

LAW, DEVELOPMENT, AND HERITAGE PRESERVATION IN INDIA

EAS 731, ECON 741, EDUC 717, LAW 741, PUBHLTH 741, PUBPOL 710, SI 605, SW 741

Meets from 3:15pm – 6:30pm on Tuesdays at Room 1070 South Hall, Law School

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COURSE DESCRIPTION

In India — as in many parts of the world — economic growth and development have been key focus areas for successive Governments. However, development often generates costs that force us to address difficult trade offs, such as the possible advantages to enhancing economic well-being and the potential threats to the environment and heritage preservation from certain policies and reforms. For example, although India has obtained substantial economic growth in the last two decades there has also been deterioration in several aspects of India’s heritage – with only a small fraction of pre-colonial monuments in India receiving federal protection and many of these (including many iconic Indian sites) facing threats from demolition, desecration, decay and pollution amongst others. Similarly, other aspects of India’s rich heritage (e.g., traditional knowledge, languages) have witnessed both neglect and rapid commercialization with little effective legal or political oversight. In this seminar, we focus on these kinds of issues in the Indian context and explore what the role of the law is, and could be, in mediating and balancing these concerns in concrete contexts.

We will first survey the salient features of India’s Constitution and polity and gauge the state of its economy and its environment. This will involve examining laws and policies related to property, judicial process, contract, tourism, historic preservation, and intellectual property amongst others. Along with this, we will examine theories and practices of historic preservation and consider the protection of and pressures on monuments and sites as well as other aspects of India’s heritage (e.g., traditional knowledge). We then consider critical and timely debates that lie at the intersection of law, development, and heritage preservation and which are occupying the front pages in national news publications. These include: the Ayodhya controversy, the yellowing of the Taj Mahal’s white marble; a proposition by the government to amend a law that prohibits construction activity in a protected site’s immediate vicinity; the government’s decision to hand over the maintenance of sites of historical significance to hand-picked corporate houses, profiting off of traditional medicine and knowledge, and the desire of captains of industry to openly allow the sale of antiquities in India.

Thereafter, the class will concern itself with addressing a problem: drafting a bill aimed at protecting archaeological monuments, sites, and intangible heritage in Uttarakhand, a newly created border state in the Himalayas in northern India, and at the same time working within the framework of extant national and state laws, and meeting the demands of equitable economic growth, sustainable development, and national security. Finally, students will present their resolution to this challenge before a panel.

Students who enroll in this class will likely hear from archaeologists, attorneys, bureaucrats, environmentalists, journalists, urban planners, and other stakeholders. This practice-oriented training will provide students with the skills necessary should they wish to pursue careers in diverse fields of law including cultural property, environment, historical preservation, and land use. In addition, students will have developed or refined their skills in multi-disciplinary teambuilding and collaboration, integrating diverse bodies of knowledge, problem-solving, and communication.

LECTURE AND READING SCHEDULE

Important Note: We are deliberately not structuring this course as a conventional graduate course involving linear delivery of prepared content. The end goal is for *you, the students*, to begin articulating solutions to big problems in the world. Further, while we have spent a fair amount of time preparing for the course, we have not yet sketched out the entire agenda because we need to steer the ship in response to the questions you have, and the information that materializes during our shared discovery process. Furthermore, many experts who we want to make available to the class are busy people with shifting schedules; this may lead to shifts in the time table. We may also adjust the reading list. Please enter the course with a spirit of flexibility, creativity, and ingenuity.

Tues., Sept. 4: Introduction, Part 1: Course Overview

Topics

- Faculty and student introductions
- Introduction to course topic, class challenge, course structure, expectations, learning outcomes, policies, effective communication across disciplines, review of logistical matters and so forth.
- Short Lecture: Why monuments matter: A history of India in 25 objects and a brief survey of protection of and pressures on monuments and sites in the country today.
- Short Lecture: Overview of India's constitution, socio-political, and economic structure, pressing issues facing the country.
- Discussion on the readings

Required Readings:

- Vidya Dehejia, *Indian Art* (London: Phaidon, 1997).
- T.C.A. Anant & N.L. Mitra, *The Role of Law and Legal Institutions in Asian Economic Development: The Case of India* (1998). Available at: <https://sites.hks.harvard.edu/cid/hiid/662.pdf>. We will focus on pages 1-22, 34-37, 45-60, 61 – 64 & 73 – 74.
- Douglass C. North, “*Institutions*”, JOURNAL OF ECONOMIC PERSPECTIVES 5: 97 – 112 (1991).

Skim over the following (related to law and its enforcement in India):

- Corruption:
 - <https://www.transparency.org/country/IND>.
 - <http://www.enterprisesurveys.org/data/exploreeconomies/2014/india>. Right to Information Act: http://en.wikipedia.org/wiki/Right_to_Information_Act.
- Delays in Court:
 - Please read pages 1 – 10 and 34 – 36 of: Maja B. Micevska & Arnab K. Hazra, *The Problem of Court Congestion: Evidence from Indian Lower Courts* (2004), available at: http://www.econstor.eu/dspace/bitstream/10419/21844/1/zef_dp88.pdf or <http://www.diw.de/documents/dokumentenarchiv/17/41409/Paper---145.pdf>. This paper is available in JUDICIAL REFORMS IN INDIA: ISSUES AND ASPECTS, ARNAB KUMAR HAZRA & BIBEK DEBROY (eds. 2007).

- Contract Enforcement and Arbitration:
 - Umer A. Chaudhry, Marking their Territory: *Bharat Aluminum v. Kaiser Aluminum Technical Services* (2012). Available at: <http://arbitrationblog.kluwerarbitration.com/2012/09/13/marking-their-territory-bharat-aluminum-v-kaiser-aluminum-technical-services-2012/>.

Fri. Sept., 7: Introduction, Part 2: Mandatory PSI Boot Camp for all PSI students (South Hall, 1 – 5 pm)

The goal of the Boot Camp is to provide students with a foundation and a set of skills that they can apply throughout the semester. Patrick Barry will present a module on communication skills for the first hour of the Boot Camp (1:00-2:00 pm). In this session, students will learn how to communicate new ideas effectively. The remaining three hours (2:00-5:00 pm) of the Boot Camp will be a module on Creative Problem Solving (“CPS”) run by Andy Burnett. During this session, students will be introduced to the CPS model. The idea behind the CPS model is that skills to improve creativity and problem-solving abilities can be taught and/or developed. The CPS approach is intended to help PSI students as they assess solutions to their class challenge; work with team members; bring to bear their expertise, skills, and ideas; and take responsibility for their own learning.

*In advance of the boot camp you should watch *Introduction* and the *Basics of Creative Behavior* (videos 1-5) from Andy Burnett’s Creative Problem Solving series (CPS)

<https://www.udemy.com/the-creative-thinking-course/?couponCode=PSI2018>. To view videos, students will need to click on the link; click on "Enroll Now;" and sign up to create an account. On the next screen, click on the red button "Continue to Lecture 1" to begin viewing videos.

Following the boot camp you should watch (videos 1-6) in the series. Visit: <https://www.udemy.com/the-creative-thinking-course/?couponCode=PSI2018>.

Tues., Sept. 11: The Precolonial and Colonial Pasts Before Us

Topics:

- Short Lecture: Theory and Practice of Land Ownership in Precolonial South Asia (Professor Timothy Lubin, Washington & Lee University – School of Law via Skype)
- Short Lecture: Guiding principles of British law and their application to legislation passed in colonial India especially with regard to the acquisition, ownership, and transfer of land by individuals and by the state.
- Short Lecture: The emergence of the concept of ‘heritage’ in colonial India.
- Discussion on readings and parsing of the earliest heritage acts.

Required Readings:

- Timothy Lubin, “The Theory and Practice of Property in Premodern South Asia; Disparities and Convergences” *Journal of the Economic and Social History of the Orient* 61.5/6 (2018); Washington & Lee Legal Studies Paper No.2017-3.
- Bernard S. Cohn, “The Transformation of Objects into Artefacts, Antiquities, and Art in Nineteenth-Century India,” in *Colonialism and its Forms of Knowledge: the British in India* (Princeton: Princeton University Press, 1996), 77-105.
- The Treasure Trove Act, 1878.
<https://indiaculture.nic.in/sites/default/files/Legislations/9.pdf>
- The Ancient Monuments Preservation Act, 1904
<http://asi.nic.in/wp-content/uploads/2015/07/5.pdf>
- Please read pages 1190 – 99 of: Abhijit Banerjee & Lakshmi Ayer, *History, Institutions and Economic Performance: The Legacy of Colonial Land Tenure Systems in India*, 95 AMERICAN ECONOMIC REVIEW 1190 (2005).

Skim over the following:

- Zamindar: http://www.banglapedia.org/httpdocs/HT/Z_0009.HTM

Tues., Sept. 18: The Demands of Independence

Topics:

- Short Lecture: Drafting and ratification of the constitution, rise of new discourses on development in Nehru's India, continuation of existing land acts, and the passage of laws pertaining to land ceiling, tenancy, eminent domain etc, how the government holds and exercises power, and rise of new ideas of justice.
- Short Lecture: The impact of independence and partition on protected areas, sites, and ideas of built heritage, institutional building and archaeological research, repeal of old laws and passing of new laws in the wake of national and international developments.
- Short Guest Lecture: Likely by Dr. Vyjayanthi Rao (Director of Terreform Center for Advanced Urban Research, New York, via Skype)
- Discussion of readings and parsing of acts.

Required Readings:

- Vyjayanthi Rao, "The Future in Ruins," in Ann Lauren Stole red., *Imperial Debris: On Ruins and Ruination* (Durham: Duke University Press, 2013), 217-221.
- The Ancient Monuments and Archaeological Sites and Remains Act, 1958
- https://indiaculture.nic.in/sites/default/files/acts_rules/TheAncientMonumentsandArchaeologicalSitesandRemainsAct1958_12.03.2018.pdf
- The Ancient Monuments and Archaeological Sites and Remains Rules 1959
- http://www.asichennai.gov.in/downloads/amasr_act_1958.pdf
- The Antiquities and Art Treasures Act, 1972 and the Antiquities and Art Treasures Rules, 1973
- http://www.unesco.org/culture/natlaws/media/pdf/india/inde_act52_1972_enorof

Skim over the following:

- Uniform Civil Code of India: http://en.wikipedia.org/wiki/Uniform_civil_code.
- Caste system in India: http://en.wikipedia.org/wiki/Indian_caste_system.
- Only pages 1302 – 1307 of: Clark D. Cunningham & N.R. Madhava Menon, *Race, Class, Caste...? Rethinking Affirmative Action*, 97 MICHIGAN LAW REVIEW 1296 – 1310 (1999).
- Amartya Sen, *More Than 100 Million Women Are Missing*, THE NEW YORK REVIEW OF BOOKS (1990). Available at: <http://ucatlasc.ucsc.edu/gender/Sen100M.html>.

Tues., Sept. 25: Embattled Present-1: India's Economy and Environment, Liberalization to Present

Topics:

- Lecture: State of India's Economy
- Guest Lecture: State of India's Environment (by Dr. Sejal Worah, Director, World Wide Fund for Nature (WWF-India) via Skype from New Delhi).

Required Readings:

- Discussion of Economic Survey 2018 (key highlights and state of economy from <http://mofapp.nic.in:8080/economicsurvey/>).
- Kochhar, Kalpana and Rajan, Raghuram G. and Subramanian, Arvind and Tokatlidis, Ioannis, *India's Pattern of Development: What Happened, What Follows?* (January 2006). IMF Working Paper, pp. 1-70, 2006. Available at SSRN: <https://ssrn.com/abstract=888167>.
- Vikramaditya S. Khanna, *Law, Institutions and Economic Development: Examining the Development of the Home Mortgage Market in India -- Can Two Wrongs Make a Right?* (2018). Available at SSRN: <https://ssrn.com/abstract=3032632> (and will be posted on Canvas).
- Sunita Narain, State of India's Environment, 2018, *Down to Earth* October 2017 (or other similar piece, TBD, will be posted on Canvas)

Skim over the following:

- Wildlife Protection Act, 1972. <http://envfor.nic.in/legis/wildlife/wildlife1.htm>.

Tues., Oct. 2: Embattled Present-2: Two Case Studies from Uttar Pradesh: Ayodhya and Taj Mahal.

Topics:

- Short Lecture: Overview of politics, economy, social issues etc. in Uttar Pradesh India's most populous state and the one that contributes over 110 seats to the Indian Parliament.
- Screening of a segment of *Purva Uttara*, a documentary film on the Taj Mahal (23-minutes long) conceptualized and narrated by Vidya Dehejia and directed by Shyam Benegal (1997)
- Short Lecture: Protection of and pressures on monuments in India in recent decades, with a special focus on activities in Uttar Pradesh and adjoining states
- Discussion on the readings.

Required Readings:

- Tapati Guha-Thakurta, "Archaeology and the Monument: On Two Contentious Sites of Faith and History," in *Monuments, Objects, Histories: Institutions of Art and in Colonial and Postcolonial India*, (New York: Columbia University Press, 2004), 268-304.
- A.G. Noorani, "Legal Aspects to the Ayodhya Issue," in Sarvepalli Gopal, *Anatomy of a Confrontation: Ayodhya and the Rise of Communal Politics in India* (London: Zed Books, 1993), 58-98.
- Romila Thapar, "The Verdict on Ayodhya: A Historian's Perspective," *The Hindu* October 10, 2010.
- Supreme Court Case: M.C. Mehta vs the Union of India and other court cases pertaining to the Taj Mahal (or another similar reading, will be posted on Canvas)
- Abhijit Banerjee, Rohini Pande & Felix Su, *Will caste be the future of Indian politics?*, HINDUSTAN TIMES, 4 April 2009. Available at: <http://www.hindustantimes.com/special-news-report/News/Will-caste-be-the-future-of-Indian-politics/Article1-396946.aspx>.
- Ashutosh Varshney, *India's Democratic Challenge*, FOREIGN AFFAIRS, March-April 2007. Available via the law library link on the www.law.umich.edu website.

Tues., Oct 9: Embattled Present-3, Ongoing debates

Topics:

- Class debates on other critical disputes on issues at the intersection of law, development, and heritage presentation in India today. For details see Course Requirements: Position Paper and Class Report section of the syllabus.
- If necessary, continuation of issues discussed in previous class meeting.
- Discussion of readings.

Required Readings:

- Amendment to the Ancient Monuments and Archaeological Sites and Remains Act, Gazette Notification, 2010.
<http://www.prsindia.org/uploads/media/Acts/Ancient%20Monuments%20and%20Archaeological%20Sites%20and%20Remains%20Act%202010.pdf>
- Report of the Comptroller and Auditor General of India, Report No. 18 of 2013, Performance Audit of Preservation and Conservation of Monuments and Antiquities, Union Government (Civil): Ministry of Culture, New Delhi, India.
https://cag.gov.in/sites/default/files/audit_report_files/Union_Performance_Ministry_Cultures_Monuments_Antiquities_18_2013.pdf
- Nachiket Chanchani, "Leaving No Stone Unturned," *The Hindu*, August 17, 2013.
<https://www.thehindu.com/opinion/lead/leaving-no-stone-untuned/article5029723.ece>

Tues., Oct. 16: No Class Meeting

Fall Break

Tues., Oct. 23: Embattled Present-4: Traditional Knowledge Systems (“Intangible Heritage”)

Topics:

- Lecture: Overview of Indian and international laws on patents, copyrights, intellectual property, intangible heritage, enforcement mechanisms, challenges to them and related issues.
- Short Lecture: Commoditization of Yoga and Ayurveda
- Guest lecture (Speaker Professor Madhavi Sunder (Georgetown Law) via Skype).

Required Readings:

- Pages 1 – 7 and 42 – 46 of: Anil Gupta, “Rewarding Traditional Knowledge and Contemporary Grassroots Creativity: The Role of Intellectual Property Protection”, paper presented at a seminar at Kennedy School, Harvard University, Boston, May 2000 <http://www.iimahd.ernet.in/~anilg/morepub/index.html> (search for paper N 116).
- Pages 75 –87 of: Bruce Abramson, “India’s Journey Toward an Effective Patent System,” World Bank Policy Research Working Paper No. 4301. Available at SSRN: <http://ssrn.com/abstract=1004843>.
- Krishna Ravi Srinivas, “Intellectual Property Rights and Traditional Knowledge: The Case of Yoga”, *Economic & Political Weekly* Vol. 47 No. 27 & 28, July 14-20, 2007, pp 2866 – 2871.

Tues., Oct. 30: Uttarakhand: Past, Present, and Future

Topics:

- Brief Lecture: The Formation of Uttarakhand
- Brief Lecture: Uttarakhand: Policies and Promises
- Guest Lecture: Looking after mountain terrain (possibly, a guest lecture TBD)
- Discussion on readings.

Required Readings:

- Likely: Nachiket Chanchani, *Mountain Temples and Temple Mountains: Architecture, Religion, and Nature in the Central Himalayas* (forthcoming 2019 University of Washington Press: Seattle) (excerpts)
- Ramachandra Guha, *The Unquiet Woods: Ecological Change and Peasant Resistance in India* (University of California Press: Berkeley, 1989) (excerpts)
- Landmark Supreme Court judgements on limestone mining in the Dehradun Valley (excerpts, details in due course)
- Supreme Court moratorium on construction in Mussoorie (excerpts, details in due course)

Tues., Nov. 6: Uttarakhand, Past, Present, and Future

Topics:

- Guest Lecture: Dr. Anup Kumar, Associate Professor of Policy and Communication, Cleveland State University.
- Screening of short, award-winning documentary film, *Dard-e-Ganga (The Agony of the Ganga)*, 2012.
- Discussion of readings and film.

Required Reading:

- Anup, Kumar *The Making of a Small State: Populist Social Mobilization and the Hindi Press* (New Delhi: Orient Black Swan, 2011) (excerpts, or another similar book).

Tues. Nov. 13: Preparation for Capstone Presentations

Topics:

- Guest Lecture: Professor George James (University of Texas, via Skype)

- Students will run much of the class with their respective teams on data gathering, discovery sessions, testing potential solutions, capstone preparation. In preparation for this session, you should watch CPS videos 16-19 series: Developing your Ideas, Planning for Action, and Review: <https://www.udemy.com/the-creative-thinking-course/?couponCode=PSI2018>.

Required Reading:

- George James, *Ecology is Permanent Economy: The Activism and Environmentalism of Sunderlal Bahugana* (Albany: State University of New York, 2013) (excerpts, or another similar reading on Sunderlal Bahugana's fight against Tehri Dam)

Tues., Nov. 20: Preparation for Capstone Presentations

- Students will work with their respective teams and across teams in pulling together materials for their capstone presentations.

Tues., Nov. 27: Dry-Run of Capstone Presentation

- Patrick Barry will offer comments following dry-runs.

Tues., Dec. 4: Final Capstone Presentations

- A class dinner will follow capstone presentations.

COURSE REQUIREMENTS

Legislation Analysis	Hard copy due Sept. 25	15%
Position Paper and Class Report	Hard copy due Oct. 9	15%
Reflection Paper	Hard copy due Nov. 6	15%
Capstone Project and Final Presentation	Hard copy due Dec. 4	30%
Regular Attendance and Informed Participation in All Class Meetings	Ongoing assessment	20%

Brief Descriptions of Course Requirements

Legislation Analysis (15%)

India has some of the oldest laws pertaining to historical preservation in the world. For this assignment, students will be asked to descriptively analyze two pieces of legislation; one passed in before Indian independence in 1947 and one passed after independence, and to thereafter to briefly situate them within the broader conversations and debates unfolding in the country.

- 1) Treasure Trove Act, 1878
- 2) Ancient Monuments and Preservation Act 1904
- 3) Ancient Monuments and Archaeological Sites and Remains Act 1958
 - a) Ancient Monuments and Archaeological Remains Rules 1959
 - b) Amendment to the Ancient Monuments and Archaeological Sites and Remains Act, 2010.
- 4) Antiquities and Art Treasures Act, 1972
 - a) Antiquities and Art Treasures Rules, 1973

Length: 6 pages long (double spaced, Times New Roman 12-point size with 1-inch margins on all sides). While evaluating your essay we will assess whether you have offered some context for the enactment of the legislation, summarized its provisions, gauged its strengths and weaknesses, and identified possible challenges in its implementation).

Position Paper and Class Report (15%)

In addition to the Babri Masjid-Ramjanmabhumi controversy raging at Ayodhya and the Supreme Court's recurrent admonitions to government agencies for failing to protect the Taj Mahal's from air pollution and other anthropogenic pressures, there are several other heated debates at the intersection of law, development, and heritage preservation unfolding in India today. For this assignment, each student will be assigned a hotly contested issue early on in the semester. The student will be encouraged to gather

evidence for a motion either for or against it, then make an in-class report on October 9. (presentation order to be determined in due course) and finally submit a position paper on the same day. (6 pages, double spaced, Times New Roman 12 point size with 1-inch margins on all sides)

Key Debates are:

1. Proposition by the Government of India to amend a law that prohibits construction activity within 300-meters of a ‘protected site’
2. Attempts by individuals and associations, some linked to provincial/national leaders to seek the return of the Kohinoor Diamond — now part of the British Crown Jewels — from the U.K.
3. Decision by the Government of India to transfer (on auction basis) to corporate houses, the maintenance of key sites of historical monuments and administration of tourism facilities. For example, the Red Fort in Delhi is to be managed by the Dalmia Bharat Group.
4. The viewpoint of many citizens and civil rights activists that the real solutions to challenges facing the preservation of India’s built heritage today are not that there not enough laws but that they are not being enforced. Many posit that corruption is the real reason for rot.
5. The desire of prominent gallerists, leading art collectors, some academics, and cultural policy makers to allow “antiquities” (legally defined as objects of historical value that are more than 100 years old) to be openly sold in India.
6. Whether human communities that have traditionally lived in forests (that are now regarded as “Protected Areas” i.e. Reserve Forests, Wildlife Sanctuaries, National Parks or Tiger Reserves) or in immediate proximity to them should continue to live in these places (and continue their traditional livelihoods which include grazing and the collecting of modest amounts of timber, honey and other forest products), or whether they should be relocated outside the park?
7. Whether age-old medicines that constitute India’s collective “intangible heritage” (such as home-ground turmeric paste which has antiseptic and other medicinal properties) might be patented by Euro-American biomedical corporations?
8. Whether women of menstruating age should be allowed to enter temples that they are currently bared from (e.g. Currently, temple authorities prohibit them from entering the ancient Ayappa temple at Sabarimala, Kerala)

Details: TBA

Reflection Paper (15%)

First, reflect upon how have citizen groups helped reshape the visions of the central and state governments in protecting Uttarakhand’s natural landscape and its resources? Next, discuss how, if at all, strategies adopted by them might help protect the state’s imperiled built heritage. (Draw upon the assigned readings that discuss the Chipko movement on the Sunderlal Bahugana and the Tehri Hydro-Electric Power Project, the Supreme Court order banning limestone mining in Dehradun, the Supreme Court moratorium’s on construction in Mussoorie and the role of the press in populist social mobilization) Length: 5 pages long (double spaced, Times New Roman 12 point size with 1-inch margins on all sides)

Due date: November 6

Capstone Project and Final Presentation (Class Challenge) 30%

There are several central government laws pertaining to the conservation of ancient and historical monuments and sites. These laws apply to about 3,600 monuments, a tiny fraction of India’s built heritage and are enforced through the Archaeological Survey of India. Since independence, some states have established their own directorates of archaeology and passed laws pertaining to preservation of built heritage in their own states. For example: The Gujarat Ancient Monuments and Archaeological Sites and Remains Act of 1965. Other states have neither set up such government departments nor passed such laws.

During the last quarter of the semester the students will work draft a comprehensive bill aimed at the conservation of the built heritage of Uttarakhand, a recently create mountainous state in northern India

that does not have any legislation to protect over several thousand imperiled and poorly documented buildings and sculptural ensembles fabricated in centuries past.

First, the class will collectively work on preliminaries (such as its title, extent, commencement, and the definition of key terms such as “ancient and historical monument,” “antiquity,” “archaeological officer,” “archaeological site and remains,” “collector,” “director,” “Land Acquisition Act,” “maintain,” “owner,” “prescribed,” “protected area,” and “protected monuments”). Thereafter, this larger endeavor will be broken up into smaller units, the primary responsibility for each will be with a group of 3-4 students.

Student groups will be assigned to work on particular chapters of the bill. chapters might include:

- power of state government to declare ancient and historical monuments to be protected monuments—acquisition of rights in a protected monument—preservation of a protected monument by agreement—owner under disability or not in possession—application of endowment to repair a protected monument—failure of refusal to enter into an agreement power to make order prohibiting contravention of agreement—enforcement of agreements—acquisition of protected monuments—maintenance of certain monuments—voluntary contributions—protection of a place of worship from misuse, pollution, or desecration—preservation of amenities of protected monuments—right of access to a protected monument
- definition and listings of protected monuments per older laws applicable in the region—power of state government to declare ancient and historical monuments to be protected sites—rights on enjoyment of property rights in protected areas—power to acquire a protected area
- power of state government in controlling the movement of antiquities—purchase of antiquities by state government
- compensation for loss or damage—assessment of market value for compensation—special provisions for compensation, if any.
- Establishing a state advisory board—delegation of powers—power to issue directions—jurisdiction to try offsets—certain offenses to be cognizable—special provisions regarding fines—recovery of amounts by government—monuments and sites which have ceased to be protected monuments and sites—power to correct mistakes—power to make rules—application of certain other laws not barred—repeal and saving

Next, the groups will work together in drafting the bill and finally they will make present its chapters and articles to a panel on December 4. Structure of this meeting:

Students will present the class solution — possibly to an outside panel of experts — at a capstone in December. Following brief introductions, the class will present for roughly 30 minutes. You then will have approximately 30 minutes to engage with panelist questions and comments and 20 minutes to respond to general audience Q&A.

Note on the Readings

An important requirement for this course is the student’s critical engagement of assigned readings. To facilitate an informed engagement, students are required to post at-least one question per week on the discussion board on Canvas (by Monday night), and come prepared to discuss it in class on Tuesday.

Students must purchase a copy of Vidya Dehejia’s *Indian Art* (London: Phaidon, 1997) and frequently reprinted since then. Used copies are available on Amazon.com (starting at \$15). Links to articles and freely laws available online are provided on the syllabus. Those articles and readings that are not freely available on the internet, will be scanned and uploaded on the Canvas website.

Regular Attendance and Informed Participation in Class Discussions (20%)

Attendance at every class session and at the meetings that you will schedule outside of class in preparation for the capstone event is mandatory. Final student grades will reflect class attendance and class participation. Students are expected to engage with guest speakers, classmates, and faculty members

regularly. Students are expected to complete readings and other tasks assigned by faculty members. Assessment of student in-class participation will be based on whether the student participated regularly and in a manner that fostered learning and added to class discussions and improved the final presentation, including posing questions to guest speakers, presenting relevant information to the class, and otherwise furthering the process of problem solving, team-based learning, and interaction across disciplines.

Disability Accommodations Statement:

The University of Michigan is committed to providing equal opportunity for participation in all programs, services, and activities. Requests for accommodations by students with disabilities may be made by contacting the University's Services for Students with Disabilities ("SSD") Office located at G-664 Haven Hall, 505 South State Street. The SSD phone number is 734-763-3000. Once your eligibility for an accommodation has been determined, SSD will contact Dean Martí in the Law School's Office of Student Life (734-764-0516, bayrex@umich.edu) with a recommendation, and he will work with you and SSD to finalize and facilitate your accommodations. For more information about this process, please feel welcome to contact Dean Martí.

Final Note: This syllabus is subject to modification and revision.