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The Plunder of India's Heritage

[Keynote Address delivered at the Indian Art History Congress, Pune,
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Kirit Mankodi

Indian people are becoming more and more aware about illicit trafficking of cultural properties of India this menace, and some private individuals have been making serious efforts in this direction. By vigorously pursuing thefts and illegal export of antiquities, it has been possible to reclaim our works of art from countries as far apart as the US, Germany and Australia. I cite here only a few examples out of many more that are being pursued: Two Cola sculptures were returned to India by Australia in 2014 after it was proved that these had been exported illegally from Tamil Nadu. The market value of the Nataraja, stolen in 1970 or earlier, was 5 million US \$. Two sculptures were stolen from a centrally protected site of the Archaeological Survey of India at Atru in Rajasthan in 2009, exported to the USA, and appeared in the market in 2010. They were tracked down, their ownership was proved, and they were handed over to India in 2014 by the US Homeland Security Investigations. They are valued at 2 million US \$ each.

The all but forgotten sculpture of Mahakoka Devata from Bharhut surfaced unexpectedly in the USA. The circumstances were as follows: Since 2011, the US Immigration and Customs Enforcement's Department of Homeland Security (ICE/DHS) has been investigating the activities of an Indian antique dealer, based in New York. The goddess seized by the Special Agents bore the name "Mahakoka Devata" and the name of the donor Chuladhaka (Gift of Chuladhaka (?)) from Purika, the superintendent of meals. Mahakoka Devata".

A second century BC female figure from Bharhut in Madhya Pradesh stolen in 2004 was tracked down in 2012 and is awaiting return to its owner after following legal procedure. It is a registered antiquity. Its market value is reported by the US Homeland Security Investigations at US \$ 15 million. The Tengapura Durga from Kashmir was repatriated from Germany this year (2016). A Brahma and consort was stolen from the museum at what is now the World Heritage site of the Ranki Vav stepped well at Patan in 2001; it was tracked down in 2012, and has finally been handed over to India on 1 October 2016. All these took years of effort on the part of private individuals. Their market worth is as mentioned here; the cultural value of these is of course incalculable. We can say without any hesitation that India, with its size and its great antiquity, has the richest artistic heritage of all descriptions anywhere in the world. Smuggling out of this wealth began after Indian art became better known and appreciated the world over, especially after Independence. India's Constitution enjoins upon its nationals the duty to preserve and protect the country's heritage.

Official agencies of the central government and of various State governments are in place to look after the archaeological sites and monuments. ASI has at least 3500 monuments of national importance. There are the World Heritage sites, such as Khajuraho or Pattadkal, where on any given day there would be a few hundred visitors. However, there are also secluded sites, whose very existence is unknown to most people. How many people have heard about places like Kaner ki Putali, Kari Talai, Atru, Kakuni, Bhim ki Chauri, where the ASI notice board would often be the only sentinel?

Before Independence, when India became a sovereign State, the country's art and antiquities could be removed from its shores. Since then, laws were enacted by

Parliament, and there is a UNESCO convention regarding the preservation of this heritage. There are mechanisms in place for the recovery of illegally exported heritage. Yet, there is a ceaseless and illicit flow of antiquities from our sites to foreign countries, where they adorn the large and rich museums and private collections. India's laws prohibit the removal of antiquities, whether protected by any official agency or not. These laws also prohibit the export of antiquities ("smuggling"). When such removal ("theft") takes place from an officially notified and centrally protected site, the offence is greater.

Conflicting Aims of Scholars and Dealers: The positions of scholars, and people interested in i.e. Antiquity on the one hand, and those of their smugglers and those who sponsor/promote theft on the other hand, are opposed to each other. The scholar aims to understand the true context of antiquities, a smuggler/dealer works for profit. The scholar's aim is to establish the time and place of an antiquity, a dealer may conceal its provenance to cover his tracks, he may declare false provenance. The scholar's aim is to preserve the work of art intact, a smuggler/dealer will not think twice before mutilating it, chopping off the head of a sculpture to steal, smuggle and sell it if he finds this convenient.

What can be done? What happens when antiques appear in the market? At present, when an Indian antique appears in the international market, there is hardly any way a potential buyer can find out its source, whether it is a stolen and illegally exported piece or a legally owned piece which left India's shores before 15 August 1947 and was part of some collection abroad. Of course, many private collectors might not care about buying illicit antiquities, but nowadays, large public museums would be more careful than before. There is the Art Loss Register in the UK and USA where a buyer can search if an antiquity was illegally placed on the market. The Art Loss Register, however, is not perfect. It

is not known if India's central or State agencies ever check the ALR or report thefts of art from their monuments to it.

No centralized documentation exists and is readily available to the public, in India or abroad, about thefts or smuggling of art objects from this country. Such documentation would include actionable information, such as the name of the site from where a theft has taken place, detailed description of a stolen antiquity, its measurements, photographs, and the first information report with the local police (FIR).

Theft may occur from a shrine in a small village unknown to most people, and although an FIR may have been lodged, the fact may never become generally known, the sculpture may be illegally exported and sold. Its purchaser may never learn about its source. Sources of Antiquities The sources from which dealers acquire their goods are never revealed if they are clandestine. The website www.plunderedpast.in has a Brahma from Devangan in Rajasthan, which was a published sculpture when it was stolen, exported, and offered for sale by the two prominent auction houses, Christie's and Sotheby's, and they even mutilated the figure to make it more "presentable" to purchasers.

Yet, when queried about their sources, neither auction house bothered to reply. In the 1980s, when Dr. Nagaraja Rao was Director General of ASI, he would send queries to auction houses about their own sources of acquisitions. I am not aware if this practice continues today.

General Documentation: Since the 1950s, the French Institute of Indology at Pondicherry has been building up photographic documentation of South Indian temples and sculptures; and since 1965, the American Academy of Benares/American Institute of Indian Studies has built up vast archives of temples and sculptures from all parts of the country. Archaeological Survey of India in its headquarters has its own photographs, and so do many of its Circles.

For many years, I have spent hours in the ASI photo section with the large format albums with its friendly staff. However, the ASI's photographs are not available online. General documentation of sculptures on the monuments, especially removable sculptures in niches, and female figures crowning the columns in temple *mandapas*, usually numbering eight, is a priority.

I believe that the hundreds of beautiful celestial females that we admire in museums and private collections have suspect origins. Consider the fact that a temple *mandapa* has as many as eight columns, each crowned by a heavenly figure. As an example, the Bahu temple at Nagda near Udaipur in Rajasthan had eight such figures, of which seven remained until 1994. Between 1994 and 2004, all seven were stolen. Photographs were obtained from the American Institute and circulated them and then also posted on www.plunderedpast.in. However, for placing photographs of sculptures on their websites, first the central and State agencies charged with protecting the monuments will need to build up good documentation from several angles, and make them available on their websites. ASI is not an investigative agency and it cannot stop thefts from all its 3,500-odd protected monuments; but surely it can add a page on its own website where pictures [not just single stamp-size pictures] and FIRs of stolen antiques can be posted. When a theft occurs, the fact could be publicised through newspaper advertisements with photographs, for wider dissemination of the news, which is a rather simple thing to do.

I understand that in Pakistan the courts have already asked for important thefts from sites like MohenjoDaro to be published in important newspapers. And I would say that when a stolen piece is recovered, that fact should also be recorded on the ASI's website, as is being done on www.plunderedpast.in. Defence by Western Museums Some Western museum experts argue that they are better equipped to look after our Art. They can preserve and display it better; they can put up its photographs, taken from many angles, on their websites, describe them

in all the world's leading languages—English, French, German, Japanese, Russian, and others as well—so they are accessible to a universal audience.

An article, "To Catch an Idol Thief", in *the Times of India's New Delhi edition* on 16 August 2015, discusses this question. The passage, "Whose Patrimony Is It?" speaks of the debate whether nations are right to be so possessive about their heritage. Some in the Western museum world are said to reject the "nationalistic-retentionist" arguments.

It is the World's collective heritage we are talking about, that is their position—we of the cosmopolitan museums are better equipped to preserve and display it—therefore you (poor nations!) give it up for us to look after it. Are these private managers asking that the Indian Parliament should change its laws? Imagine that those who come into "possession" of Indian sculptures by first violating India's laws are then turning around to ask Indians not to be possessive! Many of the Natarajas, Ganesas and celestial women are ending up in these cosmopolitan and private museums after they were clandestinely removed and exported from this country. Bonhomie with dealers and museum people gives legitimacy and respect to the antique trade, including illicit trade.

The chain of scout-picker- handler-exporter- auction house works underground. The curator or private collector who acquires a sculpture can hardly be unaware of the ways of the market, what happens before the sculpture comes to his collection. It was very likely violently wrenched from its wall, brutality was committed on the monument and on men guarding it (for example, the attendants of ASI's Kari Talai in Madhya Pradesh from where nine sculptures were stolen in one night in 2006 barely saved their skin, and a guard of the temple at Bhachunch in Himachal Pradesh was killed). Smaller countries are pursuing their antiquities illegally exported from their territories. Our country, with a central

archaeological authority, and many at the State level, cannot point out many instances of recovery.

India's art is indeed the whole world's patrimony; that is why some monuments are recognized as the World's Heritage. However, this patrimony originated on India's soil, it is a creation of this country's genius. Therefore, cosmopolitan museum directors, do not be patronizing, help preserve this heritage intact wherever it is. Do not encourage the violation of the laws of a sovereign country formed after Independence. Shun the sophistry. Shun the Christie's and Sotheby's—and all those who enjoy bonhomie with them. Let all who value the past and its art come to admire it in its home.

I say with some responsibility that the US police and the Australian museums want to trace smuggled art in their custody and return it to us, but we must want it first. With permission, I would like to show just a few visuals retrieved after they were illegally exported or are under process, starting with Atru. Two of these are from a site that has now been declared a World Heritage monument.

[There are a bunch of national and international laws protecting the cultural properties. At least six such acts and regulations were passed by Indian Legislature since Independence. Apart from the UNESCO convention the International Council of Museums (ICOM) has laid down some eight point principles of Code of ethics for museums as also finding out the means of prohibiting and preventing the illicit import and export and transfer of ownership of cultural property. ---- Editors Comments]