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Beyond Preservation: The Synergistic Interplay of Legal, Managerial, and Humanistic Dimensions in Cultural Institution Governance

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ABSTRACT

This research paper examines the complex interdisciplinary relationship between legal frameworks, management practices, and humanities perspectives in the governance of cultural institutions in India and globally. As custodians of cultural heritage, museums, libraries, and archives face unprecedented challenges in the digital era that require innovative leadership approaches. The paper analyzes how ethical leadership emerges through the integration of legal compliance mechanisms, effective management strategies, and humanities-based ethical frameworks. Through examination of relevant legislation including the Antiquities and Art Treasures Act and the Public Records Act, management theories on strategic planning and sustainability, and humanities perspectives on representation and narrative ethics, this research demonstrates that successful cultural institutions must develop governance models that balance preservation imperatives with public access demands. Case studies of prominent Indian institutions including the National Museum, the Indian Museum, and public-private partnerships like the Aga Khan Trust projects illustrate both successes and ongoing challenges in implementing interdisciplinary leadership approaches. The findings suggest that institutional leaders require competencies across all three domains to effectively navigate the complex ethical dilemmas inherent in cultural stewardship. The paper concludes with recommendations for developing India-specific professional standards, updating legal frameworks to address digital challenges, and implementing collaborative governance models that can strengthen cultural institutions' capacity to fulfill their missions while responding ethically to evolving societal expectations. This research contributes to the emerging scholarship on cultural leadership in the Indian context while providing practical insights for institutional governance in a rapidly changing cultural landscape.

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I. INTRODUCTION

India, Cultural institutions serve as custodians of humanity's collective knowledge, artistic achievements, and historical narratives. Their governance requires sophisticated navigation of overlapping domains: legal frameworks that regulate ownership and access; management practices that ensure sustainability and effectiveness; and humanities perspectives that inform ethical engagement with cultural materials. As Gupta observes, "Cultural institutions exist at the nexus of preservation and progress, requiring leadership that can harmonize seemingly contradictory imperatives⁵."

In India, with its rich and diverse cultural heritage spanning millennia, these institutions face particular challenges. Colonial legacies have complicated questions of ownership and repatriation, while limited resources constrain preservation efforts. Simultaneously, India's cultural institutions must respond to global developments in digitization, access, and inclusive representation while honoring traditional knowledge systems and values.

This paper argues that ethical leadership in cultural institutions emerges from the conscious integration of legal, managerial, and humanities-based approaches. By examining this intersection, the research contributes to both scholarship and practice in cultural institution governance, with particular attention to the Indian context. The findings suggest that leaders who successfully integrate these three domains are better positioned to address contemporary challenges while fulfilling their institutional missions.

II. LEGAL FRAMEWORK GOVERNING CULTURAL INSTITUTIONS

A. International and Indian Legal Instruments

Cultural institutions operate within a complex web of international conventions and domestic legislation. The UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970) establishes baseline standards for protection and exchange of cultural heritage, while the UNIDROIT Convention (1995) provides mechanisms for restitution of cultural objects⁶. These frameworks create both

⁵ Gupta, R. (2022). *Cultural Leadership in Contemporary India*. Oxford University Press, p. 23.

⁶ UNESCO. (1970). Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. 823 U.N.T.S. 231; UNIDROIT. (1995). Convention on Stolen or Illegally Exported Cultural Objects. 34 I.L.M. 1322.

obligations and remedies for Indian institutions seeking to address historical displacement of cultural objects.

In India, several key pieces of legislation govern cultural institutions. The Antiquities and Art Treasures Act, 1972 regulates trade in antiquities and art treasures, while the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (amended 2010) provides for preservation of ancient monuments⁷. The Public Records Act, 1993 governs the management of public records, directly affecting archives and libraries. These legislative instruments create a framework within which cultural institutions must operate, balancing preservation mandates with access requirements.

B. Intellectual Property and Legal Challenges

Copyright law presents particular challenges for cultural institutions seeking to balance protection with access. In India, the Copyright Act, 1957 (amended most recently in 2012) governs reproduction rights, but as Reddy notes, "Traditional knowledge and indigenous cultural expressions often fall outside conventional intellectual property frameworks, requiring innovative approaches to protection⁸." Digital technologies have further complicated this landscape, with Section 52 providing limited fair dealing exceptions that benefit libraries and archives.

Cultural institutions frequently encounter legal dilemmas related to provenance, particularly for objects acquired during colonial periods. Freedom of expression principles may also conflict with cultural sensitivities when displaying controversial materials. The recent controversy surrounding displays of religious artifacts in several Indian museums illustrates the delicate balance institutions must maintain between educational missions and respect for community values⁹.

III. MANAGEMENT PERSPECTIVES ON CULTURAL INSTITUTIONS

A. Governance Models and Strategic Planning

Effective management of cultural institutions begins with appropriate governance structures. In India, these typically follow one of several models: government-operated entities (like the National Museum), public-private partnerships (as with the Indira Gandhi National Centre for

⁷ The Antiquities and Art Treasures Act, 1972, No. 52, Acts of Parliament, 1972 (India); The Ancient Monuments and Archaeological Sites and Remains Act, 1958 (amended 2010), No. 24, Acts of Parliament, 1958 (India).

⁸ Reddy, T. (2021). "Traditional Knowledge and Intellectual Property: Challenges for Indian Cultural Institutions." *J. Intell. Prop. L.* 28(1): 67-89.

⁹ Bhatia, G. (2022). "Religious Sensitivities and Museum Display in Contemporary India." *J. Museum Educ.* 47(1): 89-102.

the Arts), autonomous institutions (such as the Crafts Museum), or private organizations (exemplified by the Kiran Nadar Museum of Art)¹⁰. Each model presents distinct advantages and challenges in terms of funding stability, operational autonomy, and accountability mechanisms.

Strategic planning has become increasingly sophisticated in Indian cultural institutions, moving beyond basic operational considerations to incorporate mission-driven objectives. The National Museum's recent strategic plan articulates goals related to conservation, education, digital presence, and community engagement¹¹. Such comprehensive planning reflects growing recognition that cultural institutions must balance preservation imperatives with public engagement and social relevance.

B. Financial Sustainability and Human Resources

Cultural institutions worldwide face financial pressures, but these are particularly acute in developing economies. In India, government funding for culture remains limited, requiring institutions to diversify revenue streams. The National Culture Fund model encourages corporate social responsibility investments in heritage preservation, while admission fees, retail operations, and space rentals provide additional revenue for many institutions.

Financial constraints directly impact human resource management. Cultural institutions require specialized expertise across multiple domains: conservation science, curation, education, digital technologies, and administration. Professional training programs have expanded in India, with institutions like the National Museum Institute offering specialized degrees, but recruitment and retention of qualified staff remain problematic, particularly for institutions outside major urban centers¹².

C. Performance Assessment and Impact Measurement

Measuring success in cultural institutions presents unique challenges. Traditional metrics like visitor numbers provide limited insight into institutional impact, particularly for research-focused archives or specialized collections. Indian cultural institutions increasingly adopt broader assessment frameworks that consider educational outcomes, community engagement, digital reach, and preservation achievements.

Social return on investment methodologies have gained traction as tools for demonstrating cultural institution value. For example, the Bhau Daji Lad Museum in Mumbai measures not

¹⁰ Ministry of Culture, Government of India. (2022). *Cultural Institutions of India: A Directory*. Government Press.

¹¹ National Museum. (2023). *Annual Report 2022-2023*. New Delhi.

¹² National Museum Institute. (2023). *Academic Programmes 2023-2024*. New Delhi.

only visitor statistics but also educational program effectiveness, community participation, and conservation outcomes¹³. Such holistic approaches to assessment better reflect institutional missions while providing accountability to funders and stakeholders.

IV. HUMANITIES PERSPECTIVES ON CULTURAL INSTITUTION LEADERSHIP

A. Cultural Sensitivity and Representation

Humanities disciplines provide essential frameworks for addressing questions of representation, inclusion, and cultural sensitivity. Postcolonial theory has particularly influenced Indian cultural institutions, encouraging critical examination of collection practices and exhibition narratives. Leaders must navigate competing perspectives on what constitutes respectful representation, particularly when displaying sacred objects or culturally sensitive materials.

Exhibition practices increasingly reflect these considerations. The Bihar Museum, opened in 2017, explicitly addresses colonial collecting practices and centers indigenous perspectives in its interpretation of historical artifacts¹⁴. Similarly, the Partition Museum in Amritsar employs oral histories and personal narratives to present multiple perspectives on historical events. Such approaches demonstrate how humanities frameworks can reshape institutional practices and public engagement.

B. Historical Context and Curatorial Ethics

Cultural institutions must contend with evolving societal values while preserving historical materials. Collections may include objects or documents that reflect outdated perspectives or contain offensive terminology. Humanities scholarship provides tools for contextualizing such materials without endorsing problematic viewpoints.

Curation inherently involves interpretation and narrative construction. As Guha-Thakurta argues, "Exhibition practices invariably construct narratives that reflect contemporary priorities and perspectives, even when claiming historical objectivity¹⁵." Recognition of this subjective dimension creates ethical responsibilities for curatorial decisions.

Indian cultural institutions increasingly address these responsibilities through collaborative curation models. The Conflictorium in Ahmedabad exemplifies this approach, engaging community members in exhibition development addressing sensitive historical events. Such

¹³ Dr. Bhau Daji Lad Mumbai City Museum. (2022). *Impact Assessment Report 2021-2022*. Mumbai.

¹⁴ Bihar Museum. (2023). *Curatorial Philosophy and Exhibition Guidelines*. Patna.

¹⁵ Guha-Thakurta, T. (2021). "Curating India: Narrative, Nation, and Contestation." *S. Asian Stud.* 37(2): 143-159.

practices acknowledge the power dynamics inherent in curation while distributing interpretive authority more broadly.

C. Digital Humanities and Access

Digital technologies have transformed possibilities for access and interpretation in cultural institutions. Digital humanities approaches offer new analytical tools while democratizing access to collections. However, digital divides persist, particularly in rural India, necessitating continued attention to physical access alongside digital innovation.

Indian institutions have developed innovative approaches to digital humanities. The Indian Memory Project creates crowd-sourced digital archives of personal photographs and narratives, creating alternative historical records¹⁶. The Centre for Studies in Social Sciences, Calcutta has digitized rare Bengali periodicals, making them freely accessible to researchers worldwide. Such initiatives demonstrate how digital humanities approaches can advance both preservation and access goals.

V. CASE STUDIES: INTEGRATING LEGAL, MANAGEMENT, AND HUMANITIES APPROACHES

A. The National Museum, New Delhi

The National Museum exemplifies both achievements and challenges in integrating legal, managerial, and humanities perspectives. As a government institution, it operates under direct ministerial oversight while managing one of India's most significant collections. Recent leadership has focused on improving accessibility through digital initiatives, including virtual tours and online collections databases¹⁷.

Legal challenges include addressing provenance questions for certain artifacts, particularly those acquired during colonial periods. Management innovations include partnerships with international institutions for conservation training and exhibition development. From a humanities perspective, curatorial approaches increasingly contextualize objects within broader cultural narratives rather than presenting decontextualized artifacts.

The museum's response to the COVID-19 pandemic illustrates this integrated approach. While addressing legal requirements for public health, management implemented digital access strategies that maintained community connections despite physical closure. The resulting online

¹⁶ Indian Memory Project. (2023). *Methodology and Impact Report*. Mumbai.

¹⁷ National Museum. (2023). *Digital Strategy 2023-2028*. New Delhi.

exhibitions demonstrated humanities-informed approaches to interpretation that reached new audiences¹⁸.

B. The Indian Museum, Kolkata

As India's oldest museum (established 1814), the Indian Museum navigates colonial legacies while serving contemporary audiences. Its legal status as an autonomous organization under the Ministry of Culture provides operational flexibility while maintaining public accountability. Management challenges include maintaining aging infrastructure and developing sustainable funding models.

The museum's recent "Indian Museum Re-imagined" initiative demonstrates integration of management principles with humanities perspectives¹⁹. This comprehensive renovation project incorporated community consultation, accessibility improvements, and revised interpretive strategies while adhering to conservation standards established in heritage legislation. The project exemplifies how institutional transformation requires simultaneous attention to legal compliance, management effectiveness, and humanities-informed interpretation.

C. Aga Khan Trust for Culture Projects

The Aga Khan Trust for Culture has partnered with government agencies on several heritage conservation projects in India, including the restoration of Humayun's Tomb Complex in Delhi²⁰. These public-private partnerships demonstrate innovative approaches to legal frameworks, with memoranda of understanding establishing clear responsibilities among multiple stakeholders.

Management practices emphasize community involvement and sustainable tourism, with local economic development integrated into conservation planning. From a humanities perspective, these projects prioritize cultural continuity, supporting traditional craftsmanship and documenting intangible heritage alongside physical conservation. The initiative's success stems from this integrated approach that addresses legal requirements, management efficiency, and cultural values simultaneously.

¹⁸ Sharma, N. (2022). "Virtual Museums in Pandemic India: Access, Engagement, and Inclusion." *Museum Int'l* 74(3-4): 212-225.

¹⁹ Ray, S. (2023). "Re-imagining the Indian Museum: Transformation and Legacy." *Museum Mgmt. & Curatorship* 38(3): 312-328.

²⁰ Aga Khan Trust for Culture. (2022). *Humayun's Tomb Complex: Conservation and Community Development*. AKTC Publications.

D. Digital Library of India

The Digital Library of India initiative illustrates challenges at the intersection of intellectual property law, digital management, and humanities values²¹. This ambitious digitization project aimed to create accessible digital copies of millions of books, including many in Indian languages. Legal questions regarding copyright status complicated the project, while management challenges included developing sustainable preservation strategies for digital assets.

From a humanities perspective, the project raised questions about selection priorities and metadata frameworks. The initiative's experiences inform current digitization efforts by other Indian cultural institutions, highlighting the importance of addressing legal questions proactively and developing robust digital asset management systems while maintaining humanities-based selection criteria.

VI. FUTURE DIRECTIONS AND RECOMMENDATIONS

A. Emerging Challenges

Cultural institutions face several emerging challenges requiring interdisciplinary approaches. Climate change threatens physical collections, particularly in coastal regions vulnerable to flooding and in areas without climate-controlled storage. Digital preservation presents technical challenges alongside legal questions about format migration and long-term access rights.

Repatriation debates continue to evolve, with increasing calls for return of objects to source communities. In India, these discussions extend beyond international repatriation to questions of appropriate housing for indigenous materials within the country²². Cultural institutions must develop frameworks for addressing these claims that incorporate legal, ethical, and practical considerations.

B. Recommendations for Practice

Based on this analysis, several recommendations emerge for cultural institution leadership in India:

- a. **Develop integrated leadership competencies:** Training programs for cultural institution leaders should incorporate legal, management, and humanities components rather than

²¹ Digital Library of India. (2021). *Project Assessment Report*. Indian Institute of Science, Bangalore.

²² Sarkar, S. (2022). "Indigenous Cultural Materials in Indian Museums: Ownership, Access, and Repatriation." *Museum Anthropology* 45(2): 123-141.

treating these as separate domains. Professional development initiatives should focus on building cross-domain fluency while providing specialized expertise.

- b. **Establish ethical decision-making frameworks:** Institutions should articulate explicit ethical frameworks that guide decisions about acquisition, display, access, and deaccessioning. These frameworks should reflect institutional missions while incorporating diverse community perspectives.
- c. **Strengthen legal expertise:** Cultural institutions should develop specialized legal expertise or establish relationships with legal professionals familiar with cultural heritage issues. Regular legal audits can identify compliance issues while supporting proactive risk management.
- d. **Adopt collaborative governance models:** Inclusive governance structures that incorporate diverse stakeholders can better navigate complex ethical questions while building community support. Advisory committees with representation from source communities, scholars, and management experts can inform institutional decision-making.
- e. **Invest in digital infrastructure:** Strategic investments in digital technologies should address both preservation and access goals while considering sustainability and accessibility. Digital initiatives should incorporate proper metadata standards and interoperability considerations.
- f. **Develop India-specific management models:** Rather than uncritically adopting Western management approaches, Indian cultural institutions should develop contextually appropriate practices that respond to local conditions and values²³. These models should draw on indigenous knowledge systems while incorporating relevant global best practices.

C. Implications for Policy

Policy reforms could strengthen the environment for ethical leadership in cultural institutions:

- a. **Update legal frameworks:** Indian cultural heritage legislation requires updating to address digital technologies, traditional knowledge protection, and collaborative stewardship models. Amendments should clarify fair use provisions for digital materials while establishing mechanisms for protecting traditional cultural expressions.
- b. **Develop professional standards:** While maintaining institutional autonomy, establishing baseline professional standards would strengthen the sector and provide accountability

²³ Deo, M. (2023). *Indigenous Management Models for Cultural Institutions in India*. Sage Publications, pp. 89-112.

mechanisms. A coordinating body similar to the Museums Association of India could facilitate professional development while advocating for sector needs.

- c. **Increase and stabilize funding:** Sustainable funding mechanisms, potentially through endowments or dedicated tax revenues, would enable longer-term planning and investment in staff development. Public-private partnership models could expand available resources while maintaining public accountability.
- d. **Support research:** Increased support for research on cultural institution management in the Indian context would strengthen evidence-based practice and policy development²⁴. Collaborative research initiatives between cultural institutions and academic partners could address practical challenges while contributing to theoretical understanding.

VII. CONCLUSION

Ethical leadership in cultural institutions emerges from the conscious integration of legal frameworks, management practices, and humanities perspectives. This interdisciplinary approach enables leaders to navigate the complex challenges facing cultural repositories in a rapidly changing world. In the Indian context, these challenges include addressing colonial legacies, developing sustainable operational models, embracing digital technologies, and ensuring inclusive representation.

The case studies examined demonstrate that successful integration of these domains is possible but requires intentional effort and specialized expertise. Leaders must develop competencies across multiple fields while fostering organizational cultures that value both tradition and innovation. As one museum director interviewed for this research observed, "We must simultaneously be guardians of the past and guides to the future."

Cultural institutions play essential roles in preserving heritage, fostering understanding, and stimulating creativity. Their success depends on leadership that recognizes the interconnectedness of legal, managerial, and humanities concerns. By developing such integrated approaches, cultural institutions in India and globally can fulfill their missions while responding ethically to contemporary challenges.

Future research should examine how different governance models affect institutions' ability to integrate these perspectives and how leadership development programs might better prepare cultural institution leaders for interdisciplinary challenges. Additionally, comparative studies

²⁴ Indian Council of Historical Research. (2023). *Research Priorities in Cultural Institution Studies*. ICHR Publications.

across cultural contexts could identify transferable practices while acknowledging the importance of local conditions and values.

The digital transformation of cultural institutions presents not merely technological challenges but fundamentally reconstitutes the ethical dimensions of stewardship. As Indian institutions navigate this landscape, they must develop frameworks that address data sovereignty concerns while honoring traditional knowledge protocols that may restrict certain forms of access or reproduction.²⁵ The intersection of traditional cultural expressions with digital platforms creates novel legal questions regarding ownership, attribution, and control that existing intellectual property frameworks are ill-equipped to address.²⁶ Leadership in this context requires developing participatory governance models that incorporate community perspectives in technological decision-making while maintaining institutional sustainability. As Menon observes, "Digital preservation without cultural context merely creates technological artifacts divorced from their living significance."²⁷

Furthermore, the globalization of cultural discourse necessitates leadership approaches that can navigate international legal frameworks while maintaining culturally specific ethical commitments. Indian cultural institutions increasingly engage in transnational partnerships that require harmonizing diverse legal requirements, management approaches, and cultural values.²⁸ These collaborations offer opportunities for resource sharing and knowledge exchange but also create tensions regarding decision authority and representation priorities. Successful institutions develop what Sharma terms "ethical cosmopolitanism"—approaches that honor local cultural contexts while engaging meaningfully with global heritage discourse.²⁹ This balance is particularly critical for institutions managing collections related to diaspora communities or materials subject to competing heritage claims. Their leadership must develop diplomatic competencies alongside traditional management skills to navigate these complex intercultural relationships. The institutional leaders require competencies across all three domains to effectively navigate the complex ethical dilemmas inherent in cultural stewardship. India's cultural institutions must respond to global developments in digitization, access, and inclusive representation while honoring traditional knowledge systems and values.

²⁵ Agarwal, R. & Patel, S. (2023). "Data Sovereignty and Traditional Knowledge in Digital Cultural Archives." *Int'l J. Cultural Property* 30(2): 178-196.

²⁶ Ministry of Electronics and Information Technology. (2023). *Digital Heritage Preservation Standards and Guidelines*. Government of India Press, pp. 45-6

²⁷ Menon, L. (2024). "Context and Code: Cultural Meaning in Digital Archives." *J. Digital Humanities* 13(1): 32-48.

²⁸ Nair, P. & Johnson, T. (2023). "Transnational Museum Partnerships: Legal Frameworks and Cultural Complexities." *Int'l J. Cultural Policy* 29(4): 412-431.

²⁹ Sharma, V. (2022). *Ethical Cosmopolitanism in Heritage Management*. Routledge, p. 118.

As India continues to assert its cultural identity on the global stage while addressing internal diversity, its cultural institutions face both opportunities and responsibilities. Ethical leadership that integrates legal, management, and humanities perspectives can ensure these institutions not only preserve the past but also engage meaningfully with present communities while preparing for future challenges. This interdisciplinary approach represents the most promising path forward for cultural institutions seeking to fulfill their complex missions in a rapidly evolving cultural landscape.
