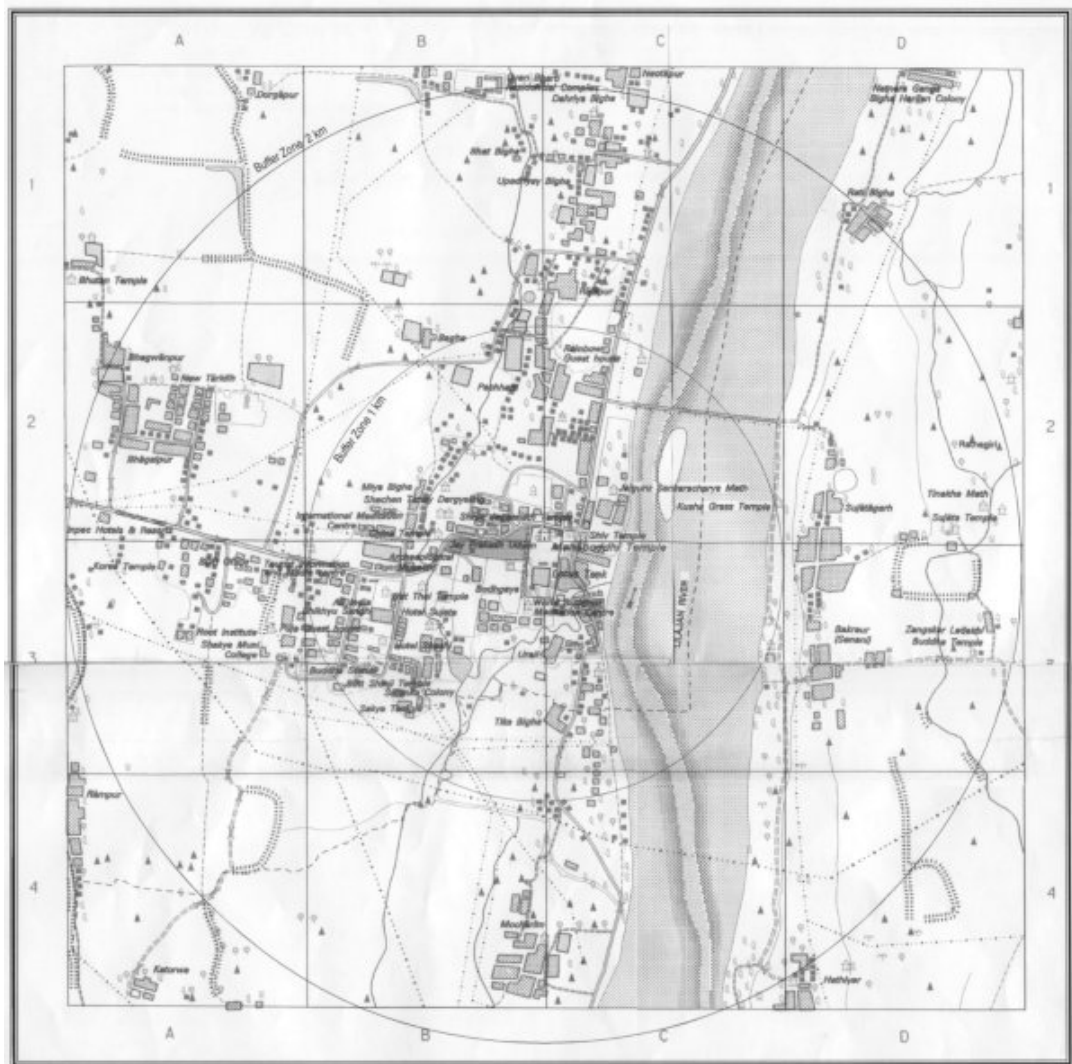

Image 1: Map of temple complex with the proposed buffer zones. (SOURCE: UNESCO Nomination dossier 2000)

1.2 DESCRIPTION OF SITE:

The Mahabodhi Temple Complex, Bodh Gaya lies 115 km south of the state capital of Bihar, Patna and 16 km from the district headquarters at Gaya, in Eastern India. It is one of the four holy sites related to the life of the Lord Buddha, and particularly to the attainment of Enlightenment. The property encompasses the greatest remains of the 5th-6th century A.D in the Indian sub-continent belonging to this period of antiquity. The property has a total area of 4.8600 ha.

1.3 VALUES AND SIGNIFICANCE OF THE WH PROPERTY:

The Mahabodhi Temple Complex is the first temple built by Emperor Asoka in the 3rd century B.C., and the present temple dates from the 5th–6th centuries. It is one of the earliest Buddhist temples built entirely in brick, still standing, from the late Gupta period and it is considered to have had significant influence in the development of brick architecture over the centuries.

1.4 ATTRIBUTES OF SOUV:

1.5 AUTHENTICITY AND INTEGRITY:

INTEGRITY

The inscribed property contains all the attributes necessary to convey its outstanding universal value. The historical evidences and texts reveal that the parts of present Temple Complex date from different periods. The main Temple, the Vajrasana, the seat of Buddha's enlightenment was preserved by Emperor Asoka and the Bodhi Tree under which Buddha attained enlightenment witnessed through the ages, the site's glory, decline and revival since middle of 19th Century A.D onwards is unchanged and complete.

The main part of the temple is recorded from about the 5th - 6th century A.D. But, it has undergone various repairs and renovation works since then. Having suffered from long abandonment (13th -18th century A.D) it was extensively restored in the 19th century, A.D and more works were carried out in the second half of the 20th century A.D. Nevertheless, the temple is considered to be the oldest and best preserved example of brick architecture in India from this particular period. Even though the structure has suffered from neglect and repairs in various periods, it has retained its essential features intact.

AUTHENTICITY

The belief that Buddha had attained Enlightenment in this particular place has been confirmed by tradition and is now called Bodh Gaya, this is of supreme value to the world. It has been documented since the time of Emperor Asoka who built the first temple in 260 BCE when he came to this place to worship the Bodhi Tree, which still stands as witness to the event, along with the attributes of the property (the Vajrasana, etc). Buddhist texts of both Theravadhan and Mahayanan traditions have clear reference of this event of Buddha's enlightenment at Bodh Gaya. Buddhists from all over the world today venerate Bodh Gaya as the holiest place of Buddhist pilgrimage in the world. This confirms the use, function, location and setting of the complex/property.

The outstanding universal value of the property is truthfully expressed through the attributes present today. The architecture of the Temple has remained essentially unaltered and follows the original form and design.

The Mahabodhi Temple Complex has continuous visitation by pilgrims from all over the world to offer prayers, perform religious ceremonies and meditate

1.6 CRITERIA FOR INSCRIPTION:

Criterion (i): The grand 50m high Mahabodhi Temple of the 5th-6th centuries is of immense importance, being one of the earliest temple constructions existing in the Indian sub-continent. It is one of the few representations of the architectural genius of the Indian people in constructing fully developed brick temples in that era

Criterion (ii): The Mahabodhi Temple, one of the few surviving examples of early brick structures in India, has had significant influence in the development of architecture over the centuries.

Criterion (iii): The site of the Mahabodhi Temple provides exceptional records for the events associated with the life of Buddha and subsequent worship, particularly since Emperor Asoka built the first temple, the balustrades, and the memorial column.

Criterion (iv): The present Temple is one of the earliest and most imposing structures built entirely in brick from the late Gupta period. The sculpted stone balustrades are an outstanding early example of sculptural reliefs in stone.

Criterion (vi): The Mahabodhi Temple Complex in Bodh Gaya has direct association with the life of the Lord Buddha, being the place where He attained the supreme and perfect insight.

1.7 STATE OF CONSERVATION REPORT: (UNESCO)

2003: Factors affecting the property

- ♦ Deliberate destruction of heritage
- ♦ Housing
- ♦ Illegal activities
- ♦ Impacts of tourism / visitor / recreation
- ♦ Management systems/ management plan
- ♦ Ritual / spiritual / religious and associative uses

2004: Factors affecting the property

- ♦ Deliberate destruction of heritage
- ♦ Housing
- ♦ Illegal activities
- ♦ Impacts of tourism / visitor / recreation
- ♦ Management systems/ management plan
- ♦ Ritual / spiritual / religious and associative uses

2005: Factors affecting the property

- ♦ Impacts of tourism / visitor / recreation
- ♦ Management systems/ management plan

♦ Other Threats:
♦ Lack of detailed property documentation

2006: Factors affecting the property

♦ Impacts of tourism / visitor / recreation
♦ Management systems/ management plan
♦ Other Threats:
♦ Lack of detailed property documentation

2007: Factors affecting the property

♦ Impacts of tourism / visitor / recreation
♦ Legal framework
♦ Management systems/ management plan
♦ Loss of character of the cultural landscape directly associated with the property and its outstanding universal value

2010: Factors affecting the property

♦ Legal framework
♦ Management systems/ management plan
♦ Loss of character of the cultural landscape directly associated with the property and its outstanding universal value

2012: Factors affecting the property

♦ Legal framework
♦ Management systems/ management plan
♦ Ritual / spiritual / religious and associative uses
♦ Loss of character of the cultural landscape directly associated with the property and its outstanding universal value

2014: Factors affecting the property

♦ Management systems/ management plan
♦ Ritual / spiritual / religious and associative uses

1.8   DEMOGRAPHICAL INFORMATION

1.8.1   POPULATION

Detailed primary surveys required to document analyze this piece of information for this research, to be conducted as a two year exercise for the National Scientific Symposium 2017.

1.8.2   DISTRIBUTION OF COMMUNITIES/ STAKEHOLDERS
Listed Stakeholders:
♦ District Gaya Magistrate
♦ SSP Gaya
♦ Secretary BTMC
♦ Members of BTMC
♦ Chief monk Mahabodhi Temple
♦ Caretaker, Mahabodhi Mahavihara

- IFS, Divisional Forest Officer, Gaya
- Director, Archaeology, Bihar
- Asst Dir, Directorate of Tourism, Patna
- Conservation Architect ASI
- Superintending Archaeologist, Patna Circle, ASI
- Executive Officer Nagar Panchayat, Bodhgaya
- Local Scholars

1.8.3 SOCIAL SYSTEMS *(Detailed primary surveys required)*

1.8.4 CULTURAL VALUES *(Detailed primary surveys required)*

1.8.5 PUBLIC AND DEVELOPMENT PROFILE

1.8.5.1 POVERTY REDUCTION *(Detailed primary surveys required)*
1.8.5.2 WASTE MANAGEMENT *(Detailed primary surveys required)*
1.8.5.3 EQUITY *(Detailed primary surveys required)*
1.8.5.4 DIVERSITY *(Detailed primary surveys required)*
1.8.5.5 SOCIAL INCLUSION *(Detailed primary surveys required)*
1.8.5.6 GOVERNANCE *(Detailed primary surveys required)*

1.8.5.7 PEACE AND SECURITY; NATURE OF VIOLENCE AND CONFLICT OF INTEREST, POLITICAL PROFILE, ACTIVISM AND MOVEMENTS.

The Bodhgaya Temple Act of 1949: (HINDUISM TODAY)
The Bihar state government assumed responsibility for the protection, management, and monitoring of temple and its properties when India gained its independence. Pursuant to the Bodh Gaya Temple Act of 1949, such responsibilities are shared with the Bodhgaya Temple Management Committee, and an advisory board. By law, the Committee must consist of four Buddhist and four Hindu representatives, including the head of Sankaracharya Math monastery as an ex-officio Hindu member. The Committee serves for a three-year term.

Amendment bill of 2013 for the Bodhgaya Temple Act of 1949: (The Hindu)
The Bihar government has amended the Bodh Gaya Temple Act of 1949, allowing for a non-Hindu to head the temple committee.
As per Section 3 (3) of the Act, the district magistrate (DM) is the ex-officio chairman of the temple committee and has to be a Hindu. If the DM is a non-Hindu, the Act requires the government to nominate a Hindu as Chairman of the committee for the period during which the DM is a non-Hindu. However, the State Assembly passed the Bodh Gaya Temple (Amendment) Bill 2013 as this section goes against the spirit of secularism of the Indian Constitution.

History of the Hindu-Buddhist conflict:

The Ambedkarite Neo-Buddhists have started a movement for the liberation of the Mahabodhi shrine in Bodh Gaya. Its aim is to remove the statutory four Hindu members of the eight-member temple management committee, and to prohibit worship of a *sivalingam* in the temple. Quite in contrast with the secularist calls for composite culture and for multi-religious worship at the Rama-Janmabhoomi site, this is a demand to free the Mahabodhi site from multi-religious worship and particularly from the taint of Hinduism. The agitation has been marked by petty vandalism, as when the neo-Buddhists desecrated their own holiest site, or at least the *sivalingam* standing there, in October 1992.

One of the strange things about this agitation is that it revives a conflict which had been solved several decades earlier. Since 1590, Shaiva monks had taken care of the temple, which had been abandoned by Buddhists after the massacre of the Buddhist monks by Muslim invaders in A.D. 1192. In 1874, they agreed to the Burmese kings' proposal to re-establish the building as a Buddhist place of worship. But the Anglo-Burmese War and several foreign interventions spoiled the project.

In 1890-92, Edwin Arnold, author of the Buddha romance The Light of Asia, appealed to the British-Indian Government to hand over the temple to the Buddhists, and even went to Japan to plead for diplomatic support to this demand. A court case ensued which the Buddhists ultimately lost. Negotiations dragged on, involving Swami Vivekananda (1901) and Hindu Mahasabha leader Bhai Parmanand (1935), among others. A compromise proposal by Rajendra Prasad (1924), later on President of India, was thwarted several times but finally became law in 1949: the Bodh Gaya Temple Act, which gives both Hindus and Buddhists the right to worship and an equal representation in the management committee. (K. ELST)

The local RSS leader explains: The earliest and most authentic record is of course by Hiuen Tsang [*Xuan Zang*] who visited Bodh Gaya in A.D. 637. He says that two Brahmin brothers prayed to Lord Maheshwara in the Himalayas to grant their wishes, upon which Maheshwara instructed them to carry out the meritorious task of erecting a large temple and excavate a large tank and devote all kinds of religious offerings near the most sanctified Bodhi tree for attaining the fruit of a Buddha. The elder Brahmin devotee accordingly built a large temple, etc.

CONSERVATION ISSUES PRESENTED TO THE WORLD HERITAGE COMMITTEE IN 2004 (UNESCO- SOC)

STATE OF CONSERVATION REPORT 2004

As requested by the World Heritage Committee at its 27th session in 2003, a management document was submitted to the Secretariat on 2nd February 2004. As well as covering the local stakeholders' dialogues and co-operation, it raises issues concerning the protection of the significant sacred values of this property, and addresses development pressures within and surrounding the property due to tourism and pilgrimage-related activities, including vandalism and theft.

ICCROM and ICOMOS have submitted a joint report, which commends the State Party for the useful information gathered together in the preparation of the report and for the innovative approach embodied in efforts to balance development and conservation. It draws attention, however, to a number of points which must be addressed to ensure complete, long term protection of the World Heritage values of the property. Some of the key technical, conceptual and managerial issues are highlighted below:

TECHNICAL ISSUES:

♦ The inscribed World Heritage property is the Mahabodhi Temple complex. Whilst the attention to Bodhgaya, given its critical role in providing the setting for Mahabodhi, is important, the management document must address head-on the problems of looking after Mahabodhi and treat Bodhgaya in that context.

♦ The management document is not significance driven. The statement of significance, is actually a descriptive summary of the inscription criteria recognised by the Committee and consequently an understanding of significance is not used to root or ground decisions concerning the property.

♦ The management document does not build on the nomination dossier submitted by the State Party. The core area and buffer zone defined for the Bodhgaya territory differ substantially from the zones originally defined in the nomination dossier submitted by the State Party for inscription of the property on the World Heritage List. Expansion of the core zone and the changes proposed to strengthen the buffer zone must be clearly indicated and brought to the attention of the Committee for approval.

CONCEPTUAL ISSUES:

♦ Bodhgaya as a centre of pilgrimage: The vision statement emphasises the need to make Bodhgaya a city preaching the doctrine of Buddhism, but the deeply rooted significance of the property as a place of pilgrimage has been overlooked. The nomination dossier, where this particular value should have been recognised only refers to tangible remains. Pilgrimage removes many barriers and reflects harmony among different religious groups and the fact that Buddha himself advocated pilgrimages to the Bodhgaya has been influential in the survival of the property to the present day. Paradoxically, in the body of the report, pilgrims are considered as important stakeholders with acknowledged needs.

MANAGERIAL ISSUES:

♦ **Focus on Mahabodhi:** The report reads as if it were a planning document prepared primarily for the long-term treatment and development of Bodhgaya as a centre for Buddhist worship, paying occasional attention to Mahabodhi as a side issue within a larger project. It is the Mahabodhi Temple Complex itself, and not Bodhgaya, which should have a primary place in the management plan.

♦ **Treatment of Bodhgaya:** If the State Party wishes to extend the Mahabodhi property to include Bodhgaya, then this management document should propose a strategy to protect the specific heritage values of Bodhgaya to bring to the attention of the Committee.

♦ **Going beyond intentions:** The report is essentially a statement of good intentions. If these are not grounded in a permanent legal framework and supported by a related management structure identifying the necessary resources for sustainable management, an adequate commitment to the protection of the property cannot be ensured.

♦ **Role of the Archaeological Survey of India (ASI):** Currently the ASI does not have any legal control over decisions affecting the World Heritage property so it would be useful to establish legislation to designate the Mahabodhi Temple Complex a protected monument. The ASI should also provide the national outlook for the overall conservation programme

working as shared partners in conservation with the other institutions concerned and the civil society.

♦ **Treatment of the buffer zone:** There are some contradictions evident in the management document, which need to be resolved. For example, the document prohibits insensitive development, whilst accepting the recent introduction of many structures.

♦ **Emphasis on process:** The management plan should clarify the long-term process to be used when making decisions about the property thus ensuring the survival of the recognised heritage values.

♦ **Research Strategy:** Although there is a reference to excavation and conservation, no attempt has been made to develop an overall research strategy. This is a property in which an important event took place in the 6th century BC and evolved over 2500 years. There is a need to expand knowledge of this property. Furthermore, a comprehensive research strategy should be included as an essential part of the management.

♦ **Management Structure:** Empowering and restructuring individual institutions is a positive approach but it is essential for an organisation with a powerful leadership to be created, in order to co-ordinate line agencies and capture the aspirations of civil society for the site management.

♦ **Monitoring:** Although there are some aspects of monitoring mentioned under maintenance, it is important to develop a chapter on monitoring. This will help for reporting purposes as required by the World Heritage Committee's Periodic Reporting process.

In conclusion, ICOMOS and ICCROM strongly recommend that the plan be subject to peer review by Indian conservation professionals and to the comments made above in this report and revised accordingly before final adoption for implementation. We would also draw the attention of the State Party to the need to demonstrate that a realistic and practical implementation strategy will actually be implemented with appropriate legal, financial and institutional support and within a management framework adequate to protect the heritage values of the property.

The Secretariat has been informed of several court cases reflecting some conflicting relationships between religious groups and local communities. In order to limit the impact of intense tourism and pilgrimage-related activities, regular monitoring and adequate conservation mechanisms need to be put in place. All such measures should be worked out with the Mahabodhi Temple Trust, in close co-operation with the State Government of Bihar, who deals with tourism and infrastructure and with the wider involvement of the Central Government (Archaeological Survey of India) with its national outlook and technical expertise in heritage conservation.

At the Dedication Ceremony (dedicating the Mahabodhi Temple to all the Buddhists in the world) on 19 February 2004, the Minister of Culture and Tourism of the Government of India pledged Central Government support for infrastructure improvements in and around Bodhgaya (i.e. opening the airport to international flights) and for the creation of a meditation park for pilgrims to meditate in a calm environment

SOC REPORT 2010: (UNESCO)

CURRENT CONSERVATION ISSUES:

♦ **Protection of the landscape surrounding the property including of the submission of a re-nomination for the inscription of an extended area as a cultural landscape.** Due to the importance of the property within its larger cultural landscape associated with the life of Buddha, the World Heritage Committee at its 31st session (Christchurch, 2007),

strongly urged the State Party to submit a nomination for the property as a cultural landscape incorporating not only the temple complex but the surrounding landscape. There was no information in the state of conservation report submitted by the State Party on this issue. As stated in previous reports, the World Heritage Centre and the Advisory Bodies consider that the extension of this property to include its landscape is an important objective in order to capture additional aspects that would enhance the Outstanding Universal Value and to allow for the protection of this significant landscape. Recognising that it is the prerogative of the State Party to decide whether or not to re-nominate an extended property, the World Heritage Centre and Advisory Bodies consider that it would be useful.

♦ **Legal Status of the property:** Given its status as World Heritage property, the WHC and the Advisory Bodies continue to consider the declaration of the property as a national monument would give additional protection. It may be, however, the State Party and the BTMC feel that the current legal protection under the Bihar State law is sufficient with the ASI being called in for conservation works. This is an issue that should be further explored in consultation with the State Party, the BTMC, the World Heritage Centre and Advisory Bodies possibly in the context of a mission.

♦ **Re-nominating the property as a Cultural Landscape:** the present urban congestion prevents the consolidation of the large area around Mahabodhi Temple as a Buddhist Cultural Landscape to be nominated for World Heritage listing. However, serial nomination where a number of sites associated with the Lord Buddha is a more feasible approach. Moreover, the CL nomination is not in the priorities of the State Government of Bihar authorities whose focus is to improve infrastructure in Bodh Gaya and to complete the planning of the Buffer zone. It appears that greater emphasis on coordination and communication between amongst different stakeholders, including the religious community is lacking. A clearer understanding on the requirements for the World Heritage protection and management should be ensured while putting forward management structure for the property.

♦ **The WHC has requested Bodhgaya authorities to consider linking the sites outside of the temple precinct associated with the enlightenment of the Lord Buddha for nomination as a single, unified cultural landscape.** However, the urban congestion existing in the Buffer Zone (and outside) are immediately to the north of the temple precinct where a number of sites associated with the Lord Buddha, which were once in a bucolic rural area are today located in an urban setting. The area surrounding each of the series of holy sites is over populated, neglected and plagued with the same inadequate refuse collection, sanitary and infrastructure facilities. Tanks associated with Lord Buddha that once supplied clean water to residents are now severely polluted. Ideally and logically, all sites within the buffer zone associated with the Lord Buddha should be fully documented, grouped together and re-nominated as a single cultural landscape that reinforces the values of Mahabodhi Temple as suggested by an earlier mission to the property. (WHC)

♦ **Enhance, particularly municipal/panchayat level in Bodhgaya,** awareness building in relation to World Heritage conservation processes, internationally recognised conservation standards and procedures, as well as timely information dissemination to the general public and citizens. There is a need to improve ways of information sharing and communication on conservation programmes and the World Heritage property through better publicity and other promotional activities on the importance of this sacred WH property.

♦ **Legal provision for the protection of the site**: The declaration of the Mahabodhi Temple as a National Monument required the establishment of a new set of legal framework that transfers authority to the national government. However, should Mahabodhi Temple be transferred to National Monument status, the mandate transfers all management to ASI, a responsibility that ASI officials indicated they are significantly under resourced to assume a leading role. ASI suggested that it would be best to continue the present arrangement of BTMC contracting ASI for specific conservation services when required. Under such an arrangement BTMC as a paying client of ASI, does not fall into the national budget queue for ASI services.
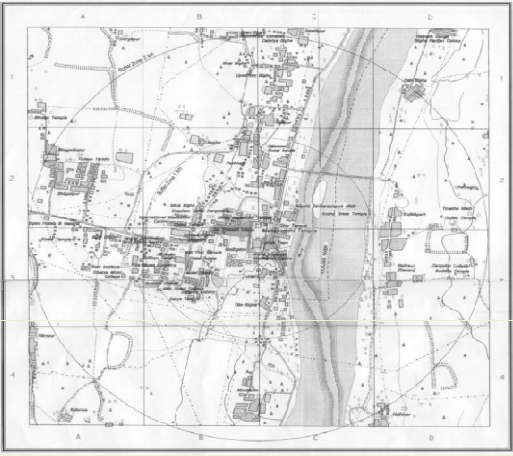
PLATE 1				
Basic description of site as per the nomination dossier and other literary sources which describe the site in detail besides the defined framework of UNESCO nomination				
S.No.	Name of World Heritage Property (India) and year of inscription	Geographical location			Outstanding universal values of the property
		Location	Area	World Heritage Clusters	
1	The Mahabodhi templex complex at Bodhgaya, 2002	District Gaya, Bihar.	4.8600 ha.	NA	The Mahabodhi Temple Complex is the first temple built by Emperor Asoka in the 3rd century B.C., and the present temple dates from the 5th–6th centuries. It is one of the earliest Buddhist temples built entirely in brick, still standing, from the late Gupta period and it is considered to have had significant influence in the development of brick architecture over the centuries. *(Source: UNESCO Nomination 2002)*
	The extents of the identified property				
	Description of the property	**Core Area :** The area proposed for inscription is the Mahabodhi Temple Complex including the Lotus Pond totally covering 12 acres of land There are two divisions of the Complex: one where the main temple stands and the other where the Lotus Pond is located. The Main temple occupies 5.5 acres of land. The proposed area for inscription has the following important structures and revered Buddhist heritage spots: **a) The Mahabodhi Temple** **b) The Bodhi Tree** **b) The six other sacred spots where the Buddha meditated after he attained Enlightenment.** The Ratnachakrama or the path where the Buddha walked 18 steps in deep thought; the Animeshlochan Chaitya, the Ratnaghar Chaitya, the Ajapala Nigrodh Tree and the Rajyatana Tree all of which are close to the main temple. The Lotus Pond or the Muchalinda Pond where the Buddha meditated in the 6th week after attaining enlightenment is located just outside the southern boundary wall of the Temple (as noted above, the area of the pond is also part of the proposed area). The Core Area is enclosed by outer boundary walls. **Buffer Zone :** The Mahabodhi Temple Complex including the Lotus Temple is protected and enclosed by an outer boundary wall of a height of 10ft.6" on the east, 11ft. on the west, 15ft. on the north and 7ft. on the south. This wall is at a distance of 204 ft. in the east, 110ft. in the west, 169 ft. in the north and 263 ft. in the south from the inner Asokan period railing which is the historical enclosure of the Temple. The outer wall may be considered as the primary protection of the Temple Complex. There is a buffer zone beyond the boundary walls of the temple of 2 kms radius from the Mahabodhi Temple. This includes an area where a little excavation has been carried out by the Department of Archaeology of the State Government of Bihar. **1 Km Buffer Zone :** Beyond the boundary walls, the Bodh Gaya Regional Development Authority has declared an area of 1 km from the boundary wall of the temple to be a protected buffer zone wherein no new structures shall be permitted in future except those vital for religious usage and designed sympathetic to the site and are only ground floor structures. The total excavated area of Cunningham's plan of the monastery as given in the map of 1892 will remain free of any new structures. **2 Km Buffer Zone :** It has also been decided that within an area of 2 km from the temple boundary wall, no building shall be permitted to exceed a height of 44 ft and these buildings shall be designed in character similar to those traditional to Bodh Gaya monument times. These Buffer Zone regulations are enforced by the Gaya Regional Development Authority of which the District Magistrate & Collector of Gaya who is also the Chairman of Bodh Gaya Temple Management Committee is a member. The legal instrument for implementation is the Bihar Public Land Encroachment Act. The Indian Treasure Troves Act of 1878 also protects finds unearthed during diggings in the area around the Mahabodhi Temple and in the buffer zone. *(SOURCE: Nomination Dossier)*			

PLATE 2

Description of the site, criteria for inscription, state of conservation report through the specifications of the UNESCO nomination, within its defined framework

UNESCO			Communities/ Stakeholders directly or indirectly linked to the property
Attributes of SoUV	**Criteria of Inscription**	**State of Conservation**	
	Criterion (i): The grand 50m high Mahabodhi Temple of the 5th-6th centuries is of immense importance, being one of the earliest temple constructions existing in the Indian sub-continent. It is one of the few representations of the architectural genius of the Indian people in constructing fully developed brick temples in that era **Criterion (ii):** The Mahabodhi Temple, one of the few surviving examples of early brick structures in India, has had significant influence in the development of architecture over the centuries. **Criterion (iii):** The site of the Mahabodhi Temple provides exceptional records for the events associated with the life of Buddha and subsequent worship, particularly since Emperor Asoka built the first temple, the balustrades, and the memorial column. **Criterion (iv):** The present Temple is one of the earliest and most imposing structures built entirely in brick from the late Gupta period. The sculpted stone balustrades are an outstanding early example of sculptural reliefs in stone. **Criterion (vi):** The Mahabodhi Temple Complex in Bodh Gaya has direct association with the life of the Lord Buddha, being the place where He attained the supreme and perfect insight.	**2003: Factors affecting the property** • Deliberate destruction of heritage • Housing • Illegal activities • Impacts of tourism / visitor / recreation • Management systems/ management plan • Ritual / spiritual / religious and associative uses **2004: Factors affecting the property** • Deliberate destruction of heritage • Housing • Illegal activities • Impacts of tourism / visitor / recreation • Management systems/ management plan • Ritual / spiritual / religious and associative uses **2005: Factors affecting the property** • Impacts of tourism / visitor / recreation • Management systems/ management plan • Other Threats: • Lack of detailed property documentation **2006: Factors affecting the property** • Impacts of tourism / visitor / recreation • Management systems/ management plan • Other Threats: • Lack of detailed property documentation 2007: Factors affecting the property • Impacts of tourism / visitor / recreation • Legal framework • Management systems/ management plan • Loss of character of the cultural landscape directly associated with the property and its outstanding universal value 2010: Factors affecting the property • Legal framework • Management systems/ management plan • Loss of character of the cultural landscape directly associated with the property and its outstanding universal value 2012: Factors affecting the property • Legal framework • Management systems/ management plan • Ritual / spiritual / religious and associative uses • Loss of character of the cultural landscape directly associated with the property and its outstanding universal value 2014: Factors affecting the property • Management systems/ management plan • Ritual / spiritual / religious and associative uses (SOURCE: SoC Reports UNESCO)	**Listed Stakeholders:** • District Gaya Magistrate • SSP Gaya • Secretary BTMC • Members of BTMC • Chief monk Mahabodhi Temple • Caretaker, Mahabodhi Mahavihara • IFS, Divisional Forest Officer, Gaya • Director, Archaeology,Bihar • Asst Dir, Directorate of Tourism, Patna • Conservation Architect ASI • Superintending Archaeologist, Patna Circle, ASI • Executive Officer Nagar Panchayat, Bodhgaya • Local Scholars

PLATE 3

The analysis of the existing legislations exercised at different levels and laws and regulations established catering to various disciplines. This plate helps in the analysis of the existing heritage management framework, its success and gaps in management

Signatory to International Treaties and Conventions	Indian Constitutional/Legislative and Regulatory provisions				Institutional Frameworks/Enforcement Authorities/Monitoring Bodies
	Application of regulatory framework	Environment	Culture	Others	
1. World Heritage Convention 1972 2. Universal Declaration of Human Rights 3. U.N.Declaration on the Rights of Indigenous Peoples 4. Convention on Biological Diversity	**National**	1. The Indian Forest Act 1927 2. The Forest (Conservation) Act 1980 3. The Environment (Protection) Act 1986 5. Reserved Forest Act		1. Draft National Tribal Policy 2. National Tourism Policy 2002 3. Ecotourism Policy and guidelines - GoI (under revision) 4. Bihar Tenancy act	Housing and Urban Development Corporation of India (HUDCO)
	Regional		Bodh Gaya Temple Act (Bihar XVII of 1949);		BTMC (Bodhgaya Temple Management Committee); Bihar State Tourism Development Corporation (BSTDC); Gaya Regional Development Authority
	Local				Bodh Gaya Nagar Panchayat
:					

Heritage Management Framework (Legal, Institutional, Financial, Operational, Technical)

PLATE 4

To analyze the critical issues before and after inscription of the site, at different levels of management and how the studies which are conducted by government level and community based organization, to deal with issues and conflicts arising due to the nomination

	Critical Issues			
	Critical Issues highlighted by UNESCO/ ICOMOS/IUCN		**Studies commissioned/ critical issues identified by Government of India**	**Studies commissioned/ critical issues identified by Community Based Organisations, Non Governmental organisations, Self Help groups.**
Criteria	**Before inscription**	**After inscription**		
Legislative and institutaional frameworks in Governance				
Conservation and management of natural and cultural heriatge				
Infrastructure Development/ natural resource extraction		In gross violation of the UNESCO guidelines, indiscriminate/unplanned construction goes on in Bodh Gaya virtually making a mockery of the UNESCO guidelines. While declaring Mahabodhi temple as a world heritage site in June'2002, UNESCO, the world cultural body issued certain guidelines that included a total ban on new construction and no repair of existing residential and commercial buildings in the shrine vicinity to give a serene look to the seat of Buddha's enlightenment. *(Source: UNESCO guidelines go for a toss as Bodh Gaya being turned into concrete jungle Abdul Qadir, TNN | May 12, 2015, 10.37AM IST)*		
Tourism				
Local/indigenous communities/ Stakeholders				

PLATE 5	
Successful and good practices on ground which are vital for a right based approach	
Commendation or Successes related to Management, specifically with respect to Rights	**Comments**
	Conflict between two religions (Hindus and Buddhist) over the ownership and management of the temple. *(SOURCE: 'Managing religion in colonial India: the British Raj and the Bodh Gaya temple dispute'; Ian Copland, Journal of State and Church, 2004)*

Annexure I-IV

1. DEFINE 'CONTEXT'; SOCIAL AND CULTURAL, NATURAL BACKGROUND OF THE SITE

1.1 GEOGRAPHICAL LOCATION (NATURAL AND CULTURAL)

Location: Amritsar, Punjab

Area: Total area: 14.75 acres

- **Zone 1:** Core Precinct: 23.60 acres
  - **Subzone 1A:** The Sacred Precinct Conservation Zone: 12.4 acres
  - **Subzone 2A:** The Baba Atal Complex :2.35 acres
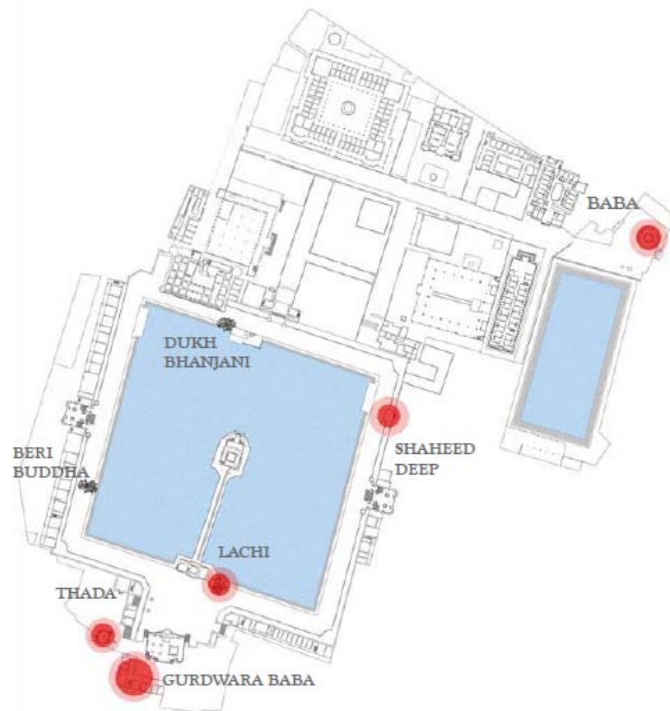 - **Subzone B:** The Service Zone: 8.85 acres
- **Zone 2:** Precinct Edge
  - The Galiara:18.73 acres
- **Zone 3:** The Intermediate Zone
  - The Inner Walled City : 98.45 acres
- **Zone 4:** Outer Walled City: 783.57 acres

Plan of the sacred complex of Sri Harimandir Sahib indicating the sacred spots or nodes around the temple. (Source: Nomination dossier)

1.2 THE NOMINATION TEXT DESCRIBES TWO PRECINCTS:

The nomination text describes two precincts.

Zone 1: The cultural site of Sri Harimandir Sahib managed by the Shiromani Gurdwara Prabandhak Committee (SGPC) has been delineated as Zone 1. This Zone, also known as the 'Core Precinct Zone' has been further sub-divided into three parts: A1, A2 and B. The Subzones A1 and A2 have been proposed for inclusion on the World Heritage List.

Zone 2: Precinct Edge A zone of approximately 30 to 35 metres, immediately around the precinct, has been developed into a landscaped area. Many public utilities and services like parking, safety and security issues have been incorporated into the scheme. This space acts as a transition zone between the bustle of mundane city life with its commerce and traffic and the pious religious interior of the holy shrine.

Zone 3: The Intermediate Zone, the Inner Walled City A zone of approximately 300 to 400 metres is demarcated along major roads around the precinct as the 'intermediate zone' which is being declared as an area with regulated activities. Unlike the outer walled city, there is a high concentration of commercial as well religious activity within this zone. This zone includes the area covered by the historical religious processional route, the Nagar Kirtan route taken on important festivals. The areas include traditional residential katras and commercial streets. The historic Jallianwala Bagh, scene of the tragic massacre of a congregation of freedom fighters by the British in 1919, a significant event in the freedom struggle, is also situated in this zone. This zone also includes most of the specialized market areas of wholesale trade in clothes, woolens, stationery, and jewellery, all of which lead towards the temple precinct.

Zone 4: Outer Walled City The 'outer zone' also consists of the historical walled city. There are many areas within this zone which carry historical significance and could benefit from the formulation of a special framework of strategies and bye-laws. *(SOURCE: Nomination dossier for UNESCO)*

1.3 VALUES AND SIGNIFICANCE OF THE WH PROPERTY: THE NOMINATION TEXT DESCRIBES TWO PRECINCTS.

Spirit of *Sikhi:* The Harimandir Sahib precinct gives expression in architectural form to the spirit of *Sikhi.* The term *Sikhi* is derived from the Pali term *sikha* (in Sanskrit *shishya,* meaning disciple). *Sikhi* is thus submission to Truth, and Truth is learnt from the *Bani* (the word) of the Gurus and *bhagats* as recorded in the sacred text, the Guru Granth Sahib .This submission involves a preparedness to be guided by the Truth of the Bani, and the living of this Truth. The practice of *Sikhi* involves preparedness, submission, dedication and hardship. More often than not after one knows the Truth intellectually one may not want to follow it or be led by it, because to do so implies a lot of unlearning and hardship.

The Architectural Components in Harimandir: The Harimandir Sahib precinct is composed of three main historical layers. The first layer corresponds to the period of the Gurus (1469- 1708). During this period Guru Ramdas excavated the sacred tank. In the process, the basic principles of the *panth* were created and came to be firmly established. The construction of Dukh Bhanjani Beri, the Adhsat Teerath-Thada Sahib, the Prakash Asthan, Akal Takht Sahib mark this period. The second layer is marked by a period of instability after Guru Singh and Baba Gurbaksh Singh, respectively, were constructed during this period. Finally, the third layer of evolution of the precinct is characterized by a period of reconstruction (also known as the Misl period). During

this period (1765-1805) there was a marked rise in the construction of bungas28 or forts. The Harimandir Sahib was reconstructed in 1765, under the leadership of Jassa Singh Ahluwalia. The Darshani Deori was constructed in 1776 and the Parikrama was made in 1784. In 1803, it was decorated with gold plated copper sheets, received as offerings from Maharaja Ranjit Singh. Thereafter, the Harimandir came to be called the Golden Temple. *(Source: Nomination Dossier)*

The following are the architectural features of the Harimandir Sahib complex:

The site selected for the construction of the Harimandir Sahib and the setting of the foundation stone.

- The arches and aqueducts as part of the foundation of the physical structure of the Harimandir Sahib and of the causeway, respectively.
- The water body surrounds all sides of the Harimandir Sahib.
- Free passage through the five *Deorian* (gateways) to the Harimandir precinct and the side view.
- The positioning of Harimandir Sahib precinct in a low-lying area.
- *Sachkhand* (the realm of truth) and the Prakash Asthan (the illuminated space).
- The Causeway.
- The four-winged courtyard precinct space.
- The faithscape and the alignment of the Harimandir and the *Akal Takht* on the same axis.

Architectural components that constitute the precincts of the Harimandir Sahib resemble social and material forms used in the Hindu, Buddhist and Islamic traditions. Their selection highlights dominant social aspects of the mainstream while their arrangement indicates its critique by rearranging these components and inverting the relations between them. One might say this is dissent expressed in architectural form. It creates a fresh social ground by an inversion of the mainstream.

1.4 ATTRIBUTES OF SOUV:

According to Criteria 24 (a) (iii) cultural property(ies) can be listed in the World Heritage list when it bears a unique or at least exceptional testimony to a cultural tradition or to a civilization which is living or which has disappeared. The Harimandir Sahib is part of the Indian civilization that has contributed the cultural tradition of non-violence to world history. To this tradition it has contributed the concept and tradition of martyrdom, which is dissent and social reconstruction simultaneously. In the 5th century B.C., Lord Buddha taught compassion. He declared the four noble truths and described the eight-fold middle-path for Nirvana, for freedom from desire and thus from suffering, and for individual and collective well being.

The four noble truths:

Life is fraught with suffering; the source of suffering is craving for sensual pleasure; for after life and for annihilation; there is an end to suffering when craving ceases; and there is a path which leads to this ending.

This is the eight-fold path:

The eight-fold path recommends right views, intention, speech, action, livelihood, effort, mindfulness and concentration. As his successor the Buddha nominated, not a disciple but Dharma, or the doctrine. Subsequently, Buddhism developed a worldview

in Prakrit abandoning Sanskrit, the language of the Brahmins, to describe the relation between God and human beings and through it, recognize the position of human beings as seekers in the world. Buddha's teachings introduced the sangha as an institution to regulate individual and collective aspects of human social life. About 274 B.C. Ashoka, king of the Mauryan Empire, converted to Buddhism after a bloody war and adopted the path of the Dharma. Thus he proclaimed non-violence as a Faith.

1.5   AUTHENTICITY AND INTEGRITY:

According to Article 12 of the Nara Document on Authenticity, □ *"It is of highest importance and urgency that, within each culture, recognition be accorded to the specific nature of its heritage values and the credibility and truthfulness of related information sources."*

Accordingly, the authenticity of the precincts of historic buildings associated with living cultural traditions depends on the extent to which changes introduced by historical circumstances in form, structure, materials and process, enrich or disturb the cultural values and the idea which gives meaning to the built form and contributes or diminishes its longevity. In the case of Harimandir Sahib, physical changes have been introduced but without destroying the continuity of cultural values.

More importantly, the significant cultural components have been preserved. These are the Sarovar (the water tank); the Harimandir Sahib; the Akal Takht; the Parikrama and all the shrines of the Shaheeds. In the four hundred year history of the Harimandir Sahib the physical structure was willfully destroyed five times in the eighteenth century. The unity of the physical structure is therefore a blending of different historical layers. However the cultural values embodied in the physical form have withstood the test of time. Landmarks on the physical landscape, the cultural nodes and their relations have been documented through studies. In addition, disturbances in the interface areas with regard to use, maintenance and additions have also been identified. These studies provide the basis for conservation, presentation and promotion, to ensure the conservation of material heritage and to enhance visitors' experience in the true spirit of the place with minimal disturbance to its traditions.

1.6   CRITERIA FOR INSCRIPTION:

Criteria (iii): A Cultural property can be listed in the World Heritage list when it bears a unique or at least exceptional testimony to a cultural tradition or to a civilization which is living or which has disappeared.

Criteria (vi):

1.7   STATE OF CONSERVATION REPORT:

NA

1.8   DEMOGRAPHICAL INFORMATION
1.8.1   Population

1.8.2   Distribution of Communities/ Stakeholders
Shiromani Gurdwara Parbandhak Committee (SGPC)

1.8.3   Social systems *(Detailed primary surveys required)*
1.8.4   Cultural values *(to be elaborated)*
1.8.5   Public and development profile

    1.8.5.1 Poverty reduction *(Detailed primary surveys required)*
    1.8.5.2 Waste management *(Detailed primary surveys required)*
    1.8.5.3 Equity *(Detailed primary surveys required)*
    1.8.5.4 Diversity
    1.8.5.5 Social inclusion
    1.8.5.6 Governance *(Detailed primary surveys required)*

    1.8.5.7 Peace and security; Nature of violence and conflict of interest, political profile, activism and movements.

Conflicts during the nomination process leading to its withdrawal:

In 2004, SGPC, Sri Amritsar Sahib had through Indian Government asked UNESCO to declare Sri Harimandir Sahib, a world heritage site. When the Sikh Sangat came to know about this move, this move was opposed on a big level. As a result of this, UNESCO did not declare Sri Harimandar Sahib as a world heritage site in 2004.SGPC was expected to get the name of Sri Harmandar Sahib removed permanently from the tentative list of Indian Govt. through proper channel--. But on the contrary the name of Sri Harimandar Sahib is still included in the list put forward by the Indian Government. Initially the name of Sri Harimandar Sahib was on the 7th place in the list but seeing the opposition put forward by the Sikhs, the name has been put on the 37th place. (CHANGE.ORG)

Petition to withdraw nomination:

A *change.org* petition, submitted by a Sikh student in Belgium and calling on UNESCO to delete Harimandir Sahib from the tentative list, has got more than 12,000 signatures.(GUHA K. 2005)

Operation Blue Star:

The tragic series of events culminating in 1984 in Operation Bluestar – which caused serious damage to the complex and to the Akal Takht Sahib in particular – illustrate the state's lack of respect for the complex's sanctity. World Heritage Sites are exemplars of the cultural property protected during wartime by the Geneva Convention. Operation Bluestar was not technically an act of war, but the WHS designation could, if anything, help protect against, rather than encourage, state interference. To allay the fear of a takeover, though, the government ought to make clear that the application to UNESCO involves no change to the current administrative arrangements. (GUHA K. 2005)

The Shiromani Gurdwara Parbandhak Committee, which administers the site, is also opposed to it being named a World Heritage Site. Diaspora Sikh organizations such as sikh24.com and Dal Khalsa UK claim that the WHS designation is a ploy for a takeover of Harimandir Sahib by the government of India. A previous application for the status, in 2005, was withdrawn one month before the session because of community opposition.

The issue had prompted Shiromani Gurdwara Parbandhak Committee (SGPC) President to react that they didn't want the heritage status at cost of any external body interfering in the functioning of committee with respect to the management and maintenance of the Golden Temple. (TNN 2015)
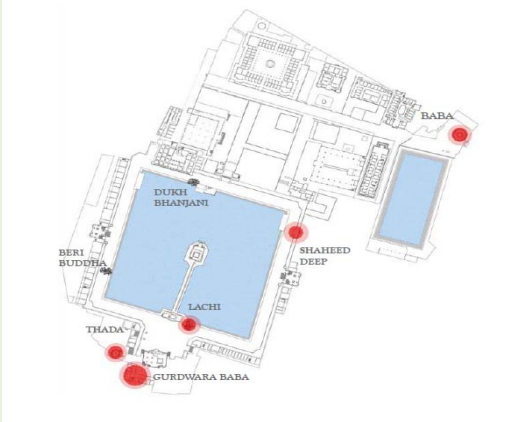
PLATE 1

Basic description of site as per the nomination dossier and other literary sources which describe the site in detail besides the defined framework of UNESCO nomination

S.No.	Name of World Heritage Property (India) and year of inscription	Geographical location			Values of property
		Location	Area	World Heritage Clusters	
1	Sri Harimandir Sahib Gurudwara, Golden Temple (Nomination withdrawn)	Amritsar	**Total area:** 14.75 acres **Zone 1: Core Precinct :** 23.60 acres **Subzone 1A:** The Sacred Precinct Conservation Zone: 12.4 acres **Subzone 2A:** The Baba Atal Complex :2.35 acres **Subzone B:** The Service Zone: 8.85 acres **Zone 2: Precinct Edge** The Galiara :18.73 acres **Zone 3:The Intermediate Zone** The InnerWalled City : 98.45 acres **Zone 4: OuterWalled City:** 783.57 acres		Sri Harimandir Sahib or the Golden Temple gives expression in architectural form to the spirit of *Sikhi,* derived from the Pali term *sikha* (in Sanskrit shishya, meaning disciple).
	The extents the property				(Plan of the sacred complex of Sri Harimandir Sahib indicating the sacred spots or nodes around the temple. (Source: CRCI))
	Description	**The nomination text describes two precincts.** **Zone 1: The cultural sit**e of Sri Harimandir Sahib managed by the Shiromani Gurdwara Prabandhak Committee (SGPC) has been delineated as Zone 1.This Zone, also known as the 'Core Precinct Zone' has been further sub-divided into three parts:A1,A2 and B.The Subzones A1 and A2 have been proposed for inclusion on theWorld Heritage List. **Zone 2- Precinct Edge A zone** of approximately 30 to 35 metres, immediately around the precinct, has been developed into a landscaped area. Many public utilities and services like parking, safety and security issues have been incorporated into the scheme. This space acts as a transition zone between the bustle of mundane city life with its commerce and traffic and the pious religious interior of the holy shrine. **Zone 3 - The Intermediate Zone,** the Inner Walled City A zone of approximately 300 to 400 metres is demarcated along major roads around the precinct as the 'intermediate zone' which is being declared as an area with regulated activities. Unlike the outer walled city, there is a high concentration of commercial as well religious activity within this zone. This zone includes the area covered by the historical religious processional route , the Nagar Kirtan route taken on important festivals. The areas include traditional residential katras and commercial streets. The historic Jallianwala Bagh, scene of the tragic massacre of a congregation of freedom fighters by the British in 1919, a significant event in the freedom struggle, is also situated in this zone. This zone also includes most of the specialized market areas of wholesale trade in clothes, woolens, stationery, and jewellery, all of which lead towards the temple precinct. **Zone 4 – Outer Walled City** The 'outer zone' also consists of the historical walled city. There are many areas within this zone which carry historical significance and could benefit from the formulation of a special framework of strategies and bye-laws. *(SOURCE: Nomination dossier for UNESCO)*			

PLATE 2

Description of the site, criteria for inscription, state of conservation report through the specifications of the UNESCO nomination, within its defined framework

UNESCO			Communities/ Stakeholders
Attributes of SoUV	Criteria of Inscription	State of Conservation	
	Criteria (iii): A Cultural property (ies) can be listed in theWorld Heritage list when it bears a unique or at least exceptional testimony to a cultural tradition or to a civilisation which is living or which has disappeared. **Criteria (vi):**		

PLATE 3

The analysis of the existing legislations exercised at different levels and laws and regulations established catering to various disciplines. This plate helps in the analysis of the existing heritage management framework, its success and gaps in management

Signatory to International Treaties and Conventions	Indian Constitutional/Legislative and Regulatory provisions				Institutional Frameworks/Enforcement Authorities/Monitoring Bodies
	Applicability Area	**Environment**	**Culture**	**Administration**	
1. World Heritage Convention 1972 2. Universal Declaration of Human Rights 3. U.N.Declaration on the Rights of Indigenous Peoples 4. Convention on International Trade in Endangered Species of Fauna and Flora (CITES) 5. Convention on Biological Diversity 6. Convention on the Conservation of Migratory Species of Wild Animals (CMS)	**National**	1. The Indian Forest Act 1927 2. The Forest (Conservation) Act 1980 3. The Wild Life (Protection) Act 1972 4. The Environment (Protection) Act 1986 5. Reserved Forest Act		1. Draft National Tribal Policy 2. National Tourism Policy 2002 3. Ecotourism Policy and guidelines - GoI (under revision)	
	Regional	The Punjab Forest (Sale of Timber) Act, 1913 ; The Punjab Wild Life Preservation Act, 1959 ;	The Punjab Sikh Gurdwaras Board (Transitional Provisions) Act, 1953; The Sikh Gurdwaras (Supplementary) Act, 1925 ; The Sikh Gurdwaras Act, 1925 ; The Sikh Gurdwaras Committees Election (Validation) Act, 1954 ;	The Punjab Gram Panchayat Act, 1952 ; The Punjab Jagirs Act, 1941 ; The Punjab Land Preservation Act, 1900 ; The Punjab Land Revenue Act, 1887; The Punjab Panchayat Samitis and Zila Parishads Act, 1961	Shiromani Gurdwara Parbandhak Committee (SGPC)
	Local				
:					

PLATE 4

To analyze the critical issues before and after inscription of the site, at different levels of management and how the studies which are conducted by government level and community based organization, to deal with issues and conflicts arising due to the nomination

Critical Issues			
Critical Issues highlighted by UNESCO/ ICOMOS/IUCN			Studies commissioned/ critical issues identified by Government of India
Criteria	Before inscription	After inscription	
Legislative and institutaional frameworks in Governance		Not inscribed	
Conservation and management of natural and cultural heriatge	In 2004, SGPC, Sri Amritsar Sahib had through Indian Government asked UNESCO to declare Sri Harmandar Sahib, a world heritage site. When the Sikh Sangat came to know about this move, this move was opposed on a big level. As a result of this, UNESCO did not declare Sri Harmandar Sahib as a world heritage site in 2004.SGPC was expected to get the name of Sri Harmandar Sahib removed permanantly from the tentative list of Indian Govt through proper channel--. But on the contrary the name of Sri Harmandar Sahib is still included in the list put forward by the Indian Government. Initially the name of Sri Harmandar Sahib was on the 7th place in the list but seeing the opposition put forward by the Sikhs, the name has been put on the 37th place. *(SOURCE: change.org ; To Delete the name of Sri Harmandar Sahib, Amritsar Sahib from the world heritage nomination list (Tentative)sent by IndiaGovt. in 2014 by Kaur Amarjit Kaur Hasselt, Belgium)*		A ***change.org*** petition, submitted by a Sikh student in Belgium and calling on UNESCO to delete Harmandir Sahib from the tentative list, has got more than 12,000 signatures. *(SOURCE: Scroll.in; 'Why Sikhs don't want the Golden Temple to be declared a World Heritage Site' by Keshava Guha 2005)*
Infrastructure Development/ natural resource extraction			
Tourism			
Local/indigenous communities/ Stakeholders	The tragic series of events culminating in 1984 in Operation Bluestar – which caused serious damage to the complex and to the Akal Takht Sahib in particular – illustrate the state's lack of respect for the complex's sanctity. World Heritage Sites are exemplars of the cultural property protected during wartime by the Geneva Convention. Operation Bluestar was not technically an act of war, but the WHS designation could, if anything, help protect against, rather than encourage, state interference. To allay the fear of a takeover, though, the government ought to make clear that the application to UNESCO involves no change to the current administrative arrangements. *(SOURCE: Scroll.in; 'Why Sikhs don't want the Golden Temple to be declared a World Heritage Site' by Keshava Guha 2005)*		

PLATE 5

Successful and good practices on ground which are vital for a right based approach

Studies commissioned/ critical issues identified by Community Based Organisations, Non Governmental organisations, Self Help groups.	Commendation or Successes related to Management, specifically with respect to Rights	Comments
The **Shiromani Gurdwara Parbandhak Committee**, which administers the site, is also opposed to it being named a World Heritage Site. Diaspora Sikh organisations such as **sikh24.com** and **Dal Khalsa UK** claim that the WHS designation is a ploy for a takeover of Harmandir Sahib by the government of India. A previous application for the status, in 2005, was withdrawn one month before the session because of community opposition. *(SOURCE: Scroll.in; 'Why Sikhs don't want the Golden Temple to be declared a World Heritage Site' by Keshava Guha 2005)*		A clash broke out between SAD (Amritsar) activists and guards of Shiromani Gurudwara Parbhandhak Committee (SGPC) task force during an event on the 30th anniversary of Operation Bluestar at the Golden Temple premises. *(Source: IBy: Express News Service | New Delhi | Published on:June 7, 2014 10:33 am)*
		The issue had prompted Shiromani Gurdwara Parbandhak Committee (SGPC) president Avtar Singh Makkar to react that they didn't want the heritage status at cost of any external body interfering in the functioning of committee with respect to the management and maintenance of the Golden Temple. *(SOURCE: 'Unesco confirms Golden Temple not to be considered for world heritage list' Yudhvir Rana,TNN | May 1, 2015, 01.44 AM IST)*

Annexure I-V ───────────────

> **CASE STUDY # 5**
>
> **SITE: KHANGCHENDZONGA NATIONAL PARK, SIKKIM, INDIA**
>
> **CATEGORY: MIXED SITE**
>
> **STATUS: TENTATIVE LIST**

1. DEFINE 'CONTEXT'; SOCIAL AND CULTURAL, NATURAL BACKGROUND OF THE SITE

Khangchendzonga National Park, Sikkim, India is placed on the Tentative List with a proposed nomination for inscription on the List of World Heritage Sites in 2016 as the country's first mixed Cultural and Natural property. Following criteria have been proposed for assessment of its Outstanding Universal Value:

1.1   GEOGRAPHICAL LOCATION (NATURAL AND CULTURAL)

Khangchendzonga National Park (KNP) is situated in the Himalayan range in northern India formed by tectonic movements of the Indo- Australian and the Eurasian Plate. It straddles the West and North Sikkim Districts of the State of Sikkim with total area of the property at 178,400 ha. It is a mountainous site with cultural and natural elements of great significance.

There are 20 peaks, which are above 6,000 meters within the KNP. The highest peak is Mt. Khangchendzonga, which towers at 8,586 meters and is the highest peak in India and third highest peak in the world. The Khangchendzonga massif forms the main feature of the physiography of Sikkim. The elevation of KNP varies from about 1,220 to 8,586 meters within an aerial distance of just 42 kilometres. About 90% of the park lies above 3,000 meters and 70% above 4,000 meters making this a truly high altitude park. There are about 18 major glaciers in KNP and the Zemu glacier is one of the largest and longest glaciers in Asia. This occupies an area of around 107 km$_2$.

KNP and adjacent forests form contiguous habitat with Khangchendzonga Conservation Area in Nepal (on the western side) and Singalila National Park in Darjeeling (West Bengal) as well as several other protected areas in Sikkim (Maenam and Barsey). Thus the entire landscape covering over an area of more than 11,500 km2 forms a trans-boundary conservation complex extending from Nepal through Sikkim, Tibet and further into Bhutan, providing one of the most important biological corridor in the region.

1.2   AREA

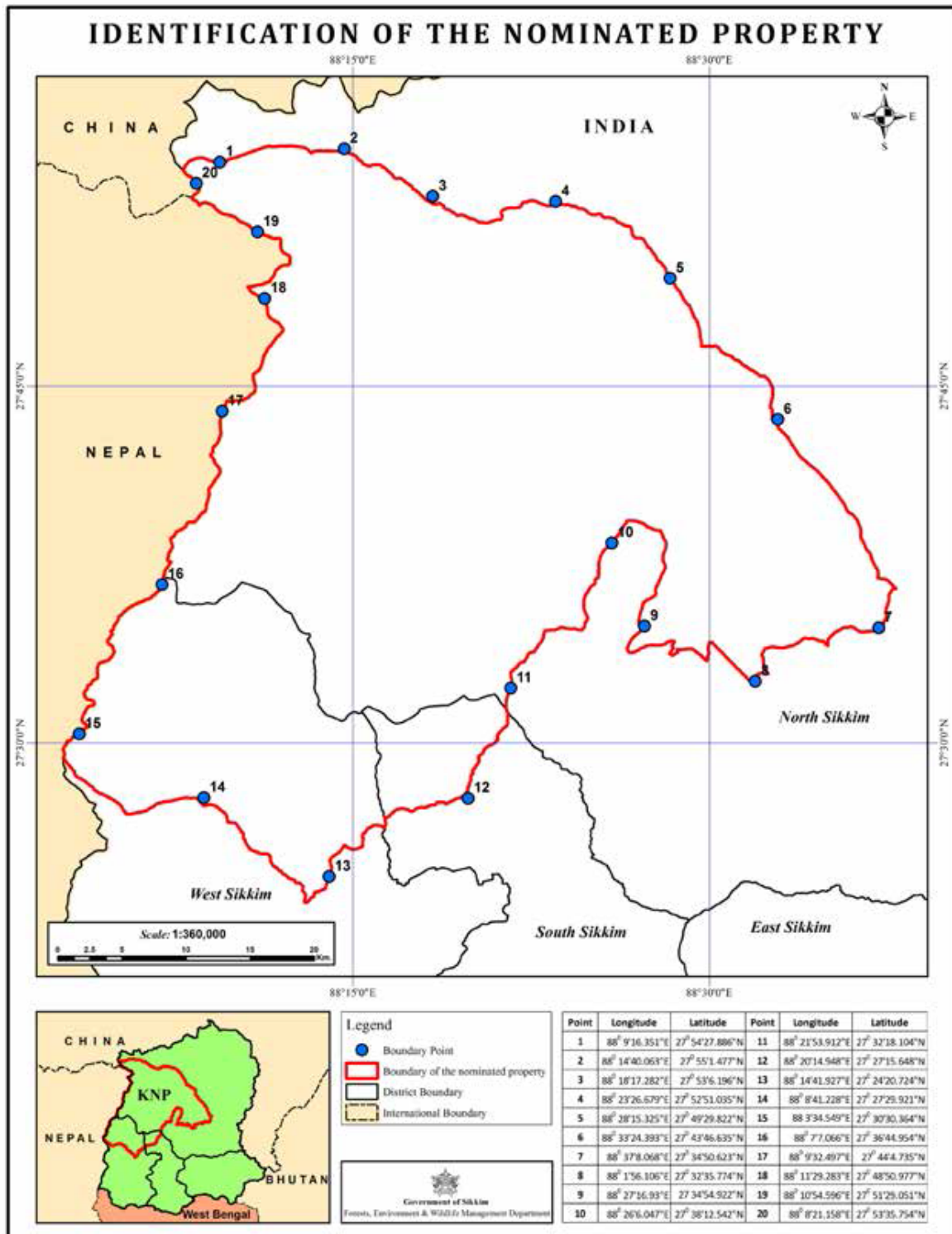## KHANGCHENDZONGA NATIONAL PARK, SIKKIM, INDIA

Image 4: Khangchendzonga national park, Sikkim, India

1.3   VALUES AND SIGNIFICANCE

The Buddhist culture prevalent in Sikkim can be considered as one of the main driving force behind Sikkim's rich ecology. The reverence for nature is deep-rooted in the very heart of the Sikkimese's traditional way of life. This veneration of nature is a fundamental and intrinsic element of Sikkim's customs and rituals. The name of Mt. Khangchendzonga means **'The Great Snowy Repository of Five Treasures'** in Tibetan language. The five peaks of Mt. Khangchendzonga are considered as repository of five treasures:

- ◆ Salt

- ◆ Gold and Turquoise,

- ◆ Buddhist scriptures

- ◆ Arms

- ◆ Medicines and seeds.

It is believed that these treasures will be made available to the Sikkimese people in times of need. The sacred landscape of Khangchendzonga was known as a *beyul* or 'hidden land' with mountains, cliffs, high rocks, waterfalls, wish-fulfilling trees, caves, lakes and streams that were deemed sacred by Sikkim's indigenous populations such as the Lepchas, the Bhutias and the Limbus. Sikkimese Buddhists hold important rituals dedicated to the deities inhabiting these sacred peaks, lakes and caves. Khangchendzonga is revered through rituals and festivals dedicated to it but the ascent of the peaks is forbidden as Dzonga, Sikkim's guardian deity, resides on Mt. Khangchendzonga and is considered the owner and protector of the land, its people and its natural resources. He is also the chief defender of the Dharma and the spiritual treasures concealed within the land. (FEWMD 2014).

1.4   ATTRIBUTES OF SOUV

1.5   AUTHENTICITY AND INTEGRITY

KNP has an adequate size to ensure the complete representation of its Outstanding Universal Value. The original area of KNP (850 km^2) notified in 1977 included the major mountains and the glaciers. The area was subsequently extended to its current size (1,784 km^2) in 1997 to protect wild animals seasonally migrating outside of the original area of KNP covered with snow in winter. The KNP has a unique mountain system comprising of peaks, glaciers, lakes, rivers and an entire range of ecologically-linked biological elements, which ensures sustainability of unique mountain ecosystem functions. It includes Mt. Khangchendzonga and its major peaks which are venerated by the local communities such as Lepchas, Bhutias and the Buddhist. The sacred peaks, rivers and springs with their sources lie in the KNP boundary along with the protection by the Indian Wildlife (Protection) Act, 1972. Their cultural aspect is protected by the notifications by the Government of Sikkim by banning scaling of the sacred peaks and defilement of the sacred lakes, springs and caves. The Buffer Zone of KNP includes significant monasteries where the Buddhist monks perform the rituals and festivals dedicated to Mt. Khangchendzonga. (FEWMD 2014).

The *Nay-Sol*, a religious scripture, details rituals and offerings to be made to Khangchendzonga and the other guardian deities of Sikkim. It also describes the sacred landscapes and location of the sacred sites. Monks and lay pilgrims trek on a routine basis to these sacred spots (caves, lakes, rocks and hot springs) and their journeys over the centuries are marked with special prayer stones and other organic indicators which

remain true to the essence of not despoiling the land. A copy of the *Nay-Sol* is maintained at every monastery in Sikkim and regularly read. KNP has been a part of Sikkim's sacred geography since time immemorial. While elaborate rituals and special prayers are offered within its bounds, the indigenous belief systems ensure that the entire belt is kept free of any polluting effects. As per the old texts, the 'Spirit', 'Function' and 'Tradition' of KNP are still maintained. The sacred peaks, lakes, caves remained unchanged in their 'Location and Setting' throughout the ages. The Government of India and Government of Sikkim have protected the sites through different protective measures such as acts and notifications. (FEWMD 2014).

1.6   CRITERIA FOR INSCRIPTION

Criterion (iii)
To bear a unique or at least exceptional testimony to a cultural tradition or to a civilization this is living or which has disappeared;

Criterion (vii)
To contain superlative natural phenomena or areas of exceptional natural beauty and aesthetic importance;

Criterion (x)
To contain the most important and significant natural habitats for in-situ conservation of biological diversity, including those containing threatened species of outstanding universal value from the point of view of science or conservation.

1.7   STATE OF CONSERVATION REPORT

NA

1.8   DEMOGRAPHICAL INFORMATION

1.8.1   Population

The population of Sikkim state is 610,577 as per Census of India 2011. The districts of West and North Sikkim where KNP is located are least sparsely populated accounting for only 180,144 population. Official records indicate there are currently no inhabitants within KNP and its buffer zone (FEWMD 2009, FEWMD and GBPIHED 2010). Previously, there were 10 households and approximately 89 people at Tshoka, the only village within KNP. However, this site was relocated in 2011. In Tshoka, there is a Buddhist monastery remaining, but there is no permanent resident remaining. Visits to cultural sites within KNP take place from time to time during important festivals and occasions which are of temporary nature.

As mentioned, KNP is spread across North and West Districts of Sikkim. North Sikkim is the largest district in area but in term of population it is the smallest. It recorded the least proportion both of Scheduled Caste and Scheduled Tribes population among the districts of Sikkim in the 2011 census. As regards employment, total number workers in the district are 23,359 whereas number of non-workers are 20,350. Category of workers is further categorised into cultivators, agricultural labourer and household workers in which number of cultivators are higher than others.

West Sikkim is the second largest (1166 sq. km.) in area but in term of population it is the third highest. It recorded the third highest proportion of scheduled caste and second highest in Scheduled Tribes population among the districts in this census. Among the category of workers, again the number of cultivators was higher than others. (Census of India 2011: Sikkim District Census handbook).

As per the Sikkim Census data, urban-rural divide, sex ratio, literacy rate and population density within the districts covering KNP is presented in the table below:

Sr. No	District / State	Total Population	Urban Population	Rural Population	Sex Ratio (Number of females per 1000 males)	Literacy rate (%)	Density of Population (Persons per sq Km.)
1.	North District	43,709	4, 644 (10.62 %)	39,065 (89.38 %)	767	78.01	10
2.	West District	136,435	5,248 (3.84 %)	131,187 (96.16 %)	942	77.39	117
3.	Sikkim State	610,577	153,578 (25.15 %)	456,999 (74.85 %)	890	81.42	86

1.8.2 Distribution of communities

Sikkim's indigenous populations include the Lepchas, the Bhutias and the Limbus. The Lepchas have lived in the shadow of Mt. Khangchendzonga for the longest time, making theirs a more direct, more intimate connection with the mountain. Core components of the Lepcha religious and oral tradition are related to the Khangchendzonga range. The Lepcha story of origin states that the Lepcha progenitors were crafted from the fresh snows of Mt.Khangchendzonga. In their myths, Kongchen (i.e. Mt.Khangchendzonga) is the first land created by their Mother Creator, Itbu Mu, and the eldest brother to all successive creations. Also, Pandim peak is special because the first Lepcha ritual specialist, the *bungthing*, originates from there. The Lepchas believe that all prosperity and ecological balance is derived from the lap of the Himalayas. Their version of a hidden eternal land, a place they know as Mayel Lyang, is located here on the immediate slopes of Mt.Khangchendzonga, the space at the very core of KNP. The mountain is also the gateway to the land of the gods. Every Lepcha clan has their own passageway to the land of ancestors in the Khangchendzonga range. The latter's shape 'like the pricked up ears of an alert animal,' is so because it is on the guard against the faintest suspicious sound of unwelcome intruders. The mountains are more than the guarantees of fertility; they are the great protectors of the Lepcha people.

Mt.Khangchendzonga is revered by all the communities of Sikkim, but unlike the rest (with the exception of the Bhutias to some extent), the Lepchas don't hold just the main mountain in reverence, they have ascribed divinity to almost every peak and lake of the Khangchendzonga range and have attached individual attributes and significance to them. Some peaks are Khangchendzonga's wives while others are his attendants. His wives are known as Samo Gayzong and Paki Chu, Sakvok and Cya Dung Razo. Other peaks are his attendants or soldiers, called *vik* in Lepcha. Pawo Hungri and Bagok Chu are elevated to the status of his brothers. For every prayer that is offered, the Lepchas

first invoke Kongchenand then the local deities embedded in the surrounding landscape. Various Lepcha clans trace their genealogy to these peaks and mountain lakes. (FEWMD 2014).

1.8.3 Social systems

1.8.4   Cultural values

Beyul Demojong, as Sikkim is known in religious Buddhist texts, is the most sacred of the hidden lands in the Himalayas as per the belief of the Northern Buddhists. The spiritual description of this land has been made in various religious texts such as the *Denjong Nay-Yig*, the Guide Book to Sacred Places of the Hidden Land of Rice (Tib. *sBas yul 'bras mo ljongs kyi gnas yig*), a text which contains many secret notes about the places of worship, the mountains, high rocks, cliffs, caves, water-falls, lakes and streams as well as the instructions to follow while entering this land. As mentioned in such religious texts, Sikkim was first blessed by Avalokiteshvara, Tara and Indra, the latter having blessed the land upon landing on Mount Khangchendzonga. They were followed by five sublime incarnates, and in the 8th century, by Guru Padmasambhava who entered Sikkim and exorcised the land of all evil spirits, and rid it of obstacles that would tend to disturb the course of devotional practices. Prophetical books were compiled and hidden by him in rocks so as to be rediscovered in later times. Treasures were hidden in one hundred and eight secret mines to render this land productive, healthy and harmonious as well as to facilitate the spread of Buddhism. Eventually, the country came to be known as Beyul Demojong or the 'hidden fruitful valley' as it was then abundant with many species of wild fruit, vegetables and self-growing crops. (FEWMD 2014).

1.8.5   Public and development profile

1.8.5.1 Poverty reduction

Sikkim was among the top five states that recorded the maximum acceleration in the Human Development Index (HDI), which went up from 0.582 in 1996 to 0.665 in 2006. An impressive growth in incomes in Sikkim over the past decade has contributed to the increase in HDI. Sikkim witnessed more than a fourfold increase in per capita income from Rs 15,953 in 2001–02 to Rs 69,202 in 2011–12. Sikkim's per capita income today is the highest among north-eastern states and ranks fifth in India. Sikkim features as the 'best' in terms of the lowest levels of deprivation attributable to health and nutrition. Equally significant is the progress that Sikkim has made in providing improved sanitation. Latest data released by the Planning Commission says that in Sikkim, the proportion of people below the poverty line (BPL) came down from 30.9 per cent in 2004–05 to 8.19 per cent in 2011–12—an average annual rate of decline of over 17 per cent (Table 1.14). The number of people living below poverty line in Sikkim has come down from 1.70 lakh in 2004–05 to 51,000 in 2011–12 and the proportion of the poor in the Himalayan state remains well below the national average (Sikkim Human Development Report 2014).

1.8.5.2 Waste management

Sikkim has initiated steps towards zero-waste trail with elaborate provisions for garbage segregation, collection and disposal with special focus on Protected Areas such as KNP. The Forest, Environment and Wildlife Management Department of the Govt. of

Sikkim maintain its own 'Garbage Monitoring Form' and effectively undertake the process. There is a ban on use of plastic bags in the site.

1.8.5.3 Equity *(Detailed primary surveys required)*

1.8.5.4 Diversity *(Detailed primary surveys required)*

1.8.5.5 Social inclusion *(Detailed primary surveys required)*

1.8.5.6 Governance

Sikkim has received high accolades for good governance whether it is for clean administration, e-initiatives, organic cultivation, successful implementation of national government schemes like MGNREGA, etc. Likewise, laws and policies for protection and conservation of KNP have been efficiently implemented. The park yet remains in pristine condition and its natural and cultural attributes are well preserved.

1.8.5.7 Peace and security

Sikkim is among the most peaceful states in India. There have been no security issues in the state. In this context, KNP has remained unaffected by any such external factors related to peace and security.

Nature of violence and conflict of interest, political profile, activism and movements.

There have been no major issues of socio-political conflict within the State of Sikkim or within and around KNP. The area around KNP is sparsely populated in general and no mass social movement has emerged in the region.

INFORMATION ON NATURAL ENVIRONMENT

♦ KNP is a protected area with the world's widest altitudinal range. It has a vertical sweep of 7,366m in the altitudinal range of 1,220m to 8,586m in a short distance of 40 km within an area of 1,784 km2. Thus it enables one to experience an extraordinary range of eastern Himalaya landscapes and wildlife from sub-tropical to alpine and Trans-Himalayan (Cold Desert) within a small geographical area. This mosaic of various types of vegetation and ecosystems is found nowhere else within such a small area. KNP falls within the Indo-Burma Hotspot, one of 34 global biodiversity hotspots (Conservation International), and includes three of Global 200 eco-regions (WWF) and one Endemic Bird Area (BirdLife International). Snow leopard, the largest Himalayan carnivore, and a globally endangered species, is one of the flagship species in KNP. It is the apex predator in the ecological pyramid of the high altitude ecosystems in KNP. (FEWMD 2014)

♦ KNPs natural environment can be compared to other similar sites in the Himalayas to highlight its uniqueness. The Great Himalayan National Park in Himachal Pradesh, India was inscribed as WHS in 2014 for its beautiful landscapes, alpine valleys and species diversity. However, KNP has more magnificent alpine landscapes, higher elevations, greater altitudinal gradient and abundant evidence of glaciations. KNP contains more sub-forest types and richer species diversity within a similar size of area. Nanda Devi and Valley of Flowers National Parks in Uttarakhand, India were inscribed as WHS in 1998 for its mountain wilderness, dominated by India's second highest mountain (7,817m), and three other peaks over 7,000m and other spectacular topographical features, together with rare and threatened species found within its boundaries. KNP, however, has an even higher peak - Mt. Khangchendzonga (8,586m), and 4

other peaks over 7,000m, a similar scale of glacial systems and more diversified topographical and climatic features within a similar sized area. Sagarmatha National Park in Nepal was inscribed on the World Heritage List in 1979 for Mt. Everest and other superlative natural phenomena within its boundaries. In comparison to Sagarmatha National Park, KNP has a wider range of vegetation types reaching to the sub-tropical forest in its foothill which are not found in Sagarmatha. In addition, the significant peaks in KNP are considerably less polluted and disturbed by mountaineers. Culturally, the Sherpas who revere Mt. Everest also worship the deity Khangchenzongha as they belong to the Nyingmapa sect of Tibetan Buddhism. It is pertinent to mention here that so inspiring has been the residing deity, of Khangchendzonga that, of the three highest peaks, only Khangchendzonga has retained its original name. K2 was locally known as Chogori and Mt. Everest as Chomolungma. (FEWMD 2014).

2. ANALYSIS OF THE OPERATIVE RIGHTS REGIME

I. CUSTOMARY RIGHTS

II. STATUTORY RIGHTS

III. CONVENTION RIGHTS

♦ Traditionally, pastoralism, collection of medicinal plants and hunting were the customary practice and source of livelihoods prevalent in the KNP. In 1891, the human population of Sikkim was only 36,458 and this coupled with its geographical inaccessibility resulted in limited pressure on the natural resources historically. By 2001 the human population had increased to 540,851 while the livestock population (cattle, buffalo, yak, horse, sheep and goat) stood at 299,020 in 2003 (Risley 1894, Anon 2001, Anon 2003). Increasing populations and better accessibility have resulted in rising anthropogenic pressure on the natural environment. Although the Wildlife (Protection) Act, 1972 prohibits cattle grazing in national parks, pastoralism is pervasive in the alpine zone of most of the protected areas of the country (Kothari *et al.* 1989). In 2004 there were about 1,629 yaks, 469 milch cow-yak crossbreeds, 1,141 sheep, 150 cows and 316 horses and *dzos* owned by 99 families using the national park. These livestock generated incomes of about US$ 230,000 annually (Tambe 2008). In order to reduce the associated degradation, FEWMD implemented a ban on open grazing even in reserved forest areas, plantations and near water sources in 1998 (FEWMD 2009). Within KNP, yak herders have continued to keep their animals in the alpine areas, as they form a very important livelihood for nomads. FEWMD permitted the commercial exploitation of the medicinal plants resource in KNP from early 1970s until the late 1990s. However, the practice has now been largely curbed following a ban imposed on commercial exploitation of medicinal and aromatic plants by the government. The restrictions of traditional seasonal livelihood practices have to be rationalised in the context of anthropogenic pressure and the protection of the natural environment. The economic values from the customary practices are being compensated by changes in occupational patterns. Yet the sacred customary values and laws that the govern the communities have been preserved and are crucial to maintain the balance between nature and culture.

♦ The rugged terrain, remoteness and inaccessibility renders the KNP naturally inhospitable to permanent habitation. With no human settlements within KNP and its buffer zone, there are no issues of access to natural resources of the park by the local population. Nearly 60% of the Park comprised of perpetual snow covered peaks and glaciers and most of the remaining 40% area is snow-covered for 8-9 months. The natural remoteness is reinforced by the sacredness of the KNP where the scaling of high peaks itself is not

permitted as they are considered the abode of the guardian deities. A Government of Sikkim notification in 1998 prohibited "the conversion of sites, the defilement of sacred lakes and the scaling of sacred peaks such as of Mt. Khangchendzonga." Another notification in 2001 identifies specific sacred peaks, caves, rocks, lakes, stupa and hot-spring as the most sacred Buddhist places of worship in Sikkim and protects them under provisions of places of Worship (Special Provisions) Act, 1991 and the preceding notification. In fact, When Khangchendzonga was 'conquered' for the first time in 1955, the climbers in respect to Sikkimese sentiments stopped short of the summit. Khangchendzonga remains the only 8000 in the world to enjoy the honour of being the untrodden peak. The reverence for nature is deep-rooted in Buddhist culture. This veneration of nature is a fundamental and intrinsic element of Sikkim's customs and rituals. The sacred landscape of Khangchendzonga was known as a *beyul* or 'hidden land' with mountains, cliffs, high rocks, waterfalls, wish-fulfilling trees, caves, lakes and streams that were deemed sacred by Sikkim's indigenous populations. Khangchendzonga is revered through rituals and festivals dedicated to it but the ascent of the peaks is forbidden as Dzonga, Sikkim's guardian deity, resides on Mt.Khangchendzonga and is considered the owner and protector of the land, its people and its natural resources. Hence, Buddhist culture has only sought to be reinforced by protection measures of the Government to safeguard the sacred values of the site from defilement and damage. Thus the sacred natural elements of KNP are also protected as cultural heritage. In other words, operation of tenure and access rights to KNP are integrally related to both the natural attributes and the cultural values associated with the property.

♦ Other means of facilitating empowerment of local communities is through the Sikkim State Ecotourism Policy 2011. The Sikkim Ecotourism Council has an executing arm which is the Ecotourism Directorate (ED) working under the Forest, Environment and Wildlife Management Department (FEWMD). The Council provides for a local village level operational system which incorporates various Community-Based Organizations (CBO) working in tandem with Panchayat, Non Governmental Organisation, JFMC EDCs, Tourism Development Committee (TDC), Self-help Groups (SHG) and other local people's representative groups.

♦ The current rights regime in forests areas in India, which includes Protected Areas such as Wildlife Sanctuaries, National Parks and World Heritage Sites, is governed by the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. This Act seeks to vest the forest rights and occupation in forest lands in forest-dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded. The recognition of forest rights also include the responsibilities and authority for sustainable use, conservation of biodiversity and maintenance of ecological balance and thereby strengthening the conservation regime of the forests while ensuring livelihood and food security of the forest-dwelling Scheduled Tribes and other traditional forest dwellers. (FRA, 2006).

♦ However, there are persisting issues of poor understanding amongst the implementing agencies about both the objectives and the provisions of the Act, and confusion at district and lower levels on institutions for implementation. Recognition of rights in Protected Areas therefore remains inadequate. Many plans for management of such Protected Areas, including those leading to restrictions on customarily exercised rights, are not able to involve local participation very actively (Desor 2013). Within KNP itself, the FRA has not been applicable owing to absence of any human settlements within KNP and its buffer zone. The remoteness and sacredness of KNP has also precluded traditional dwelling in

the site. The customary values of the population in the larger landscape has been preserved and practiced irrespective of such legislation.

3. UNDERSTAND THE EXISTING AND REQUIRED STRUCTURE OF MANAGEMENT SYSTEMS

Analysis of the existing systems, intermediate systems, gaps in the procedure of democracy; the need for inclusive approach. Its effectiveness and shortcomings.

♦ The KNP, which corresponds to National Park (Category II) under the IUCN protected area category, was carved out of state-owned reserved forests on 26th August, 1977. The park comprises notified reserved forests which are free from all rights and concessions and protected under the Wildlife (Protection) Act, 1972. An amendment notification was issued on 19th May, 1997 to increase the area to the current 1,784 km2 in order to include complete range of wildlife habitats within the Park's boundaries (Lepcha 1997). The Forest Conservation Act, 1980 provides stringent conditions for diversion of forest land for non-forestry purpose and KNP is also protected under this Act. In KNP, the scaling of high peaks is not permitted as they are considered the abode of the guardian deities. The stated vision of the Forest, Environment and Wildlife Management Department, Government of Sikkim for the management of KNP is "to conserve those ecosystem and landscape attributes of the Khangchendzonga National Park that contribute to biological diversity, aesthetic beauty, recreational opportunity, cultural and educational values; and advancement of scientific knowledge and at the same time ensuring sustainable flow of resources for traditional livelihood along with developmental activities" (KNP Management Plan 2008-2018).

♦ The potential factors affecting the values of KNP are pastoralism, tourism, hunting, diseases of wild animal, feral dogs and fire. To cope with these pressures, the department has set strategies for zonation, control of grazing, improvement of habitats, management of ecotourism, conservation of biodiversity and reduction of human animal conflicts.

♦ Towards participatory forest management, the Government of India passed a significant resolution in 1990 providing specific guidelines relating to the formation, functioning, rights and responsibilities of community forest management groups called Joint Forest Management Committees (JFMC)/ Eco-development Committees (EDC). The aim of this was to carry out on-farm and off-farm income generation activities in the buffer areas of reserved forests and protected areas so that the inhabitants of fringe villages become less dependent on forests for their livelihoods and contribute to forest protection and conservation in partnership with the state. In March 2002, FEWMD issued a notification to constitute the Eco-development Committee (EDC) for the purpose of protection and conservation of protected areas (Appendix 7). Following it, around KNP 20 EDCs have been established. One member of interested households of each fringe village becomes a member of the EDC. Each EDC comprises of 10 to 12 executive members elected for two years (Figure 33). Two Panchayat members from each Gram Panchayat (village council) Unit are also nominated to become members of each EDC. The 20 EDCs cover 44 villages, 8,535 households and 35,757 people living in the Transition Zone of the KNP. (FEWMD and GBPIHED, 2010).

♦ Though most of lower and middle hill forests have been brought under Joint Forest Management by JFMCs and EDCs, the upper hill forests of the Himalayas did not have a proper mechanism for community based ecosystem management. Effective conservation of the Himalayas by FEWMD staff alone is difficult due to its high altitude, remoteness,

tough terrain, harsh climate and limited resources available. Further lack of adequate infrastructure and facilities make every patrolling visit more like an expedition, with a large contingent of support staff and resultant high attendant costs. Hence it was decided to enlist the support of the villagers, practicing traditional subsistence livelihoods in the high altitudes of the Himalayas, in conservation management. Such villagers, who are willing, were to be recognized as *Himal Rakshaks* (honorary mountain guardians) and their capacity building done. This has resulted in a more effective, participatory "on ground" conservation of the *Himal* jointly with the Forest Department. These *Himal Rakshak* guidelines were approved by the government vide notification no: 888/FEWMD, dated 10th February, 2006.

♦ The management structure of KNP is also to be seen in the context of the larger Khangchendzonga Biosphere Reserve (262000 ha). The establishment of biosphere reserves that are recognised under UNESCO's Man and the Biosphere Programme (1970), are highly innovative and demonstrate new approaches to conservation and sustainable development. The Man and the Biosphere Programme established the biosphere reserve model, which set the standard for integrating human needs into protected area management. (IUCN 2008). As Biosphere Reserves are based on participatory decision-making processes by local people they are often considered as an appropriate tool to reconcile environmental conservation and sustainable development. The Seville Strategy for Biosphere Reserves recommends that we 'utilize biosphere reserves as models of land management and of approaches to sustainable development'. At the national level in particular the strategy suggests that we should 'establish, strengthen or extend biosphere reserves to include areas where traditional lifestyles and indigenous uses of biodiversity are practiced and including sacred sites'. Hence, the UNESCO-MAB Biosphere Reserve concept clearly recognizes the importance of sacred sites and places them within the context of sustainable development. (UNESCO 2006).

4. CONCLUSION:

♦ As a proposed mixed cultural and natural World Heritage Site, the case study of Khangchendzonga National Park, Sikkim, India offers a unique opportunity to examine the nature-culture linkage and rights-based approach in World Heritage Sites. The deeply intertwined natural and cultural attributes of KNP transcends the mutually exclusive categorization of World Heritage Sites into 'Natural' or 'Cultural' designations. The mixed values further highlight the significance of considering the dynamics of traditional human interaction with the natural landscape. This brings into focus the context of rights and the need for an inclusive approach in the various social, cultural and physical dimensions.

♦ A rights-based approach in the World Heritage Convention not only calls for improving the knowledge and understanding of such rights of humanity, but also underlines the imperative of inclusion, integration, ownership, access and use while ensuring conservation and protection within an institutional framework.

Annexure II

Image 1: Members of the Working group in discussion at CRCI, New Delhi. (L-R) Ms. Gurmeet Rai, Ms. Radhika Dhumal, Ms. Moushmi Chatterjee, Ms. Komal Potdar, Dr. Savyasaachi, Ms. Priyanka Singh, Ms. Antara Sharma.

WORKSHOP AT WILDLIFE INSTITUTE OF INDIA, DEHRADUN 30TH & 31ST May 2015:

Image 2: In discussion (L-R) Ms. Moushmi Chatterjee, Ms. Priyanka Singh, Ms. Antara Sharma, Dr. Savyasaachi, Ms. Gurmeet Rai, Dr. V.B. Mathur, Dr. Vibha Puri Das, Dr. Malvika Onial, Mr. Niraj Kakati, Ms. Komal Potdar, Ms. Persis Farooqy, Mr. Dhruv Verma)

Image 3: On-going discussion with participants of ICOMOS and WII and other members of the RBA working group- Ms. Ananya Bhattacharya, Dr. Jyoti Hosagrahar and Ms. Vanicka Arora interacting through video conferencing

Image 4: Nature trail through the protected forest of WII campus, understanding the perspectives of nature conservation, the bio diversity, and relation of the forest, the city, people and the aspirations and development of people.

Minutes of Meeting #1

DATE: 16th May 2015 (09:30 to 13:30)
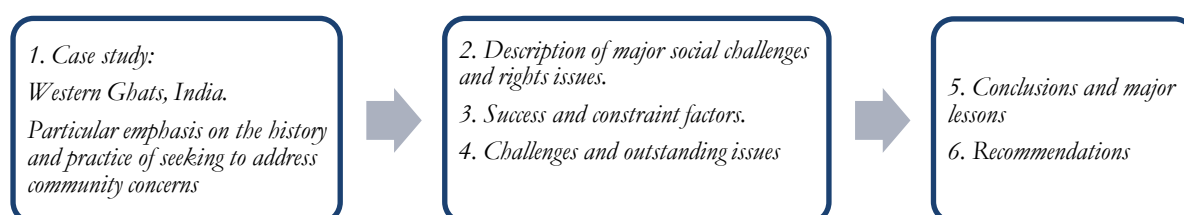
VENUE: CRCI Office, Mehrauli, Delhi

MEMBERS PRESENT:

- ◆ Ms. Gurmeet Rai (V.P, ICOMOS India)
- ◆ Dr. Savyasaachi (HoD, Sociology, Jamia Milia University)
- ◆ Ms. Moushmi Chatterjee (Member, ICOMOS, India)
- ◆ Ms. Radhika Dhumal (Member, ICOMOS, India)
- ◆ Ms. Vanicka Arora (Treasurer, ICOMOS, India)
- ◆ Ms. Komal Potdar (Research Assistant)
- ◆ Ms. Priyanka Singh (Conservation Architect, CRCI)
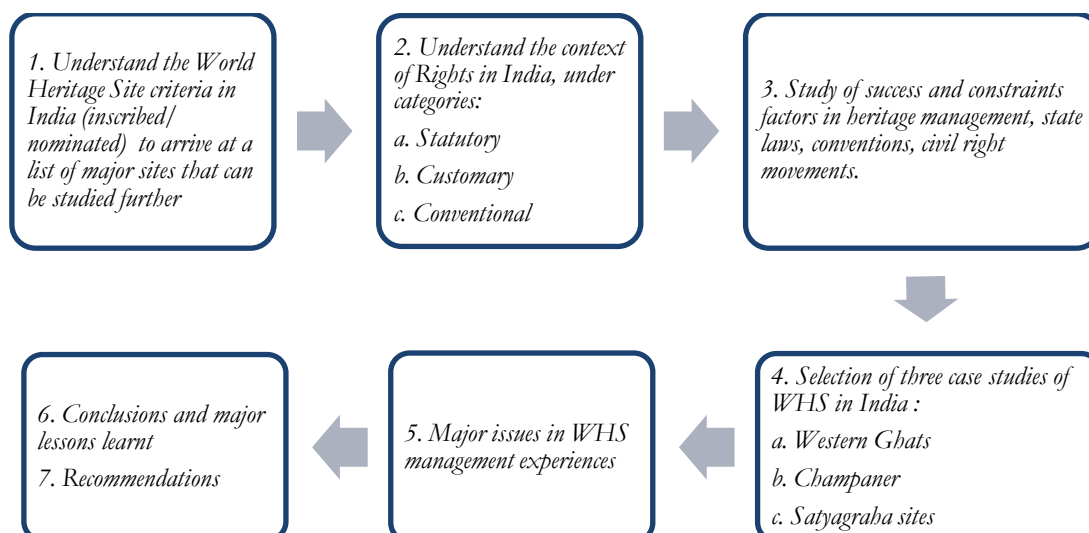
IMPORTANT POINTS OF DISCUSSION:

1. The ICOMOS committee has suggested Western Ghats, India as a case study to demonstrate the practice of management of World Heritage and safeguarding of rights of the indigenous communities.

   Proposed methodology by ICOMOS Norway:

1. Case study: Western Ghats, India. Particular emphasis on the history and practice of seeking to address community concerns	*2. Description of major social challenges and rights issues.* *3. Success and constraint factors.* *4. Challenges and outstanding issues*	*5. Conclusions and major lessons* *6. Recommendations*

2. However, this site is inscribed as a site of natural heritage. For a case study purpose, it is important to have a site of cultural, natural and intangible heritage significance.

   PROPOSED METHODOLOGY AFTER THE INITIAL DISCUSSION:

1. Understand the World Heritage Site criteria in India (inscribed/ nominated) to arrive at a list of major sites that can be studied further	*2. Understand the context of Rights in India, under categories:* *a. Statutory* *b. Customary* *c. Conventional*	*3. Study of success and constraints factors in heritage management, state laws, conventions, civil right movements.*
6. Conclusions and major lessons learnt *7. Recommendations*	*5. Major issues in WHS management experiences*	*4. Selection of three case studies of WHS in India :* *a. Western Ghats* *b. Champaner* *c. Satyagraha sites*

3. Hence, understanding the WHS in India on the following parameters, to arrive at three major sites which can be taken up as best case studies to demonstrate for rights based approach (For this project and for future study) Understanding the process of consultation and identification of WHS in India.

   Category based selection of World Heritage sites:

   - Inscribed sites
   - Nominated sites
   - Typology of the site
   - Complexity of the site (No. of communities dependant on the site)
   - Criteria of inscription
   - Geographical location

4. **Understanding the levels of exercising rights in India:**

   - Statutory rights
   - Customary rights
   - Convention rights
     - Human rights
     - Environmental rights

5. **Identification of:**

   - Norms
   - Standards
   - Policies

6. **Understanding the philosophy of rights:** Human rights regime has acquired a vested interest approach, instead of a developmental approach. Laws are becoming repressive than being persuasive. Hence, laws and rights need to be weighed under the following parameters:

   - Adequateness
   - Appropriateness

   Sustained engagement with heritage is vital as WH properties are an antidote to war & terrorism, as a symbolic reserve of our being. Hence, conserve. The local context of a site is as important as the global context of the heritage.

7. **What are the major issues in WH management experiences in India:** What are the basic criterions for selection of the programs for development and heritage management on a site.

   - People
   - Health leads
   - Education
   - Livelihood
   - Forests/ environment
   - Understanding the cultural relativism & subjectivity with respect to reverence to life

8. **The need for capacity building in heritage management,** to make the WH dynamic, not static and the process democratic, from regional to local level.

9. Identify good practices, gaps in management, success and constraint factors to arrive at recommendations for a right based approach for heritage management.

10. Generate a glossary for this report.

FOLLOWING REPORTS TO BE REFERRED TO:

- *'Identicide in the light of war'* (To be shared by Dr. Savyasaachi)

- Category based selection matrix for WHS (To be shared by Ms. Vanicka Arora)

- Report on Western Ghats by Madhav Gadgil (To be studied by Ms. Komal Potdar)

- Social activism and news with respect to Western Ghats.

- Champaner Management plan (To be studied by Mrs. Rahdika Dhumal)

- Red Fort Management Plan/ Golden Temple Management plan/ Ellora management plan/ Hampi management plan

- Livelihood forest act 2006

- Conventions.

Minutes of Meeting # 2

DATE: 30th May 2015 (15:00 h to 19:00 h) and31st May 2015 (09:30 h to 14:00 h)

VENUE: Wild Life Institute of India (WII), Dehradun, India. (Category II Center of UNESCO)

MEMBERS (ICOMOS_INDIA_RBA WORKING GROUP):

- Ms. Gurmeet Rai (V.P.)
- Dr. Savyasaachi (HoD, Sociology, JamiaMilia University)
- Ms. Moushmi Chatterjee (Member)
- Ms. Komal Potdar (Research Associate)
- Ms. Priyanka Singh (Member)
- Ms. Antara Sharma (Member)

MEMBERS (WII):

- Dr. Vinod Mathur (Director)
- Dr. Malvika Onial (Scientist, Faculty)
- Mr. Niraj Kakati (Technical officer)
- Mr. Dhruv Verma (World Heritage Assistant)
- Ms. Persis Farooqy (World Heritage Assistant)

GUEST (DAY II):

- Dr. Vibha Das Puri (Retd. Secretary, Ministry of Tribal Affairs, GoI)

AGENDA:

1. The purpose of this collaboration with the WII was to arrive at a methodology and develop a theoretical framework, and a road map for the project proposed by ICOMOS Norway on 'Rights Based Approach' and consequently for the scientific symposium of ICOMOS India on 'Heritage and Democracy'.

2. The aim of this consultation was to amplify and define the scope of this project on 'Rights Based Approach' with in the purview of heritage, nature and cultural conservation, these fields being mutually interdependent, to mirror the efforts of the International advisory bodies in nature and culture (ICOMOS, IUCN and ICCROM) at a National level.

3. **The main agenda of the meeting was to:**

♦ Understand the nuances in the field of nature and its interrelation to the field of cultural conservation, through consultation to develop a working a document for RBA, for a short duration, as well as a future action plan for a duration of approximately 2 year.

♦ Illustrate the philosophy of rights with respect to heritage management.

♦ The understand the process of a nomination of a World Heritage natural property, in case of Western Ghats, undertaken by the WII, a Category II Center of UNESCO.

♦ Define the policy factors, enabling factors, policy guidelines and operations necessary to address a rights based approach.

♦ Define and analyze the Management practices and existing framework.

♦ To define the scope of project, the philosophy of rights and the link between man and nature and association of World Heritage association to these properties and need to establish connecting practices with rights based approach.

♦ Understand safeguards and Impact Assessments for heritage, culture and environment.

♦ Arrive at a work plan for the working document.

POINTS OF DISCUSSION:

1. There is a need for an inclusionary process for management, for culture and nature together, ad these do not work in isolation.

2. For the purpose of arriving at a theory of rights, to define the parameters of :

♦ Adequateness

♦ Appropriateness

Three key words, which define the extent and application and evaluation of rights based approach, in the spheres of:

CONTEXT	VALUE	RIGHTS

3. Defining 'Commons' (inclusiveness) in the purview of World Heritage in the world.

4. The point that people are central to conservation practices, and not antithetical, needs to be internalized with the management practices.

PROPOSED FRAMEWORK OF THE REPORT:

1. Introduce the perspectives of **'commons', 'heritage', 'democracy'** in the field of heritage management with respect to World Heritage.

2. **Case studies to define and elaborate rights based approach: (3000-4000 words)**

a. Define the criteria for selection for the case studies as a secondary source of information to understand the current ground and theoretical practices. The selected case studies are:

i. **Western Ghats, Maharashtra (Natural property, Inscribed)**

Unique property, as 7 identified clusters are spanned across 4 states, have varied regional legislative framework and has undergone much protest through the civil societies (WGEEP Report and K. Kasturirangan report) in an attempt to defer the inscription, fearing that the local will get drastically affected and marginalized after the inscription.

ii. Champaner- Pavagarh Archaeological park (Cultural property, Inscribed)

This property has a multi-cultural aspect (in terms of religions) and stakeholders such as the State Forest department and ASI. Hence, the inscription, the identification of core area and buffer area, identifying the indigenous communities and their rights for a holistic and integrated management plan is to be analyzed.

iii. Temple complex at Bodhgaya (Cultural property, Inscribed)

The temple at Bodhgaya, is not a protected site under the ASI, yet a world heritage site. In this case, it is essential to draft a management plan which caters to all the stakeholders at different levels.

iv. Sri Harimandir Sahib Gurudwara (Cultural property, withdrawn nomination)

An example of a nomination was withdrawn by the Local Community (SGPC) stating that the world heritage will affect the religious site, which had inherent cultural values.

v. Khangchendzonga (Mixed site, tentative list)

An example of a mixed property, considering the cultural and natural aspect, would be a best case study to analyze the changing perspectives in the field of heritage management.

These five sites to define the outstanding universal values, selected for representing the case of heritage management (cultural and natural) Each case study gives a different perspectives of 'heritage and democracy' and developing a framework for management and demonstrating good practices in terms of WH properties.
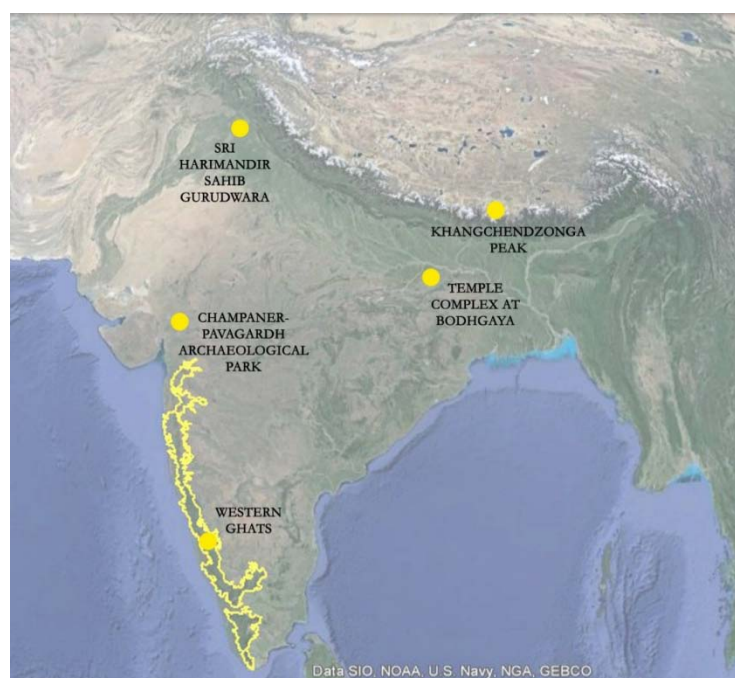
Location map of the selected case studies in India.

3. DEFINE 'CONTEXT'; SOCIAL AND CULTURAL, NATURAL BACKGROUND OF THE SITE

    a. Geographical location

    b. Demographical information

        i. Population

        ii. Distribution

     iii. Social systems

     iv. Cultural values

     v. Identified communities (more specific details can be included in footnotes)

     vi. Development profile

- Poverty reduction
- Equity
- Diversity
- Social inclusion
- Governance
- Peace and security

     vii. Nature of violence and conflict of interest, political profile, activism and movements.

    c. Information on Natural environment

(Refer to the matrix to include the factual information in the narrative)

4. ANALYSIS OF THE OPERATIVE RIGHTS REGIME

    i. Customary rights

    ii. Statutory rights

    iii. Convention rights

Discuss the relation between the advisory bodies and the individuals and institutions, the effectiveness of regime, the underlying functional and success aspect. To identify the roles and responsibilities and authorities of these monitoring bodies and where they lack in practice on ground.

5. UNDERSTAND THE EXISTING AND REQUIRED STRUCTURE OF MANAGEMENT SYSTEMS

Analysis of the existing systems, intermediate systems, gaps in the procedure of democracy; the need for inclusive approach. Its effectiveness and shortcomings.

6. CONCLUSION: Elaborate and highlight the commonalities of all the case studies and recommend a work process for a definitive approach.

7. Referencing and sourcing of information and images.

KEY OPERATIONAL POINTS:

- **PROCESS OF NOMINATION OF WESTERN GHATS AS A WORLD HERITAGE SITE:**

WII, a category II Center of UNESCO, had prepared the nomination dossier for Western Ghats, which was a serial nomination.1,40,00 sq.km. area, spanning in 4 states for nomination, inscribed with 7 clusters and 39 sites. There is a defined list of gaps in coverage, in terms of natural sites, by UNESCO and IUCN, Western Ghats is also identified with some gaps. The nomination demands a proof of the ability of the site to climate change proofing. The inscription is based on **endemism and point endemism**, *ex: Shola forests (Wet evergreen forests) the area is studded with these, which are rich in ecology and found only in India.*

The 39 sites were interlinked and the value cannot be described by isolating or deleting any of the sites, as they are mutually inclusive, interdependent in terms of natural values and evolving still.**This physical and metaphysical connectivity**

needs to be captured and described during nomination. Hence these clusters are important and were represented in the nomination as a sample of about 5%-10%. This nomination went under controversy with Dr. MadhavGadgil, WGEEP, an activist who was opposing the inscription of the Western Ghats as a World Heritage Site, and the tag will compromise the rights of the tribal and ethnic communities. Nature and culture component in life of people, of which they are not rationally aware, and these define the rights, and need to be brought in the context of identifying their rights.

♦ **DEFINING WHAT IS HERITAGE AND WHY REMEMBER:**

Heritage and tradition are different aspects, but tradition becomes heritage when the value of it transcends the defined tradition to a larger level, universal. Set of rules, laid by conventions, which one has to follow. But the purview of heritage is beyond the rules defined. Hence, it is vital to define the heritage and generate awareness in the local as well as universal communities, or it to be remembered and establish a connection. Humanity and heritage which is lost in war and terrorism needs to be conserved and propagated as world heritage.

♦ **INCENTIVE APPROACH TOWARDS HERITAGE MANAGEMENT:**

Heritage management should be pro-people. An approach towards social inclusion.Promotion and inculcation of 'conservation' of nature and culture as a habit, for a compensatory approach, to create awareness with in the local communities, so a give and take relation.

♦ **NEED FOR CAPACITY BUILDING:**

Transformation of life, in terms of 'consumerism' is antithetical to the idea of conservation of heritage and tradition. The balance between the aspiration to cater to the development and the idea of conservation can be achieved through capacity building and training and inculcating the values with in the communities.

♦ **ARTICULATION OF VALUE AND DE-CONTEXTUALIZATION:**

The definitions of the enabling factors and operational guidelines, we start attribute the values defined in a global perspective, but not adequately recognizing the substantive value, the local value. The local communities are the torch bearers of this local significance and hence, they should be given primary identification and importance in the recognition of their 'heritage' as a 'world heritage'. An operational system needs to be in place to address the local **context, values and rights** at a local and a global level, feeding into the management framework.

♦ **INCENTIVIZE HERITAGE:**

The capacity building program should tend to make conservation a habit and inculcate the value of heritage within the primary stakeholders, which can be a step forward, to ensure the inclusion of people in the process of management. Through education and institutionalization, one can integrate the values of conservation, which is inherent, but need to be addressed in the mainstream practices.

♦ **DEFINING THE SCOPE OF RIGHTS:**

Distinction between human rights, cultural rights, and right based approaches can account to rights based conservation approach

Human rights: Universal rights, globally shared and ratified by all countries, a legal rights of people to function in a society, to live without fear, threat and vulnerability and live in freedom.

Cultural rights: Deals with identity of an individual or a group of individual identity, often forced on individuals, to be socially accepted. (Modern traditional identities) One cannot assume that these identities are self-selected, but may be imposed. Hence, the emphasis of cultural rights is tends to be more with respect to individuals.

Rights based conservation approaches: Human's rights based approaches, where people's rights are not interference, repression, discrimination based on race, religion, gender, ethnicity, along with rights of indigenous rights, which are essential to be catered to during addressing issues of values, and context for conservation practice for natural and cultural heritage.

Cultural perception of the indigenous communities, (customary rights) but these customary practices need to be weighed carefully, as all the practices and customs adopted by communities, may not be healthy in term of other rights. Eg: Honor killings. Hence, these customary rights need to be defined very carefully, to bring them under the purview of rights based approach in conservation.

♦ **HERITAGE AND CULTURE IMPACT ASSESSMENT AND SAFEGUARDS:**
Environmental impact Assessment EIA (Environment Protection Act 1986) was mandated for all development projects in India.The format of EIA has undergone an evolutionary process, as previously only air, water and soil were identified, however later biodiversity was also included.

Environemtnal Impact Assessment	→	Biodiversty Impact Assessment	→	Environmental Social health Assessment

In 2006, a system of accreditation was introduced in the Quality Council of India, which provide technical support, expertise, terms of reference and transparency in the process of EIA which tremendously improved the EIA process and reports.
EIA is mandated for all projects within 10km of a national park, sanctuary for 30 categories of projects defined cleared at the state level and central government.

Heritage impact assessment HIA, is a simple clause in the act, which is not largely carried out in India. HIA, in India, has a legal backing from the ASI whereas **Cultural impact assessment CIA** does not have a legal framework, but no dedicated framework for IA. The development works within the 100 and 200 m restricted and regulated zones defined by the ASI, needs to be defined in detail further as heritage and culture is not constricted within these boundaries and impacts needs a cumulative assessment.

Safeguards come under the purview of the international advisory bodies (World Bank) for development projects. Cultural aspects have not been significantly identified or defined, only addressed as 'Physical Cultural Resource' but does not address the intangible aspect of heritage. The sustainable development goals of UN (three aspects identified: Environment, Economic and Social) and UNESCO is applying for Cultural aspect needs to be identified.

THE ANALYSIS OF CASE STUDIES FOR THIS PROJECT WITH RESPECT TO HIA/CIA, IT IS ESSENTIAL TO UNDERSTAND:

♦ The evolution of concept of EIA, HIA and CIA aspects it include

♦ The international bodies and the conventions to which India is signatory to.

♦ The advisory bodies involved in assessment

♦ A need for a definitive framework for the culture and heritage.

♦ **Tribal Ministry centric view of the Forest Rights Act 2006**

Development is about expanding choices. The approach of government to establish a connection between people, their habitats and their practices for subsistence and methods to safeguard the rights. The change in the approach of the government, through **73rd and 74th Indian constitutional amendments**, were a watershed moment, including the **PESA (Panchayat Extension to Scheduled Areas)** legislation and **Forest Rights Act (FRA 2006),** form a trilogy to address peoples issues and democracy at a national level. It needs significant amount of monitoring and a workable approach, to arrive at results and ensure that the provisions are not diluted or misinterpreted. The real battles are rights are found in the context of 'customary and traditional rights', as in the light of development of heritage recognition, these rights tend to get diluted. Successes of the FRA are seen extensively in the Schedule V areas. The rights based approach can be said to be a fundamental tenet and efforts need to be made that it remains the center piece in legislation.

♦ **Critics on FRA:** Gram Sabha was given statutory powers and also opened channels for flow of capital to the Gram Sabha, giving rise to privatized Joint Forest Management (JFM) practices, with foreign capital whereas the locals were less capable of handling this. The effect of this law will be extensive migration of ethnic groups to the city, as it fragments the land allotting 80% to the government, 20% to the tribal, out of which 15% is for community use and only 5% for personal use. Structurally, this act works in favor of the government, but does not empower the local communities. Hence, here the customary rights of the indigenous people are highly compromised and the foundational value of the forest is undermined.

To conclude, **capacity building** of the local governing bodies is the need of the hour, to address the rights and forest governance. Community resources need to maintain its value and ownership with the local custodians and should not be appropriated by vested interests. 8.5% of the total population is represented by the ethnic tribes and is important they retain control over their customary and traditional rights. Tribal Research Institutes (FRIs) which are mandated to document and showcase the efforts to empower the tribal and establish a living connect with other modern communities. Acculturation is evident, forced or self-imposed, because the tribes are vulnerable, which is essential to be dealt with very sensitively. Here, the capacity building effort should remain functional and central to people's lives, which will determine the sense of values to remain intact while there is change in their lifestyles. Many cases in India have expanded the understanding about **community and traditional rights and forest resource rights** which have not been encapsulated for a larger learning, and needs to define a framework for addressing these rights.

♦ **Intellectual Property Rights Regime:**

The traditional knowledge of extraction of medicine from the forests should be identified as a value intrinsic with the ethnic tribes. There is no documentation of this process and discovery on ground with the locals, but only happens in the laboratory. This IPR regime should be directed to benefit the communities and directly linked with Rights to Forest Resource.

♦ **ICOMOS India Scientific Symposium:**

The RBA research will be carried forward to a two year program, for the GA to be held in 2017. Conduct workshops and detailed case studies, once a framework has been concretized, can generate a detailed study on best case practices in WH properties in India.

Building capacity to support Rights Based Approach in the World Heritage Convention

Annexure III

TENTATIVE BUDGET ALLOCATION (From 16th May to 30th August 2015)

Total Budget = Rs. 250,000/-

- Research Associate for the entire period of the project = Rs. 60,000/- (8 week)
- Honorarium to experts (in the field of sociology etc on cultural rights; theory and practice to advice and review materials) Rs. 7,500/- x 4 = Rs. 30,000/-
- 5 Case studies 8,000 x 5= Rs. 40,000/-
- Regional consultation Rs. 5,000/- x 5 = Rs. 25,000/-
- Meeting in Dehradun WWI = 45,000/-

    - Boarding and lodging = Rs. 15,000/-
    - Travel = Rs. 30,000/-

- Stationary = Rs. 10,000/-
- Miscellaneous = Rs. 20,000/-
- Accounting, bookkeeping and auditing (The Lime Centre)= Rs. 20,000/-

REFERENCES

- Agriculture Network; www.agriculturesnetwork.org/magazines/india/3-farming-and-social inclusion/empowerment-of-soliga-tribes/at_download/article_pdf

- Archaeological Survey of India (ASI), Baroda Heritage Trust, Champaner – Pavagadh Archaeological park management authority (2013) *Integrated Management Plan of Campaner- Pavagadh Archeological Park CPAP.*

- Arokiasamy C. (2012); *Embedding shared heritage: the cultural heritage rights of London's African and Asian diaspora communities';* International Journal of Heritage Studies

- B. V. Droste et al.; (1998)*"Linking Nature and Culture";* Amsterdam, p. 221

- Bajali F. (2014) *"A tribal tradition faces extinction as urban culture seeps into the forests"* www.theweekendleader.com/Culture/2042/tribal-dilemma.html ; Accessed on 10th July 2015

- Banerjee S. (2014) *"Social and Economic life of Todas tribes"* http://www.importantindia.com/10089/social-and-economic-life-of-todas/; Accessed on 22nd July 2015.

- Baroda Heritage Trust ; ASI; INTACH (2002) *World Heritage Nomination dossier*

- Câmara C. (2011) *"Owning our: A case study on a development change intervention among tribal groups in South India" ;* Swedish Mission Council

- Census India; www.censusindia.gov.in/Tables_Published/SCST/dh_st_maha.pdf, http://trti.gujarat.gov.in/bhil; Accessed on 10th June 2015

- Desor, S. (ed) 2013. *Community forest rights under the Forest Rights Act: Citizen's Report 2013.* Kalpavriksh, Pune and Vasundhara, Bhuvaneshwar with Oxfam India, Delhi on behalf of Community Forest Rights Learning and Advocacy Process.

- District Of The Nilgiris District Administration (2012) *"Toda tribes"* www.nilgiris.nic.in/todas.html; Accessed on 22nd July 2015.

- EcoIndia *"Bhil Tribe";* http://www.ecoindia.com/tribes/bhils.html; Accessed on 10th July 2015

- Ekern S., Logan W., Birgitte Sauge B., Sinding-Larsen A (2012) *"Human rights and World Heritage: preserving our common dignity through rights-based approaches to site management"* ; International Journal of Heritage Studies; Vol. 18, No. 3, May 2012, pp. 213–225

- Engelhardt R., Rogers P. (2009) *"HOI AN protocols for best conservation practice in Asia";* UNESCO Bangkok

- Giblin J. (2014) *"Post-conflict heritage: symbolic healing and cultural renewal";* International Journal of Heritage Studies (IJHS); Volume 20, Issue 5, 2014

- Government of India – Planning Commission. 2008. *Report of the task group on problems of hilly habitations in areas covered by the hill areas development programme (HADP)/ Western Ghats Development Programme (WGDP)*

- Government of Kerala – Western Ghats Cell. 2014. *Western Ghat Development Programme – The detailed operational guidelines of WGDP (G.O.(MS) NO. 16/2014/PLG. Dated. 30.04.2014)*

- Guha K. (2005); *'Why Sikhs don't want the Golden Temple to be declared a World Heritage Site';* www.scroll.in; Accessed on 10th July 2015

- Hill areas development programme (HADP)/ Western Ghats Development Programme(WGDP) (2008); *"Report of the task group on problems of hilly habitations in areas"*; Government of India Planning Commission; http://planningcommission.nic.in/aboutus/committee/wrkgrp11/tg11_hillarea.pdf; Accessed on 5th June 2015

♦ Hinduism Today; *Buddhists seek control over Mahabodhi temple management'*. March 28, 2008

♦ Indian Mirror- *"Toda tribes"*; *www.indianmirror.com/tribes/todatribe.html*; Accessed on 5th June 2015

♦ IUCN Technical Evaluation report (2012); *"Western Ghats (India)";* ID no. 1342 Rev; http://whc.unesco.org/archive/advisory_body_evaluation/1342rev.pdf

♦ K. ELST: *"The Bodh Gaya temple controversy";* http://koenraadelst.bharatvani.org/books/acat/ch3.htm; Accessed on 1st June 2015

♦ Kamat; *"Halakki Farmers of Uttara Kannada"*; www.kamat.com/kalranga/people/halakki.htm; Accessed on 15 July 2015.

♦ Larsen P (2014) *"Moving towards effective Rights Based Approaches and Good Practice in the World Heritage system"* ICOMOS Norway

♦ Logan W. (2012); *"States, Governance and the politics of culture"*; Deakin University Library

♦ Madegowda C. (2009); *"Traditional Knowledge and Conservation-Soliga tribe";* Ashoka Trust for Research in Ecology; Environment, Bangalore; Economic & Political Weekly (EPW) may 23, 2009 Vol. XLIV no 21

♦ Matsuura K. (2004) *"Globalization, intangible cultural heritage and the role of UNESCO"; UNESCO,* United Nations University.

♦ Modi Mithal S. (2008); *"Champaner-Pavagadh – Managing conflicts – A conservation challenge";* People for Heritage Concern, Surat; Taylor & Francis Group, London, UK.

♦ Ndoro W, Pwiti G (2009) "Moving towards effective Rights Based Approaches and Good Practice in the World Heritage system" ICCROM; African Cultural Heritage Organization.

♦ Nwegbu N., Eze C., Asogwa B. (2011) *"Globalization of Cultural Heritage: Issues, Impacts, and Inevitable Challenges";* Library Philosophy and Practice; ISSN 1522-0222

♦ Ramachandran B. (2004) *"Transmutation of Economy and Transference of Status- A Case Study From Tribal Wayanad"* ; Department of Anthropology, Kannur University Thalassery Campus, Kerala

♦ Sarin, M. and O. Springate- Baginski. 2010. "*India's Forest Rights Act: The anatomy of a necessary but not sufficient institutional reform";* IPPG Discussion Paper Series No. 45, Manchester.

♦ Sathyapalan, J. 2010. "*Implementation of the Forest Rights Act in the the Western Ghats region of Kerala*" Economic and Political Weekly Vol. XLV No. 30.

♦ Save Western Ghats group (2012); http://www.savethewesternghats.org; Accessed on 15th June 2015

♦ Shiva B (2011); *"Indigenous Peoples and Environmental Ethics : The Kaani Tribe in India";* www.ecowalkthetalk.com/blog/2011/09/07/organic-living-culture-of-the-hill-kani-tribe/; Accessed on 15th June 2015

♦ Shodhganga "Conclusion, Findings and Recommendations for Paniya tribes"; www.shodhganga.inflibnet.ac.in/bitstream/10603/1030/16/16_chapter%208.pdf

♦ Shodhganga "Objectives and methods of study for Soliga tribes"; www.shodhganga.inflibnet.ac.in/bitstream/10603/35935/5/chapter%203.pdf

♦ Shodhganga; *"Adiyan"*; http://shodhganga.inflibnet.ac.in/bitstream/10603/24419/11/11_chapter4.pdf

♦ Shodhganga; *"Paniya"*; www.shodhganga.inflibnet.ac.in:8080/jspui/bitstream/10603/222/16/16_chapter7.pdf

♦ Shodhganga; *"Siddis"*; www.shodhganga.inflibnet.ac.in:8080/jspui/bitstream/10603/15838/8/08_chapter%201.pdf; Accessed on 12th July 2015

♦ The Australia ICOMOS Charter for Places of Cultural Significance (1979) *"Burra charter"*

♦ The Hindu *Amendment allows non-Hindu to head Bodh Gaya temple committee'* ; August 1, 2013

♦ The World Heritage Committee (WHC); *31st session of the World Heritage Committee (Christchurch, July 2007) Decision-31 COM 7B.82,*

♦ TNN, Yudhvir Rana ; *'Unesco confirms Golden Temple not to be considered for world heritage list'* ; May 1, 2015, 01.44 am IST

♦ Triandis, Harry C. (2001) *"Individualism-Collectivism and Personality";* Journal of Personality.

♦ UNDP. (2012) *"Recognition of community rights under the Forest Rights Act."*; Samarthan – Centre for Development Support & UNDP-India, New Delhi.

♦ UNESCO -SOC; *"State of Conservation report"*; http://whc.unesco.org/en/soc/1450

♦ Wescoat J. (2007) *The Indo-Islamic Garden: Conflict, Conservation and Conciliation in Gujarat, India';* H. Silverman and D.F. Ruggles (eds.) Cultural Heritage and Human Rights.

♦ Wikipedia; *"Siddis of Karnataka"*; www.wikipedia.org/wiki/Siddis_of_Karnataka; Accessed on 10th June 2015

♦ Wood E. (1972); *"Mind and Politics: An Approach to the Meaning of Liberal and Socialist Individualism."* University of California Press.. ISBN 0-520-02029-4. Pg. 6

♦ www.change.org ; *To Delete the name of Sri Harmandar Sahib, Amritsar Sahib from the world heritage nomination list* (Tentative)sent by IndiaGovt. in 2014 by Kaur Amarjit Kaur Hasselt, Belgium

♦ Zaraska N. (1997) *"Health behaviors of the Soliga tribe women";* Queen's University, Canada