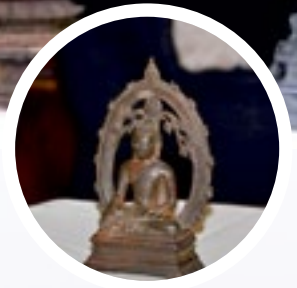




September 2020

Dr. Syama Prasad Mookerjee  
Research Foundation

## SPMRF OCCASIONAL PAPER



# The Return of India's Stolen Heritage

Sujan R. Chinoy



## Sujan R. Chinoy

Amb Sujan R. Chinoy is the Director General of the Manohar Parrikar Institute for Defence Studies and Analyses, New Delhi. A career diplomat of the Indian Foreign Service from 1981-2018, he was India's Ambassador to Japan and Mexico. He is an expert on China, Japan, the Indo-Pacific and on India's defence, security and foreign policy issues.

# The Return of India's Stolen Heritage

## **G**lobal Theft and Pillage of Antiquities

Media reports in mid-September reported that the United Kingdom had returned to India stolen idols of Lord Ram, Sita and Lakshman, dating back to the 15th century. The idols had been stolen from a temple in Tamil Nadu in 1978. Earlier, the British Government had returned to India the Bramha-Brahmani sculpture which was stolen from the World heritage site Rani Ki Vav, a 12th century bronze Buddha and other antiquities dating back to the 17th century, and a Shiva statue that belonged to the Ghateshwar Temple in Baroli in Rajasthan. These returned antiquities can be deemed to be a symbolic reward to the people of India coinciding with the 70th birthday celebrations of Prime Minister Narendra Modi.

On the 14th of July 2017, The Print ran a story titled "Under PM Modi, India got back more stolen antiquities in 3 years than the UPA government in 10 years". It said that since 2014, the Modi government had succeeded in bringing back to India 24 antiquities that had either been stolen or smuggled abroad. In contrast, it quoted the Archaeological Survey of India as stating that during 2009-2014, the government had only managed to retrieve one item. The then Director (Antiquities) of the ASI was quoted as saying that there had been a definite spurt in retrieving India's lost antiquities during the Modi years, whereas between 2004-2009 no such objects were brought back, and between 1976 and 2013, only a total of 13 antiquities had been brought back to India.

During a visit to London, one can chance upon the London Museum and there, come face to face with the famous Parthenon Marbles, more popularly known as the Elgin Marbles. These, like so many other antiquities, had been removed from the Temple of the Parthenon in Greece between 1801 and 1812 by agents of Thomas Bruce, the 7th Earl of Elgin, and shipped back to Britain. Elgin had subsequently made specious claims of having obtained a "firman" from the Ottoman Empire which ruled Greece during that period, but this has always been disputed. Under strong social opprobrium, including criticism from Lord Byron who described Elgin's acts as akin to vandalism and looting, the latter handed over the collection to the British Government in 1816 since when they have formed part of the display of Greek antiquities in the London Museum. The remaining collection is housed in the Acropolis Museum in Greece, facing the Temple of the Parthenon, with space vacant for display of the stolen collection as and when Britain takes that moral call of the conscience.

Greece and Egypt, like India and China, boast two of the ancient world's richest civilizations. Their antiquities were largely discovered during the 18th to early 20th century. This was a period that coincided with the industrial age in Europe and the formal and informal depredations of

antiquities from the ancient world carried out by colonial powers or self-proclaimed explorers and archaeologists who were little more than well-heeled collectors who could afford to finance missions of discovery in vulnerable parts of the world.

Apart from the Elgin Marbles, one has heard of the Nefertiti Bust, part of some 5,000 antiquities spread around museums and private collections around the world that Egypt has sought the return of. Today, the Bust of Queen Nefertiti, 3,400 years old, discovered by German archaeologist Ludwig Borchardt in 1912 and taken to Germany the following year, is part of the famous Egyptian collection at the Neues Museum in Berlin. Germany has yet to return it to Egypt.

Turkey has for years tried to secure the return of its antiquities from some of the world's largest museums including the Met, the Louvre, and the Pergamon. It has especially mounted a strong campaign to bring back the more than 2000-year-old marble torso called "Old Fisherman from Aphrodisias," which is currently on display in the Pergamon Museum in Berlin. The German authorities, however, have so far refused to return it, claiming that the piece was brought there in 1904 as part of an old collection of antiquities, apparently bought from an "art market" and therefore "legal".

In recent years, China has also made a concerted effort to bring home its antiquities. In this endeavor, the central government has often been assisted by generous patriotic entrepreneurs who take pride in financing the purchase from international auctions for a reverse collection, to be displayed in the country's national museums. The UK in particular, has been asked for the return of thousands of artefacts taken out of China over the centuries, including in times of strife such as the destruction of the Old Summer Palace in Beijing in 1860 and during the reprisals associated with the Boxer Rebellion in the late 19th century.

### **The Great Plunder of India's Treasures**

According to an article titled Antiquities Theft And Illicit Antiquities Trade in India, published on 22 October 2018 by Samayita Banerjee and Ishani Ghorai<sup>1</sup>, "In India between 1977 and 1979, nearly 3,000 thefts of antiquities were reported. In that same decade, more than 50,000 art objects were smuggled out of India as estimated by the UNESCO. The growing demand in the antiquities market for Indian art objects has led to major destruction and vandalism of archaeological sites in the country. However, looking at this issue of 'theft' from simply a statistical perspective remains a problem in the case of post-Independence India".

The authors have cited the mystery novel written in 1974 by distinguished film-maker Satyajit Ray, as a part of his detective novel and short story series on the adventures of private detective Pradosh Chandra Mitter, popularly known as Feluda. This novel Kailash-e Kelenkari was about the hunt for an illegally stolen Yakshi head from the Kailash temple at Ellora, India. The story, according to Samayita and Ishani, revolved around the search for the stolen head and the

---

1. Samayita Banerjee and Ishani Ghorai, "Antiquities Theft and Illicit Antiquities Trade in India", Sahapedia, October 22, 2018 at [https://www.sahapedia.org/antiquities-theft-and-illicit-antiquities-trade-india#\\_edn5](https://www.sahapedia.org/antiquities-theft-and-illicit-antiquities-trade-india#_edn5)

subsequent exposure of an intricate network in illegal antiquities trade. As they have rightly pointed out, “the story is popular for the mystery and the thrill that a good detective novel contains, but in composing it Ray highlighted one of the major problems that concerns the fate of historical sites of this country”.

India, in the 19th century, was completely under the domination of the British. Officers of the Raj devoted a fair bit of their time to collecting the antiquities of India, shipping home to the British Isles many artefacts for private enjoyment of their association with the Empire and enrichment in retirement. They decided arbitrarily what was valuable and what could be bought, sold and exported out of the country. The Archaeological Survey of India was established in 1861, but, as Samayita and Ishani point out, it was particularly Lord Curzon (1898-1905) who took the initiative to oppose the removal of Indian artefacts to the British museums and advocated their restoration of their place of origin. This was opposed by others who saw it as an infringement of the “rights of the British museums”. Sadly, Indian antiquities continued to be removed from the country.

There are a number of laws in India to govern the entire spectrum of issues relating to archaeological finds and preservation and protection of antiquities and art treasures. But these have either proved insufficient or have been exploited due to a number of factors including lax vigil, and the brazen activities of organized crime syndicates that engage in targeted theft and export of treasures, often with some abetment of corrupt middlemen and occasionally some officials.

The 1878 Treasure Trove Act requires the finder to report finding any object/objects to proper government agents. The government can acquire it by recompensing the owner the market value of the object to the owner plus an extra 20 per cent. This was followed in pre-independent India by the 1904 Ancient Monuments Preservation Act that sought to protect monuments and sites of archaeological and historical significance. After Independence, the 1947 Ancient Monuments Preservation Act was followed by the 1958 Act which complemented the pre-Independence 1947 Antiquities Export Control Act which was intended to regulate the trade in antiquities and permit the licensed export of antiquities.

Demand for Indian art and antiquities surged in the second half of the 20th century. The decades of the 1950s and 1960s witnessed the smuggling of many Indian treasures, with art dealers in India and around the world taking advantage of lax vigil about certification of provenance. Art galleries and museums around the world began to acquire Indian antiquities, especially in the United States.

The 1972 Antiquities and Art Treasure Act, implemented in 1976, strictly banned the export of any sort of archaeological object and also imposed stricter vigilance on individual ownerships of such objects. In short, all archaeological objects and sites were taken under state possession. Under this rule as well attempts started to be made to get back stolen antiquities.<sup>2</sup>

---

2. Biswas, S.S. (1991), *Protecting the Cultural Heritage*, New Delhi: Aryan Books International.

As Samayita and Ishani point out, one of the most famous cases was that of the Pathur Nataraja. This bronze statue of Nataraja, belonging to the Chola period, found itself at the centre of a High Court case between 1984 and 1988. It was supposedly unearthed in 1976 by a landless labourer Ramamoorthi, who sold it for money instead of informing the collector of the region. The statue had passed through a series of buyers until it was bought by the Bumper Development Oil Company of Canada and was subsequently sent to London for repairs, where it was identified as the stolen idol. The Nataraja was, however, won back by the Indian government in 1988.

Another example can be given of the Sivapuram Nataraja, which was stolen from a hoard of bronze idols in 1957. It fell in the hands of the American collector Norton Simon in 1973, who confessed that it was stolen. In his own words, as told to a Times of London reporter, 'Hell yes, it was smuggled, I spent between \$15 million and \$16 million over the last year on Asian Art, and most of it was smuggled.' He argued, in his defence, however, that it was not stolen (Davis 1997).<sup>3</sup> The idol was returned to India in 1986 after a ten-year lease to Simon.

These are, of course, a few of several major cases that can be mentioned in this article. Lord Curzon in his famous lecture delivered at the Asiatic Society on December 20, 1900 gave a list of the acts of vandalism that had been carried out in the Bentinck era. These included the destruction of the Taj marbles, leasing of the gardens at Sikandra to executive engineers for the purpose of 'speculative cultivation', and, of course, during the time of the Mutiny when countless monuments were destroyed and looted. And although these acts of vandalism may not be as extreme as they were in the 19th century, they continue to persist.

Smuggling of antiquities was first detected in 1936 when a French national from Pondicherry was caught sending objects to France with the help of two local men. From Khajuraho alone, over 100 erotic sculptures had been stolen between 1965 and 1970. Among two very famous cases, the burglary at the Jaipur Palace Museum from where almost 1,750 miniature paintings were removed stood out. The other one was the 1968 theft at the National Museum (New Delhi) where 125 pieces of antique jewellery and 32 rare gold coins went missing (Pal 1992). Although post-Independence India seems notorious when it comes to illegal theft and trafficking in antiquities, pre-Independence India too witnessed much of the same. Apart from the vandalism that took place in the 19th century that has been mentioned earlier, there are instances from the following century as well. Perhaps the biggest example is the presence of several Indus Valley objects in the London museum. But there will remain a difference in the magnitude of thefts since the terms 'foreign' and 'theft' had very different meanings in pre- and post-Independence India.

---

3. Samayita Banerjee and Ishani Ghorai, "Antiquities Theft and Illicit Antiquities Trade in India", Sahapedia, October 22, 2018 at [https://www.sahapedia.org/antiquities-theft-and-illicit-antiquities-trade-india#\\_edn5](https://www.sahapedia.org/antiquities-theft-and-illicit-antiquities-trade-india#_edn5)

4. Ibid

## **An Exceptional Brigand**

The most egregious case of the looting and sale of Indian antiquities in recent decades involves Subhash Kapoor, a New York-based art dealer. He is accused of running a racket involving theft and smuggling of treasures from India for sale to art galleries and museums around the world through his Art of the Past gallery in Manhattan. He was arrested in 2011 from Frankfurt International Airport and extradited to stand trial in India where he is currently in jail in Tamil Nadu.

In 2008, an 11th century Chola period bronze statue of a Dancing Shiva (the Sripuranthan Nataraja Idol) was stolen by a gang of thieves and local dealers, under specific orders, from the defunct ancient Brihadeeshwarar temple, smuggled to the United States with false papers of provenance and then sold to the National Gallery of Australia for a whopping sum of US \$5.1 million.

Of course, over the years a number of individuals and entities have contributed to a heightened awareness and effort in tracking down such art. S. Vijay Kumar, co-founder of the India Pride Project, who works for a shipping company in Singapore, was instrumental in tracking down a number of stolen Indian antiquities in museums and galleries around the world, including in Australia.

The biggest change in recent years is the personal interest taken by Prime Minister Narendra Modi in the return of stolen and illegally exported Indian art and antiquities. On 5 September 2014, the then Prime Minister of Australia Tony Abbott returned to Prime Minister Narendra Modi the Sripuranthan Nataraja Idol. Another piece, a sculpture of Ardhanariswara, which fuses Shiva and Pravati in a half man-half woman form, also sourced from Subhash Kapoor for more than US\$ 300,000 by the Art Gallery of New South Wales, was also returned.

In his remarks at the Joint Press Briefing, PM Modi expressed his gratitude—“At first, I would like to convey to Prime Minister Abbott the deep sense of gratitude of 1.25 billion people of India for the efforts he has made to bring with him two ancient statues that were stolen from India.

The moment we had conveyed our request for the return of these statues, his government took this decision with great speed. Prime Minister Abbott and the people of Australia have shown enormous respect and regard not only for our ancient treasure, but also for our cultural heritage”.

## **Renewed Focus After 2014**

After PM Modi's government took office in 2014, the authorities stepped up efforts to crack down on the gangs involved in the theft and smuggling abroad of Indian idols. Working in tandem with the state authorities, particularly in Tamil Nadu, they disrupted a large network operating from Chennai to Mumbai with links to museums and art galleries around the world. Art dealer Deena Dayalan of Chennai was one of the leading suppliers of art to be investigated for his activities.

On 7 June 2016, at a ceremony attended by Prime Minister Modi, the US committed to return

to India 200 artefacts valued in excess of US\$ 100 million in the international market. These included statues, bronze and terracotta pieces, some of them dating back 2,000 years, which were stolen from places of worship across India. Speaking at a media briefing on the occasion of the Prime Minister's visit, the Ambassador of India to the United States Arun Kumar Singh said "Now, in terms of the ceremony for return of a number of cultural artefacts, that was again very significant. It is an effort that has been ongoing for some time. There are large number of cultural artefacts from India who have been illegally taken to different parts of the World. There is a certain number also in United States. Governments in different countries including United States have been working very actively with us to identify those and find a way to repatriate them to India.

It's an ongoing process because some time processes have to be completed here in United States before the repatriation can be carried out, their legal judicial process and others, but for this particular ceremony, 12 pieces were identified as being ready to be handed back to the government and people of India. These are significant because some of them date back to a thousand years, from the period of the Chola Dynasty. Some of them date back to more than two thousand years, some terracotta pieces and others. So some very significant items have been handed over to us and of course now they will be repatriated to India".

Among these was a statue of Saint Manikkavichavakar, a Hindu mystic and poet from the Chola period (circa 850 AD to 1250 AD) stolen from the Sivan Temple in Chennai, and a bronze sculpture of Lord Ganesh estimated to be 1,000 years old.

The then official spokesman of the Ministry of External Affairs was asked at the media briefing as to what exactly had the Prime Minister said at the handing over ceremony regarding the return of India's stolen heritage. This is what he said in response to a question from LalitJha, correspondent of the PTI-

"Yes he did speak. Just look at my twitter handle and you will see some of the comments that Prime Minister made. Basically he talked about how these artefacts are not only India's link to its ancient civilization but these are treasures which should be enjoyed by the entire world and yet there are people who engage in illicit trafficking of these treasures and in that context he really thanked the Obama administration, President Obama in particular, the Attorney General.

Her entire team, which has worked tirelessly for many years to build a water-tight case after which only the decision was taken to return these artefacts and in fact the Attorney General mentioned that this is the launch of a process to return as many as 200 artefacts to India. Today, 12 have been returned but the process is underway to recover all the lost, stolen artefacts from India. She did mention the name of particular art-dealer also who was engaged in this particular exercise and how thanks to very strong cooperation between US and Indian enforcement agencies, these artefacts are being brought back to India. Prime Minister delved at great detail on how his own state of Gujarat in fact is a repository of so many ancient treasures including the city of Dholavira, which dates back to Mohenjo-Daro Harappa period, 5000 years of history, culture and how they connect between the past and the present. I think he really spoke with a lot of feeling, with a lot of emotion because of his own personal attachment to this project of returning India's cultural heritage".



Speaking at the handing over ceremony, US Attorney General Loretta E Lynch said that the artefacts were testimony to India's astounding history and beautiful culture and would be beginning their journey home."It is my hope - and the hope of the American people- that this repatriation will serve as a sign of our great respect for India's culture; our deep admiration for its people; and our sincere appreciation for the ties between our nations"she said.

Secretary of Homeland Security Jeh Johnson said in a statement "Protecting the cultural heritage of our global community is important work and we are committed to identifying and returning these priceless items to their countries of origin and rightful owners". He added that "it is the responsibility of law enforcement worldwide to ensure criminal smuggling organizations do not profit from the theft of these culturally and historically valuable items".

The majority of the antiquities repatriated in the ceremony were seizures made during Operation Hidden Idol, an investigation that was launched in 2007 after the Homeland Security Investigations (HIS) special agents in the US received a tipoff about illegal shipments being made to the US disguised as "marble garden tablesets"imported by Subhash Kapoor, owner of Art of the Past Gallery, who awaits trial in India.

In September 2018, two antique statues worth hundreds of thousands of dollars in the international market, stolen from India and displayed at two American museums, were handed over to the Consul General of India in New York by the Manhattan District Attorney Cyrus Vance Jr. These were 'Lingodhbhavamurti', a 12th century (Chola dynasty) granite sculpture depicting Lord Shiva from the Birmingham Museum in Alabama, and Manjusri, a phyllite Bodhisattva sculpture of the same vintage.

### **Narendra Modi's Cultural Moorings**

Growing up in his birthplace Vadnagar, a small town in Mehsana district in Gujarat, Narendra Modi was steeped in Indian history and culture from a very tender age. At school, he had earned the moniker "audacious explorer". He grew up near the 4500 years old Sharmishtha Lake which was a work of earth and stone built to hold water, dating back to the Solanki period. It is still in use, with its ancient dam earthwork, a mound of earth or stone built to hold water, an interesting example of the water retaining systems of the Solanki period. It is fed by the waters of the river Kapila which flows from the catchment area around the Aravalli hills. As a fourteen-year old boy at school at Vadnagar, he acted in a school drama, playing the role of 19th Century Chieftain JogidasKhuman who was a righteous man who lived the life of an outlaw fighting for his rights after his family was dispossessed of its lands.

Vadnagar is not a place one would normally associate with ancient history, but it occupies an important place in the history of early contacts between India and China. Visiting Vadnagar in 2017 for the first time after his electoral victory, Narendra Modi narrated to a public gathering that President of China Xi Jinping had told him during his visit to Gujarat in September 2014 that Vadnagar, PM Modi's birthplace, had a special connection with Xian, the birthplace of the Chinese President. "Chinese traveler Hiuen Tsang (also spelt as Xuan Zhuang) stayed at Vadnagar during his India visit and when he returned to China, he stayed in Xian, the hometown of Jinping," Narendra Modi had said to thundering applause from the crowd.

The Archaeological Survey of India (ASI) has carried out extensive excavations at Vadnagar in several phases, beginning in 1953-54 under noted archaeologist SR Rao. After a relatively long lull of about 50 years, the second phase of excavation was carried out by YS Rawat of the State Archaeology department of the Government of Gujarat at Vadnagar from 2006-2010 during Narendra Modi's tenure as Chief Minister. The third phase began in 2014-15 after Narendra Modi became the Prime Minister of India.

The excavations till date have revealed a presence of Buddhist monasteries. In his travelogue Si-Yu-Ki (also spelt Xi You Ji, translated by British scholar Samuel Beal in 1884 and published as "The Buddhist Records of the Western World") dating back to the 7th century AD, Hieun Tsang had stated that he saw ten big Buddhist monasteries at Vadnagar during his stay in the ancient city. Narendra Modi told his audience that President Xi Jinping had not only taken him to his hometown Xian, from where Hiuen Tsang launched his travels to India and where he finally returned, but that he had personally read out to him from Hieun Tsang's manuscripts about Vadnagar.

Hiuen Tsang has pronounced Vadnagar as O-nan-to-pu-lo, which translates into Anandapura, the name for the ancient city. In Hiuen Tsang's words, "There are some ten sangharama with less than 1,000 monks. They follow the Hinayana sect of Buddhism and study in accordance with Sammatiya School. There are several big Deva temples, and sectaries of different kinds visit them."

Even as a boy, and later as a young man, Narendra Modi carried with him a deep sense of pride in India's ancient past. As he moved from Vadnagar on to a much bigger landscape, at the state, national and then global level, his pride in India's ancient heritage was much in evidence as he put his own imprint onto the history of India. His was never the elitist approach to India's ancient past, nor any great scholarly examination of timelines and events. He has always had a sincere, heartfelt, earthy and realistic sense of being an inheritor, like the 1.3 billion people of India, of the legacy of a rich and timeless civilization that predates by many centuries all that is today admired in the western world. Perhaps, his passion for India's historical experience, first stirred up living in a hardscrabble, yet ancient, place like Vadnagar, and the valuable lessons drawn from such moorings, continue to shape his outlook. As Prime Minister, he has taken personal interest in the return of India's heritage from around the world to its rightful owners- the people of India. After all, cultural heritage is part of a nation's identity and self-esteem.

***(Views expressed by the author are personal)***

\*\*\*\*\*



Prime Minister Narendra Modi with Attorney General Loretta E. Lynch at Cultural Repatriation Ceremony, Washington DC, America - 07 June 2016

(Source - <https://www.narendramodi.in/pm-modi-at-ceremoney-of-repatriation-of-cultural-property-484112>)



Source -  India in the UK @HCI\_London

([https://twitter.com/HCI\\_London/status/1305929975397339136?s=08](https://twitter.com/HCI_London/status/1305929975397339136?s=08))



A 12th century statue of Lord Buddha, stolen from India 57 years ago, was returned to the India by the Metropolitan Police Service at India House in a special event as part of India's 72nd Independence Day celebrations. The statue was handed over to the High Commissioner Mr.Y.K. Sinha by the Met Police

(Source - <https://www.aninews.in/news/world/asia/uk-returns-stolen-12th-century-buddha-statue-to-india-on-i-day201808152042090002?amp=1>)



Source -  India in UK  
(High Commissioner  
of India, London)  
(<https://www.facebook.com/136451336470879/posts/3263548640427784/>)



Australian Prime Minister Tony Abbott handed over to his Indian counterpart Narendra Modi two antique statues of Hindu deities which was stolen from temples in Tamil Nadu before being bought by art galleries in Australia on Friday, 5 September, 2014

(Source - <https://m.timesofindia.com/india/Australian-PM-Tony-Abbott-returns-11th-century-stolen-idols-to-Modi/articleshow/41807643.cms>)



Published by



**Dr. Syama Prasad Mookerjee  
Research Foundation**

**9, Ashoka Road, New Delhi- 110001**

**Web :- [www.spmrf.org](http://www.spmrf.org), E-Mail: [office@spmrf.org](mailto:office@spmrf.org),**

**  @spmrfoundation**

**Phone:011-23005850**

Copyright © Dr Syama Prasad Mookerjee Research Foundation  
All rights reserved.