

RETRIEVAL OF INDIAN ANTIQUITIES: ISSUES AND CHALLENGES

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ABSTRACT

India is one of the richest countries in terms of archaeological heritage and antiquity and hence one of the most vulnerable to the theft of heritage property. Loss of Indian cultural wealth can be divided into two periods – 1) during colonial times, 2) post independence (post 1947). As a result of colonisation, many countries with old civilisations were confronted by organised looting on the part of the colonial powers, and India too faced a similar fate. It is now a matter of debate as to whether or not that looting should be considered a part of history which needs to be forgotten. In this article we shall analyse some of the issues related to these losses which occurred during colonial times. In addition, the post-independence period brought no respite from the loss of cultural heritage as the lawful and organised looting by the colonial powers changed to unlawful and disorganised looting which was possible because of the susceptibility of third world countries to the looters' power and money and also because of the lack of strong anti-smuggling laws in the former colonies. A strong change was expected with the entry into force of the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 1970 ('1970 UNESCO Convention') and the enactment of the Antiquities and Art Treasures Act 1972 in India. However, even these could not serve as a sufficient deterrent to the smuggling of antiquities out of India. Why this happened will be analysed below with light being thrown on the changing perspectives and the retrieval of Indian antiquities back to India. A hitherto somewhat unexplored aspect of the smuggling of antiquities is the presence of fakes or replicas in western collections. Much information has been acquired recently on certain such cases and that may be a cause for consternation for a number of Indian art collectors.

INTRODUCTION

India is one of the richest countries in the world as far as antiquarian wealth is concerned. Its rich cultural heritage is spread amongst a vast spectrum of cultures including one of the earliest Bronze Age civilisations, the Harappan Civilisation, and the widely known historic cultures such as those belonging to the Maurya, Kushan, Gupta and Mughal periods. The culture of this great land is a concordant amalgamation of art, religion, science, tradition and philosophy which is reflected in its antiquities. The cultural heritage and antiquities are well entwined in the fabric of the Indian way of life and thought; they have become inseparable making them so unique in character. Owing to their uniqueness and the great symbolism attached to Indian antiquities, they are among the most prized possessions of

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various antiquarian collections worldwide and this has led to widespread smuggling of Indian antiquities.

Let us first examine the various legislative enactments related to antiquities which are applicable in India. The first such legislation was the Indian Treasure Trove Act 1878, a statute which dates from the British colonial period and which is still applicable in India. Under the 1878 Act, any treasure with a value in excess of Rs. 10 and found under the soil at a depth of 1 cm or greater must be declared to the District Collector who possesses certain powers to adjudicate on issues related to such treasures. Then, post-independence, the Export and Import Control Act 1947 made the export of antiquities subject to the requirement to obtain a licence from the Government. Then in 1950, ample provisions were made in the Constitution of India to safeguard and preserve the great cultural heritage of the nation which is explicitly mentioned in at least at two places; one is in Part-IV 'Directive Principle of State Policy' in the form of Article 49 (*Protection of monuments and places and objects of national importance*) that directs the State to formulate legislation for the protection of cultural properties:

It shall be the obligation of the State to protect every monument or place or object of artistic or historic interest, declared by or under law made by Parliament to be of national importance, from spoliation, disfigurement, destruction, removal, disposal or export, as the case may be.

The second mention of protection of cultural heritage in the Constitution of 1950 is directed at the citizens of India in Part IVA i.e. 'Fundamental Duties' in the form of Article 51A (f) (*value and preserve the rich heritage of our composite culture*):

It shall be the duty of every citizen of India ... (f) to value and preserve the rich heritage of our composite culture;

which seeks to make people aware of their responsibility towards the protection of traditional heritage and its by-products.

The majority of Indian cultural property consists of monuments and archaeological sites which are governed by the Ancient Monuments and Archaeological Sites and Remains (AMASR) Act 1958 and the AMASR (Amendment and Validation) Act, 2010, while movable cultural properties consisting of antiquities and art treasures are dealt with under the Antiquities and Art Treasures Act ('AAT Act') 1972. The Customs Act 1962 also prevents the illegal export of antiquities. In addition, states and union territories also have their own legislative provisions. Under the provisions of the AAT Act 1972, no individual is allowed to export any antiquity. Such objects can be exported only by Central Government or an authority or agency under the Government and in accordance with the terms and condition of a permit issued for the purpose by such authority. As such, where antiquities are sent abroad for the purpose of temporary exhibition for a specific period, this must be under a permit issued by the Director General, Archaeological Survey of India. The 1970 UNESCO Convention also helps in preventing the illegal export or import of cultural property. India is also signing agreements with certain countries to prevent illegal export and import of antiquities on either side. In spite of having all the aforementioned laws and international conventions for the protection of cultural properties, vandalism, theft and illicit trading and trafficking in India remain rampant.

The loss of Indian cultural wealth can be divided into two periods – the first losses occurred during colonial times, and the second period of losses came after independence in 1947. As a result of colonisation, many countries with old civilisations were confronted with organised looting by the colonial powers, and India too faced a similar fate. Now, debate is

arising as to whether or not that looting should be relegated to history and forgotten. The imperial rulers considered themselves superior in every aspect of life and for that reason they tried to showcase before the Indian people the heritage of India by researching India's past through studies of literary texts and archaeological explorations and excavations. Most of the excavations were unscientific and primarily intended to recover the sculptures and important treasures and antiquities hidden beneath the surface of the ground. A huge number of Indian antiquities were unearthed and these, along with those which were already above ground, were taken to Britain by the officials of the Imperial Government. There is no logical justification for this act of looting a country of its precious cultural heritage. These were not merely stone or metal artefacts, but were representative of the country's identity, its religious and socio-cultural life which still continue in India unlike many other countries where the ancient civilisations lost their continuity owing to the arrival of forces from outside. Those imperial powers which are now friendly civilised societies, cannot be forced to return those objects immediately through legislative measures, but they need to regard themselves introspectively and examine how they can rectify that mistake of the past. They should devise a mechanism by which they can initiate the return of certain objects of high religious or national importance to India. Though this process may be a slow one, it will generate significant goodwill among the Indian masses and also the wider international community. They can also devise a long-term achievable target for the return of all such antiquities to India in a phased manner. No matter how expert and appreciative a connoisseur of art one may be, the real interest of that art piece lies in the society to which it belongs. What purpose does an art piece serve in a foreign collection except for proving the might of that country at the time it was acquired? Even if it is not possible to return most such antiquities, a formal acknowledgement that these objects are displayed with mutual understanding and trust between the two countries and a formal request for long-term loan would serve to render relations more agreeable and would dilute the wrongdoings of the past to a certain extent. Another goodwill gesture would be to arrange visits of common people, particularly students to see their collections in the European museums where they are currently located. In the selection of visitors, preference could be given to those who are from the areas to which the major portions of such collections belong, such as Mathura, Amaravati etc. This exercise would also help to generate significant goodwill for the foreign museums. Frequent exhibitions of such objects in Indian museums on short-term loan would also help. This could be a repetitive exercise and the best decision would be to organise such exhibitions in local museums such as Mathura, Amravati, Nalanda, Chennai, Bhopal etc. in the regions to which the majority of the art works belong. This would give the local community a feeling of association with the once-looted objects and would help in filling the gap.

The post-independence period brought no respite from the loss of cultural heritage as the 'lawful' and organised looting by the colonial powers changed to unlawful looting owing to the susceptibility of third-world countries to the power and money of the looters and also as a result of the lack of strong anti-smuggling laws. A strong change was expected with the entry into force of the 1970 UNESCO Convention and the enactment of the Antiquities and Art Treasures Act 1972 in India. However, even these could not provide a sufficient deterrent to the smuggling of antiquities out of India. The Export and Import Control Act 1947 made the export of antiquities subject to a mandatory licence but no information is available which would allow us to determine exactly which objects were exported under a licence. It is almost certain that most of the antiquities were not exported under a licence. This is imperative as most of the antiquities were either stolen from religious places or from archaeological sites meaning that such antiquities could not have been lawfully exported with a licence. Even during the colonial period, it was illegal to acquire an object from a

place of worship, but in fact, a large number of such objects were taken to Europe. This continued in a similar fashion even after India gained independence.

SMUGGLING OF ANTIQUITIES: THE WAYS AND MEANS

The process of smuggling antiquities is very complex and involves a number of people and agencies. In the 1970s and 80s the smuggling activities gained momentum because of increasing greed in people's minds and ignorance amongst the majority of the local population about the importance of heritage. In India, the easiest targets for smugglers have been the abandoned ancient temples, religious *mathas* or platforms on the outskirts of villages and archaeological mounds which are illegally dug out from time to time. Once the people realised that antiquities smuggling gives maximum profits with least punishment for a criminal offence, they started doing it for their western buyers. There arose a few kingpins of smuggling activities who ran the whole business through their gang. Since the author's expertise is on Mathura's art and archaeology, he is more aware of the happenings in that region. In the Mathura region, which is the richest cultural centre in the entire South Asia region, the excavations at Sonkh mound by a German team from 1966 to 1974¹ changed the whole scenario. The excavations were much publicised in the print media and people came to learn of the high value of antiquities on the international market. The common perception was that, owing to the high values involved, the German team was excavating a mound. Ordinary villagers became thieves and started picking up sculptures from village *mathas* (e.g. Figures 1a and b), abandoned mounds. People also started digging mounds on a larger scale to obtain antiquities for smuggling. During the same period, the largest unoccupied mound in Mathura, the Govindnagar area (including Jagannathpuri) was dug up during



Figure 1a. Matha at Sahpau, Hathras



Figure 1b. Matha at Pachawar village, Mathura

colonisation and organised criminals entered this trade. Chaubara mounds and mounds situated between Mathura and Maholi were also destroyed during this time. Small-time villagers or town folks started selling the antiquities (particularly sculptures and coins) for a pittance to middlemen in the city who in turn supplied them to bigger dealers based in Delhi and Jaipur earning a better price. The big fishes based in Delhi and Jaipur started dealing with big and reputed art collectors in the west and the antiquities were illegally exported through various channels. Since most of the villagers were ignorant of the actual importance

1 Herbert Hartel, *Excavations at Sonkh* (1993, Berlin, Dietrich Reimer Verlag).

of the images, despite having worshipped them for a long period, they were not able to learn of the theft at the time and did not raise an outcry. The absence of any documentation relating to those antiquities made it much easier for the smugglers. It was at about this time that powerful mafias and politicians also entered the business, and with their entry it was very difficult for the ordinary people to speak out against the thefts as they were afraid of the consequences. It cannot be denied that at a certain level the local police also either supported the smugglers or kept their eyes closed. This is clear from the information gathered from the site of Nandan which earlier formed part of the Agra district. About three larger-than-life-size Nagini images sculptures were stolen from that village which was not easily accessible. Srinivasan² has proposed through her methodological research that three Naginis in three different collections in the world would have originated from the same Nandan village in Firozabad district before reaching their present locations. People were aware of the theft and the involvement of the few powerful persons of the small village, but the sculptures were smuggled out of India in spite of registration of a First Information Report. The movement of a jeep to carry the sculptures would not have been possible without coming to the notice of the three villages through which it would have passed on the way to the highway. The stolen artefacts were sent out of India either by sea or air. There were reports that earlier diplomatic bags had been used to easily smuggle out antiquities as these were not scanned at the air and sea ports.³ Later on, the mode was changed and then, antiquities were exported by either declaring them as fakes or by bribing corrupt officials. The easiest way was to insert a few genuine antiquities into a consignment of recently made fake objects. There are also reports that in some cases an ASI Non-antiquity Certificate was obtained for the export of replicas but that these were replaced with originals at the time of export and the officials posted at the Customs exit channels were not able to discover the fraud as this would require them to be specialists in Indian art. Generally the sculptures were cleaned carefully before exporting. In most cases, export was not effected to the desired destination directly, but some other country in between, for example in the middle-east or Hong Kong or Europe, was selected for transit. In Europe and the United States, renowned conservators were contacted and they cleaned the sculptures and even mended them before they were put on the art market. Many murders were committed or attempted in India for stealing the antiquities and distribution of booty earned through the smuggling of antiquities, but police investigations did not yield any significant results. Many smugglers who are named in reports or publications escaped without punishment and they continued to enjoy power and money. One such kingpin smuggler named by Watson⁴ even went as far as approaching the Delhi High Court claiming ownership of a Nagini image from Nandan, Firozabad district, presently displayed in the National Museum, N. Delhi (Figure 2) as being illegally taken from his possession by police way back in 1974.



Figure 2. Nagini image from Nandan, presently at National Museum, N. Delhi

- 2 D.M. Srinivasan, 'Monumental Naginis from Mathura' in *On the Cusp of an Era: Art in the Pre-Kusana World* (D.M. Srinivasan ed., 2007, Leiden-Boston, Brill) 351-84.
- 3 Peter Watson, *Sotheby's: The Inside Story* (1998, New York, Random House).
- 4 *Ibid.*

An important fact regarding the site of Govindnagar in Mathura is that a large number of Buddhist sculptures were unearthed from the area and were smuggled out. R.C. Sharma, then Director of the Government Museum, Mathura, wrote to the highest authorities in the early 1970s seeking protection of the area but his requests went unheeded.⁵ In the name of colonisation, rampant digging and subsequent smuggling of sculptures continued unabated for years. It was only afterwards that a small portion of the vast site was taken into government protection and hundreds of antiquities were acquired for the Museum by Sharma. This was achieved by carrying out some clearance work and the Housing Board Society also handed over some antiquities to the Museum in a face-saving exercise.⁶ J.E. von Lohuizen-de Leeuw prepared a paper before her death in 1983 on a Buddhist pillar which represents the *Mahaparinirvana* narrative in a unique way and which is housed in the Norton Simon Museum, and this paper was finally published in 2007 by Marg.⁷ De Leeuw, on the basis of unique features of the representation, believed it to be authentic. Without a physical examination of the pillar, it is difficult to believe that it is a genuine piece as it appears to be in an excellent state of preservation. Anyhow, in the absence of such an examination, there is nothing wrong in accepting the observation of a scholar of the calibre of de Leeuw. S.R. Quintanilla⁸ presented her observations on de Leeuw's paper and argued that the provenance of the Norton Simon pillar was Govindnagar, Mathura. Her argument was founded on a quite secure basis by comparing it with an important Buddhist pillar depicting the story of Rishyasringa Jataka which had been acquired by the Government Museum, Mathura in 1976 from Govindnagar. Now, if scholars are willing to accept Quintanilla's proposition, then it follows that the pillar was among the antiquities illegally exported from Mathura in the 1970s, surely the Norton Simon Museum has a moral duty to return the pillar to India? It should never be the case that an object stolen from a site and illegally exported out of India can become a legal possession of a foreign collection.

South India has a greater number of antiquities in comparison with other parts of India, since it did not face as much devastation at the hands of barbaric Muslim invaders as was experienced in other parts of undivided India. Ancient temples belonging to the Pallava, Chola and Vijayanagara periods can be found in their thousands, and the Hindus there have a continuing tradition of donating processional deities to these temples. Because of this tradition, South India is very rich in antique bronzes and stone sculptures. The religious prohibition against photography of these idols and the lack of documentation by the government has facilitated the widespread smuggling of antiquities. S. Vijay Kumar⁹ has given details of various thefts and involvement of smugglers in his recent publication. Tamil Nadu is the only state in India which has a dedicated Idol wing of Police and it is doing a great job in tracking various cases of old thefts. In many instances, the publication of details of various antiquities by scholars in their publications poses a great threat to the safety of antiquities. Many examples have come to light where antiquities were stolen after their existence and whereabouts had been published by archaeologists and scholars. For example, one important Kushan period red sandstone sculpture, possibly of a Vrishni deity

5 R.C. Sharma, *Buddhist Art of Mathura* (1984, Delhi, Agam Kala Prakashan), 92-93.

6 *Ibid.*, at 76-126.

7 Johanna De Leeuw-Van Lohuizen 'The Representation of the Buddha's Birth and Death in the Aniconic Period' in (2007) Vol. 58, No. 3 *Buddhist Art: Form & Meaning* (Pratapaditya Pal, ed. Marg, Mumbai) 36-43.

8 S.R. Quintanilla, 'Observations on The Representation of the Buddha's Birth and Death in the Aniconic Period' in (2007) Vol. 58, No. 3 *Buddhist Art: Form & Meaning* (Pratapaditya Pal, ed. Marg, Mumbai), 44-51.

9 S. Vijay Kumar, *The Idol Thief* (2018, Delhi, Juggernaut).



Figure 3. Stolen image of a Vrishnivira from Sunrakh, Mathura

(Figure 3), which was reported and published by this author for the first time,¹⁰ went missing from an open shrine at the village of Sunrakh, near Vrindavan in District Mathura. In India, it is not possible to declare every important sculpture or sculptural fragment to be national heritage, and it is also not possible to bring them to museums because of the religious beliefs which the local people attach to such sculptures. After noticing such important sculptures in published references, smugglers plan to steal them and are generally successful. It is difficult to get a First Information Report ('FIR') registered for such thefts as the district administration does not want to add such crimes to their list. The Archaeological Survey of India ('ASI' an office attached to the Ministry of Culture) in spite of writing to the District administration, Mathura, could not get an FIR registered for this theft because during the preliminary inquiry, with just a few exceptions, the villagers did not accept that the theft had

occurred. People generally avoid divulging details in such matters as they may have to face the wrath of some powerful neighbours and also because they do not remember the features of such sculptures and there are no photographs available to confirm their identity.



Figure 4. Jain Ambika found inside a consignment



Figure 5. Two suspected antiquities found inside a consignment: the two seated brass Buddha idols are not antiquities.

As far as smaller antiquities are concerned, these could be carried by the culprits in personal baggage. In many instances, such activities were undertaken by using international courier services. In a large lot containing a number of modern handicrafts, it was quite easy to mix genuine antiquities, and thus there would have been instances of illegal export of genuine antiquities as handicraft items. In one consignment box examined at IGI Cargo terminal, dozens of stone sculptures of recent manufacture with quite distinctive recently-applied antique finish were being exported and all were declared as handicraft objects. In the lower side of the box, a small bronze object of about 5 inches in length (Figure 4) was packed, hidden inside the loose paper cuttings used for packing the box. There was no description of the object in the item list provided to Customs. At first glance, it appeared to be an image of the Jain goddess Ambika dating from around the eleventh century CE and was declared to

10 Vinay Kumar Gupta, *Mathura: An Art and Archaeological Study* (2013, Delhi, Kaveri Books), 214, Pl. 7.7.

be a suspected antiquity in accordance with the rules. This small bronze image highlights the fact that illegal exports are attempted by wrongful declaration and it is difficult to discover a small object hidden in between dozens of legally exportable objects. Similarly two more objects (Figure 5, on the previous page) were in another consignment box being exported via an air courier, and this shipment had three or four packed boxes containing a number of artefacts. Mixed in with these handicraft objects of recent manufacture with visible recent antique finish, were these two suspected antiquity objects of quite different look. One of these was an astonishingly lightweight, brass-plated wooden Buddha and the other was a European figure with a ladle in his hand, possibly related to the Christian faith. Both the objects seemed to be about 200-300 years old.

Customs officials deal with a huge number of shipments each day, and it is easy to see how, as a result of negligence on the part of some officials, illegal exports could easily occur. There are few known instances of attempts by Indian Customs to interrupt illegal exports of antiquities. In some instances, major players have managed things. In cases when a custodian turns approver of illegal export, nothing positive can be expected. In certain consignments being shipped in sea containers, it was quite difficult for the Customs officials to check them completely in tough, dirty conditions of warehouses, and some officials avoided taking the trouble to examine the whole container carefully. Since there was no close check as to the legality of imported antiquities at the entry points of importing countries, smugglers were able to manage things once the items had left Indian Territory. In the recent past, because of increasing vigilance by Indian enforcement agencies and the unsupportive attitude of foreign enforcement agencies towards illegal imports, there has been a remarkable decline in illegal exports from India and the arrest of big fish like Subhash Kapoor and the ongoing prosecution of Nancy Weiner in New York has dented the confidence of big-time players in India.

A trend has also been observed among western collections in that they do not disclose the details of illegally acquired Indian antiquities immediately after the acquisition. Rather, they wait for years to bring them to the notice of the public. When they are brought to public attention, a scholar of repute writes an academic paper on the piece and tries to provide it with an exact provenance. There is a possibility that in some cases these scholars of repute have been informed of the exact find-spot of the antiquities which the collectors come to know through the widespread smuggling network involving a few art auction houses. These scholars then undertake an impressive art historical study and, by way of comparisons with some legally acquired museum collections in India and abroad, they successfully establish the exact find-spot of those pieces. Notwithstanding growing awareness of the problems of illicit exports and the desirability of repatriation, few consider it to be a moral responsibility to force those museums to reconstitute Indian antiquities back to India.

LOANING OF ANTIQUITIES TO FOREIGN INSTITUTIONS

Under existing law, no antiquity can be exported out of India except by the Government or an agency on its behalf. Where antiquities are sent abroad for exhibitions, a temporary export permit ('TEP') is issued by the ASI. The time frame for sending exhibitions to foreign museums is for a period of six months' duration which is extendable by a further six months on approval by the competent authority. No 'AA' category objects of museums can be sent outside India. For sending antiquities on long-term loan, ASI's loans policy talks of long-term loan to foreign institutions for a period of three years, extendable by a further two years if approved by the competent authority. Besides the ASI, other institutions can also send antiquities on loan for exhibitions on their own terms and conditions, but a TEP would be issued only by the ASI for all such movements. On their return from foreign countries, the ASI again provides a No Objection Certificate ('NOC') for the genuineness and physical condition of the objects.

THE ROLE OF THE ASI IN PREVENTING THE EXPORT OF ANTIQUITIES

The ASI plays an important but limited role in preventing the illegal export of antiquities. The most significant role is played by the Indian Customs Department for all export-related matters, but the ASI has posted two officials of the rank of Deputy Superintending Archaeologist or above at the most important Customs exit channels in India – Delhi and Mumbai, though at present an Assistant Superintending Archaeologist is looking after the work of Delhi Customs. Whenever the Customs officials find any consignment containing suspected antiquities, they mark it to the ASI for a no-objection certificate, and the official concerned visits the Customs exit channel and confirms whether the goods are suspected antiquity or non-antiquity. For other Customs exit channels in India, the appropriate Circle office of the ASI (total 27 in number) deputes an official whenever such a request is received. The official can at once declare an object to be a non-antiquity, but in the case of an antiquity, he is empowered only to declare it as ‘suspected to be an antiquity’. Such detained goods are referred to the Director General (DG), ASI for confirmation under section 24 of the AAT Act 1972 and he appoints an authorised nominee for examination with the help of three or four experts in the field. Here it is pertinent to mention that the law provides that the DG, ASI is the final authority in all such cases, but, ironically, nowadays, ASI DGs are not selected from the field of archaeology, so they have only a very limited knowledge about antiquities and generally such an official will authorise an official of the rank of a Director in the ASI as his nominee and in a way his decision is final. Earlier when the AAT Act, 1972 was conceptualised, the most senior official from the ASI organisation was selected as DG and he had all the technical expertise to decide about an antiquity. There seems to be a need for the Indian Government to reconsider this aspect of the AAT Act 1972.

To facilitate exports, the ASI may also issue non-antiquity certificates to exporters at all its Circle offices. The superintending archaeologist posted there, with the help of an expert advisory committee, issues a non-antiquity certificate for export (‘NAC’). In such a case, a copy of the photograph is stamped with an authorised seal. This certificate once procured is valid for six months. The exporter submits his items for export to Customs authorities along with the NAC and his consignment is cleared. However it is possible that the exporter might replace the copy with a genuine antiquity and the Customs official may be unable to identify it as such. In a recent case, it was found difficult to identify from the stamped photograph an object at the IGI Airport cargo enclosed with NAC as being the same one as had been produced before the ASI committee for the issuing of the certificate. The Customs officials had referred the object to the ASI for certain reasons related to the exporter. It was realised that the exporter had given the sculpture a complete antique look after the ASI had issued the NAC. Although, the object was in fact the same one, it highlighted the possibility of an object being replaced with the original antiquity after obtaining an NAC. So, a mechanism should be developed in which the NAC should be obtained only at the moment when the object is actually being exported, and it should be sent directly to the Customs channel immediately after the NAC has been issued.

A further suggestion which would improve the knowledge of all concerned and the functioning of the ASI in matters related to examination under section 24 of the Antiquities and Art Treasures Act 1972¹¹ is to form a national-level panel of experts who should be

11 Section 24 provides: “If any question arises whether any article, object or thing or manuscript, record or other document is or is not an antiquity or is not an art treasure for the purposes of this Act, it shall be referred to the Director-General, Archaeological Survey of India, or to an officer not below the rank of a Director in the Archaeological Survey of India authorised by the Director-General, Archaeological Survey of India and the decision of the Director-General, Archaeological Survey of India or such officer, as the case may be, on such question shall be final.”

invited for meetings alternately held under section 24. There should be a vote by the experts after discussions about the objects, and the result of this vote should be on record. This would help to reduce the possible influence of the authorised nominee, because of his status as a serving official, in final decision making. An annual report of all the examinations conducted should also be published online on the ASI website, providing details of all the objects examined and the decisions arrived at. This would help the upcoming experts to learn about such processes and would also help exporters to learn the intricacies involved with the trade of antiquities, what can be exported and what cannot. Besides these, other suggestions as proposed by Patil and Misra¹² to strengthen the processes related to the export of antiquities and the AAT Act 1972 are also worthy of consideration.

Under existing rules, there is no restriction on the import of antiquities into India, but it is suggested that certain clauses should be added to the existing AAT Act 1972 to differentiate between legal and illegal import. There should be a system to check whether the import is being made after obtaining all the necessary permissions from the country of origin. Sometimes, antiquities are brought to India without declaring them as antiquities, just to sidestep any legal restrictions and to avoid paying huge sums as import duty. One such



Figures 6 and 7. Two imported sculptures from Indonesia.

instance was observed when two beautiful and very large Indonesian statues (Figures 6 and 7, in all probability antiquities of significance) were imported into India via the port of New Delhi but were cleared by the Customs officials, who failed to seek comments from the ASI as the consignment supposedly belonged to a very influential businessman. In accordance with existing practice, if a person imports antiquities without a declaration, Customs would refer the consignment to the ASI and if the ASI official posted at the Customs Exit channel confirms that it contains a suspected antiquity, it would be referred to the Director General, ASI under section 24 of the AAT Act 1972. Upon confirmation by him, the Customs would need to arrive at a valuation of the antiquities and then it would impose Customs duty on the

12 C.B. Patil and C.B. Misra 'Illicit Trafficking in Indian Antiquities: Problems and Challenges' (1996-97) Vol. 27, *Puratattva*, (N. Delhi, IAS) 67-73.

import of the antiquity with financial penalties. After payment of the duty with the penalty, the consignment would be handed over to the importer. He would need to register the items with the ASI only if they fall within the category of antiquities requiring registration.

Another important function of the ASI for the protection of Indian heritage is the registration of antiquities. In the AAT Act 1972 there is a conflict of rules because on the one hand it gives the registering officer the power to register an antiquity and on the other it states that a declaration of antiquity may be made only by an officer not below the rank of a director. Here it is pertinent to mention that the registering officer is only of the rank of assistant superintending archaeologist and he himself decides whether an object is an antiquity or not, for registration. It has been discovered that a high percentage of registered antiquities include fakes. In the past, state government-appointed registering officers who did not have proper training in archaeology and art history, were performing the registration of antiquities and therefore the chances of mistakes were quite high. Even today, the chances of inaccurate registration cannot be ruled out. To rectify the process in future, the Government should make a policy change that all the items which are to be registered should be placed before the expert committee of ASI, and only after this committee has approved an object as being an antiquity, should it be registered. Many collectors, who are in possession of fakes with a registration certificate, are in the dark about the true importance and value of the object. Similarly with regard to Government data indicating the total number of genuine antiquities, which would definitely change if all the registered objects are verified.

FAKES AS ANTIQUITIES: THE CREATION PROCESS

There are various workshops in India where fakes were/are produced by master craftsmen. There are a number of artists who work in the workshops and have different responsibilities to discharge at different stages of production. The process starts with a photograph of the original piece, either provided by a scholar or arranged by the craftsmen. The master craftsman selects the stone in which the piece would appear as genuine belonging to the same art school. A large stone block is brought and is chiselled to get the desired shape and size (Figure 8). Then, an artist makes a sketch of the figure on the flat surface of the block. Another artist prepares the basic figure as desired (Figure 9). Another artist gets all



Figure 8. Selection of a stone block.



Figure 9. Basic outline of a sculptural relief.

the features of the sculpture carved (Figure 10). Then an expert artist gives the desired features to the sculpture including the face, eyes, lips, ornamentation, fingers and all the other minute details (Figure 11). Then a different set of artists is involved in giving it an antique appearance. There are different processes. Sometimes the newly-carved sculpture is thrown into a pit filled with cow dung, filth, straw and dirt. It is kept there for months and sometimes years. When it is brought out, a number of substances like vermilion, lamp soot, oils etc. are applied to get the desired look. Then other workers rub it with sandpaper, chisels, wire brushes etc. to give an effect of exfoliation. To smooth out certain parts of the sculpture, parts are rubbed with cloths for days and even months. In most cases, such a figure is broken at various angles from top or bottom to make it more realistic. Once such a product is ready, it is very difficult to differentiate it from the original unless the examiner is aware of the original figure.



Figure 10. Further carving process.



Figure 11. Incorporation of minute details.

In addition to these stone sculptures, sculptures in bronze are also prepared nowadays and are given an antique finish. All such bronze sculptures are made by using the lost-wax process and then a patina resembling bronze disease is applied to them. Once the fresh bronze objects have been prepared, the process of applying the antique finish is extremely lengthy. There are centres in Karnataka and Himachal Pradesh where antique-finished bronze sculptures are made. Similarly, there are a number of centres, particularly in Rajasthan, which prepare jewellery with an antique finish; particularly the *kundan* and *jari* (inlay) work. An artificial patina of gold is applied to freshly prepared jewellery. New paintings are also made on old paper and in old styles, and these are frequently sold as antique paintings. Fake coins are also produced, but these are quite easy to differentiate as compared with sculptures with an antique finish. Rajasthan and northern Madhya Pradesh are also producers of antique-finished brass and iron objects such as weaponry – swords, daggers, musical instruments, jade, crystal and marble objects (mostly handles) and other objects which give the appearance of having been used by royal families etc.

RETRIEVAL OF ANTIQUITIES: A STUDY OF PROCESS AND INDIAN SUCCESS

Retrieval of antiquities is a far tougher, more complex and time-consuming process as compared with their illegal export. In India, the Archaeological Survey of India (ASI) is the nodal agency for retrieval of antiquities from

foreign lands, but there have been certain instances where ASI did not play any formal role and the antiquity was returned directly to the agency concerned. The 1970 UNESCO Convention was intended to bring about a drastic change in the retrieval rate of illegally exported Indian antiquities, but it has failed in this aim. The AAT Act 1972, passed by the Indian Government, is not binding on foreign institutions, particularly as regards those objects which were illegally exported prior to its implementation. But whatever success India has achieved in the retrieval of its heritage is due to these two legislative instruments. Up to 2014, successful retrievals by India were occasional, but since that date there has been a sharp rise, although still insignificant in comparison to the number of illegally exported antiquities. In fact, India could retrieve only thirteen antiquities between 1976 and 2013.

There has been a significant change in the attitude of powerful western countries in the aftermath of the 9/11 attacks. Investigations indicated that a major source of funding to the terrorists, particularly in Iraq and Afghanistan, was the trade in antiquities and various networks were linked worldwide. As a result, the overall approach of certain countries of turning a blind eye as regards imports of Indian antiquities has changed and in the aftermath there have also been several important prosecutions.



Figure 12. Brahma-Brahmani image from Ranki Vav, Gujarat.

When an estranged colleague of Subhash Kapoor spilled the beans on him, it led to his subsequent arrest in Germany in October 2011 and his extradition to India the following year.¹³ He is still imprisoned in Tamil Nadu. With his arrest, a number of deals which had been made by his New York-based gallery 'Art of the Past' with various collectors and museums attracted suspicion and led to worldwide research in relation to both the authenticity and acquisition history of those antiquities. A number of volunteer organisations such as the 'India Pride Project', 'Chasing Aphrodite', 'Plundered Past', 'Poetry in Stone' etc. joined the movement and media publicity against the wrongdoings of various collection houses and applied pressure for the return of such objects, which resulted in the retrieval of a few of them. Certain scholars studying Indian art also played a positive role in such retrievals by providing information about the antiquities which had been illegally exported to galleries and museums. The role of Kirit Mankodi¹⁴ in the retrieval of Brahma-Brahmani marble sculpture (Figure 12), originally belonging to Ranki Vav from London and *mithuna* couples belonging to Atru from USA is simply exemplary. His continuing perseverance for the restitution of the famous Bharhut Yakshi Mahakoka from the USA

13 S. Vijay Kumar, *The Idol Thief* (2018, Delhi, Juggernaut).

14 Kirit Mankodi, 'India's Plundered Heritage' in *Bridging the Gulf: Indian Ocean Archaeology* (H.P. Ray, ed., 2016, New Delhi, Manohar) 197-213; Kirit Mankodi, 'The Case of the Contraband Cargo, or Atru's Amorous Couples' in *Temple Architecture and Imagery in South and Southeast Asia* (P.P. Dhar and G.J.R. Mevissen, eds, 2016, Delhi, Aryan Books International) 369-79.

is another example of his important role¹⁵ in the restitution process. In fact, Kirit Mankodi was the first scholar to initiate a campaign for the restitution of Indian plundered heritage through his website. Later on, many heritage lovers joined him. S. Vijay Kumar, associated with 'Poetry in Stone', has played a significant role by matching photographs of stolen Indian antiquities with those in foreign collections and then approaching the collectors concerned as well as the Indian Government to formally initiate the process for their restitution. A glimpse of the important role played by him can be had from his book.¹⁶ The role of the media, particularly in Australia and the USA, is also praiseworthy as they have exerted pressure on the institutions concerned to repatriate illegally acquired Indian antiquities.¹⁷

Retrievals have generally been made on the basis of litigation undertaken before foreign courts, with the submission of complete documentary proof of the presence of the antiquities in India prior to their illegal export. For example, the Amin pillars from Haryana were much published by scholars and were also quite well known, but a learned scholar from India noticed them in a famed collection in the United Kingdom. On further enquiry it was found that the original pillars had been replaced with fakes. On further investigation, it was established that the pillars in the UK collection were the originals and the collector was forced to return them. Following their return to India, they are now displayed in the National Museum, New Delhi.

The restitution of a panel representing worshippers of the Buddha from the National Gallery of Australia (NGA), Canberra was possible thanks to the diligent research work of Robert Arlt and the fact that he wrote to the NGA authorities about their illegal possession of the object stolen from Chandavaram site, Andhra Pradesh. The NGA administration also made a very conscious decision to get the facts verified and offered to return the panel to India.¹⁸ In addition to seeking the return of this sculpture, a formal request was made to the NGA for authentication of a Pratyangira sculpture stolen from Virudhachalam Temple, Tamil Nadu. A two-member ASI team then visited the NGA for authentication and found the two sculptures to be original. After that, the NGA returned three sculptures comprising the panel depicting the worshippers of the Buddha, Pratyangira and a red sandstone image of a seated Buddha from Mathura region (previously authenticated by the ASI team) at its own expense. Arlt¹⁹ has also referred to two more Buddhist sculptures, in all probability stolen from Chandavaram. One of these is on display in the newly established Louvre Museum at Abu Dhabi and the other was put up for auction by Christies, New York in 2012. Both institutions have been approached by ASI and even volunteers, but in spite of repeated requests for restitution, they are not willing to return the objects. Here, it is also significant to add that these two pieces reached the respective institutions through Subhash Kapoor, the notorious antiquities smuggler.

For the repatriation of antiquities, the procedure is generally as follows: a volunteer notices an illegally exported Indian antiquity in a foreign collection and he/she informs the Indian Government (ASI) of this. In many instances the previous documentation of the antiquity in India is provided by the informer him/herself or else ASI tries to obtain it. A First Information Report, if any, about the stolen object is also procured by the ASI and, armed

15 Kirit Mankodi, 'The Case for Devata Mahakoka from Bharhut (2016) Vol. 16 (6) *Journal of Chhatrapati Shivaji Sangrahalaya* (Mumbai, CSMVS) 6-15.

16 Above, note 13.

17 See, for example, the Australian Broadcasting Commission's *Four Corners*, 24 March 2014, 'The Dancing Shiva', transcript available at <<https://www.abc.net.au/4corners/the-dancing-shiva/5343282>>.

18 Robert Arlt and Lucie Folan, 'Research and Restitution: the National Gallery of Australia's Repatriation of a Sculpture from the Buddhist site of Chandavaram' (2018) Vol. 2 *Journal for Art Market Studies*, (Berlin) 1-17.

19 *Ibid.*

with all relevant information and documents, ASI approaches its mission in the country concerned which in turn contacts the institution concerned in accordance with diplomatic procedures, and requests the restitution of the illegally acquired antiquity to India. In some cases, the institution in question hands over the object to the Indian mission and it is then sent to the ASI. In some cases, if there arises any doubt about the authenticity of the object, an ASI team inspects the object and, after authentication, the process of sending it back to India is initiated. Here, it is also very important for the ASI to select a well-qualified team in such matters, as officers without proper expertise may make mistakes as highlighted by Kirit Mankodi²⁰ in the case of repatriation of Brahma-Brahmani sculpture belonging to Ranki Vav from London.

The biggest hurdle faced by the Indian Government in the retrieval of illegally exported Indian antiquities is the lack of documentary evidence in India. The majority of such objects are undocumented and no First Information Report is registered for their theft. The foreign institutions repeatedly ask the Indian side to provide documentary evidence, preferably relating to the period after 1970. Here it is pertinent to mention that India is a vast country with antiquities spread across every part, including rural, urban, tribal areas. Whilst the country was evolving to better its economic condition, it was not possible to document such a large number of antiquities. Moreover, religious practices also imposed certain restrictions. When mounds were dug illegally, the Government lacked any mechanism with which to look into what was being acquired as many times it was done in inhabited areas. Overall, documentation was patchy and even after the establishment of the National Mission on Monuments and Antiquities (NMMA) and the large-scale documentation which this Mission undertook, the data is not in the public domain. Very few officers have access to this data in the ASI. In such a scenario, foreign institutions against whom claims for restitution are made should not force India to provide documentary evidence. Once it is established that the object left India post 1970 and that the acquisition history provided for the object is not verifiable, they should accept in clear terms that the object was illegally exported out of India and they should be willing to return such objects to India. The seated Buddha sculpture returned to India by the National Gallery of Australia in Canberra would never have been repatriated if the NGA had insisted on prior documentation from India. When it is clear that an antiquity is of Indian origin and even from a particular area such as Mathura region, Amaravati region, Rajasthan, Central India or from a particular school of art such as Pala, Sena, Sunga, Kushan etc., what would change about the antiquity if the exact find-spot is known? This is just the stubbornness of foreign collectors to force the Indian side to provide the provenance. They should do introspection and should respect international conventions and also Indian laws which clearly put a blanket ban on export of antiquities. If any antiquity has reached foreign lands without approval by the Government of India, it should be considered to be an illegal export and the collectors should come forward to repatriate the antiquity back to India.

According to media reports, the US Government handed over about 200 objects to the Indian Prime Minister Mr Narendra Modi in 2016, but so far only seventeen antiquities have in fact made their way back to India. Among these seventeen, some objects (sculptural fragments) are of little aesthetic or antique value, whereas there are important antiquities such as the Mahakoka Yakshi from Bharhut which have not yet been returned despite repeated requests by India. How callous some institutions are in the matter of restitution of Indian antiquities can be easily demonstrated by the example of a celestial nymph stolen from Ghateshwar

20 Kirit Mankodi, 'India's Plundered Heritage' in *Bridging the Gulf: Indian Ocean Archaeology* (H.P. Ray (ed.), 2016, New Delhi, Manohar) 197-213.

Temple, Badoli, Rajasthan and presently housed in the Denver Museum. All the necessary documents, including a copy of the First Information Report and published references were provided and when requested even the measurements of the holes in which the tenons of the stolen image were inserted along with photographs were provided to the Denver Museum by the ASI, yet the Museum is still not willing to return the image and appears to be simply using delaying tactics.

Similarly, the two prominent museums in Australia which house Indian art collections are the National Gallery of Art (NGA), Canberra and the Art Gallery of New South Wales (AGNSW), Sydney. Both museums acquired the majority of their Indian collection from Subhash Kapoor and initially offered to return a few Indian objects without much delay when they were found to have been illegally exported out of India; in fact they offered some objects to the Indian Government without receiving any formal request. The last three objects (Seated Mathura Buddha, Worshippers of the Buddha and Pratyangira) were returned by them in 2016. However, since then, they would appear to be delaying the repatriation process of the remaining antiquities despite the registration of First Information Reports by Tamil Nadu Police and West Bengal Police and repeated requests by the Indian Government.

For information, below is a complete list of antiquities which have been repatriated to date to the Government of India:

S. No.	Description of Object	Provenance	Country from which Retrieved	Year of Retrieval
1.	Sawn stucco heads (2 nos.)	Nalanda, Bihar	U.K. and France	1976
2.	Amin pillars (Kushan period)	Amin, Haryana	U.K.	1979-80
3.	Nataraja (Chola period)	Sivapuram, Tamil Nadu	U.S.A.	1986
4.	Terracotta Yakshi	Tamluk, West Bengal	U.K.	1986
5.	Nataraja (Chola period)	Tiruvilakkadi, Tamil Nadu	U.S.A.	1986
6.	Paintings	i) Chandigarh Museum ii) Chandigarh Museum	U.S.A U.S.A	4-3-1979 10-1-1990
7.	Nataraja of Chola period	Pathur, Tamil Nadu	U.K.	1991
8.	Terracotta figures	Bhitargaon, Uttar Pradesh	U.S.A.	1991
9.	Image of Buddha	Bodhgaya, Bihar	U.S.A.	1999
10.	Sculpture depicting a birth scene	Dhubela Museum Chhatrapur (M.P.)	U.S.A.	1999
11.	Image of Lakulisa	Jageswar, Uttarakhand	U.S.A	2000
12.	Decorative Wooden panels (7 nos.)	Rajasthan	Netherlands	2001
13.	Yogini Vrishanana	Central India	Paris	2013
14.	Nataraja	Tamil Nadu	Australia	2014
15.	Ardhanarisvara	Tamil Nadu	Australia	2014
16.	Parrot Lady	Khajuraho, M.P.	Canada	2015
17.	Durga (Mahishamardini)	Jammu & Kashmir	Germany	2015
18.	Uma-Paramesvari	Tamil Nadu	Singapore	2015
19.	Bronze image of Saint Manikkavasagara	Tamil Nadu	U.S.A.	2016
20.	Metal image of Ganesa	Tamil Nadu	U.S.A.	2016

21.	Female figure (Honolulu Museum)	Eastern India	U.S.A.	2016
22.	Male deity (Honolulu Museum)	Madhya Pradesh	U.S.A.	2016
23.	Floral tile	Harwan, Jammu & Kashmir	U.S.A.	2016
24.	Sridevi (Chola Period)	Tamil Nadu	U.S.A.	2016
25.	Bahubali	--	U.S.A.	2016
26.	Metal image of Parvati	Tamil Nadu	U.S.A.	2016
27.	Terracotta mother goddess	--	U.S.A.	2016
28.	Seated Buddha	Mathura region	Australia	2016
29.	Buddhist panel	Chandavaram, Andhra Pradesh	Australia	2016
30.	Devi Pratyangira	Tamil Nadu	Australia	2016
31.	Male figure in sandstone	Central India	U.S.A.	2017
32.	Bust of a female in sandstone	Central India	U.S.A.	2017
33.	Broken figure in sandstone	Central India	U.S.A.	2017
34.	Stone image of Durga (Pallava period)	Tamil Nadu	U.S.A.	2017
35.	Damaged image of Nataraja in sandstone	Central India	U.S.A.	2017
36.	Mutilated sandstone panel depicting two male figures	Central India	U.S.A.	2017
37.	Mithuna figure	Atru, Rajasthan	U.S.A.	2017
38.	Mithuna figure	Atru, Rajasthan	U.S.A.	2017
39.	Stone sculpture of ahishasuramardini from Almora	Almora, Uttarkhand	Metropolitan Museum, New York, USA	2018
40.	Stone head of a deity, probably Karttikeya	Nagarjunikonda, Andhra Pradesh	Metropolitan Museum, New York, USA	2018
41.	Nataraja Image from Badoli, Rajasthan	Badoli, Rajasthan	U.K.	2005 (presently at India House, London)
42.	Bodhisattva Image from Nalanda in bronze	Nalanda, Bihar	U.K.	2018 (presently at India House, London)
43.	Manjusri sculpture in stone	Bodhgaya, Bihar	U.S.A.	2018 (presently with Consulate General of India, New York)
44.	Lingodbhavamurti in stone of Chola period	Tamil Nadu	U.S.A.	2018 (presently with Consulate General of India, New York)

To speed up the process of retrieval, it is suggested that the Government of India should set up a multi-departmental committee which should include senior officials from the Ministry of Home Affairs (police and investigation), the Ministry of External Affairs (for co-ordination with foreign governments), ASI and senior scholars for art-historical research. The high-level committee should be given certain prosecution powers and a strong subordinate team. Proper investigation should be carried out for all the known past crimes related to antiquity thefts, and punishments should also be meted out to the criminals. From one link, many more links would be exposed. Serious investigation is required for all the information which is coming out from the Vaman Narayan Ghiya, Subhash Kapoor, Deendayalan (linked to Kapoor) cases and the latest prosecution of Nancy (and the late Doris) Weiner cases. The information provided by Peter Watson²¹ should also have been investigated further. At present, the ASI has all the responsibility for pursuing the retrievals, but its actual role is more or less limited to writing to the institutions concerned through the Indian High Commission and sending officers for authentication.

FAKES AS ANTIQUITIES: SOME CASE STUDIES

I. *PARINIRVANA* RELIEF IN VARAHA TEMPLE



Figure 13 a. *Parinirvana* Relief in Varaha Temple as seen in a recent photograph taken by the author.



Figure 13 b. *Parinirvana* panel as published by Bajpai in 1955

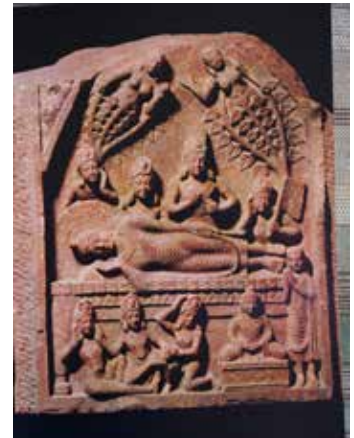


Figure 14. Fake *Parinirvana* panel in a western collection, photograph courtesy of Donald Stadner

One of the important issues related to the smuggling of antiquities from India to foreign countries is the export of fakes which are declared as genuine antiquities in foreign collections. One such example came to light recently after the author and Monika Zin published a paper on a rare *Parinirvana* relief (Figures 13 a & b) from the Varaha Temple, Mathura).²² After publication of this paper, Donald Stadner supplied a black and white photograph of the same relief and a colour photograph (Figure 14) of a similar relief in a western collection which appeared on the art market in London in 2000. This information was quite surprising. Initially, it appeared that the relief at auction was an original piece and the one which we published might be a replacement for the original. Since it was clear that one of the reliefs

²¹ Above note 3.

²² Vinay Kumar Gupta and Monika Zin, 'Parinirvana Representations in the Art of Mathura: A Study Based on the Discovery of a Unique *Parinirvana* Stele from the Varaha Temple of Mathura', (2016) Vol. 5 *Art of the Orient*, (Torun, Polish Institute of World Art Studies) 37-60, Fig. 1.

was a copy of the other, it was understood that the Varaha Temple relief must have been published somewhere. Then, on further research, it came to notice that the Varaha Temple relief was earlier published by K.D. Bajpai²³ in a book on Mathura, written in Hindi. He provided only a black and white photograph of the relief among the plates²⁴ with a caption identifying it as *Parinirvana* panel and belonging to the early Kushan period, but somehow did not elaborate on the relief in the text portion. That may explain why the relief escaped the notice of scholars and was not included in any important study on Buddhist art of Mathura in spite of it being of high art historical significance.

Although the relief from the Varaha Temple is not of the highest artistic quality and is rather roughly elaborated and has been abraded and covered with modern paint, nearly all the details of the depicted scene are still clearly visible.

The Buddha, dressed in a draped robe covering both his shoulders and arms, is lying on the bed with his head on a pillow, holding his right hand under his cheek. Buddha's head bears no locks, his hair is plain like the heads of the early so-called *kapardins*, crowned by a small and pointed *ushnisha*, and surrounded by a nimbus decorated by dots or slashes in the middle and semi-circles at the edge. The feet of the Buddha are placed one above the other in rather an unnatural way for a reclined person with space between the legs. The construction of the bed is reduced to the horizontal part. The padded layer underneath the Buddha has the appearance of a strip made out of tiny divisions, worked out in horizontal lines. The layer below consists of irregular vertical lines, possibly indicating a fleece or grass.

There are four persons above the Buddha, as well as four below in front of the bed, and one at the right, by the Buddha's feet; as usual, they are all male. Three of the persons in the upper row are turbaned and ornamented personalities of rank. The first one on the viewer's left side, above the head of the Buddha, is badly preserved; only the contour of the head allows one to recognise the high headgear. The man holds his left hand near his cheek. The hands of the next man are not represented; he wears headgear with an opulent front cockade, big earrings and a necklace. The next person is also richly ornamented with heavy earrings, torque, upper and underarm bracelets. His rectangular headdress allows one to identify him as Indra. The god holds both hands in front of his chest; the right hand is higher, touching his necklace. The person further to the right has neither ornaments nor headgear; the man keeps his right hand at his cheek and in his left he holds an object of an indefinable shape by its shaft. This object is quite clear in the photograph provided by Bajpai and is surely a hand-held fan. The person standing to the right of the bed and touching the Buddha's feet is a monk with shaven hair and a monastic robe, identified as old Kasyapa.

In the lower row, in front of the bed, at the right side, another monk sits meditating, identified as Subhadra. It is difficult to identify the details of the three individuals further to the left. All of them can be characterised as lay persons due to the opulent headgear. The man at the left edge of the composition sits on the ground with his right leg stretched; his left leg is bent and serves as support for his left elbow. His left hand supports his cheek as a sign of grief (and perhaps everywhere in the relief where the individuals are depicted touching their cheeks). The person further to the right sits with his legs crossed, possibly seated on a low stool as seen in the old photograph; his hands are not clearly visible. We should not exclude the possibility that he holds the *vajra* in his left hand and may be Vajrapani. The third man kneels on his left knee and seems to have an object on his right knee which he supports with one hand upon his knee while touching his forehead with his other hand.

23 Krishna Dutt Bajpai, *Uttar Pradesh ke Sanskritik Kendra Mathura* (in Hindi). (1955, Lucknow, Education Department, Uttar Pradesh), Fig. 14 b.

24 *Ibid.*, plate 13.

There are two trees in the background, out of the foliage of which two female tree-spirits emerge holding round objects. These objects are apparently huge flowers or vases with blossoms. At the summit, the entire composition is edged by the rounded line which gives the impression of a vault. Two composite creatures are depicted in each upper corner: they are winged lions with their rear parts in the form of coils of snakes or dragons. The creatures hold flower garlands in their mouths to adorn an object which has been placed in the middle. The object is a sort of round, flat container with a cover in the shape of a flat dome with a central globe-shaped knob. In the context of the *parinirvana* below, the container must be understood to be a reliquary.

A comparison of the two reliefs reveals that the original Varaha Temple piece is quite crude in execution and much abraded with a coating of lamp soot and vermillion. Since this same piece was published in 1955, it confirms that the piece has been intact in the same niche since then and completely disproves any possibility of its subsequent replacement. Since it was fixed inside the niche in the temple wall with cement, the chances of its being stolen were reduced. Now, coming to the similar relief in the American collection, we must acknowledge that it is a remarkable copy, but it still has certain inadequacies which confirm that it is a fake. In spite of a better and more refined finish, the first and foremost lacuna is the absence of true emotions on the faces of all the associated figures. The atmosphere was of utmost grief with the passing away of the great master, still the expression on the faces of all the figures are not of grief, rather a mild smile. In the original piece, the robes worn by the Buddha, Subhadra and Kasyapa are woollen blankets, as the death of the Buddha occurred during the harsh winter in the Gangetic plains, whereas in the duplicate, the robes are copied from the style of late Kushan-Gupta period Buddha images of Mathura with a clear effect of diaphanous drapery. Since the original relief belongs to the early Kushan period and the Buddha's blanket is draped just like *ubhayansika samghati* covering both shoulders, it negates possibility of any Gandharan impact on development of this feature in Mathura art. It must have been an indigenous development based on the thick pleated blanket worn by the Buddha during the winter season. Coming back to the duplicate piece, the hand expressions of all the subsidiary figures are more of a copy than actual expressions. The copier seems to have taken the liberty of depicting the fan bearer figure as a female whereas in none of the *parinirvana* panels known so far from Mathura, is a female figure represented. Moreover, the fan bearer is shown wearing a turban as are other high ranked figures. Under no circumstances can a lay person whisking a fan be shown turbaned in ancient art. Again, the feet of the standing Kasyapa figure are totally disproportionate to the overall composition in the copied piece. The copier artist had a complete relief to copy and he might have done so but later on it was decided by him, or may be he was instructed to do so, to break away the top portion of the relief.

Another point that comes to light here is that the uppermost portion of the original relief was hidden inside the niche wall in the photograph in the 1955 publication, so the *makara-vyalas* on both sides above the vault were not visible. In the subsequent years, that portion was exposed by the temple people and the copier sculptor was provided with that latest photograph as he knew of the *makara-vyala* depiction and copied it on the new relief before cutting off the piece in a special manner. In the original piece, the vault is depicted differently, but the copier could not understand its intricacies as this feature is not found on any other Mathura relief except on a Sivalinga relief from Mathura (Mathura Museum No. 2661). In the original the whole scene is carved on the surface of the vault with no specific difference in the depth of carving, but in the duplicate relief the artist has not made any vault and has depicted the whole scene with a depth in carving inside the niche of the relief. Another aspect which was clear in the 1955 photograph was the use of a pillow under the

Buddha's head, which was not very clear in our colour photograph. But the copier knew of it and depicted it by the side of the Buddha's halo, though slightly unrealistically.

Now, the question of antique patination and exfoliation of the stone comes to the fore. It is almost certain that the new relief was made by a master craftsman at Mathura itself. This artist made not only this relief but many more which are now located in various western collections and represented as original Mathura pieces. After making the new relief, the artist would have heated the piece up and would have applied different oils and chemicals to rub against the surface. At this point the upper portion of the slab (with or without complete carving) was broken away and worked on to give it an antique look. In spite of all these details, this piece is nothing more than a good forgery but would be kept in a western collection as an original red sandstone piece from ancient Mathura.

II. FAKE NATARAJA SCULPTURE IN ODISHAN STYLE



Figure 15. Fake Nataraja sculpture in Odishan style.



Figure 16. Original Nataraja sculpture, Bhubebaneswar Museum, photo courtesy D.B. Garnayak

Another example of a fine replica came to light at a Customs exit channel in Delhi. The sandstone sculpture in Odishan style represented a dancing Siva-Nataraja (Figure 15). The *urdhvaretas* (with erect phallus) four-handed deity is accompanied by a smaller figure of his consort Uma/Parvati to his left. An even smaller figure of their son Ganesa is also represented to his right. Near Siva's feet, his vehicle Nandi and Ganas are represented. The face of the deity projects feelings of calmness and compassion. The figures in Odishan art are sometimes stout, as is this figure. The *jatajuta* of the God is beautifully arranged and the *mudras* of his hands are also well carved. The sculpture had a peculiar encrustation which made it appear to be ancient. Moreover, the piece was broken at many places to make it look more like a genuine piece. The initial examination appeared to indicate clearly that it was genuine. At first sight, there was no reason to consider it to be a fake. However, the exporter in whose workshop the piece had been prepared then provided the photograph of the object from which it was copied (Figure 16). It was quite astonishing as the copy was quite perfectly made and in some respects looked better than the original piece. The original sculpture is actually on display in the State Museum, Bhubaneswar and dates from the twelfth to thirteenth century CE. The sculpture is carved in a roundel and is quite abraded and broken at places. The copy initially would also have been made in a roundel but was subsequently broken at places to distinguish it. On comparing both the pieces, it can easily be discerned that the one in the State Museum, Bhubaneswar is genuine and the other piece

a copy of it. But if one was not aware of the original piece, it would be extremely difficult to declare the other as a fake antiquity. Since, for many such pieces in western collections, no original prototypes are known, they would certainly be declared to be genuine antiquities. Although it is easy to discern the authenticity of a sculpture from a minute study of the fingers, sometimes doubt arises when it is found that the original sculpture was not perfectly made or might have been made by an amateur artist, so it is also possible to find a few antique sculptures with certain imperfections.

III. THE VAMAN NARAYAN GHIYA CASE



Figure 17. Original Nataraja sculpture stolen from Badoli, presently at India House, London



Figure 18. Central niche in the Ghateswar Temple, Badoli, from where the Nataraja image was taken

One important example confirming the existence of a flourishing trade in antiquities through the making of replicas came to light during investigations of the Vaman Narayan Ghiya case by the Rajasthan Police. The image at issue (Figure 17) was stolen in February 1998 from a central niche (Figure 18) of Ghatesvara Mahadeva Temple located in the village of Badoli on the outskirts of Rawat Bhata town in District Chittorgarh of Rajasthan and a similar Nataraja image was found by the roadside near Rawat Bhata Nuclear Power Plant in November 1998. Earlier, this newly found image was initially identified as the original one by an ASI official. However, in 2003, during investigations under Operation Black Hole, the Rajasthan Police came to know that the recently found image was a fake and the original image was located at the premises of the London art dealer John Kasmin. A senior level ASI team re-examined the recently-found image and declared it to be a replica of the original Nataraja image. Following a request from the Rajasthan Police, John Kasmin agreed to return the image which was in his possession and handed it over to the Indian High Commission, London in 2005. The image returned by Kasmin looked different from the original one, particularly as regards the object held in the hands behind the head, which

was not present in the old photographs of the original image *in situ*. Because of the repeated cleaning during its illegal export, the original glow of an antique image also seemed to be missing on perusal of photographs. For various reasons, the image was not authenticated for many years, up until 2017. A two-member ASI team including the author visited India House, London for its authentication in 2017.

An examination of the image revealed it to be the original one, measuring 123 x 73 cm, which had been stolen from the Ghatesvara Temple. The object held in the upper hands of the image was found to be mended on the right side with a peculiar mud treatment to hide the later alteration. Since this was missing in the original image and the evidence of mending was obtained, there was no doubt regarding its authentication. There is a possibility that this mended part is part of the original image which was recovered by the thieves when they were removing the image from its niche in the temple. All the other features of the image, such as the original encrustation on the lower half of the image, encrustation marks at the corners and elsewhere on the surface and the intricate features of the image ascribable to about the ninth to tenth century CE, left no doubts. The index finger of one of the right hands (which holds a *damaru* – a small, two-headed drum) was found to be broken due to mishandling, possibly during the transportation of the image.

Here, this whole incident again highlights the manufacture of fakes. A senior ASI official (then nearing his retirement) and the Police easily mistook the fake replica of the original idol for the original one, which means that the fake was made with the utmost care. If such a fake with certain artificial patination were to appear in a foreign collection, it is almost certain that it would be considered to be a genuine antiquity. Just to add, in a recent raid conducted by the Indian Central Bureau of Investigation (CBI) on a Delhi-based collector, many antiquities were found to be in his possession. Some were registered, some were not registered and some had forged registration documents according to the CBI. Among these objects, many were recent fake replicas of antiquities but the collector considered them to be genuine antiquities. There were many such pieces, mostly in red sandstone and belonging to Mathura school of art. One such piece was a unique copy of a Siva Visvarupa /Ashtamurti (Figure 19) of about 40 cm length on a red sandstone slab. No similar original piece is known to exist, but images resembling those of the late Gupta period are known, particularly



Figure 19: Fake Siva Visvarupa or Ashtamurti from a private collection.



Figure 20: Siva Visvarupa or Ashtamurti in Hathiya, Mathura

the famous Parel Visvarupa image of Mumbai and an image discovered by the author²⁵ in the village of Hathiya of Mathura (Figure 20) but the size of the latter is much bigger and the overall composition very different. However, the Mathura artist must have produced this image under the guidance of a learned scholar who would have suggested matching models to him. Another fake copy found in the possession of that collector was of a terracotta panel depicting a Ramayana scene in a beautiful manner. Because of the superfine condition of that terracotta piece, it was quite easy to differentiate it as a recent copy, but if the collector had tried to apply an antique finish to that piece, it would have been very difficult to identify it as a recent product.

25 Vinay Kumar Gupta, *Mathura: An Art and Archaeological Study* (2013, Delhi, Kaveri Books) 201-203.