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### A feeble search for stolen idols

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Compared with agencies such as the FBI in the U.S., which has a separate art theft programme with dedicated agents and special trial attorneys, the CBI seems to hardly pay attention to antique thefts. Picture shows police in Salem, Tamil Nadu with a recovered idol. Photo: E. Lakshmi Narayanan The Hindu

***The idol wings attached to the police departments in the States are poorly staffed and do not have the capacity to deal with antiquities theft in a swift and sustained manner***

Illicit trade in antiquities is far more rampant than what the government assumes or is willing to admit. The arrest of Subhash Chandra Kapoor, the U.S.-based antiquities dealer and the subsequent investigation have exposed a well-entrenched network of dubious dealers thriving on stolen idols and looted artefacts. For more than a decade, they have been smuggling stolen cultural objects with ease and selling them to museums in the U.S., Singapore and Australia for large sums of money.

Outdated national policies and legislative measures have been rightly criticised for their inability to curb illicit trade. Ill-equipped investigating agencies and poor gatekeeping have received equal flak. But, the slack practices of museums and auction houses have escaped attention. The failure of the Indian government to aggressively pursue stolen cultural objects has emboldened them to continue with their opaque ways. In contrast, countries such as Italy, which was the first to set up a specialised police unit to deal with antiquities theft, have taken the fight against illicit trade to the doors of the museums and recovered many art objects. There is a lesson or two for India in this.

#### **Provenance documentation**

*The Hindu*, which has been covering the Kapoor case ever since it broke in 2009, wrote to many museums and sought provenance details (documents that establish the history of ownership) of objects bought from Mr. Kapoor. Museums either refused to share information or evaded the query. The National Gallery of Australia (NGA), which bought a Nataraja from Mr. Kapoor for U.S. \$5 million, said that it did a “thorough due diligence process.” It has provenance documentation from the early 1970s to support the acquisition, the NGA added. The Asian Civilisations Museum in Singapore issued a statement to say that the ownership details of the idol it bought were checked against an international database of stolen objects and it found nothing amiss. The Toledo Museum of Art in the U.S. claimed it carried out a thorough review including checking with the Art Loss Register — a small database of 3,00,000 objects maintained by a private company.

There is a sense of déjà vu in these responses. Museums, when faced with such awkward questions in the past, always had ready responses only to retract them later. The extent of retraction was directly proportional to the pressure mounted by investigative agencies. For instance, the Metropolitan Museum of Art in New York, in 1972, acquired a 2,500-year-old Greek vase for U.S. \$1 million. It went ahead with the purchase despite many familiar with Greek

antiquities raising doubts about the origin of the object. The Met, as it is popularly known, claimed that it had verified with the dealer and found the sale of the object to be legitimate. The museum held on to this version for almost two decades. In 1995, the Italian government started intensely to pursue the case and found new evidence of theft. The Met was compelled to change its position and eventually agreed to return the vase in 2008. The Getty Museum in Los Angeles too had to return about 40 Greek artefacts that were allegedly looted from Italy.

### **Cambodia's case**

As recently as March 2011, Sotheby's, the internationally famed auction house, planned to sell a 1,000-year-old stone idol stolen from Cambodia for an estimated value of about U.S. \$2 million. Sotheby's never thought it fit to adopt a tight review of the provenance details even though it knew full well that Cambodia had suffered severe looting of its archaeological sites. Instead, it breezily declared that the object had a clear title. The Cambodian government had produced evidence to prove that the idol was stolen from Koh Ker, a historical site near Angkor Wat. Simultaneously, it requested the U.S. government to help recover the idol. Faced with legal action, Sotheby's agreed to return the idol in December 2013. The Cambodians were also successful in pressing the Met to return a pair of stolen idols in its possession.

In contrast, Indian follow-up has been feeble. The NGA, which initially refused to accept that the Nataraja in its possession was of doubtful origin, changed its stand after U.S. investigators produced fresh evidence. The Gallery said that it had got in touch with the Indian High Commission to discuss avenues for restitution. But the high commission has neither confirmed this nor disclosed efforts taken to recover the idol. It never responded to the emails. When this writer posed a question to the Toledo Museum of Art about a bronze sculpture bought from Mr. Kapoor, the museum replied that it had taken up the issue with the Indian Consulate General's office in New York. It added that the museum was yet to hear from the consulate.

### **Hurdles police face**

The state of Indian investigative agencies is far from comforting. The idol wings attached to the police departments in the States are poorly staffed and do not have the capacity to deal with antiquities theft in a swift and sustained manner. Police sources in Chennai, familiar with the Kapoor case, complained about the difficulties in requesting for even information. They have to navigate a cumbersome bureaucratic arrangement and cannot approach museums abroad. They have only to correspond through the Central Bureau of Investigation and the Ministry of External Affairs.

Compared with agencies such as the FBI in the U.S., which has a separate art theft programme with dedicated agents and special trial attorneys, the CBI seems to hardly pay attention to antique thefts. It is not surprising that the Indian government, as admitted by the Minister of Culture in 2012, has not managed to recover any stolen antiquities in the previous three years. The recent return of a *yogini* sculpture from Paris had more to do with the benign intentions of the owner of the idol than with the detective work of Indian authorities.

The UNESCO convention on prohibiting illicit trade in cultural property, ratified in 1970, and the code of ethics circulated by the International Council of Museums make it clear that museums must do due diligence evaluations at the time of acquisition. However, as the increasing incidents of improper purchase show, the museums are not taking these guidelines seriously. A UNESCO study estimates that the illicit trade, which was about U.S. \$40 billion in 1993, has grown to reach U.S. \$60 billion. Many African countries have lost 95 per cent of their cultural properties; the origins of about 70 per cent of objects in private collections are described in "a vague and insufficient way."

If India is serious about recovering its lost cultural objects, it must take the cue from Italy, which in the last 40 years has recovered 800,000 stolen objects, and pursue a more aggressive route.

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