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ITEM NO.21

COURT NO.11

SECTION PIL

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(s). 252 OF 2004

SUBHAS DATTA Petitioner(s)

VERSUS

UNION OF INDIA AND ORS. Respondent(s)

(With appln(s) for directions and office report)

Date: 10/01/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN
HON'BLE MR. JUSTICE DIPAK MISRA

For Petitioner(s) Petitioner-In-Person

For Respondent(s) Mr. Jaidip Gupta, Sr. Adv.
Mr. Uttam Mandal, Adv.
Mrs. Sangeeta Mandal, Adv.
Mr. Pranav Vyas, Adv.
For M/S Fox Mandal & Co.
(For respondent no.5-Indian Museum, Kolkata)

Mr. Parag P. Tripathi, Sr. Adv.
Mr. Ahin Chaudhuri, Sr. Adv.
Mr. Uttam Mandal, Adv.
Mrs. Sangeeta Mandal, Adv.
Mr. Pranav Vyas, Adv.
For M/S Fox Mandal & Co.
(For respondent no.6-Victoria Memorial Hall)

Mr. S. Wasim A. Qadri, Adv.
Mrs. Asha G. Nair, Adv.
Mr. S.N. Terdal, Adv.
Mr. A. Deb Kumar, Adv.
Mr. D.S. Mahra, Adv.
Ms. Sushma Suri, Adv.

Mr. V.K. Verma, Adv

UPON hearing counsel the Court made the following
O R D E R

State of West Bengal is suo motu made a party to this proceedings. The Registry is directed to give a copy of the writ petition, counter affidavits and statements filed by the parties to the Standing Counsel for the State of West Bengal. The Ministry of Culture, Government of India is directed to file their response to the affidavit dated 19.12.2012 of Director of Indian Museum, Kolkata. We have perused the affidavit of the Director of Indian Museum. Director, Indian Museum is also personally present in compliance of direction given by this Court on 21.11.2012. Petitioner-in-person is also present.

It is stated in paragraph 3 of the affidavit that Buddha Bust is missing from December, 2004 onwards and the matter is now pending investigation with Central Bureau of Investigation (CBI). Reference was made to various cases in paragraph 3 of the affidavit. The Director, Indian Mureum, Kolkata is not in a

position to tell the present stage of investigation. In such circumstances, Standing Counsel for the CBI would inform the Court with regard to the progress of the investigation relating to cases referred to in paragraph 3 of the affidavit. Counsel for Respondent no.5 is directed to make available the copy of the affidavit to Standing Counsel for the State of West Bengal and Standing Counsel for the CBI.

The details regarding verification is given in paragraph 5 of the affidavit, which is as follows:-

"(i) Out of 28060 archaeological items 26724 items have been verified;

(ii) During verification of the Archaeological objects both by the committee and the CAG audit team, about 506 objects were identified without any accession number. The Physical Verification Committee have decided to allot accession numbers to each of these objects only after the physical verification of objects in the section is complete;

(iii) Out of 14238 items coming under Art and Paintings, including paintings (Persian, Mughal, Rajasthani, Deccani, Company, Kalighat, Lithograph, Bengal School), Decorative Art objects (Ivory, Bone, Metalcraft, ornaments, Pottery, Porcelain, Teracotta), Textiles (Silk, Bracade, Shawl, Muslin, Prints and Hand embroidered), 5465 items have been verified. The total collection of 14238 includes 178 objects which were found without any accession number. The objects have now been accessioned. The accession register shows that some of the acquisitions of the Art Section in the museum were sold or transferred way back in the 19th or early 20th century.

(iv) As per record there are 11842 objects in the Anthropology Section. Out of these 4110 objects have been physically verified till date.

(v) The total number of 11842 anthropological objects includes 1096 objects (Domestic appliances-33, Travel & Transport-3, Toy-1, Narcotics-7, Basketry-1, Religious articles-17, Machine & tools-25, Musical Instruments in Reserve-33, Cultural anthropology gallery-15, Dress & head gear-149, Pottery-21, Agriculture-42, Education artefacts-3, Fishing implements-19, Mask & Effigy-21, Ornaments-370, Arms and Weapons-336) which were found without any accession number. These will be duly accessioned by the Physical Verification Committee after completion of verification of all the objects in the Anthropology Section;

(vi) During verification of the objects in the Anthropology Section viz., toys, musical instruments (gallery), musical instruments (reserve), potteries, arms and weapons and ornaments, it was found that in some cases the same objects have been recorded twice or thrice in the accession register or have been accessioned again in other registers;

(vii) Out of a total collection of 52,317, coins and other precious objects, the number of coins in the museum is 50739 and the total number of precious and semi precious objects, including Pears of gems and intaglio seals, Marchall collection of gems and intaglio seals, gems, jewellery, beads, objects from Khotan, Burma, SW Persia, Mathura, Lauria Nandangarh, Texila, Piprahwa and Salihunda, epigraphs and manuscripts is 1578. The Physical Verification Committee have so far verified the entire 1578 numbers of other precious and semiprecious objects and 7181 coins out of the total collection of 50739.

(viii) During verification of coins, the expert identified one gold coin of the Chandra Gupta-II era which

has been wrongly placed along with the coins of the Kumargupta-I period."

The Director, Indian Museum, Kolkata has submitted that due to acute shortage of manpower as well as absence of scholars and experts in the Indian Museum, Kolkata they are finding it extremely difficult to complete the verification which was started as early as in the year 2005. Considering the fact that the verification is going on for last more than seven years without any effective progress, we are inclined to give a direction to the Ministry of Culture, Government of India to look into this matter and to provide resources, persons, scholars and experts and also provide necessary funds so that substantial progress can be made in the matter of verification of above-mentioned items.

Reference was made to paragraph 8 & 10 of the affidavit, wherein it is stated that some portion of the building meant for Indian Museum is now occupied by different Government Organizations like the Geological Survey of India, Zoological Survey of India, Botanical Survey of India and Anthropology Survey of India, in spite of the fact that those organizations have got their own buildings. Paucity of sufficient place is also a serious issue because of that Museum is not in a position to display more items and properly maintain the Museum. Further it is also pointed out that the deployment of CISF personnel is held up due to inadequate quarters of the desired type.

The State Government as well as the Ministry of Culture, Government of India is directed to look into that aspect as well and come with their response.

The Director, Indian Museum, Kolkata is directed to file progress report within a period of three months.

The State Government and the Ministry of Culture, Government of India are directed to file their response within one month.

Personal presence of the Director, Indian Museum, Kolkata is dispensed with, for the time being.

On a direction given by this Court on 21.11.2012, Secretary-cum-Curator of the Victoria Memorial Hall, Kolkata is also personally present. Mr. Parag P. Tripathi, learned Senior Counsel appearing for Respondent No.6-The Secretary & Curator Victoria Memorial Hall, Kolkata also referred to the affidavit dated 18.12.2012 filed on behalf of Victoria Memorial Hall, Kolkata.

Paragraph 4 of the said affidavit states that an inventory of more than 7000 pages wherein 28394 objects are recorded in the Victoria Memorial Hall, Kolkata. Physical verification of the objects has been undertaken and 23826 objects have already been physically verified. With regard to remaining 4568 items physical verification is yet to be completed. It is stated that the urgent steps are being taken to complete the verification of remaining items as well.

Considering the facts and circumstances of the case, we are inclined to give three months' time to the Secretary-cum-Curator to complete the verification of the remaining items as well and file a status report.

Reference was also made to paragraph 11 of the said affidavit wherein it is stated that the Victoria Memorial Hall has already approached the Ministry of Home Affairs, Government of India for deployment of CISF personnel. It is stated that the main hindrance is the unavailability of residential accommodation for CISF personnel near Victoria Memorial Hall, Kolkata. It is a matter to be examined by the Ministry of Home Affairs, Government of India.

State Government will look into this fact also and give accommodation to BSNL elsewhere. State Government will also take adequate steps to deploy the CISF personnel as well without

affecting the functioning of the Victoria Memorial Hall, Kolkata as such.

Copy of affidavit filed by Victoria Memorial Hall, Kolkata also be served on the Standing Counsels for the Ministry of Culture, Ministry of Home Affairs, State of West Bengal, who are directed to file their response within a period of one month.

Personal appearance of the Secretary-cum-Curator, Victoria Memorial Hall, Kolkata is dispensed with, for the time being.

List the matter on 12.02.2013.

| (NARENDRA PRASAD)
| COURT MASTER

| | (RENUKA SADANA)
| | COURT MASTER

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